

# Preliminary information:

Executive summary

List of recommendations



## Message from the Commissioner

People do not choose to be a victim of crime. Many victims of crime experience unimaginable trauma and its consequences can be severe and long lasting. Trauma can result in damage to the health and welfare of individual victims and their families and friends. Because crime victimisation can have such profound impacts on victims, it's no surprise that they are deeply invested in the justice system response to crime.

The criminal justice process however can add to the trauma that victims have already experienced and can be a source of secondary victimisation. This is especially the case when victims are prevented from genuine participation in the criminal justice process or believe that they were treated as mere bystanders in the justice response to a crime that has affected them so profoundly.

When the Victorian Law Reform Commission (VLRC) released its report *The Role of Victims of Crime in the Criminal Trial Process* in 2016, it proposed a new era for victims—one where victims are rightfully treated as participants in the justice process.

Following the VLRC's report, the Victorian Government introduced amendments to the *Victims' Charter Act 2006* (Vic) to recognise the victim's role as a participant, but not a party, in proceedings for criminal offences.

Sadly, this report is a sobering reminder that legislative reforms aimed at improving victims' experiences do not always translate into tangible change. I have found that there continues to be a gap between the entitlements of victims 'on paper' and their actual experiences of victim participation in the justice system.

In undertaking this inquiry, I heard from many victims of crime about their experiences of the justice system. While some reported an experience that met their expectations, I have been distressed to hear the devastating impact the justice process has had on so many victims, to the extent that some have attempted to take their own lives. It shocks me that as a society we are complacent to the routine trauma that victims experience in a justice system that is central to our democratic society.

While the justice system is reliant on victims to report crime and give evidence, I heard that many victims are deterred from participating in the justice process due to the extent of trauma they see other victims experience or because they do not have enough trust in the system to report a crime. Around half of victims surveyed in this inquiry would not participate in the justice system again if they had a choice. Many victims told us they made the decision not to participate by not reporting a crime in the first place.

Aboriginal peoples, people with disability, migrant and refugee people, children and young people, older people and LGBTIQ+ people too often experience systemic and structural barriers to the justice system. They are less likely or unable to report crime while at the same time often have urgent need of legal protection.

This report identifies that Victoria has not achieved the necessary changes for victims to be true participants in the justice system, despite initial reforms by the Victorian Government, and the efforts of people working in the justice and victim support systems. Significant cultural change is still needed for victims to be viewed and treated as equal participants alongside the State and the accused. To achieve this, I recommend major structural changes to the justice and victims' service system and outline an ambitious vision for a more authentic participatory role for victims of crime.

Victims and stakeholders provide invaluable insights that can inform such change. However, they are frustrated that the same issues are raised again and again, in report after report, with no meaningful action taken. I therefore recommend greater transparency and accountability from government to the community and people who have been victims of crime.

While confronting the disheartening findings within these pages, I want to acknowledge the remarkable strength and resilience of those who have not only survived but have also found the courage to speak up, to demand change, and to share their stories so that others may find a better justice and victims' service system. I want to express my gratitude to the many victims who so generously gave me their time and insights.

This report is a wake-up call for individuals, agencies and services that make up the justice and victims' services system. I hope these recommendations serve as a catalyst for meaningful dialogue, collective commitment, and transformative action, to create a future where victims are truly participants in our justice system.

**Fiona McCormack**

Victims of Crime Commissioner

## Terminology

The way in which those harmed by crime identify themselves, and their experience of crime, is deeply personal.

The Victims of Crime Commissioner (VOCC) recognises that there are many terms that are used to describe those who have experienced crime and are dealing with its impact. Some people identify with one of these terms more than others, and some people do not identify with any of these terms.

In this report, the term ‘victim’ or ‘victim of crime’ is predominantly used, because it aligns with the VOCC’s legislative functions and powers under the *Victims of Crime Commissioner Act 2015* (Vic), and the definition of victim in the *Victims’ Charter Act 2006* (Vic).

However, it is acknowledged that these terms may not represent all experiences for all people.

Other terms such as ‘survivor’, ‘victim-survivor’, ‘complainant’ and ‘witness’ or ‘victim-witness’ may be used where it reflects the preferred usage of an individual or organisation, or where it best reflects the legal or other context (for example, ‘witness’ may be used to demonstrate circumstances relating to giving evidence in court, even where that witness may be a victim of crime).

## Glossary and acronyms

<b>Aboriginal Community-Controlled Organisation (ACCO)</b>	A service operated by, and for, Aboriginal peoples
<b>Aboriginal and Torres Strait Islander/Aboriginal peoples</b>	People of Aboriginal and/or Torres Strait Islander descent
<b>Accused</b>	A person charged with a criminal offence. During a criminal hearing an accused may also be called the ‘defendant’
<b>Adjournment</b>	Postponing a court hearing (to another time or date)
<b>Adult Parole Board</b>	The Adult Parole Board is an independent statutory authority that makes decisions about whether eligible prisoners can be reintegrated into the community
<b>Adversarial</b>	Court proceedings where parties to a case (prosecution and defence) present arguments and evidence in support of their case. Judges or juries decide the case. The court does not conduct its own investigation or lines of inquiry
<b>Attorney-General</b>	In this report, means the Victorian Minister responsible for the Victorian legal system
<b>Bail</b>	The release of a person from legal custody into the community on condition that they promise to re-appear later for a court hearing
<b>Bail decision maker</b>	Someone empowered under the <i>Bail Act 1997</i> (Vic) to grant or vary bail
<b>Child Witness Service (CWS)</b>	A service comprised of qualified practitioners who support child witnesses giving evidence in a criminal trial
<b>Civil intervention order</b>	An order that imposes conditions relating to contact between parties. In Victoria, civil intervention orders include ‘Personal Safety Intervention Orders’ or ‘Family Violence Intervention Orders’

