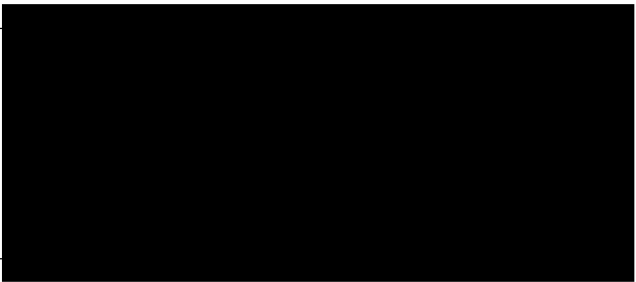


**IN THE MATTER OF THE ROYAL COMMISSION
INTO FAMILY VIOLENCE**

ATTACHMENT CM-6 TO STATEMENT OF CLARE FRANCES MORTON

Date of document: 3 August 2015
Filed on behalf of: the Applicant
Prepared by:
Victorian Government Solicitor's Office
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This is the attachment marked '**CM-6**' produced and shown to **CLARE FRANCES MORTON** at the time of signing her Statement on 3 August 2015.

Before me: 



Clare M - t

An Australian legal practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

Attachment CM-6

A Victim's Guide to Support Services and the Criminal Justice System

www.victimsofcrime.vic.gov.au

Department of Justice



Case Details

Police Officer looking after your case

Name: _____

Tel: _____ Email: _____

Police station: _____

Police station Tel: _____

Police incident number: _____

Court case number: _____

If you have trouble contacting the police officer, call the police station and ask to speak with the officer in charge or the duty sergeant.

Supporting someone affected by crime

What you can do

- believe them
- spend time with them
- listen attentively
- tell them you're sorry to hear about the event, and that you want to help them
- help them feel safe
- help them with everyday tasks, like cleaning, cooking or childcare to give them some private time.

Things to remember

- don't be afraid to ask questions and to explore the issues
- don't take angry outbursts personally
- don't say things like "lucky it wasn't worse" or "just get on with your life"
- don't say things that imply it was their fault, for example "What were you doing there at that time anyway?"
- don't be impatient with them – people recover at different rates.

If you feel that you need support, contact the Victims of Crime Helpline on 1800 819 817 for a confidential discussion.

This guide can help you with the effects of the crime now.
Later, it will help you during the legal process.
Keep it in a place you'll remember.

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The law in Victoria says that people affected by crime have rights when it comes to how you are treated, and the information you can get.

The green boxes in this guide explain what your rights are. See page 36 for more information about your rights, and for what to do if you believe your rights are not being respected.

There are services available to help you at each step of the way. The purple boxes in this guide explain how these services can help.

You might see some legal terms that you haven't seen before. The blue boxes in this guide explain some of these legal terms.

If you can't find what you're looking for:

- visit www.victimsofcrime.vic.gov.au
- call the victims of Crime Helpline on 1800 819 817.

The effects of crime

Crime can affect people in many ways. Every person's reaction is different.

At the start, you might feel shocked, fearful or angry.

A common reaction is feeling numb, and not believing that this has happened to you.

You might suffer from:

- headaches
- nausea
- jumpiness
- sleep problems or being tired
- repeated thoughts of the event.

You might have feelings that come and go, like:

- guilt
- fear
- sadness
- anger
- confusion
- helplessness.

Your everyday life might be affected by:

- trouble with your memory or concentration
- poor performance at work or school
- keeping to yourself
- feeling like you've lost control.

All of these feelings are a normal part of being affected by a crime.

It's important to know that there are support services that can help you.

People recover at different rates. Don't be afraid to ask for help if you need it.

Even if you're not sure what you need or what help is available, it's a good idea to contact the Victims of Crime Helpline on 1800 819 817 to find out.

Getting support

The Victims of Crime Helpline

The Victims of Crime Helpline is a free service that gives on-the-spot information and advice to people affected by crime.

They can help you with things like:

- reporting a crime
- your rights
- how courts work
- applying for financial assistance
- connecting you with other services that can help.

Even if you haven't told the police about the crime, you can still get information from the Victims of Crime Helpline.

You don't have to be the direct victim of the crime to call the Victims of Crime Helpline. Family members or people that witnessed the crime can also get support.

Open: 8am–11pm, 7 days a week

Call: 1800 819 817 – Free from landline phone.

Text: 0427 767 891

Email: vsa@justice.vic.gov.au

Support services in your local area

The Victims of Crime Helpline can connect you with a support service called the Victims Assistance and Counselling Program.

This is a free service.

They can help you with:

- your day to day needs
- organising counselling
- communicating with police and making reports
- changing locks and other emergency home security
- managing your safety
- organising transport and medical services
- finding other services that can help you
- getting ready for court
- making a Victim Impact Statement
- applying for financial assistance.

Call the Victims of Crime Helpline on 1800 819 817 to get in contact with your local Victims Assistance and Counselling Program. This service is available all over Victoria.

