



Government of **Western Australia**
Department of the **Attorney General**

What About Me? The Victim

A helpful guide for victims of crime

Victim Support and Child Witness Service

INTRODUCTION

This booklet explains the services available for victims of crime in Western Australia and the guidelines of the *Victims of Crime Act 1994*.

It is a handy contact guide to the many and diverse victim support services that are available across the State.

THE VICTIM SUPPORT & CHILD WITNESS SERVICE

The Victim Support and Child Witness Service is able to help anyone who has suffered harm from crime. This includes victims, their family, friends and co-workers and witnesses to violent crime.

We can provide counselling, support and information to help people understand their rights and options.

We aim to help you deal with the issues and stress you are experiencing and can put you in touch with appropriate people and resources.

It is important that you are not alone in your time of crisis. Call us on **1800 818 988**.

The Victim Support & Child Witness Service is part of the Department of the Attorney General. We have offices in Perth and regional centres around Western Australia.

THE ACT

The *Victims of Crime Act 1994* provides 12 guidelines to protect and support victims of crime.

The guidelines apply to all State Government agencies and staff. Private business and individuals are not bound by this law.

It is important to note that some services may only be provided if requested. For this reason, victims should be aware of their rights and the services available to ensure they get the support they need.

Victims also have the right to complain if they feel a State Government agency has acted inappropriately.

The 12 guidelines and the rights of victims are outlined from page 5.

Details of the Act and its guidelines is available online at www.parliament.wa.gov.au

VICTIMS OF CRIME

Under the *Victims of Crime Act 1994*, victims are defined as:

- people who suffer injury or loss as a direct result of an offence
- any member of the immediate family where the offence results in death.

Most people have no warning that they will become a victim of crime. Suddenly their world is turned upside down and there is nothing they can do to reverse the action.

The level of trauma victims experience is affected by the:

- extent of the loss or damage
- victim's personal circumstances
- nature of the crime.

For some people, being a victim is merely an uncomfortable feeling. For others, it is a major trauma that causes chaos, conflict and widespread disruption.

It is not necessary for a person to be charged with an offence before you are eligible for support from the Victim Support Service.

Guideline 1 – TREATMENT

A victim should be treated with courtesy, compassion and with respect for their dignity.

The police, court officials, hospital staff and other agencies that deal with victims have an obligation to treat them with respect and understanding.

The *Victims of Crime Act 1994* is designed to ensure that sensitive treatment of victims is actively encouraged and provided.

You have the right to feel as comfortable as possible during any proceedings. You have the right to ask any WA agency you deal with for information, advice and support.

Ask for information, advice and support, if and when you need it.

Guideline 2 – COUNSELLING

Don't be surprised if you find it hard to cope after becoming a victim of crime.

Problems that victims often face include:

- sleeplessness
- anxiety
- lack of concentration
- fear

These reactions are normal but victims should seek help to limit the effects the trauma has on them. People may need help with children, financial advice, access to support networks or other assistance.

Welfare, health, medical and legal assistance is available for victims, as well as the possibility of financial criminal injuries compensation (see page 18).

The Victim Support and Child Witness Service provides access to all the counselling information you need. We can put you in contact with Government departments, private organisations and other support groups.

The Victim Support Service can also provide counselling free of charge.

No, you are not going crazy. You are just having normal reactions to abnormal circumstances.

Guideline 3 – PROTECTION

It is important for victims to feel safe and protected from harm. There are many agencies that can help you get lawful protection against violence and intimidation.

You should contact the police for assistance if you:

- are the victim of a violent crime
- receive threats directly from someone
- receive threats on behalf of a person.

The Victim Support Service or the Family Violence Service can help you apply for a restraining order, or you can apply direct to any court. Help is available whether or not you are related to the person you are seeking a restraining order against.

The Department of Corrective Services' Victim-offender Mediation Unit can also help you arrange protective agreements if you feel threatened by a person who is in prison or under a supervised community order. You can call the Victim-offender Mediation Unit on 9425 3200.

