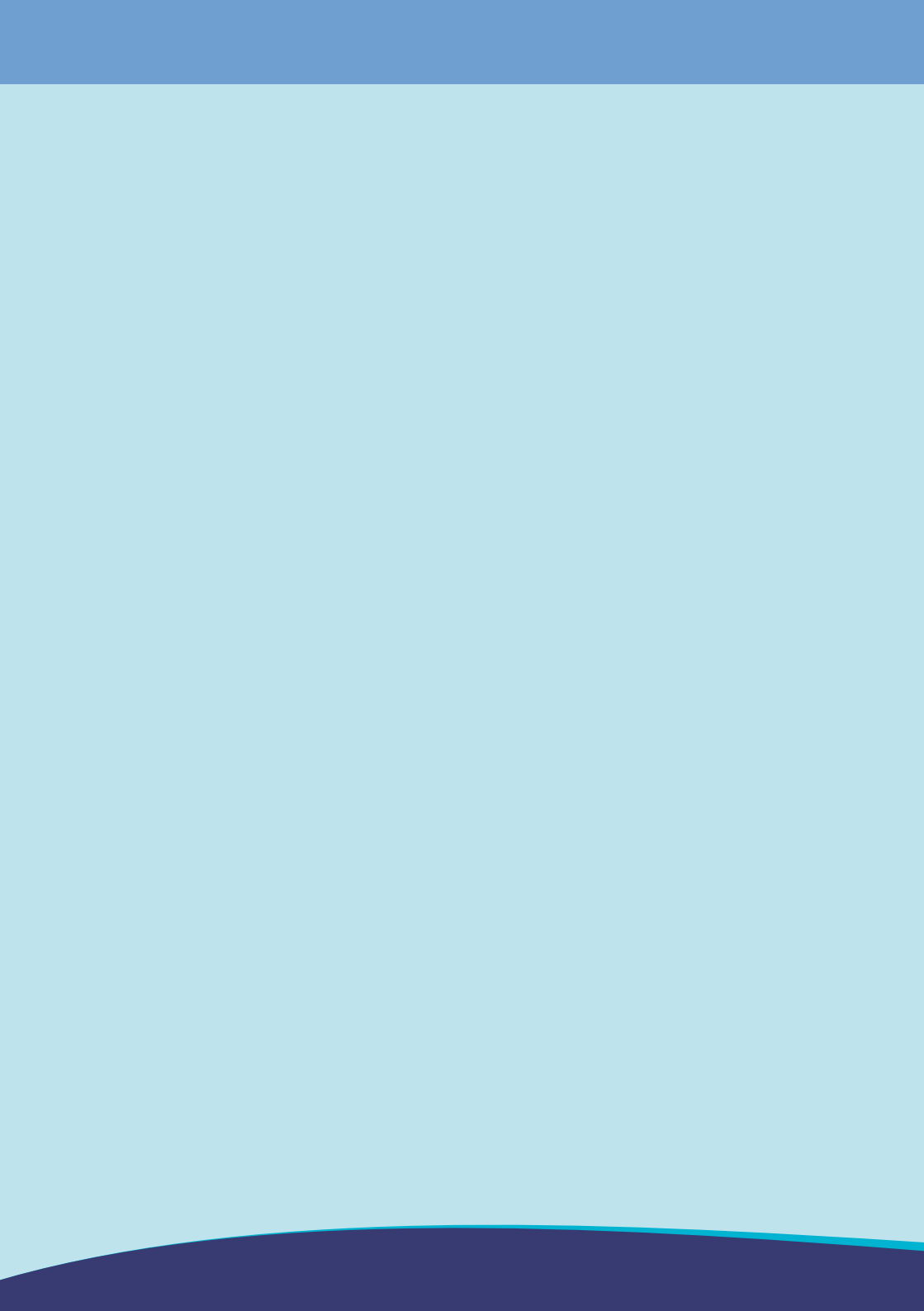




# A guide for victims of crime in Queensland

Victim Assist Queensland



## Introduction

Victim Assist Queensland provides assistance for victims of crime in Queensland to help them to recover from the effects of a violent crime and get their lives back on track. Victim Assist Queensland is part of the Queensland Government's Department of Justice and Attorney-General.

This booklet has been written by Victim Assist Queensland for you, the victim of crime, and your friends and family who may have been directly or indirectly affected by a violent crime.

Violent crimes are not just offences like assault, robbery and murder. Violent crimes also include sexual assault or abuse, stalking and kidnapping, death caused by dangerous driving and violence that happens at home or in your family.

In this booklet you will find information on support available to you, including information on where to go for counselling and legal support. You will also find information on your rights as a victim of crime and how you may be able to apply for financial assistance from Victim Assist Queensland to help cover the costs of your recovery.

This booklet also aims to explain as simply as possible how the criminal justice system in Queensland works for victims of crime, from the time a crime is reported to the police to when a matter is going through court.

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If you come across terms and words in this booklet that you are not familiar with, check in the Glossary of Terms on the back pages (Section 9).

For more information about anything in this booklet you can contact Victim Assist Queensland on **1300 546 587** (Monday to Friday 8.30am to 5pm) or visit our website at [www.justice.qld.gov.au](http://www.justice.qld.gov.au).

# The impact of violent crime on you and your family

## How you might feel

Everyone is affected differently by a traumatic event such as a violent crime. There are a wide range of normal responses you may go through and your feelings may differ from day to day. Some days you may feel like you can cope and other days you may feel like you have difficulty doing everyday things.

It is also normal for people who have witnessed the incident and family and friends of the victim to experience similar reactions.

Here are some common emotional and physical reactions to a traumatic event such as a violent crime.



### Common emotional reactions to trauma:

- emptiness or numbness
- grief and loss
- shock and disbelief
- fear or anxiety
- feelings of self blame, shame or guilt
- outbursts of anger or feeling irritable
- feelings of helplessness or panic
- feeling detached and isolated from others
- tiredness and lethargy
- denial or trying to avoid anything to do with the trauma
- sadness, depression or loss of self esteem
- difficulty concentrating or remembering
- concern over burdening others with your problems.

### Common physical reactions to trauma:

- aches and pains like headaches, back aches and stomach aches
- nightmares or problems sleeping
- sudden sweating or heart palpitations
- changes in appetite
- constipation or diarrhoea
- becoming easily startled by noise or unexpected touch
- becoming more susceptible to colds and illnesses.



You may find you have some or all of these symptoms, or none of them. Be assured that your reactions are a normal, natural part of dealing with a trauma. It is important to look after yourself and seek help and support from others. In many cases the symptoms will go away over time with the support of your family and friends.

You may also find that you would like additional support such as counselling, therapy or someone to just listen to you and provide you with information. You can access a support service at any time after a crime has happened. You may feel this is something you want to do very soon after the incident, or you may feel the need after some time has passed, for example leading up to and during a court proceeding. Section 3 lists contact details of free support services for victims of crime.

## Looking after yourself

Everyone has their own way of coping with a traumatic event. Here are some ways that may help you to cope:

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• talk about how you feel with someone you trust</li><li>• don't make life changing decisions until you feel ready</li><li>• remember that bad feelings do go away but it can take time</li><li>• exercise regularly</li><li>• limit your intake of alcohol</li></ul> | <ul style="list-style-type: none"><li>• try to structure your days as much as possible</li><li>• make time to do nice things for yourself</li><li>• eat regularly and try to keep your diet healthy</li><li>• keep a journal of how you feel</li><li>• seek help from a support service.</li></ul> |
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## For family and friends – your support and wellbeing

Supporting a family member or friend who has been the victim of a violent crime can be difficult, especially as you are probably feeling upset or angry at what has happened to someone you care about. You may be unsure how you should act or what you should say but you want to be a support to them.

Here are some things you can do that may help you cope and provide support to the victim:

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|---|--|
| <ul style="list-style-type: none"><li>• spend time with them</li><li>• listen attentively (if you don't know what to say it is ok to be quietly supportive)</li><li>• don't be judgemental - trust what they are telling you</li><li>• provide opportunities to talk about their feelings</li><li>• tell them you are sorry about what has happened to them</li><li>• avoid telling them you know how they feel</li></ul> | <ul style="list-style-type: none"><li>• don't take angry outbursts personally</li><li>• help them with every day tasks such as cooking and cleaning so they can have some private time</li><li>• be patient and understand that people recover at different rates</li><li>• be mindful not to discuss evidence if there is an active court case.</li></ul> |
|---|--|

When you are giving support to someone else, it is important that you look after yourself because the experience can be hard on you too. Feelings of guilt or powerlessness are common. Give yourself some time out, if possible take some leave from work if you need to. Support services are also available for family and supporters of victims of crime and can provide counselling, moral support and information. Section 3 lists contact details of free support services available to you.

## Supporting a child or young person who is a victim

A child or young person who is a victim of crime will also experience physical and emotional reactions but they may not be able to express them in words the same way an adult can.

Children and young people often experience feelings of guilt and may find it hard to tell someone about the crime that they have experienced. They may also have witnessed family violence and feel afraid or ashamed to tell anyone. It is important that when they do tell an adult they trust, that they are believed and supported and no longer feel like they are going through the experience alone.

