

Victims' Charter Review

GenWest Submission

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Acknowledgements

GenWest recognises that the land on which we work and provide our services always was and always will be Aboriginal land. We proudly acknowledge the Aboriginal and Torres Strait Islander communities across Melbourne's west, their rich culture, diversity, histories and knowledge, and the contribution they make to the life of this region.

We want to take this opportunity to acknowledge the bravery of victim-survivors who have had the courage to come forward and speak out against family violence and oppression. We are committed to continuing to support victim-survivors and others to live free from violence.

We especially want to thank GenWest's Survivor Advisory Group who generously gave their time and courageously shared their experiences and insights with us in this submission.

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1 Introduction

1.1 About GenWest

GenWest is a place-based gender equity and family violence service, working with victim survivors and communities across Melbourne's west to lead safe and healthy lives. GenWest draws from 30 years of expertise working in the women's health and family violence sectors and runs services across the full spectrum of primary prevention, early intervention, response, healing, and recovery to support women, children, and gender diverse people to live free from violence.

1.2 GenWest's Survivor Advisory Group

Lived experience perspectives are critical to the development of policy reforms, service planning, practice, and legislation. This submission is directly informed by GenWest's Survivor Advisory Group, a group of women with lived experience of family violence and as victims of crime in the justice system. Their expertise, reflections and insights are the primary evidence from which we make our key arguments and recommendations.

We conducted focus groups with the Survivor Advisory Group to understand their knowledge of the Victims' Charter in the context of their interactions with police, courts, legal services, and the broader judicial system and discussed the reforms needed for the Charter to be accessible, relevant, effective, and helpful to victims of crime in the future.

Members were consulted at key stages of its development, including a final review of the submission once completed.

1.3 Submission Overview

GenWest welcomes the opportunity to make a submission to the Victims of Crime Commissioner (VOCC) as part of its review of the *Victims' Charter Act 2006* (Vic) (Victims' Charter). We congratulate the VOCC on its decision to review the Act related to its ongoing effectiveness and benefits for victims of crime.

This submission responds to the following areas from the *Victims' Charter Review Consultation Paper* and presents key recommendations to address these points:

- Awareness of the Victims' Charter
- Cultural change in the justice system
- Accessibility of the Act
- The Charter principles
- Upholding Charter principles
- Other approaches to enforcing compliance

2 Recommendations

Recommendation 1: Prioritise and fund education and awareness campaigns to better promote the Victims' Charter in the community.

Recommendation 2: Clarify and strengthen the role of the VOCC to promote the Victims' Charter and have it clearly articulated as a provision within the Charter itself.

Recommendation 3: Mandate Victims' Charter education and provide trauma-informed training for all staff, justice agencies, decision makers and family violence support services that work with victims.

Recommendation 4: Create a dedicated Victims' Charter liaison role in justice agencies, victims' services, and the courts to ensure victims can understand and pursue their rights and are supported to navigate the justice system.

Recommendation 5: Create a short, plain language version of the Victims' Charter that outlines the key rights and entitlements in a clear, easy-to-understand format.

Recommendation 6: Ensure the Victims' Charter is available in formats suitable for people with disabilities, people with English as an additional language, and children. This should include versions in multiple languages, Easy English, large print, braille, audio, and with the use of visual aids such as infographics and flowcharts.

Recommendation 7: Amend the Victims' Charter so that justice agencies and victims' services are legally required to verbally explain the Charter to victims and check for understanding at regular intervals during interaction with the justice system.

Recommendation 8: Improve victims' physical and psychological safety in court environments such as providing 'safe spaces' for victims, and separate entrances, exits and facilities for victims and perpetrators.

Recommendation 9: Provide additional supports to victims attending court proceedings such as counselling referrals and options for paralegal assistance to prepare Victim Impact Statements, affidavits, and in giving evidence at court hearings.

Recommendation 10: Ensure all Victims' Charter principles have designated responsible agencies and clear complaints and escalation procedures. Increased

community awareness and education about how victims can make complaints needs to accompany this.

Recommendation 11: Create or nominate an independent regulatory body to investigate agency breaches of the Victims' Charter.

Recommendation 12: Strengthen the role of the VOCC to assist victims to navigate complaints processes.

Recommendation 13: Offer alternative complaints pathways for victims such as being able to take complaints to the Victorian Equal Opportunity Human Rights Commission and the Judicial Commission of Victoria.

Recommendation 14: Incorporate legal consequences and stronger regulatory powers for non-compliance as a provision within the Victims' Charter.

