

Victims of Crime Commissioner

Annual Report 2017-18

Office of the Victims of Crime Commissioner



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Letter to the Attorney-General

The Hon. Martin Pakula MP
Attorney-General

Dear Attorney-General

Victims of Crime Commissioner: Annual Report 2017-18

In accordance with the *Victims of Crime Commissioner Act 2015* (the Act), I am pleased to present to you the Annual Report of the Victims of Crime Commissioner for the financial year ending 30 June 2018 for presentation to Parliament.

This report documents the performance of my functions and the exercise of my powers under the Act.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Greg Davies', is positioned above the typed name.

Greg Davies APM
Victims of Crime Commissioner

1 Message from the Commissioner



This Annual Report will be the third since the creation of the Office of the Victims of Crime Commissioner, almost four years ago and, as my appointment to the position of Commissioner ends in March 2019, it is possible that it will be the last that I make.

In the Government budget for 2017-18 my office received set annual funding which assured its continuation over this and the following four years. To date, it has allowed me to employ an additional, full time staff member, who is a very welcome addition to our small team.

We continue to focus on systemic issues, as required by the Victims of Crime Commissioner Act 2015 but we also, where we are able, assist individual victims of crime who contact us. While my Office is not able to act on behalf of individual victims' issues we attempt to put them in touch with appropriate people or organisations in order that they can receive the assistance and support they need and to which they are entitled. We have done that on sixty seven occasions in the past Financial Year.

Included in the above was one matter which required its referral, by me (pursuant to Section 26 [2] of the Victims of Crime Commissioner Act) to the IBAC.

A major part of my role is that of advocacy on the behalf of victims of crime.

In the twelve months covered by this Annual Report, my office has made three formal submissions on behalf of victims of crime.

They related to the review of the Victims of Crime Assistance Act, conducted by the Victorian Law Reform Commission; the Sentencing Guidelines Council review, conducted by the Sentencing Advisory Council and the Victims Amendment Bill.

There have been face to face meetings with the Attorney General, which occur on a regular basis, and with the Minister for Police and the Minister for Corrections, at which victims issues were the subject of healthy engagement resulting in improvements in some areas.

I have spoken, on the subject of crime and its victims, at a range of public events including the 'Pastoral care first responders' symposium, numerous local events and several community group functions.

We held a 'Victims Awareness Day' at the Melbourne Town Hall, which received excellent print and electronic media coverage, and at which the speakers included the Attorney General the Hon Martin Pakula MP, Chief Commissioner Graham Ashton AM APM,

Dr Michael Carr-Greg and His Honour Judge Peter Kidd SC, Chief Judge of the County Court of Victoria.

In the past 12 months our media activity has been monitored and has returned an estimated 'media reach' of 20.6 million people, bringing our public advocacy on behalf of victims of crime, over the last three years, to an estimated total of 62.1 million people.

The following Report details the full activity of my office for the 2017/18 Financial Year.

I encourage everyone to more seriously consider the plight of Victoria's victims of crime. Not just the primary victim, but all of those people adversely impacted by the commission of every crime.

Because crime affects us all and, for many, those affects last a life-time.

Greg Davies APM

Victims of Crime Commissioner

2 Overview of the Office of the Victims of Crime Commissioner

The appointment of the Victims of Crime Commissioner (the Commissioner) is provided for in the *Victims of Crime Commissioner Act 2015* (the Act). The primary aims of the Commissioner are to improve services and systems within government departments, victim's service providers and the justice system to meet the needs of victims of crime, and to promote the recognition of victims of crime.

2.1 Our Strategic Plan 2017-18

Our Strategic Plan is aligned to the principles and objectives contained in the *Victims Charter Act 2006* (Vic) and the *Victims of Crime Commissioner Act 2015* (Vic) and includes:

Our Vision

Victims of crime be a central focus in regards to decisions of government relating to the criminal justice system and the provision of government services.

Our Mission

To improve experiences of victims of crime in their dealings with victims' services and the criminal justice system.

Our Guiding Principles

- **promote the respectful treatment of all victims of crime by all investigatory agencies, prosecuting authorities, and victim's service agencies;**
- **promote the recognition of victims of crime in the justice system;**
- **provide for the representation of victims of crime in the decision making of government; and**
- **promote the inclusion and participation of victims of crime in the justice system.**

Our Strategic Objective

To effectively exercise the Commissioner's prescribed functions and powers.

2.2 The Act: functions and powers

The Act was passed by the Victorian Parliament on 3 February 2016 and explains the functions of the Commissioner as:

- advocating for the recognition, inclusion, participation and respect of victims of crime by government departments, bodies responsible for conducting public prosecutions and Victoria Police;
- carrying out inquiries on systemic victim of crime matters;
- reporting to the Attorney-General on any systemic victim of crime matter; and
- providing advice to the Attorney-General and government departments and agencies regarding improvements to the justice system to meet the needs of victims of crime.

The Act allows for the exercise of broad powers, permitting the Commissioner to carry out inquiries into systemic victim of crime matters on the Commissioner's own motion or at the request of any person.

In short, the Commissioner may inquire into and report on systemic issues relating to victims of violent crime that involve:

- the justice system;
- a government department;
- a prosecuting agency;
- Victoria Police;
- a state-funded agency that supports victims of crime.

The Act also provides the Commissioner with the powers necessary or convenient to perform the abovementioned functions including:

- requesting assistance from the Department of Justice and Regulation, the Chief Commissioner of Police and the Director of Public Prosecutions; and
- requesting the Secretary to the Department of Justice and Regulation, the Chief Commissioner of Police and the Director of Public Prosecutions to provide access to relevant records to enable him to carry out inquiries and or report on systemic issues.

2.2.1 What is a systemic victim of crime matter?

The Act makes numerous references to “**systemic victim of crime matters**,” however it does not provide a definition of the term. In the absence of a legislative definition, the Office of the Victims of Crime Commissioner has adopted the following definition of a *systemic victim of crime matter*:

Any issue/s identified to be a problem within a government department, victim’s service agency or body that is likely to be ongoing, and affect many victims of crime.

The above definition was purposely crafted because it is easily understood and based on best practice derived from the Victorian Ombudsman’s: *Good Practice Guide to Complaint Handling for Victorian Public Sector Agencies*.

