



Victims of Crime Commissioner

ANNUAL REPORT

2022-23



The Hon. Jaclyn Symes MP
Attorney-General

Dear Attorney-General

Victims of Crime Commissioner: Annual Report 2022-2023

In accordance with the *Victims of Crime Commissioner Act 2015* (the Act), I am pleased to present to you the Victims of Crime Commissioner's Annual Report for the financial year ending 30 June 2022 for tabling in Parliament.

This report documents the performance of the functions of the Victims of Crime Commissioner and the exercise of the Commissioner's powers under the Act.

Yours sincerely

Fiona McCormack
Victims of Crime Commissioner

Terminology

The Act

means the *Victims of Crime Commissioner Act 2015*, which establishes the Commissioner's role and functions.

Agency

refers to investigatory agencies (such as Victoria Police), prosecuting agencies (such as the Office of Public Prosecutions) and victims' services agencies (such as the Victims Assistance Program). These agencies must treat victims of crime in line with the Victims' Charter principles. Some of these agencies are prescribed in the Regulations.

The Charter/Victims' Charter

means the *Victims' Charter Act 2006*. The Act states that the Commissioner must 'have regard to the Victims' Charter' when exercising their functions.

The Department

means the Department of Justice and Community Safety.

Justice agency

means agencies that operate within the justice system that may or may not be subject to the Act, Regulations or Charter (such as the Victims of Crime Assistance Tribunal or Corrections Victoria).

Justice system

refers to activities such as policy making and law reform, policing, dispute resolution and restorative justice, and agencies including courts and tribunals, prisons, corrections and legal assistance.

Office and VOCC Office

means the Victims of Crime Commissioner's Office.

Regulations

means the *Victims of Crime Commissioner Regulations 2020*, which lists prescribed agencies and services.

Victims' services

refers to services that provide support to victims of crime that may or may not be subject to the Act, Regulations or Charter.

Victims' services system

refers to victim support services delivered by the Victorian Department of Justice and Community Safety's Victim Services, Support and Reform unit (Victims of Crime Helpline, Victims Assistance Program, Victims Register and restorative justice services). It also includes community legal services and specialist sexual assault and family violence services funded by the Victorian Government.

VOCAT

refers to the Victims of Crime Assistance Tribunal which is established by legislation to provide financial assistance to victims of violent crime committed in Victoria.



Victims of Crime Commissioner

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1. Message from the Victims of Crime Commissioner

This year I have focused directly on implementing systems that assist me to deliver the statutory functions of the role. Importantly, the VOCC Office has moved beyond an establishment phase to concentrate on progressing the functions designed to positively impact on victims of crime in Victoria.

Victims' voices are central to the work that I do and critical to moving towards a justice and victims' service system that is safer, victim-centred and less likely to retraumatise victims.

This report outlines the key areas of progress in the past year:

- the systemic inquiry into victim participation in the justice system
- guidelines to help agencies better understand the Victims' Charter
- requiring agencies to provide evidence of their compliance with the Victims' Charter
- restructuring the VOCC Office to prioritise victim engagement
- redeveloping the VOCC website
- continued advocacy for victims of crime.

A key focus for this year has been the systemic inquiry into victim participation in

the justice system. I intend to release this report with my recommendations before the end of 2023. My report reflects the extensive surveys, interviews and meetings with many groups, including people with lived experience as victims of crime and justice experts. I am incredibly grateful to those who took the time to share their personal experiences and expertise. These contributions have provided me with invaluable insights that have greatly assisted me to advocate for improvements. I am conscious that for victims, sharing this information with me can often involve revisiting traumatic experiences. For this reason, I'd like to reiterate my appreciation, and my commitment to ensuring their voices are heard.

I have continued to advocate for victims of crime over the past year, including providing regular media comments on general and specific issues affecting victims. I also provided a submission to the Victorian Law Reform Commission's *Recklessness: Issues Paper* and a submission to the Commonwealth Attorney-General's Department on specialised and trauma-informed legal services for victims and survivors of sexual assault and developed policy positions in response to emerging issues.

A broad range of matters that affect victims have been in

the public eye this year, and I had several opportunities to advocate for improvements to the justice system for victims to government, inquiries and through the media.

I have particularly benefited from meetings with people across the spectrum of our community. For example, I have consulted with the Aboriginal Justice Caucus and in the coming year will meet with Regional Aboriginal Justice Advisory Committees (RAJACs) in Victoria. These discussions help me to better understand the experience of First Nations peoples and their experiences and interactions with the Victorian justice system.

The Victims' Charter makes clear the need for people adversely affected by crime to be treated with dignity and respect. This is particularly important for those victims who face additional barriers in reporting and navigating the justice system.

At their best, agencies can create environments that assist victims to engage in the justice system without causing further trauma to them. I am committed to working with justice and victims' services agencies to help them embrace the spirit of the Victims' Charter.

I was pleased to recently release the Victims' Charter Guidelines that I am optimistic

will foster agencies' increased understanding of the Victims' Charter and how to implement its principles. The Guidelines give practical ways for agencies to embody the Victims' Charter objectives and principles in their policies and procedures.

Another focus over the past year was understanding the extent to which agencies let victims know about their rights under the Victims' Charter, particularly their right to complain if they are not happy with how they have been treated by an agency. I used my annual review of agencies to look closely at this question. What is clear from the information provided is that there is much work to be done in this area. The percentage of agencies that advise those affected by crime of their right under the Victims' Charter to make a complaint about their treatment is low. The impact of this is that many victims who have had not been treated with dignity and respect or provided the information they need will be unaware of their right to make a complaint about their experience.

Many agencies have shown a growing enthusiasm for the Victims' Charter, what it means for them and how to implement it. Agencies are in the early stages of understanding their compliance requirements, such as complaints processes and the need to advise victims of their rights under the Victims' Charter.

I hope that the new Victims' Charter Guidelines will give agencies practical help to

develop these procedures, and to train their staff in compliance with the Victims' Charter. Raising awareness of the Charter and its protections for victims is an important priority.

To this end, this year has also seen significant progress in the development of a new website for the Victims of Crime Commissioner. Traffic to our existing site has risen significantly, which shows an increase in public awareness of the Commissioner's role. I believe that the new site will be more accessible to victims and give them useful information about their rights, particularly given the advice received from those with lived experience, as part of this project.

A core component of my role is to receive and handle enquiries from victims and investigate complaints about their treatment by justice agencies and victims' services. Within the Office we have developed robust, trauma-informed systems and processes for managing enquiries and complaints and internal guidance that documents these processes. I want victims' interactions with the Office to be as supportive and safe as possible. What is clear is that many victims of crime do not wish to pursue a formal complaint. Understanding the reasons for this and helping lower barriers for victims to complain will continue to be a focus.

As explained in last year's report, the Office is inadequately resourced to support the effective delivery of all the Commissioner's

statutory functions, which have never been fully funded. In view of this I have reviewed the composition of my Office to identify possible ways to progress effort towards improving compliance with the Victims' Charter.

This led to a restructure that, within existing resource constraints, reflects the shift from the establishment phase of the Victims of Crime Commissioner to the next phase that focuses on implementing the statutory functions of the role. Victim engagement is at the forefront of the newly structured Office. It reflects the priority in understanding the needs of people adversely affected by crime so that I can effectively advocate for improvements to the justice system that meet victims' needs.

I am so fortunate to have worked alongside a fantastic team of people who, under the careful and expert guidance of CEO Janine Bush, have assisted me over the past year. I am very proud of the progress that has been made. Their commitment and efforts have truly made a difference to the work of advocating for improved responses to people who have been victims of crime.



Fiona McCormack

Victims of Crime Commissioner

2. About the Commissioner

The Victims of Crime Commissioner (the Commissioner) is an independent statutory officer with a responsibility to promote the needs of victims of crime to government and the inclusion and participation of victims of crime in the justice system.

The Commissioner is committed to advocating for systemic reforms that improve victims' experience of the justice system. This includes influencing cultural change and recognition of victims' inherent interests in the justice system.

The Commissioner operates under the *Victims of Crime Commissioner Act 2015* (the Act). The Commissioner's role includes:

- reporting on how agencies meet their legal obligations under the (Victims' Charter) Act 2006
- investigating complaints from victims of crime who believe their rights and entitlements under the Victims' Charter have not been met by an investigatory body, prosecuting agency and/or victims' service
- advocating for the respect, recognition and inclusion of victims of crime in the Victorian justice system
- conducting inquiries into systemic issues that affect large numbers or particular groups of victims of crime in Victoria
- representing the concerns of victims of crime to government and other decision-making bodies.

2.1. The Victims' Charter

The Victims' Charter was introduced in 2006. It establishes principles to ensure victims of crime are acknowledged, respected and provided with appropriate support by justice and victims' services agencies.

The Victims' Charter formally recognises the role of victims in the criminal justice process. It recognises that, while not parties in proceedings, victims should be acknowledged as participants in proceedings for criminal offences, and the justice system should not retraumatise victims. The Victims' Charter also recognises that victims have an inherent interest in the justice system.

The Victims' Charter sets out principles that apply to all investigatory, prosecuting and victims' services agencies in Victoria. It defines these types of agencies broadly. The principles that these agencies must adhere to include:

- treating victims with courtesy, respect and dignity
- having regard to victims who experience disadvantage
- providing information about services, entitlements and assistance
- communicating with and responding to victims in a way that recognises their preferences and needs
- protecting victims' personal information
- responding to complaints from victims who believe an agency has breached the Victims' Charter.

The way agencies comply with the Victims' Charter directly affects the experiences of victims of crime in both the justice and victims' services systems.

The Victims' Charter gives victims the legal right to complain to the agency or to the Commissioner if they believe an agency has not followed a Charter principle.

In the last year, the Commissioner developed guidelines to help agencies that interact with victims to fulfil their obligations under the Victims' Charter. The Commissioner continues to monitor how agencies are performing to help improve the experience of people affected by crime in Victoria.

2.2. Vision and values

The Commissioner's mission is to provide independent oversight of the recognition and inclusion of victims of crime in the justice system.

Victims of crime are key stakeholders in the justice system. They have a right to be recognised in justice processes.

The Commissioner's role provides an essential check and balance—to listen to the experiences of victims of crime, and to advocate on behalf of all to ensure their voices are heard. This work extends to advocating for systemic change to improve the experience of victims in the justice system, and to create laws, policies and practices that are victim-centred.

The Commissioner's vision is for people affected by crime to encounter systems and institutions that listen to them and recognise their needs. She wants to promote victim participation in the justice system and minimise further trauma. Central to that is understanding the journeys of people with lived experience as victims of crime.

The Commissioner's work is guided by the values of trust, respect, recognition, empowerment and courage, which are outlined in the Commissioner's *Strategic Plan 2020–23* and inform the culture and work practices of the VOCC Office.

Commissioner's values	
Trust	We use authority responsibly and transparently
Respect	We model the Charter principles of courtesy, respect and dignity
Recognition	We represent the concerns of victims of crime across Victoria's diverse community
Empowerment	We build collective capacity to improve the justice system
Courage	We honour the courage of victims by advocating to the best of our ability



2.3. Commissioner’s Office

In 2022–23, the Commissioner restructured the VOCC Office, and is supported by a CEO and 13 members of staff.