Recommendation 15: Ensure the Victims' Charter is an enforceable instrument in legal proceedings.

Recommendation 16: Amend the Victims' Charter to include a specific provision that victims are provided with a clear statement of their rights.

Recommendation 17: Amend the Victims' Charter to include provisions for courts and judicial officers to have a designated role in ensuring agency compliance.

Recommendation 18: Ensure judicial officers have regular training in the Victims' Charter and that procedural fairness for victims is no longer a discretionary decision.

Recommendation 19: Amend the Victims' Charter to include courts as a prescribed agency that the VOCC is required to report on annually to monitor compliance with the Charter.

Recommendation 20: Amend the Victims' Charter to include a provision that application for Legal Aid Certificates be made available as part of the Act.

Recommendation 21: Increase victims' access to independent legal assistance.

3 Awareness of the Victims' Charter

3.1 Limited awareness amongst victims and the community

The majority of GenWest's Advisory Group did not know about the existence of the Victims' Charter during their interactions with police, legal services, the courts, and other victims' services when escaping family violence and seeking justice. They also felt that the Victims' Charter was not widely known amongst other victims of crime or the broader community.

"I had absolutely no knowledge about the Charter, no one explained it to me. It would have been so helpful to have the information I needed and to know my rights during such a hard time." - **Survivor Advisory Group member**

Members spoke about the need for victims' services, justice agencies and the VOCC to be more active in raising awareness and promoting the rights of victims under the Charter, especially in moments when victims are at their most vulnerable. Members also expressed that an unenforceable Victims' Charter has limited use in the legal process.

"Victims have experienced trauma and they're going through a legal process, they're afraid and upset, and that's why there needs to be extra effort to ensure that victims know their rights and have information and supports available to them." - **Survivor Advisory Group member**

3.2 Strengthen the role of the VOCC and prioritise education to promote victims' rights

Members suggested greater priority be given to developing and resourcing education and awareness campaigns to better promote the Victims' Charter amongst victims, agencies that work with victims, and the broader community.

"It's nice to have the Victims' Charter posted on the website, but then what? It doesn't tell you what happens if you have a complaint, what happens if you have a question? More education, awareness and support is needed for victims and a clear process to follow." - **Survivor Advisory Group member**

Members recommended that the VOCC needed to play a more explicit role in promoting and educating the community on the Victims' Charter and this role should be clearly articulated within the Charter and the Act itself.

"The VOCC has an important role in raising awareness and promoting the rights of victims. Legal provisions within the Charter should be made for this." - **Survivor Advisory Group member**

3.3 Mandate Victims' Charter training for all staff and agencies

Members recommended that specific Victims' Charter education and training be mandatory for all staff working in justice agencies and victims' services to improve service outcomes for victims and minimise agency breaches of the Victims' Charter. They mentioned this should especially apply to caseworkers in the family violence sector and for it to be an obligatory part of case management support provided to victims of family violence.

"It's the role of services and anyone that is working with victims to properly educate them on their rights. Staff need to have the correct knowledge and training to do that." - **Survivor Advisory Group member**

Education and training for those in positions of power such as judges, court staff, lawyers, and police officers were also seen by members as important, given these officials can have considerable decision-making power and influence over victims' lives (see section 8.2).

"Judges and others in positions of authority need to understand the Victims' Charter, uphold the rights of victims and be held accountable if that does not occur." - **Survivor Advisory Group member**

Recommendation 1: Prioritise and fund education and awareness campaigns to better promote the Victims' Charter in the community.

Recommendation 2: Clarify and strengthen the role of the VOCC to promote the Victims' Charter and have it clearly articulated as a provision within the Charter itself.

Recommendation 3: Mandate Victims' Charter education and provide trauma-informed training for all staff, justice agencies, decision makers and family violence support services that work with victims.

4 Cultural change in the justice system

4.1 Limited cultural change

Members spoke overwhelmingly about the negative and re-traumatising impacts of interacting with the civil and criminal justice systems. They recounted experiences of receiving limited information and access to services; a lack of referral pathways in an overburdened system; the challenges related to navigating legal and court processes, and the many occasions that agencies had not informed them about their rights under the Charter.

