



**ACT**  
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**VICTIM SUPPORT**  
PROMOTING RIGHTS & RECOVERY

## Policy - Victim Support ACT – Victim Services Scheme for Victims of Crime

### Purpose

This policy outlines the role and functions of the Victim of Crimes Commissioner and Victim Support ACT as they pertain to the administration of the Victim Services Scheme in accordance with the governing legislative frameworks.

### Scope

Victim Support ACT (VSACT) is designated as the ACT Government's one-stop-shop for victims of crime and their families in the ACT. The agency also supports the independent statutory position of the Victim of Crimes Commissioner who is the Ministerial appointed official with powers to oversee and ensure appropriate service delivery and interactions with victims. Victim Support ACT is an agency within the Justice and Community Safety Directorate.

Victim Support ACT (VSACT), under the Victims of Crime Commissioner (the Commissioner), administers and provides a range of services for victims of crime and their families in the ACT. All individuals who make contact with VSACT are treated in accordance with the *Human Rights Act 2004* and the *Victims of Crime Act 1994*, which provide governing principles that, as far as practicable and appropriate, govern the treatment of victims.(Appendix B).

Victims may self refer or be referred to VSACT directly by the police or by the Office of the Director of Public Prosecutions (ODPP), during the prosecution process or by government and non-government organisations.

The Victim Services Scheme enables the provision of professional services for victims as prescribed by the *Victims of Crime Regulation 2000* (the Regulation). The objectives of the Victims' Services Scheme are to provide assistance to victims of crime that will promote their recovery from the harm suffered because of crime and allow them to take part in the social, economic and cultural life of their community. This assistance will be provided to victims using a multidisciplinary approach, which is delivered in a timely, accessible, solution focused, professional and individualised approach as appropriate to the victim. The Regulation describes the levels of service which eligible victims are entitled to receive and the criteria for each level.

### The Victims of Crime Commissioner functions relating to the Victims Services

The Victims of Crime Regulation, Part 3, section 22, outlines the Victims of Crime Commissioner's functions in relation to the Victims Services Scheme;

- to decide eligibility of people for the different levels of services;
- to provide, or arrange for the provision of, professional services for victims;

- as appropriate, to refer victims to other entities who provide other assistance and support victims of crime;
- to keep records about victims for which services are provided;
- to train and supervise people engaged by it to provide services;
- to report to the Director-General every six months on the services the Commissioner provides or arranges;
- to evaluate the day-to-day operations of the victims services scheme,
- to establish a victim support network in consultation with community organisations and other entities that deal with victims;
- to provide telephone contact for people seeking information about, or under, the scheme;
- to develop and maintain a volunteer program to provide practical assistance and support to victims and to train and supervise volunteers for the program;
- to provide victims with information and assistance about the criminal justice system, the operation of the Victims Services Scheme and the complaint procedures; and
- to keep financial records of the Commissioner's operations under the scheme.

The Commissioner also has a broad range of functions under the *Victims of Crime Act 1994* Part 3, Division 3.2 (Appendix C) in addition to those listed above.

### **Eligibility**

Eligibility for the Victims Services Scheme is determined by the Regulation.

Any **eligible victim**<sup>1</sup> is entitled to some service under the Victims Services Scheme.

An eligible victim has experienced a crime in the ACT<sup>2</sup>. The crime does not need to be reported to police.

However, a person who is a victim of a motor vehicle offence or experienced harm as a result of committing an offence is not an eligible victim. Victim Support cannot provide support for these people under the Victims Services Scheme. Advocacy may be available for people who experience harm caused by, or arising out of the use of a motor vehicle, at the discretion of the Victims of Crime Commissioner.

If someone who experienced a crime in another state makes contact, VSACT will assist them with information and contact details of support services in their state / territory.

More comprehensive services offered by VSACT services are available to **primary victims, related victims** and witnesses of crime who have suffered harm as a result of an offence.

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<sup>1</sup> S34 Victims of crime regulation 2000. See Appendix A.