You have a right to be treated with respect by the Victims of Crime Helpline and the Victims Assistance and Counselling Program.

They should:

- think about your needs
- give you clear information about what is available to help you
- keep your personal details private.

Reporting the crime

Reasons to report a crime

You might be worried about telling someone what happened, but there are good reasons for making a police report. By reporting a crime, you can:

- increase your safety
- help police charge the person and stop them from doing it again
- get support
- apply for financial assistance
- make an insurance claim for damaged or stolen property.

A report needs to be made as soon as possible after the crime occurs. This helps the police to investigate the crime before important evidence is lost and any other harm occurs.

All crime is serious

It doesn't matter what happened or when it happened, all crime is serious. When you report a crime to police, you will be listened to.

Making your report

You can report the crime at your local police station.

If you feel uncomfortable about reporting the crime:

- ask a friend or family member to go with you for support
- call the Victims of Crime Helpline on 1800 819 817 to talk about your options.

It's important to tell the police exactly what happened. The police are there to listen to what happened to you, and to investigate the crime.

The police may need you to do certain things to help them solve the crime. This can take some time.

They might ask you to:

- give a statement
- identify the offender
- see a doctor who will examine you and make a list of your injuries
- have your injuries photographed to use as evidence in court.

After you have reported the crime, the police must give you a **Notice to the Victim** form. It has the name and contact details of the police investigator for your case. This is your contact person for getting updates on the investigation.

Offender

A person who has committed a crime. They are usually called the 'accused person' when police are investigating a crime. This is because the law in Victoria says that people are innocent until they are proven guilty in a court.

Police investigator

The police officer who looks after the investigation of the case.

Find out more about how police investigate crimes on page 14.

You have a right to be treated with respect by the police.

They should:

- give you clear information about the services available to help you
- connect you with support services if you would like to use them
- ask how you would like to be kept updated about the investigation.

Keeping safe

Always call 000 in an emergency.

Your safety is important. There are things that can be done to help improve it.

If you are worried about your safety, contact the police investigator for your case.

The Victims Assistance and Counselling Program can help you keep safe. Call the Victims of Crime Helpline on 1800 819 817 to get in contact with your local service.

If the accused person contacts you

It's very common for a victim of crime to know the person who committed the crime.

The accused person might try to contact you to:

- scare or intimidate you
- explain why they did it
- apologise for what they have done.

You should avoid any contact with the accused person or their lawyer.

Contact the police investigator if:

- the accused person tries to contact you
- the accused person's family or friends try to contact you
- there is any threatening behaviour towards you or your family.

Intervention orders

An intervention order can protect you and your family from anyone who is violent, threatening or abusive.

Intervention orders have rules about how the person can behave towards you. The person must follow the rules of the order. If they break the rules, police can take action, such as arrest and charge the person.

An intervention order can have rules to stop the person from:

- hurting, threatening or intimidating you
- being near your house
- contacting you in any way
- damaging your property.

How to get an intervention order

You will need to go to your local Magistrates' Court to fill out an application form and have an interview with the court registrar. A date will be set for a magistrate to listen to your application.

Registrar

A person who works for the court. They will help you apply for an intervention order.

Magistrate

A person who is in charge of a Magistrates' Court. They decide if you can get an intervention order.

The Victims Assistance and Counselling Program can help you apply for an intervention order. Call the Victims of Crime Helpline on 1800 819 817.

Court Network is a service with trained volunteers available to help you through the process. When you arrive at court, look for the volunteers with pink lanyards around their necks.

Visit www.victimsofcrime.vic.gov.au/safety for more information.

Safety plans

It's important to think about how you can protect yourself, especially if the accused person is an ex-partner. Making a safety plan can help you do this.

Some things you should think about are:

- planning where you could go in an emergency, and how to get there
- choosing a code word you can use with family and friends if you need help
- asking your neighbours to let you know if they see anything suspicious
- having an excuse so you can leave quickly if you feel threatened
- having a bag ready with clothes, money and important paperwork in case you need to leave quickly.

The Victims Assistance and Counselling Program can help you make a safety plan. Call the Victims of Crime Helpline on 1800 819 817.

Police can tell you how to make your home safer. Contact the police investigator for your case or your local police station to organise this.

Visit www.victimsofcrime.vic.gov.au/safety for more information.

Bail

It's very common for people who are charged with a crime to get bail. This means the accused person is released, but they have to follow rules made by the court.

Some common rules for being on bail are:

- agreeing to come to court when the case starts
- not contacting you or other witnesses
- having counselling or medical treatment
- living at a particular address
- regularly reporting to a police station.

If the accused person doesn't follow the rules, bail can be taken away. They will be held in custody until the day of the court case.

The accused person can ask for bail more than once. Even if the person has confessed to the police that they committed the crime, they can still be released on bail. This is because the law in Victoria says that people are innocent until they are proven guilty in a court.

