



# Information for victims of crime

What to expect and how to access the justice system



Government of South Australia  
Commissioner for Victims' Rights

# My report details

Please keep this information. It will help you get information about your case.

**Date:**

**Report number:**

**Name of attending officer:**

**Signed:**

**Rank and no:**

**Station:**

**Contact number:**

# Introduction

*Victims of crime face a situation of coping with the effects of a crime at the same time as participating in important processes for justice.*

This book provides information about victims' rights, state-funded victim compensation and a directory of services to help victims deal with the effects of crime.

The booklet also includes information about the criminal justice system for both adult and young offenders.

Victims of crime have a critical role to play in our criminal justice system. Their willingness to report crime, to cooperate with investigators and prosecutors and to testify in court, underpins our criminal justice system.

Whether you are a victim or a family member or friend assisting a victim, this book answers some of the most common questions and provides a reference for navigating the criminal justice system.

It is not possible to answer all questions in one book but police, the prosecutor or another public official can follow-up on your particular questions.

Copies of this book can be downloaded from [www.voc.sa.gov.au](http://www.voc.sa.gov.au)



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# Service standards you can expect

In South Australia there are guidelines to protect and promote your rights if you are a victim of crime. These guidelines apply to all public agencies and officials. They outline how you should be treated and supported if you are a victim of crime. These principles are contained in the *Victims of Crime Act 2001*.

*In summary:*

*A victim is any person who suffers harm as a result of a criminal offence. The person responsible for the crime is not considered a victim.*

These principles are not enforceable in criminal or civil proceedings. There are no damages for a breach of these principles.

Instead, they are important guidelines that can help you understand what to expect from the process.

## Principles

- > A victim should be treated with courtesy, respect and sympathy, and with consideration for any special needs.
- > A victim's privacy should be protected.
- > A victim should be told about services that can help you and how to contact them.
- > If the victim feels a need for protection from the offender, the police and courts must take this into consideration when bail conditions are decided.
- > A victim can ask for information about the investigation and court proceedings, but the victim will not be given information that might jeopardise the case.
- > A victim of a serious crime is entitled to be consulted about certain decisions.
- > A victim's property, taken for the investigation or used as evidence should be returned as soon as possible. A victim should be told if it is not possible to return their property.
- > A victim is entitled to be present in court, except in particular circumstances.

- > A victim who is to be a witness in court should be informed and prepared for the responsibility.
- > A victim is entitled to tell the court about the impact of the crime and have this considered in sentencing.
- > A victim should be informed about compensation or restitution for harm suffered as a result of the offence.
- > A victim who is unhappy with a court outcome can, in some circumstances, ask the prosecutor to consider an appeal.
- > A victim is entitled to tell the Parole Board how they feel about the person who harmed them leaving prison.
- > A victim is entitled to complain if they are not happy about the way they have been treated.
- > Full details of these principles can be found in the *Victims of Crime Act 2001* available at [www.voc.sa.gov.au](http://www.voc.sa.gov.au)

### **What can I do if I'm not treated this way?**

The agencies you deal with do their best to give you a high standard of service. If you believe any of the principles in the *Victims of Crime Act 2001* have not been followed in your case, there are a number of things you can do:

1. Talk to the person you are dealing with about the problem. Many complaints are sorted out quickly and easily.
2. If you are still not satisfied, talk to agency staff and use their complaints process. You can get a support person to help you make the complaint.
3. If you are still not satisfied after the complaint has been looked at, you can contact the Commissioner for Victims' Rights. The Commissioner can help you with your complaint and tell you what can be done about it.

## Principle

You can complain if you are not happy about the way you have been treated.

The Commissioner for Victims' Rights can't:

- > change a decision made by a judge, magistrate or tribunal member
- > investigate a complaint that is already being investigated by another organisation
- > investigate a complaint that is not covered by the *Victims of Crime Act 2001*.

For more information contact the Commissioner for Victims' Rights (see Service Directory in the back of the book).

## Obligations for victims

When interacting with the criminal justice system, victims and witnesses have a number of obligations they also must meet.

These include:

- > telling the truth
- > assisting police with their investigations
- > meeting with prosecution staff if and when required
- > updating your contact information with SAPOL and other agencies when there is a change
- > contacting police or prosecution staff if you have a particular concern.

# Impact of crime

*Crime affects people in different ways. The way a person feels can change from day to day. Some days you may cope better than others.*



## Common reactions

- > exhaustion and tiredness
- > changes in sleeping patterns – eg nightmares or insomnia
- > pain – eg headaches or stomach aches
- > heart palpitations
- > changes in appetite
- > hypervigilance – constantly feeling on alert
- > easily startled – outbursts of anger
- > difficulty concentrating or remembering
- > avoiding people or places to do with what happened
- > flashbacks about the crime
- > wanting to be alone.

It is important to remember that all these feelings and reactions are common and a natural part of dealing with crime. They are usually temporary and with time and support, the impact of crime should get easier to manage.

## Everyone has their own way of coping. Here are some ideas that might help you.

- > structure your life as much as possible
- > defer major life decisions
- > accept that you may have good days and bad days
- > eat regularly and nutritiously
- > make sure you get physical exercise
- > limit your alcohol and drug use
- > keep a journal of how you feel each day
- > be kind and gentle with yourself
- > talk about how you feel with someone you trust.

### Principle

You should be told about services that can help you and how to contact them.

The police or hospital staff should tell you about special services that help victims of crime. You can talk with staff at these special services. Talking can help you feel better.

It is important to look after yourself, and get any support and treatment you need.

There are also support services that can help you manage the effects of crime. If you would like information or support contact the Victim Support Service or one of the other support services in the Service Directory in the back of the book.