Restraining orders are available through your local court to help with your protection.

Guideline 4 – INCONVENIENCE

Inconvenience to a victim should be minimised.

The process to resolve your case may be long and complex and may involve investigations, charges, a trial, sentencing and an appeal.

There is bound to be some level of inconvenience but you have the right to expect it to be kept to a minimum.

Wherever possible, your needs should be addressed by the Government agency concerned.

The Victim Support & Child Witness Service can follow up if you have concerns about delays.

Guideline 5 – PRIVACY

At this vulnerable time, it is vital that the privacy of victims is protected. Services should be available to protect the privacy of victims as they deal with Government agencies and staff.

Sometimes, a staff member you are dealing with may not know you are a victim of crime. If this happens, you should identify yourself as a victim and ask for the service that will make you feel more comfortable.

For example, victims have the right to have discussions in a private interview room. Public officers should provide this service if you identify yourself as a victim and make the request.

The Victim Support and Child Witness Service can provide you with information about your privacy rights.

Make sure staff know that you are a victim and may require more privacy.

Guideline 6 – STAYING INFORMED

A victim can request to be kept informed about:

- the progress of the investigation into the offence (except where the investigation may be jeopardised)
- charges laid
- any bail application made by the accused person
- any changes made to charges including the reasons for variations.

Information about these matters is available from the police by contacting the investigating officer.

Victims also have the right to be kept informed about the progress of court trials.

For hearings before the Magistrates Court, victims should contact the police prosecutor.

The Director of Public Prosecutions deals with the more serious cases and can provide information about hearings set in the District or Supreme Courts.

Contact the Office of the Director of Public Prosecutions on 9425 3999 or the WA Police on 131 444. For life threatening emergencies call 000.

Guideline 7 – TRIAL PROCESS

While it may not be necessary for a victim to attend court, it is common for them to be called as witnesses. Victims have a right to be informed about the court process and the role of witnesses.

The Victim Support Service has produced a DVD and a booklet called **Taking the Stand** to explain what a witness will be asked to do in court. If you have questions or need more information, call the Victim Support and Child Witness Service.

If you are feeling vulnerable or unsure about your day in court, the Victim Support and Child Witness Service can organise personal support. Court companions are volunteers who accompany victims and help them through their court experience.

Companions are available if you have to give evidence and if you wish to observe the court case.

If the judge decides you are a ‘vulnerable or sensitive witness’, you may give testimony without facing the accused directly through closed-circuit television.

Guideline 8 – SENTENCE AND APPEALS

A victim has the right to decide whether they want to be notified of the outcome of a trial, order and any appeal.

A victim can also request to be kept informed about the sentence or any other order imposed on the offender as a result of a trial or appeal.

This guideline will only be provided if a request is made, so make sure you contact the appropriate agency if you would like to know.

Information about sentences and appeals can be requested from the police, Director of Public Prosecutions, the Victim Notification Register or the Victim Support and Child Witness Service.

The contact details for these agencies are provided on pages 24-25.

Guideline 9 – RETURN OF PROPERTY

A victim's property held by the State or the police for the purposes of investigation or evidence should be returned as soon as possible.

It may be necessary for your property to be held by the police or the Director of Public Prosecutions until the court process, including any appeals, has finished.

This is often an unavoidable part of the legal process.

The Director of Public Prosecutions is unable to return property used for evidence until periods for appeal have finished.

Guideline 10 – SUPERVISED RELEASE

A victim's views and concerns can be considered when a decision is being made about whether to release the offender from custody, unless the prisoner has completed the full term of the sentence.

Western Australian law provides victims with the chance to be heard. You are not expected to be a silent bystander. The boards that makes these decisions welcome written submissions from victims.

The Victim Support Service can help you prepare a victim submission before a decision is made to release a prisoner on parole, work release or home detention.

