

Victims of Crime Commissioner

Annual Report 2019-20





The Hon. Jill Hennessy MP
Attorney-General

Dear Attorney-General

Victims of Crime Commissioner: Annual Report 2019-20

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 2020 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

Prescribed agency

This term refers to investigatory agencies (such as Victoria Police), prosecuting agencies (such as the Office of Public Prosecutions) and victims' services agencies. These agencies must treat victims of crime in line with principles in the Victims' Charter.

The Act

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

The Charter/Victims' Charter

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

The Commissioner's Office

means the Victims of Crime Commissioner's Office. The Office includes the Commissioner and staff.

Regulations

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

Victims' services

This term refers to Victoria Legal Aid, community legal services, and government-funded family violence, sexual assault and specialist victims of crime support services.



Victims of Crime Commissioner

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I am committed to advocating for cultural change that recognises victims' inherent interests in the justice system and victims' services.



Fiona McCormack

Victims of Crime Commissioner

1. Message from the Victims of Crime Commissioner

Over the past 12 months, I have spoken with many people who are victims of crime and gained valuable insights into the challenges and difficulties they experience in the criminal justice system and the victims support system.

In 2016, an inquiry conducted by the Victorian Law Reform Commission recognised the challenges experienced by many victims of crime and proposed important reforms aimed at driving cultural change for victims to be recognised and included in the criminal justice system.

As a result, from November 2019 new legislative functions empower the Victims of Crime Commissioner to progress the recognition, inclusion and participation of victims in the criminal justice system. The Commissioner now has the authority to receive and investigate complaints about non compliance with the Victims' Charter and to monitor agency compliance with the Charter. These functions complement my systemic advocacy role.

To meet these responsibilities, my first six months in the role were focused on restructuring my Office and establishing the new legislative functions. The new Office has the capabilities necessary to develop the systems and processes required to implement the new complaints function and to effectively undertake systemic inquiries. The Office also has a strategic engagement focus to help raise awareness that victims can complain if an investigatory, prosecuting or victims' services agency does not meet its obligations under the Victims' Charter.

In the second half of the year, I worked with my Office to develop a strategic plan that highlights my key priorities and outlines an approach for implementing these priorities. In addition to raising awareness of a victim's right to complain

and establishing the new complaints function, my priorities include:

- advocating for systemic reforms to improve the experiences of victims in the justice system and with victims' services
- ensuring my independence and accountability.

In the year ahead, my focus will be on establishing a regulatory approach for monitoring agency compliance with the Victims' Charter. To assist with developing this approach and to report on agency compliance, I sought information from all agencies prescribed under the new *Victims of Crime Commissioner Regulations 2020*, which started on 30 June 2020.

The information collected has demonstrated that not all agencies are aware of their obligations under the Victims' Charter. The year ahead will provide a valuable opportunity to raise agency awareness of their obligations to treat victims in line with Charter principles and the right of victims to complain if they believe agencies have not met these obligations.

By engaging with victims of crime, I will identify systemic issues and start my first systemic inquiry to identify ways the system can be improved and reformed to ensure victims of crime are included in the criminal justice system and empowered in their use of victims' services.

Through my existing and new legislative powers, I am committed to advocating for reforms to bring about cultural change that recognises victims' inherent interests in the justice system and victims' services that support them through the trauma they have so often experienced.

Fiona McCormack

Victims of Crime Commissioner

2. About the Commissioner

The Commissioner is an independent point of contact for all victims who have experienced difficulties or confusion when dealing with the criminal justice system and government and non-government victims' services. The Commissioner is responsible for advising government about the adverse experiences of victims in the criminal justice system, including victims' services.

The Commissioner is empowered to advocate for the respect, recognition and inclusion of victims of crime in the justice system in the following ways:

- investigating complaints made by victims about their treatment by justice agencies and victims' services
- conducting inquiries into systemic issues that affect victims of crime
- representing the concerns of victims to government
- providing advice to the Attorney-General, the Minister for Victim Support and government departments and agencies about improvements to the justice system to meet the needs of victims of crime.

A key part of the Commissioner's role is monitoring the compliance of justice agencies and victims' services with the Victims' Charter. The Charter recognises that victims of crime have an inherent interest in the justice system's response to a crime that has impacted them. A key objective of the Charter is to reduce the likelihood that victims of crime will experience secondary victimisation by the justice process.

Under the Charter, justice agencies and victims' services have responsibilities to:

- treat victims of crime with courtesy, respect and dignity
- provide consistent and timely information about relevant support services
- communicate clearly with victims about the progress of a criminal investigation and prosecution.