## Children as victims of crime

When children are victims of crime, their reactions may be different to adults. They may not have the words to communicate what they are feeling. They may feel overwhelmed with guilt or fear. Some children may be too scared to tell anyone what they have seen or know.

Some children act out physically while others become withdrawn. They might carry the hurt for a long time, and it might impact on other relationships.

Sometimes it is hard for family and friends to understand, respond to and provide support to children after a crime.

Professional help is recommended for children to support their recovery.

There are a number of different support services aimed at children (see Service Directory in the back of the book).

### Children who suffer trauma may:

- > wet the bed
- > behave badly
- > eat too much or too little
- > cling to adults
- > become withdrawn or fear being alone
- > have headaches
- > fight with friends
- > lose concentration.

## Victims of crime with disabilities

If you are caring for someone with a disability who is a victim of crime, it's important to know there is extra help available. For sexual crimes, victims or witnesses with disabilities (including intellectual disabilities or acquired brain injuries) have special protections outlined in legislation.

The *Summary Offences Act 1953* requires that certain persons must be interviewed by a prescribed interviewer (someone with additional skills to properly conduct the interview).

It may also be useful to let your local carer support service know that you may need some extra help during this time, including respite.

More information is available through Carers SA (see Service Directory in the back of the book).

## Tips for family members or friends supporting victims

Family and friends can suddenly be required to provide support for people affected by crime.

Sometimes it's hard to know how to act, or what to say during such a traumatic time. You may also be feeling upset, knowing what has happened to someone you care about.

## How you can provide support

### Do

- > believe the victim
- > spend time with them
- > listen attentively
- > tell them you're sorry to hear about the event
- > help them feel safe
- > help with everyday tasks like cleaning, cooking, caring for family and childcare
- > encourage them but don't pressure them to talk about what has happened
- > be patient – people recover in their own time.

### Don't

- > blame the victim or yourself
- > be afraid to ask questions and to explore the issues
- > take angry outbursts personally
- > say things that downplay the situation like "Lucky it wasn't worse" or "Just get on with your life"
- > say things that unintentionally put blame on the victim like "What were you doing there at that time anyway?" or "You'll know not to do that again!"

# Types of crime

*There are many different types of crime. The information in this book is for anyone who is a victim of a criminal offence. This could be something like property damage, fraud, burglary or theft, serious criminal trespass (housebreak), assault, sexual assault, domestic and family violence, or homicide (murder or manslaughter).*

For certain crimes, there is specialised information and support, such as:

- > domestic and family violence
- > sexual assault
- > crime in the workplace
- > homicide.

## Domestic and Family Violence

Domestic violence is a pattern of abusive behaviour by one person against another within a marriage or dating couple, or within a family across generations.

It occurs in all social, age and cultural groups.

Domestic violence is damaging to victims, their children, family and friends.

All domestic and family violence is unacceptable. The South Australia Police support victims of domestic violence and give the highest priority to the protection and ongoing safety of victims and their children. Where possible police will try to hold the person responsible for the violence accountable for their actions.

Report domestic and family violence to the police.

If you would like information about your options you can contact the police Family Violence Investigation Section in your local service area (see Service Directory in the back of the book).

### **For information, counselling or emergency accommodation contact:**

- > Domestic Violence Crisis Line  
1800 800 098
- > National Sexual Assault Family and Domestic Violence Counselling Service on 1800 RESPECT

If you are a female victim of domestic violence and concerned about your safety at home you can contact the Victim Support Service about a home security audit, security upgrade and information about safety planning (see Service Directory in the back of the book).



## Sexual Assault

Sexual assault is a very serious crime. The effects can be traumatic and long lasting.

If you are a victim of sexual assault remember it is not your fault.

If you believe you are unsafe right now you should call the police on 000.

After being sexually assaulted you may be faced with some decisions. You may need to think about the following:

- > Do I need to see a doctor?
- > Should I tell the police?
- > Will I need counselling?

There are people that can help you understand your choices.

You can talk to someone from Yarrow Place, which is the Rape and Sexual Assault Service (see Service Directory in the back of the book).

You may need to make some decisions sooner than others. For more information see the booklet titled 'What choices do I have? Information for people who have experienced a rape or sexual assault' available at [www.voc.sa.gov.au](http://www.voc.sa.gov.au)

## Crime in the workplace

If a crime has happened in your workplace and you are injured Return to Work SA may be able to help. Return to Work SA can help you recover from a work injury and get you back to work as soon as it is safe to do so.

You should let your employer know that you have been injured as soon as possible. If you are physically unable to do this yourself, a family member or friend can do this for you.

You should see a doctor so they can assess your injury and determine treatment for your recovery. If you've lost time from work you may need a doctor to provide you with a Work Capacity Certificate.

For more information contact Return to Work SA (see Service Directory in the back of the book).

## Homicide

Losing a loved one to homicide (murder or manslaughter) is an extremely traumatic experience.

Police will assign a victim contact officer to your family. The victim contact officer will make sure you know what is happening throughout the investigation and the court case. They will also be able to answer any questions you have. The victim contact officer will tell you how to contact them.

For more information see the booklet titled 'Unlocking the Homicide Maze – Information booklet for people bereaved by homicide' available on the Commissioner for Victims' Rights website (see Service Directory in the back of the book).

# The justice journey

## Principle

A victim should be treated with courtesy, respect and sympathy and with consideration for any special needs.

The journey for victims depends in part on what crime is being investigated, and what court the offender has to go to. Some offences are heard in the Magistrates (lower) Court, and others go to the District or Supreme (higher) Courts, because of their seriousness.

The process for investigation by the police takes the same route, but sometimes is more complicated because of the seriousness or evidence needed. Once the investigation is finished, the charges determine what court the case is heard in.