The new structure reflects the move from a phase of establishment into one of consolidation, ensuring progress in the work of monitoring compliance with the Victims’ Charter and driving change for victims of crime. Victim engagement is at the forefront of the newly structured Office and reflects the priority of understanding the needs of a broad range of people adversely affected by crime. The new Victim Engagement team will have specialist skills in victim engagement and will ensure trauma-informed, safe and ethical interactions with victims.

The newly structured Office will seek to achieve maximum impact, within funding constraints, in supporting the Commissioner to deliver on the statutory functions of the role.

The new structure reflects four work streams:

- Victims’ Charter Regulatory Strategy
- Victim Engagement
- Policy and Systemic Inquiries
- Complaints and Enquiries

The new Victims’ Charter Regulatory Strategy team will support the Commissioner to hold agencies to account by reporting on their compliance with the Victims’ Charter.

The Commissioner will also appoint a Senior Strategic Adviser, Communications and Advocacy to support the Commissioner to deliver her statutory requirements to advocate on systemic victims of crimes matters through multiple communication approaches. This role will also support the planned communication strategy to raise awareness of the Commissioner’s complaints function so that victims of crime know that they can make a complaint under the Victims’ Charter.

2.4. Strategic Plan

The year 2022–23 marks the final year of the Commissioner’s *Strategic Plan 2020–23*.

During this year, the Commissioner took several steps towards implementing the goals of the Strategic Plan. These goals are outlined in Table 1.

This Annual Report highlights specific examples of progress with the Strategic Plan goals relating to the Commissioner’s ongoing systemic advocacy work, her engagement with victims of crime across a range of forums, and guidance to agencies required to comply with the Victims’ Charter:

- the systemic inquiry into victim participation in the justice system
- the development of Victims’ Charter Guidelines for agencies
- through responding to enquiries and investigating complaints.

Table 1: Victims of Crime Commissioner’s Strategic Plan goals

Goal 1	Work with the community to understand and meet the needs of victims of crime
Goal 2	Encourage continuous improvement in the justice system’s response to victims of crime
Goal 3	Hold agencies and services to account under the Victims’ Charter
Goal 4	Advocate for a victim-centred approach to law, policy and practice
Goal 5	Ensure an independent and accountable Commissioner’s Office

In the next year, the Commissioner will work on a new Strategic Plan to continue the work to advocate and support victims in Victoria. In 2022–23, the Commissioner met with myriad individuals and groups to gain in-depth insight of the lived experience of victims. This will inform the Commissioner’s future strategic direction.

3. Strengthening our understanding of victims of crime

In 2022–23 the Commissioner continued her work in understanding the lived experience of people affected by crime in our community. She met with victims and spoke with victims' advisory groups. She has heard from victims in the context of the systemic inquiry and in the development of the Victims' Charter Guidelines.

A particular focus was seeking to better understand the systemic discrimination and barriers that many victims face. The recently released Victims' Charter Guidelines emphasise that justice agencies and victims' services need to ensure that they treat *all* victims with respect and dignity.

As the Commissioner deepened her understanding of victims' needs in the justice system, she identified that victims need agencies to recognise the individual person who comes into contact with them. That person may have special needs. They may require an interpreter. They may be reluctant to report crime or seek support due to a mistrust of organisations. They may have a disability. It is a focus of the Commissioner to ensure all people receive respect, dignity and courtesy from the justice and victims' service systems.

Through the systemic inquiry, the Office undertook consultations with many communities to understand victims' needs, including the Aboriginal Justice Caucus, the Experts by Experience Advocacy Team at Women with Disabilities Victoria, the Commissioner for Senior Victorians, the Commissioner for LGBTIQ+ Communities and the Commission for Children and Young People. In the year ahead, through the new Victim Engagement team, this engagement will continue to expand to ensure the Commissioner is informed about the multitude of experiences of individual victims and the barriers they can face in the justice system.

The greater the Commissioner's understanding of the needs and experiences of victims, the more she can influence and advocate for those affected by crime. This deeper knowledge and understanding also impacts on the Commissioner's complaints-handling function and, importantly, it supports the VOCC Office's day-to-day responsibilities.

3.1. Engaging with victims of crime

The recent restructure of the VOCC Office prioritises victim engagement.

In 2022–23 work progressed on developing a victim lived-experience framework. This will be a safe, trauma-informed and ethical model to guide the experience of people who interact with the Office. Importantly, it will also guide the work of the Office and be sustainable in the longer term.

This lived-experience model will support the Commissioner's work in understanding the experience of those affected by crime in the justice system. It will also ensure that the way the Office operates meets the obligations in the Victims' Charter through trauma-informed practices.

The Commissioner will release her Systemic Inquiry Report before the end of the 2023 calendar year. In seeking victims' views, the Commissioner has identified themes relating to people's experiences of the justice system and victims' agency. These include:

- Victims do not feel they are treated as participants in the justice system, and do not feel included in the decision-making process—victims describe being marginalised and feeling like bystanders.

- Not all victims know about the Victims' Charter and about their rights.
- Many people affected by crime struggle to access victims' services, or to get the help they need from victims' services.
- Many victims are still hesitant to report to police because they did not feel safe talking to police, or they did not think police would take them seriously.
- Of those victims who do report to police, many feel they do not get any (or enough) information from police about the progress of their case.
- Many victims do not feel included in decisions that affect them, such as police not pursuing charges, or prosecutors accepting a guilty plea to a lesser charge.
- Many victims struggle to navigate a complex legal system without access to their own independent legal advice.
- Victims feel unsafe in Victorian courts, with many unable to avoid contact with the accused and/or the accused's family and supporters.

The Commissioner continues to participate as a member of the Victims of Crime Consultative Committee, which provides an opportunity to regularly hear the views of victim representatives on the committee. The Commissioner will continue to seek out the views of people affected by crime to ensure that in undertaking her statutory functions, she honours their lived experience.





CASE STUDY

Case study

Maria contacted the VOCC Office asking for assistance in a matter that was being prosecuted in the courts. Maria was the victim of child sex offences that were committed against her by a close family friend.

Maria still experienced significant trauma and like many victims of child sexual abuse, she had taken a long time to report the offending and only with the assistance of professional counselling.

After reporting the crime, Maria felt that she was being victimised again by the offender, due to his behaviour in court. She felt that the court and the prosecutors were enabling the further victimisation. The offender continually sought adjournments, which were granted by the court. Neither the court, nor the prosecutors, sought Maria's views on the adjournments or whether she would be available for the rescheduled court dates.

Maria stated that she regretted reporting the matter due to the trauma she was experiencing during the court process. She wanted the Commissioner to know about her experiences.

** This scenario is an example, altered for anonymity, of the kinds of enquiries and complaints the Commissioner receives.*

3.2. Advocating for victims through diverse media

3.2.1. Media and communications

The Commissioner has appeared extensively across print media, radio and television in 2022–23, providing information about victims' experiences and advocating for improvements to the justice system for victims. Significant stories have appeared in the Herald Sun, The Age, on ABC (radio, TV and website), Channel 7 TV news, Channel 9's A Current Affair, and 3AW radio.

Although the Commissioner does not publicly comment on specific cases, she is often approached when high profile offenders or a specific victim of crime gains significant media attention. As a result, the Commissioner was quoted on the most topical and prominent matters involving the justice system over the last year. These included providing a victim-centred voice on issues such as:

- sexual offences reform and affirmative consent
- the distress victims can experience as part of the parole process
- sentence indications
- defendants' good character references.

The Commissioner has used public interest in these matters to raise issues of relevance to all victims, such as the need for an independent publicly funded legal service for all legal service to enable victims to fully participate in the justice process.

The Commissioner's public profile enables her to consistently bring the perspective of people affected by crime to the public conversation. Her understanding of the lived experience of victims of crime means the Commissioner can speak with authority about the diverse views of victims. This engagement with the media, reflecting the needs of victims, not only informs the general public but also helps influence future policy directions and reforms to make systems fairer for victims.

The Commissioner had a high media presence on the following issues:

- In August 2022, the Commissioner spoke about issues of affirmative consent, covered by SBS News and The Canberra Times.
- In February 2023, the Herald Sun published the Commissioner's opinion piece on the issue of bail laws and the impact on victims.
- Across March and April 2023, the Commissioner commented on victim impact statements used by the defence in prosecutions, and also whether victims should be able to challenge character evidence. This coverage was widespread, across the Herald Sun and Channel 9's A Current Affair.

Samples of the Commissioner's comments in the media:

"The Victims' Charter exists to provide all victims, of all types of crimes, with rights. Those rights are expressed through the placing of obligations on organisations including Victoria Police. Regardless of the nature of the crime Victoria Police must abide by the Victims' Charter."

Herald Sun, 17 April 2023

"Bail decision makers must have the training, capability, and legal framework to assess the risk a person poses to victims and the community, and to act on that assessment in a way that maximises victim and community safety."

Herald Sun Opinion article, 4 February 2023

"What is really concerning to me is that the constant theme is that victims feel that the system, that their experience of the justice system, was more traumatic than the assault itself.. Very regularly, they are crucified—they come out of this process so traumatised and betrayed, and it is absolutely cruel."

ABC Digital story by Elise Kinsella, 27 February 2023

In relation to the issue of victims' experience of parole decisions: "While every victim is entitled to make a submission to a parole hearing the uptake is very low. In 2021-22, 1,220 parole applications were made by prisoners but only 105 submissions in response were made by victims, and it's unclear as to why. There needs to be a review to look at why this is the case, whether victims are afraid, are unable, and don't know how, or whether they don't even know that they can."

Interview with Heidi Murphy on 3AW Drive, 11 April 2023

"Offenders being in prison is important for people who are victims of crime, who see this as an important justice outcome for them. It's important, certainly, for those whose safety is increased by an offender being incarcerated. But I speak to lots of people who are victims of crime who want to know that the person is receiving treatment [and] support to reduce the likelihood of reoffending."

ABC TV and online, 13 September 2022

"Hopefully, this legislation [on affirmative consent] will translate not only to better justice outcomes for victims of sexual assault but also provide an opportunity for a broader conversation in the community about the nature of respectful sexual relationships,"

The Canberra Times, 4 August 2022

IN THE MEDIA

Website

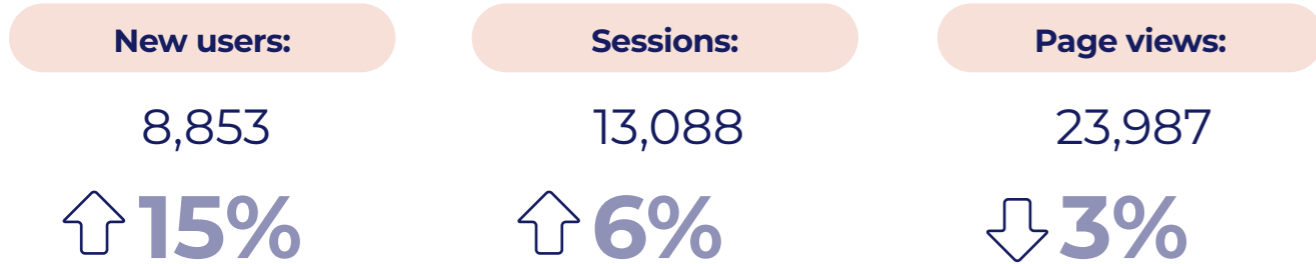


3.2.2. Website

The website is a key platform for people to find out about the Commissioner's role and the rights of people affected by crime under the Victims' Charter. The website also provides information about:

- how victims can make an enquiry or a complaint
- the Commissioner's systemic advocacy work
- ways justice agencies and victims' services are held to account.