The subject of the majority of enquiries and/or complaints made to this office was the Victims of Crime Assistance Tribunal (VOCAT). The most common themes were:

- 1) the length of time it takes for applications to be assessed;*
- 2) difficulties maintaining regular contact with case solicitors; and*
- 3) victims’ lack of understanding of VOCAT processes.*

The Commissioner was able to ameliorate most of these issues by referring victims to the correct person in that, or another, organisation, or by clarifying the process for the victim or the organisation.

The Commissioner welcomed the review into the Victims of Crime Assistance Act 1996 and lodged a written submission to that review in November 2017.

2.2.2 Power to refer to other agencies

To avoid unnecessary duplication of inquiries, the Commissioner may also refer relevant matters to other authorities or investigative bodies, including the:

- Independent Broad-based Anti-corruption Commission (IBAC);
- Director of Public Prosecutions;
- Chief Commissioner of Police;
- Ombudsman.

Financial year 2017-18 saw the Commissioner’s office refer matters to relevant authorities, including the Victoria Police Conduct Unit and the Tasmanian Judicial Commission.

Pursuant to section 26(2) of the Victims of Crime Commissioner Act 2015, the Commissioner referred one matter to IBAC for investigation.

2.2.3 Limitations on the Commissioner's powers

The Act also places limitations on the Commissioner's powers, prohibiting the Commissioner from prejudicing legal proceedings or any criminal investigations. This preserves the independence of relevant criminal justice agencies including courts and Victoria Police.

2.3 Staff

The Commissioner is an independent statutory officer appointed by the Governor-in-Council and reports to and advises the Attorney-General about systemic victims of crime matters.

The Commissioner has a small team of three full-time staff members to assist him in the performance of his functions and powers – two Senior Research and Policy Advisers and an Executive Assistant. All three staff members are employees of the Department of Justice and Regulation pursuant to the *Public Administration Act 2004* (Vic), however they report directly to the Commissioner.

2.4 The Victims of Crime Consultative Committee

The Act also establishes the Victims of Crime Consultative Committee (the Committee). The primary function of the Committee is to provide an opportunity for victims of crime, criminal justice agencies and victim service agencies to meet and discuss ways to improve policies, practices and service delivery for victims of crime.

The Committee is not a part of the structure of the Office of the Victims of Crime Commissioner. However, the Act specifically requires the Commissioner to be a member of the Committee, which is also made up of a Chairperson and representatives of the judiciary, the Office of Public Prosecutions, the Adult Parole Board, Victoria Police and victim's service agencies. Most importantly, there are seven victims' representatives on the Committee who represent the interests of victims of crime. These representatives are appointed as members of the Committee for two years.

The Attorney-General may also appoint additional members to the Victims of Crime Consultative Committee (s.41(1)).

Seven new community representatives have been appointed to the Committee, through expressions of interest, following the completed tenures of the previous seven incumbents.

Quotes attributable to Attorney-General Martin Pakula:

"I thank the seven outgoing members who have offered their advice and unique perspectives to help us improve the justice system for others."

"The committee gives victims a voice and it provides advice to Government about how to better support and respond to victims' needs."

2.5 Victims Services Coordination Network Committee

The Victims Services Coordination Network Committee (the Committee) was established in March 2016. The Committee consists of representatives from a large number of Victorian victims' services who meet on a quarterly basis.

The meetings provide an opportunity for the committee members to raise issues or service delivery gaps in the expectation that any identified gaps can be sealed.

The aims of the Committee are:

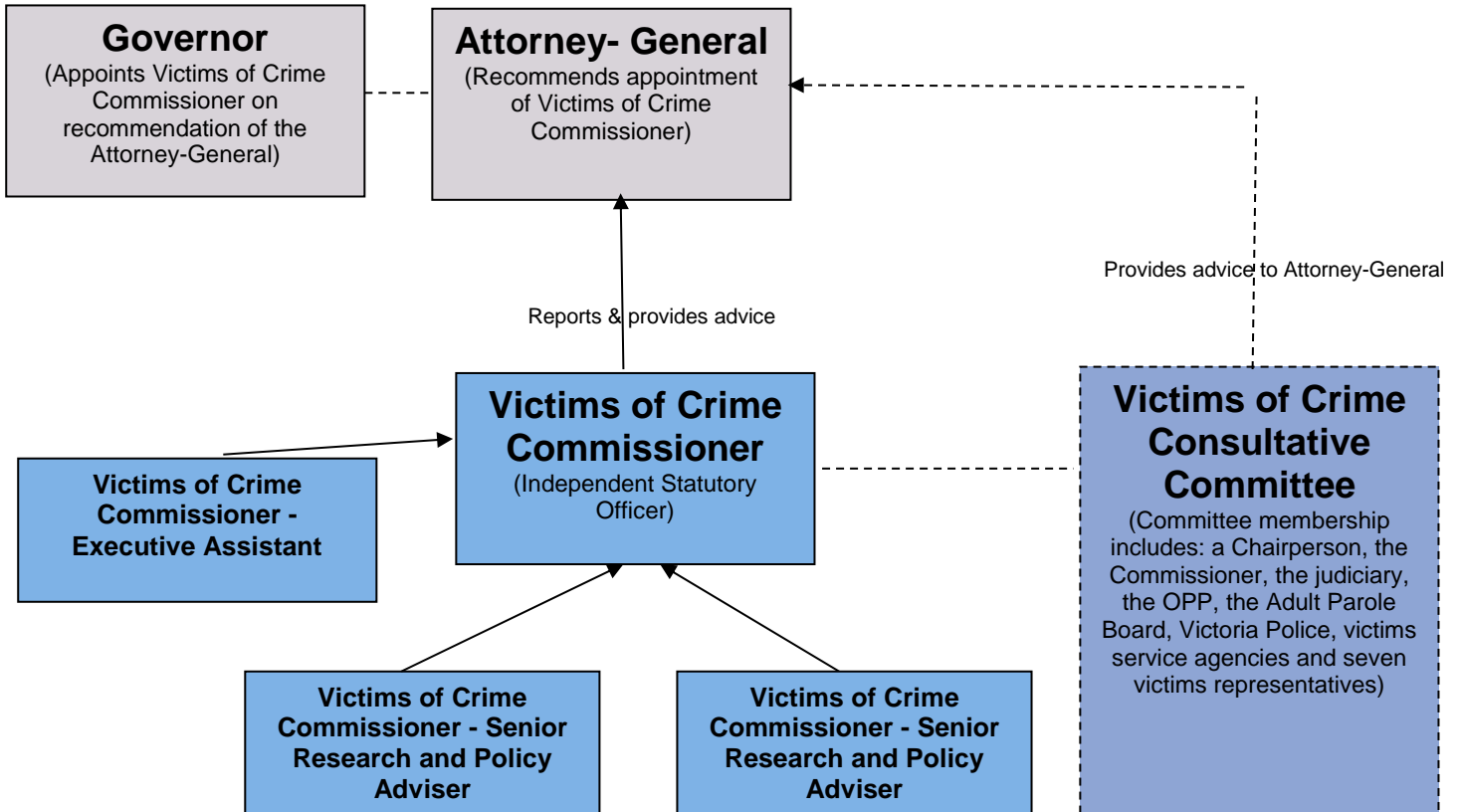
- to provide an opportunity for collective feedback on key issues and program activity to VSCN member agencies;
- as appropriate, to work collaboratively on policy and program advice to inform best practice for service provision to victims of crime;
- to identify common sector wide service development needs/gaps;
- to provide an opportunity for peer support between service providers/coordinators; and
- to provide a forum for information sharing/dissemination between services.