**Younger children.** Here are some common reactions that younger children who suffer trauma may show:

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|--|--|
| <ul style="list-style-type: none"><li>• nightmares or problems sleeping</li><li>• bedwetting</li><li>• the behaviour of a younger child</li><li>• clinginess to adults</li><li>• difficulty trusting adults, including parents</li><li>• feeling that what happened is their fault</li></ul> | <ul style="list-style-type: none"><li>• becoming withdrawn and afraid of being left alone</li><li>• suffering headaches and loss of appetite</li><li>• losing concentration</li><li>• fighting with friends or siblings and other antisocial behaviour</li><li>• fear of people, places or things that remind them of what happened.</li></ul> |
|--|--|



**Older children and teenagers.** Older children and teenagers may react to trauma in similar and slightly different ways to younger children. Here are some other common reactions to trauma they may show:

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• feeling ashamed or blame themselves for becoming a victim of crime</li><li>• feeling like there is nobody they can turn to for help who understands</li><li>• can no longer concentrate and may start to do badly at school</li><li>• risk-taking or self-harming behaviour</li><li>• feeling worthless</li></ul> | <ul style="list-style-type: none"><li>• feeling angry, anxious or afraid</li><li>• no longer want to be left alone</li><li>• becoming withdrawn and sad</li><li>• can no longer talk about it, or can't stop talking about it</li><li>• feeling like nobody believes them</li><li>• conflicts with family members or friends</li><li>• overt sexual, aggressive or antisocial behaviour.</li></ul> |
|---|--|

While the support of family and friends is very important, it is also important to get professional support from a person or organisation trained to help young victims of crime recover. Support is important to help the child or young person to learn it is not their fault that someone hurt them, so they can learn that other people have been through similar things and start the process of feeling better.

Children and young people can often detect when an adult is worried, stressed or anxious, so it is important to try and keep normal routines in place as much as possible. As an adult supporting a child or young person who is a victim of crime, it is also important to look after yourself and ensure that you have someone to talk to and to support you.

Section 3 lists support services available for children and young victims of crime and their families, such as counselling, therapy and support and information. This includes support when the child or young person is acting as a witness in court.

# Support services available to victims of crime

As a victim of crime or the family or supporter of a victim of crime you are not alone. There are government and community support services available in Queensland to help you. Many are available free of charge.

The support services listed in this section will be able to either assist you directly or refer you to another service that is suited to your specific needs and location. All of the services offer access to counselling services and many also offer access to support in court for victims.



## Victim Assist Queensland

Victim Assist Queensland is the Queensland Government scheme providing financial assistance and referral to many specialist support services for victims of violent crime.

The Victims LinkUp service is available over the phone, by email or you can visit in person by appointment in Brisbane, Ipswich, Toowoomba, Rockhampton, Townsville and Cairns.

Call: **1300 546 587** from 8.30am to 5pm Monday to Friday.

Email: [victimslinkup@justice.qld.gov.au](mailto:victimslinkup@justice.qld.gov.au)

Website: [www.justice.qld.gov.au](http://www.justice.qld.gov.au)

Mail: GPO Box 149, Brisbane, 4001.

For a free interpreting service call: **131 450** and ask for Victim Assist Queensland.



## General services for all victims of crime

<p><i><b>Victims Counselling and Support Service (Relationships Australia Queensland)</b></i></p> <p>Support available to victims of crime, witnesses to a crime and family members of victims of crime living in Queensland. Services include free telephone and face to face counselling.</p> <p>Call: <b>1300 139 703</b> (Open 24 hours) Email: <a href="mailto:generalenquiries@relateqld.com.au">generalenquiries@relateqld.com.au</a> Website: <a href="http://www.vcss.org.au">www.vcss.org.au</a></p>	<p><i><b>Lifeline Community Care Queensland</b></i></p> <p>Lifeline provides 24 hour telephone counselling and a variety of support services to assist people in Queensland communities.</p> <p>Call: <b>13 11 14</b> (24 hours) Website: <a href="http://www.lccq.org.au">www.lccq.org.au</a></p>
<p><i><b>Crime Stoppers</b></i></p> <p>A telephone hotline for members of the community to provide anonymous information about criminal activity. This information is electronically sent to the police establishment nearest to where the crime is occurring for investigation.</p> <p>Free call: <b>1800 333 000</b> Website: <a href="http://www.qld.crimestoppers.com.au">www.qld.crimestoppers.com.au</a></p>	<p><i><b>Queensland Police Service</b></i></p> <p>To be placed in contact with your closest police station:</p> <p>Call: <b>(07) 3364 6464</b> (24 hours) Website: <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a> Policelink: for non-urgent incidents call <b>131 444</b>.</p> <p><i>If it is an emergency and a crime is in progress or has recently occurred get yourself to a safe place and call 000 (triple zero).</i></p>

## Victims of sexual offences

<p><i><b>Statewide Sexual Assault Helpline</b></i></p> <p>Free confidential service providing information and referral for adult victims of sexual assault aged 14 years and over.</p> <p>Free call <b>1800 010 120</b> Local service contacts available on Queensland Health website at: <a href="http://www.health.qld.gov.au/sexualassault">www.health.qld.gov.au/sexualassault</a></p>	<p><i><b>Livingwell</b></i></p> <p>Services to assist men aged 16 years and over who have experienced childhood sexual abuse or sexual assault. The service also extends to working with partners, friends and family.</p> <p>Call: <b>1300 114 397</b> or <b>(07) 3435 4358</b> in Brisbane. Email: <a href="mailto:info@livingwell.org.au">info@livingwell.org.au</a> Website: <a href="http://www.livingwell.org.au">www.livingwell.org.au</a></p>
<p><i><b>Women Working Alongside Women with Intellectual and Learning Disabilities (WWILD)</b></i></p> <p>Provides support to women with intellectual and/or learning disabilities aged 15 years and over who have experienced or are at risk of sexual violence.</p> <p>Call: <b>(07) 3262 9877</b> Email: <a href="mailto:info@wwild.org">info@wwild.org</a> Website: <a href="http://www.wwild.org">www.wwild.org</a></p>	<p><i><b>Bravehearts</b></i></p> <p>Counselling and support for adult survivors of child sexual assault. Also provides support for clients' non-offending family members.</p> <p>Free call: <b>1800 272 831</b> Email: <a href="mailto:admin@bravehearts.org.au">admin@bravehearts.org.au</a> Website: <a href="http://www.bravehearts.org.au">www.bravehearts.org.au</a></p>

## Victims of domestic and family violence

### *DVconnect*

Free assistance and advice for women, men and children affected by domestic and family violence. Also provides secure accommodation for women and women with children in a number of confidential locations throughout Queensland.

Free call: Womensline **1800 811 811**  
(Open 24 hours) Mensline **1800 600 636**  
(Open from 9 am to 12 midnight)  
Email: [mail@dvconnect.org](mailto:mail@dvconnect.org)  
Website: [www.dvconnect.org](http://www.dvconnect.org)

### *Immigrant Women's Support Service (IWSS)*

Support services for immigrant and refugee women and their children from non-English speaking backgrounds that are affected by domestic and sexual violence.

Call: Domestic violence program (07) **3846 3490**  
or Sexual assault program (07) **3846 5400**  
Email: [mail@iwss.org.au](mailto:mail@iwss.org.au)  
Website: [www.iwss.org.au](http://www.iwss.org.au)

## Children and young victims of crime

### *Bravehearts*

Counselling and support for children and young people who have experienced, or are at risk of, child sexual assault. Also provides support for clients' non-offending family members and adult survivors of child sexual assault.

Free call: **1800 272 831**  
Email: [admin@bravehearts.org.au](mailto:admin@bravehearts.org.au)  
Website: [www.bravehearts.org.au](http://www.bravehearts.org.au)

### *Protect All Children Today Inc (PACT)*

Services for children and young people aged 3-17 years who are victims or witnesses to a crime within the criminal justice system. Child witness support includes preparing the child for the court process, supporting the child and accompanying them when they give evidence in court. Court compatible therapy and counselling services are also provided.

Free call: **1800 090 111**  
Email: [pact@pact.org.au](mailto:pact@pact.org.au)  
Website: [www.pact.org.au](http://www.pact.org.au)

### *Kids Helpline*

Free, private and confidential, 24 hour telephone counselling service for young people aged between 5-25 years. Young people can call at any time for any reason. Online counselling is also available.

Free call: **1800 551 800**  
Website: [www.kidshelp.com.au](http://www.kidshelp.com.au)

### *Department of Communities (Child Safety Services)*

Provide services for children and young people in Queensland who are experiencing harm, or are at risk of experiencing harm.

Free call: **1800 811 810** (Monday to Friday, business hours) After hours and on weekends free call **1800 177 135** or (07) **3235 9999**. The service operates 24 hours a day.  
Email: [info@childsafety.qld.gov.au](mailto:info@childsafety.qld.gov.au)  
Website: [www.childsafety.qld.gov.au](http://www.childsafety.qld.gov.au)



## Victims of mentally ill offenders

### *Queensland Health Victim Support Services*

Support services for victims of mentally ill offenders who are diverted to the forensic mental health system from the criminal justice system.

Free call: **1800 208 005**

Email: [victim\\_support@health.qld.gov.au](mailto:victim_support@health.qld.gov.au)

Website: [www.health.qld.gov.au/qhvss](http://www.health.qld.gov.au/qhvss)

## Families and friends of victims who have died

### *Queensland Homicide Victims' Support Group*

A state wide service which provides ongoing practical and emotional support and assistance to people who have lost a loved one to homicide.

Free call: **1800 774 744** (Open 24 hours)

Website: [www.qhvsg.org.au](http://www.qhvsg.org.au)

## Legal support for victims of crime

### *Community Legal Centres*

There are 36 Community Legal Centres around Queensland. They provide an initial consultation on most matters of law to any member of the community. All centres provide their services free of charge. Contact details for each location in Queensland are available on the website at [www.qails.org.au](http://www.qails.org.au).