In 2022-23, the Commissioner's website received 8,853 new visitors. More than 83 per cent of visitors to the website were new visitors. A total of 13,088 sessions and 23,987 pageviews were recorded.



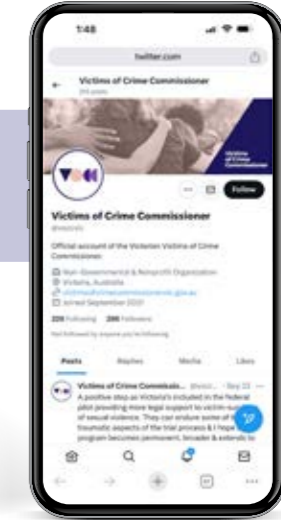
The increase in new users and sessions is largely due to the Commissioner's ongoing systemic inquiry, continued use of social media and growing public profile within traditional media. We anticipate continuing to grow the profile of the Commissioner's work and promoting the VOCC website as a place with information for victims about their rights.

The existing website was originally launched in 2016, and a project to fully redesign the website has progressed throughout 2022-23. The redesign will increase the website's accessibility and usability and ensure that content is easy to understand for victims of crime and others.

The new website's goal is to ensure victims feel a sense of trust, safety, and support, while being clear that the Commissioner is independent from government, justice agencies and victim's services.

The project is scheduled to be completed in 2023-24, with the new site going live before the end of 2023.

Social Media



3.2.1. Social media

The Commissioner has maintained a social media presence on Twitter (now known as 'X') since 2021. Top tweets include likes, comments, retweets, subsequent followers and link clicks respectively. These related to the tabling of the Annual Report 2021-22, and the Commissioner's views on bail reforms, the impact of child sexual abuse on victims and the need for reforms to character referencing during sentencing hearings.

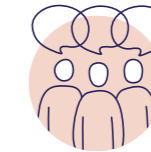
Overall, the number of "X" / Twitter views has been relatively small, between 111 and 520 (for the tabling of last year's Annual Report).

Due to the increasingly fragmented nature of the social media landscape, the Commissioner will be reviewing the approach to social media. In the year ahead, the Commissioner will consider which social media platforms best achieve these objectives.

At its most effective, social media provides opportunities to:



connect and engage with victims and victim advocates across the entire spectrum of the community, including young people and those from culturally and linguistically diverse backgrounds



hear concerns from victims of crime who engage with different social media platforms



share immediate information that may be of interest to victims



promote the Commissioner's systemic advocacy work to stakeholders such as the State Government and the media



amplify victims' voices.

4. Promoting continuous improvement in the justice system

To improve the experience of victims, the Commissioner continued to promote cultural change in the justice and victims' services systems.

The Victims' Charter enshrines the rights of victims to be treated with dignity and respect and recognises that victims have an inherent interest in the criminal justice system's response to that crime.

The Commissioner worked with agencies to help them better understand the Victims' Charter and implement its principles in their practices.

In 2022–23, the Commissioner launched the Victims' Charter Guidelines, which are described below. Importantly, the Guidelines outline good practice indicators to guide agencies in ensuring victims:

- are treated with dignity, respect and courtesy
- have a say in the way they are communicated with
- have the information they need to engage with the justice system
- receive what they are entitled to during investigation, prosecution and court processes.

The Guidelines also outline good practice for handling complaints, so agencies that engage with victims can properly receive and deal with any complaints made to them by a victim of crime.

This is a step towards continuous improvement in the justice system's response to victims of crime.

4.1. Increasing awareness of the Victims' Charter

The principles of the Victims' Charter are a mix of high-level principles and detailed obligations. People with lived experience as victims of crime, justice agencies, victims' services and people who support victims told the Commissioner they wanted more information and guidance about the obligations in the Victims' Charter and how the principles should be applied.

To that end, we launched the Victims' Charter Guidelines in 2022–23. The Guidelines aim to support justice agencies and victims' services to implement practices that provide safe, trauma-informed and inclusive responses to all victims of crime, as required under the Victims' Charter.

The Guidelines were formulated following consultation with many individuals and groups, particularly those adversely affected by crime. Their generosity in sharing their expertise and experiences will hopefully support greater consistency and effort in upholding the tenets of the Victims' Charter.

Important aspects of the Guidelines include a focus on seeing the victim as an individual and responding to their individual needs, with consideration given to intersectionality and the impact of trauma on a person. It is the Commissioner's goal that individuals receive the support they need regardless of barriers such as language, disability or intergenerational trauma.

The Guidelines aim to:

- build ownership and understanding among all agencies about what is good practice in implementing the Victims' Charter, consistent with the objects in the Victims' Charter
- help agencies create more approachable and effective complaints processes that meet the entitlements of people affected by crime
- improve transparency for victims of crime on what compliance with the Victims' Charter means for people adversely affected by crime when interacting with agencies.

The Commissioner remains committed to finding ways to increase awareness of the Victims' Charter and increase victims' agencies knowledge of how the Charter operates. Many agencies are showing an increased awareness and enthusiasm for implementing victim-centred approaches in their work.

In 2022–23, the VOCC Office convened workshops with victims of crime, and with agencies that work with victims, to ensure the Guidelines provided the type of information that would assist agencies to increase their compliance with the Victims' Charter.

Going forward, the Commissioner is planning to work with agencies to help increase their compliance with the Victims' Charter. The Guidelines have been a good start, and she has asked agencies required to comply with the Charter to identify specific areas about which they would like information sessions.

Further, in 2023–24 the Commissioner will be working on a communication campaign to raise awareness of the Victims' Charter and victims' rights to complain if they are not satisfied with the way they were treated by an agency.



5. Holding agencies to account

The Act empowers the Commissioner to receive and investigate complaints from victims of crime, where an agency has allegedly breached the principles of the Victims' Charter and has not addressed the victim's concerns.

The Commissioner is also responsible for reporting annually on agencies' compliance with the Victims' Charter. To do this, each year the Commissioner requires investigatory, prosecuting and victims' services agencies to provide information to demonstrate compliance with the Victims' Charter.

In 2022-23 the Commissioner continued to work towards the strategic goal to hold agencies to account for their treatment of people adversely affected by crime.

Complaints and compliance reporting are complementary functions. Good compliance by agencies leads to improved experiences for victims in the justice system and reduced complaints. Receiving complaints highlights gaps in agencies' compliance with the Victims' Charter.

When the Commissioner receives enquiries and responds to victims of crime, she collects valuable information on the compliance of agencies with the Victims' Charter. It also helps identify systemic trends, which inform the Commissioner's systemic advocacy to improve the experiences of victims of crime in the justice and victims' services systems.

5.1. Encouraging compliance with the Victims' Charter

5.1.1. Victims' Charter Guidelines

In 2022-23, the Commissioner released Victims' Charter Guidelines to support justice agencies and victims' services to best comply with their obligations under the Victims' Charter.

The Victims' Charter principles are a mix of high-level statements and detailed obligations. The Guidelines help agencies to understand how to interpret the Victims' Charter and achieve good practice in responding to victims of crime. They also provide good practice guidance for handling complaints.

Responses from agencies to requests for information showed there is much work to be done in their communication with victims about victims' rights under the Charter.

5.1.2. Agency compliance 2022-23

In 2022-23 the Commissioner built on previous years' responses and attempted to verify the extent to which the systems and processes reported by agencies in previous years are likely to meet their specific obligations under the Victims' Charter.

For this year, the Commissioner focused on gaining more in-depth knowledge by seeking verification of self-assessments made by agencies in previous years specific to:

- agency complaint policies and their compliance with the Victims' Charter
- agency training for staff addressing the Victims' Charter.

When a victim feels that an agency has not treated them in accordance with the Victims' Charter principles, the Charter establishes the victim's right to request the Commissioner review their complaint about that agency. The expectations with respect to complaints policies outlined in the Victims' Charter are common across investigatory, prosecuting and victims' services agencies.

In 2022-23, there were 176 justice agencies and victims' services required to comply with the Victims' Charter. The Commissioner requested information from the agency categories outlined in Figure 1.

Figure 1. Agencies required to comply with the Victims' Charter

1. Three investigatory and prosecuting agencies:

- Victoria Police
- WorkSafe
- Office of Public Prosecutions

2. Victims' services agencies:

- Victoria Legal Aid
- Five services and programs provided by the Department of Justice and Community Safety
- 167 agencies that provide services to victims of crime, such as:
 - Victims Assistance Program
 - family violence services, including support and safety hubs (also known as The Orange Door)
 - sexual assault services
 - Court Network
 - community legal services



5.1.3. Ensuring victim entitlements under the Victims' Charter

In this year's request for information from agencies, the Commissioner asked all agencies to respond to survey questions about their approach to providing victims of crime with information on complaints as required by under the Victims' Charter and any training they provide to staff to ensure they are aware of their obligations.

S 19A(3) Agency complaint processes and victims' right to have a complaint reviewed under the Victims' Charter

The Victims' Charter specifies that agency complaint policies:

1. are accessible

For example, depending on an agency's function, resources and size, this could mean:

- its complaint policy is available online and in hardcopy
- it notifies victims of crime as soon as reasonably practicable of their right to complain and that information about complaints is detailed in service delivery statements and welcome packs
- it accepts complaints by telephone, letter, email, online, anonymously and in person
- it provides support for a victim to make a complaint and accept complaints from authorised representatives.

2. are transparent

For example:

- an agency complaint policy explains how the complaint will be dealt with, who is handling the complaint and when a response can be expected
- the policy provides clear reasons for decisions.

3. offer fair and reasonable remedies

For example, an agency complaints policy should detail the likely remedies and outcomes.

4. include a statement

that clearly advises victims of crime of their right under s 19A(3) to have a complaint reviewed under the Act if they are dissatisfied with the agency's response to the complaint.