The Committee is chaired by either the Commissioner or his Senior Policy Advisor; or in their absence, an elected member of the Committee.

It is envisaged that the work of the Committee will be an invaluable source of information and insight into issues faced by victims of crime when trying to navigate the criminal justice system.

2.6 Governance and Organisational Structure

Table 1: Governance and organisational chart



3 Operations

3.1 Reporting

3.1.1 Explaining our reporting

To properly monitor and report on the issues raised by all those contacting the office and to comply with annual reporting obligations, appropriate reporting areas that relate to the Commissioner's prescribed functions and powers were identified.

The two primary reporting areas are:

- Advocacy functions; and
- Operations of the office.

ADVOCACY FUNCTIONS

Reporting on the office's advocacy functions includes:

- **Media activity** - including interviews and representations made to the media on behalf of victims of crime;
- **Submissions** - including submissions to bodies inquiring into victim related issues;
- **Stakeholder engagement** - including public events, speaking engagements and meetings that the Commissioner attended or participated in.

OPERATIONS OF THE OFFICE

Reporting on the operations of the Office includes reporting against:

- **The method of contact** - this includes contacts made to our enquiries line, emailed enquiries, letters or direct contacts made to the Commissioner;
- **The nature of the contact** - for reporting purposes, the nature of contacts made to the Commissioner's Office are divided into three categories:
 - **Enquiries:** considered to be a contact made by a person and or agency seeking information in relation to a victim related service or issue;
 - **Complaints:** considered to be a contact made by a complainant who expresses dissatisfaction with an action or service (or lack thereof) provided (or not) by an agency that may not be systemic (*i.e. the complaint does not apply to multiple cases or is unlikely to be ongoing*);
 - **Systemic victim of crime matter:** considered to be a complaint made by a person or agency about an issue/s identified to be a problem within a

government department, victim's service or agency that is likely to be ongoing, and affect many victims of crime.

- **Request:** Generally a request for a meeting with the Commissioner from an individual, organisation or media outlet.
 - **Comment:** Contact from the general public, victim(s) or an organisation commenting on a current affair or event.
- **Type of issues** - The types of issues reported to the office have been divided into four categories:
 - **Workforce and staff related issues** - issues of this type relate to specific problems where staff of a government department or victim service agency may have failed to meet acceptable standards, including the principles provided for in the Charter.
 - **Policy and procedure** - issues of this type relate to the reporting of problems that may be negatively or adversely impacted by policies, practices and services of a government department or an agency that delivers victims services.
 - **Service coordination issue** - issues of this type relate to the identification of problems or inefficiencies within or between agencies that deliver victim support services.
 - **Other** - Other issues include, issues that may not fit within the above categories. These issues are monitored by the office and any common trends are identified with a view to including regularly occurring problems as standalone issues/categories for the purpose of ongoing reporting.
 - **Other (Media related)** - Request for media related information.
 - **Agency subject of the contact** - The office also records and identifies individual agencies that may be the subject of a contact to the office. (**Note:** *not all contacts made to the office are made in the context of complaints. Many contacts are made in the context of seeking information about a service or clarification about the role of a service*).
 - **Resolutions of enquiries, complaints and systemic matters** - This involves the office reporting on the most common ways a complaint/contact may be resolved. The most common categories of resolution are:
 - **Issue noted for future monitoring:** This includes an issue that is beyond the scope and powers of the Commissioner but may be raised regularly by complainants/victims of crime as an issue (e.g. *complaints relating to a perceived inadequate sentencing of defendants in criminal proceedings*).
 - **Information provision:** This may involve providing the complainant with information that may resolve their complaint/query (e.g. *providing a complainant with information in regards to a victim service that may be able to address the relevant concern/issue*).
 - **Referred to support service:** This outcome involves providing the complainant with a referral to another support service (e.g. *a complainant/victim of crime maybe referred to the Victims of Crime Helpline*).

- **Explain or clarify original service:** This outcome may involve properly explaining the service that is the subject of a complaint in order to provide the complainant with a greater understanding of the role of the service provider and or the limitations of the relevant service.
- **Refer to other investigative body:** This outcome relates to complaints that may have been either formally or informally referred to another investigative body (e.g. *ss 24, 26 and 27 of the Act empowers the Commissioner to liaise with and refer matters to other investigative bodies where appropriate*).
- **Issue resolved:** This is an outcome where the office has been able to assist the complainant to resolve their issue.
- **Pending or further investigation:** This outcome relates to complaints or queries that may require further investigation or a response that requires further information from a relevant government agency or victim service provider.
- **Exercise of legislative powers** - The office also records formal requests made by the Commissioner for access to records (*pursuant to section 18, 19 and 20 of the Act*) and any formal reports on systemic issues made by the Commissioner to the Attorney-General (*pursuant to section 25 of the Act*).
- **Expediting complaints or issues raised by victims of crime** - Many issues raised with the office border on being systemic. In almost all cases the victim has been subjected to apparently unnecessary delays. That being the case, it is not necessary to begin a formal inquiry. In most instances contact with senior staff from the agency concerned has answered victims' queries and modified procedures that caused the delay.

