

1986.5. Support Services for Victims of Crime

*Submitted 27 May 1986 to the Legal and Constitutional Committee, Parliament of Victoria
Published: Victorian Humanist, June 1986: 6.*

The Legal & Constitutional Committee of the Victorian Parliament invited the HSV to make comments or submissions to the Inquiry into Support Services for Victims of Crime. Below are the comments submitted by the HSV in order of the issues raised in the discussion paper.

General

Though not an organisation that specifically provides such services, the HSV regards this issue as an important social problem and would like to offer some comments.

Compensation & Reparation

There appears to be an adequate administrative structure in the form of the Crimes Compensation Tribunal as described in the Criminal Injuries Compensation Act 1983, Part 2. But frequently there are lengthy delays before compensation payments are made and this causes additional hardship to the victim. We understand that in the UK, where crime compensation payments are made as of right rather than as of grace, they are available within a few weeks. Any procedural or legislative changes towards a speedy conclusion of cases would be welcome. The adequacy of awards is a matter of individual circumstances: we do not believe the victim should become richer as a result of the crime. But we do strongly believe that the offenders should be made accountable to their victims and provide restitution to their full capacity to do so. This may be in the form of periodic payments over time, if a lump sum payment is not possible. We suggest the liquor industries be taxed to contribute to the Consolidated Fund in proportion to the number of criminal offences committed under the influence of alcohol.

Support Services

As a concept, self-help groups are a positive and a mature attempt at problem-solving. In practice, however, as pointed out in your explanatory notes, some of these groups may reinforce or increase the psychological problems of the victims through lack of expertise though with best intentions. We therefore propose an accreditation scheme whereby these groups are inspected and assessed for approval or otherwise. A list of approved groups could be made available and recommended to the victims.

Criminal Justice Process

We strongly support the establishment of a charter of victims' rights, similar to the South Australian document *The Rights of Victims of Crime*. But rather than a set of guidelines to government departments and agencies, it should have the legal force of a bill of rights. The victims should certainly have the rights not to disclose their residential address, not to appear at preliminary hearings, to be informed of the progress of investigations, the charge(s) laid, outcome of proceedings, conditions of bail, parole and release from custody.

Their right to counselling services, to aid in preparation for court proceedings, to legal aid and to compensation as well the right to the "impact statement" should be assured by

legislation. It should be mandatory to inform victims of crime of their rights and of available support services. We suggest that specialised assistance be given to members of groups identified as those which may have special problems as victims of crime: women, children, migrants, Aborigines, the elderly, the handicapped and the unemployed. The cost and effort involved in this will often pay off by preventing long-term disability and dependence.

The problem of victims' rights as opposed to the offenders' was mentioned in the discussion paper No 25, *Criminal Records*, issued by the Australian Law Reform Commission in December 1985. It was in the context of criminal convictions being spent after a period of time. Thus we appreciate the difficulty of balancing the rights of the offender and the victim. But we believe that, in committing criminal acts, offenders abrogate at least some of their rights.