It's important to remember that sometimes investigations and court matters can take a long time - sometimes it can be many years before there is a resolution.

## Should you report the crime to police?

It is your decision but police always encourage victims of crime to report their matter.

Some reasons to report include:

- > to ensure your safety
- > you do not want the offender to harm others
- > you believe that the offender should be held accountable
- > you are seeking compensation.

## When should I report a crime?

Report the crime as soon as possible after it has happened to prevent any loss of evidence.

## How do I report a crime?

There are a number of ways to report a crime.

- > In an emergency, if you or someone else is in danger call Triple Zero 000.
- > If you are not in danger call the Police Assistance Line on 131 444.
- > You may prefer to telephone or go to your local police station and speak to a police officer there. You can find the phone number, location and opening times of your local police station using the South Australia Police website [www.police.sa.gov.au](http://www.police.sa.gov.au)
- > If you want to report crime anonymously call Crime Stoppers on 1800 333 000.

There are specially trained officers able to assist child victims, victims of family violence and victims of sexual assault. You can ask for one of these officers.

You should also let the police know if you, or a loved one, have any specific needs (such as communication difficulties) or require the support of an interpreter.

*Make sure police have your correct contact details as they may need to contact you.*

## What happens during the police investigation?

After a crime is reported the police will assess and may start an investigation. A police officer will be assigned to the case. You can ask for this police officer's name and contact number.

The police will collect evidence and this might include:

- > taking a statement from you
- > asking for a copy of your statement – if later, you remember something that you did not tell the police you should contact the investigating officer as soon as possible

- > taking statements from any witnesses
- collecting physical evidence, such as clothing, property, medical evidence or electronic evidence – ie CCTV footage.

The police must take into consideration if you have additional needs (like being under 14 or have a disability) so it's important to let police know if you need or would like extra support during an interview.

### Principles

You can ask the police for information about the investigation. They should answer your questions. There may be things the police cannot tell you. They cannot tell you things that might stop the crime being solved.

If the police find the person who hurt you or your property, you can ask them what the person's name is and what they are in trouble for (this is called the charge).

There will be no court hearing if the police cannot find the person who hurt you or your property. You can still get help from the special services who help victims of crime.

## Coronial process

If a friend or family member has died suddenly you may also have to cope with a coronial investigation. The police will collect information to give to the Coroner. The Coroner must then determine the cause and circumstances of death.

There is help available from the Coroner's office. Social workers at the Coroner's office provide free counselling, information and support including:

- > initial grief and crisis counselling immediately following the death of a loved one
- > counselling at key points, for example when a finding is made
- > in appropriate circumstances, assistance to view the body of the deceased
- > providing specific information about the coronial processes as it relates to your loved one
- > help in preparing for inquests
- > information about bereavement support groups
- > information on helping children to understand death

- > referrals to longer term counselling and other resources.

For more information contact the Coroner's Court or the Commissioner for Victims' Rights (see Service Directory in the back of the book).

## More information on collecting evidence

### Medical evidence

If you have been assaulted or injured, the police may ask you to see a doctor who will examine you and document your injuries. This is your choice, but it can provide important evidence for the case.

Sometimes your injuries will be photographed to use as evidence in court. You can have a support person with you throughout this process.

### Crime scene

Police may need to take photographs of the crime scene or check for fingerprints or DNA. They may ask you to leave certain things untouched until this is done. This might be inconvenient, but they may find important evidence by doing this.

### **If your property is needed as evidence**

Some of your property may be related to the crime. Police may need to take these items for use as evidence in court. If this happens, ask police for a receipt for your items.

If you have any questions about your property you can ask the investigating officer.

### **Identifying the offender**

Police may ask you to look at photographs or attend an identification parade to try to identify the offender.

*The person accused of committing the crime may be called the 'alleged offender' or the 'accused'. This is because law in South Australia says people are innocent until proven guilty at court. It isn't because you are not believed.*

### **Recording the effects of the crime**

It is important that you record the effects of the crime including any injuries and losses. This information may be useful if you want to make a victim impact statement and an application for compensation.

### **Finding out the progress of the investigation**

You can ask the police investigator.

If the investigator is not available you can speak with a Police Victim Contact Officer. Victim Contact Officers are available Monday to Friday (see Service Directory in the back of the book).

### **Laying the charge**

A 'charge' is when a person is charged with a crime and a formal allegation (a statement not yet proven) of a particular **offence** is made – eg manslaughter.

When the investigation is finished the police will decide whether or not to lay charges. The decisions about what charge to lay are based on the evidence, legal principles and the public interest.

You can be told if police have charged someone, what the charges are, and the name of the alleged offender.

If it is a serious offence like assault or domestic violence, the police can decide to lay charges even if you don't want them to. They will speak to you about this decision.

If the crime is a serious offence such as a sexual assault or murder, the police may get advice from the Office of the Director of Public Prosecutions (ODPP).

You should also be told if the prosecutor decides not to proceed with a charge, to amend the charge, or accept a plea to a lesser charge and the reasons for the decision.

### Principles

You have the right to be told if a person is not charged or if the charges are changed.

If you are the victim of a serious offence police or the prosecutor should talk to you first.

## Bail

A person who is arrested and charged with a crime can apply for bail. If an 'alleged offender' is given bail it means they are released but they have to follow rules (conditions).

Some common rules are:

- > agreeing to come to court when the case starts
- > not contacting you or other witnesses
- > living at a particular address
- > reporting to police on a regular basis
- > not drinking alcohol
- > not going to certain places.

If these rules are not followed, bail can be taken away.

An alleged offender can apply for bail at any stage. If they don't get bail the first time, they can apply again.