4 The Year in Review

4.1 Advocacy functions

4.1.1 Media Activity

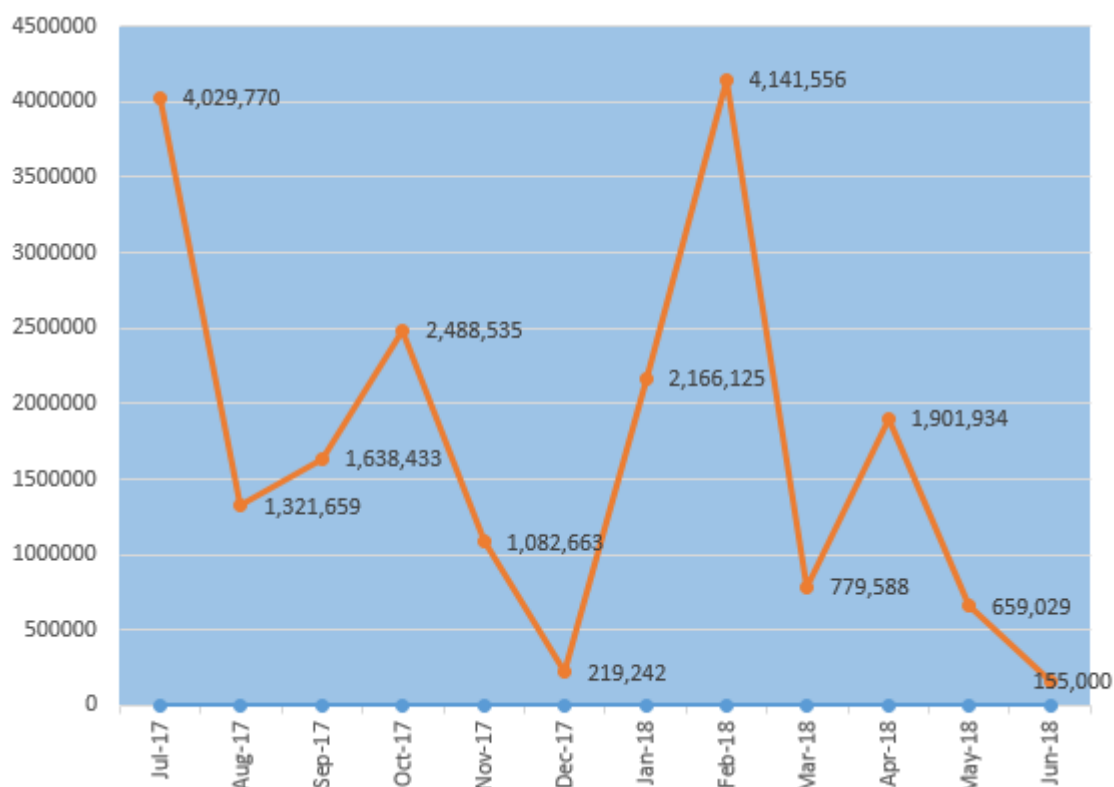
The Commissioner performs a critical function of advocating for the interests and needs of victims in a public context. The adverse impacts and circumstances faced by victims of crime often means they are not in a position to publicly express their concerns or issues.

The Commissioner supports victims of crime by acting as a voice to articulate their collective concerns and issues to the media and other public forums, in the belief that victims issues will become more broadly known and understood.

Between 1 July 2017 and 30 June 2018:

- the “Victims of Crime Enquiries” email address received 23 requests for media comment, apart from those requests made directly to the Commissioner.
- the Commissioner has been mentioned or interviewed in the media on 151 occasions.
- the average estimated audience per media activity is 136,315 people.
- the average monthly audience reach of the Commissioner’s representations was 1.7 million people per month.
- the estimated total cumulative audience reach of media activity involving the Commissioner (from 1 July 2017 to 30 June 2018) is 20.6 million people.¹

Table 2: The Commissioner’s media activity from 1 July 2017 to 30 June 2018 showing estimated audience per month



¹ Data for media activity is extrapolated from media alerts taken from Mediaportal.com. There is no audience data available for social media posts.

4.1.2 Submissions

In the course of the year the Commissioner made three formal written submissions advocating the interests of victims of crime in varying contexts.

Formal submissions were made to:

1. Review of the Victims of Crime Assistance Act 1996

“... difficult to see how the current judicial/tribunal system could be improved without major changes being made to the composition of the tribunal and the relevant legislation.”

2. The Sentencing Advisory Council

“A court should be required to ‘follow’ the sentencing guideline, unless there are exceptional circumstances to depart from its application. It is considered that a higher test than ‘in the interests of justice’ is required.”

3. Consultation on the proposed Victims Amendment Bill 2018

“... victims of crime are eligible to a range of government assistance, but there is, effectively, no assistance specifically provided to them in the judicial process.”

Table 3: Summary of formal submissions filed in 2017-18

Formal submissions filed in 2017-18		
Name of Inquiry	Summary of reference	Issues raised by the Commissioner
Review of the <i>Victims of Crime Assistance Act 1996</i>	While recognising the particularly difficulties for victims of family violence, all victims of violent crime deserve an efficient, effective and fair State financial assistance scheme. The VLRC has produced two extensive consultation papers for consideration. Given the specialist area of family violence and the specialist services and departmental units who work in this area, this report concentrates on the general VOCAT issues that affect all victims of violent crime.	<p>The Commissioner provided his written submissions to the Hon. Phillip Cummins AM on 10 November 2017. The Commissioner's recommendations include:</p> <ul style="list-style-type: none"> • The Victims of Crime Tribunal should be abolished and replaced with an administrative model, similar to that as implemented in NSW and the ACT. • There should be no time-limit to claim medical expenses if the injuries are a direct result of the crime committed against the victim. • A Victim's Levy should be introduced in Victoria ...
A Sentencing Guidelines Council for Victoria	In November 2017, the Sentencing Advisory Council of Victoria (SAC) produced an issues paper in relation to the proposed establishment of a Sentencing Guidelines Council for Victoria. The Sentencing Advisory Council has invited on the issues raised in the paper.	<p>The Commissioner provided his written submissions to the SAC on 21 December 2017. In his submissions, the Commissioner provided his views on the creation of a Sentencing Guidelines Council for Victoria.</p> <ul style="list-style-type: none"> • It is ... reasonable to presume that the work of the proposed Council is to provide impetus for our courts – our judicial officers – to increase the minimum terms of imprisonment dispensed to (particularly violent) criminals.
Consultation on the proposed Victims Amendment Bill 2018	In November 2016, the Victorian Law Reform Commission (VLRC) tabled into Parliament its report into "The role of Victims of Crime in the Criminal Trial Process". The paper invited feedback on how the proposals can be applied to the summary jurisdiction, given the VLRC proposals on which they are based were targeted at the victim experience in the higher courts.	<p>The Commissioner provided his responses to matters raised in the consultation paper to the Deputy Secretary, Criminal Law Policy and Operations on 4 April 2018.</p> <p>The Commissioner provided feedback to ten questions, including:</p> <ul style="list-style-type: none"> • There will need to be more emphasis placed on any failure to comply with the legislation (<i>Victims Charter Act</i>) or ongoing breaches will simply continue. • Written advice will confirm what they are told any may be particularly helpful, or at least offer some comfort, to them later on. • The simple expedient is to go completely against the first recommendation and say that the <i>prosecution</i> (not necessarily the <i>prosecutor</i>) <u>must assist the victims in the preparation of their VIS.</u>