If you are worried about your safety if the accused person gets bail, talk to the police investigator as soon as possible. Before granting bail, the court should consider how you feel about the accused person being released.

An intervention order can help protect you. See page 9 for more information.

You have a right to be told:

- if the person accused of committing the crime against you is released on bail
- any rules that protect you or your family members from the accused person.

You have to tell the police investigator that you want to get this information.

Emergency expenses

If your financial situation has changed because of the crime, the Victims Assistance and Counselling Program can help you with urgent expenses like ambulance or medical bills.

Call the Victims of Crime Helpline on 1800 819 817 to get in contact with the service in your local area.

Call the companies that you have bills with to tell them you are having financial hardship. Their phone number is usually at the top of the bill.

They might give you extra time to pay or organise a payment plan for you.

See page 35 for more information about financial assistance, or visit www.victimsofcrime.vic.gov.au/financial.

The legal process

This section explains:

- what happens when police investigate a crime
- what happens when police lay charges
- what happens during the court case
- the services that can help you before, during and after the court case.

The legal process can be complicated, but you don't have to deal with it alone.

Call the Victims of Crime Helpline on 1800 819 817 for information and advice. They can also connect you with other services that can help.

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Police investigation

After a crime is reported to police, there is a police investigation.

The police may:

- ask you for a witness statement. This is different to reporting the crime.
- take statements from other witnesses
- collect evidence related to the crime.

There may be times when you think nothing is happening, but the investigation can take some time.

It's important to keep in touch with the people who are there to support you.

Making your witness statement

Tell the police everything that you remember about what happened. Sometimes the questions police ask can be hard or embarrassing to answer. Try not to leave anything out.

If you remember something later, write it down and contact the police investigator. Even if you think it's a small detail, it could be important.

After you have finished your witness statement, you will be given a copy. Make sure you tell the police investigator if:

- you have left anything out of your witness statement
- there's a mistake in your witness statement
- your address or phone number change
- there are any dates that you can't go to court.

In some cases, police may record a video of you giving your statement.

The Victims Assistance and Counselling Program can help you with making your witness statement. Call the Victims of Crime Helpline on 1800 819 817 for more information.

Getting updates on the investigation

You have a right to be kept informed by the police about how the investigation is going.

Police may not be able to give you all the details if it could affect the investigation.

You can get updates on the investigation from the police investigator looking after your case. If the police gave you a **Notice to the Victim** form, it should have the name and contact details of the police investigator. Sometimes, police will send this form to you in the mail.

The form might also have an Incident Number listed. This is the number police use to keep track of your case. When you contact the police investigator, give them the Incident Number from your form.

Sometimes it can be hard to get in contact with the police investigator. Police officers work different shifts at day and night, or they may be on leave.

If you are having trouble contacting the police investigator:

- call the police station listed under 'Member Station' on your Notice to the Victim Form
- ask to speak with the officer in charge or duty sergeant
- ask them for the email address of the police investigator
- send an email to the police investigator to ask for an update on the investigation.

If you don't have a Notice to the Victim form, Call the Victims of Crime helpline on 1800 819 817.

Visit www.victimsofcrime.vic.gov.au/investigation for more information.

Laying charges

Not all police investigations lead to a person being charged with an offence.

Offence

A formal description of the crime that a person is accused of committing.

Sometimes the police can't get enough evidence to bring a case to court. This doesn't mean that the police do not believe your story, or that you weren't a victim of crime.

If new evidence is found, the police may re-open the investigation.

If someone is not charged

You have a right to know why there were no charges laid. The police investigator should explain this to you.

You can still:

- get information from the Victims of Crime Helpline
- get day to day support from the Victims Assistance and Counselling Program
- apply for compensation or financial assistance.

Call the Victims of Crime Helpline on 1800 819 817 for more information.

If someone is charged

You have a right to know what the charges are against the accused person.

The police will contact you by phone or mail to tell you what offences the accused person has been charged with. The charges are based on the evidence from the investigation and how the law defines different types of crime. Police will also tell you about any decision to substantially change the charges, not proceed with all charges, or accept a guilty plea to a lesser charge.

After the accused person is charged by the police, they may be:

- released until the court case starts
- granted bail and released until the court case starts
- held in custody until the court case starts.

See page 11 for more information about bail.

Not going to court

There can be different reasons why a case doesn't go to court.

If an offender is not charged

If the police cannot find an offender for the crime or there is not enough evidence to go to court, you will be contacted by the police investigator to tell you the reasons why.