In deciding whether to grant bail, there are a number of things considered including:

- > seriousness of the crime
- > safety of victims and witnesses
- > safety of the community
- > likelihood of the accused turning up to court.

## Principles

You have a right to know what is happening to the person who hurt you or your property.

You can ask the prosecutor if the person will be allowed to go home. This is called bail.

You can tell the police if you are scared this person may hurt you again.

The bail authority is the person who decides whether the charged person can go home (bail) or go to jail (remand).

You have a right to know what the bail authority says.

*You should talk to the police as soon as possible if you're worried the alleged offender may threaten or harm you or your family if they are released on bail.*

The police investigator should tell you:

- > if the person accused of committing the crime against you is released on bail
- > any conditions that protect you or your family from the accused person.

**You should tell the police that you want this information.**

## The decision to prosecute

After a person has been charged the case will be handed to a prosecutor – this might be a police officer or a lawyer who works for South Australia Police or the ODPP. This depends on whether the case is going to the Magistrates Court or the District or Supreme Court. The prosecutor will decide whether to take the case to court.

The prosecutor works for the government and is responsible for prosecuting the case. You may need to be a witness for the prosecution to help prove the case against the accused. You do not need a lawyer as the prosecutor is a lawyer.

The prosecutor will look at all the evidence and decide if it is strong enough to prove that the accused is guilty of committing the crime.

In criminal cases, the prosecution must prove beyond reasonable doubt that the accused person committed the crime they are charged with.

The prosecutor will also consider:

- > your wishes and concerns
- > the public interest.

**The prosecutor makes the final decision.**

## The court process

You will receive notification of the first court date.

You do not have to attend court unless the police have asked you to. If you would like to attend you should tell the prosecutor and the sheriff's officer who is in the court. Sometimes it is better if you do not attend court until you are asked as it can affect the case.

There are often several court hearings before a matter is finalised. Court dates can change suddenly.

At one of these hearings the defendant will plead guilty or not guilty.

- > If the defendant pleads guilty, a date will be set for a sentencing hearing.
- > If the person pleads not guilty, the case will go to trial.

### Principles

You have the right to be told about the charge, the name of the alleged offender and the court hearing.

You have the right to go to the court but there may be reasons why you shouldn't go.

Always check with the police, prosecutor or the sheriff's officer.

## Types of courts

The court the case will go to depends on the type of crime and the age of the accused person.

Criminal matters are dealt with in the Magistrates Court, District Court or Supreme Court.

If the accused person is under 18 years old, or was under 18 years at the time of the offending, the matter will be dealt with in the Youth Court.

If you are unsure which court your matter will be heard in you can ask the investigating officer.

You can visit the Courts Administration Authority website for more information about what to expect as a witness or victim in a criminal case (see Service Directory in the back of the book).

The Office of the Director of Public Prosecutions also has information to help you understand the court process (see Service Directory in the back of the book).

## Victim involvement

The thought of going to court might make you feel nervous or anxious, especially if you have to give evidence. This is normal.

Planning your day might help you. You might like to:

- > think about what you will wear – it is best to wear conservative but comfortable clothes. It is also good to take a jumper as it can be cold in some courtrooms
- > plan how you will get to court – eg public transport
- > take something to do while you are waiting – it can be unpredictable how long your case might take
- > take something to eat and drink
- > think about whether you would like a support person with you
- > plan to arrive 30 minutes before the case starts.

## Giving evidence

Most people feel anxious about going to court for the first time. You can have someone come to court with you as a Court Companion.

Court Companions are trained volunteers who:

- > provide information about courts and court processes
- > facilitate court tours
- > help victims and witnesses access safe waiting areas
- > provide support before, during, and after the court process.

To request a Court Companion, call the Victim Support Service (see Service Directory in the back of the book).

If you have a Witness Assistance Officer ask them about court preparation and support.

### Principles

You must go to court if the police tell you to go.

You have the right to ask for support if you have to go to court.

Your privacy should be protected.

You have the right to be protected from the alleged offender.

You should tell the police or prosecutor if you are worried about seeing the alleged offender.

At court, the Sheriff's Officers can also help. A Sheriff's Officer can show you the special waiting rooms for victims and witnesses. If these rooms are not available, they can find a safe place for you while you wait.

Most people give evidence in the court room. If you have concerns about giving evidence in the court room you should talk to the investigating officer or prosecutor before the court date.

Sometimes the prosecutor can ask for special provisions including:

- > having a friend or relative in court while you give evidence
- > having a screen in the court, so you do not have to see the accused person while you give evidence
- > having the court closed to the public while you give evidence
- > giving your evidence on closed circuit television
- > having an audio visual recording of your evidence made and replayed in the trial court.

Children and vulnerable witnesses can ask the prosecutor to apply to the court to give evidence using these special provisions. It's up to the judge or magistrate to decide whether to grant permission to use them.

Information for children and young people going to court is available on the Commissioner for Victims' Rights website (see Service Directory in the back of the book).

## Victim impact statements

As a victim, you have the right to make a victim impact statement. A victim impact statement (VIS) can help the judge or magistrate understand how the crime has affected you.

Your VIS is one of the things the judge or magistrate thinks about when they decide what penalty to give the offender.

In your VIS you can talk about how the crime has affected you. This might include:

- > injuries such as broken bones or nerve damage
- > how injuries have affected your life (such as work, sport or leisure activities)
- > any medical treatment required
- > how the crime has affected any relationships (with your partner, family, friends or co-workers)
- > your feelings and reactions to the crime such as hurt, anger, fear, frustration
- > effects on your lifestyle and activities (such as trouble sleeping or eating)

- > loss of earnings if an injury has affected your ability to work
- > other expenses such as home security or replacing property
- > travel expenses to attend court
- > cost of medical treatment
- > how the crime has affected work or study commitments
- > the impact on family or social life
- > how safe you feel.