5.1.4. Complaints policies compliant with the Victims' Charter

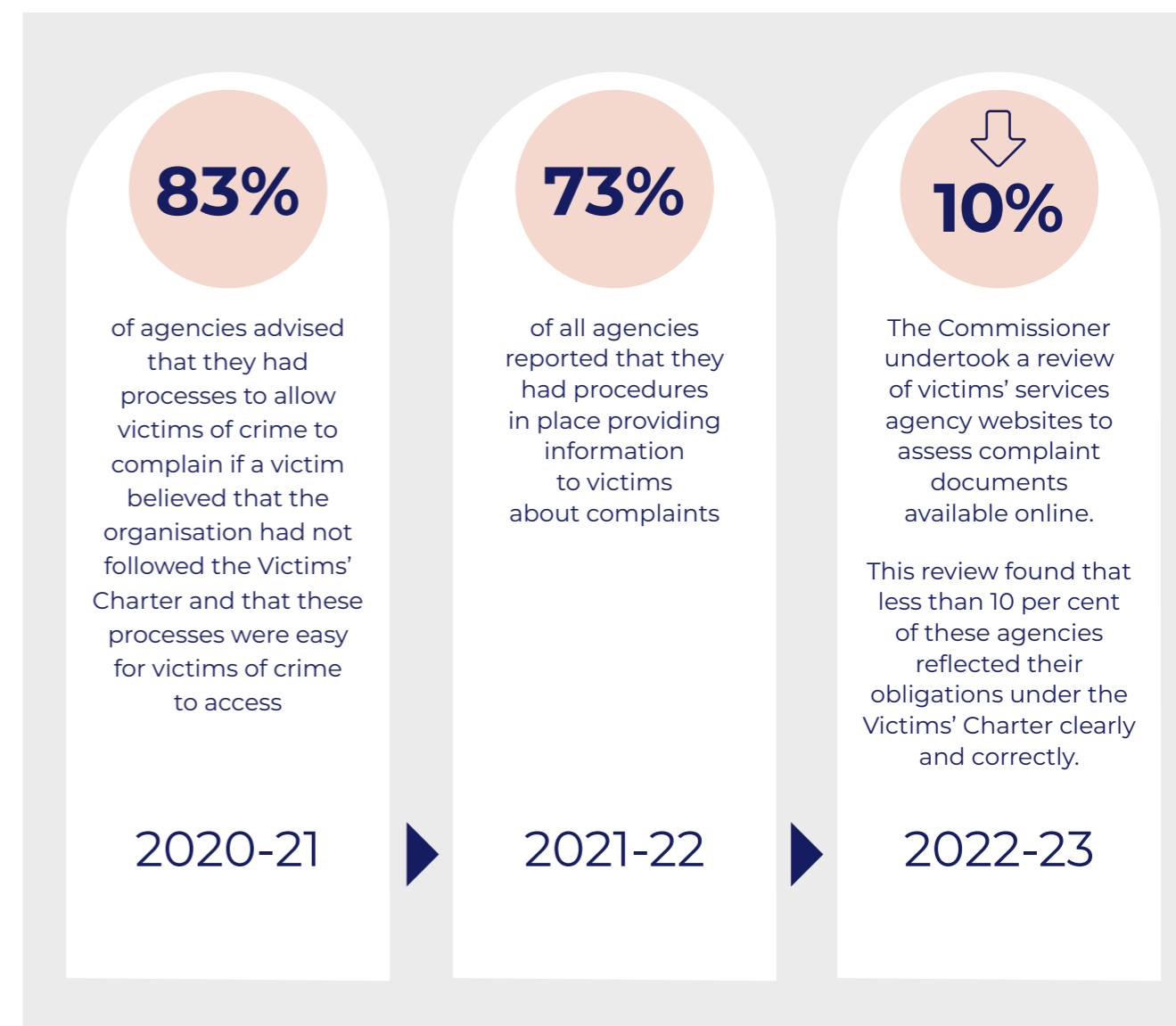
In previous reporting years, the Commissioner asked agencies about their complaints policies and procedures:

- in 2020-21—agencies were asked if they had a complaints management process, and if they had processes for victims to complain if they felt the agency had breached the Victims' Charter
- in 2021-22—agencies were asked more specifically if they had procedures in place to comply with s 19 and s 19A(3) of the Victims'

Charter to inform victims of their right to request the Commissioner review their complaint if they are dissatisfied with the agency's response to their complaint.

Figure 2 demonstrates that while the majority of agencies advised in 2020-21 that they had accessible processes for victims of crime to complain about agency breaches of the Victims' Charter principles, a review undertaken by the Commissioner in 2022-23 of those agencies with complaints policies available on their website, less than 10 per cent of agencies referred correctly to their obligations.

Figure 2. Agencies with processes for victim complaints



For this year's annual reporting on prescribed agency compliance with the Victims' Charter, the Commissioner continued the focus on victims' complaint rights. Victims' services agencies were asked to supply copies of their complaints policies and to expand on the information they previously provided on complaints policies.

Sixty-five per cent of victims' services agencies that responded to the Commissioner's request supplied a copy of their complaints policy. Of these policies:

- only 51 per cent referenced the Commissioner or the Victims' Charter
- only 20 per cent referenced a victim's rights under s 19A(3) correctly.

Figure 3. Agency complaint processes for victims of crime



The majority of complaints policies that victims' services provided to the Commissioner did not correctly refer to a victim's right to have their complaint reviewed by the Commissioner. The consequences of such a high rate of non-compliance with the Victims' Charter is that many victims who use these services will be unaware of their right to complain if they are not treated in line with the Charter principles.

The Commissioner recognises many victims' services agencies are still developing their policies, processes and building their understanding of what is required of them under the Victims' Charter. The Commissioner is also mindful that good policies are only one aspect of an agency's response to complaints and that how these policies are implemented is equally important.

With respect to investigatory and prosecuting agencies, the Commissioner reviewed complaints policies individually. This year, these agencies were asked further questions relating to the processing, recording and tracking of complaints from victims of crime. The Commissioner will address any deficiencies in investigatory and prosecuting agencies' policies with these agencies directly.

The newly released Victims' Charter Guidelines aim to help all agencies to comply with the Charter and raise awareness of victims' rights to make a complaint to the Commissioner if they are concerned an agency has breached the Charter principles.

The Guidelines also provide agencies with suggestions for developing or improving their complaints procedures to ensure they are trauma-informed and comply with the requirements of the Victims' Charter.

Most complaints policies that victims' services provided to the Commissioner do not correctly refer to a victim's right to have their complaint reviewed by the Commissioner.

The impact is that many victims who use these services will be unaware of their right to complain to the Commissioner if they are not treated as required by the Victims' Charter.



5.1.5. Training on the Victims' Charter

The Victims' Charter does not refer to or specifically require agencies to undertake training. However, the Commissioner identified that training on the Victims' Charter is important to ensure staff are aware of victims' rights under the Charter and will help ensure victims' rights are upheld. The Victims' Charter contains specific requirements not mirrored by other frameworks that agencies may be required to comply with.

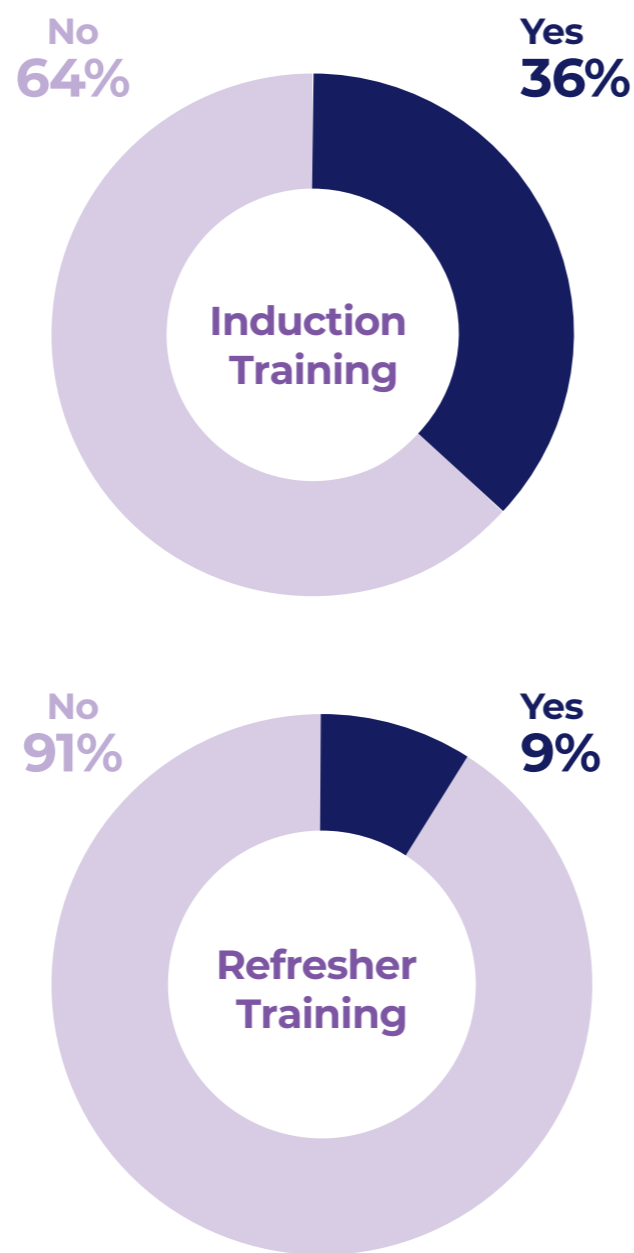
The Commissioner is aware that victims' services agencies are required to comply with multiple frameworks, standards and regulations, and often need to be accredited to provide their services. Some of these frameworks and standards have specific practice-based requirements and some have similar principles and obligations as those in the Victim's Charter. None of the frameworks and standards address all the principles laid out in the Victim's Charter.

In 2020–21, 65 per cent of all agencies advised they had training systems or other information available to staff that assists them to comply with the Victims' Charter. Eighty-one per cent of agencies advised they had training that supported effective service delivery to victims of crime, family members of victims and/or witnesses of crime but not necessarily in alignment with, or having a direct reference to, the Victims' Charter.

In 2022–23 the Commissioner sought further clarity and asked agencies to advise what training they had in place to ensure that staff meet their obligations under the Victims' Charter, including any induction training, ongoing professional development, and/or refresher training. Agencies were also asked to provide excerpts or evidence of training.

Approximately 15 per cent of responding agencies provided evidence of training that was specific to or referenced the Victims' Charter. While not providing evidence, 36 per cent of agencies attested they provided specific training in the Victims' Charter at induction, while only 9 per cent advised they conducted refresher training on the Charter.

Figure 4. Training for agency staff on the Victims' Charter



Several agencies noted their training policies were under review and they would consider training for staff on their obligations under the Victims' Charter. Many agencies advised that staff receive both induction and refresher training in areas such as cultural responsiveness, trauma-informed practices and compliance with obligations such as the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM) and Child Safe Standards, but this training does not cover all obligations under the Victims' Charter.

The Commissioner recognises that for small agencies particularly, resources can be constrained. For agencies in these circumstances, externally provided training opportunities on the Victims' Charter is an option for increasing staff awareness of their obligations. When asked about opportunities for training, agencies strongly supported external training on the Victims' Charter. Seventy-eight per cent of agencies responding to this year's request for information advised they would allow staff to attend external training on the Victims' Charter. The Commissioner will explore options for providing information sessions to assist agencies to understand the requirements of the Victims' Charter.