The Department of Corrective Services helps victims facing possible contact with an offender. The Victim-offender Mediation Unit can help in requesting a special condition on the offender's release order.

Contact the Victim-offender Mediation Unit on 9425 3200.

GUIDELINES 11 & 12 – OFFENDER RELEASE OR ESCAPE

A victim can request to be informed about the offender's approaching release from custody and, where appropriate, about the proposed locality of the offender after release.

You can arrange to be informed of these matters by contacting the Victim Notification Register.

A victim who has made this request will also be informed if the offender escapes from custody.

Contact the Victim Notification Register on 9425 2870 or 1800 818 988.

KNOW YOUR ENTITLEMENTS

You are entitled to complain if you feel your rights could have been better met by public officers and bodies including:

- Ministers of the State
- Judges, magistrates and other judicial officers of the courts
- the Director of Public Prosecutions and other people involved in the prosecution of offences
- the Commissioner of Police and members of the WA Police
- boards making decisions on the release of prisoners
- Department of Corrective Services
- other employees or bodies in the public sector whose functions involve dealing with offenders or victims.

The Ombudsman is an independent and impartial person who investigates complaints about Western Australian Government departments, statutory authorities and local governments. It is a free service.

Contact the Western Australian Ombudsman on 9220 7555 or freecall 1800 117 000. Further information is available at www.ombudsman.wa.gov.au

Other matters – HAVING YOUR SAY

A victim impact statement is the victim's chance to tell the court how the crime has affected them. It is an important part of the recovery process for many victims.

If the accused person is found guilty or pleads guilty, the victim's written or verbal statement is presented to the magistrate or judge before sentencing.

The magistrate or judge then uses the victim impact statement to help them decide on the proper sentence for an offender.

If a victim is incapable of giving a victim impact statement, another person may give it on the victim's behalf. The court must be satisfied that it is appropriate for that other person to do so and will consider factors such as age and disability.

There are specific guidelines for preparing an effective victim impact statement. Information is available from the Victim Support and Child Witness Service.

Other matters – COMPENSATION

People who suffer physical or mental injury as a result of a crime against them may be eligible for criminal injuries compensation. Close relatives of a person killed as a result of a crime may also be entitled to compensation.

You can claim financial compensation whether or not a person has been identified, charged or convicted of the crime.

The Victim Support and Child Witness Service can explain your rights about criminal injuries compensation.

The important information provided includes:

- time limits
- types of claims
- maximum amounts
- how to lodge a claim.

You can also call the Assessor of Criminal Injuries Compensation on 9425 3250.

Other matters – MEDIA CONTACT

Crime is often considered newsworthy. While some victims are pleased to speak to the media, others consider media interest an intrusion.

When considering media involvement, you should remember that:

- the media sometimes play an active role in solving crimes
- the police can advise you whether they think an interview is appropriate
- you have the right to choose between granting an interview to one favoured journalist or outlet (an 'exclusive'), or to hold a general press conference.

Remember, you have the right to refuse to speak with the media. Unfortunately, this does not mean the approaches will stop.

Crime stories feature in the media. As a victim, you may be contacted.

Other matters – CHILD WITNESSES

The Child Witness Service assists children and young people under 18 years of age who may need to give evidence in court.

The service provides practical information about the court and helps children and young people to emotionally prepare to give evidence. The service's staff do not discuss the child's evidence.

Child victims and witnesses can receive support from the time charges are laid until the matter before the court is finalised.

Children and young people may be required to give evidence before one of the following courts:

- Supreme Court
- District Court
- Magistrates Court
- Children's Court.

Cases can be referred to the Child Witness Service by calling 9425 2850 or 1800 818 988.

Other matters – SPECIAL NEEDS OF CHILDREN

It is important that children are referred to the Child Witness Service as soon as possible after charges have been laid.

The service needs to know details of the child, what charges have been laid and the child's home situation. Information about the child's and parents' understanding and attitude towards the child's role as a witness is also required. This will help counsellors to address all issues when preparing a child for their involvement with the court.