An official caution

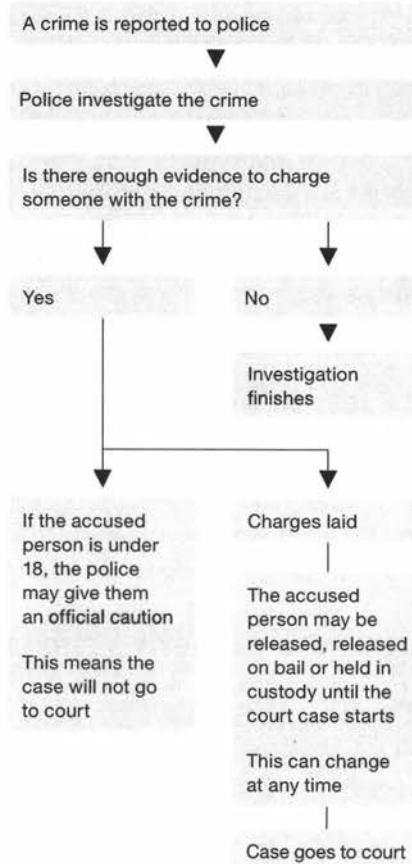
The police may issue the offender with an official caution if they are under 18 years old. This is usually used for a first offence and must be appropriate in the circumstances.

A diversion notice

The diversion program is different to the normal court process. The diversion notice is initiated by the police.

The offender may have to do community service or other things such as writing an apology letter or cleaning up graffiti.

A summary of the police investigation



The Victims of Crime Helpline can give you information and support during the legal process. Call 1800 819 817 or visit www.victimsofcrime.vic.gov.au.

Court

After the police have laid charges, a prosecutor will present the case against the accused person in court.

Prosecutor

Their job is to prove to the court, beyond reasonable doubt, that the accused person committed the crime.

During the police investigation, the police officer looking after your case is called the police investigator. At court, they are called the police informant. This is still the same police officer.

At court, you have the right to be treated with respect by the police and the prosecution team working on the case against the accused person.

The prosecution team must explain the court process to you.

You have a right to be told about when and where the court case will be heard. The police informant or the prosecution team should tell you.

The Victims Assistance and Counselling Program can also help explain the court process to you. Call the Victims of Crime Helpline on 1800 819 817.

Court Network is a service that can organise a trained volunteer to support you at court. Call Court Network on 1800 681 614 or when you arrive at court, look for the volunteers with pink lanyards around their necks.

Types of courts

In Victoria, there are different courts where criminal cases can be heard.

- Magistrates' Court – most criminal cases
- County Court – more serious criminal cases
- Supreme Court – the most serious criminal cases
- Children's Court – for cases where the accused person is under 18 years old.

If you are not sure which court the case is going to, ask the police informant.

Going to court

You might be called as a witness for the case. This means you will be asked questions in court.

If you are called as a witness, you will be given a letter called a summons or a subpoena. It will tell you when and where the court case is going to be held. **If you receive a summons or a subpoena, you must go to court.**

See page 29 for what happens when you are a witness in court.

If you don't get a summons or a subpoena, you can decide if you want to go to court.

If you want to go, tell the police informant as soon as possible. They can let you know when the case will start.

You don't need a lawyer

You don't need to have your own lawyer in court. The State of Victoria has prosecutors from Police Prosecutions or the Office of Public Prosecutions that handle criminal cases.

Police Prosecutions

The police handle cases in the Magistrates' Court.

Office of Public Prosecutions

The Office of Public Prosecutions handle more serious cases in the Magistrates' Court, County Court and Supreme Court.

The prosecutor doesn't work as your personal lawyer. They work on behalf of everyone in the community.

You might need your own lawyer if you want to apply for financial assistance or compensation. This is separate to the criminal case. See page 35 for more information.

Getting information about the court case

The court process can take some time, and court dates often get changed or delayed. The prosecution team will do their best to let you know if this happens. Sometimes delays happen at short notice, and can even happen on the day of the case.

The case may take more than one day at court, and you may have to go more than once if you're called as a witness. See page 29 for more information about being a witness at court.

If you don't go to court and you want to keep updated about the case, you should contact the police informant.

The Victims Assistance and Counselling Program can help you with getting information about the court case. Call the Victims of Crime Helpline on 1800 819 817 for more information.

You can also follow the case on the court's website. Visit www.victimsofcrime.vic.gov.au/court for instructions.

Types of court hearings

Different crimes have different types of court hearings.

Court cases for crimes like:

- road traffic offences
- some assaults
- property damage
- offensive behaviour

are heard by a magistrate in the Magistrates' Court. These crimes are called **summary offences**.

Court cases for more serious crimes like:

- indecent assault
- stalking
- aggravated burglary
- sexual assault
- manslaughter
- murder

are heard by a judge in the County Court or Supreme Court. These crimes are called **indictable offences**.

Hearings for summary offences

For summary offences:

- a magistrate decides if the accused person is guilty or not guilty
- the magistrate decides on a penalty if the accused person pleads guilty or is found guilty.

Magistrate

A person who is in charge of a courtroom in the Magistrates' Court. They listen to each side of the case and have the power to decide if the accused person is guilty or not guilty.

Mention hearing

At this hearing, the accused person pleads guilty or not guilty. If they plead guilty, the magistrate can decide on a penalty for the person at this hearing.