5.1.6. Awareness of the Victims' Charter and the role of the Commissioner

The Commissioner has identified there remains a need for greater education and awareness of the Victim's Charter, particularly with respect to agencies' obligations to have complaints processes when there is a failure to uphold Victim's Charter principles.

In line with the VOCC regulatory approach, over the next twelve months the Commissioner intends to support agencies to comply with the Victim's Charter by:

- providing information sessions—these will show agencies ways they can incorporate good practice and the Victims' Charter into their operational practice, and achieve compliance so victims are afforded their rights under the Victims' Charter
- providing online tools and materials.

The Victims' Charter Guidelines emphasise that agencies need to tell victims about their rights, including the right to make a complaint, and how to do so. With many agencies yet to integrate this information provision into their practices, raising awareness of these obligations remains a priority focus for the Commissioner.



5.2. Delivering accessible complaint reviews to victims of crime

Most victims' first contact with the VOCC Office is to outline their dissatisfaction with an experience in the criminal justice system.

Through speaking with people affected by crime, the Commissioner has identified that in many cases they do not make complaints about agencies they have engaged with. This can be attributed to several reasons.

Some victims did not want to engage in the Commissioner's complaint review process due to the limited outcomes that can be recommended under the Act. Some victims anticipated that the complaints process would result in further retraumatisation due to reliving experiences they had through the justice and victims' services systems and the crime itself.

Further work is required to establish a deeper understanding about why victims are reluctant or unable to pursue their dissatisfaction with an agency through to the formal complaint process. In 2022-23, 41 victims contacted the VOCC Office stating they wished to make a complaint, and of the 39 enquiries that were finalised, only nine entered the formal complaints process. As outlined in section 5.1, the low levels at which agencies inform victims of their right to complain under the Victims' Charter is likely to be contributing to the low number of victims who contact the VOCC Office to complain.

The proposed lived-experience model will help the Commissioner further understand why victims do not complain and help improve awareness of victims' rights under the Victims' Charter.



CASE STUDY

Case study

Carlos contacted the VOCC Office expressing concerns about his treatment by police. Carlos did not speak English well and VOCC Office staff spoke to him with the assistance of an accredited interpreter.

Carlos had recently arrived in Victoria from South America when someone broke into his home, assaulted him and stole his guitar, laptop and car. Carlos told Office staff that the police officers did not use an interpreter to communicate with him. He was upset that police did not appear to be investigating his report and he had not heard anything about the investigation.

Office staff discussed strategies that Carlos could use to get information from the police and explained the Commissioner's complaint powers.

Carlos wants to submit a complaint to the police about the lack of updates he received about the investigation into the aggravated burglary, and the police officer's failure to use an interpreter. He will decide whether to make a complaint to the Commissioner after he receives the police response to his complaint.

** This scenario is an example of the kinds of inquiries and complaints the Commissioner receives and has been altered for anonymity.*

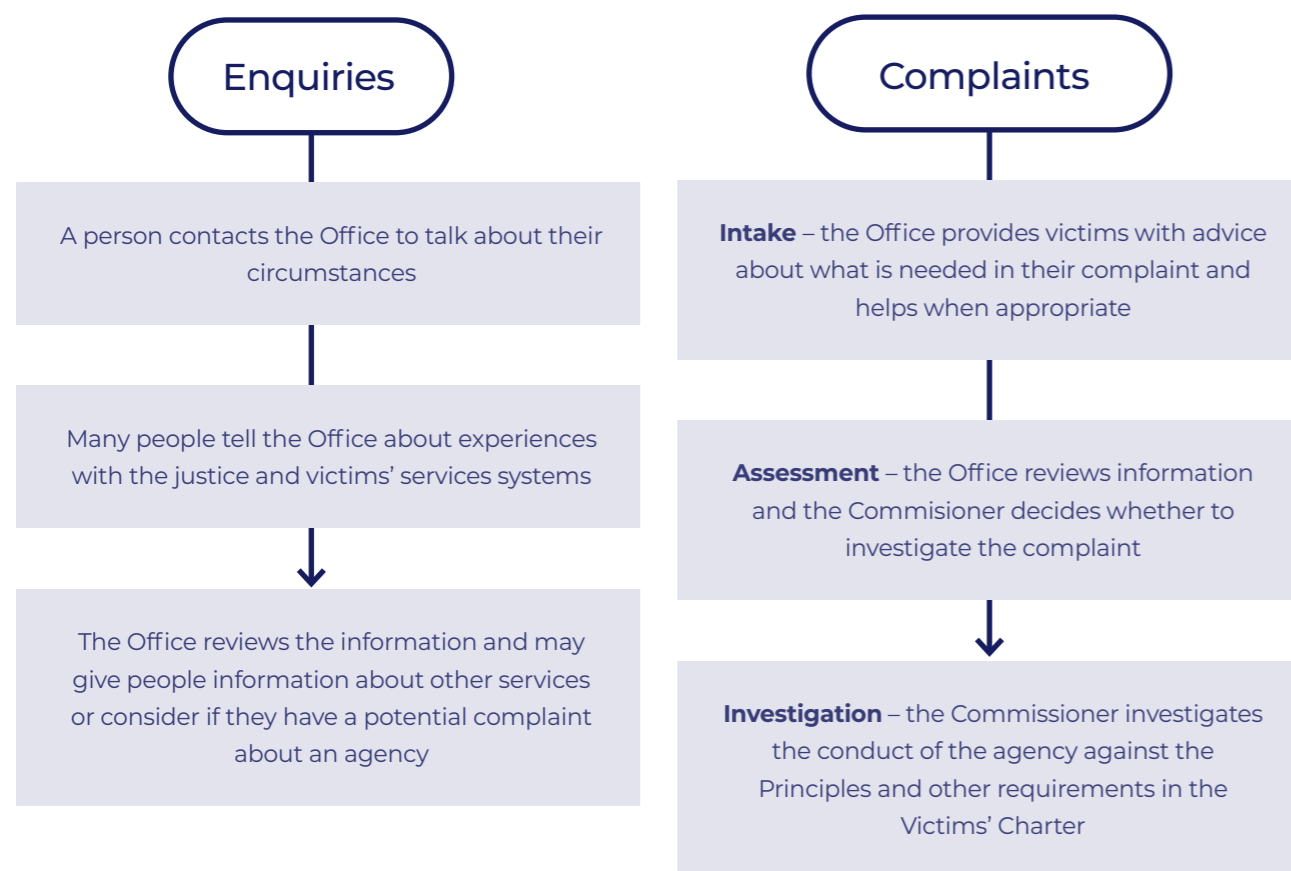
The VOCC Office recently developed its own internal guidance that outlines robust, trauma-informed systems and processes for managing enquiries and complaints from people affected by crime. We will continue to improve and refine these processes to ensure they are effective.

In 2022–23, the VOCC Office received 197 enquiries and, in many cases, this was as far as victims wanted to progress the complaint.

By listening to victims, hearing their stories and noting their concerns, the Commissioner’s complaints staff were able to acknowledge and validate victims, their experiences, and their dissatisfaction with the criminal justice system.

While a formal complaint process was only undertaken in a small number of enquiries, all information gathered by complaints staff was reviewed. Data from enquiries and complaints helps the Commissioner better understand the experiences of people affected by crime. It is a vital information channel when considering systemic advocacy activities, policy positions, and future systemic inquiries into the criminal justice system, to improve victims’ experiences.

Figure 5. Enquiries and complaints processes



5.2.1. Enquiries from victims

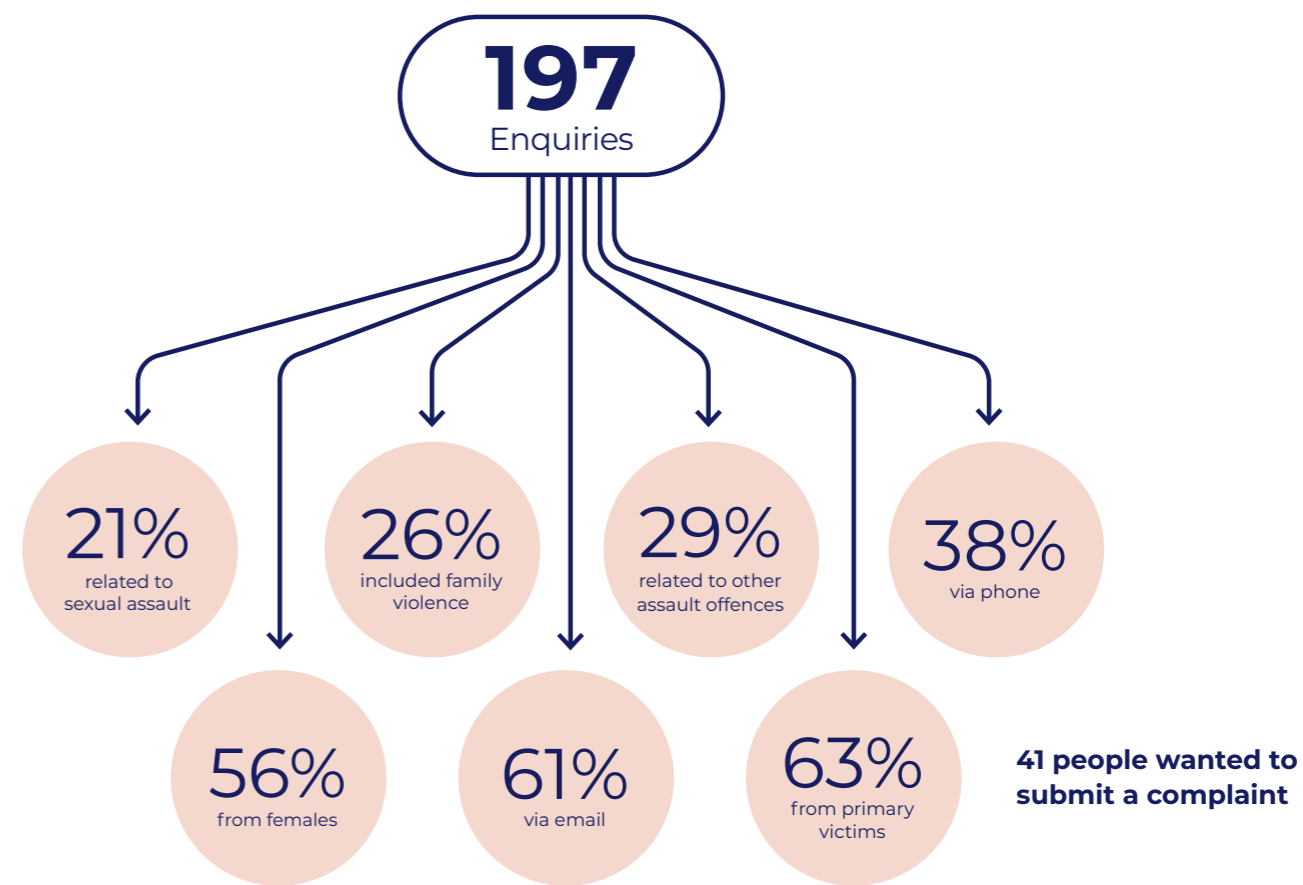
Figure 6 outlines some factors related to the enquires received by the Commissioner’s office in 2022–23.