4.1.3 Stakeholder engagement: public events, speaking engagements and meetings

As a central point of contact for all victims of crime, the Commissioner is frequently called upon to attend and speak at forums and conferences to represent the views of the victims of crime.

In the 2017-18 financial year the Commissioner attended and presented on issues relating to victims of crime at numerous forums and events including:

- ◆ 100th Anniversary of Women in Policing
- ◆ Victims of Crime Issues – Lake Wendouree Football Club
- ◆ Victims of Crime Forum
- ◆ Launch of the new OPP “Victims” website
- ◆ Victims of Crime Awareness Day
- ◆ Victims Issues – Rotary Club
- ◆ Youth Summit hosted by Victoria Police Chief Commissioner
- ◆ Time for Remembering Ceremony (Road Trauma Support Services Vic.)
- ◆ White Ribbon Day
- ◆ Bourke Street Memorial
- ◆ Youth Justice Stakeholder Forum
- ◆ Pastoral Care – First Responders

In addition to the above forums, the Commissioner and/or a representative of his office met with more than 20 different organisations and/or individuals to address issues relating to victims of crime including:

- ◆ government ministers (including The Hon. Martin Pakula MP and the Hon. Gayle Tierney MP)
- ◆ government departments (including representatives from the Department of Justice)
- ◆ Johnstone and Reimer Lawyers – Victims of Crime Assistance Tribunal applications
- ◆ Deputy Commissioner Offender Management, Corrections Victoria (Serious Sex Offenders Scheme proposals)
- ◆ the Sentencing Guidelines Council
- ◆ Victoria Police Chief Commissioner, Graham Ashton AM APM
- ◆ Rob Hulls, Director of the Centre for Innovative Justice at RMIT (Restorative Justice Pilot programme update)

- ◆ the Victorian Law Reform Commission – Review of *Victims of Crime Assistance Act 1996*
- ◆ the Victims Services Coordination Network (includes representatives from the Victim Support Agency, Court Network, the OPP Witness Assistance Service, the Child Witness Service, VOCAT and Victoria Police)
- ◆ Victims Services Coordination Network meeting
- ◆ the Sentencing Advisory Council – Restitution and Compensation Order applications
- ◆ Community Advocacy Alliance
- ◆ the Office of Public Prosecution – Victims of sex offences and automatic suppression orders;
- ◆ the Western Australian Commissioner for Victims of Crime
- ◆ Janine Greening (Forget Me Not Foundation)
- ◆ Matthew & Robyn Cronin – “Furthering Victims Compensation” issues
- ◆ Family Violence Reflection 2018
- ◆ The Hon. Justice Robert Redlich, IBAC Commissioner
- ◆ Major Brendan Nottle, the Salvation Army Project 614
- ◆ National Terrorism Working Group

Victims of Crime Awareness Day

The inaugural Victims of Crime Awareness Day was held on Wednesday 25 October 2017.

This day was created by the Commissioner to help highlight the impacts of crime and the criminal justice process on the victims of crime. It was also intended to raise awareness on two fronts – for victims of crime, so that they are better informed on their entitlements; and for the public, so that they can better understand and assist victims, whether they are family, friends, neighbours or colleagues.

The event was held in the Melbourne Town Hall and included presenters from across Victoria’s justice system; including Attorney-General Martin Pakula and Victoria Police Chief Commissioner Graham Ashton. Other speakers included Clare Morton (Director VSA), Magistrate Andrew Capell (Supervising Magistrate VOCAT), Vicky Prapas (Legal Practice Manager OPP), His Honour Peter Kidd (Chief Judge of the County Court of Victoria) and Her Honour Gabriele Cannon (Judge of the County Court of Victoria), Robert Doyle AC (former Lord Mayor of Melbourne), Dr Michael Carr-Gregg (psychologist and media commentator); as well as the Commissioner himself.

The presenters were chosen specifically to shed light on the experiences of victims of crime and how they can be supported by government, police, legal services, victims’ services and by the public.

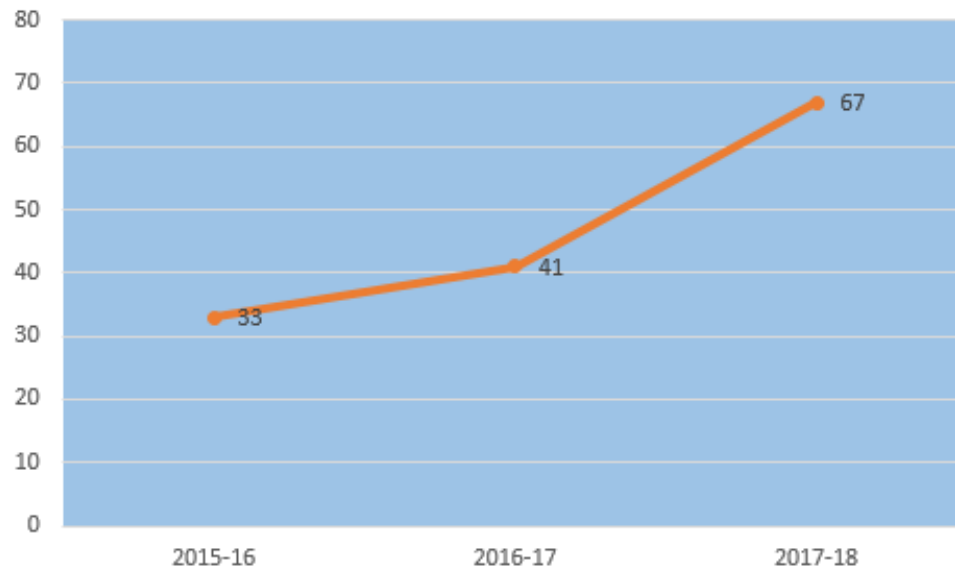
The day concluded with a non-denominational remembrance service for all victims of crime.