If the accused person pleads not guilty at the mention hearing, a summary hearing will be organised for a later date.

If the accused person pleads guilty now or is found guilty later, you have the right to make a Victim Impact Statement. It can help the magistrate understand how the crime has affected you.

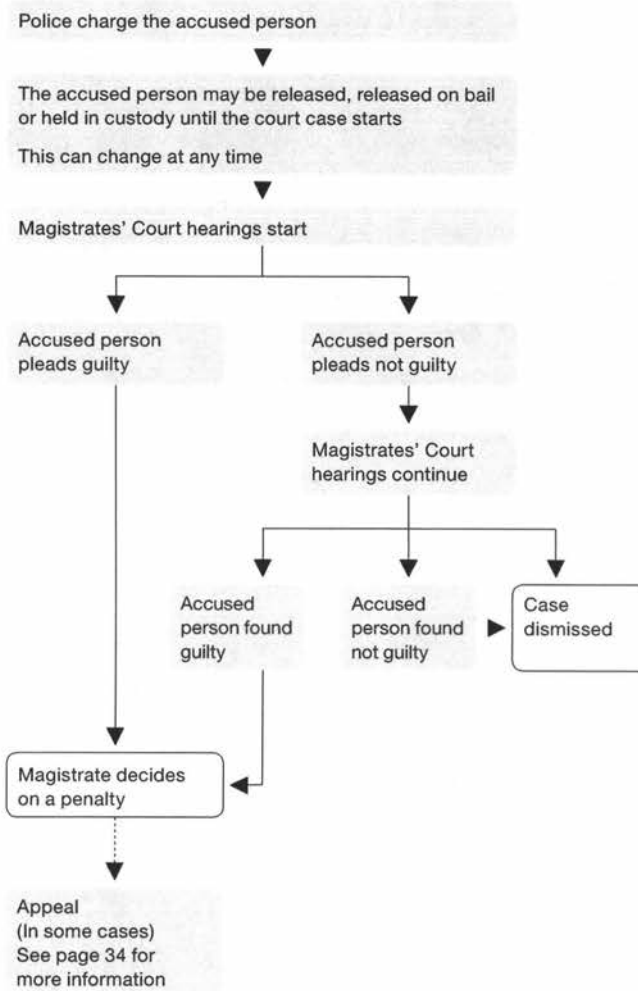
See page 32 for more information.

Summary hearing

At a summary hearing, a magistrate will listen to both sides of the case, and will decide if the accused person is guilty or not guilty. You might have to give evidence at this hearing. See 'Being a witness' on page 29 for more information about giving evidence.

If the accused person is found guilty, the magistrate can decide on a penalty at this hearing. See page 33 for more information.

A summary of the court process for summary offences



The Victims of Crime Helpline can give you information and support during the legal process. Call 1800 819 817 or visit www.victimsofcrime.vic.gov.au.

Hearings for indictable offences

The Witness Assistance Service can support you through the court process. Call 1800 641 927.

For indictable offences:

- a magistrate decides if there is enough evidence to have a trial with a judge and jury in the County Court or Supreme Court
- a jury decides if the accused person is guilty or not guilty
- a judge decides on the penalty if the accused person pleads guilty or is found guilty.

Judge

A person who is in charge of the court room in the County Court or Supreme Court. They make sure the rules of the court are followed. If the accused person pleads guilty or is found guilty, the judge decides on a penalty.

Jury

The jury is made up of 12 people from the general public. They hear all the evidence, and decide if the accused person is guilty or not guilty.

Committal mention

A committal mention happens in the Magistrates' Court. It is used to decide:

- the date of the committal hearing
- which witnesses are needed at the committal hearing.

Committal hearing

A committal hearing happens in the Magistrates' Court. It is used to find out if there is enough evidence for a trial with a judge and jury.

You might be called as a witness for this hearing. See page 29 for more information.

If the magistrate decides there is enough evidence, the case will be heard in the County Court or Supreme Court.

The trial

At the trial, the prosecutor from the Office of Public Prosecutions will present the case against the accused person. Their job is to prove that the accused person committed the crime, beyond reasonable doubt.

The police informant or the prosecution team from the Office of Public Prosecutions should let you know when the trial is going to start. This may be months after the committal hearing.

If you have been called as a witness for the trial, see page 29 for more information.

Most trials usually last for 1 to 10 days. Some can take longer.

The jury hears all the evidence, then decides if the accused person is guilty or not guilty.

Plea hearing

If the accused person pleads guilty or is found guilty at the trial, there will be a plea hearing. At the plea hearing and after court, the accused person is called the offender.

At this hearing, the offender's lawyer will present any information about the offender that could affect the penalty that the judge will give.

The judge will ask if the offender has been found guilty of any offences in the past. This may also affect the penalty the judge gives.

If the accused person pleads guilty or is found guilty, you have the right to make a Victim Impact Statement at the plea hearing. It can help the judge understand how the crime has affected you.