While the Commissioner cannot advocate for individuals, she is committed to ongoing engagement with victims of crime across the Victorian community. This allows the Commissioner to strengthen her understanding of victims' experiences. It also assists the Commissioner to advocate for improved responses to victims of crime in the justice process.

2.1 Establishment and legislation

The role of the Victims of Crime Commissioner was introduced in 2014 and legislated in 2015 to provide a unique voice to advocate for victims of crime in their dealings with the criminal justice system and with government agencies.

In November 2019, the Act was amended to empower the Commissioner to:

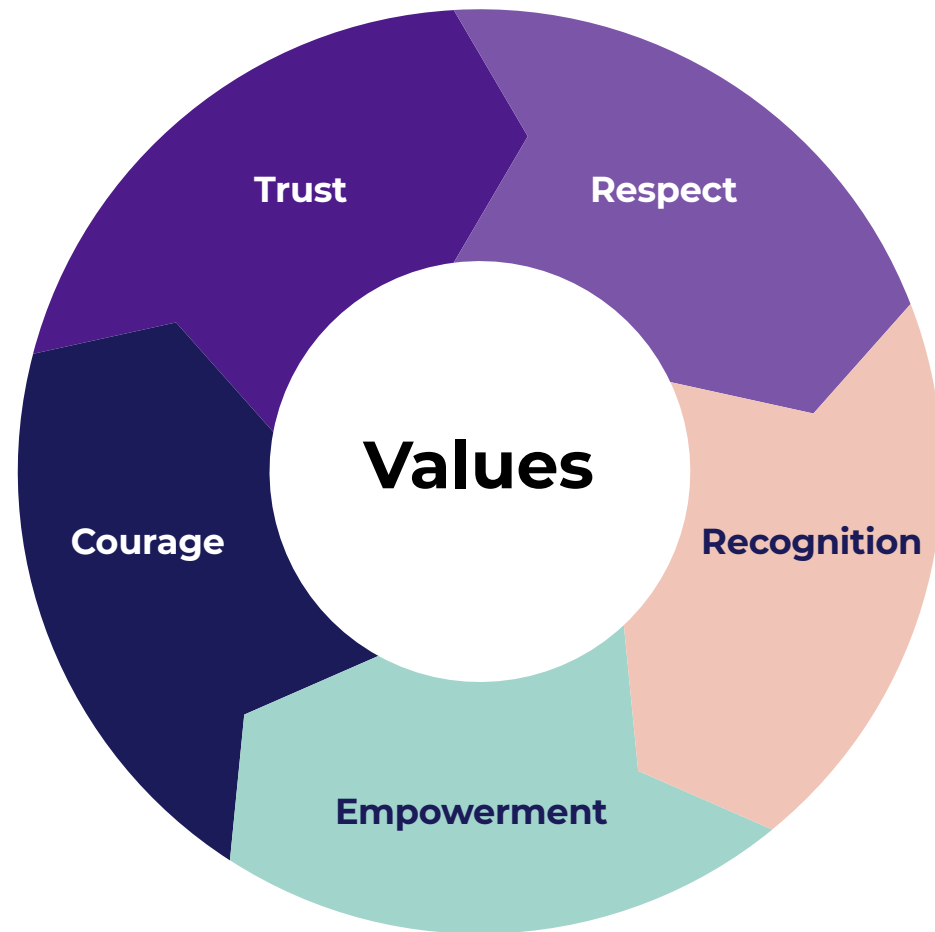
- respond to complaints made by victims of crime about their treatment by justice agencies and victims' services
- monitor the compliance of agencies and services with the Victims' Charter.

The reforms were intended to give victims the right to make a complaint about an investigatory, prosecuting or victims' service agency about that agency's failure to comply with the Victims' Charter. It requires these agencies to maintain an accessible and transparent complaint handling system and offer fair and reasonable remedies. Such remedies may include an apology, acknowledgement or explanation about why an error occurred and the steps taken to prevent it happening again.

In June 2020, new Regulations listed the agencies and services that are required by law to comply with the Charter. Each year, the Commissioner will report to the Attorney-General on the compliance of these agencies with the Victims' Charter.

The Victims' Charter has been in operation since 2006 under separate legislation. Since this time, justice agencies and victims' services have been legally obligated to treat victims in accordance with the Charter's principles.