<sup>2</sup> 'The Victim must have been the victim of an 'offence' against a law in force in the Australian Capital Territory', Explanatory Memorandum, Victims of Crime Bill 1994, p2.

A **Primary Victim**<sup>3</sup> is a person who has experienced harm or injury as a direct result of being the victim of a **violent crime**<sup>4</sup>. A primary victim can also be someone who is injured when assisting a police officer in certain situations.<sup>5</sup>

A **Related victim**<sup>6</sup> includes a close family member of a primary victim; a dependant of a primary victim; or someone who is in an intimate relationship with a primary victim.

Someone who witnesses<sup>7</sup> a violent crime is eligible for comprehensive services if it is probable the circumstances of the violent crime could cause harm to a witness.

### **Service Levels**

The Victims of Crime Regulation 2000 outlines the availability of three service levels under the Victims Services Scheme. Service levels determine the number of contact hours a victim of crime is entitled to. Contact hours are generally counted as hours of brokered service provided.

#### **Level 1 Service:**

All **eligible victims** are entitled to receive level 1 service under the Victims Services Scheme. Level 1 service consists of not more than 2 contact hours.

Eligible victims who are not entitled to receive level two services may be provided with information and referrals to appropriate supports in the community as needed.

#### **Level 2 Service:**

An eligible victim is entitled to receive level 2 services under the Victims Services Scheme if the victim has completed level one service under the Victim Services Scheme for the crime concerned and the victim is a **primary victim**, a **related victim** or the witness of a **violent crime**.

Level 2 service consists of not more than 6 contact hours in addition to the level 1 service contact hours.

A client receiving level 2 services must be appointed a case coordinator who is responsible for managing the delivery of service to the eligible victim. The case coordinator must develop a care plan in consultation with the eligible victim. The care plan must state the rehabilitation goals for the eligible victim and the number of contact hours and the particular services to be provided to the victim for achieving those goals.

Following the delivery of the level 2 service contact hours, the Commissioner or the service provider who provided the level 2 service contact hours must prepare and give a closure report to the case coordinator. The closure report must include accurate details of the number of contact hours and the extent to which the rehabilitation goals of the care plan were achieved. On receipt of the closure report the case coordinator will then make a determination as to whether the eligible victim would have further therapeutic benefit from receiving level 3 services. If not, the case coordinator must carry out case closure in relation to the victim.

#### **Level 3 Service:**

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<sup>3</sup> Defined in s9 *Victims of Crime Financial Assistance Act 1983* – links to s6 *Victims of Crime Act 1994* and S34 Victims of crime Regulation. See appendix A.

<sup>4</sup> Defined in s3 *Victims of Crime Financial Assistance Act 1983*. Full list is available at Appendix A.

<sup>5</sup> See s9 of *Victims of Crime Financial Assistance Act 1983* in Appendix A.

<sup>6</sup> Defined in s16 of *Victims of Crime Financial Assistance Act 1983*. See Appendix A.

<sup>7</sup> S34 Victims of crime Regulation 2000.

An eligible victim entitled to receive level 2 service is entitled to receive level 3 service under the Victims Services Scheme if the victim has completed level 2 service for the crime concerned in accordance with the care plan and the victim's case coordinator has decided that the victim would receive therapeutic benefit from receiving level 3 service.

Level 3 service consists of not more than 12 contact hours in addition to the level 1 and level 2 contact hours. The case coordinator must develop a revised care plan for level 3 service contact hours in consultation with the eligible victim. The revised care plan must state the rehabilitation goals for the eligible victim and the number of contact hours and particular services to be provided to the victim for achieving the goals.

Following the delivery of level 3 service contact hours, the Commissioner or the service provider must prepare and give a closure report to the case coordinator. The closure report must include detailed information regarding the number of contact hours and the extent to which the rehabilitation goals of the revised care were achieved. On receiving the closure report for the eligible victim, the case coordinator must carry out case closure in relation to the victim.