"A little while ago I sat in the Supreme Court supporting a victim's family. They were from India; they did not speak English well and didn't know the legal system. We did not get any sort of assistance at all, nothing from the courts, no information or referrals, no offer of legal services, nothing. They did not know about the Charter at all or their rights." - **Survivor Advisory Group member**

"You're there trying to fight the perpetrator, trying to be strong and you dare to speak out. But if the system doesn't observe your rights and doesn't allow you to be heard, that just reinforces things the perpetrator has put in your head. They are supposed to be there for you but if you haven't been heard by them, you feel let down and abused all over again." - **Survivor Advisory Group member**

"When the system traumatises and re-traumatises a victim; that's called systems abuse. That is not a just outcome when they are already a victim of family violence." - **Survivor Advisory Group member**

Members felt that the Charter is purely symbolic, and without stronger legal mechanisms and an enforceable framework in place, there would be no real cultural change and meaningful outcomes made for victims.

"If there are no consequences for those who fail to uphold victims' rights then we cannot expect more positive changes for victims." - **Survivor Advisory Group member**

4.2 Create Victims' Charter liaison roles in justice agencies, victims' services and the courts to ensure victims can understand and pursue their rights

Members recommended that the Registry should be responsible for informing victims of their rights, but also that creating a dedicated Victims' Charter liaison role in every agency and service that works with victims would help ensure that victims' rights were upheld. It was suggested that this role be implemented in the courts as well (see section 8.2).

"Just like there's an OHS officer or Union Delegate in every agency, this could be a delegated role that receives specific training on the Victims' Charter. We need a 'Victims' Charter Liaison Officer' who works with victims to understand their rights and educates their own organisations about it too." - **Survivor Advisory Group member**

Members proposed that the Victims' Charter liaison role should not only educate victims about their rights, but also perform the role of a non-lawyer advocate to act on their behalf and support them to navigate the legal and court systems.

It should be that you can contact a liaison officer who works between the court and legal systems, who finds out what you need, and they help you.” - **Survivor Advisory Group member**

It was discussed that a key reason for this approach is that Legal Aid services in civil proceedings, including for Intervention Orders (IVOs) and Apprehended Violence Orders (AVOs), are limited unless a litigant is facing incarceration or homelessness.

“We need liaison officers to be with victims in police stations and in the courts. Someone that takes on that role to make sure things are being done correctly because a person's not going to know. It needs to be checked, especially at the court, ‘have you been informed of your entitlements?’ So often the person is not actually told.” - **Survivor Advisory Group member**

Recommendation 4: Create a dedicated Victims' Charter liaison role in justice agencies, victims' services, and the courts to ensure victims can understand and pursue their rights and are supported to navigate the justice system.

5 Accessibility of the Act

Members agreed that the Victims' Charter is too long, confusing, and full of legal and technical jargon. It was suggested that the VOCC create a short, plain language version of the Act that can be easily understood by victims and the broader community.

“Half the time you look at legal terms and you wonder, ‘What are they actually trying to say?’” - **Survivor Advisory Group member**

5.1 Ensure accessibility for people with disabilities, people with English as an additional language and children

Some of our members live with a disability. They expressed concerns at the lack of accessibility for people with disabilities and suggested the need for the Charter to be available in formats such as Easy English, large print, braille, and audio. Including visual aids such as infographics or flowcharts would also be helpful to explain key information in a more intuitive way.

“The Charter needs to be simple to understand, especially for people with disabilities. It should be written in plain language to avoid confusion.” - **Survivor Advisory Group member**

Members suggested the Victims' Charter needed to be accessible in multiple languages for victims whose primary language is not English.

“Already the legal and court processes are so complicated and challenging. Victims who don’t speak English well have so many more barriers to overcome in understanding their rights and the processes involved.” - **Survivor Advisory Group member**

Members also advised that the VOCC should create a child-friendly version for families and child victims to understand their rights and that Victims’ Charter liaison officers would be critical in supporting this process (see sections 4.2 and 5.3).

5.2 The role of trauma

Members discussed the role that trauma plays in limiting the ability of victims to easily understand and process complex information, especially in deeply stressful moments that are triggered by fear.

It was suggested that a flowchart of entitlements and information of where victims can access supports at various points of the legal system should be developed and distributed by caseworkers to victims of family violence who will commonly need to face their perpetrator in family law or intervention order proceedings. It was also recommended that trauma-informed training for staff and agencies working with victims needed to become the norm (see section 3.3).