Other people that have been affected by the crime can also make a Victim Impact Statement.

See page 32 for more information.

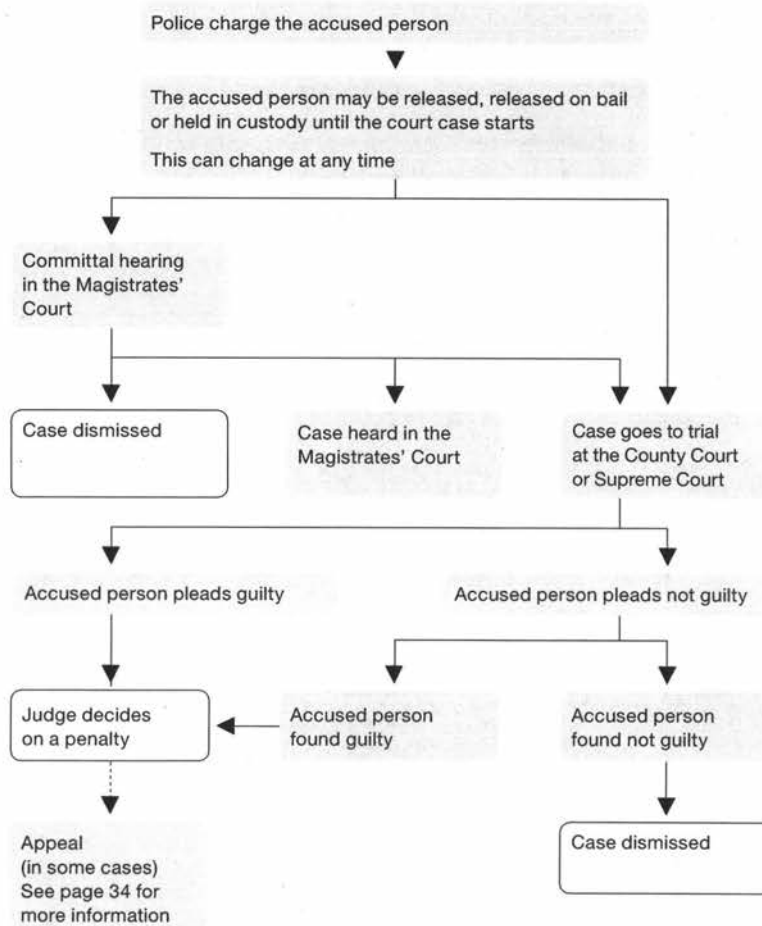
The Victims Assistance and Counselling Program can help you make a Victim Impact Statement. Call the Victims of Crime Helpline on 1800 819 817.

After the plea hearing, a sentencing hearing will be organised for a later date.

Sentencing hearing

The judge will give a summary of the information presented in the trial and the plea hearing. The judge will then tell the offender what their penalty will be.

A summary of the court process for indictable crimes



The Victims of Crime Helpline can give you information and support during the legal process. Call 1800 819 817 or visit www.victimsofcrime.vic.gov.au.

Being a witness

If you are called as a witness, you will be asked questions in court by the prosecutor and the accused person's lawyer.

You will be given a letter that will tell you when and where the court case is going to be held. You should check with the police informant closer to the date. For hearings in the Magistrates' Court, the letter is called a **summons**. For hearings in the County Court or Supreme Court, it's called a **subpoena**.

The police informant or prosecution team should tell you about how the court works, and what you have to do when you give evidence.

The Victims Assistance and Counselling Program can explain the court process and help you prepare for going to court. Call the Victims of Crime Helpline on 1800 819 817.

A trained volunteer from Court Network can show you around the court beforehand, and be with you for your day in court. Call 1800 681 614.

For more serious crimes, The Witness Assistance Service can support you through the court process. Call 1800 641 927.

The Child Witness Service can help children to understand the court process and give their evidence. Call 1300 790 540.

Arriving at court

Before you leave home, make sure you bring:

- your summons or subpoena
- a copy of your written statement you gave to police
- money for food, drinks or car parking
- something to do. You might have to wait for a while.

If you have children, make sure you organise for someone to look after them on the day.

Get to court at least 30 minutes before the time on your summons or subpoena. When you arrive:

1. there will be a security check at the entrance
2. find the Daily Court List on the notice board in the foyer of the court
3. find the accused person's name on your summons or subpoena
4. check for the accused person's name on the Daily Court List, and write down the court room number
5. you can ask at the reception area if you have any questions
6. go to the court room and wait outside for the police informant.

Rules of the court room

When you go into or leave the court room, you must bow or nod to the judge or magistrate.

When the judge or magistrate goes into or leaves the court room, you must stand up.

You can call the judge or magistrate 'Your Honour'.

In the court room you are not allowed to:

- eat or drink
- wear a hat or sunglasses
- talk while a witness is giving evidence
- be disruptive at any time
- use your mobile phone.