<b>Co-accused</b>	Accused people being tried together in a joint trial
<b>Committal hearing</b>	A part of committal proceedings where a witness may be cross-examined by the defence
<b>Community Legal Centre (CLC)</b>	Independent community organisations that provide free advice, casework and legal education to their communities
<b>Complainant</b>	A term used to describe the person against whom an offence is alleged to have been committed
<b>Coronial processes</b>	Processes conducted by the Coroners Court of Victoria to investigate suspicious deaths
<b>Corrections</b>	Corrections Victoria is a business unit in the Department of Justice and Community Safety which oversees Victoria's corrections system including overseeing prisoners and those on parole in the community
<b>Court Network</b>	A community organisation that supports people accessing the court system
<b>Court Services Victoria</b>	An independent statutory body providing services and facilities to Victoria's courts, the Victorian Civil and Administrative Tribunal, the Judicial College of Victoria and the Judicial Commission of Victoria
<b><i>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic) (CMIA)</i></b>	The CMIA applies when an accused is found to have been mentally impaired at the time they committed the offence or if an accused is unfit to stand trial
<b>Cross-examination</b>	When a witness for one party (for example, the prosecution) is asked questions in court by the lawyer for the other party (for example, the accused) to test the evidence the witness has already given
<b>Culturally safe</b>	An approach that is respectful of a person's culture, beliefs and identity
<b>Defence</b>	The lawyers (solicitors or barristers) representing the accused
<b>De novo appeals</b>	An appeal that starts again from the beginning, and the evidence is heard afresh
<b>Department of Justice and Community Safety (DJCS)</b>	The Victorian department that leads the delivery of justice and community safety services in Victoria
<b>Director of Public Prosecutions (DPP)</b>	The independent officer responsible for prosecuting serious criminal offences under Victorian law. The Office of Public Prosecutions (OPP) conducts these prosecutions on behalf of the DPP
<b>Diversion</b>	Court-based programs that allow an accused (usually a first-time offender) to avoid a criminal record by completing certain conditions
<b>e-Referral (VPeR) system</b>	The Victoria Police Electronic Referral process which refers a victim from police to the victim support system
<b>Family Violence Intervention Order</b>	A civil order issued by the court with certain conditions to protect a person from family violence

<b>Financial Assistance Scheme (FAS)</b>	The Financial Assistance Scheme is replacing the Victims of Crime Assistance Tribunal (VOCAT) and will provide state-funded financial assistance to victims to assist them to recover from crime
<b>Ground rules hearing</b>	A hearing before a judicial officer to determine how a witness will be questioned, taking into account their communication needs
<b>Inadmissible material</b>	Material not allowed into evidence and which cannot be considered by a judicial officer or jury
<b>Independent Third Person Program (ITP)</b>	The ITP program supports people with a cognitive or mental impairment while they are being interviewed or giving a statement as a suspect, victim or witness
<b>Indictable offence</b>	A serious crime that may be tried in a higher court (such as the County or Supreme Court) before a judge and jury. Some indictable offences may be 'triable summarily' (see 'summary offence')
<b>Informant</b>	The person who files charges against the accused in the Magistrates' Court. Often a member of Victoria Police but sometimes a representative from another investigating agency
<b>Interlocutory appeal</b>	An appeal before or during the trial process often relating to evidentiary matters
<b>Intermediary</b>	A person appointed by the court to provide communication assistance during criminal proceedings to a child or a person with a disability to help them give their best evidence
<b>Judicial College of Victoria (JCV)</b>	A Victorian body providing ongoing education and professional development to Victorian judicial officers
<b>Justice agencies</b>	Agencies that operate within the justice system
<b>Legislation</b>	Laws enacted by Parliament. A Bill is presented to Parliament. Once passed by Parliament, it becomes an Act and becomes law. Acts can be amended, repealed (removed) and interpreted by the courts
<b>Legislative Council Legal and Social Issues Committee</b>	Victorian parliamentary committee that can inquire into and report on any proposal, matter or thing concerned with community services, education, gaming, health, and law and justice
<b>LGBTIQ+</b>	LGBTIQ+ stands for Lesbian, Gay, Bisexual, Trans and gender diverse, Intersex, Queer and questioning. The + sign is generally used to represent genders and sexualities not covered by the letters LGBTIQ
<b>Lived experience</b>	Refers to individuals who have lived experience as a victim of crime or of the justice or victim support system
<b>Mental Impairment</b>	Impaired mental functioning that may mean a person cannot be held criminally responsible for a crime
<b>Misgendering</b>	Misgendering means using language to refer to someone's gender that does not match that person's gender identity

<b>Misidentification</b>	Where the victim is incorrectly identified as the offender or aggressor, particularly in family violence or stalking matters
<b>Office of Public Prosecutions (OPP)</b>	The agency that prepares and conducts criminal prosecutions on behalf of the Director of Public Prosecutions
<b>Parole</b>	Parole allows a prisoner to serve part of their sentence of imprisonment in the community. While on parole, a prisoner will be subject to parole conditions and under supervision
<b>Participant</b>	A person who takes part in something. Victims are recognised as participants under the <i>Victims' Charter Act 2006</i> (Vic)
<b>Participation</b>	The act of taking part in something
<b>Party</b>	In a criminal proceeding, a party refers to the prosecution or the accused
<b>Plea negotiations</b>	A process in which the prosecution and defence negotiate charge(s), including the number or severity of charges or case facts in exchange for the accused entering a guilty plea
<b>Post-sentencing</b>	Justice processes that happen after a person is sentenced in court
<b>Practice Direction/Note</b>	Documents published by courts to provide instructions or guidance to parties and the public about the conduct of court proceedings
<b>Primary victim</b>	A primary victim of an act of violence is a person who is injured or dies as a direct result of an act of violence committed against that person
<b>Prosecutor</b>	A lawyer who appears in court on behalf of the State or Victoria Police to present the case against an accused person or an offender
<b>Record of Victim Engagement (ROVE)</b>	Record of Victim Engagement (ROVE) is a system developed by the OPP that documents all communication between solicitors and victims, or social workers and victims
<b>Related victim</b>	A related victim of an act of violence is a person who, at the time when the act of violence occurred was a close family member or was a dependant of or had an intimate personal relationship with a primary victim of that act and the primary victim died as a result of that act
<b>Respondents to VOCC's Victims' Professionals Survey</b>	Respondents to the Victims of Crime Commissioner's (VOCC's) online survey of victims' professionals conducted by the VOCC between 16 June 2022 and 31 July 2022 targeting frontline support workers in Victims Assistance Programs (VAPs), Centres Against Sexual Assault and specialist family violence services
<b>Respondents to VOCC's Victims' Survey</b>	Respondents to the VOCC's online survey of victims of crime conducted by the VOCC between 22 October 2021 and 1 March 2022
<b>Restorative Justice/ Alternative Justice</b>	Procedures which operate as an alternative, or in addition, to criminal procedures and which focus on repairing harm, encouraging offenders to take responsibility for their actions and increasing the involvement of victims, families and communities in the criminal justice system