The VOCC Office received 197 enquiries in 2022–23 which represents a 19 per cent increase on the previous year (166)¹. This indicates an increase in victims’ awareness of the Commissioner. Further, it is anticipated that ongoing efforts to increase recognition of the Commissioner’s role, and greater awareness of victims’ rights under the Victims’ Charter, will encourage more victims to contact the Office when they are dissatisfied with the criminal justice system.

In 2022–23, the majority of victims who contacted the Office did so for matters that fell outside the Commissioner’s powers to investigate. Enquirers often contacted the Commissioner’s Office because they were dissatisfied with an investigation, a court case or charges against an offender.

The Commissioner is prohibited from prejudicing civil and criminal proceedings (outlined in section 22 of the Act), which means victims may not be able to submit a complaint until an investigation and/or court proceedings conclude.

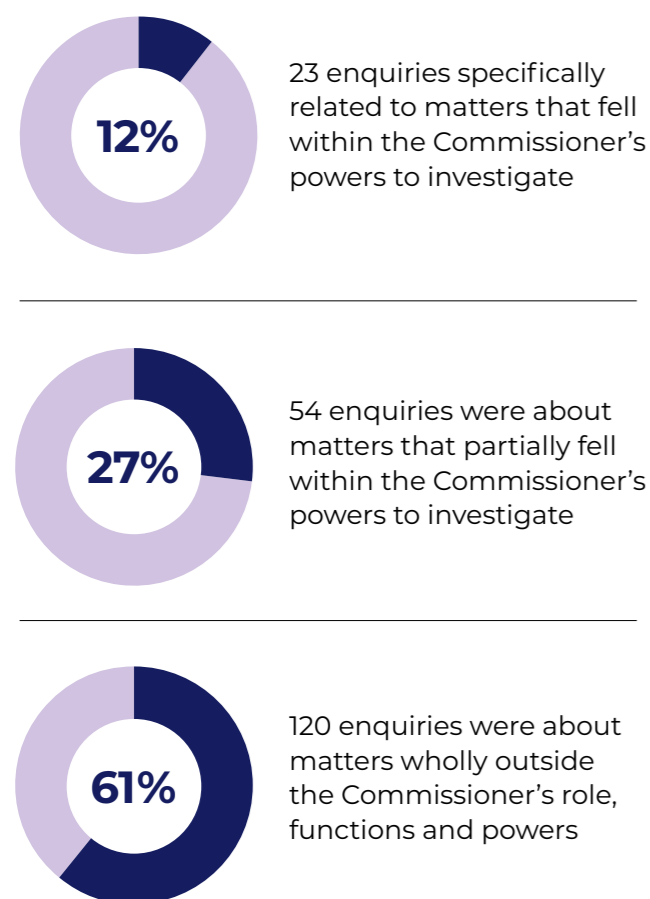
Figure 6. Factors related to enquiries received by the Office



1. Due to a case management system error incorrectly recording the initial dates of three enquiries, the 2021–22 enquiry count reported in the Victims of Crime Commissioner’s Annual Report 2021–22 was incorrect. Although 163 enquires were reported, this figure should have been 166.

When listening to victims explain their experiences during an enquiry, Office staff refer to the Victims' Charter to establish whether some or all the concerns fall within the Commissioner's powers to investigate. Figure 7 outlines the nature of issues raised in the 197 enquiries.

Figure 7. Issues raised in enquires



This distribution of enquiry matters is broadly consistent with that identified in 2021-22:

- 14 per cent of enquiries were specific to the Commissioner's powers
- 34 per cent of enquiries were about matters partially within the Commissioner's powers
- 52 per cent of enquiries were about matters wholly outside the Commissioner's role, functions and powers.

Figure 8 details the reasons the 77 enquiries were wholly or partially within the Commissioner's power to investigate. Figure 9 details the reasons the 174 enquiries were wholly or partially outside of the Commissioner's powers to investigate. Note there is some overlap in the total figures, as matters which were partly within the Commissioner's powers and partly outside them appear in both Figure 8 and Figure 9.

Figure 8. Reasons enquirers contact the Office that are within the Commissioner's powers to investigate

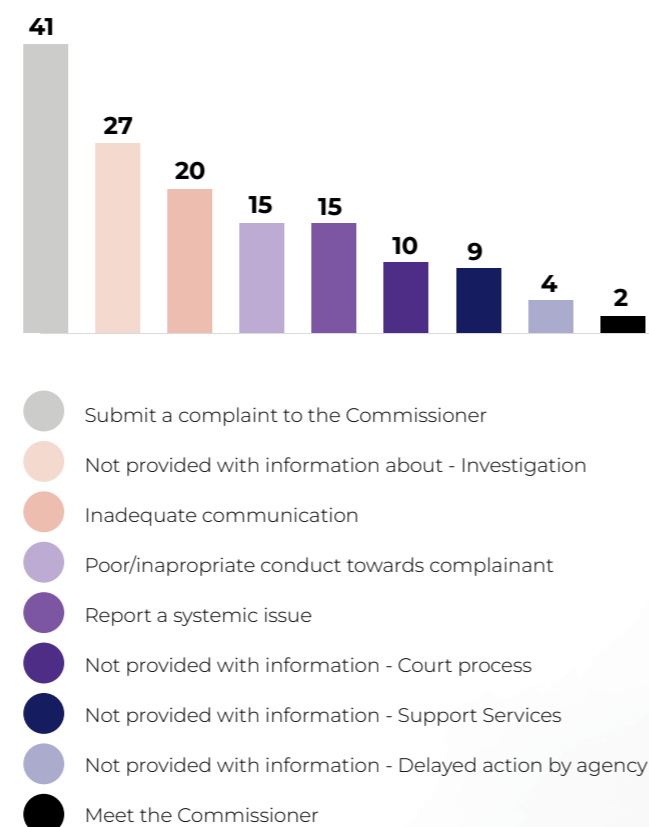
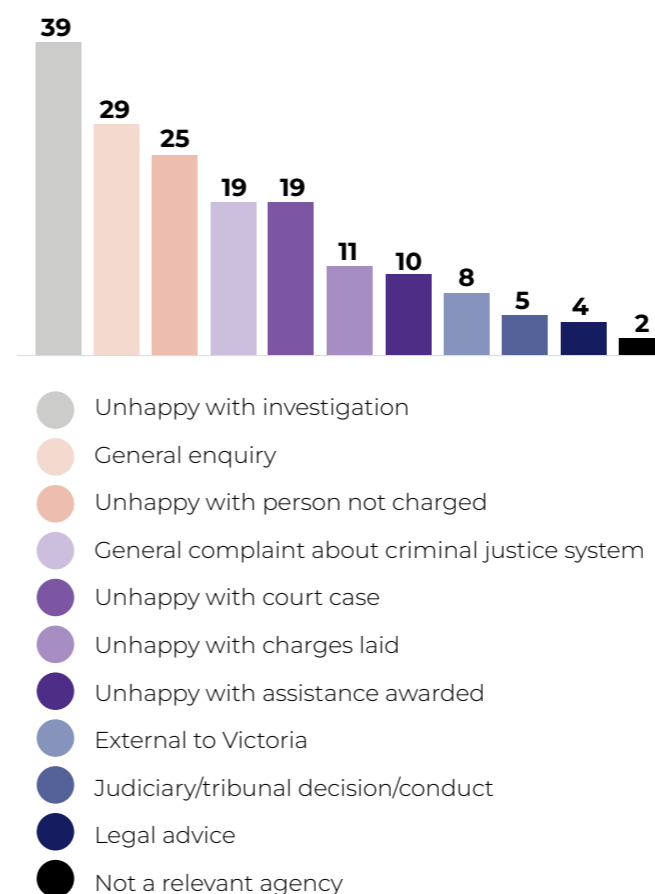


Figure 9. Reasons enquirers contact the office that are outside the Commissioner's powers to investigate



5.2.2. Progress of complaints

Figure 10 indicates that of the 197 enquiries, 41 wanted to submit a complaint, and, as Figure 5 demonstrates, there are three stages in the complaints process:

1. intake—a fact-finding and information-sharing stage
2. assessment—the Office reviews further information and the Commissioner decides whether to investigate the complaint
3. investigation—the Commissioner investigates the conduct of an agency against the principles and other requirements of the Victims' Charter.

Figure 10 outlines the progression of enquiries to the complaints process. It highlights that:

- of the 170 finalised enquiries, only 71 (41.8 per cent) were partially or wholly within the Commissioner's powers to investigate
- of the 71 enquires partially or wholly within the Commissioner's powers, 39 (54.9 per cent) of enquirers wanted to progress to the formal complaint process
- of the 39 enquirers, nine (23.1 per cent) progressed into the formal complaint process
- of the nine that entered the complaint process, four (44.4 per cent) resulted in investigations undertaken by the Commissioner's office (with one of the nine still under consideration).