2.2 Vision and values



The Commissioner's vision is a thriving democracy where members of the community are valued by the institutions that govern them, are recognised in the decision-making that affects them, and can access the services they need to support safe and healthy lives.

Fundamental to realising this vision is ensuring robust checks and balances on how government agencies and government-funded services are managed.

The Victims of Crime Commissioner is one of these checks and balances. 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 and can expect to be recognised in justice processes. This recognition is essential to the legitimacy and effectiveness of our democracy.

The work of the Commissioner and the Office is guided by the values of trust, respect, recognition, empowerment and courage.

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

The Commissioner is supported by a team of professionals with expertise in investigating complaints, research, data analysis, policy development, and community and stakeholder engagement.

In the first half of the financial year, the Commissioner undertook a review of the Office and its abilities to assist in meeting the new legislative functions and to engage effectively with victims of crime. The following areas were assessed as part of the review:

- staffing capability
- systems and technological infrastructure
- business processes.

A key outcome of the review was an organisational restructure to enable the Commissioner to fulfill the new complaints function, to improve capacity to carry out systemic inquiries and to extend capacity to engage and consult with all victims of crime. The restructure resulted in an increase in staffing and the establishment of the following three new teams that are supported by operations and office management:

- Policy and Inquiries team
- Enquiries and Complaints team
- Stakeholder Engagement team.

Critically, the new structure is the beginning of an establishment phase for the Commissioner's Office. The staffing requirements will be continually reviewed as new functions are put in place.

From early 2020, the Commissioner undertook an extensive recruitment process to employ staff into the newly created positions. These new positions will support the Commissioner in meeting the new legislative functions.

2.4 Strategic Plan

In the second half of the financial year, the Commissioner developed a Strategic Plan to incorporate the new complaints function and compliance monitoring. The Strategic Plan establishes an alignment in direction with the Commissioner's legislative responsibilities.

The Strategic Plan also reflects the Commissioner's commitment to promoting a culture across the justice system that values victims of crime. To achieve and sustain this culture, the Commissioner will:

- understand how the system is and is not working for victims
- encourage and advocate for changes to practices that work against the recognition and inclusion of victims
- evaluate progress in implementing the Strategic Plan
- embrace continuous learning.

The Strategic Plan is outlined in Table 1.



Table 1: VOCC Strategic Plan

Goal 1	<p>Work with the community to understand and meet the needs of victims of crime</p> <p>Strategy 1.1—Engage with victims of crime</p> <p>Strategy 1.2—Advocate for victims of crime through diverse media</p>
Goal 2	<p>Encourage continuous improvement in the justice system's response to victims of crime</p> <p>Strategy 2.1—Engage and inform agencies and services about the Victims' Charter</p> <p>Strategy 2.2—Review the Victims' Charter</p>
Goal 3	<p>Hold agencies and services to account under the Victims' Charter</p> <p>Strategy 3.1—Design and deliver an enquiries and complaints function that is accessible to all victims of crime</p> <p>Strategy 3.2—Monitor agencies' and services' compliance with the Victims' Charter</p> <p>Strategy 3.3—Review enquiries, complaints and compliance data to identify trends</p>
Goal 4	<p>Advocate for a victim-centred approach to law, policy and practice</p> <p>Strategy 4.1—Build and maintain an evidence base to inform the Commissioner's advocacy</p> <p>Strategy 4.2—Conduct inquiries into systemic issues affecting victims of crime</p> <p>Strategy 4.3—Represent the interests of victims of crime to government</p>
Goal 5	<p>Ensure an independent and accountable Commissioner's Office</p> <p>Strategy 5.1—Audit operations and address gaps</p> <p>Strategy 5.2—Report on progress</p>

3. Strengthening our understanding of victims of crime

Recognising that victims of crime are key stakeholders in the justice system and should be respectfully included in justice processes is essential to the legitimacy and effectiveness of our democracy.

Engaging with people who are victims of crime enables the Commissioner to represent the concerns of victims of crime in accordance with statutory responsibilities and functions as described in the Act and the Victims' Charter.

Importantly, the Victorian community has a role to play in supporting victims of crime. Respectful and inclusive community responses to family members, neighbours and colleagues who have been adversely affected by crime helps set the standard for how victims should be treated in the justice system.

In addition, the Commissioner recognises that victims' organisations that represent people adversely affected by crime are important stakeholders. The Commissioner will engage with these organisations to strengthen understanding of people's experiences within the criminal justice system and victims' services.

A key part of the Commissioner's role is to raise community awareness about victims' experiences and to challenge negative assumptions and attitudes about victims within the community and the justice system.