<b>Secondary victim</b>	A secondary victim of an act of violence is a person who is present at the scene of an act of violence and who is injured as a direct result of witnessing that act
<b>Secondary victimisation</b>	When victims are further victimised by responses from agencies or organisations, or their experience in court, following their experience of crime
<b>Sentence indication</b>	Where a court indicates the sentence that the court is likely to impose if the accused pleads guilty, prior to a hearing or trial commencing
<b>Sexual Offences and Child Abuse Investigation Team (SOCIT)</b>	Victoria Police investigators specialising in sexual offences and child abuse
<b>Statutory review</b>	A review required under legislation, usually to determine whether an Act (or parts of an Act) is meeting objectives
<b>Subpoena</b>	A document compelling a person to attend court to give evidence, to produce a document or do both
<b>Summary offence</b>	A criminal offence that may be dealt with by a magistrate, without a jury.
<b>Trauma-informed</b>	A trauma-informed approach recognises the barriers that witnesses and victims who have been through traumatic events may confront. Trauma-informed responses are informed by a deep understanding of the impact of trauma and victimisation, how this may affect a victim's ability to participate, and they work to reduce and prevent re-traumatisation
<b>Victims Assistance Program (VAP)</b>	A government-funded service delivered by a range of community organisations which provides victims with a range of practical and therapeutic support following crime
<b>Victim</b>	People harmed by crime, including primary, secondary and related victims. Also includes people who are harmed by crime but do not report that crime to police or who choose not to be involved in the justice process
<b>Victim-centred</b>	Processes or laws that prioritise victims' safety, rights and well-being
<b>Victim Impact Statement (VIS)</b>	A statement in which a victim tells the court how the crime affected them. The statement is normally provided to the court at a sentencing hearing, after the offender has been found guilty
<b>Victim support professionals</b>	Those who work in victim support organisations, primarily support workers on the Victims of Crime Helpline or professionals working in Victims Assistance Programs (VAPs), Centres Against Sexual Assault (CASA) and specialist family violence services
<b>Victims' Charter</b>	Means the <i>Victims' Charter Act 2006 (Vic)</i>
<b>Victim Survivors' Advisory Council (VSAC)</b>	The Victim Survivors' Advisory Council (VSAC) was created to give people with lived experience of family violence a voice and ensure they are consulted in the family violence reform program

<b>Victims and Witness Assistance Service (VWAS)</b>	The Victims and Witness Assistance Service (VWAS) is part of the Office of Public Prosecutions (OPP). VWAS social workers and OPP solicitors work together to provide information and support to adult victims and witnesses during the court process
<b>Victims Legal Service</b>	A government-funded legal service that provides free legal advice and support to victims in relation to state-funded financial assistance
<b>Victims of Crime Assistance Tribunal (VOCAT)</b>	A body established by legislation to hear and determine applications for financial assistance made by victims of violent crime committed in Victoria. The Financial Assistance Scheme (FAS) will replace VOCAT in 2024
<b>Victims of Crime Commissioner's Victims' Survey</b>	The online survey of victims of crime conducted by the VOCC between 22 October 2021 and 1 March 2022
<b>Victims of Crime Consultative Committee</b>	A Government-led committee made up of community members with lived experience and representatives of various justice and victims' service agencies to discuss policies, practices and systems reform to improve experiences for victims of crime
<b>Victims Register</b>	A register which provides information to eligible victims about the offender, such as when the offender is released into the community on parole
<b>Victims' services</b>	Agencies that provide support to victims of crime
<b>Victim Services, Support and Reform (VSSR)</b>	The business unit in the Victorian Department of Justice and Community Safety that oversees a range of victim services including the Victims of Crime Helpline, Victims Assistance Programs (VAP), Victims Register and restorative justice services
<b>Victoria Legal Aid (VLA)</b>	The Victorian organisation which provides state-funded legal assistance to people who cannot afford it themselves
<b>Victorian Court of Appeal</b>	The Court of Appeal hears appeals from criminal and civil cases decided in the Supreme Court Trial Division and County Court, and some appeals from the Magistrates' Court and Children's Court.
<b>Victorian Law Reform Commission (VLRC)</b>	An independent statutory authority, established under the <i>Victorian Law Reform Commission Act 2000</i> (Vic), which advises the Attorney-General on how to improve Victorian laws
<b>Witness</b>	A person who gives evidence in a case
<b>Witness support</b>	Specialised support that is provided to people who give evidence (are a witness) in a criminal trial or hearing
<b>ACCO</b>	Aboriginal Community-Controlled Organisation
<b>CASA</b>	Centres Against Sexual Assault
<b>CIJ</b>	Centre for Innovative Justice



<b>CLC</b>	Community Legal Centre
<b>CMIA</b>	<i>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic)</i>
<b>CSV</b>	Court Services Victoria
<b>CWS</b>	Child Witness Service
<b>DJCS</b>	Department of Justice and Community Safety
<b>DPP</b>	Director of Public Prosecutions
<b>FAS</b>	Financial Assistance Scheme
<b>ITP</b>	Independent Third Person Program
<b>JCV</b>	Judicial College of Victoria
<b>OPP</b>	Office of Public Prosecutions
<b>PSIO</b>	Personal Safety Intervention Order
<b>ROVE</b>	Record of Victim Engagement
<b>SOCIT</b>	Sexual Offences and Child Abuse Investigation Team
<b>VAP</b>	Victims Assistance Program
<b>VIS</b>	Victim Impact Statement
<b>VLA</b>	Victoria Legal Aid
<b>VLRC</b>	Victorian Law Reform Commission
<b>VOCAT</b>	Victims of Crime Assistance Tribunal
<b>VPeR</b>	Victim e-Referral system
<b>VSSR</b>	Victim Services, Support and Reform in the DJCS
<b>VSAC</b>	Victim Survivors' Advisory Council
<b>VWAS</b>	Victims and Witness Assistance Service
<b>VOCC</b>	Victims of Crime Commissioner

## Executive summary

This is a summary of the key insights and recommendations of the report.



A full summary of recommendations can be found in the section titled 'List of recommendations'. For more detail on specific topics, see the overview at the start of each chapter.

This report has three parts:

- **Part 1** provides the background and context to this inquiry, including the history and context of victims' entitlements.
- **Part 2** provides in-depth discussion of whether victims feel like participants and what participation feels like to them. Part 2 also discusses structural and systemic barriers to participation, along with participation across key phases of the justice system.
- **Part 3** sets out the VOCC's vision for a more authentic participatory role for victims of crime, including recommendations for reform.

## Many victims do not feel like participants

Part 2 (**Chapters 4–11**) provides detailed accounts of victims' experience of the justice process.

