



VICTIM SUPPORT
PROMOTING RIGHTS & RECOVERY



Concerns form

ACT Victims of Crime Governing Principles

Victims of Crime Act 1994

You have the right to raise a concern with the Victims of Crime Commissioner if you believe that a person who exercises a function in the administration of justice has not acted in accordance with the Governing Principles. If you are not sure whether the concern relates to the Governing Principles, there is a copy of the Governing Principles on the back page of this document. If you would like to contact the agency directly to discuss your concern then you may do so. If you do not feel comfortable contacting the agency directly then you may complete this form and submit it to the Victims of Crime Commissioner. You may also prefer to make a formal complaint to a relevant complaints entity such as the Human Rights Commission or the ACT Ombudsman.

Privacy Notice: The Victims of Crime Commissioner is collecting the information provided on this form for the purpose of investigating concerns in relation to the Governing Principles. The details of your concern will only be disclosed to the agency you are raising a concern against with your consent. If you do not consent we can note your concern but cannot investigate it. The Victims of Crime Commissioner will collate non-identifying data arising from your concern to use for reporting and identifying trends.

Please note, you are not required to answer questions on the form that make you feel uncomfortable or are not applicable to you.

Governing Principles (*Victims of Crime Act 1994*)

In the administration of justice, the following principles are to, as far as practicable and appropriate, govern the treatment of victims:

- (a) a victim should be dealt with at all times in a sympathetic, constructive and reassuring way and with appropriate regard to his or her personal situation, rights and dignity;
- (b) a victim should be told at reasonable intervals (generally not more than one month) of the progress of police investigations about the relevant offence, except if the disclosure might jeopardise the investigation, and, in that case, a victim should be told accordingly;
- (c) a victim should be told about the charges laid against the accused and of any modification of the charges;
- (d) a victim should be told about any decision concerning the accused to accept a plea of guilty to a lesser charge or a guilty plea in return for a recommendation of leniency in sentencing;
- (e) a victim should be told about any decision not to proceed with a charge against the accused;
- (f) if any victim's property is held by the Territory for the purposes of investigation or evidence – inconvenience to the victim should be minimised and the property returned promptly;
- (g) a victim should be told about the trial process and of the rights and responsibilities of witnesses;
- (h) a victim should be protected from unnecessary contact with the accused and defence witnesses during the course of the trial;
- (i) a victim's home address should be withheld unless the court directs otherwise
- (j) a victim should not have to appear at preliminary hearings or committal proceedings unless the court directs the victim to appear;
- (k) a victim should be given an explanation of the outcome of criminal proceedings and of any sentence and its implications;
- (l) a victim who is known to have expressed concern about the need for protection from an offender should be told about the offender's impending release from custody.

Section 1 – Details of the complainant

Title (eg. Mr, Miss, Mrs, Ms)

Given name/s

Family name

Address

Date of Birth

Gender

Are you of Aboriginal or Torres Strait Islander Origin?

☐ No☐ Yes, Aboriginal☐ Yes, Torres Strait Islander

Phone number

Mobile

Email

Section 2 – Fill out this section if you are raising a concern on behalf of someone else

Title (eg. Mr, Miss, Mrs, Ms)

Given name/s

Family name

Address

Your relationship to the complainant

Reason/s for acting on behalf of the complainant

Phone number

Mobile

Email

Section 3 – Details about your concern

Agency, Department or Service against which the concern is raised

Have you raised your concern with the agency, department, or service directly?

☐ No☐ Yes

If YES, when did you contact the agency or service provider and what action was taken?

Please indicate which Governing Principle(s) your concern applies to (Please note that Governing Principles only relate to the treatment of a victim)

- ☐ Being dealt with in a sympathetic, constructive and reassuring way
- ☐ Being told at reasonable intervals of the progress of police investigations
- ☐ Being told about charges laid and any modification of the charges
- ☐ Being told about a decision to accept a guilty plea to lesser charges or for leniency in sentencing
- ☐ Being told about a decision not to proceed with a charge
- ☐ Having property returned by the Territory with minimal inconvenience
- ☐ Being told about the trial process and the rights and responsibilities of witnesses
- ☐ Being protected from unnecessary contact with the accused and defence witnesses during the trial

- ☐ Withholding a victim's home address unless the court directs otherwise
- ☐ Not having to appear at preliminary hearings or committal unless directed by the court
- ☐ Being given an explanation of the outcome of criminal proceedings and any sentence
- ☐ Being told about an offenders pending release from custody where a concern has been expressed

Please outline your concern *(Please attach an extra page if you require more space)*

What is your desired outcome in raising this concern? *(i.e. apology, explanation etc.)*

Section 4 - Signature

Please tick if you agree with the following and sign.

☐ I declare that the information provided is true and correct

☐ I consent to the information provided to be released for the purpose of investigating this concern

(Note: If consent is not provided, the Victims of Crime Commissioner can note your concern but is unable to investigate)

Applicant's Signature

Date

Complainant's Signature

Date

(If the form was completed by someone other than the complainant)

Please include copies (not originals) of any documents that may assist with the investigation.

Thank you for telling us about your concern. Your concern will be recorded and we will be in contact with you shortly. We will do our best to resolve the concern within 30 days, however depending on the type of concern it may take a longer period of time.

For assistance completing this form or for more information about your concern, please contact Victim Support ACT on 1800 822 272.

You can send this form to:

Mail: Victims of Crime Commissioner
GPO Box 158
Canberra City
ACT 2601

Email: VictimSupport@act.gov.au
(Please mark the subject of your email to 'Governing Principles Concern')

Drop off to: Victim Support ACT
Level 2, 11 Moore Street, Canberra City

OFFICE USE ONLY

Governing Principles complied with

☐ Yes ☐ No, ➡ if no, indicate the principles not complied with

(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l)

Action taken

Date finalised

Commissioner's delegate Signature

Date