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The Victorian community has an important role to play in supporting victims of crime.

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In 2019-20, the Commissioner advocated for victims of crime and promoted the principles of the Victims' Charter in multiple forums. The Commissioner participated in public events, working groups and forums that include:

The National Victims of Crime Commissioners Working Group

Victim Survivors' Advisory Council

Justice Partnership Committee

Justice Stakeholder Forum

The launch of Guidance Notes 'Victims of Crime in the Courtroom' for Judicial Officers, Judicial College of Victoria

Forget Me Not Foundation: National Victims of Crime Awareness event

Iranian Women's Leadership Workshops

Court Network: Victorian Annual Conference

Project Respect: 20th Anniversary Launch

Apology to Puffing Billy Victims, Parliament of Victoria

3.1 Engaging with victims of crime

To effectively represent and advocate for the concerns of victims of crime, the Commissioner seeks to understand the experiences of people who have been adversely affected by crime. While the Commissioner's focus is on systemic advocacy, she meets with individual victims of crime to strengthen her understanding of the challenges they confront as they navigate the justice process.

In the Strategic Plan, the Commissioner outlined intentions to engage with victims of crime across the Victorian community to:

- provide information about the Victims' Charter, the Commissioner's role, and the ways the Commissioner is empowered to assist victims of crime
- hear about how the justice system currently treats victims of crime and where the system is letting victims down.

To deliver on the Strategic Plan, the Commissioner is developing a Victim Engagement Strategy that will clearly define the Commissioner's approach to consulting with people who are victims of crime. The Strategy will be evidence-based, align with the Commissioner's values and be guided by trauma-informed principles.

In addition, the Commissioner is a member of the Victims of Crime Consultative Committee and during 2019-20 attended regular meetings of the Committee. The Committee provides advice to the Attorney-General and the Minister for Victim Support on policies, practices and reforms relating to issues affecting victims of crime. In April 2020, the Victorian Government appointed the Hon. Jennifer Coate AO as the new Committee Chair.

A key focus in the Commissioner's engagement with victims of crime is being informed by victims who are representative of a diverse range of communities across Victoria, including groups that face additional systemic barriers or victims who are regionally based.

The Commissioner uses insights from engaging with victims of crime to explore options for addressing systemic challenges and advocating for improvements to the criminal justice system and victims' services.

The Commissioner knows that victims of crime come from all walks of life and that they each face different obstacles in their interactions with the justice system.

3.2 Advocating for victims through diverse media

The Commissioner uses a range of media and communication tools to advocate for victims of crime in public discussions and to promote the principles of the Victims' Charter. In the year ahead, the Commissioner will explore other forms of media that can be used to advocate for victims of crime.

Raising community awareness about the experiences of people who are victims of crime helps the Commissioner to advocate for the fair treatment of victims in the justice system and to increase understanding and support for victims.

Media and communications

In 2019-20, the Commissioner appeared regularly in mainstream media to advocate on issues of importance to victims. Media outlets included The Age, the Herald Sun, Radio National, ABC Radio, Channel 10 News and Channel 7 News.

The Commissioner's appearances in the media reached close to 2 million people over the year. The highest number of mentions in the media occurred in April 2020.

In addition to the Victim Engagement Strategy, the Commissioner's focus on strengthening connection with people who are victims of crime included:

- reviewing the accessibility of our website
- improving accessibility across all our communications and making our content easy to understand.

In the year ahead, the Commissioner will:

- consider a range of social media channels
- develop communications activities, including promoting the principles of the Victims' Charter and the Commissioner's key functions and services to the community.

Information resources

In 2019-20, the Commissioner began work on creating educational video resources to inform and educate the community about the Commissioner, the Victims' Charter and the Commissioner's role in responding to complaints and carrying out systemic inquiries. These resources are also designed to enhance understanding of the Commissioner's independence.

The key outcomes of these resources are to develop accessible, engaging and educative tools to raise awareness of the Commissioner and her key functions to the following audiences:

- victims of crime
- stakeholders working with victims of crime
- the wider Victorian community.

The resources consist of:

- a video of the Commissioner providing an overview of her role and introducing the functions of her Office to victims of crime and the general public
- an animation that provides information about the Commissioner's systemic inquiry function
- an animation that provides information about the Victims' Charter and the Commissioner's complaints function.

These tools will be available on the Commissioner's website to raise awareness and for use by organisations and members of the community to educate others.