Many victims told the Victims of Crime Commissioner (VOCC) they did not feel like participants in the justice system.



# 74%

74 per cent of victims surveyed **said they were either never treated as a participant or only treated as a participant sometimes**

Main themes in relation to lack of participation were:

### Feeling excluded

Victims spoke about being bystanders, spectators, marginalised, powerless and being relegated to the role of a passive witness. Victims spoke about the justice system feeling like a game, with the victim 'benched' or on the sidelines.

### Not being a part of decision making

Victims articulated a lack of participation during decision-making processes and feeling like their voice was unimportant or ignored. Victims clearly articulated a need to participate actively in decision-making processes rather than merely being told after the fact, particularly at key points of the process such as charging and during plea negotiations.

### Not having a voice

'Voice', 'being heard', 'speaking' and 'having no say' were significant themes.

### Inadequate information

Not getting sufficient information spanned the investigation, prosecution and court processes. Some victims said they were 'told nothing', while others said they did not get enough answers or updates. Victims spoke about having to chase information and being 'blind-sided' because they did not get enough information, including missing court dates.

**Not having a role and losing personal agency**

Victims spoke about losing choice and personal agency and feeling like an 'appendage'. Victims spoke about wanting to take a more active part during the process.

**Many victims would not participate again**

Almost half of Victims' Survey respondents (45 per cent) indicated they would not want to participate in the justice process again because:

- the system causes further trauma
- they lacked confidence in the justice system
- they did not feel safe to participate in the justice system.



**The VOCC was told that meaningful participation for victims includes:**

- feeling included in the process
- having a role in decision making
- having a voice and having the opportunity to express views and feelings
- being recognised as a party to criminal proceedings (or having official 'status')
- having a role in the court process and being able to be present in court at key times
- getting sufficient information to enable participation, including accessible and timely information
- being updated about the progress of investigations and prosecutions
- procedural fairness
- having the choice to participate and having choice and personal agency during the process
- understanding victims' role and entitlements
- getting adjustments for disability to enable participation.

**Chapters 5 and 6** outline the structural and systemic barriers that the VOCC heard prevented victims from participating:

- There is a lack of safety and accessibility for Aboriginal and Torres Strait Islander peoples, children and young people, culturally and linguistically diverse populations, people with disability, LGBTQI+ victims and older victims of crime.
- Participation in the justice system causes secondary victimisation.
- The justice system remains confusing and complex.
- Justice system delay is a barrier to participation.
- Victims are not getting the support they need to participate, including comprehensive victim support and legal assistance.
- Victims have varying entitlements under legislation like the *Victims' Charter Act 2006 (Vic)* (Victims' Charter) and this inequity affects participation.
- Victims have a low awareness of the Victims' Charter and their entitlements, affecting participation.

## How can we improve participation?

Part 3 sets out the VOCC's recommendations for enhancing victims' participation. Recommendations are based on the key issues raised by victims and stakeholders and outlined in detail in Part 2 of the report.

### A stronger victims' rights framework

In Part 2, the VOCC heard that:

- Unequal entitlements for victims under the Victims' Charter affect victims' participation.
- Despite entitlements under the Victims' Charter, not all victims were getting the information they needed from police or prosecutions to participate.
- Victims are not always consulted about key decisions, despite Victims' Charter entitlements.
- Victims are not always aware of the Victims' Charter, or their right to participate.

**Chapter 12** proposes that more needs to be done to recognise victims as participants and that an enhanced rights-based framework should be implemented that extends current participatory entitlements under the Victims' Charter and helps improve compliance with those entitlements.

The VOCC recommends:

- equal entitlements for all victims under the Victims' Charter
- expanding accountability measures under the Victims' Charter by introducing:
  - a judicial role in checking compliance with victims' rights and entitlements in individual cases
  - independent review of certain justice agency decisions
- recognising victims' rights as human rights in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- appropriate investment in justice agencies so that victim entitlements can be met in a meaningful way
- initiatives to improve victims' awareness of their rights and entitlements.

### Improved participation during reporting

In Part 2, the VOCC heard that:

- Many victims still do not feel safe to report to police.
- The reporting process is not always trauma-informed or accessible.
- Some victims who tried to report received responses that were belittling, condescending, dismissive and unsupportive.

**Chapter 13** proposes that more must be done to build trust in police so that victims feel safe to report crimes. Enhanced reporting options and safer environments for reporting are also needed.

The VOCC recommends that:

- Victoria Police review its programs, policies and initiatives aimed at engaging with the community and building confidence to report crime, with a particular focus on priority groups which have faced disadvantage and discrimination
- Victoria Police ensure victims have access to appropriate, accessible, private areas to safely disclose a crime
- the Victorian Government expand the work already being undertaken to create an online reporting option for sexual assault victims, broadening this to different crime types and victims who face systemic barriers in reporting to police.

Dedicated work is already underway by the Victorian Government to develop an Aboriginal Victims of Crime Strategy. To address systemic barriers to participation for Aboriginal and Torres Strait Islander peoples, the VOCC recommends this work include introduction of:

- alternative, culturally safe ways to report crimes
- an Aboriginal Social Justice Commissioner to address systemic barriers to participation and improve trust in the justice system.

## Improved participation during investigation

In Part 2, the VOCC heard that many victims did not receive any, or enough, information to enable them to participate in the justice process. The VOCC heard about:

- victims not receiving any contact at all after making a report
- victims continually calling Victoria Police, with calls left unreturned
- police failing to provide victims with key information such as court dates.

**Chapter 13** notes that Victoria Police has a corporate responsibility to meet Victims' Charter obligations, but this inquiry has found that Victoria Police is not meeting its obligations under the Victims' Charter for all victims of crime.

Victoria Police must urgently review its approach to meeting Victims' Charter obligations. The VOCC recommends that Victoria Police undertake a cultural review to assess its approach to liaison with victims and to adhering to obligations under the Victims' Charter, with that review considering:

- how victim liaison is culturally ingrained in police work, from the point of academy training and throughout a police member's career
- how the principles of the Victims' Charter can be elevated within Victoria Police so that victim liaison is not viewed as a distraction from 'real' police work or an optional process
- what training is required to better meet victims' diverse needs
- Victoria Police's policies, procedures and IT capabilities in relation to its obligations under the Victims' Charter.

## Enhanced victim support

In Part 2, the VOCC heard that victims:

- are unaware of support options or find it difficult to locate the right services
- feel the onus is on them to locate services
- are not always referred to the right services or are referred 'in circles'.