### *Legal Aid Queensland*

Legal information, advice and representation to disadvantaged Queenslanders, generally in the areas of criminal, family and civil law.

Call: Client information service **1300 651 188**

Indigenous information line **1300 650 143**

Website: [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)

### *Women's Legal Service*

Provides free legal information, advice and referrals throughout Queensland for women.

Free call: **1800 677 278** or **(07) 3392 0670** in Brisbane.

Email: [admin@wlsq.org.au](mailto:admin@wlsq.org.au)

Website: [www.wlsq.org.au](http://www.wlsq.org.au)

### *Aboriginal and Torres Strait Islander Legal Service (ATSILS)*

24 hour legal representation service for Indigenous Australians exposed to the criminal justice system. Their services are available in many locations throughout Queensland.

Free call: **1800 012 255** (24 hours)

Email: [info@atsils.org.au](mailto:info@atsils.org.au)

Website: [www.atsils.org.au](http://www.atsils.org.au)

*Queensland Indigenous Family Violence  
Legal Services*

Provides legal and counselling services to Indigenous adults and children who are victims of family violence including sexual abuse, or who are at immediate risk of such violence.

Call: **1800 88 77 00**

Website: [www.qifvls.com.au](http://www.qifvls.com.au)

*Queensland Law Society*

The Queensland Law Society can provide a list of private law firms in Queensland dedicated to working for victims of crime. Private law firms do charge clients for services.

Call: **(07) 3842 5842**

Email: [info@qls.com.au](mailto:info@qls.com.au)

Website: [www.qls.com.au](http://www.qls.com.au)

For information and access to many more support services for victims of crime please contact 1300 546 587 or visit the Victim Assist Queensland website at [www.justice.qld.gov.au](http://www.justice.qld.gov.au).

# Reporting the crime to the police

## Why report the crime to the police?

It is your choice whether you report the crime to the police. Some people choose not to report or may not report straight away for reasons important to them.

You should consider the following when deciding whether to report a crime:

- the police can answer your questions and discuss any concerns you have about making a report
- the police can explain what will happen next if you do decide to report
- the police can only take action against an alleged offender if a report is made
- it is best to report the crime as soon as possible. Timely reporting may prevent valuable evidence being lost or destroyed and help with any investigation

that follows

- if some time has passed since the crime, including months or years, you can still report the crime to the police
- you may need to have reported the crime to the police to be eligible to apply for financial assistance under the *Victims of Crime Assistance Act 2009* (for more information on financial assistance and reporting see Section 6).



## Still undecided about reporting the crime?

Notification and an initial report to the police does not mean an investigation will automatically take place. You can also tell the police what happened without making a formal report.

When you are deciding to make a report to the police, the support services listed in Section 3 can explain your rights, the legal process and provide information and support.

You may not want to speak to police or anyone else about what has occurred but you may change your mind at a later date. If you make a note of the following information about the crime then it can greatly assist police if you do decide to make a report at a later date:

- the circumstances leading up to the crime

- what actually happened during the crime
- where and when the crime happened
- who was there
- who you told about the crime.

## How to report a crime to the police

If you decide to report a crime to the police you can:

- go in to a police station and tell the officer on the front counter you want to report a crime
- call the police and say you want to report a crime. The police will arrange a time to speak to you
- write to the police stating that you want to report a crime and they will contact you to arrange a time to speak to you.

Contact details of your nearest police station in Queensland can be found in the White Pages or on the Queensland Police Service website at [www.police.qld.gov.au](http://www.police.qld.gov.au). You can also call the Queensland Police Service – contact details can be found in Section 3.

## What to expect when you report the crime to the police

If you choose to report the crime, the police will listen to you and ask you questions to obtain information about what happened. They may also look for other sources of evidence. Here are some of the things that might happen when you report a crime to the police:

- the formal reporting process will take time and may not be completed in one day
- the police will take a detailed statement, which will involve telling police everything that happened and answering questions
- if you have been injured by the crime the police might ask you to see a doctor for a medical examination to document any injuries and collect forensic evidence
- if you are reporting soon after the crime, if possible and to preserve evidence, do not bathe or disturb the physical environment where the crime occurred
- you may have to provide physical evidence such as clothing that you wore at the time the incident occurred. Note that you may not get the clothing back
- your injuries might be photographed to be used as evidence
- you may need to help identify the alleged offender which may involve looking at photographs or closed-circuit television (CCTV) images
- you may be required to sign an authority to release medical documents for use as evidence.



## Providing a statement to the police

A police officer will take a statement from you about what happened. This may be a typed statement or a recorded statement. This will usually take place at the police station in a private interview room. A police officer of the same sex can be requested but might not always be available.

It is important to tell the police officer everything that happened and to answer their questions. Some of their questions may seem very personal and may make you feel uncomfortable. Some questions may not seem relevant. However it is important to tell the police officer everything as this will help the police with any investigation that may occur.

Giving your statement may take several hours. At the end you will be asked to read through the statement and sign it under oath. If you want to change something you should tell the police officer at this time. Your statement may be used if the matter proceeds to court so it needs to be accurate.

You might be given a copy of your statement and you will be given the contact details of the police officer who took your statement. If at any time after giving your statement you realise you forgot to tell the police something or you think something you said was incorrect, tell the police officer who interviewed you as soon as possible. It is important not to talk about the contents of your statement or show it to others as it may contaminate your evidence if it goes to court.

## Support when you are reporting the crime to the police

You can have a support person of your choice present when you are giving your statement. This could be a friend, family member or support worker. It cannot be someone who may be a potential witness to the crime, such as someone who saw what happened or you told about the act of violence before reporting it to the police.

You, your family or support person/s can contact a support service for information, counselling or support at any time through the process. Support services are listed in Section 3.

## What might happen after you have reported the crime?

The police will assess all the information they receive and conduct an investigation. They may interview people you mentioned in your statement including people you have spoken to about the crime or people who might have witnessed the crime.

If there is enough evidence the police may interview the alleged offender. This may result in the alleged offender being charged with one or more offences. The case will then be processed in the criminal justice system (see Section 7). As a victim you are a witness to the crime and you may be needed to go to court to give evidence. You will receive information about what will happen.

It can take a long time for the criminal justice process to be completed. If you have any questions you can contact the police at any time. The police will provide as much information as they are able to.

## When nothing happens after a report is made to the police

Sometimes after an investigation there is not enough evidence for a prosecution to occur. It is important to remember that just because the police have not taken the matter forward to court it does not mean that you have not been believed. The police will contact you to explain this to you.

## If I make a report to the police, who will know about it?

When you report a crime there will be many police who assist with the investigation and have access to information about the matter. If the alleged offender is charged and the matter goes to court, the police are required by law to give a copy of all evidence to the alleged offender's defence lawyer. The court process will also involve people such as police prosecutors, court staff and staff from the Office of the Director of Public Prosecutions (ODPP) having access to evidence and information about the matter.

If the crime involved a sexual offence, all information, including photographs gathered during the police investigation is subject to the provisions of the *Criminal Law (Sexual Offences) Act 1978*. This prohibits the publishing (media or otherwise) of any information that can lead to the identity of a sexual offence victim.

Your confidentiality will be maintained during an investigation and prosecution. Police, court and ODPP staff are all bound by the requirements of the *Information and Privacy Act 2009*.

## Children and young people – providing a statement to the police

The police make special provisions when taking a statement from a child or young person under 16 years of age. This is to ensure the statement is taken in an environment that limits as much as possible the distress and trauma that might otherwise be experienced by the child or young person when giving a statement.

Provisions made by the police for children and young people include:

- where possible, a police officer that is trained to take statements from children will interview the child or young person
- the police officer will usually be in plain clothes but sometimes they may be in uniform
- the child can have a support person with them in the interview, as long as they are not a potential witness to the crime, such as someone the child spoke to about the crime, or who may be required to give a statement to police



- when the police take a child or young person's statement it may be electronically recorded. This means that an audio and video recording may be made of the statement
- the electronic recording may be used as evidence if the matter goes to court.  
(For more information about children and young witnesses in court see Section 7).

Support services that can provide specialist support to children and young people are listed in Section 3.

## People with an impaired capacity – providing a statement to the police

Similar provisions to those made for children and young people are made by the police for people with impaired capacity. If you have an impaired capacity, or are a carer or family member of a person with impaired capacity, bring this to the attention of the police officer.

## Victims of sexual assault – providing a statement to the police

**Alternative Reporting Options (ARO).** If you are a survivor of a sexual assault that occurred in Queensland you can use an alternative reporting option to making a formal complaint to the police.

Many survivors have reasons for not officially reporting the crimes of sexual assault or rape. Alternative reporting options gives you the opportunity to provide police with the full circumstances of the assault with the option of remaining anonymous if you wish.

Police can still use the information you provide to:

- assist other prosecutions against an alleged offender
- protect the community by enabling police to devise intelligence driven strategies designed to target an offender and reduce repeat offending.

To use an ARO you need to fill out a Sexual Crime Survey Form, answering some questions about yourself (you can remain anonymous), the assault and the offender. You then return the form to the police by post or by email. You have the option when completing the form to have a police officer contact you and discuss your situation.

The form and more information about an ARO is available on the Queensland Police Services website at [www.police.qld.gov.au](http://www.police.qld.gov.au).

**Sexual Assault Disclosure Scheme (SADS).** Survivors of child sexual assault in Queensland have the option to report through the Sexual Assault Disclosure Scheme (SADS).