### **Exceptional Cases**

In certain circumstances additional contact hours may be provided to eligible victims who have completed level 3 service contact hours. If the case coordinator believes that further contact hours will provide substantial therapeutic benefit<sup>8</sup> to the victim and it is impossible or impractical to provide further contact hours under a scheme or program other than the victims services scheme, the case coordinator may make a written recommendation to the Commissioner outlining these circumstances.

The Commissioner must consider the recommendation and decide whether or not to carry out the recommendation, or a variation of it. After further contact hours have been given, the Commissioner, or the service provider who provided the services, must prepare and give a closure report to the case coordinator. The case closure must provide detailed information regarding the number of contact hours and the extent to which the rehabilitation goals of the revised care plan have been achieved. On receiving the closure report for the victim, the case coordinator must carry out case closure in relation to the victim.

A Standard Operating Procedure document provides additional guidance on exceptional cases.

### **Contact Hours**

Under the Regulation, contact hours for an eligible victim who lives in the ACT must be provided by the Commissioner (or VSACT staff members) or an approved service provider. A person who is not an approved service provider may, by written approval from the Commissioner, provide contact hours.

Contact hours for an eligible victim who lives outside of the ACT may, with the written approval of the Commissioner, be provided by a person that is not an approved service provider.

Victims who are eligible for contact hours under level 2 or level 3 services, should, as far as possible be given choice about completing contact hours with the Commissioner or an approved service provider chosen by the victim.

### **Case Closure**

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<sup>8</sup> For the definition of this term see s36(6) of the Victims of Crime Regulation 2000

VSACT staff are required by the Regulation to follow prescribed case closure procedures for all eligible victims. These procedures are set out in s39 of the *Victims of Crime Regulation 2000*. When a case closure occurs, the eligible victim should be offered to participate in a discharge interview and/or complete an evaluation survey. The interview seeks to measure the attainment of the victim's rehabilitation goals. The survey provides an opportunity for the victim to evaluate the services they received.

The victim's case coordinator must also complete an evaluation and report about the services provided to the victim.

### **Service Providers**

Under the Victims Services Scheme, the Commissioner may approve service providers, and is required to maintain an up-to-date list of these providers.

The Commissioner may approve a person as a service provider only if satisfied that the person has the qualifications or experience in working with victims and with people from a diversity of ethnic and cultural backgrounds, has experience or knowledge of working in a multidisciplinary team environment, and holds an appropriate policy of indemnity insurance.

If the service to be provided is a health practitioner's service, the person must have appropriate qualifications as a health practitioner, has not been convicted of a serious crime and is capable of satisfying the requirements of the Regulation.

Approved providers are required to undertake continuing education in the provision of services to victims, conduct an assessment and evaluation of the services it provides, and ensure their services are subject to independent review.

Approved providers are required to provide services to eligible victims in a way that gives proper regard to their dignity, worth, independence, cultural diversity and human rights. Services must be provided that are of appropriate quality with respect to safety, risk, health and community care outcomes and the interests of eligible victims.

Approved service providers must be subject to established codes of conduct and work to promote the highest ethical and professional standards and be familiar with the *Human Rights Commission Act 2005*.

Services must be underpinned by evidence based, best practice, or by recognised guidelines through affiliated regulatory bodies for the particular kind of service it delivers. Service providers must ensure that premises used by people engaged or employed by it are secure, give eligible victims' privacy and comply with occupational health and safety requirements. The service provider will not use contact hours for the preparation of reports for use in civil or criminal justice proceedings.

### **Guidelines - Volunteers**

The Commissioner has the authority to establish guidelines about how volunteers can be used to provide services to eligible victims. The established guidelines may define a set of minimum standards of qualifications or experience for people who volunteer to provide practical assistance and support to victims.

There are a number of other activities which volunteers are expected to undertake including participation in continuing education in the provision of services to victims; and increasing their understanding of working with people from a diversity of ethnic and cultural backgrounds. Volunteers must be provided with adequate supervision and will need to participate in assessment

and evaluation of the services that they have provided. Volunteers will have access to debriefing and identified forums to discuss other matters concerning the volunteer program.

The guidelines may also acknowledge the occupational health and safety of volunteers and that there is adequate indemnity insurance in place for acts or omissions of volunteers. People who apply to become a volunteer will be excluded if they have committed a serious crime.