Taking an oath

When your name is called, you will be shown to the witness box at the front of the court room. Before you give evidence, you will have to make a promise to tell the truth. You can choose to take an oath (a religious promise) or to make an affirmation (a non religious promise).

Questions

You will be asked questions in court by the prosecutor and the accused person's lawyer. The judge or magistrate might also ask you questions.

When you give evidence:

- take your time
- remain calm and speak clearly
- you can ask for questions to be repeated if you don't understand them
- it's ok to say if you're not sure or can't remember.

If you feel upset or distressed:

- pause
- take some deep breaths or have a drink of water
- try to relax
- only continue when you're ready
- you can ask for a break if you need one.

When you finish giving evidence, the judge or magistrate will tell you when you can leave.

Protection at court

The police and the prosecution team must try to reduce unnecessary contact between you and the accused person.

If you are worried about seeing the accused person, talk to the police informant or your Victims Assistance and Counselling Program worker before the day of the court case. Some courts have a special waiting room for witnesses.

For some cases, a screen can be set up in the court room so you don't see the accused person, or you might be able to give your evidence through a video link, so you don't have to be in the court room.

For more serious cases, the Witness Assistance Service can help with your safety at court. Call 1800 641 927.

Victim Impact Statements

If someone pleads guilty or is found guilty of the crime, you have the right to tell the court about how the crime has affected you.

A Victim Impact Statement can help the judge or magistrate understand how the crime has affected you. It gives you a chance to talk about how you feel, and what has happened to you because of the crime.

A Victim Impact Statement is usually in writing, but you can also use photographs, drawings or poems to explain your feelings.

You can choose if you want to make a Victim Impact Statement. You don't have to make one.

A Victim Impact Statement is different to the statement you make to the police, where you tell them exactly what happened at the time of the crime.

A Victim Impact Statement is about how the crime has affected you physically, emotionally, and financially.

Your Victim Impact Statement is one of the things the judge or magistrate thinks about when they decide what penalty to give the offender.

You can ask for your Victim Impact Statement to be read aloud in the courtroom by:

- you
- someone of your choice (the court must approve this)
- the prosecutor.

The Victims Assistance and Counselling Program can help you make a Victim Impact Statement. Call 1800 819 817.

Visit www.victimsofcrime.vic.gov.au/impactstatement for more information.

The court's decision

Guilty

If the accused person pleads guilty or is found guilty at court, the judge or magistrate must think about what penalty should be given. This is called sentencing.

The judge or magistrate will consider:

- how serious the offence was
- the maximum penalty for the offence
- sentences given in similar cases
- if the offender has been found guilty of previous offences
- the impact on you and other people affected by the crime.

The judge or magistrate will consider your Victim Impact Statement before sentencing the offender. See page 32 for more information.

Not Guilty

If a court finds the accused person not guilty, it means that there was not enough evidence to prove that they committed the crime, beyond reasonable doubt. It doesn't mean that the crime didn't happen, or that you weren't a victim of the crime.

After Court

Appeals

The offender may make an appeal against being found guilty or against the penalty. Generally, they have 28 days from the date they were given the sentence to make an appeal.

The Director of Public Prosecutions can also appeal against the penalty if they think it was too low or not legally correct.

You will be contacted by the Office of Public Prosecutions or the police informant if there is an appeal.

You may have to give evidence again at the appeal.

The Victims Register

The Victims Register can give you information about the offender who was sent to prison for a violent crime.

You can find out:

- the length of the offender's sentence
- changes to the length of the offender's sentence
- the offender's earliest possible release date
- with at least 14 days notice, if the offender is released on parole
- conditions of the offender's parole that could help improve your safety
- if the offender's parole is cancelled
- if the offender is transferred to a prison in another state
- if the offender escapes
- if the offender dies during their sentence.

You can also have a say about the offender leaving prison to go on parole.

Parole

When a prisoner is released from prison and serves the rest of their sentence in the community. Prisoners on parole are supervised, and have rules (called 'conditions') they need to follow.

There are laws in Victoria about who can get information, and what information is available from the Victims Register. You will need to fill out an application form.

For more information or to apply:

- call the Victims Register on 1800 819 817
- email VictimsRegister@justice.vic.gov.au
- visit www.victimsofcrime.vic.gov.au/victimsregister to get the application form.

Financial assistance

The Victims of Crime Assistance Tribunal (VOCAT) can give financial assistance to victims of crime in Victoria.

You may be able to get a payment from VOCAT for your pain and suffering, and to help with things like:

- medical bills
- funeral costs
- loss of income
- paying for counselling.

It can take some time for VOCAT to process your application.

You might need a lawyer to make an application to VOCAT.

The Victims Assistance and Counselling Program can help you with emergency expenses and finding a lawyer to make an application to VOCAT. Call the Victims of Crime Helpline on 1800 819 817.

Visit www.victimsofcrime.vic.gov.au/financial for more information.