SADS is administered by Bravehearts and was developed to overcome the barriers to reporting sexual assault to the authorities. It provides a non-confronting reporting avenue that does not require direct contact with the police, until you are ready.

To fill out a SADS form contact Bravehearts. Their contact details are listed in Section 3.

## Your rights as a victim of crime

If you are a victim of a violent crime in Queensland you have certain rights. The Fundamental Principles of Justice describe the treatment you should receive from a Queensland Government agency or officer that provide a service to you as a victim of crime.

### What are the Fundamental Principles of Justice?

All Queensland Government agencies and their officers must comply with the following Fundamental Principles of Justice:

- you have the right to receive fair, compassionate and dignified treatment, including consideration of your needs relating to gender, age, race, cultural diversity, impairment, sexuality and religious belief
- you have the right to the protection of your privacy, including your personal contact details
- you have the right to be provided with information about relevant services available to victims of crime where it is reasonable and practicable for the agency to give the information.

Queensland Government prosecuting agencies (Queensland Police Service and the Office of the Director of Public Prosecutions (ODPP)) must comply with the following Fundamental Principles of Justice:

- if you ask for information about the investigation of the offender the investigator is required to give you information about the investigation as far as is reasonably practicable
- if you ask for information about the prosecution of the offender the prosecutor is required to give you information as far as is reasonably practicable
- you have the right to be advised in your role as a witness by the prosecuting agency
- you have the right to minimal exposure to and contact with the offender



- you have the right to give a victim impact statement to the prosecutor
- you have the right to be provided with information about the convicted offender if they are sentenced to imprisonment or detention and you request this information.

The Fundamental Principles of Justice are explained further in the *Victims of Crime Assistance Act 2009*. A copy is available on the Victim Assist Queensland website at [www.justice.qld.gov.au](http://www.justice.qld.gov.au).

## If you believe the Fundamental Principles of Justice have not been observed

If you believe that a Queensland Government agency or officer within the agency has behaved in a way that is not consistent with the Fundamental Principles of Justice you have the right to make a complaint.

The complaint can be made directly to the agency responsible or through Victim Assist Queensland. Victim Assist Queensland will facilitate the complaint in a timely manner and ensure that the outcome of any investigation into the complaint is provided to the victim. A resolution may be in the form of an apology, a change in agency policy or improved training.

A blank complaint form is available on the Victim Assist Queensland website at [www.justice.qld.gov.au](http://www.justice.qld.gov.au) or by calling **1300 546 587**.

## Your right to an interpreter

If you are a victim of crime and English is not your first language or if your hearing is impaired, all government agencies should provide you with a free interpreting service.

When you are in contact with a government agency, in order to receive fair treatment and the right services, make sure you ask for an interpreter if you need one.

Most non-government support services in Queensland can also put you in contact with a free interpreting service, so make sure you tell them if you need one.

## Financial assistance to help recovery

### What is financial assistance?

The Queensland Government provides financial assistance to eligible victims of crime to pay for or reimburse the costs of goods and services you need as a victim to recover from the effects of a violent crime.



As a victim of crime you may be able to apply for financial assistance immediately and directly to Victim Assist Queensland. You do not have to wait to go through the court process if the act of violence occurred on or after 1 December 2009.

The *Victims of Crime Assistance Act 2009* provides for the Victim Assist Queensland financial assistance scheme. A copy is available at our website [www.justice.qld.gov.au](http://www.justice.qld.gov.au).

### What is a violent crime and what is an injury?

Financial assistance may be available to you if you have suffered an injury that is physical or psychological (emotional) as a result of a violent crime committed in Queensland.

A violent crime is an act of violence that has directly resulted in the death of or injury to, one or more persons.

An act of violence includes:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• assault</li> <li>• sexual assault and rape</li> <li>• grievous bodily harm</li> <li>• domestic and family violence</li> </ul> | <ul style="list-style-type: none"> <li>• kidnapping/deprivation of liberty</li> <li>• stalking</li> <li>• murder and manslaughter</li> <li>• death by dangerous driving.</li> </ul> |
|--|---|

An injury is described as:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• bodily harm</li> <li>• mental illness or disorder</li> <li>• intellectual impairment</li> <li>• disease</li> </ul> | <ul style="list-style-type: none"> <li>• the adverse impacts of a sexual offence</li> <li>• a combination of the these listed injuries (including a pregnancy as a result of the act of violence).</li> </ul> |
|---|---|

## Who is a victim of crime under the *Victims of Crime Assistance Act 2009*?

You may be eligible for financial assistance if you are a:

- **primary victim** – someone who is injured as a direct result of an act of violence committed against them
- **related victim** – someone who is a close family member of, or a dependant of, a primary victim who died as a result of an act of violence.

For acts of violence that occurred on or after 1 December 2009 you may be eligible for financial assistance if you are a:

- **witness secondary victim** – someone who is injured as a direct result of witnessing an act of violence, by seeing it and/or hearing it
- **parent secondary victim** – a parent or guardian injured as a direct result of finding out about an act of violence committed against their child under the age of 18.

**Please note:** If the act of violence happened before 1 December 2009, a victim is not eligible for financial assistance until:

- the offender has been convicted in the District or Supreme Court; or
- they have received notification that the offender cannot be convicted (for more information call Victim Assist Queensland on **1300 546 587**).

## The crime needs to be reported

In most cases, to be eligible for assistance the violent crime needs to have been reported to the police (see Section 4).

For special primary victims, the act of violence can be reported to the police, a doctor, counsellor or psychologist.

A special primary victim is a primary victim of an act of violence who:

- was under the age of 18 when the act of violence was committed
- has impaired capacity
- is the victim of an act of violence involving a sexual offence
- was harmed or injured by a person in a position of power, influence or trust over the victim at the time the act of violence was committed
- is being threatened or intimidated by the person who committed the act of violence, or by someone else.



## What type of assistance is available?

Financial assistance can be provided to eligible victims to cover:

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• counselling expenses</li><li>• medical and dental expenses</li><li>• reasonable incidental travel expenses</li><li>• immediate expenses related to the act of violence, called interim assistance</li><li>• primary victims may receive a special financial assistance payment</li><li>• loss of earnings</li></ul> | <ul style="list-style-type: none"><li>• damage to clothing</li><li>• related victims may receive distress assistance</li><li>• funeral expenses</li><li>• in exceptional circumstances, other reasonable costs related to the recovery of the victim</li><li>• up to \$500 for legal assistance when submitting your application.</li></ul> |
|---|---|

The type of assistance available will vary depending on the type of victim. You can contact Victims LinkUp on **1300 546 587** for more detailed information on the type of assistance available to eligible victims of an act of violence.

Funeral assistance up to \$6,000 can be provided to anyone who has/will cover the cost of the funeral of a person who has died as a result of an act of violence.

## Time limits for applying for assistance

There are time limits for applying for assistance. For most people this will be three years from the act of violence occurring. Exceptions to this are:

- if the victim was under 18 when the act of violence occurred they should apply by the time they turn 21
- three years from the death of the primary victim
- when a victim (such as a special primary victim) has a reasonable excuse as to why they did not report the act of violence in time, they can apply to Victim Assist Queensland for an extension of time.

## How to apply for assistance

To apply for assistance from Victim Assist Queensland you will need to:

- report the act of violence (see above for details on reporting)
- complete a Victim Assist Queensland Financial Assistance Application (Form 1), available on our website or by calling Victims LinkUp (see next page for contact details). This will include consent for Victim Assist Queensland to obtain further information on the applicant, the act of violence and the injury if required
- attach a Victim Assist Queensland Medical Certificate (Form 3) to your application for financial assistance. The medical certificate needs to be

completed by a doctor or dentist, describing your injuries (physical or psychological) and recommended treatment as a result of the act of violence

- provide proof of payments made or expenses incurred such as invoices, receipts and statements for any expenses you wish to claim.

More information and application and medical certificate forms are available at [www.justice.qld.gov.au](http://www.justice.qld.gov.au) or by calling Victims LinkUp on **1300 546 587**.

## How to get help with your application

If you are under 18 years old or think you will have difficulty completing your application, an approved person can apply on your behalf.

If you would like more information on who can apply for assistance or need help to fill out an application form, help is available from Victim Assist Queensland:

- call Victims LinkUp on **1300 546 587** between 8.30am and 5pm weekdays (not including public holidays) to speak to an information officer
- call 131 450 and ask for Victim Assist Queensland for an interpreter service
- email [victimslinkup@justice.qld.gov.au](mailto:victimslinkup@justice.qld.gov.au)
- visit our website at [www.justice.qld.gov.au](http://www.justice.qld.gov.au)
- visit one of our offices in Brisbane, Ipswich, Toowoomba, Rockhampton, Townsville and Cairns. Call **1300 546 587** to make an appointment.

## Recovery from offenders

Under the *Victims of Crime Assistance Act 2009* (the Act), the Department of Justice and Attorney-General will seek to recover from a convicted offender the amount of financial assistance paid to the victim/s of the act of violence. A copy of the Act and more information is available at [www.justice.qld.gov.au](http://www.justice.qld.gov.au).

## Other financial options

Victim Assist Queensland can only pay for the costs of goods and services not payable to you from another scheme and cannot make payments for loss or damage to personal property. Some other schemes that may be able to make relevant payments to you are listed below.

