

SUBMISSION TO THE REVIEW OF
THE VICTIMS' CHARTER ACT
2006 (VIC)

February 2025

Acknowledgement of Traditional Owners

Safe and Equal is based on Wurundjeri Country. We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional and ongoing custodians of the lands on which we live and work, and we pay respects to Elders past and present. We acknowledge that sovereignty has never been ceded and recognise First Nations peoples' rights to self-determination and continuing connections to land, waters and community.

Honouring Victim Survivors

Safe and Equal acknowledges the strength and resilience of adults, children and young people who have experienced family violence and recognises that it is essential that responses to family violence are informed by their expert knowledge and advocacy. We pay respects to those who have not survived and acknowledge the lasting impacts of this preventable violence on families and communities.

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About Safe and Equal

At Safe and Equal, we work towards a world where everyone is safe, respected and thriving, living free from family and gender-based violence.

We are the peak body for Victorian organisations that specialise in family and gender-based violence across the continuum, including primary prevention, early intervention, response and recovery. We are an independent, non-government organisation.

Our work prioritises the safety of all people experiencing, recovering from or at risk of family and gender-based violence. While we know that most family violence is perpetrated by men against women and children, we recognise that family violence impacts people across a diversity of gender identities, social and cultural contexts, and within various intimate, family and other relationships. We apply an intersectional feminist lens in our work to address the gendered drivers of violence, and how these overlap and intersect with additional forms of violence, oppression and inequality.

As a peak, we work with and for our members to prevent and respond to violence, building a better future for adults, children and young people experiencing, at risk of, or recovering from family and gender-based violence.

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Introduction

Safe and Equal welcomes this opportunity to inform the Victim of Crime Commissioner's review of the Victims' Charter Act 2006.

As the Victorian peak body for family violence, Safe and Equal advocates for the rights of victim survivors of family violence, as victims of crime, and to ensure that all victim survivors of family violence are supported by the service, legal and justice systems to have their needs met in a way that is respectful, tailored and contributes to their healing and recovery.

The Victims Charter¹ (the Charter) provides an important tool that can support victim survivors in recovery from family violence, as well as other crimes, by ensuring that victims:

- are treated with respect;
- have their individual needs recognised and met;
- are kept informed and engaged about the progress of their case as it progresses through the legal system; and
- have their privacy protected.

These principles should underly all interactions between the broader service system and victim survivors, whether or not they are victims of crime. However, consistent with the findings of the Victims of Crime Commission's review of victim participation in the justice system *Silenced and sidelined*² (the Review), feedback from our member services is that the principles of the Charter have not been incorporated evenly across relevant systems.

Safe and Equal broadly supports the findings and recommendations of the Review. In particular, we would like to call attention to Recommendation 21³, that "*The Victorian Government should expand the Victims Legal Service to provide victims with specialist, state-funded legal assistance in relation to the comprehensive range of legal issues that victims face.*" Access to legal assistance should be available to victims of crime as required across their engagement with the justice system, including to ensure that their rights as a victim under the Charter are upheld noting that, with appropriate funding, this

¹ Victims of Crime Commissioner. (n.d.). *Understand the Victims' Charter*, <https://victimsofcrimecommissioner.vic.gov.au/about/understand-the-victims-charter> Accessed 17 February 2025

² Victims of Crime Commissioner (2023). *Silenced and sidelined: Systemic Inquiry into Victim Participation in the Justice System*.

³ Victims of Crime Commissioner (2023). *Silenced and sidelined: Systemic Inquiry into Victim Participation in the Justice System*.

could be undertaken by other agencies such as Community Legal Centres, as well as the Victim Support Agency.

Safe and Equal will not reiterate issues that have been covered in the Review but will address further issues relevant to the Charter, including:

- embedding the Charter in practice
- accessibility of the Charter

This submission represents views from Safe and Equal's members and our Experts by Experience network, during consultations and discussions across 2024 and 2025.

Embedding the Charter into practice

As reported in the Guardian,⁴ victims of crime, and specifically victims of sexual assault, continue to find the court system traumatic, compounding the trauma of the original assault. This is consistent with Safe and Equal's consultations with member agencies and victim survivors from our Experts by Experience network, who report that interactions with victims' agencies, police and the court systems are not always respectful or inclusive. Victim survivors have expressed that they would not encourage others to engage with the justice system, based on their own experiences of a lack of physical and psychological safety as they have navigated the system.

