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Legislation, Policy and Programs  
Justice and Community Safety Directorate  
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**RE:** Charter of Rights for Victims of Crime

Thank you for providing an opportunity for members of the community to provide input for the proposed ACT Government Charter of Rights for Victims of Crime.

I am a NSW resident whose son was murdered in July 2016. Overall my experience in dealing with the NSW criminal justice system has been a positive one, although I think in my case there could have been improvements to some of the existing systems and processes including the introduction of some new support mechanisms to better assist people in my situation.

I believe that my mostly positive experiences with the NSW criminal justice system have been in part contributable to the NSW Charter of Victims Rights and accompanying NSW Code of Practice for the Charter of Victims Rights. I have also been fortunate to have been dealing with very patient, helpful and empathetic individuals in the NSW Police force, the NSW Office of the Director of Public Prosecutions (DPP) and NSW Victims Support Services. And I have benefitted greatly from support and assistance from the Homicide Victims Support Group, the funeral director who helped us organise our son's funeral, friends and family.

My input addresses the questions posed in the fact sheet designed for responses from community members.

1. *How would you prefer to **access information** about how the justice system works and what information and support is available to someone who has experienced crime?*

It is important that people are able to access information in a variety of ways, as their means of access may vary and their need to access information in one way or another may vary as a legal case progresses.

In situations such as mine the first and most important information my husband and I needed was how to contact the police officer/s in charge of the investigation, as the police officers who had to inform us of our son's murder were from an area other than where the crime had been committed and had very few details about what had happened. We were told how to get in touch with the officer in charge of the case through our local police station. A proforma providing this information to victims would be useful. My understanding is that NSW has a Victim Card which is primarily

intended for people reporting a crime; something similar to it could be provided to primary victims of crime as well.

Looking back over the last two years I realise that although a significant amount of information was provided to me in booklets, fact sheets, pamphlets and via the internet and telephone, I was too traumatised and overwhelmed to comprehend a lot of it. Given my state of mind and the complexity of the criminal justice system I was confused about which agency I should be dealing with at any given time, particularly in the first few months after my son's murder. This was despite much of the information I needed being in front of me. The situation was compounded by the necessity of sorting out my son's personal and financial affairs, which involved researching and having to demand my legal rights as they applied to aspects of the justice system not directly associated with the criminal justice system.

As time went on I found hard copy documents about how the criminal justice system works to be very helpful, as I was able to refer to them whenever I needed information. Documents that I found particularly useful included a booklet about the justice journey, a guide for the victims support scheme, a guide for victims in dealing with the media, information about experiencing grief and information from and about associated services, such as the Homicide Victims Support Group. I think it would be useful for a simple one page "flier" advising in dot points of the key areas of responsibility of each agency involved in the criminal justice system to be made available to victims of crime at relevant points of the justice journey.

Since my son's death I have also been provided with information and advice directly related to the case over the phone, by email and in face to face meetings. These modes of access to information have been appropriate and useful at different stages of the justice journey. A quick phone discussion with the police about court mentions was all that was needed at times. But as different possibilities of potential directions the court case might take arose face to face meetings with the lawyer and witness support counsellor from the NSW DPP followed by email correspondence was most informative and helpful.

After the case moved from the District Court to the NSW Supreme Court I welcomed face to face meetings with the Barrister and instructing lawyer during and after the sentencing process along with the opportunity to view the prosecution's evidence. And although I have not yet studied it I am glad that I was able to obtain a copy of the judgment, as I want to understand the legal arguments that led to the sentence. While I recognise that not all people would want or benefit from having access to that sort of detail, I wanted it.

Information and support from Homicide Victims Support Group was also most welcome and helpful, as it complemented that from government agencies and was provided from the perspective of and often shared by other victims of homicide.

2. *How would you want to be **kept up-to-date** about your case as it moves through the justice system?*

It is important that there is close liaison between government agencies to ensure that victims of serious crime are informed and supported throughout the case. In the early months of the legal proceedings associated with my son's death each of two government agencies assumed that the other was in regular contact with me, when in fact neither one was. Because I didn't know how the system worked I didn't assume that I could ring and ask what was going on or why I wasn't being kept up to date – I didn't know whether I was "allowed" to. This was distressing.

As the case progressed I was and needed to be kept up to date in a variety of ways – by phone, by email and in face to face meetings.

For example, in the early stages of the case when there were court mentions phone contact was sufficient. However in the later stages I welcomed face to face meetings with the lawyer from the NSW DPP with opportunities to ask follow-up questions and seek further information and clarification by email. The various means of update were particularly useful in relation to the potential directions and time frames the case might take based on how the offender might plea and the outcomes of various assessments of the offender.

3. *How would you want to **access support** as someone who has experienced crime?*

Although I was contacted by phone and provided with written information by a number of government agencies and support organisations immediately after my son's murder I was confused about which one was responsible for what. Access to a "buddy" or a single point of contact would have been most useful – a person who is familiar with the justice system overall and could direct me to the appropriate government agency, support service and/or individual at any given time.

A single point of contact would have been particularly helpful in the beginning when my husband and I were going through the processes of

- formal identification of our son,
- funeral preparations (which included putting strategies in place to deal with potential problems caused by our son's ex-wife should she attend the service),
- interviews with the police and the beginning of criminal proceedings and
- simultaneously sorting out our son's personal affairs (dealing with his real estate agent and electrical and gas service providers, negotiating with his employer for final payout, forwarding mail, etc when a person dies intestate).

The worst experiences I had in coping with the aftermath of my son's murder were associated with sorting out my son's personal affairs. It was a shock to find that the

private sector is more interested in making profits than adhering to correct legal processes and having adequate quality processes in place to easily facilitate finalising a person's account under such circumstances. I spent many days over a twelve month period trying to ascertain and defend my legal rights. I am sure a referral mechanism would have saved me an enormous amount of time and emotional energy.

4. *When would you want to **be included** in discussions and decisions about your case?*

From my perspective it is important that people be given a choice as to whether and to what extent they want to be included in discussions and decisions about their case. My son's partner was a witness to and was totally traumatised by his murder; she did not want to be the key point of contact or necessarily kept in the loop about the case. It is my understanding that she asked that the police and other authorities communicate with me rather than her.

Although it was only towards the end of the case that I understood why the agencies were dealing with me I wanted to be and was included in discussions about my son's case from the very beginning. I assume this was partly because of the nature of the case but also because I indicated, as hard as it was, that I wanted to be kept informed. Because of the nature of the situation it was not relevant for my husband and me to be included in decisions about the case.

5. *What would help you feel comfortable to **make a complaint** and how should it be handled?*

In my experience complaints can often be avoided if people are given an opportunity to talk to someone about what is troubling them and why they wish to make a complaint. They need to feel confident that they can trust the person with whom they are raising the issue, that they will be listened to and that they will be treated with respect. This implies that a relationship already exists.

A single point of contact for victims of crime would allow a trusting and respectful relationship be built over time. It would therefore make sense for this person to be the initial point of contact for making a complaint. The contact person may be able to direct the person to an individual in the appropriate agency/organisation for

1. resolving or clarifying an issue without the need for a complaint or
2. preparing and lodging a complaint.