**Medicare and/or private health insurance.** If you are eligible for Medicare or a member of a private health insurance fund you may be able to make a claim to cover some of the cost of your medical or dental treatment resulting from an injury. Make sure you keep all your medical receipts and contact Medicare on 132 011 (call charges apply) or your insurance company as soon as possible.



**Workers' compensation.** If you have been injured as a result of an act of violence at work, you could be entitled to workers' compensation. You should notify your employer as soon as possible about an injury and see a doctor to get a workers' compensation medical certificate. For more information on workers' compensation or to lodge a claim, call WorkCover Queensland on **1300 362 128** or visit [www.workcoverqld.com.au](http://www.workcoverqld.com.au).

**Household and motor vehicle insurance.** If your car or other property has been damaged as a result of an act of violence and you have motor vehicle or household insurance, you should contact your insurance provider with the details as soon as possible. The provider may need details of where and when you reported the crime to the police.

**Centrelink.** You may need to consider payments you receive or are entitled to receive from Centrelink. Visit [www.centrelink.gov.au](http://www.centrelink.gov.au) for a list of contact numbers.

## Suing the offender in the civil courts

You may have the right to sue the offender in the civil courts for personal injury to you, wrongful death of someone, or for damage to your property. This is generally known as civil court action.

It is advisable that you seek legal advice before proceeding with civil court action as you may be responsible for legal costs if you are not successful. Strict time limits apply in civil court actions.

Section 3 lists legal support services for victims of crime.

# Going to court as a witness

## The role of the courts in Queensland

Once a crime has been reported to the police, the police will investigate the matter to decide if there is enough evidence to charge someone with an offence. The person charged with the offence is called the defendant or the accused.

Once the police have charged the defendant, the police refer the case to a prosecutor who will present the case in court.

A defendant is considered innocent until proven guilty beyond a reasonable doubt. The court system will establish if the defendant is guilty or not guilty of the charges and if so, what the sentence should be.

As a victim of crime you may be required to give evidence as a witness in court. The following information is provided for you, your family and other support people to gain an understanding of the legal process involved in the prosecution of a defendant and the role of a witness in the court process.

## The three levels of court in Queensland

Queensland has three levels of state courts – the Magistrates Court, the District Court and the Supreme Court. The level of court a case is heard in depends on the seriousness of the offence.

The locations and contacts for courthouses in Queensland are listed in the White Pages and on the Queensland Courts website at [www.courts.qld.gov.au](http://www.courts.qld.gov.au).

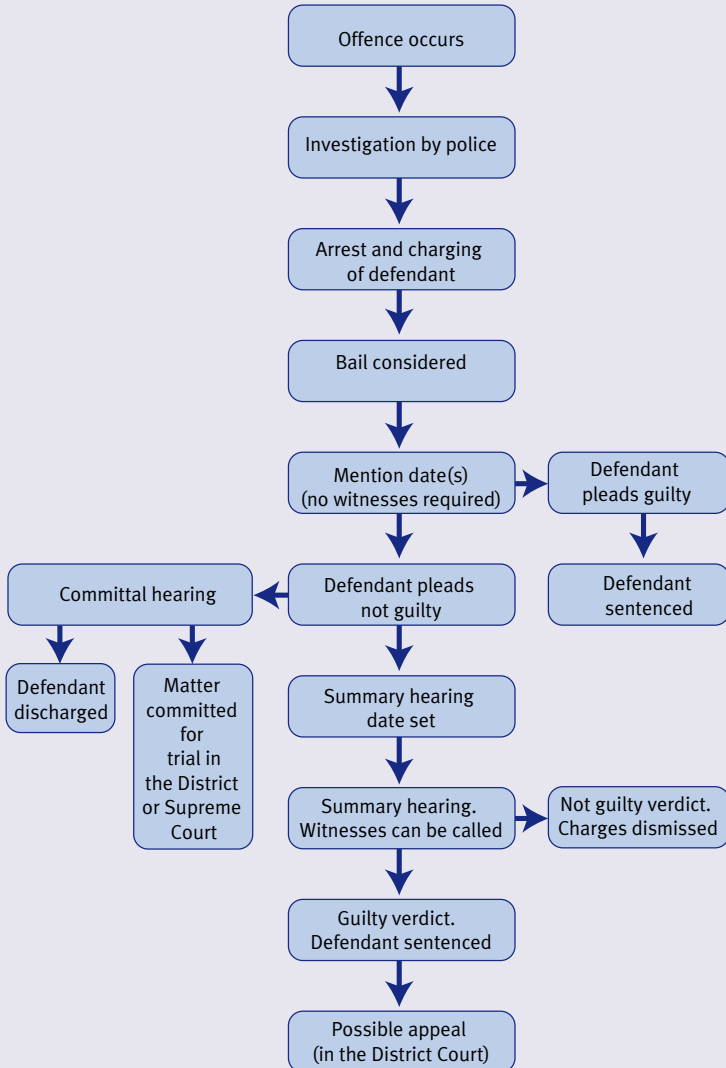




The following tables are a general overview of the three levels of court, what may happen in each and where a witness may be required to be part of the court process. As you read through, use the flow diagrams to help you understand the court process further.

Court	What happens there?
<b>Magistrates Court</b> The lowest level of court in Queensland. Anyone charged with an offence will first appear in this court. The magistrate has the power to decide on and issue a sentence for matters such as: <ul style="list-style-type: none"><li>• assault</li><li>• theft</li><li>• domestic violence</li><li>• minor traffic offences.</li></ul>	<b>Magistrate.</b> The magistrate is the person who runs the court and makes the decisions. There is no jury in the Magistrate's Court. <b>Mention.</b> Anyone charged with an offence will first appear in the Magistrates Court soon after the charge is laid. This is called the mention. There may be many mention dates. Witnesses are not required to attend a mention. <b>Summary hearing.</b> Most minor (summary) offences and some other more serious (indictable) offences are heard at a summary hearing in this court. Witnesses will give evidence at a summary hearing. The evidence is heard and a final decision is made by a magistrate to find the defendant guilty or not guilty. If they are found guilty the magistrate will sentence the defendant in this court. <b>Committal hearing.</b> A defendant who has been charged with a more serious (indictable) offence may attend a committal hearing in this court. A committal hearing is held so the magistrate can decide if there is enough evidence to commit the defendant for trial in the District or Supreme Court. Witnesses are often required to give evidence at a committal hearing. <b>Prosecution.</b> The role of the prosecution is to present the case against the defendant to the court. A police prosecutor will usually present the prosecution case (also known as the Crown's case) in this court. A lawyer from the Office of the Director of Public Prosecutions (ODPP) may also present the prosecution case for some criminal offences heard in this court. <b>Defence.</b> The role of the defence lawyer is to present the case for the defendant and test the prosecution's evidence to show that there is not enough evidence in the prosecution's case to find the defendant guilty.

## The Magistrates Court Process

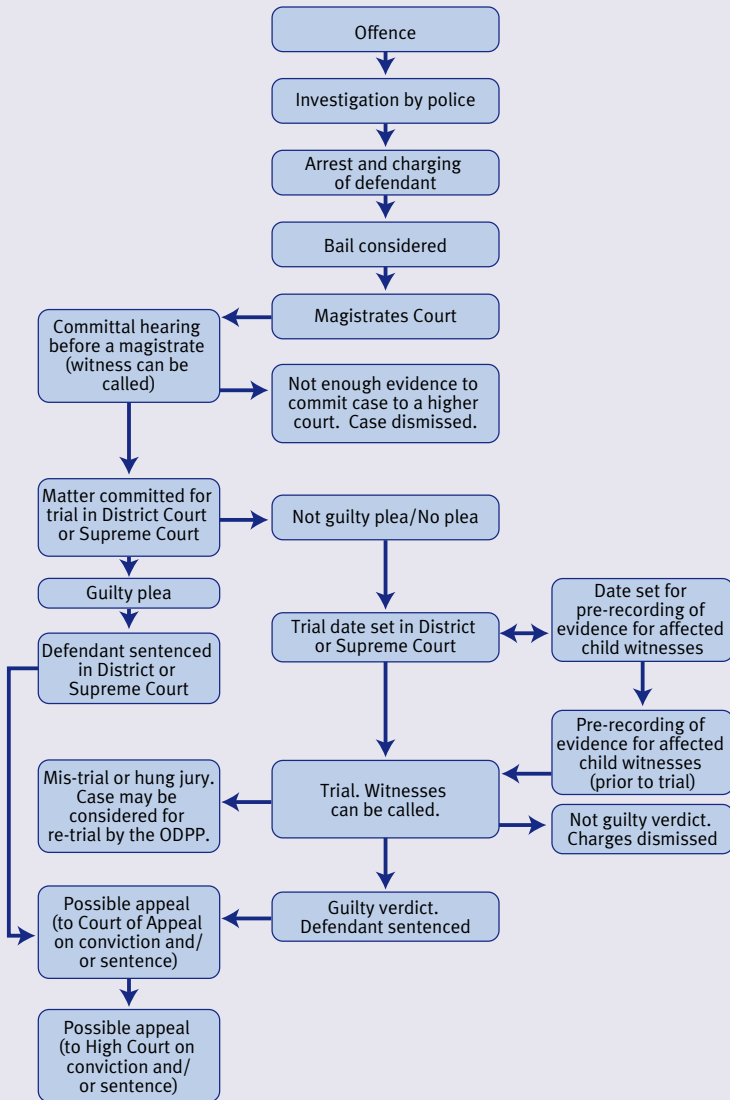




Court	What happens there?
<b>District Court</b> The second level of court in Queensland. Deals with indictable criminal matters such as: <ul style="list-style-type: none"><li>• more serious assaults</li><li>• sexual offences</li><li>• armed robbery.</li></ul>	<b>Trial.</b> During a trial, evidence will be heard before a judge and a jury in court to determine if the defendant is guilty or not guilty. Witnesses may give evidence during a trial. <b>Jury.</b> A jury consists of 12 adults chosen from the community. It is the jury's role to listen to the evidence and decide if the defendant is guilty beyond a reasonable doubt, or not guilty. In some circumstances there will not be a jury, in which case the judge will decide if the defendant is guilty or not guilty. <b>Judge.</b> A judge is in charge of the court. The judge may ask a witness questions. If the jury find the defendant guilty the judge decides what sentence will be given. <b>Crown Prosecutor.</b> The Crown Prosecutor is a lawyer working for the ODPP to prosecute criminal cases on behalf of the state. The role of the Crown Prosecutor is to prove beyond a reasonable doubt that the defendant committed the offence. <b>Defence.</b> The role of the defence lawyer is to present the case for the defendant and test the prosecution's evidence to show that there is not enough evidence in the prosecution's case to find the defendant guilty. <b>Appeals.</b> Appeals from decisions made in the Magistrates Court are heard in the District Court.