Your rights

There is a law in Victoria called the *Victims' Charter Act (2006)*. It states how criminal justice system services and victim support services should treat victims of crime.

This is what it means for you:

- You should be treated with courtesy, respect and dignity by everyone involved in your case, including the police, prosecutors and the victim services that you use.
- The police should tell you about your rights, and put you in touch with other people and services that can help you.
- The police should tell you about how they are going with your case. Sometimes, police may not be able to give you all of the details if it can affect the investigation.
- The police should tell you if they have charged someone with the crime, and what will happen at court. This should include court dates and times, and if you will be needed as a witness.
- Sometimes people who are charged with a crime get bail. This means they are let free until they have to go to court. If this happens, the police should tell you about it and what is being done to keep you safe.
- The prosecutor should tell you about how the court works, and what you have to do if you are needed as a witness.
- You have the right to be kept safe in court.
- If someone is found guilty of the crime, you can tell the judge or magistrate how you feel about what happened to you through a Victim Impact Statement.
- Your name and personal information should be kept private by the police, prosecutors and the victim services that you use.

- If you give your property to police for the investigation or as evidence, they should make sure that it is looked after and given back to you.
- If you are a victim of a violent crime, you should be told about any compensation you can get from the person who committed the crime. You can also apply for financial assistance from the Government.
- If the person who committed the crime goes to prison, you can choose to be told when they will get out by putting your name on the Victims Register. You may be able to have a say about them leaving prison.

Making a complaint

If you believe any of your rights have not been respected, you also have the right to make a complaint.

Call the Victims' Charter Enquiries and Complaints Line on 1800 118 728.

The Enquiries and Complaints Line can:

- try to resolve your complaint by mediating between you and the person or organisation who is the focus of your complaint
- talk about your options for making a more formal complaint if you are not happy with the result.

In many cases, complaints can be sorted out very quickly.

The Enquiries and Complaints Line can't:

- change a decision made by a judge, magistrate or tribunal member
- investigate a complaint which is already being investigated by another organisation
- investigate a complaint which is not covered by the Victims' Charter.

Get help

Services for people affected by crime

Victims of Crime Helpline

The Victims of Crime Helpline is a free service that can give you on-the-spot information and advice.

Open: 8am–11pm, 7 days a week

Call: 1800 819 817

Text: 0427 767 891

Email: vsa@justice.vic.gov.au

Support Services in your local area

The Victims of Crime Helpline can also connect you with a local support service called the Victims Assistance and Counselling Program.

This is a free service. They can help you with:

- your day to day needs
- organising counselling
- communicating with police and making reports
- changing locks and other emergency home security
- managing your personal safety
- organising transport and medical services
- finding other services that can help you
- getting ready for court
- making a Victim Impact Statement
- applying for financial assistance.

Call the Victims of Crime Helpline on 1800 819 817 to get in contact with your local Victims Assistance and Counselling Program.

Centres Against Sexual Assault

Centres Against Sexual Assault offer free and confidential counselling across Victoria to victim/survivors of sexual assault, and their family members/carers.

They also offer the Sexual Assault Crisis Line, a free and confidential 24 hour emergency service for victim/survivors of sexual assault.

Call: 1800 806 292
www.casa.org.au

Support at court

Witness Assistance Service

If the court case is being handled by the Office of Public Prosecutions, The Witness Assistance Service supports victims of crime, family members and witnesses through the court process.

The Witness Assistance Service can:

- give you information about the progress of your case
- explain the court process
- support you through meetings with the prosecution team
- help you with arrangements for being in court
- connect you with other support services.

Call: 1800 641 927
www.opp.vic.gov.au

Court Network

Court Network can provide a trained volunteer to support you at court.

Court Network volunteers can:

- give you support and information about going to court
- be with you on your day in court
- show you around the court beforehand, so you know where to go on the day
- give you a safe place to wait in court
- connect you with other services that can help you.

Call: 1800 681 614

www.courtnetwork.com.au

Child Witness Service

The Child Witness Service gives support to children and young people who need to give evidence in court.

The service is staffed by social workers and psychologists, and has a child-friendly environment for learning about the court process.

The service has a remote witness room, which means the child may not have to give evidence in the court room in front of the accused person.

Any child or young person under 18 years of age who is a victim or a witness in a criminal case can use the service.

Call: 1300 790 540

Legal services

Federation of Community Legal Centres

Community legal centres give free legal services to the public. They can help people who cannot afford a private lawyer.

Call: 03 9652 1500
www.communitylaw.org.au

Victoria Legal Aid

The Victoria Legal Aid Legal (VLA) Information Service gives free general legal information over the phone.

Open: 8.45am–5.15pm, Monday to Friday
Call: 1800 677 402. Interpreter and National Relay Service Friendly
www.legaid.vic.gov.au

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If you would like to receive this publication in an accessible format, please telephone the Victims Support Agency, Department of Justice on 03 8684 6700 or email vsa@justice.vic.gov.au

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