“If you’re traumatised at the time, your brain is not functioning very well and it’s harder to understand.” - **Survivor Advisory Group member**

“A person's mind is affected when they've experienced trauma, especially from family violence. It’s well-documented that when a person has experienced trauma, the brain sort of rewires differently and they also become forgetful. Legal processes often happen on people's worst days and they're not able to properly interpret the Charter, let alone understand their entitlements.” - **Survivor Advisory Group member**

5.3 Additional supports for accessibility

Members recommended that justice agencies and victims’ services should be legally required to verbally explain the Charter to victims, checking for understanding, rather than just handing them a written copy. It was suggested that this should be part of a consent process where victims signed an agreement to say they understood their rights and understood how to make complaints. Service providers should also do follow up consultations at regular intervals during the victim’s interaction with the justice system to check understanding, including by decision makers in legal proceedings.

Members mentioned that having dedicated Victim Charter liaison officers (see section 4.2) would provide additional safeguards and ensure victims are properly informed and assisted.

“Once the service providers have explained and you’ve been given the Charter, you should have to sign to say that you've got it, and most importantly that you understand it. After a period of time, they should check again, ‘Are you understanding what your rights are? Are you understanding the Charter?’” - **Survivor Advisory Group member**

Recommendation 5: Create a short, plain language version of the Victims’ Charter that outlines the key rights and entitlements in a clear, easy-to-understand format.

Recommendation 6: Ensure the Victims’ Charter is available in formats suitable for people with disabilities, people with English as an additional language, and children. This should include versions in multiple languages, Easy English, large print, braille, audio, and with the use of visual aids such as infographics and flowcharts.

Recommendation 7: Amend the Victims’ Charter so that justice agencies and victims’ services are legally required to verbally explain the Charter to victims and check for understanding at regular intervals during interaction with the justice system.

6 The Charter principles

6.1 Protection principles

The Survivor Advisory Group agreed that the protection principles were not operating in practice to protect the safety of victims. This was especially evident when victims attended court proceedings. Members spoke about the need to improve victims’ physical and psychological safety in court environments.

Members spoke about the terrifying experience of walking past their perpetrators in the hallways; having to face them in the courtrooms and experiencing intimidation and threats by the preparator, their family members and lawyers in courtroom common areas.

“You do not feel safe when they walk the perpetrator in with all the family members through the main hallways rather than taking them through the backrooms. It’s horrifying. The court system in general is terrifying, let alone having someone there who's done what they've done to you. You're sitting in the same room with that person. They offer minimal counselling or guidance.” – **Survivor Advisory Group member**

Another member recounted her experience of being followed by a perpetrator's family member into the restrooms and being verbally and emotionally attacked from inside a bathroom cubicle. The experience completely derailed her.

"When I went back outside, I was a mess. I was speaking to the detective, and he said to me, 'Can you tell me anything?' All I could tell him, was that I'd seen the bottom of her skirt and her shoes stalking me in the bathroom. And when I went into the courtroom, she walked right past me, and nothing was done." - **Survivor Advisory Group member**

Members highlighted the need for better safety measures such as separate entrances, exits and facilities for victims and perpetrators; 'safe spaces' where victims could seek reprieve; as well as improved access to psychological supports during court proceedings.

6.2 Participation principles

Members spoke about the lack of notification and consultation they received during court proceedings, and in parole and post-sentence decisions.

"We were not notified when he [the perpetrator] was released from prison, I only found out three months later. Even with the sentencing, there was no consultation." - **Survivor Advisory Group member**

Members also spoke about the importance of victims understanding their entitlements in relation to making Victim Impact Statements, affidavits and giving evidence and the necessity of agencies ensuring that victims knew how these processes worked because it had very real and lasting impacts for victims.

"There are so many things being missed like Victim Impact Statements because people aren't being notified of their right to give one and agencies are not being held accountable for these breaches." - **Survivor Advisory Group member**

One member outlined the need to give additional quasi-legal assistance to victims to prepare Victim Impact Statements, affidavits and to give evidence at court hearings, especially in situations where victims may not qualify for legal aid and are unable to afford legal representation (see section 8.3). They suggested that this approach gives added value of supporting a victim to speak for themselves and to provide them with a sense of agency and self-determination when they are required to represent themselves.

"Victim Impact Statements provide evidence for the case, and everything pivots on the evidence. We are experiencing trauma and it's very hard to articulate coherently what happened and how it impacted on you as a person. I think there really does need to be support to help victims prepare their legal documents. The problem is if you go to a legal service, they either accept your case or there's no assistance at

all. There is no in-between ground where you can go to draft these documents and get them checked. There needs to be some type of quasi legal or paralegal type support available to victims that are doing their own cases, and just need a bit of assistance to help prepare their own documents.” - **Survivor Advisory Group member**

Recommendation 8: Improve victims’ physical and psychological safety in court environments such as providing ‘safe spaces’ for victims, and separate entrances, exits and facilities for victims and perpetrators.