In preparing for this submission, we considered how the Charter has influenced practice in the specialist family violence sector, as well as other systems with which victim survivors regularly come into contact.

Specialist family violence services report that they are aware of the Charter and their obligation to report on compliance annually. However, they have a range of compliance obligations, including Social Services Regulations, Child Safe Standards and Rainbow Tick Accreditation, to name a few. There is a significant burden associated with reporting on multiple areas of compliance, especially for smaller organisations. In order to reduce the reporting burden on agencies and support a focus on integration into practice, it would be beneficial for the high-level principles contained in the Charter to be incorporated into and reported through other compliance mechanisms, such as the Social Services Regulations, or at least have organisational self-assessment tools that address compliance across regulatory schemes to avoid duplicative effort, given the Charter principles and the Social Services Regulations are aligned.

⁴ Kale, N. (2 Feb 2025) The Guardian. *Three women speak: the trauma, humiliation and shame of being a victim-survivor in the court system.*

Currently, reporting on compliance with the Charter for victim survivor agencies is a self-reported process focused on understanding of obligations under the charter, attendance at training and barriers to implementing the principles. Embedding reporting into other compliance mechanisms would provide the opportunity for more qualitative demonstration of how the Charter is embedded in policy and practice to improve outcomes for victims. This should include strengthening how agencies demonstrate they are using the Charter to improve services for victims, including seeking feedback and using this information to implement continuous quality improvement.

There should be a significant focus on agencies proactively working to ensure victims' rights are upheld, in addition to ensuring victims have access to a clear complaints' mechanism. There is a significant power imbalance between victims and service systems. In recognition of this power imbalance the Charter should allow for a range of options for a victim to choose if they feel their rights have been breached, including the opportunity to raise a complaint directly with the Commission if they feel unable to address it directly with the agency. By definition victims have experienced trauma; if they are considering making a complaint it is likely the original trauma has been compounded by their experiences with a service, investigatory or prosecution processes. Victims may find informal processes, including a facilitated conversation with the agency, or a restorative justice approach, more beneficial than entering into a formal dispute process.

As the Victims' Charter Act legislation was written before the establishment of the Victorian Victims of Crime Commissioner, the legislation should be updated to include the role and associated responsibilities of the Commissioner. In addition, the power of the Commissioner to implement practice change and enforce the requirements of the Charter should be reviewed, to improve outcomes for victims.

In cases where victims feel their rights have been breached, they should have early access to legal information and advocacy and, if necessary, representation to have these claims addressed.

Recommendations

- 1) Incorporate the key principles of the Charter into other regulatory systems, such as the Social Services Regulations, to support embedding into practice and reduce the burden of regulatory compliance
- 2) The Commission to consider how to best support access to a range of options for victim survivors if they want to take action about a breach of their rights; this could include the ability to make a complaint directly with the Commissioner in the first instance
- 3) For victims to have early access to legal information and advice as well as representation if required, to address breaches of the Charter

Accessibility of the Charter

Safe and Equal has received feedback from members, victim survivors and allied sectors noting that, while there is a substantial amount of information regarding the Commission and the Charter (The Victims of Crime Commission webpage⁵, the Victoria Police website⁶ and The Department of Justice and Community Safety website⁷), that these resources are not readily available to everyone. For example, resources are currently primarily text based and require computer and internet access, alongside English language and IT literacy, to access them. Consequently, people who may be at higher risk of having their rights under the Charter ignored, may not have ready access to information about them.

Currently websites containing information about the Charter, including the Victims of Crime Commissioner's website, link directly to the legislation, which can be difficult to understand. The Charter should be supported by a simple statement of the rights included in the Charter, and what can be expected from services. One example of this is the NSW Charter of Victims' Rights⁸. This explanatory information should be available in multiple languages, as well as a range of locations, such as courts, police stations, victim services and other frequently visited locations such as consumer rights offices, health services, and public libraries.

The animations currently available on the Victims of Crime Commissioner's website should also be available in multiple languages. These could be expanded to address other relevant topics, such as providing details of the complaint process and how to access support services.

