

Your rights as a victim of crime

Victims of crime in NSW have certain rights. These rights are set out in the Charter of Victims Rights. All NSW Government agencies must comply with the Charter.

Charter of Victims Rights

1. Respect

You should be treated with respect, courtesy and compassion when dealing with NSW Government departments (e.g. NSW Police or court officers) about the crime. At all times your culture, rights and dignity should be respected.

2. Information about services

You should be told as soon as possible about the different services that can help you, including counselling and legal services.

3. Access to services

If available you should be able to receive medical support, counselling or legal assistance.

4. Information about investigation of the crime

If you ask, you should be told about how the police investigation is going, however, in some cases there may be some things the police cannot tell you.

5. Information about the prosecution

Prosecution is about taking the offender to court for the crime. This is done by police, or, in serious cases, the Director of Public Prosecutions.

As a victim of domestic and family violence you should be told:

- if charges are made, what they are, or why the offender has not been charged

- any decision to change or drop the charges
- the date, time and place of the court hearing
- the final court result, including any appeal or gaol sentence given.

6. Information about being a witness

If you have to give evidence as a witness in a trial you should be told about how the trial works and what you have to do.

7. No contact with the offender

While your case is in court you should be protected from contact with the offender and the offender's witnesses.

8. Protection of your privacy

You can keep your address and phone numbers private unless the Court says otherwise.

9. Court business before the trial

You do not have to go to any committal hearing (like a mini-trial) or other court business before the trial unless the Court says you must.

10. Returning your items used as evidence

If the police or prosecution took any of your items as evidence you have the right to get them back as soon as possible. This might not occur until after the matter is finalised or after the expiry of the appeal period.

11. Your protection

If you need protection tell the police or prosecutor when the offender applies for bail.

12. Special bail conditions

You should be told about any special bail conditions the offender is given, which are meant to protect you and your family, like a condition that they must not contact you.

13. Bail decision

If you were the victim of sexual assault, domestic and family violence or other serious assault you should be told if the offender gets bail or not.

14. Victim impact statement

If you want to tell the Court about how the crime has affected you, then you should be given help and support to do this. This is called giving a Victim Impact Statement.

15. When the offender gets released

If the offender is in gaol you can be told if the offender is going to be released from gaol soon, has escaped gaol or is on day release.

16. When the offender applies for parole

You can have a say if the offender applies for parole.

17. Victims compensation

If you were the victim of sexual assault, domestic and family violence or other serious assault, you can apply for victim's compensation.

If you are concerned that your rights under the charter are not being met you may make a complaint to the relevant department or call the Victims Access Line on 1800 633 063 or go to the Your Rights section of the Victims Services website at www.lawlink.nsw.gov.au/vs

Victims Services

Counselling

Victims Services can help you get access to free counselling through the Approved Counselling Scheme, if you:

- are the victim of domestic and family violence
- witnessed domestic and family violence
- are the parent or guardian of a domestic and family violence victim who was a child at the time of the incident.

1. The Victims Support and Rehabilitation Act 1996 provides for compensation for victims.

Compensation for victims of violent crime

You may also be eligible for compensation if you were:

- the victim of domestic and family violence
- injured by violence including physical and psychological injury
- the parent or guardian of a child victim of domestic or family violence and you suffered injury after becoming aware of the violence.

Compensation can be claimed for:

- injuries listed in the schedule of injuries
- actual medical and related expenses
- actual loss of earnings
- lost, destroyed or damaged personal items that were worn or carried at the time of the violence.

Applications for compensation must be made within two years of the event. In some circumstances this time limit can be extended. Applying for compensation is a simple process and can be completed online or through a lawyer. Got to www.lawlink.nsw.gov.au/vs>Compensation>How to Apply

Any compensation you receive comes from the Victims Compensation Fund¹. The fund can then take legal action against the person who injured you, to order them to pay back all or some of the money. This is called restitution. You do not have to take part in this process.

Victims Access Line – 24 hour support

The Victims Access Line is a 24 hour telephone service that provides confidential support, referral and information for victims of crime. Call the Victims Access Line on 1800 633 063.

More information about services and eligibility for counselling and compensation is available from Victims Services through the Victims Access Line.
Phone: 02 8688 5511 or 1800 633 063
TTY: 1800 555 677 then ask for 1800 633 063
Fax: 02 8688 9631
Email: vcb@agd.nsw.gov.au
Website: www.lawlink.nsw.gov.au/vs