Recommendation 9: Provide additional supports to victims attending court proceedings such as counselling referrals and options for paralegal assistance to prepare Victim Impact Statements, affidavits, and in giving evidence at court hearings.

7 Upholding Charter principles

7.1 Victims’ Charter complaints

Members from the Survivor Advisory Group felt that pathways for victims to make complaints were non-existent and there was insufficient education on how victims can make complaints in the first place.

Members felt the Victims' Charter was confusing and limited a victim’s ability to make complaints given the lack of clarity about which agency has a responsibility for upholding which entitlement. Not all rights under the Charter have designated agencies.

“If certain principles in the Victims’ Charter do not have a corresponding responsible agency, then how are victims supposed to make a complaint? All principles should have a responsible agency to increase accountability. It needs to be clear for victims where to go to make a complaint and the escalation processes for this need to be simple.” - **Survivor Advisory Group member**

One member stressed the need for better public awareness of the right to complain about service issues that is separate to court decisions.

“When there's a decision reached by a court or tribunal, things can't be complained about because that's contained within those proceedings as a decision. But if a victim is receiving a service from an agency, that's regulated by the Service Charter and complaints can be made. If people have complaints around service, that can be addressed as a separate functional issue to the decision that was made in court. This needs to be made very clear, because most victims are not aware of this difference.” - **Survivor Advisory Group member**

Members also felt it unfair and unjust that victims could only make a complaint to the VOCC in relation to an agency's compliance with the Charter principles once they had contacted the agency first. Members discussed the fear and re-traumatisation that can occur for victims when they are forced to make complaints directly to a service that has failed them. Members recommended that the regulatory role of the VOCC needed to be strengthened and clarified as it currently had insufficient powers to enforce agency compliance and assist victims to navigate complaints processes (see section 0).

"There are so many instances, especially relating to vulnerable people experiencing domestic violence, where they don't feel comfortable or safe complaining to the same service that has essentially abused them."

- **Survivor Advisory Group member**

Members recommended that an independent regulatory body was needed to investigate agency breaches of the Victims' Charter. This would make complaints processes safer, easier, and more equitable for victims and ensure they did not need to interact with the agency that was in breach.

Recommendation 10: Ensure all Victims' Charter principles have designated responsible agencies and clear complaints and escalation procedures. Increased community awareness and education about how victims can make complaints needs to accompany this.

Recommendation 11: Create or nominate an independent regulatory body to investigate agency breaches of the Victims' Charter.

7.2 Other resolution options

Members suggested that the VOCC should be able to act on behalf of victims in negotiating with a justice agency to promote and advocate for their rights in resolution and complaints processes, similar to the role of the Commissioner in the Australian Capital Territory.

"In the ACT they have the Commissioner who can contact services and act on behalf of a consenting victim, I think that's beneficial, and we don't have that here." - **Survivor Advisory Group member**

Members also agreed that victims should have access to alternative complaints processes such as being able to make complaints to the Victorian Equal Opportunity Human Rights Commission and the Judicial Commission of Victoria. They recommended that the Victims' Charter and the VOCC Act be amended to provide specific provisions for this.

Recommendation 12: Strengthen the role of the VOCC to assist victims to navigate complaints processes.

Recommendation 13: Offer alternative complaints pathways for victims such as being able to take complaints to the Victorian Equal Opportunity Human Rights Commission and the Judicial Commission of Victoria.

7.3 Regulatory powers

The Survivor Advisory Group were unanimous in their agreement that the Victims' Charter should incorporate legal consequences for non-compliance and stronger regulatory powers such as compliance notices and enforceable undertakings. Members also recommended that the Victims' Charter needed to be an enforceable instrument in legal proceedings as well.

"What's concerning is the lack of enforceability. The Victims' Charter is essentially 'toothless' in its current format. As a victim, you're engaged with so many services and the Victim Rights charter should cover your interactions with all of them. Agencies and the courts are not being held accountable." - **Survivor Advisory Group member**

"Currently there are no consequences if agencies don't comply. We need stronger legal mechanisms for non-compliance" - **Survivor Advisory Group member**

Members felt it was important to move beyond a symbolic charter to create a robust framework with enforceable rights and real consequences for those who fail to uphold victims' entitlements. This is essential to ensuring the Charter has meaningful and just outcomes for victims in the future.