In the year ahead, a complimentary information toolkit will be developed to inform victims of crime, the wider community and key stakeholders about the Commissioner's functions including information about:

- who the Victims of Crime Commissioner is
- what the Commissioner does
- what can be expected from the Commissioner
- how the Commissioner works with victims of crime.

These tools will also be available on the website for information and for use by organisations and community members. The toolkit will incorporate accessible language and be easily translated by organisations into community languages.



4. Promoting continuous improvement in the justice system

The Victims' Charter recognises the inherent interest of victims of crime in the justice process and sets out principles to promote respectful and inclusive treatment of victims by justice agencies and victims' services. Many of these principles relate to the information victims of crime are entitled to receive about support services and criminal proceedings.

A key part of the Commissioner's role is to oversee the compliance of agencies in the criminal justice system, including victims' services, with the Victims' Charter.

In 2019-20, the Commissioner engaged with justice agencies and victims' services to provide them with information about the Victims' Charter. This included information about the new complaints function.

4.1 Increasing awareness of the Victims' Charter

Several agencies and services are 'prescribed' under the Act and the Regulations. This means they have a legal obligation to comply with the principles in the Charter.

Prescribed agencies and services include Victoria Police, the Office of Public Prosecutions, community legal centres, and government-funded sexual assault, family violence and specialist victims' support services.

In 2019-20, the Commissioner engaged with agencies and services to provide information about the Victims' Charter and the mandate and functions of the Commissioner.

The Commissioner sought to raise awareness of community sector organisations that provide victims' services by providing an information session about the Victims' Charter and the new complaints function under the Act. These organisations include family violence and sexual assault services.

The Commissioner also organised a Stakeholder Reference Group made up of key justice and victims' services agencies to discuss the Commissioner's new complaints function. The Stakeholder Reference Group met in October and November 2019. Due to COVID-19, the group did not meet in March 2020.

In the year ahead, the Commissioner will develop an awareness raising strategy and provide further information sessions to assist agencies to understand the Victims' Charter, the new complaints function and the Commissioner's new requirements for agencies to demonstrate compliance with the Victims' Charter.

Summary of Victims' Charter principles

All people affected by crime are to be treated with courtesy, respect and dignity and are to have their particular needs or differences taken into account

Agencies are to provide clear, timely and consistent information about relevant support services, possible entitlements and legal assistance available to victims of crime

Agencies are to respect the rights and entitlements of victims as participants in proceedings for criminal offences and consider the needs of those living in rural and regional areas

Agencies are to be responsive to how victims prefer to be communicated with

Investigatory agencies are to inform victims about the progress of an investigation into a criminal offence unless this may jeopardise the investigation

Prosecuting agencies are to provide information to victims about the offences charged against the accused person, including any decision to substantially modify the offences charged against the accused person, discontinue the charges or accept a plea of guilty to a lesser charge

The Office of Public Prosecutions is to provide details to victims about specific court hearings and the progress of prosecutions, and to consult with victims on certain decisions relating to the prosecution

Victims can request prosecuting agencies inform them of the outcomes of bail applications and any bail conditions intended to protect them

Prosecuting agencies are to provide information to victims about the court process, being a witness, the availability of any special protections or alternative arrangements for giving evidence, and the right to attend court proceedings, unless the court orders otherwise

Prosecuting agencies and the courts should minimise contact between a victim and the person accused of the crime

When a victim chooses to make a victim impact statement, the prosecuting agency should refer the victim to a victims' services agency for support

The personal information of victims should not be disclosed

Investigating and prosecuting agencies that have a victim's property in their possession should handle and store the property respectfully, lawfully and securely

A victim may seek compensation or financial assistance on application

A victim of crime may apply to be included on the Victims' Register



Some victims may not be aware of their right to complain about their treatment by justice agencies and victims' services.



5. Holding agencies to account

The Commissioner has a role in holding justice agencies and victims' services to account for their treatment of people who are victims of crime.

Since November 2019, the Commissioner has had additional functions under the Act to authorise her to hold these agencies to account. These functions are:

- receiving and responding to complaints about investigating agencies, prosecuting agencies, and victims' services—a victim of crime can complain to the Commissioner if they believe an agency or service has not complied with the Charter, and they have already complained directly to the agency or service but are not satisfied with the response
- monitoring and reporting on the extent to which prescribed agencies and services are complying with the principles of the Charter, and reporting on any complaints that are made about prescribed agencies.

5.1 Establishing a complaints function

The Commissioner recognises that some victims may not be aware of their right to complain about their treatment by justice agencies and victims' services. They may also feel cautious about making a complaint.