4.2 Reporting on the Operations of the Office

4.2.1 The method of contact

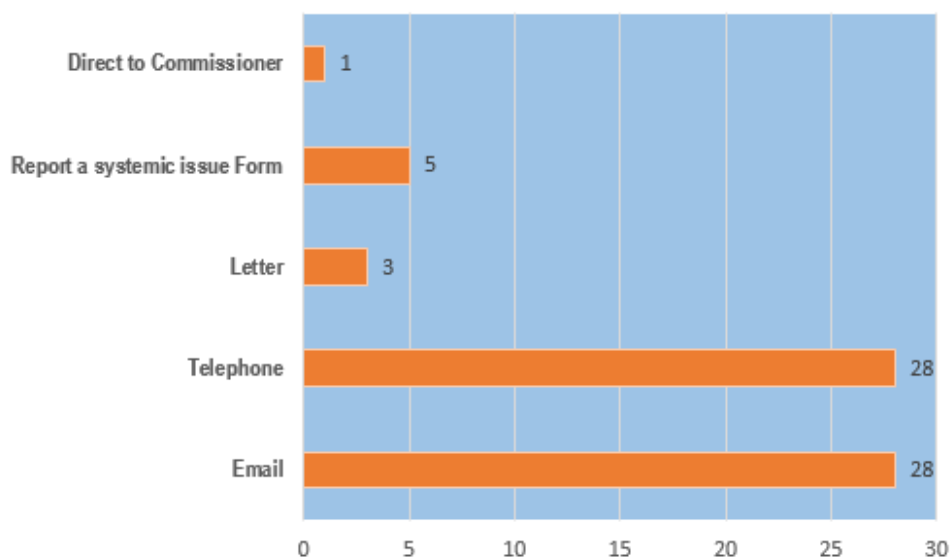
In the course of this reporting period the office received 67 contacts from varying stakeholders and victims of crime. This is an increase of 26 from the previous financial year. The primary pathways to contact the office are via our email and telephone enquiry services. Significant growth in contacts is anticipated, as public awareness increases.

Table 4: Number of contacts: Year-on-year comparison



The graph below provides a breakdown of the methods of contact made to the office.

Table 5: The methods of contact to the office

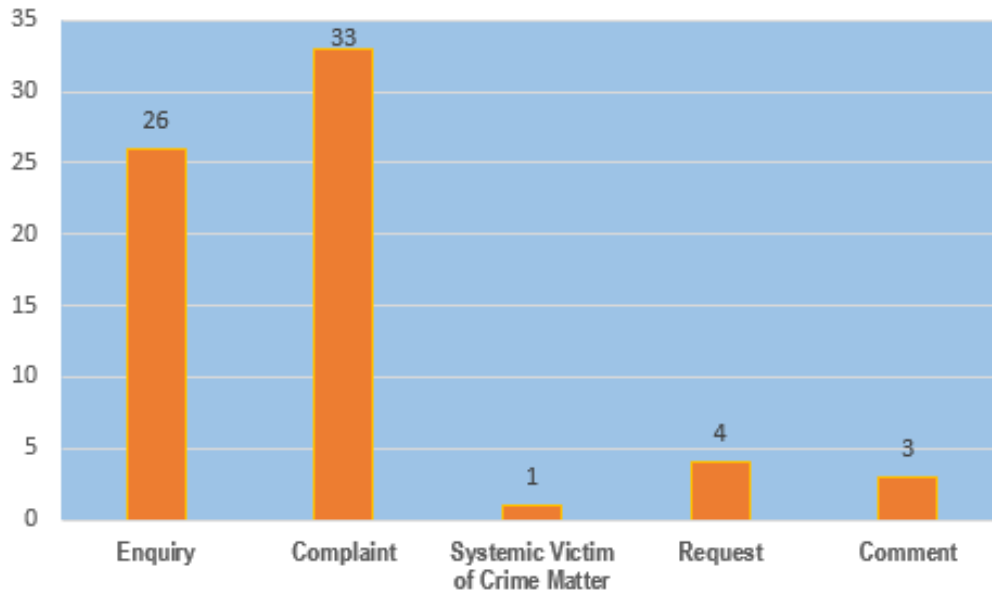


4.2.2 Nature of contact made to the office

The nature of contacts made to the office has been divided into categories including: **enquiries, complaints and systemic victim of crime matters, comments and requests** (refer 3.1.1 for definitions).

The graph below provides a breakdown of the type of contacts made to the office.²

Table 6: Type of contacts/enquiries made to the office



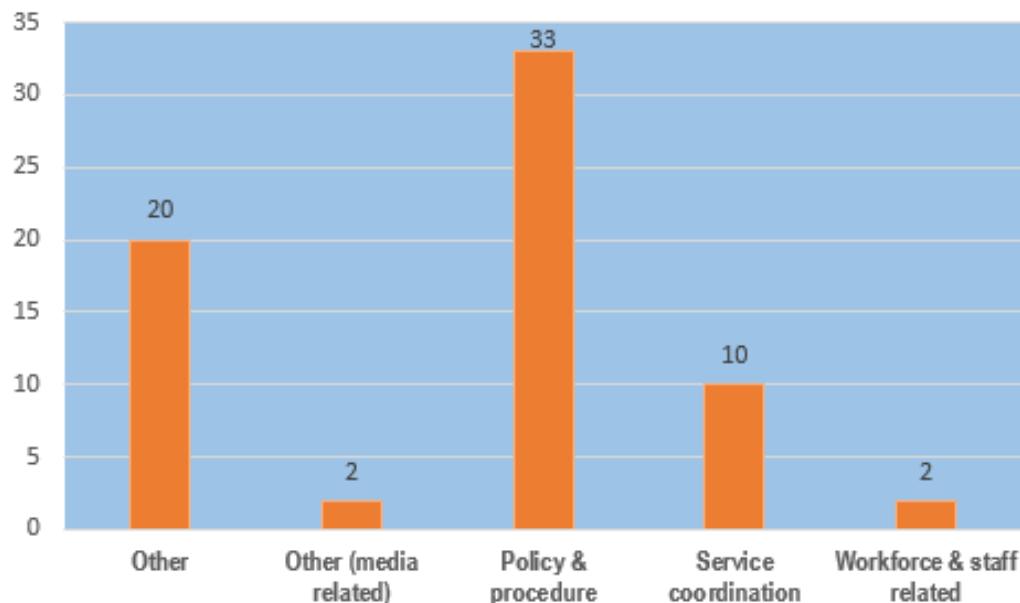
² Please note: these figures do not include requests for media comments, which are included on page 15