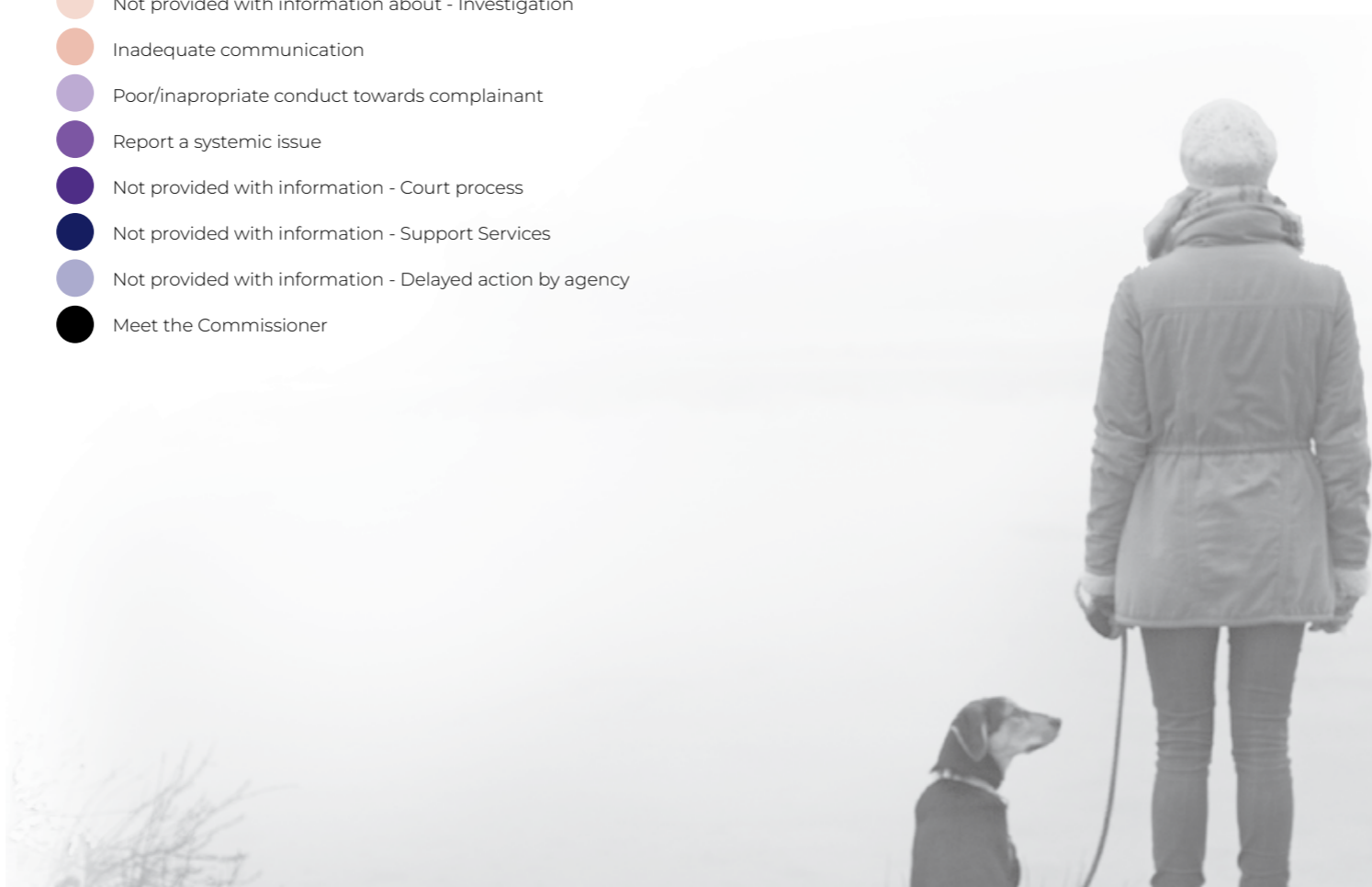
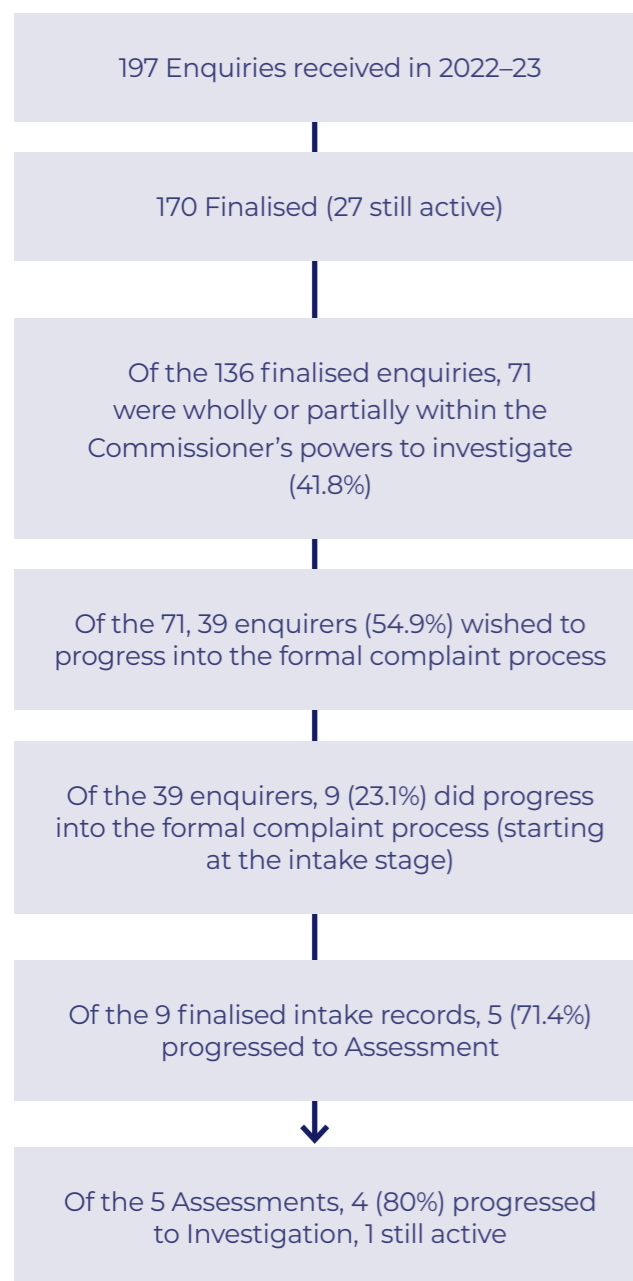


Figure 10: Progress of enquiries through the complaints process



As noted in the Commissioner’s annual report last year, complaints staff identified that some victims did not want to engage in the Commissioner’s complaint review process due to the limited outcomes that can be recommended under the Act. Some victims also anticipated the complaints process would result in further re-traumatisation due to reliving experiences they had through the justice and victims’ services systems and the crime itself.

Further work is required to establish a deeper understanding about why victims are reluctant or unable to pursue their dissatisfaction with an agency through to the formal complaint process.

5.2.3. Total number of intakes, assessments and investigations conducted

In the Commissioner’s complaint process, the intake, assessment and investigation activities can flow over financial year boundaries. This section details the active number in each category as of 30 June 2023. An intake, assessment or investigation is considered active if it was either open at the start of the financial year or created during the financial year.

Intake

Fifteen intake records were active during the 2022-23 financial year:

- nine from enquiries received in 2022-23
- three from enquiries before 2022-23
- three from intake records created prior to 2022-23 that continued into 2022-23.

Assessment

Four assessments were active during the 2022-23 financial year. This included:

- one that continued from the 2021-22 financial year
- three that were created during the 2022-23 financial year.

All four assessments were finalised within the 2022-23 financial year and progressed to the investigation stage.

Investigations

Seven investigations were active during the 2022-23 financial year. This included:

- two that commenced in 2020-21 (one of which was also finalised in 2022-23, while the other continued into 2023-24)
- one that commenced in 2021-22 and was finalised in 2022-23
- four that commenced in 2022-23 (two of which were finalised in the period and two that continued into the 2023-24 financial year).



Investigations can vary in length and complexity and can involve multiple parties. While the Commissioner aims to investigate complaints in a timely way, she also ensures investigations are conducted in a comprehensive manner, so all relevant facts are ascertained, and the findings are robust.

On some occasions, investigations are suspended to ensure the Commissioner avoids prejudicing an investigation or a prosecution in compliance with section 22 of the Act. Two investigations suspended in previous years were recommenced in 2022–23 (one initially had been commenced in 2020–21 and the other in 2022–23). One of these investigations was finalised in 2022–23 and the other is continuing into 2023–24.

The investigations undertaken by the Commissioner in 2022–23 related to all categories of agencies—that is, investigatory agencies, prosecuting agencies and victims' services agencies.

5.2.4. Recommendations of the finalised Investigations

Four investigations were finalised in 2022–23 and recommendations were directed to the agency(s) involved.

In all four of the investigations:

- a change of policy was recommended in relation to information provided to victims, communication with victims and the use of interpreters
- additional staff training was recommended in relation to compliance with the Victims' Charter, supporting victims' particular needs and communicating with victims.

In three investigations:

- the Commissioner recommended the agencies involved provide training to staff about managing complaints
- the Commissioner recommended a change of policy in relation to complaint management.

In two investigations:

- it was recommended that an agency provide information to the victim about the complaint submitted to the agency by a victim.

In one investigation:

- it was recommended that an agency apologise to the victim about the management of a complaint submitted by the victim directly to the agency.

These recommendations help the Commissioner in her work more broadly with agencies, to emphasise where improvements can be made to ensure systemic compliance with the Victims' Charter.

The Commissioner is developing an approach to following up on the actions that agencies take in response to recommendations from complaint investigations.

5.3. Identifying systemic trends

Awareness of systemic trends is an important part of the Commissioner's performance of her functions and exercise of her powers.

There are several ways in which the Commissioner identifies systemic trends relating to victims' experiences in the justice system.

As discussed further in section 6.2, in 2022–23, through the systemic inquiry into victim participation, the Commissioner identified a range of systemic trends arising from broad-ranging public consultation with victims of crime and key justice and victims' services stakeholders. These systemic trends will be highlighted in the Commissioner's report into victim participation in the justice system.

Another important source of data in identifying systemic trends is enquiries received from victims of crime.

As a result of these enquiries received, the Commissioner has identified emerging trends, which she is monitoring. These are:

- access to support services for victims of identity theft and fraud-related crimes
- compliance with the Victims' Charter for victims of property offences and those prosecuted in the summary jurisdiction.

5.3.1. Identity theft and fraud-related crimes

Victims of identity theft and fraud-related crimes may experience distress due to the loss of money and the anxiety that often occurs after experiencing these crimes. Victims have described how this is frequently compounded by the following:

- loss of a substantial amount of money and the financial hardship resulting from this loss
- inability to recover these funds in many instances
- difficulties experienced by law enforcement agencies when investigating these reported offences, often resulting in no-one being charged in relation to these offences.

People affected by these crimes have told the Commissioner's office they do not believe they will recover from being a victim of this crime, either emotionally or financially. A number of these victims also expressed a belief that they expect to be relying on social welfare payments for the foreseeable future, and felt ashamed by this. Several victims expressed a need to access counselling and similar supports to deal with these issues.

To be eligible to receive financial assistance, the Victims of Crime Assistance Tribunal (VOCAT) requires a person to have been a victim of an act of violence. Identity theft and fraud-related offences do not generally involve an act of violence and can happen without the victim having any direct contact with an offender.

As a result, victims of these crimes often find themselves ineligible to receive financial assistance to aid their recovery, which could include access to counselling and other similar support services. Without access to the financial support available through VOCAT, victims of identity theft and fraud may be forced to rely on their own financial resources to get the support needed for their recovery from this crime, in circumstances where these may have been significantly depleted due to the crime.

Victims of fraud have provided information to the VOCC Office about difficulties they have experienced accessing support services, with a number stating that without financial assistance they cannot afford to access this support to assist with their recovery.

Given the exclusion of victims of fraud from the victims' financial assistance regime, and reports of difficulty accessing other victim supports, their experiences appear inconsistent with the objects of the Victims' Charter, which include:

- recognising the impacts of crime on victims and their families
- providing victims of crime with information that will enable them to access appropriate service to help with their recovery process
- recognising a victim of crime's inherent interest in the response by the criminal justice system to the crime.

5.3.2. Property offences and matters prosecuted in the summary jurisdiction

The Commissioner received a number of enquiries from victims of property crimes (such as theft and burglary) concerning agencies' compliance with the principles of the Victims' Charter.

The Commissioner is watching this issue closely to understand:

- which Victims' Charter principles are least complied with
- opportunities for agencies to improve compliance with the Victims' Charter
- the impact of any alleged non-compliance with the Victims' Charter on victims and their experiences in the criminal justice system.

The information received from victims of crime also indicated that the way victim impact statements are managed in the summary jurisdiction (the Magistrates' Court)

is inconsistent, resulting in some victims not having the opportunity to submit a victim impact statement to the court.