## **Evaluation**

### **Outcome measures and methods**

- All eligible victims receiving level 2 services have been allocated a case coordinator which is identified on the electronic client database.
- All eligible victims receiving level 2 services have a care plan that has been developed collaboratively between the case coordinator and eligible victim, which is identified on the electronic client database or the client's paper file.
- Care plans of all eligible victims receiving Level 2 services have defined rehabilitation goals, the number of contact hours that have been approved and the services to be provided, which are maintained on the electronic client database or the client's paper file.
- All eligible victims receiving level 3 services have a revised care plan which has defined rehabilitation goals, the number of contact hours and the services to be provided, which are maintained on the electronic client database or the client's paper file.
- All eligible victim closure reports have been received from service providers and are stored on the eligible victims file or the electronic client database.
- On the completion of services the eligible victim is provided the opportunity to complete a survey to evaluate the services received.
- Biannual file audits will be conducted to monitor compliance of the requirements stated within the Victims of Crime Regulation 2000

## **Related Legislation and Policies**

Victims of Crime Act 1994

Victims of Crime Regulation 2000

Victims of Crime (Financial Assistance) Act

Victims of Crime (Financial Assistance) Regulation 1998

Criminal Injuries Compensation Regulations 1938

Victims of Crime (Commissioner) Appointment 2011

Human Rights Act 2004

Human Rights Commission Act 2005

Road Transport (General) Act 1999

ACT Civil and Administrative Tribunal Act 2008

Information Privacy Act 2014

Health Records (Privacy and Access) Act 1997

Freedom of Information Act 1989

Territory Records Act 2002

Annual Reports (Government Agencies) Act 2004

Children and Young People Act 2012

Public Sector Management Act 1994

Public Sector Management Standards 2006

ACT Public Service Integrity Policy

## **Standards**

Codes of Ethics, Australian Association of Social Workers (AASW) 2010

Codes of Ethics and Practice, Australian Counseling Association (ACA) 2012

ACT Public Service Code of Conduct

ACT Public Service Code of Ethics



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## Appendix A

### Legislative Definitions and References

#### Who is a victim? – S6 *Victims of Crime Act 1994*

- (1) **Victim** means a person who suffers **harm** because of an offence and includes—
- (a) a person (the **primary victim**) who suffers harm—
    - (i) in the course of, or as a result of, the commission of an offence; or
    - (ii) as a result of witnessing an offence; and
  - (b) a family member, of the primary victim, who suffers harm because of the harm to the primary victim; and
  - (c) a person who is financially or psychologically dependent on the primary victim and who suffers harm because of the harm to the primary victim; and
  - (d) a primary victim, a related victim or an eligible property owner within the meaning of the *Victims of Crime (Financial Assistance) Act 1983*, dictionary; and
  - (e) if a person mentioned for this definition is a child or legally incompetent person—a guardian of the child or legally incompetent person.
- (2) However, a **victim** does not include a person who suffers harm because of an offence he or she committed or is alleged to have committed.

#### Definition of Harm – S6 (3)

**harm** includes 1 or more of the following:

- (a) physical injury;
- (b) mental injury or emotional suffering (including grief);
- (c) pregnancy;
- (d) economic loss;
- (e) substantial impairment of a person's legal rights.

#### Definition of Eligible victim entitled to receive level 2 service – s34 *Victims of Crime Regulation 2000*

- (1) An eligible victim is entitled to receive level 2 service under the victims services scheme if the victim has completed level 1 service under the victims services scheme for the crime concerned and the victim—
- (a) is a **primary victim**; or
  - (b) is a **related victim**; or
  - (c) would have been a **related victim** if the primary victim had died; or
  - (d) is a witness to a violent crime in circumstances in which it is probable that the witness would suffer harm.