Court	What happens there?
<b>Supreme Court</b> The highest level of court in Queensland. Deals with indictable criminal offences such as: <ul style="list-style-type: none"><li>• murder</li><li>• attempted murder</li><li>• manslaughter</li><li>• serious drug offences.</li></ul>	The process for a trial is the same in the Supreme Court as it is in the District Court (see District Court above).
<b>The Court of Appeal</b> Part of the Supreme Court. Hears appeals from cases tried in the District Court and Supreme Court.	The defence may appeal the conviction or sentence handed down by the judge. The Crown may also appeal against the sentence. An appeal is usually made within a calendar month of the end of the trial but sometimes it may be longer. There is no jury in the Court of Appeal. There is a panel of three to five judges.

## The District and Supreme Court process





## Other types of courts in Queensland

Other types of courts in Queensland include:

**Children's Court and the Children's Court of Queensland** – a special Magistrates Court and District Court for young people alleged to have committed an offence. The court is closed to the public. As a witness you may be required to give evidence in this court.

**Murri Court** – the Murri Court sentences Aboriginal and Torres Strait Islander offenders who plead guilty to an offence which falls within the jurisdiction of the Magistrates Court. Murri Court provides a forum where Elders, Respected Persons, Community Justice Groups and the offender's family can be involved in the sentencing process. The magistrate makes the final decision and imposes the sentence. As a victim of crime you may be required to give evidence in the Murri Court as a witness.

**Mental Health Court** – the Mental Health Court is a Supreme Court which decides the state of mind of people charged with criminal offences. This court will decide if the alleged offender was of unsound mind when they committed the offence and will decide if they are fit to stand trial in another court. You would not be required to give evidence in the Mental Health Court as a witness.

As a victim of a mentally ill offender you have the right to certain information about the offender relevant to your safety. The Queensland Health Victim Support Service provides information and support to victims of mentally ill offenders. For contact details see Section 3.

More information about the courts in Queensland is available at [www.courts.qld.gov.au](http://www.courts.qld.gov.au).

## The role of a witness in court

Witnesses are a vital part of the Queensland justice system. Their evidence helps the magistrate and judge (and jury where present) to determine the truth and make a fair decision.

Witnesses called by the prosecution to give evidence are called Crown witnesses. The prosecutor may ask a witness questions to obtain evidence and re-examine evidence. A defence lawyer is likely to question (cross-examine) a witness to test the evidence of the prosecution.

## Vulnerable witnesses in court

**Special witnesses** – a special witness can include children, victims of sexual assault, victims with an impairment of the mind and other victims of crime or witnesses who are likely to be disadvantaged or suffer severe emotional damage (adults and children). There are special legal provisions that can be made available for special witnesses in court to reduce the trauma associated with giving evidence.

You should speak to the police or prosecutor if you think you require assistance when giving evidence. The prosecution must apply for special witness provisions before any of the special provisions can be put in place. The final decision is made by the magistrate or judge.

**Affected child witness** – an affected child witness is a particular type of child witness who should always be allowed some or all of the special provisions available in court.

**The special provisions** – the special provisions that may be available to an affected child witness or a witness granted special witness status include the following:

- pre-recording the evidence on to video or audio before the trial or hearing date
- giving evidence from a remote witness room (or CCTV room) so the witness should be unable to see or hear the defendant
- putting up a screen in the courtroom so the witness should be unable to see the defendant
- having a support person with the witness in the courtroom
- closing the court to the public and the media so the witness only gives evidence in front of the people required to be in the courtroom.

The police, the ODPP and the support services listed in Section 3 can provide more information about special witnesses and affected child witnesses.

## The sentence hearing

The defendant is sentenced (given a penalty) if they plead guilty or are found guilty in a court. Sometimes the sentence is decided straight away by the magistrate or judge but sometimes a sentence hearing is held at a later date. During a sentence hearing the magistrate or judge considers all matters in the case to decide the type of sentence that will be handed down to the defendant. Some of the many matters considered might include the nature of the offence, the impact on the victim, whether the defendant has expressed remorse and previous criminal history.



## The victim impact statement

As a victim of crime you have the right to make a victim impact statement. The victim impact statement can be given to the prosecutor and may be used at the sentence hearing to tell the court how the crime has affected your life. The judge can use it to consider the effects of the crime on you when passing sentence to the offender.

- A victim impact statement can include details of any physical injury, emotional harm, financial loss or other damage you have suffered as a result of the crime.
- You can attach any other documents, such as medical reports, photographs or receipts if you think they will support your statement.
- Make sure everything you write is truthful, accurate and only relevant to the crime of which the accused has been convicted of.
- You need to sign and date it and hand it to the prosecution or your victim liaison officer (VLO) from the Office of the Director of Public Prosecutions (ODPP).
- A copy of your victim impact statement will be passed to the defence. The court will decide how it is presented and only parts of it may be used by the court.

More information on victim impact statements is available from your VLO from the ODPP. The information is also available from Victim Assist Queensland website at [www.justice.qld.gov.au](http://www.justice.qld.gov.au) or by calling **1300 546 587**.

## Support for you in court

**How you might feel as a witness.** Every person will feel differently when they go to court. There is no right or wrong way to feel. Common feelings might include anxiety, fear, anger and apprehension. When you go to court as a witness to give evidence you may be asked to re-tell details of the incident that trigger strong memories or feelings and this may be difficult for you to deal with. Talking to a support person or service in the lead up to appearing as a witness in court and/or during and after a court case can be helpful for some people.

**Court support services.** Court support services can give you information about the legal process and help you prepare for an appearance in court. For information on court support services available in Queensland contact **1300 546 587**.

**Victim liaison officers.** Victim liaison officers (VLOs) from the ODPP provide information and referral services to victims of crime during the court process. When a matter is referred to the ODPP a VLO will make contact with you.

## Commonly asked questions about going to court as a witness

### Before court

**How will I know if I need to go to court as a witness?** As a victim of crime, you may be called upon as a witness in court. You will be advised by the police or the ODPP. You will also receive documentation advising you of the requirement to attend court. This is called a summons to witness (in the Magistrates Court) or a subpoena (in the District or Supreme Court). The summons or subpoena will tell you where and when the case will be held. You must attend court if you receive a summons or subpoena.

**How soon will the start of the court hearing or trial be?** For a case in the Magistrates Court it can be months from the mention date to the start of the summary hearing. For a case in the District or Supreme Court it is not unusual for it to be more than a year between the committal hearing and the start of the trial.

You may not be told the starting date of the hearing or trial until shortly before the trial starts. If you change your address or there are dates that you cannot attend court for planned events, tell the police or the ODPP as soon as possible.

**Who am I allowed to contact for information on the hearing or trial?** You have the right to ask for information at any time. You can contact the police or your VLO. However, it is important not to discuss evidence except with your police officer or prosecutor.

**Are there ever delays?** A hearing or trial can be delayed (adjourned) to another day for a number of reasons. The police or the ODPP will do their best to tell you if the hearing or trial has been adjourned but it is often at short notice and you may not find out until the day of court.

**How much time will I have to spend at the courthouse?** Once a hearing or trial has started, it can take days and sometimes weeks to complete, depending on the case. However, once you have given your evidence, you are generally not required to stay. You may also need to attend court more than once. As much as you possibly can, plan in advance to be able to take the time off work and ensure you have child care arrangements in place if required.

**Will I be able to speak to anyone about what will happen in court before the trial or hearing date?** You may be contacted to talk to the prosecutor from the police or the ODPP before you are due to give evidence in court. They will explain what is going to happen. For information on court support services available contact Victim Assist Queensland on **1300 546 587**.

**Can I see inside a courtroom before the trial date?** You can ask the police, the ODPP or your court support person if you want to visit a courtroom prior to the day of court. This may help you feel more comfortable on the day.



**Can I have a support person in the courtroom with me?** The magistrate or judge will decide if a support person can be present in court with you (see vulnerable witnesses in court). The support person will not be permitted to speak, answer questions, give verbal encouragements or make hand gestures while you are giving your evidence.

**Will I need to wait around at the court?** The court hearing may take some time. Take a book or a magazine or something to keep you occupied. Take some snacks and a bottle of water.

**What should I wear in court?** Wear clothes that are comfortable and appropriate for the formal court environment.

**How do I get to court?** Generally, you will be expected to get yourself to court. However, if you have problems with transport or have to travel a long way you should tell the police or the ODPP as soon as possible.