Chapter 14 notes that the victim support system is not functioning in a way that enables victims to participate meaningfully. The VOCC recommends that:

- the Victorian Government conduct a comprehensive, independent review of the e-referral system to improve referral practices
- across-agency work be undertaken to embed the use of the Independent Third Person Program (ITPP) to enhance support to victims with disability and to ensure the ITPP acts as a link to the victim support system
- the Victorian Government implement an independent victim support program at the point where crime is reported, providing victims with immediate support, together with a more formalised link to the victims' service system
- the Victorian Government commit to rebuilding and properly funding a comprehensive victim support system that responds to the diverse needs of victims of crime, underpinned by a comprehensive branding and community awareness campaign so that victims know what support is available.

## Enhanced information

In Part 2, the VOCC heard that victims struggle to access the information they need to participate, such as information about the progress of the prosecution and court dates.

**Chapter 14** notes that research has highlighted the need for more automated notification systems to assist justice agencies to meet their obligations to provide victims with relevant information.

The VOCC recommends that:

- the Victorian Government undertake an independent feasibility study to explore the viability of an online Victims' Portal that would provide real-time information about cases, automatically communicate court dates and enable victims to submit Victim Impact Statements (VISs) electronically
- Court Services Victoria ensure the new Case Management System for the Magistrates' and Children's Courts enables victims to access up-to-date case information.

## Comprehensive legal assistance

In Part 2, the VOCC heard that:

- Victims need legal assistance from an independent, trusted source, separate to the prosecution.
- Victims have many and varied unmet legal needs spanning the justice process.
- The new Victims Legal Service, while a crucial first step, falls short of the legal assistance victims need to address the full range of complex legal issues that arise because of victimisation.

**Chapter 15** notes that there is a logical disconnect between victims having legislative entitlements to participate under the Victims' Charter while lacking access to independent legal advice to ensure these entitlements are upheld.

Victims' need for specialised legal advice and assistance has been consistently raised in Victoria in a range of reviews and inquiries over the past five years.

The VOCC recommends that the Victorian Government expand the Victims Legal Service to provide specialist state-funded legal assistance to meet the comprehensive range of legal issues that victims face arising from victimisation.

## Legal representation for sexual offence matters

In Part 2, the VOCC heard that:

- Victims in sexual offence cases are subject to some of the most invasive and traumatic aspects of our adversarial trial process, including rigorous cross-examination, applications to access private or confidential records (including medical and counselling records) and applications to introduce sexual history evidence.
- Leaving protection of victims' rights up to prosecutors or judicial officers in sexual offence cases is not working well enough to protect victims' rights and protect victims from secondary victimisation.

**Chapter 15** notes that a targeted approach to legal representation for sexual offence victims would provide an effective way to uphold victims' entitlements without impinging on the rights of the accused.

The VOCC recommends that victims of sexual offences have standing to appear and be entitled to state-funded legal representation at specific stages of proceedings.

The VOCC recommends that the Victorian Government establish a sexual offences legal representation scheme that provides independent legal representation in relation to justice processes occurring in the absence of a jury, including in relation to confidential communications, sexual history evidence and subpoenas for information that contains private information about the victim.

A victims' legal representative would have a protective role, asserting the victims' entitlements and would not act as a prosecutor, or alter the prosecutor's role.

## Enhanced support at court

In Part 2, the VOCC heard that:

- Victim-witnesses in the summary jurisdiction are 'falling through the gaps' of the service system and are not receiving sufficient witness support.
- Existing witness support services are stretched and unable to meet demand.
- For victims who are not witnesses, attending court without support makes for particularly distressing experiences that often result in secondary victimisation.

**Chapter 16** notes that appropriate witness and court support can reduce the likelihood of victims and victim-witnesses experiencing secondary victimisation. It also enables victims to participate in safe ways.

The VOCC recommends that the Victorian Government:

- close the gaps in witness support by:
  - providing sufficient funding for existing witness support services to meet demand
  - establishing a witness support scheme for adult victims of crimes against the person in the summary jurisdiction
- expand the availability of the intermediary scheme across all Victorian courts
- establish a dedicated and specialised victim liaison service in each court location across Victoria to ensure victims are supported before, during and after attending court.

## Enhanced court safety

In Part 2, the VOCC heard that:

- Most victims were concerned about their safety while attending court.
- Lack of safe and separate entries, exits and seating options meant some victims felt targeted by accused people or their supporters

**Chapter 16** notes that lack of appropriate and safe court infrastructure was raised by many stakeholders and has been raised in multiple reports and inquiries over many years.

Many courts across Victoria are not fit for purpose and do not meet the needs of all court users. Victims require safe and accessible court entrances, exits and waiting spaces. Facilities and infrastructure should facilitate alternative arrangements (such as protective screens or remote witness rooms).

The VOCC recommends that the Victorian Government:

- establish minimum standards for safety and accessibility in Victorian courts and require all courts to be independently audited against these minimum standards
- develop a multi-year infrastructure plan to upgrade facilities to meet minimum safety and accessibility standards.

## More protections for victim-witnesses

Part 2 of this report presents compelling victim voices which suggest the criminal trial process is still causing many victims secondary victimisation. The VOCC heard that protections for victim-witnesses need to be enhanced to reduce risks of secondary victimisation.

**Chapter 17** notes that there are specific areas of the criminal trial process for victim-witnesses where changes could be made to help reduce the likelihood of secondary victimisation.

The VOCC recommends reforms to:

- limit when a victim may be cross-examined more than once
- limit, or abolish, committal hearings in certain circumstances
- prevent personal cross-examination of a victim by an accused
- expand the availability of alternative arrangements to a broader class of witnesses
- limit cross-examination by counsel for co-accused to avoid repetitive questioning
- introduce additional legislative protections in relation to personal information
- provide victims with a substantive remedy if a court makes an error in applying laws governing access to personal information.

## Enhanced participation at sentencing

In Part 2, the VOCC heard that:

- The sentence indication scheme does not have sufficient safeguards to uphold victims' participatory rights.
- More must be done to fulfil the participatory objectives of VISs and protect victims from secondary victimisation during the VIS process.

**Chapter 18** notes that victims' participation at sentencing is important. It is one of the few times during a victim's justice journey that they have the right to be heard in court – in their own voice – through a VIS.