The Commissioner is actively monitoring this issue to identify ways to improve victims' opportunities to submit a victim impact statement in all jurisdictions, in line with their entitlements under the Victims' Charter.

The Commissioner will look at these trends across the next year, while continuing to identify emerging systemic issues for those affected by crime within the justice system. She will do this through the various channels of victim engagement, enquires to the Office, and the annual survey of agency compliance with the Victims' Charter.



6. Advocating for victim-centred laws and practices

The Commissioner is empowered to advocate for the respect, recognition and inclusion of victims of crime in the justice system and represent their concerns to government.

Underpinning all the Commissioner's work is a commitment to encouraging broader cultural change to recognise victims' interests in the justice system and integrate victims' rights through law and policy reform.

In 2022–23, the Commissioner provided views on law reform and policy proposals on a diverse range of issues affecting the rights and interests of victims. The Commissioner did this by attending consultations and meetings with departments and ministers, making written submissions and consulting with advisory committees.

6.1. Systemic advocacy on law reform and policy

In 2022–23, the Commissioner advocated for greater respect and recognition of victims of crime and improved practices, policies, laws and programs in the following key areas:

- bail
- spent convictions
- VOCAT/Financial Assistance Scheme
- sexual offences
- affirmative consent
- committal proceedings
- character references in criminal trials and hearings

- the *Serious Offenders Act 2018*
- law reform relating to the definition of recklessness
- legal assistance for victims of sexual offences
- raising the age of criminal responsibility
- parole processes.

In 2022–23, two submissions relating to public consultation processes were published on the VOCC website:

- submission to the Victorian Law Reform Commission's *Recklessness: Issues Paper*
- submission to Commonwealth Attorney-General's Department on specialised and trauma-informed legal services for victims and survivors of sexual assault.

All of the Commissioner's public submissions and policy statements can be reviewed on the website at: victimsofcrimecommissioner.vic.gov.au/publications.

Spotlight on: specialised and trauma-informed legal services for victims and survivors of sexual assault

In the Commissioner's submission to the Commonwealth Government's *Scoping the development of specialised and trauma-informed legal services for victims and survivors of sexual assault – Discussion Paper*, the Commissioner noted that she has, over a number of years, advocated for enhanced legal advice and assistance for victims of crime, particularly victims of sexual assault.

Lack of access to legal advice and assistance has consistently been raised by victims of crime as one of the single most significant barriers to them participating meaningfully in the justice system.

For many victims consulted by the Commissioner, enhanced participation in the justice system is directly linked to their need for independent legal advice and assistance, particularly legal advice that is independent of police, prosecution and courts.

In sexual assault cases where victims are subject to some of the most invasive and traumatic aspects of our adversarial trial process (such as cross-examination and subpoenas for personal records), this lack of independent legal support leaves many victims feeling alone, unsupported and without voice. Victims suffer secondary trauma as a result.

The Commissioner advocates for access to legal information from an independent, trusted source (separate to the prosecution), with that independent advice available from the initial reporting stage.

Specific assistance to victims could include help:

- reporting to police, having an “options talk” with police and/or making a statement to police
- ensuring they are provided with respectful treatment by justice and victims' services agencies and that they understand their rights and entitlements across legislation, including under the Victims' Charter
- making a complaint if the Victims' Charter is breached
- when charges are/are not made by police, including assistance to understand decisions not to charge or proceed
- where a victim is misidentified as the offender in family violence cases
- ensuring that if bail is granted, conditions are imposed to protect victims and victims are informed of the outcome of any application
- providing informed views before the Director of Public Prosecutions makes certain prosecutorial decisions, such as modifying charges, discontinuing the prosecution or accepting a plea of guilty to a lesser charge
- seeking leave to appear and make submissions in response to applications to access confidential medical or counselling records
- advocating to the prosecutor and court for safe spaces to be provided for use when attending court and to access special protections/arrangements when giving evidence
- assisting children with their legal rights separate to a parent/guardian
- making a Victim Impact Statement and/or reading it aloud in court, including advice on admissibility and arrangements for reading a victim impact statement aloud
- ensuring victims understand their participatory rights when diversion is recommended for an offender
- when being heard in relation to certain treatment post-sentence or parole decisions
- applying for leave to appear as an interested party in a coronial proceeding
- gaining information about entitlement to and assistance with restorative justice.

The Commissioner's full submission can be found here



Spotlight on: bail reform

In 2022–23, the Commissioner welcomed the Victorian Government's intention to review Victoria's bail laws.

The Commissioner advocated for bail reforms to have a greater focus on the rights and protection of victims of crime.

The Commissioner stated that reform of bail laws provides an opportunity for Government to strengthen victim entitlements at the bail stage.

The Commissioner advocated for a bail scheme that prioritises victim participation and safety, including ensuring victims are included, consulted where appropriate, and understand how bail decisions will impact them and their family. This would be supported by a stronger legislative framework and clearer victim entitlements under the Victims' Charter.



6.1.1. Policy positions

In 2022–23, the Commissioner published two policy positions relating to victims' issues:

- use of character references during sentencing
- bail reform.

6.2. Maintaining an evidence base to drive policy and law reform

One of the Commissioner's ongoing strategic priorities is maintaining an evidence base to inform her advocacy. This includes the policies and reforms required to improve responses to victims of crime, and the best mechanisms to achieve such reform.

In 2022–23, the Commissioner created the evidence base for her systemic inquiry, which involved conducting broad-ranging public consultation with victims of crime and key justice and victims' services stakeholders. This evidence base included a range of quantitative and qualitative data collected through surveys, interviews, consultation meetings and broad-ranging literature reviews. The VOCC Office conducted more than 30 consultation meetings with academics and experts, judicial representatives and a range of government and non-government organisations.

Beyond the systemic inquiry, the Commissioner continued to gather research from various sources to drive policy and law reform and underpin her advocacy for victims. These included media sources, peer-reviewed journal articles, relevant government and non-government reports and inquiries, analysis of enquiries and complaints received, trends in compliance data and information requested from prescribed agencies.

In 2022–23, the VOCC Office conducted more than 30 consultation meetings with academics and experts, judicial representatives and a range of government and non-government organisations.

6.3. Systemic inquiries

The Commissioner is empowered under the Act to carry out inquiries on systemic matters affecting victims of crime, and report to the Attorney-General on any such matters. In 2015, when legislating the role of Commissioner, the Attorney-General highlighted the importance of the systemic inquiry function as follows:

Although the commissioner will not become involved in individual cases and has no direct advocacy role in the courts, the systemic reforms that [they] will identify and promote will, in turn, promote the recognition and equality of victims before the law.

While the commissioner will listen to individual victims' experiences and problems, the greatest benefit of the commissioner's role will be the ability to inquire into and report on a broad range of systemic issues across the justice system that affect victims in a range of circumstances. Our intention is that the commissioner will focus on the big picture issues that affect significant numbers of victims.

6.3.1. Systemic inquiry on victim participation in the justice system

As outlined in last year's annual report, the Commissioner announced her first systemic inquiry in June 2021.

The inquiry's focus is victim participation in the justice system. Since 2018, victims in Victoria have been recognised under the Victims' Charter as "participants" in criminal proceedings. But such reforms do not always translate into tangible improvements in victims' experience of the justice process.

As part of this inquiry, the Commissioner is considering whether victims feel they have been able to participate in the justice system and whether new laws or policies might be needed to help victims participate in keeping with their entitlements under the Victims' Charter.

In 2021–22, the Commissioner:

- conducted a publicly available survey of victims of crime
- conducted interviews with individual victims to hear about their experiences of the justice system
- spoke with key victim-survivor advisory groups and lived-experience consultants
- interviewed a range of national and international experts on issues of relevance to victims of crime.

In 2022–23, the Commissioner:

- collated and analysed the findings from the victims of crime survey and interviews with individual victims
- surveyed victim support professionals who work directly with victims of crime
- conducted more than 30 consultation meetings with stakeholders across the justice, community and victims' services sector.

The Commissioner intends to release her report before the end of the 2023 calendar year. It will include recommendations to improve victim participation in the justice system.



7. Ensuring our independence and accountability

The Commissioner is an independent Victorian statutory officer responsible for advocating for victims of crime and holding agencies to account.

The Commissioner's independence from government, justice agencies and victims' services is essential to delivering these responsibilities.

The Commissioner is strongly committed to instilling public confidence and trust in the integrity and independence of herself and the VOCC Office.

The Commissioner is committed to the independence of the role from the justice and victims' services systems.

The Commissioner acts on feedback from victims and the community to continuously improve the effectiveness of the Office.

7.1. Independence

Since commencing the role in 2019, the Commissioner has been committed to ensuring that victims of crime can trust the independence of the Commissioner's role as intended under the Act and with the Commissioner's status as a Special Body under the *Public Administration Act 2004*.

As such, the Commissioner consistently works to ensure the independence of the role. This includes being careful not to comment on any specific cases. Independence is important so the Commissioner can be a strong advocate for reforms to government, and to operate as a regulator and watchdog that monitors agency

compliance and reviews complaints about their treatment of victims. It is also about giving victims confidence that the role is not part of government or the justice system.

For example, a key aim of the new VOCC website is to clearly show that the Commissioner and the VOCC Office are independent from government and justice agencies.

7.2. Accountability

The Commissioner continued to demonstrate accountability in the past year and progressed the following key initiatives.

7.2.1. Case management system

The way the Office handles victims' personal information is of paramount importance. With VOCC Office support, the Commissioner demonstrated accountability by beginning the development of a fit-for-purpose case management system. The case management system will harness the capability and efficiency of modern software to help the Commissioner in her work understanding the needs of those affected by crime. While the system will directly benefit the Commissioner's complaints function, it will increase in capacity and capability across the functions of the Office.

7.2.2. New office location

A key development was relocating to a new office location in March 2023. The new space supports the Commissioner and VOCC Office to provide a trauma-informed and more accessible environment for victims of crime to attend.

7.2.3. Website redevelopment

Work continued on the Commissioner's new website. Design and content were tested with key stakeholders including victim representatives. The new website will be more easily accessible to victims of crime, while also reinforcing the Commissioner's independence from government, justice agencies and victims' services.

7.2.4. Corporate policy development

In previous years the VOCC Office depended on the corporate policies and procedures of the Department of Justice and Community Safety. During 2022-23, the Commissioner established separate corporate policies, specifically focusing on procurement and recruitment. This shift emphasised the Office's independence from the Department and reinforces its autonomous operations.

7.2.5. Stakeholders

The Commissioner continued establishing systems to ensure that the experiences of victims of crime are reflected in the delivery of all statutory functions. The Commissioner is also a member of the Victims of Crime Consultative Committee. Other stakeholders, such as justice agencies and victims' services, were kept informed through regular newsletters with information about the work the Commissioner is progressing.

7.3. Freedom of information

The *Freedom of Information Act 1982* provides the public with a right of access to documents held by the Office. For 2022-23, there were no freedom of information applications received by the Commissioner's Office.





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