The service will work with the police and the Director of Public Prosecutions to ensure the child and their family are kept fully informed about the case.

It can also help children to prepare a victim impact statement.

Parents are welcome to discuss their child's needs with the staff at Child Witness Service.

Other matters – FAMILY VIOLENCE SERVICE

The Family Violence Service provides information and support to people who have experienced violence in their relationships, including:

- intimate or family
- married partners
- defacto
- ex-partners
- same-sex couples
- children of either member of a couple
- live-in-carers.

Help is available to:

- discuss safety options
- develop a safety plan
- apply for a violence restraining order
- prepare for court
- complete court-related documents
- access other services.

The Family Violence Service can help you apply for a violence restraining order.

CONTACT LIST - FAMILY VIOLENCE SERVICE

Armadale Family Violence Service

9399 0722

Fremantle Family Violence Service

9431 0324

Joondalup Family Violence Service

9400 0707

Midland Family Violence Service

9250 0229

Perth Family Violence Service

9425 2459

Rockingham Family Violence Service

9592 4018

CONTACT LIST

Legal Aid WA

Perth 9261 6222

Department of the Attorney General

9264 1600

WA Police (24 hours)

131 444

000 for life threatening emergencies

Sexual Assault Resource Centre (24 hours)

9340 1828

Freecall 1800 199 888

Victim-Offender Mediation Unit

9425 3200

Victim Support and Child Witness Service

9425 2850

Freecall 1800 818 988

Victim Notification Register

9425 2870

Freecall 1800 818 988

**Women's Council for Domestic
and Family Violence Services**

9420 7264

CONTACT LIST

Aboriginal Legal Service of Western Australia

9265 6666

Freecall 1800 019 900

Central Law Courts

9425 2222

Child Witness Service

9425 2850

Freecall 1800 818 988

Compassionate Friends (24 hours)

9486 8711

Coronial Counselling Service

9425 2900

Department of Local Government and Communities

6551 8700

Department for Child Protection and Family Support

9222 2555

Freecall 1800 622 258

Crisis Care Unit (24 hours)

9223 1111

Freecall 1800 199 008

Family Helpline (24 hours)

9223 1100

Freecall 1800 643 000

Centrelink

132 850

Director of Public Prosecutions

9425 3999 or 1800 264 144

REGIONAL COUNSELLORS

Victim Support (VSS) and Child Witness Service (CWS) counsellors are available in the following regions. If you live outside these areas, call our freecall number **1800 818 988**.

ALBANY	9845 5222	
BROOME	9194 2400	
BUNBURY	9781 4294 (VSS)	9781 4212 (CWS)
CARNARVON	9941 5566	
DERBY	9191 2274	
ESPERANCE	9071 6318	
GERALDTON	9964 4816 (VSS)	9921 3722 (CWS)
KALGOORLIE	9093 5334 (VSS)	9093 5335 (CWS)
KARRATHA	9143 1877	
KUNUNURRA	9166 7130	
NORTHAM	9622 7017	
PEEL DISTRICT	9527 7699 (ROCKINGHAM)	9583 1120 (MANDURAH)
PORT HEDLAND	9172 9313	

COMMISSIONER FOR VICTIMS OF CRIME

The Commissioner for Victims of Crime advocates for the interests of victims of crime across the State Government, and is responsible for raising awareness of the *Victims of Crime Act 1994*.

The Commissioner monitors and reviews all elements of the justice system with a particular focus on police and court practices and procedures.

Commissioner for Victims of Crime

GPO Box F317

PERTH WA 6841

Phone: 9264 1600

Email: cvoc@justice.wa.gov.au

KEEPING RECORDS

You may find it helpful to keep a record of the people you speak to.

For instance, most victims of crime require some further contact with the police. Keep note of your incident report number.

Incident report number: _____

Investigating officer: _____

Contact phone number: _____

NOTES

Victims of Crime

www.victimsofcrime.wa.gov.au