In relation to sentence indications, the VOCC recommends that:

- the Victorian Government amend the *Criminal Procedure Act 2009* (Vic) to ensure victims are consulted in relation to sentence indications
- the Victorian Government amend the Victims' Charter to ensure:
  - victims are informed about sentence indication applications or the possibility that a sentence indication may be given
  - victims can provide information to the prosecution earlier about the crime's impact on them
- the legislative review of sentence indications be independently undertaken, engage with victims whose matter has been subject to a sentence indication process and provide data on the use of sentence indications.

In relation to VISs, the VOCC recommends that the Victorian Government:

- introduce amendments to enable victims to prepare a VIS before a plea or finding of guilt and have their VIS 'quarantined' until required by the court
- amend the *Sentencing Act 1991* (Vic) to require the court, prior to sentencing, to ask the prosecution whether the victim wishes to make a VIS and provide for a right of adjournment for VIS preparation
- introduce legislative protections to restrict questioning of a victim about their VIS.



## Enhanced participation in non-trial processes

In Part 2, the VOCC heard that participation in non-trial justice processes is as important for victims as participation in the criminal trial process, but many non-trial justice processes do not adequately provide for victim participation.

**Chapter 19** makes the following observations and recommendations:

- **Bail:** Legislative entitlements with respect to bail do not reflect the victim's role as a participant in criminal proceedings. Currently, victims' rights relating to bail are 'passive' information rights. The Victorian Government should amend the Victims' Charter and the *Bail Act 1977 (Vic)* to require bail decision makers to enquire about a victim's views, including any safety concerns, and for victims to be told about the outcomes of bail applications.
- **Restorative justice:** More needs to be done to make restorative justice a safe option for victims who wish to use it. The Victorian Government should develop an overarching framework for 'alternative' or 'parallel' justice options and amend the Victims' Charter to enhance legislative protections for victims who participate in these processes.
- **The Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic) (CMIA):** The VOCC heard that victims are not adequately informed or consulted in proceedings and that there is little transparency in decision making under the CMIA. The Victorian Government should amend the CMIA and the Victims' Charter to enhance victims' participatory rights. A specialised stream of assistance should be integrated into the existing victim support system to ensure victims receive targeted, specialised support in relation to the CMIA.
- **Diversion:** The VOCC heard that not all victims felt like participants in the diversion process. Currently, consideration of victims – and their opportunity to participate – varies across different diversion legislation. The Victorian Government should amend the *Children, Youth and Families Act 2005 (Vic)*, the *Criminal Procedure Act 2009 (Vic)* and the Victims' Charter to provide for enhanced rights and entitlements for victims during diversion processes.
- **Victims Register:** The VOCC heard there needs to be more robust information about the Victims Register and strengthened referral entitlements to address the low awareness of the Victims Register. The VOCC recommends enhanced rights in the Victims' Charter, including the right for victims to be given tailored information specifically about the Victims Register by a prosecuting agency and referred to the Victims Register at sentencing. The VOCC also heard that we need to know more about victims' experiences of the Victims Register because some victims are concerned about its scope and operation. The VOCC recommends that the Victorian Government fund an independent review of the operation and effectiveness of the Victims Register, with that review considering whether inclusion on the Victims Register should be based on an initial automatic referral. The review should also consider eligibility and the scope of information provided to victims.

## Creating and measuring change

In Part 2, the VOCC heard that:

- There has been limited cultural change in the treatment of victims since the Victims' Charter was amended in 2018 to recognise victims as participants.
- Some victims and stakeholders are frustrated with the lack of action taken to address issues that have been raised countless times in previous reports and inquiries, and the slow pace of cultural change.

**Chapter 20** notes that cultural change in the justice system is still required to properly recognise and incorporate victims as participants. As such, more should be put in place to track and measure cultural change.

The VOCC recommends that the Victorian Government publicly report on the implementation of recommendations from all major Victorian and Commonwealth reports and inquiries (where relevant) in relation to victims from the past 10 years in the form of a victims' reforms progress report and provide a victims' reforms progress report annually thereafter.

The Victorian Government should also fund an independent socioeconomic analysis of the costs of crime to victims and the broader community to build a deeper understanding of the true cost of crime and the value of investing in support for victims.

The VOCC also recommends that:

- the Judicial College of Victoria develop a training and education framework on victims' rights and entitlements underpinned by trauma-informed principles
- Heads of Jurisdiction in all courts direct judicial officers to participate in specified victims' training, professional development or continuing education before hearing criminal cases and appeals
- the Victorian Legal Services Board and Commissioner, the Office of Public Prosecutions and Victoria Legal Aid examine ways to improve training and education for all lawyers (prosecution and defence) in relation to victims' rights and entitlements and victim-centred legal practice
- with a view to developing a training and education framework for all lawyers.

## List of recommendations



### RECOMMENDATION 1

The Victorian Government should introduce amendments to the *Victims' Charter Act 2006* (Vic) to extend information and consultation requirements to the summary jurisdiction and remove the consultation exception in section 9B(3)(b).



### RECOMMENDATION 2

The Victorian Government should assess funding levels and arrangements for justice agencies with statutory obligations under the *Victims' Charter Act 2006* (Vic), ensuring any changes to extend and enhance information and consultation requirements under the Victims' Charter are accompanied by appropriate resourcing.



### RECOMMENDATION 3

The Victorian Government should introduce amendments to the *Victims' Charter Act 2006* (Vic) – and any other relevant legislation – to require courts to ensure that the prosecution meets its obligations concerning victims' participatory rights at key points in the criminal trial and hearing process.



### RECOMMENDATION 4

The Victorian Government should establish an independent review mechanism enabling victims to seek a review of certain police and prosecution decisions once internal review mechanisms have been exhausted.



### RECOMMENDATION 5

The Victorian Government should introduce amendments to the *Charter of Human Rights and Responsibilities Act 2006* (Vic) to recognise victims' unique status in the criminal justice system and uphold specific rights for victims of crime.

**RECOMMENDATION 6**

The Victorian Government should introduce amendments to the *Charter of Human Rights and Responsibilities Act 2006* (Vic) to provide victims with a right to be protected from unreasonable trial delay.

The Victorian Government should adequately fund courts and other justice agencies to reduce delays in criminal trials without eroding victims' participatory rights.

**RECOMMENDATION 7**

The Department of Justice and Community Safety should, in collaboration with the Victims of Crime Consultative Committee, review and revise *A Victim's Guide to Support Services and the Criminal Justice System* to provide victims with more comprehensive guidance about participation at key points of the process.

**RECOMMENDATION 8**

Victoria Police should conduct a review of its programs, policies and initiatives aimed at engaging with the community and building confidence to report crime, with a particular focus on priority groups that have faced disadvantage and discrimination.