## In the courthouse

**Do I wait with other witnesses?** All witnesses remain outside the courtroom until they are called to give evidence. If you think you will feel scared or vulnerable when waiting to go in to the courtroom, some courthouses have special secure waiting rooms. Ask your victim liaison officer, your support worker or the prosecutor in advance if there is such a room and if you are able to use it while waiting to go into the courtroom.

You should not speak to any of the other witnesses about the case before you and they have given evidence.

**How will I know when it is my turn to give evidence?** You will be called when it is time for you to give evidence and you will be shown where you need to go.

## In the courtroom

**Will the public or the media be in the courtroom?** Sometimes members of the community (including the media) sit in the public gallery. If it is a closed court the public and the media are not allowed in the courtroom.

**Do I have to swear an oath?** You are given the option to swear an oath on the Bible or make an affirmation (not using the Bible) to tell the truth to the court.

**What do I call the magistrate or judge?** When you are speaking to the magistrate or judge you call them 'Your Honour.'

**Do I have to see the defendant?** The defendant will be in the court and you will be able to see the defendant from where you are sitting in the courtroom. Your support person can help you to prepare. See **vulnerable witnesses in court** for when a witness may not have to see the defendant.

**What sort of questions will I be asked in the courtroom?** The prosecution and the defence will ask you questions so the court can hear the evidence. Sometimes you may feel like you have already answered the question. Take your time, remain calm and speak slowly and clearly. If you don't understand a question or you do not hear a question, ask for it to be repeated. If you do not know an answer or can't remember, say so. Do not try to guess an answer. Remember it is important to tell the truth.

**What if I get upset?** You may feel upset, uncomfortable or distressed when giving evidence. Take your time and perhaps have a drink of water before you continue to speak. You have the right to ask for a short break if things are getting too much or you need to go to the bathroom.

**Can I have an interpreter?** An interpreter can be arranged if you require one. Let the police or the ODPP know if you require one.

## After court

**Can I talk to anyone about the case after the trial or hearing has ended?** Some people might find it helpful to talk about their experiences. Support after court can be provided by the contacts listed in Section 3.

**Can I claim for expenses?** The police officer looking after the case can give you information on how you may be able to claim certain expenses.

## Other options that may be available out of court

In Queensland, there may be other options available to you as a victim of crime and the alleged offender to deal with a police complaint. Sometimes this means the matter can be resolved out of court through referral to Justice Mediation or a Youth Justice Conference. These programs are commonly known as restorative justice processes and more detailed information about each program is provided below.

**Justice mediation** – Justice mediation is a face-to-face meeting between a person who has been harmed by an incident (the complainant/victim) and the adult person responsible for the incident (the offender). The meeting is organised and attended by specially trained and approved mediator. It is voluntary, confidential and free. The defendant must accept responsibility for, and show remorse about his/her actions. All parties must agree to mediation.

Justice mediation gives you as a victim of crime the opportunity to:

- tell the offender how their behaviour affected you and ask questions about the incident
- express your feelings in a supportive environment of family and friends
- reduce your fear of further victimisation
- receive an explanation or apology from the offender



- make an agreement with the offender about how they can repair the harm caused.

Justice mediation can divert adults, usually first time offender/offenders from the criminal justice system. It gives the offender the opportunity to:

- understand more fully the impact of their behaviour on the victim and the victim's and defendant's family and friends
- repair the harm they have caused.

If you are a victim of crime, you can discuss justice mediation with the investigating police officer or prosecutor. Justice mediation is delivered by the Queensland Government's Department of Justice and Attorney General. For more information on justice mediation call **(07) 3239 6246**.

**Youth Justice Conferencing** – A youth justice conference is a meeting of people affected by a crime committed by a young person (aged 10-16 years). The young person must admit to (or be found guilty of) an offence and can only be referred to a conference by police or a court.

A youth justice conference gives you as a victim of crime the opportunity to:

- attend the conference or identify someone you would like to attend on your behalf
- tell the young person and their family how you feel about the crime and how you have been affected by it
- have your say about how the young person might begin to make up for the harm they have caused
- ask questions and receive answers about the crime you experienced.

A youth justice conference gives the young person who has committed a crime the chance to:

- take responsibility for what they have done
- understand how their actions have affected other people
- make an agreement with the defendant about how they can repair the harm caused.

There is no limit on the type of offence that may be referred to a youth justice conference.

Youth Justice Conferencing is delivered by the Queensland Government's Department of Communities. For more information call **1300 555 954**.





## Inside the Magistrates courtroom

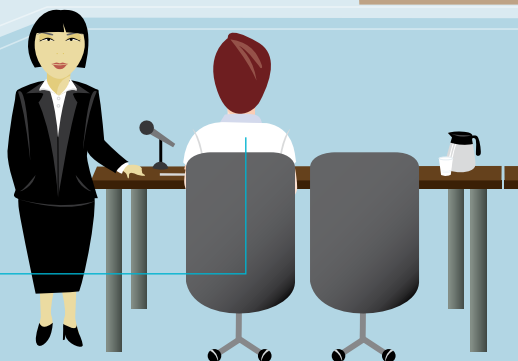
### Witnesses

People whom the prosecution or defence call to give evidence. Both the prosecutor and the defence lawyer will ask the witness questions.



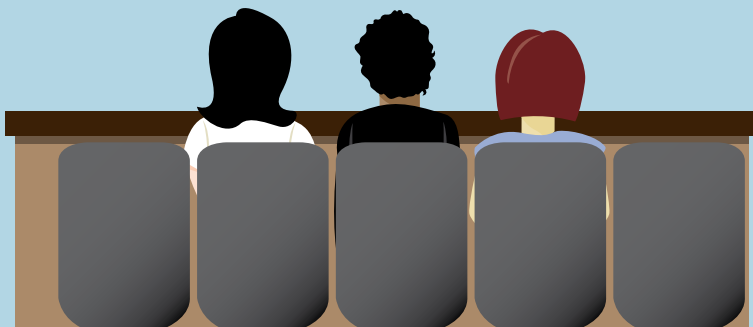
### Defence lawyer

A lawyer who speaks on behalf of the defendant. This may be a duty lawyer who is supplied by Legal Aid Queensland or from private practice.



### Defendant

The defendant is the person accused of committing the offence. If the defendant is still in custody they will sit in the dock next to a corrective services officer.



## Magistrate

The magistrate can make decisions on simple offences and some indictable offences. For indictable offences the magistrate determines if there is enough evidence to refer the case for trial in the Supreme Court or District Court. They are addressed as 'Your Honour' and usually wear a plain black robe.

## Depositions clerk

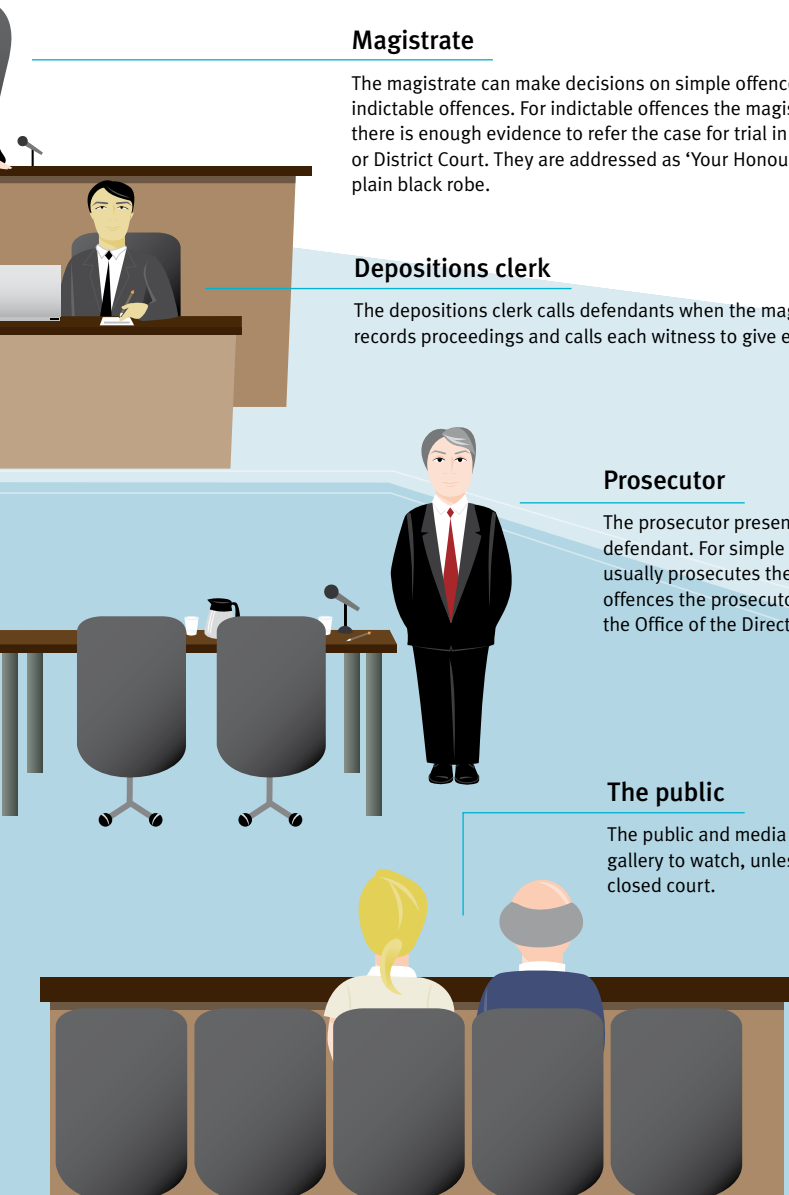
The depositions clerk calls defendants when the magistrate is ready, records proceedings and calls each witness to give evidence.