### Principles

You have the right to tell the court how the crime affected you.

You can tell the court how the crime hurt you and how it changed your life. This is called a victim impact statement.

You can ask for help to write your victim impact statement.

Some people find it useful to think about how their life has changed since the crime.

- > Do talk about how the crime has affected you.
- > Do not use the VIS to describe the crime.
- > Do not use the VIS to abuse the offender or anyone else.

You don't have to make a VIS, it's your choice.

If you would like to make a VIS you should talk with the investigating officer or prosecutor. If you have a Witness Assistance Officer you should talk with them too.

For more information see the Victim Impact Statement Information and Form available at any police station or [www.voc.sa.gov.au](http://www.voc.sa.gov.au)

### Prosecutions and court proceedings

You will not receive automatic updates about the case.

You can get information about your case by contacting the prosecution authority dealing with your matter. If a Witness Assistance Officer has been assigned you can speak with them.

### Principle

You have the right to be told about the court outcome and any penalty for the offender.

The Courts Administration Authority can provide information about court proceedings including the progress of a case and the result (see Service Directory in the back of the book).

# After court

## Access to court documents

If you are a victim of crime and the offender went to court you can ask for copies of certain court documents.

The Commissioner for Victims' Rights can get free copies of some court documents for you or your immediate family. These documents include:

- > record of court outcome
- > information/complaint (this is the document laying the charge before the court)
- > remarks on verdict
- > remarks on penalty or sentence.

Remarks on verdict and remarks on penalty or sentence are not always available in the Magistrates Court.

All documents are provided with copyright. They are for personal use only. Copies can be provided to a lawyer helping a victim with an application for state-funded compensation.

If you would like to ask for copies of court documents contact the Commissioner for Victims' Rights (see Service Directory in the back of the book).

## Appeals

Both the prosecutor and the offender can lodge an appeal. This means a higher court will look at the case again.

The offender can appeal against being found guilty or against the sentence.

The prosecutor can appeal against the sentence if they think it was not adequate or legally correct.

You can write to the prosecutor asking that an appeal be considered. You must do this within 10 days of the court's decision. You can speak to the Commissioner for Victims' Rights if you need help to do this (See Service Directory in the back of the book).

### Principles

If you are not happy with the sentence you can ask the prosecutor to consider an appeal.

You must write to the prosecutor within 10 days.

The Commissioner for Victims' Rights can help you.

# Victim Registers

## Victim Register – Department for Correctional Services

The Department for Correctional Services Victim Services Unit is a service that keeps victims informed when the offender is:

- > in prison or
- > under supervision in the community.

This also includes people who have been released on supervised bail before sentencing or are in prison on remand.

### Principles

You have the right to be kept informed about what happens to the offender after they are sentenced.

If you want to be kept informed you will need to apply to go on one of the Victim Notification Registers.

Registered victims can find out:

- > the length of the offender's sentence
- > release dates
- > home detention
- > if the offender applies for parole
- > release on parole
- > the conditions of the offender's parole that could improve your safety
- > if the offender's parole is cancelled
- > if the offender is transferred to another state of Australia
- > if the offender escapes from prison
- > if the offender dies during their sentence.

If you would like more information contact the Victims Register (see Service Directory in the back of the book).

## Victim Register – Forensic Mental Health

Forensic Mental Health is a specialist area that provides services to meet the needs of offenders who are considered mentally incompetent to commit the offence or mentally unfit to stand trial.

The coordinator of the Forensic Mental Health, Victim Register gives victims in these matters key information affecting them.

To register or make an enquiry contact the Forensic Mental Health Victim (see Service Directory in the back of the book).

## Victims Register – Youth Justice

This register keeps victims informed when the offender is a youth sentenced to home detention, detention or imprisonment.

If the immediate victim is deceased, incapacitated or in some other circumstances, a member of the victim's immediate family may also apply to be placed on the register.

Registered victims can find out:

- > details of the young person's sentence
- > the name and location of the Training Centre in which the young person is held
- > details of any transfer from one place in which the young person is being held in custody to another
- > the date of release from custody and any conditions of release
- > details of any escape from custody by the young person
- > whether or not the location of a young person held on Home Detention is near their home.

Registered victims are also invited to provide information to the Training Centre Review Board in any of their proceedings involving the relevant

offender. To register or make an enquiry contact the Victims Register (see Service Directory in the back of the book).

## Submissions to the Parole Board

Parole is when the offender is released from prison before their sentence ends and serves the rest of their sentence in the community.

You can make a submission to the Parole Board. Registered victims will be told when a prisoner is eligible for parole.

A submission can include:

- > any safety concerns you might have, for example if you are fearful of the prisoner
- > if you are worried that the prisoner will try to contact you
- > a request that the prisoner is not allowed to visit certain locations or areas
- > any other relevant information.

Submissions to the Parole Board are confidential and prisoners will not have access to them.

### Principles

You have the right to make a submission on parole.

You can tell the Parole Board how you feel about the person leaving jail.

You can tell the Parole Board what would make you feel safe if the person is given parole.

The Commissioner for Victims' Rights makes a submission to the Parole Board whenever a murderer or life-sentenced prisoner applies for release on parole. The Commissioner will take all reasonable steps to contact any victims whether they are registered or not.

If you want to make a submission you should write to the Secretary, Parole Board of South Australia (see Service Directory in the back of the book).

If you would like help to make a submission you should contact the Commissioner for Victims' Rights (see Service Directory in the back of the book).

# Compensation

As a victim of crime you may be able to claim compensation for your injuries or losses. There are different ways to claim compensation.