During 2019-20, the Commissioner committed to a complaints function that is:

- accessible—ensuring victims of crime are aware of their right to complain and processing complaints through preferred mediums and in preferred languages
- safe—victims of crime will be treated in a way that is respectful, trauma-informed and mindful of their needs and experiences
- transparent—victims of crime will be provided with clear information about how a complaint will be assessed and what the Commissioner does and does not have the power to do in response to a complaint.

The Commissioner is also committed to providing fair and reasonable outcomes to all parties and ethical decision-making in the complaints process.

The Commissioner will ensure that only those complaints allowed under the legislation will be investigated and that all decisions made about complaints and investigations are supported by reliable evidence.

In order to achieve this, the Commissioner is establishing robust and clear policies and procedures. These will support the intake, assessment and investigation of complaints by ensuring:

- the confidentiality of all private and identifying information provided by people who make a complaint and by responding agencies
- that people making a complaint are given appropriate assistance to comply with the requirements for making complaints
- all available information relevant to the complaint is obtained
- all information received during the intake, assessment and investigation of complaints is recorded appropriately and stored securely
- the Commissioner's assessment of complaints is conducted within statutory timeframes
- all parties to a complaint are notified of the Commissioner's decisions during the complaint and the reasons for the decision—including decisions to investigate a complaint, to decline to investigate a complaint or to refer a complaint to another body
- that all parties involved in an investigation are provided natural justice.

The new procedures will also support the Commissioner's reporting obligations on complaints received.

In the six months since the complaints function was introduced, the Commissioner did not receive any complaints about non-compliance with the Victims' Charter. As outlined in this report, in the year ahead the Commissioner will inform and educate the community about the Commissioner, the Victims' Charter and the Commissioner's role in receiving and investigating complaints.

5.2 Compliance with the Victims' Charter

From November 2019, under section 28(1A) of the Act, the Commissioner is required to report every financial year on the compliance of prescribed agencies with the Victims' Charter.

The Regulations started on 30 June 2020 and prescribe agencies for the purposes of section 28(1A) of the Act. The Act requires prescribed agencies to demonstrate compliance with the Victims' Charter.

In the coming years, through ongoing engagement with prescribed agencies, the Commissioner will identify and report on challenges that agencies and services may experience in routinely applying the principles in the Victims' Charter.

For the purposes of this report, the Commissioner asked prescribed agencies for information about the systems, policies and processes they have in place to ensure their compliance with the Charter.

The information the Commissioner requested is outlined in Table 2.

Table 2: Information requested from prescribed agencies

1. Is your organisation aware of the Victims' Charter and its obligations under the Charter?

2. Is your organisation aware of its obligations under the Charter?

If you responded 'No' to either Question 1 or 2 please proceed to question 5

3. Has your organisation got systems, processes and/or policies in place to ensure its compliance with the Charter?

If 'No', go to Question 5

4. If you responded 'yes' to Question 3, what type of systems, processes and/or policies does your organisation have in place? Please indicate via the tick boxes:

- policies relating to the Charter or principles contained within the Charter
- training or education of staff in your organisation
- systems to internally monitor staff compliance
- other [please describe]

If you did not tick all bullet points, go to Question 5

5. Does your organisation have a plan for developing policies, processes, systems and training to ensure compliance with the Charter?

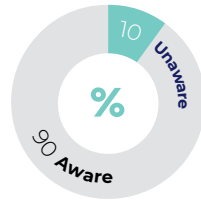
6. Is your organisation aware of the Victims of Crime Commissioner?

7. Is your organisation aware of the Commissioner's responsibility for reporting on the compliance of prescribed agencies with the Charter?

8. Is your organisation aware of the Commissioner's responsibility for receiving and investigating complaints about individual agencies' non-compliance with the Charter?

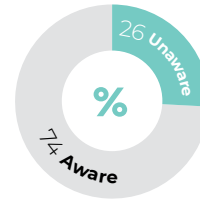
Agency knowledge of requirements to comply with Victims' Charter

Awareness of the Charter

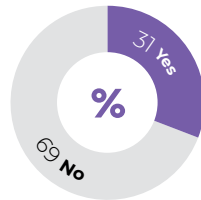


While awareness of the Charter is high (90 per cent), there is a significant drop in the awareness of prescribed agencies' obligations under the Charter (74 per cent). Over the next 12 months, the Commissioner will develop and implement a number of strategies to increase awareness of the Charter and the obligations of prescribed agencies.