This work should be informed by lived-experience expertise and be guided by the relevant Portfolio Reference Groups in Victoria Police's Priority and Safer Communities Division.

**RECOMMENDATION 9**

Victoria Police should undertake work to:

- identify any gaps in the availability of appropriate, accessible, private areas for a victim of crime to safely disclose a crime
- ensure police take steps to ensure victims are aware that they can request access to safe spaces
- ensure police members enquire about a person's needs, safety and comfort when they make an initial approach to police

**RECOMMENDATION 10**

The Victorian Government should expand the existing work being undertaken to create an online reporting option for sexual assault victims to consider its applicability across different crime types and victims who face systemic barriers in reporting to police.



### RECOMMENDATION 11

As part of the dedicated work already underway to develop an Aboriginal Victims of Crime Strategy, the Victorian Government should include introduction of:

- alternative, culturally safe ways to report crimes
- an Aboriginal Social Justice Commissioner to address systemic barriers to participation for Aboriginal and Torres Strait Islander peoples.



### RECOMMENDATION 12

Victoria Police should review its policies, procedures and IT capabilities in relation to its obligations under the *Victims' Charter Act 2006* (Vic) (Victims' Charter).

This review should examine Victoria Police's capability and capacity in relation to meeting victims' statutory entitlements to information, as per obligations under the Victims' Charter.



### RECOMMENDATION 13

Victoria Police should undertake a cultural review assessing its organisation-wide approach to victim liaison and adherence to obligations under the *Victims' Charter Act 2006* (Vic).



### RECOMMENDATION 14

The Victorian Government should conduct an independent review of the victim support e-referral system by 30 June 2025. Following this review, the government should implement any necessary changes to ensure victims are being routinely referred to victim support at relevant points of the justice process.



### RECOMMENDATION 15

The Department of Justice and Community Safety should develop a time-limited working group with the Office of the Public Advocate, Victoria Police, victim support services and other stakeholders as required to develop an action plan to ensure the Independent Third Person Program (ITP) is properly used for eligible victims when reporting to police.

**RECOMMENDATION 16**

The Victorian Government should introduce an Independent Victim Support Person program to provide immediate place-based support and assistance to victims reporting crime when other victim support professionals are unavailable. The program should be available 24 hours a day, 7 days a week.

**RECOMMENDATION 17**

The Victorian Government should design, implement and properly fund an enhanced victim support system in Victoria, drawing on the findings of this inquiry and previous Victorian reviews and inquiries.

**RECOMMENDATION 18**

The Victorian Government should undertake an independent feasibility study, to be completed by 30 June 2025, to explore the viability of a Victims' Portal. The feasibility study should be made public.

**RECOMMENDATION 19**

Court Services Victoria should ensure the new Case Management System for the Magistrates' and Children's Courts enables victims to access up-to-date information on the progress of a court matter.

**RECOMMENDATION 20**

The Victorian Government should develop a comprehensive branding and community awareness campaign for the victim support system.

**RECOMMENDATION 21**

The Victorian Government should expand the Victims Legal Service to provide victims with specialist, state-funded legal assistance in relation to the comprehensive range of legal issues that victims face.



**RECOMMENDATION 22**

The Victorian Government should fund a sexual offences legal representation scheme and introduce necessary legislative amendments to provide sexual offence victims with standing to appear and be entitled to state-funded legal representation at specific stages of proceedings.



**RECOMMENDATION 23**

The Victorian Government should close the gaps in witness support by:

- providing sufficient funding for existing witness support services to meet demand
- establishing a witness support scheme for adult victims of crimes against the person in the summary jurisdiction.



**RECOMMENDATION 24**

The Victorian Government should ensure equity in the availability of the intermediary scheme by expanding its availability across all Victorian courts.



**RECOMMENDATION 25**

The Victorian Government should establish a dedicated and specialised victim liaison service in each court location across Victoria to ensure victims are supported before, during and after attending court.



**RECOMMENDATION 26**

The Victorian Government should establish minimum standards for safety and accessibility in Victorian courts. These standards should be publicly available and all courts should be independently audited against these minimum standards.

The Victorian Government should develop a multi-year infrastructure plan to upgrade facilities to meet minimum safety and accessibility standards.

**RECOMMENDATION 27**

The Victorian Government should:

- review reforms introduced in July 2023 to control cross-examination more tightly at committal hearings to ensure they are achieving their objectives
- continue to improve committal proceedings based on recommendations made by the Victorian Law Reform Commission in its 2020 *Committals* report
- abolish committal hearings for certain cohorts, commencing with sexual offence and family violence cases as a priority.

**RECOMMENDATION 28**

The Victorian Government should bring forward its de novo appeals reforms contained in the *Justice Legislation Amendment (Criminal Appeals) Act 2019 (Vic)* to commence as soon as possible to reduce the number of times a victim has to give evidence.

**RECOMMENDATION 29**

The Victorian Government should introduce amendments to the *Criminal Procedure Act 2009 (Vic)* to prevent personal cross-examination by an accused where a victim-witness is likely to experience unnecessary trauma, intimidation or distress as a result of giving evidence.

**RECOMMENDATION 30**

The Victorian Government should amend the *Criminal Procedure Act 2009 (Vic)* to provide for alternative arrangements for any victim-witness who is likely to experience unnecessary trauma, intimidation or distress as a result of giving evidence.

All Victorian courts should have sufficient:

- remote witness facilities to meet demand
- assets and infrastructure to implement special arrangements at the request of victims, including screens in court.

**RECOMMENDATION 31**

The Victorian Government should introduce amendments to the *Criminal Procedure Act 2009 (Vic)* to provide courts with a general power to allocate topics of cross-examination between counsel for co-accused to avoid repetitive questioning to protect victims from unnecessary trauma, intimidation and distress when giving evidence.





### RECOMMENDATION 32

The Victorian Government should introduce additional legislative protections in relation to confidential communications by requiring courts to ensure the prosecution has met its obligations under the Evidence (*Miscellaneous Provisions*) Act 1958 to notify victims of their rights.

Courts need better information about a victim's privacy and other rights and interests when determining confidential communications applications. The specialised, state-funded legal representative for victims should provide that information (see Recommendation 22).



### RECOMMENDATION 33

The Victorian Government should implement recommendations of the Victorian Law Reform Commission's 2021 report *Improving the Justice System Response to Sexual Offences* in relation to sexual history evidence and strengthen the test courts apply under the *Criminal Procedure Act 2009* (Vic) when considering whether to grant an application relating to sexual history evidence.