## Principle

You have the right to be told how to get compensation.

## Personal insurance

If you are a victim of a break-in, theft or property damage you should contact your insurance company as soon as possible.

The insurance company may need details of where and when you reported the crime to police.

## Offender-paid compensation

If the accused person is found guilty of the crime, you may be able to claim compensation from them.

When the offender is sentenced the court can order the offender to:

- > compensate you for the injuries, pain and suffering that the crime has caused
- > return your stolen possessions
- > compensate you for any lost, damaged or sold property.

If you want to claim offender-paid compensation you should tell the police officer looking after the case or the prosecutor.

You might have to provide:

- > any medical receipts or doctors' reports that relate to injuries
- > quotes for the cost to repair or replace any property
- > proof of the value of any items.

The judge or magistrate decides whether to make the offender pay you. If the offender does not have enough money, the judge or magistrate is unlikely to order the offender to pay you.

If the offender is ordered to pay compensation the Fines Enforcement and Recovery Unit will manage this.

## Principles

The only way to claim compensation for property loss or damage is by offender-paid compensation.

## Suing the offender – Compensation through civil court action

Civil court action is another option to try to get compensation from the offender. This process is separate to the criminal court case.

It is only worthwhile if the offender is able to pay compensation.

You should get legal advice if you are thinking about a civil court action.

Legal Aid is not available for these cases, but free advice is available from the Legal Services Commission (see Service Directory in the back of the book).

## Compensation through the Prisoner Compensation Quarantine Fund

The Prisoner Compensation Quarantine Fund can give you another chance to get compensation for the pain and suffering they caused you.

If an offender is injured while they are in prison they can sue the prison, and may be paid compensation if they are successful.

If the prisoner is paid \$10,000 or more, the money will be held in the fund for

at least 12 months. The prisoner cannot access the money during this time.

Compensation is not automatically paid to victims of crime. You have to make a compensation claim against the prisoner. The best way to find out if a payment has been made to a prisoner is by registering with the Victims' Register.

Large compensation payments to prisoners are rare. In SA, there were only two payments to prisoners of \$10,000 or more that met the criteria for the Prisoner Compensation Quarantine Fund since the legislation was enacted in 2012.

## State-funded victim compensation

Some victims may be able to claim compensation from the government. This includes near relatives of someone who has died as a result of a crime.

Compensation might be paid for:

- > physical and/or psychological injury.
- > pain and suffering
- > financial losses – eg loss of earnings
- > treatment costs
- > grief (in homicide cases)
- > funeral expenses (in homicide cases).

## **State-funded compensation is not paid for property loss or damage**

The amount you receive will depend on:

- > when the crime happened
- > your injuries
- > whether you co-operated with the police investigation and prosecution
- > whether you contributed to the crime or your injury
- > whether you have taken reasonable steps to keep your loss to a minimum.

If you would like to make an application for compensation you should speak with a lawyer. A lawyer will give you free advice. If your application is successful the government will pay the lawyer a set fee.

The Victim Support Service, the Law Society of South Australia or the Commissioner for Victims' Rights can give you details of lawyers practising in this area (See Service Directory in the back of the book).

Claims for state-funded compensation should be made within 3 years of the crime, or 1 year if the victim of the crime died. For children, the time limit starts when they turn 18.

For more information on victim compensation visit [www.voc.sa.gov.au](http://www.voc.sa.gov.au)

## **Motor vehicle crash**

Whenever an injury or death results from a motor vehicle crash, the third party and comprehensive insurers must be notified as soon as possible.

If you would like information about notifying the third party and comprehensive insurers you can contact the CTP Insurance Regulator (see Service Directory in the back of the book).

If you wish to discuss the process for making a claim for an injury or fatality resulting from a motor vehicle you can contact the CTP Insurance Regulator (see Service Directory in the back of the book).

You may also seek advice from a lawyer (see Law Society of SA Legal Referral Service in Service Directory in the back of the book).

# Talking publicly about the crime

## Media

Some crimes attract media attention. While some victims want to tell their story others prefer to maintain their privacy.

Remember you do not have to speak to the media, even if they are very persistent. It is your choice whether you speak to the media but here are some things to consider.

### Things to consider:

- > you are entitled to say "no" to an interview
- > you should check with police before speaking to the media as it could affect the investigation or legal proceedings
- > the media report may be different to what you expect and this can be upsetting
- > be aware that the media report may impact on other family members such as your children
- > remember any photos or videos you allow the media to use can be used in the future
- > you can ask anyone who visits your home uninvited to leave
- > - your social media accounts may be accessed if not set to 'private'.

If you do decide to speak to the media the following tips can help:

- > consider if you wish to give an interview, read out a prepared statement or release a written statement
- > nominate someone you trust to speak on your behalf
- > choose the time and place for interviews
- > exclude children from interviews
- > speak with one reporter at a time
- > ask the reporter for any questions in advance
- > ask if you are being recorded
- > you can ask for an inaccurate report to be corrected
- > ask that offensive photographs or visuals not be used
- > you can set conditions to protect your privacy and safety. You could ask for your face to be obscured, for your name not to be used or your voice altered. You could also set a condition that no photographs are used.

You may also want to ask police to tell you of any statements they are making before they release them to the media.

## Preparing for media reports

The police do not release the name of a deceased person without the consent of the next of kin. However, the media may find other ways of identifying someone, for example, speaking to people who were at the scene or viewing a death notice.

Most courts and court cases are open to the media and the public.

The media sometimes access court documents through the courts and report on what is in them. Court documents include such things as the summary of charges, parties' names and transcripts of what is said in court.

The media are prevented from identifying child victims or victims of sexual assaults. In some other cases, the prosecutor may ask the court to prevent identification of other vulnerable victims or witnesses. However, the media can still report on the nature and details of the case.