Awareness of obligations under the Charter



Systems, processes, policies in place to ensure compliance with the Charter



Notably, nearly 70 per cent of prescribed agencies are yet to put systems and processes into place to comply with the legislation.

Of the 31 per cent of respondents that stated they had mechanisms in place to comply with the Charter, 78 per cent had policies and 74 per cent had training. Only 56 per cent had introduced internal monitoring systems.

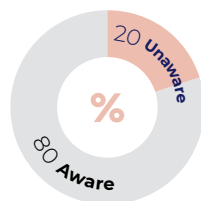
Of the 69 per cent that stated they had no mechanisms in place to ensure compliance, 65 per cent said they had plans to ensure compliance with the Charter in the future.

The majority of prescribed agencies were aware of the Commissioner's role in reporting on prescribed agency compliance (since November 2019 under section 28(1A) of the Act) and the Commissioner's new functions to receive and investigate complaints from victims of crime about agency non-compliance.

Awareness of the Commissioner



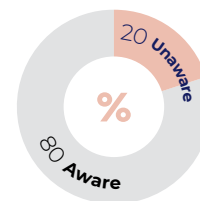
Awareness of the Commissioner's responsibilities with respect to prescribed agencies



There is a variation between awareness of the Commissioner's responsibilities (80 per cent) and prescribed agencies' awareness of their own obligations under the Charter (74 per cent).

This variation will help us to understand the type of information we need to provide to agencies.

Awareness of the Commissioner's responsibilities in relation to individual complaints



Developing a regulatory approach

Over the next 12 months, the Commissioner will consult with prescribed agencies and develop a monitoring framework that outlines:

- the way prescribed agencies and services must provide assurance to the Commissioner that they are compliant with the Charter
- actions the Commissioner may take if she considers an agency or service to be non-compliant.

In developing the Commissioner's regulatory approach, consideration will be given to:

- contemporary regulatory approaches that could help the Commissioner fulfill legislative functions under section 28 of the Act
- the risks, opportunities and challenges of different regulatory models—including balancing the risk of regulatory burden with adequate assurance of compliance
- the resources required to implement a new regulatory approach
- awareness raising for prescribed agencies.

The Commissioner will develop an awareness-raising strategy to ensure prescribed agencies understand their obligations under the Victims' Charter as well as the role of the Commissioner in responding to complaints and monitoring compliance. The information provided by prescribed agencies in response to the information request for 2019-20 will assist in developing the awareness-raising strategy.

5.3 Identifying systemic trends

To identify systemic trends, the Commissioner will use evidence from three key sources:

- the case management system used by the Commissioner's Office
- engaging with victims of crime
- external data sets.

Analysis of this evidence will increase the Commissioner's understanding of the treatment of victims of crime across the justice system and contribute to an evidence base that informs the Commissioner's systemic advocacy.



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 By engaging with victims of crime, the Commissioner will hear about how the justice system currently treats victims of crime and where the system is letting victims down.
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Case management system

Through 2019-20, the Commissioner reviewed the methods used for recording enquiries and complaints received, and for reporting on complaints and compliance.

In the next 12 months, the Commissioner will put new systems in place for collecting, storing and reporting on data that is received. By developing a new case management system, the Commissioner will improve methods for capturing this data.

The Commissioner will ensure data collection aligns with standards that protect privacy, consent and confidentiality.

The Commissioner will use the systemic information drawn from the case management system to increase understanding of the treatment of victims of crime that are common across the operation of the justice system or that are prevalent for victims of crime who belong to particular communities.

Engaging with victims of crime

As outlined in Section 3.1 of this report, the Commissioner is developing a Victim Engagement Strategy that will define the Commissioner's approach to consulting with people who are victims of crime. Through this process, the Commissioner will hear about how the justice system currently treats victims of crime and where the system is letting victims down.

The information gathered through consultation with victims of crime will give the Commissioner insights into areas of community concern that may not be immediately obvious through data analysis alone.

External data sets

The data collected through internal systems and victim engagement will be supported by external data sets that will be used to identify systemic trends.

External data sources will include organisations such as the Crime Statistics Agency, the Australian Bureau of Statistics, the Department of Health and Human Services and the Department of Justice and Community Safety.

These external data sets will also be used to assess if systemic issues identified through internal data and stakeholder submissions are seen across a wide range of agency and departmental data.

6. Advocating for victim-centred laws and practices

Under the Act, the Commissioner has a key role in advocating for the recognition, inclusion and respect of victims of crime by government departments (including funded victims' services), prosecuting agencies and Victoria Police.