When a victim of crime requires adjustments to ensure they can access information, including access to an interpreter, communication aids, and simplified language, it should be the responsibility of the service provider to ensure these are provided. It should not be the responsibility of the victim to ask and advocate for these. The categorisation of these supports as "special treatment" implies that the person is getting additional or extra help, rather than being provided with the support they need to access the service system equitably.

⁵ Victims of Crime Commissioner (2025) *Victims of Crime Commissioner: About*, <https://victimsofcrimecommissioner.vic.gov.au/about>, Accessed 29 January 2025.

⁶ Victoria Police (2025) *Victoria Police Victims of Crime*, <https://www.police.vic.gov.au/victims-crime> Accessed 29 January 2025

⁷ Department of Justice and Community Safety Victoria (2025) *Home - Department of Justice and Community Safety Victoria*, <https://www.justice.vic.gov.au/> Accessed 29 January 2025

⁸ Victims Services NSW Department of Communities and Justice (2013) *Charter of Victims' Rights: Victims' Rights and Support Act 2013* <https://victimsservices.justice.nsw.gov.au/documents/victims-rights/charter-of-victims-rights/charter-of-victims-rights.pdf> Accessed 17 February 2025

While victim survivors should not be responsible for ensuring the supports they need to access the service system are provided, they should be considered the experts in their own wellbeing and safety. Victims should be consulted and provided with the supports they need for their physical and psychological safety throughout their engagement with the justice system, especially at court. All courts should be equipped to accommodate victim's physical and psychological safety, including separate entrances and waiting rooms, screens and remote witness access, or any other supports that the victim requires.

It is not enough for agencies simply to ensure that victims of crime are aware of the Charter. This leaves the onus on the victim to be aware of their rights, ensure they are upheld and make a complaint if they are not. Instead, victims of crime should have access to legal information, support and representation throughout the course of their engagement with the justice system. Early engagement with legal information and support would be an avenue to inform victims of crime of their rights under the Charter, and ensure they are upheld.

As stated in the Commission's consultation paper, many victims encounter a justice system that they are not familiar with, during a period of great stress. Victim survivors report being overwhelmed and at times not knowing what to expect, or what will happen next. This uncertainty leads to additional trauma and distress. They also report having difficulty finding information about the progress of their case, and that it can be difficult, after making an initial report to police to either contact the police member who took the initial report, or to know who to contact if they have further information or questions. This could be addressed by having a key contact number/position email address, such as the family violence liaison officer, for each police station/division.

Depending on the nature of the crime, victim survivors may be supported by different services, such as a specialist family violence service and/or sexual assault services for victims of sexual assault. Critically, these services are often time limited and/or episode based. With court cases taking place over months or years, victim survivors' engagement with these essential supports may have ceased during their court process, which can be a time of added trauma and also of additional risk to the victim survivor's safety. Agencies should be flexibly funded to provide the support needed by the victim survivor, when it is needed across their recovery journey, not only at the point of initial crisis.

Recommendations

- 4) The Charter should be supported by a simple statement of rights, written in understandable, accessible language; this should include availability in a range of formats, multiple languages and accessibility in a range of public places
- 5) Make available a key contact point for each Victoria police station/division, so that victims know how to contact police for further information about their matter
- 6) Access for victims of crime to legal information, support and representation throughout their interaction with the justice system
- 7) That support agencies including specialist family violence services and sexual assault services are flexibly funded so victims of crime can access the support service of their choice throughout their interaction with the justice system

Conclusion

The intention of the Charter, *“to support justice agencies and victims’ services organisations to implement practices to provide safe, inclusive and trauma informed responses to all victims of crime⁹”* is a critical mission. Unfortunately, too often the feedback from Safe and Equal’s member agencies and victim survivors themselves is that this is not always their experience, and that reporting family and/or sexual violence and engaging with the justice system compounds their trauma.

Safe and Equal welcomes this review of the Charter and the opportunity it provides to continue efforts to improve outcomes for victims of crime.

⁹ Victorian Victims of Crime Commissioner (2023) *Victims’ Charter Guidelines A guide to assist agencies to comply with the Victims’ Charter*