4.2.3 Type of issues

The type of issues reported to the office has been divided into four categories: **workforce and staff related issues, policy and procedure, service coordination, other and other (media related)** (refer 3.1.1 for definitions).

The graph below provides a breakdown of the type of issues reported to the office.

Table 7: Type of issues raised

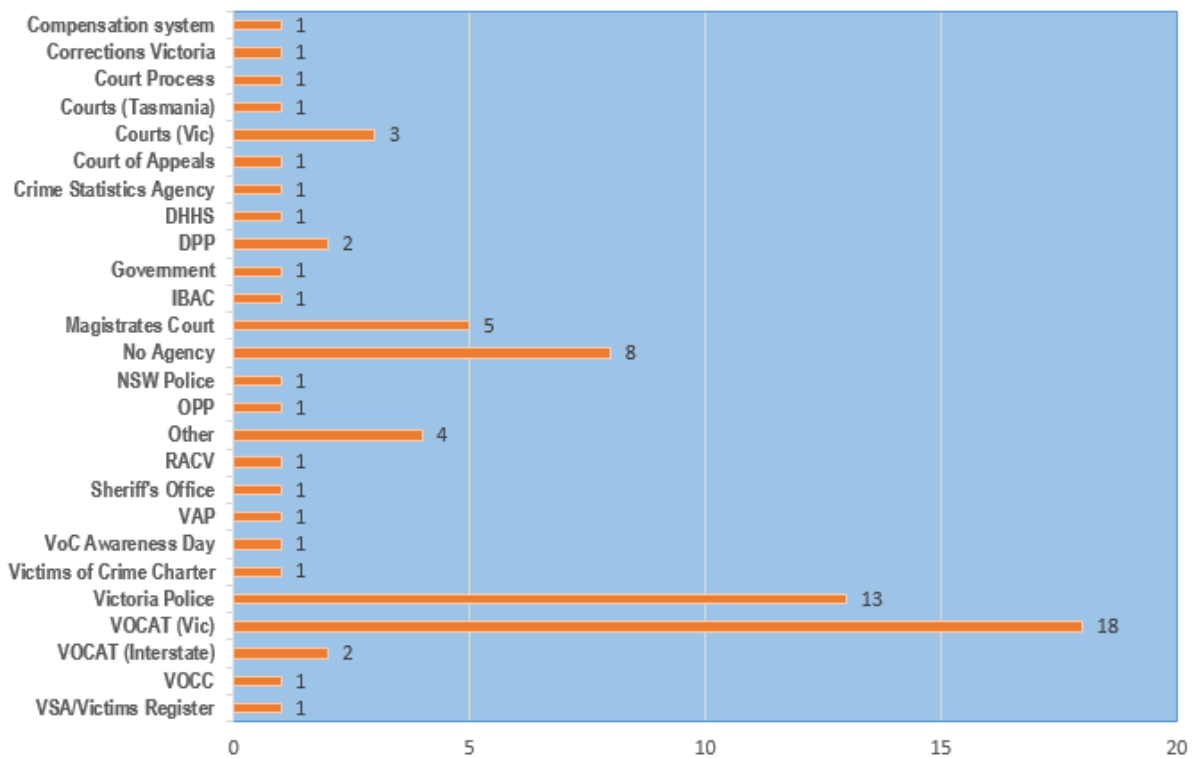


4.2.4 Agency subject of the contact

The office also records and identifies individual agencies that may be the subject of a contact.

(Note: Many contacts are made in the context of seeking information about a service or clarification about the role of the service and are not necessarily relating to a complaint. There may be more than one organisation associated with one contact.)

Table 8: Agencies the subject of contacts to the office



4.2.5 Resolutions of enquiries, complaints and systemic matters

The most common ways a complaint/contact to the office may be resolved are:

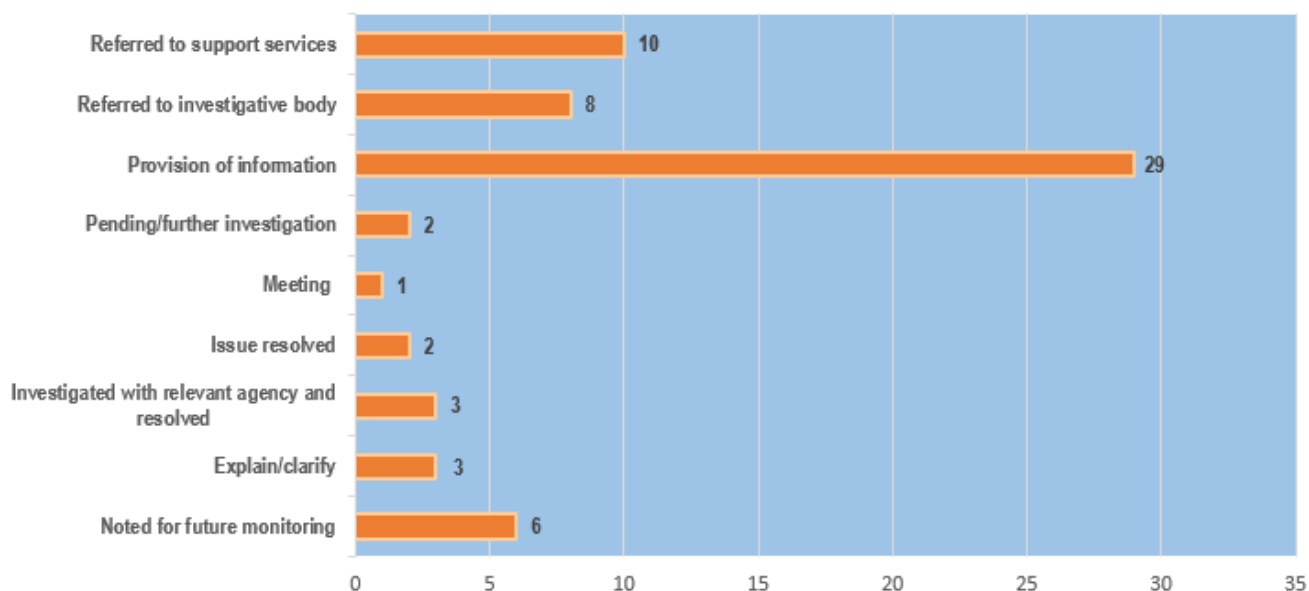
- Issue noted for future monitoring (to determine whether the issue has become systemic);
- Provision of information;
- Referred to support services;
- Explain or clarify original service;
- Referred to other investigative body;
- Pending or further investigation;
- Issue resolved.