The Commissioner's functions include:

- providing advice to the Attorney-General and the Minister for Victim Support about policies that impact victims of crime
- promoting the interests of victims in the administration of the justice system
- representing the concerns of victims of crime to government.

These functions aim to promote the interests of victims of crime and ensure they are integrated into the justice system so that as the system evolves and improves victims are considered as a rule.

6.1 Building an evidence base

In addition to the collection and analysis of data, the Commissioner carries out research to determine:

- policy reform that is required to improve responses to victims of crime
- the most appropriate mechanisms for achieving that reform.

One important method of research includes consulting with victims of crime, as outlined in Section 5.3.

The Commissioner's research supports the development of policy positions on key issues affecting victims of crime. In turn, these policy positions inform the Commissioner's advocacy to government and through the media.

The Commissioner regularly responds to law and policy reform proposals relevant to victims of crime that are referred by government departments and consultative committees. In 2019-20, the Commissioner provided written submissions and other forms of input to the:

- Victorian Government review of the financial assistance scheme for victims of crime—in response to recommendations made in the Victorian Law Reform Committee's (VLRC) 2018 report on the *Victims of Crime Assistance Act 1996*
- VLRC review of the committal process
- VLRC review of the law relating to contempt of court and the *Judicial Proceedings Reports Act 1958* and enforcement processes
- Department of Justice and Community Safety (DJCS) review into judge-alone trials
- Victorian Government review to make recommendations for the decriminalisation of sex work.



6.2 Undertaking systemic inquiries

Under the Act, the Commissioner can carry out systemic inquiries on matters that affect victims of crime, report on the findings, and recommend reforms to the Attorney-General and Minister for Victim Support.

As part of the organisational restructure, the Commissioner increased capacity to carry out systemic inquiries. The Commissioner is currently developing a model for systemic inquiries. This includes processes for selecting inquiries, identifying priorities, determining the scope of a systemic inquiry, and establishing consistent processes for inquiries.

In the year ahead, the Commissioner will launch an inquiry into a systemic matter affecting victims of crime. In carrying out a systemic inquiry, the Commissioner will consult with victims of crime, relevant stakeholders across the community and in the justice system, and subject-matter experts.



7. Ensuring our independence and accountability

The Commissioner has an ongoing responsibility to comply with the standards expected of an independent regulatory authority that provides a complaints mechanism and systemic advocacy to victims of crime. These standards include instilling public confidence in the integrity and autonomy of the Commissioner's Office.

Reviewing the operations of the Commissioner's Office and tracking progress against the implementation of the Strategic Plan will allow the Commissioner to build on good practice and reflect on continuous improvements.

The Commissioner will monitor trends in demand for the enquiries and complaints function. The Commissioner will also conduct a rolling audit of the operations of her Office to determine whether the right infrastructure and protocols are in place to support the effective exercise of her functions.

Several areas for improvement have already been identified and are in the process of being addressed. These have been outlined in this report and include:

- developing comprehensive procedures for the intake, assessment and investigation of complaints
- designing a regulatory approach for monitoring prescribed agencies' and services' compliance with the Victims' Charter
- establishing a model for carrying out systemic inquiries.

Other priorities include:

- standardising the use of data in the Commissioner's Office to safeguard privacy and to support the Commissioner's advocacy
- upgrading the Commissioner's website so that victims of crime can easily find the information they need.

7.1 Report on progress

This Annual Report only contains information relating to the Commissioner's reporting requirements pursuant to section 28 of the Act.

The Commissioner will report annually to the Attorney-General on performance and the delivery of functions, including:

- the number of complaints received from victims of crime and the outcomes of those complaints
- key contributions to law and policy reform
- monitoring activities and findings in relation to prescribed agencies' and services' compliance with the Charter
- the conduct and findings of systemic inquiries.

The Commissioner will regularly evaluate the effectiveness of her Office against key measures, including 'access' and 'trust'. The Commissioner will assess if more victims of crime and a greater cross section of the Victorian community are accessing the Commissioner's enquiries and complaints function over time.

The Commissioner will also review the effectiveness of the complaints process, including the extent to which victims of crime and a cross section of the Victorian community are accessing the Commissioner's enquiries and complaints function.

7.2 Freedom of Information

The *Freedom of Information Act 1982* provides the public with a right of access to documents held by this Office.

For the financial year 2019-20, there were no Freedom of Information applications received by this Office.






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