## Complaints or concerns about the media

If you are not happy with the way a person from the media treats you or any of your family, you can complain to:

- > the media organisation concerned – ie the newspaper or television station
- > the Australian Press Council (for print media) [www.presscouncil.org.au](http://www.presscouncil.org.au)
- > the Australian Communications and Media Authority (for broadcasting-related inquiries) [www.australia.gov.au/directories/Australia/acma](http://www.australia.gov.au/directories/Australia/acma)

## Social media

You should also think carefully about what you say or post on social media such as Facebook, Twitter, YouTube, Snapchat, blogs, etc.

- > What you say and post may be used in ways you have not thought about. For example, journalists often look for personal information on social media and might use this in their stories. The person who committed the crime might look through your posts, including photographs.
  - > You may be asked questions in court about things you post on social media. For example, if you say the crime caused you to give up playing sport but posts show you playing soccer, the Defence Lawyer might ask the court to doubt your evidence.
  - > If you post anything that is threatening or abusive to a person, it may be a criminal offence. It may also be bullying.
  - > People may not respond in the way you expect.
  - > They may post hurtful comments.
- > Information you post may remain on the web even if you think you have removed it.
  - > Make sure you check your security and privacy settings on your accounts.

# Service Directory

## Commissioner for Victims' Rights

The Commissioner is an independent statutory officer who helps victims of crime. The Commissioner can help you in your dealings with the criminal justice system, public agencies and public officials. The Commissioner can consult public officials on their treatment of victims of crime and recommend an apology if they have not treated you properly.

**Phone:** 8204 9635

**Email:** [victimsofcrime@sa.gov.au](mailto:victimsofcrime@sa.gov.au)

**Web:** [www.voc.sa.gov.au](http://www.voc.sa.gov.au)

## South Australia Police

**000** Police, Fire, Ambulance in an emergency

**131 444** Police Assistance Line for non-urgent police assistance

**1800 333 000** Crime Stoppers report crime anonymously

**Web:** [www.police.sa.gov.au](http://www.police.sa.gov.au)

## Family violence investigation sections

Metro	
Eastern (Adelaide)	7322 4890
Northern	8207 9381
Western	8207 6413
Southern	8392 9172
Regional	
Berri	8595 2017
Barossa	8522 0422
Ceduna (Eyre Western)	8626 2015
Hills Fleurieu (Mt Barker, Victor Harbour)	8398 1749
Kadina (Yorke Mid North)	88281122
Mount Gambier (Limestone Coast)	8735 1051
Murray Mallee (Murray Bridge)	8535 6013
Port Augusta (Far North)	8648 5024
Port Lincoln (Eyre Western)	8688 3015
Port Pirie (Yorke Mid North)	8638 4037
Whyalla (Eyre Western)	8648 8020
APY Lands (Far North)	8954 8250

## South Australia Police Prosecution units

Adelaide	7322 3904
Barossa	8568 6612
Berri	8595 2044
Christies Beach	8392 9116
Ceduna	8626 2020
Elizabeth	8207 9416
Kadina	8828 1116
Mount Barker	8398 1787
Mount Gambier	8735 1043
Murray Bridge	8535 6026
Port Adelaide	8207 6440
Port Augusta	8648 5051
Port Lincoln	8688 3033
Port Pirie	8638 4032
Whyalla	8648 8012

## Victim contact officers

Metro	
Eastern Adelaide	7322 4917
Northern District	8207 9471
Southern District	8392 9013
Western District	8207 6421 8444 3065
Regional	
Barossa	8522 0447
Eyre & Western (Pt Lincoln)	8688 3020
Eyre & Western (Whyalla)	8648 8020
Far North	8648 5019
Hills Fleurieu	8398 1711
Mt Gambier	8735 1041
Murray Mallee	8535 6023
Yorke Mid-North	8638 4028
Specialist branches	
Major Crime	8172 5344 8172 5439
Major Crash	8207 6525

## Carers SA

Carers SA provides advice, support, respite and counselling to family carers across South Australia.

**Phone:** 1800 242 636  
**Email:** [info@carers-sa.asn.au](mailto:info@carers-sa.asn.au)  
**Web:** [www.carers-sa.asn.au](http://www.carers-sa.asn.au)

## Child Protection Services

The Child Protection Service provides specialist assessment and therapeutic services to infants, children and young people from birth to 18 years and their families where there are concerns about child abuse, psychological maltreatment and/or neglect.

**If you want to make a notification about a child's safety, call the Child Abuse Report Line (Department of Child Protection) on 131 478.**

The CPS provides a telephone consultation service, which can be accessed by telephoning 8204 5485 during business hours and asking to speak to the duty worker.

**CPS – Flinders Medical Centre**  
**Address:** Flinders Drive,  
Bedford Park SA  
**Phone:** 8204 5485

**CPS – Lyell McEwin Hospital**  
**Address:** Haydown Road,  
Elizabeth  
**Phone:** 8182 9000

**CPS – Women's & Children's Hospital**  
**Address:** 72 King William Road,  
North Adelaide  
**Phone:** 8161 7000

## Compulsory Third Party (CTP) Insurance Regulator

The CTP Insurance Regulator provides information and support to people making a CTP insurance claim.

**Phone:** 1300 303 558  
**Email:** [ctp@sa.gov.au](mailto:ctp@sa.gov.au)  
**Web:** [www.ctp.sa.gov.au](http://www.ctp.sa.gov.au)

## Coroner's court

A free counselling, information and support service is provided by experienced social workers, either by telephone or in person.