(Refer 3.1.1 for definitions)

65 of the 67 complaints/enquiries made to the office in 2017-18 have been finalised. The outstanding matters involve contacts/enquiries received late in the reporting year and require further consultation and investigation before the matters can be finalised.

The graph below provides a breakdown of the resolutions/outcomes for contacts made to the office.

Table 9: Resolutions of enquiries, complaints and systemic matters



4.3 Exercise of legislative powers

4.3.1 Requesting records

Sections 18, 19 and 20 of the Act empower the Commissioner to request records from: the Secretary to the Department of Justice and Regulation, the Chief Commissioner of Police and the Director of Public Prosecutions.

The Commissioner did not make any formal requests in accordance with sections 18, 19 and 20 of the Act for this reporting period. It is important to note that the office promotes a “collegiate and co-operative” approach with all government agencies, only intending to rely on legislative powers as a last resort and only where necessary.

4.3.2 Reports on inquiries

Section 25 of the Act also empowers the Commissioner to provide the Attorney-General with a report of an inquiry into a systemic victim of crime matter. Whilst the Commissioner did conduct an informal individual inquiry into a systemic matter, there were no formal inquiries conducted into any systemic victims of crime matters.

Section 26(2) of the Act compels the Commissioner to refer any matter to IBAC that the Commissioner reasonably believes is corrupt conduct. The Commissioner referred one such matter to IBAC during this financial year.

5 About the Office

5.1 Information & Reporting – Case Management System

As the Office of the Victims of Crime Commissioner has matured, it has become apparent that there is a need for a case management system (CMS) to securely capture, manage and store information. To this end, we have begun the process of discovery to source the most suitable CMS for the office. With the assistance of the DJR KITS Business Engagement Team, we have completed a business requirements document.

5.2 Social Media

The Office of the Victims of Crime Commissioner is evaluating new ways of engaging with and being accessible to the general public, especially victims of crime. We will continue to explore the relevance of social media in this space. Currently the office lacks the resources to ensure that a social media presence is viable and able to be maintained, monitored and moderated in a timely manner.

5.3 Financial reporting

This Annual Report only contains information relating to the Commissioner's reporting requirements pursuant to section 28 of *the Victims of Crime Commissioner Act 2015* (Vic).

5.4 Freedom of Information

The *Freedom of Information Act 1982* (Vic) provides the public with a right of access to documents held by this office. For the financial year 2017-18, there were no Freedom of Information applications received by this office.

5.4.1 Making a Freedom of Information request

Access to records

Applications granting access to documents must be made in writing and addressed to:

The Freedom of Information Manager
Office of the Victims of Crime Commissioner
GPO Box 4356
MELBOURNE VIC 3000

The letter should clearly describe the document or documents sought and should also specify that it is a request made under the *Freedom of Information Act 1982* (Vic) and should not form part of a letter on another subject. The letter also should contain the following information:

- name
- address
- telephone number
- details of document(s) requested

- form of access required, e.g. copy of documents, inspection of file or other.

Access charges may apply once documents have been processed and a decision on access is made, for example photocopying and search and retrieval charges.

5.5 Protected Disclosures

The *Protected Disclosure Act 2012* (Vic) encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The legislation provides protection to people who make disclosures about improper conduct in the public sector without fear of reprisal. These disclosures are called 'protected disclosures'.

The legislation also establishes a system for investigating disclosures and appropriate rectifying action to be taken.

5.6 Reporting process for protected disclosures

The Victims of Crime Commissioner's Office does not have the power to investigate protected disclosures. The Independent Broad-based Anti-corruption Commission (IBAC) has primary responsibility for receiving and investigating protected disclosures.

The one matter referred to the IBAC was determined not to be a protected disclosure.

Any disclosures of improper or detrimental action by the Commissioner or employees of the office may be made directly to IBAC at:

The Independent Broad-based Anti-corruption Commission

Level 1, 459 Collins Street (North Tower)
MELBOURNE VIC 3000

Phone: 1300 735 135

Fax: (03) 8635 6444

Website: www.ibac.vic.gov.au

Disclosures of improper conduct or detrimental action by employees of the office may also be made to the Protected Disclosure Coordinator of the Department of Justice and Regulation to:

Protected Disclosure Coordinator- Department of Justice and Regulation

Level 24, 121 Exhibition Street
MELBOURNE VIC 3000

Phone: 03 8684 0090

Email: damien.o'shea@justice.vic.gov.au

6 Glossary of Acronyms

DHHS	Department of Health and Human Services
DJR	Department of Justice and Regulation
DPP	Director of Public Prosecutions
IBAC	Independent Broad-based Anti-corruption Commission
KITS	Knowledge, Information and Technology Services
OPP	Office of Public Prosecutions
SAC	Sentencing Advisory Council
TAC	Transport Accident Commission
VAP	Victims Assistance Program
VIS	Victim Impact Statement
VLA	Victoria Legal Aid
VLRC	Victorian Law Reform Commission
VOCAT	Victims of Crime Assistance Tribunal
VOCC	Victims of Crime Commissioner
VSA	Victims Support Agency
VSCN	Victims Services Coordination Network