Recommendation 14: Incorporate legal consequences and stronger regulatory powers for non-compliance as a provision within the Victims' Charter.

Recommendation 15: Ensure the Victims' Charter is an enforceable instrument in legal proceedings.

8 Other approaches to enforcing compliance with the Victims' Charter

8.1 Providing victims with a statement of rights

The Survivor Advisory Group recommended that the Act be amended to include a specific provision for victims to be told about the Victims' Charter and to be provided with a clear statement of their entitlements. Members felt this would increase the

likelihood of agencies' fulfilling their obligations under the Charter to notify and educate victims about their rights.

"It should be mandatory for it to be made known to victims what their rights are." - **Survivor Advisory Group member**

"It's actually the role of services and anyone that you're engaging with to educate you on your rights, providing victims with a statement of rights will help enforce that." - **Survivor Advisory Group member**

Recommendation 16: Amend the Victims' Charter to include a specific provision that victims are provided with a clear statement of their rights.

8.2 A role for courts in ensuring agency compliance

Members strongly agreed that the Victims' Charter should be amended to include provisions for courts and judicial officers to have a designated role in supporting victims to understand their rights and in ensuring agency compliance.

"Courts play a critical role and need to play a larger role in getting the word out to agencies who work with victims about upholding their rights and enforcing this if they don't" - **Survivor Advisory Group member**

"Even before a judge starts anything, the judge should ask, 'Have you been informed of your rights? Have there been any breaches?' We as victims need to know that the judge has read the Victims Charter function and will uphold it." - **Survivor Advisory Group member**

"Victims need an officer at a court registry that they can go to ask questions around the Victims' charter. 'Do you understand your rights? Do you understand your right to legal representation?' Those questions need to be asked and the information provided before a victim enters into a court proceeding. Judicial officers should inform the victim of their right to procedural fairness and what that means and ensure compliance of those rights throughout the proceedings." - **Survivor Advisory Group member**

Members suggested that judicial officers should have adequate and regular training to improve judicial fairness and court outcomes for victims (see section on 3.2).

"Judicial decision makers must be educated about the Victims' Charter. The Charter should be part of their judicial training, and there needs to be consequences where the charter hasn't been met. Potentially, one of those consequences is that the decision is set aside or there can be grounds for appeal." - **Survivor Advisory Group member**

Members also recommended that courts be considered a prescribed agency that the VOCC is required to report on annually to ensure accountability of judicial officers in upholding procedural fairness and the rights of victims under the Charter. Members felt it is important that complaints can be monitored and measured by the VOCC as an additional safety mechanism for victims when interacting with the courts and for ongoing, continuous improvement of the system.

“Under the Victims’ Charter, there needs to be a mechanism for the principles to be enforced in courts, otherwise there is no legal standing.” - **Survivor Advisory Group member**

Recommendation 17: Amend the Victims’ Charter to include provisions for courts and judicial officers to have a designated role in ensuring agency compliance.

Recommendation 18: Ensure judicial officers have regular training in the Victims’ Charter and that procedural fairness for victims is no longer a discretionary decision.

Recommendation 19: Amend the Victims’ Charter to include courts as a prescribed agency that the VOCC is required to report on annually to monitor compliance with the Charter.

8.3 Increased availability of lawyers for victims

In many circumstances victims do not qualify for legal aid and are unable to afford legal representation (see section 6.2). Members strongly agreed that access to legal representation should be a provision under the Victims' Charter as is the case in the New South Wales Charter, especially for victims of family violence.

“There are so many instances where victims can't access lawyers due to financial reasons. When you have experienced family violence and are at your most vulnerable, how can you seek justice if you don't have access to lawyers?” - **Survivor Advisory Group member**

It was recommended that, at the very least, application for Legal Aid Certificates be made a provision under the Victims’ Charter and that more independent lawyers should also be made available in cases where victims did not qualify.

Members discussed the critical role lawyers can play in building trust with victims and helping them to understand their rights under the Charter. Members also agreed that increased availability and access to independent lawyers for victims would be an

important mechanism to improve overall Victims' Charter compliance and ensure victims' entitlements are upheld.

"Lawyers should be the people to explain the Victims' Charter to victims, they have the most rapport with their clients. There is also a level of trust that can be built because legally they must keep things confidential." - **Survivor Advisory Group member**

Recommendation 20: Amend the Victims' Charter to include a provision that application for Legal Aid Certificates be made available as part of the Act.

Recommendation 21: Increase victims' access to independent legal assistance.