**Phone:** 8204 0600  
**Email:** [coroner@courts.sa.gov.au](mailto:coroner@courts.sa.gov.au)  
**Web:** [www.courts.sa.gov.au](http://www.courts.sa.gov.au)  
**Address:** 302 King William Street  
Adelaide SA 5000

## Courts Administration Authority

**Phone:** 8204 2444

**Web:** [www.courts.sa.gov.au](http://www.courts.sa.gov.au)

## Magistrates Court

For further information including court locations, contact CourtSA Registry Services.

**Phone:** 8204 2444

**Web:** [enquiry@courts.sa.gov.au](mailto:enquiry@courts.sa.gov.au)

## District Court

Civil Enquiries:

**Phone:** +61 8 8204 0289

**Email:** [district.civil@courts.sa.gov.au](mailto:district.civil@courts.sa.gov.au)

Criminal Enquiries:

**Phone:** 8204 0289

**Email:** [ccrcs@courts.sa.gov.au](mailto:ccrcs@courts.sa.gov.au)

**Address:** Lower ground floor

Sir Samuel Way Building

241- 259 Victoria Square

Adelaide, South Australia, 5000

## Supreme Court

Civil Enquiries:

**Phone:** 8204 0289

**Web:** [supreme.registry@courts.sa.gov.au](mailto:supreme.registry@courts.sa.gov.au)

Criminal enquiries:

**Phone:** 8204 0289

**Email:** [criminal.registry@courts.sa.gov.au](mailto:criminal.registry@courts.sa.gov.au)

**Address:** Lower Ground Floor

Sir Samuel Way Building

241- 259 Victoria Square

Adelaide, South Australia, 5000

## Director of Public Prosecutions (ODPP) including Witness Assistance Service (WAS)

The DPP is responsible for prosecuting people who have been charged under South Australian laws with serious criminal offences.

The WAS provides a statewide information, education, support and referral service to victims of crime, witnesses for the prosecution, and their immediate families in matters dealt with by the Office of the Director of Public Prosecutions (ODPP).

**Phone:** 8207 1529

**Web:** [www.dpp.sa.gov.au](http://www.dpp.sa.gov.au)

## Domestic Violence crisis line

A statewide service providing support to anyone affected by violence and abuse in personal relationships. Services include phone and face-to-face counselling, information and access to safe accommodation, support to remain safely at home

**Phone:** 1800 800 098

## National Sexual Assault Family and Domestic Violence counselling service

A confidential information, counselling and support service.

**Phone:** 1800RESPECT (1800 737 732)  
open 24 hours  
**NRS:** 1800 555 677  
**Interpreter:** 13 14 50  
**Web:** [www.1800repsect.org.au](http://www.1800repsect.org.au)

## Return to Work SA

Provides compensation, rehabilitation, medical costs and return-to-work initiatives for injured workers, subject to an assessment process.

**Phone:** 13 18 55  
**Email:** [info@rtwsa.com](mailto:info@rtwsa.com)  
**Web:** [www.rtwsa.com](http://www.rtwsa.com)  
**Address:** 400 King William Street, Adelaide SA 5000

## Parole Board of South Australia

The Parole Board is an independent statutory body. The role of the board is to assess risk and determine whether to grant, deny, breach or cancel parole, and to set appropriate conditions for parole release. The board reviews the progress and performance of parolees.

**Phone:** 8224 2555  
**Email:** [DCSParoleBoard@sa.gov.au](mailto:DCSParoleBoard@sa.gov.au)  
**Address:** 181 Flinders Street, Adelaide SA 5000

## Law Society – legal referral service

The Law Society of South Australia can connect you with a range of South Australian lawyers and law firms able to provide legal advice and assistance..

**Phone:** 8229 0200  
**Email:** [email@lawsocietysa.asn.au](mailto:email@lawsocietysa.asn.au)  
**Web:** [www.lawsocietysa.asn.au](http://www.lawsocietysa.asn.au)

## Legal Services Commission

The Legal Services Commission provides advice and access to legal services for those people who cannot afford to pay for private legal representation.

**Phone:** 1300 366 424  
**Web:** [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

## Victim Register – Department for Correctional services

Staff of the unit are able to work on your behalf so that you receive the support and services you need.

They can help you if the person who committed the crime against you is in prison or under supervision in the community. This also includes people who have been released on supervised bail before sentencing or are in prison on remand.

**Phone:** 1800 370 550

**Email:** [DCSVictimServices@sa.gov.au](mailto:DCSVictimServices@sa.gov.au)

**Web:** [www.corrections.sa.gov.au](http://www.corrections.sa.gov.au)

## Victim Register – Forensic Mental Health service

The coordinator will provide information to victims of offenders who are considered mentally incompetent to commit the offence or mentally unfit to stand trial.

**Phone:** 7425 6282

**Email:** [FMHSvictimnokregister@sa.gov.au](mailto:FMHSvictimnokregister@sa.gov.au)

## Victim Register – Youth Justice

Staff will provide information to the victim of criminal offence, for which a young person has been sentenced to home detention, detention or imprisonment.

**Phone:** 8415 4138

## Victim Support Service

Victim Support Service (VSS) provides free and confidential help and counselling to adult victims of crime, witnesses, their family, and friends across South Australia.

**Phone:** 1800 VICTIM (1800 842 846)

**Email:** [helpdesk@victimsa.org](mailto:helpdesk@victimsa.org)

**Web:** [www.victimsa.org](http://www.victimsa.org)

**Address:** 33 Franklin Street,  
Adelaide SA 5001

## Yarrow Place – Rape and Sexual Assault Service

Services for women and men who have experienced a rape or sexual assault at the age of 16 years and above.

**Phone:** 8226 8777 or 1800 817 421

**Web:** [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)





**Government of South Australia**  
Commissioner for Victims' Rights