The Victorian Government should ensure state-funded legal representation for sexual offence victims to ensure the court is properly informed about a victim's interests and concerns about disclosure of their sexual history.



### RECOMMENDATION 34

To protect a victim's right to privacy, the Victorian Government should reform the process around third-party subpoena applications to provide a comprehensive victim notification and participation scheme. Victims should have access to state-funded legal assistance to uphold participatory rights in relation to third-party information.



### RECOMMENDATION 35

Victims should be provided with limited appeal rights regarding decisions around applications for confidential communications, sexual history evidence, and information sought from third parties. Victims should have access to state-funded legal assistance to uphold these appeal rights.



### RECOMMENDATION 36

The Victorian Government should amend the *Criminal Procedure Act 2009* (Vic) and the *Victims' Charter Act 2006* (Vic) to ensure victims are consulted in relation to sentence indications in the higher courts (the County Court and the Supreme Court).

**RECOMMENDATION 37**

The Victorian Government should amend the *Victims' Charter Act 2006* (Vic) to ensure that:

- victims are informed about sentence indication applications or the possibility that a sentence indication may be given
- victims have the opportunity to provide earlier victim impact information to the prosecution so that it can be provided to the court at a sentence indication hearing.

All prosecution agencies should introduce procedures to enable victims to exercise their role as participants in sentence indication proceedings consistent with amended entitlements under the Victims' Charter.

**RECOMMENDATION 38**

The Victorian Government should amend the *Criminal Procedure Act 2009* (Vic) to require prosecuting agencies to advise the court whether there is sufficient, or insufficient, victim impact information available to make a sentence indication.

**RECOMMENDATION 39**

The legislative review of sentence indications under the *Criminal Procedure Act 2009* (Vic) should be independently undertaken by the Sentencing Advisory Council.

**RECOMMENDATION 40**

The Victorian Government should introduce amendments to enable victims to prepare a Victim Impact Statement (VIS) before a plea or finding of guilt and have their VIS 'quarantined' until required by the court.

The independent feasibility study of an interactive Victims' Portal (see Recommendation 18) should consider how a Victims' Portal could assist victims to prepare a VIS and securely submit and store the VIS until it is required by the court.



#### RECOMMENDATION 41

The *Sentencing Act 1991* (Vic) should be amended to require the court, prior to sentencing, to ask the prosecution whether the victim wishes to make a VIS.

If the prosecution advises the court that a victim wishes to make a VIS, or the prosecution cannot provide sufficient information to the court about victims' wishes, the court should adjourn the proceedings to permit the victim to prepare a VIS or to permit the prosecutor to make further enquiries unless it is not in the interests of justice to do so.

If the court does not adjourn a matter for preparation of a VIS, the prosecution should also be able to apply for an adjournment.



#### RECOMMENDATION 42

A new test should be introduced to restrict questioning of a victim about their Victim Impact Statement (VIS). A court should only permit the questioning of a victim about their VIS where the court is satisfied that there is a clear and strong justification for doing so.



#### RECOMMENDATION 43

The Victorian Government should amend the *Sentencing Act 1991* (Vic) to provide that the offender cannot personally cross-examine a victim about their Victim Impact Statement.



#### RECOMMENDATION 44

The Victorian Government should amend the *Sentencing Act 1991* (Vic) to provide that:

- a victim has standing to appear at an application to examine a victim
- a victim may be legally represented at that application
- if the application is granted, the victim may be legally represented when the victim is examined in court.



#### RECOMMENDATION 45

The Victorian Government should introduce amendments to the *Victims' Charter Act 2006* (Vic) and the *Bail Act 1977* (Vic) to enhance victims' rights in relation to bail to ensure victims are respected as participants in the bail process.

**RECOMMENDATION 46**

The Victorian Government should develop an overarching framework for 'alternative' or 'parallel' justice options and amend the *Victims' Charter Act 2006* (Vic) to enhance protections for victims in relation to restorative justice programs.

**RECOMMENDATION 47**

The Victorian Government should:

- make public any previous evaluations of restorative justice programs
- commit to an evaluation of its existing restorative justice programs.

**RECOMMENDATION 48**

The Victorian Government should amend the *Children, Youth and Families Act 2005* (Vic), the *Criminal Procedure Act 2009* (Vic) and the *Victims' Charter Act 2006* (Vic) to provide for enhanced rights and entitlements for victims during diversion processes in the Children's and Magistrates' Courts.

Victoria Police should also update its policies, practices and training to create a clear and transparent best-practice model for consulting with victims in relation to diversion in the Children's and Magistrates' Courts.

**RECOMMENDATION 49**

The Victorian Government should amend the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic) and the *Victims' Charter Act 2006* (Vic) to enhance victims' participatory rights in cases where mental impairment issues are raised.

A specialised stream of assistance should be integrated into the existing victim support system to ensure victims receive targeted, specialised support in relation to mental impairment cases.

**RECOMMENDATION 50**

The Victorian Government should enhance victims' rights in the *Victims' Charter Act 2006* (Vic) in relation to the Victims Register.



#### RECOMMENDATION 51

The Victorian Government should fund an independent review of the operation and effectiveness of the Victims Register and victim participation in post-sentencing decisions, with that review being made publicly available.



#### RECOMMENDATION 52

The Victorian Government should publicly report on the implementation of recommendations from all major Victorian and Commonwealth reports and inquiries (where relevant) in relation to victims from the past 10 years in the form of a victims' reforms progress report.

Thereafter, the Victorian Government should provide a victims' reforms progress report annually. The requirement to table this report in Parliament should be enshrined in the *Victims' Charter Act 2006* (Vic).



#### RECOMMENDATION 53

The Judicial College of Victoria should develop a training and education framework on victims' rights and entitlements underpinned by trauma-informed principles.

Heads of jurisdiction should:

- direct all judicial officers to participate in specified training, professional development or continuing education concerning victims before hearing criminal cases and appeals
- require all judicial officers to undertake refresher training on a regular basis
- publish data on completion of training and education in their annual reports.



#### RECOMMENDATION 54

The Victorian Legal Services Board and Commissioner, Office of Public Prosecutions and Victoria Legal Aid should examine ways of improving training and education for all lawyers (prosecution and defence) in relation to victims' rights and entitlements and victim-centred legal practice with a view to developing a training and education framework for all lawyers.



#### RECOMMENDATION 55

The Victorian Government should fund an independent socioeconomic analysis of the costs of crime to victims and the broader community.