#### Definition of primary victim (s9 *Victims of Crime Financial Assistance Act 1983*)

A **primary victim** is a person who is injured as a direct result of—

- (a) a *violent crime* committed against him or her; or
- (b) assisting a police officer in the course of any of the following actions by the police officer:



- (i) an attempt to prevent the commission of an act or omission that the police officer believes on reasonable grounds would constitute an offence;
- (ii) an attempt to arrest another person whom the police officer believes on reasonable grounds to have committed an offence;
- (iii) an attempt to aid or rescue another person against whom the police officer believes on reasonable grounds an offence has been committed.

\*This definition is relevant because of a link to section 6 'Who is a Victim' in the Victims of Crime Act and S34 Victims of Crime Regulation.

Definition of a related victim (s16 Victims of Crime (Financial Assistance) Act)

- (1) A **related victim** in relation to a deceased primary victim is a person who, at the time of the primary victim's death, had any of the following relationships with him or her:
- (a) the person was a **close family member** in relation to the primary victim;
  - (b) the person was a **dependant** of the primary victim;
  - (c) the person had an **intimate personal relationship** with the primary victim.

A close family member (s16 Victims of Crime (Financial Assistance) Act)

- (2) **Close family member**, in relation to a deceased primary victim, means a person who had a genuine personal relationship with the victim at the time of the victim's death, and who was, at that time—
- (a) the domestic partner of the victim; or
  - (b) a parent, guardian or step-parent of the victim; or
  - (c) a child or stepchild of the victim, or some other child of whom the victim is the guardian; or
  - (d) a brother, sister, stepbrother, stepsister, half-brother or half-sister of the victim.

A dependant (s16 Victims of Crime (Financial Assistance) Act)

- (2) **Dependant**, in relation to a deceased primary victim, means—
- (a) a person who was wholly or partly dependent for economic support on the victim at the time of the victim's death; or
  - (b) a person who would have been wholly or partly dependent for economic support on the victim's income at the time of the victim's death but for the incapacity of the victim because of the criminal injury that resulted in the victim's death; or
  - (c) a child of the victim born after the victim's death who would have been a dependant of the victim under paragraph (a) or (b) if he or she had been born before the victim's death.

What is a *violent crime*? (s3 Victims of Crime (Financial Assistance) Act 1983)

Murder	Abduction
Manslaughter	Female genital mutilation offences
Grievous bodily harm offences	Sexual servitude offences
Wounding	Robbery
Assault offences	Aggravated robbery
Endangering life	
Endangering health	
Culpable driving	
Threat to kill	
Demands with threats	
Forcible confinement	
Stalking	
Torture	
Abduction of young person	
Kidnapping	
Unlawfully taking child	
Exposing or abandoning child	
Child destruction	
Childbirth—grievous bodily harm	
Sexual assault offences	
Sexual intercourse without consent	
Sexual intercourse with young person	
Sexual relationship with young person	
Indecency offences	
Incest	



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## APPENDIX B

### **Governing Principles for the Treatment of Victims – Section 4 of the *Victims of Crime Act 1994***

- (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 1 month) of the progress of police investigations about the relevant offence, except if the disclosure might jeopardise the investigation, and, in that case, the 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; 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.



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### APPENDIX C

#### **Victims of Crime Commissioner - Functions under the *Victims of Crime Act 1994* Part 3, Division 3.2**

The Commissioner has the following functions in connection with the administration of justice:

- (a) to manage the victim services scheme and any other program for the benefit of victims;
- (b) to advocate for the interests of victims;
- (c) to monitor and promote compliance with the governing principles;
- (d) to ensure concerns and formal complaints about non-compliance with the governing principles are dealt with promptly and effectively;
- (e) to ensure the provision of efficient and effective services for victims;
- (f) to consult on and promote reforms to meet the interests of victims;
- (g) to develop educational and other programs to promote awareness of the interests of victims;
- (h) to distribute information about the operation of the Act and the Commissioner's functions
- (i) to ensure that victims receive information and assistance they need in connection with their involvement in the administration of justice;
- (j) to encourage and facilitate cooperation between agencies involved in the administration of justice with respect to victims;
- (k) to advise the Minister on matters relating to the interests of victims;
- (l) any other function given to the Commissioner under this Act or another territory law