## Prosecutor

The prosecutor presents the case against the defendant. For simple offences a police officer usually prosecutes the case. For indictable offences the prosecutor may be a lawyer from the Office of the Director of Public Prosecutions.

## The public

The public and media can sit in the public gallery to watch, unless the magistrate orders a closed court.





## Inside the District/Supreme courtroom

### Judge

The judge controls the courtroom and ensures evidence is relevant. If the defendant pleads guilty or the jury finds the defendant guilty, the judge will decide the sentence. The judge is addressed as 'Your Honour' and usually wears a wig and a robe.

### Judge's associate

The judge's associate wears a plain black robe and no wig and sits below the judge. The associate assists the judge by reading out the charges, taking the defendant's plea and asking the jury for its verdict.

### Defence lawyers

The defendant is usually represented by a barrister and a solicitor. The barrister speaks on behalf of the defendant. The solicitor gives instructions to the barrister on behalf of the defendant. The barrister will wear robes and a wig, but the solicitor usually does not.

### Defendant

The person who is accused of committing the offence. The defendant sits in the dock near a corrective services officer who is present at all times.



## Court reporters

Occasionally court reporters record what is said during the trial on tape or on a shorthand machine. Often, court proceedings are recorded remotely.



## Witnesses

People whom the prosecution or defence call to give evidence. Both the prosecutor and the defence lawyer will ask the witness questions.

## The bailiff

Bailiffs sit or stand near the jury. They call defendants when the judge is ready, announce the beginning and end of sessions, look after the jury and call witnesses to give evidence and administer the oath or affirmation.



## Crown prosecutor

A Crown prosecutor is a barrister or solicitor who works in the Office of the Director of Public Prosecutions and presents the case against the defendant.

## The jury

The jury is present if the defendant pleads not guilty. The jury is made up of 12 people selected at random from the community. They decide if the defendant is guilty or not guilty. The decision must be unanimous. The jury remains in court unless the judge is discussing a point of law with the lawyers.



## The public

The public and media are able to sit in the public gallery to watch events unless the judge has ordered that the court should be closed.



# Protecting you and your family

## If the defendant contacts you

In many criminal investigations, the victim knows the defendant. The defendant may contact you to offer their remorse at what they have done, to explain their actions or to intimidate or scare you. Whatever the reason, it is advisable not to have any contact or communications with the defendant. This includes any representative of the defendant, such as their lawyer.

You should contact police if there is any contact from the defendant, particularly if it is threatening behaviour towards you or your family.



## If the media contacts you

You may find there is interest in your case from the media and the media may contact you wanting information about what happened to you. You need to be aware that there may be legal implications if you choose to talk to the media. It is not advisable to talk to the media but if you are thinking of talking to the media it is a good idea to discuss this with the police or prosecution first.

## When the defendant is released on bail or remanded in custody

Bail is the defendant's promise to come back to court for the trial or sentence after they have been charged. When a defendant is granted bail the police will impose bail conditions. A bail condition may include that the defendant does not approach or contact you and the police should inform you of this. If the defendant breaks any bail conditions or you fear for your safety, you should contact the police at the earliest opportunity.

If the defendant is not given bail, the court may order that the defendant be held in custody. This is known as being remanded in custody. The issue of bail can be revisited by the prosecution or defence at any time.

## Finding information about the offender after the trial

If the defendant is convicted, you, as a victim of crime, have the right to certain information about him or her.

**Victims of adult offenders.** The Queensland Corrective Services Victims Register is an information service established to provide certain information to victims of violent and sexual crimes about the person who offended against them. Information can only be provided where the offender is serving a current custodial sentence for the offence committed against them.

Information that may be provided to a registered person includes an offender's eligibility date for release, the correctional centre in which an offender is accommodated, the results of applications for parole and any exceptional events relating to an offender, such as escape or death.

More information on the Victims Register is available by calling Queensland Corrective Services Victims Register on free call **1800 098 098**.

**Victims of young offenders.** The Victim Information Register provides current information to registered victims about young people who have committed crimes against the person. Information can only be provided where the offender is subject to a detention order for the offence committed against them.

Information that may be provided to a registered person includes an offender's date of release on a Supervised Release Order, transfer interstate or overseas or to an adult correctional facility, any cumulative periods of detention, leave of absence or escape.

More information on the Victim Information Register is available on the Youth Justice Services website at [www.communityservices.qld.gov.au](http://www.communityservices.qld.gov.au) or call **(07) 3109 0551**.

For information on your other rights to certain information as a victim of crime in Queensland see Section 5.

## Seeking protection through a Domestic Violence Order

If you are experiencing domestic and family violence in a relationship you may be able to apply for a protection order under the *Domestic and Family Violence Protection Act 1989*.

Domestic and family violence includes behaviour that is physically or sexually abusive, emotionally, verbally, or financially abusive, threatening or coercive. Behaviour which causes a child to be exposed to the effects of this abuse is also domestic violence.

An application form for a Domestic Violence Order is available from your local Magistrates Court (see Section 7). Fill in the form and lodge it at your local courthouse. If you or a family member are in danger and need protection urgently you should contact the police.

More information about protection orders is available through the domestic and family violence support services listed in Section 3 of this booklet or on the Department of Communities website at [www.communityservices.qld.gov.au](http://www.communityservices.qld.gov.au).



# Glossary of terms

Glossary of terms	
Accused	A term used for a person accused of committing a crime – also known as the defendant or alleged offender.
Act of violence/violent crime	Under the <i>Victims of Crime Assistance Act 2009</i> an act of violence is a crime or series of related crimes, whether committed by one or more persons that has occurred in Queensland and has directly resulted in the death or injury to one or more persons.
Acquitted	When the defendant is found not guilty.
Adjourned	If a court case cannot proceed when it comes before the court, it may be put off to a later date (adjourned).
Affected child witness	A child witness that is entitled to special provisions in court (see Section 7).
Appeal	A hearing where a court decision such as a conviction or a sentence is reviewed by a higher court.
Bail	A person who has been arrested may be granted bail which means that they are released from custody subject to certain conditions. A bail condition might be that the defendant has no contact with a witness (see Section 8).
Beyond a reasonable doubt and burden of proof (or onus of proof)	For criminal cases, all decisions in the court are based on the burden of proof. This means that to find a defendant guilty, the magistrate or jury must be convinced of the defendant's guilt beyond reasonable doubt (there must be no doubt that the offence certainly happened). The prosecution must meet the burden of proof for the magistrate, jury or judge to find a defendant guilty. If the prosecution do not meet the burden of proof, the defendant must be acquitted of the charge or charges against them.
Closed court	A court room that is closed to members of the public, including the media.
Committal hearing	<p>A hearing in a Magistrates Court to determine whether there is enough evidence to commit the case for trial in the Supreme or District Court.</p> <p>A committal hearing can take different forms. A committal hearing in front of a magistrate where witnesses attend; a committal hearing (witness statement handed-up) before a magistrate; an administrative registry committal.</p>

Glossary of terms	
Committal mention	A mention before a matter has a committal hearing date set down in the Magistrates Court.
Conviction or convicted	A person pleads guilty or is found guilty of an offence in court.
Criminal justice system	The network of courts and tribunals which deals with criminal law and its enforcement.
Crown Prosecutor	A lawyer who acts on behalf of the state to prosecute criminal cases.
Defendant	A term used for a person accused of committing a crime – also known as the accused or an alleged offender.
District Court	The second level of court in Queensland (see section 7).
Dock	The area of the court where the defendant may sit, often the dock is secured.
Financial assistance	Under the <i>Victims of Crime Assistance Act 2009</i> , financial assistance is provided to eligible victims to cover the costs of goods and services that they need for their recovery, such as medical and counselling expenses. (see Section 6).
Guilty plea	When the defendant admits guilt to either the offences charged with, or related offences. An offer of a guilty plea by a defendant must be accepted by the prosecution prior to being accepted by the court. If the court accepts the plea of guilt, the matter proceeds to sentencing without trial.
Guilty verdict	When at the end of the trial or hearing the court determines that the prosecution has met its burden of proof. The matter then proceeds to sentencing.
Hearing	A court hearing or hearing of evidence.
Hung jury	A case may not proceed if the jury cannot come to a unanimous decision (all agree) that the defendant is guilty or not guilty (sometimes a majority decision will be accepted). This is known as a hung jury. If there is a hung jury the ODPP will decide whether it is in the public's interest or not to have a re-trial (set another trial date).
Indictable offence	An indictable offence is a more serious crime or misdemeanour.



## Glossary of terms

Injury	<p>Under the <i>Victims of Crime Assistance Act 2009</i> an injury is:</p> <ul style="list-style-type: none"><li>• bodily harm</li><li>• mental illness or disorder</li><li>• intellectual impairment</li><li>• disease</li><li>• pregnancy</li><li>• the adverse impacts of a sexual offence</li><li>• a combination of the above.</li></ul>
Judge	The person in charge of the District or Supreme court.
Jury	A jury consists of 12 adults selected from the community.
Magistrate	A person who is in charge of a Magistrates' Court and makes the decisions in this court.
Magistrates Court	The lowest level of court in Queensland (see Section 7).
Mention	Held in the Magistrates Court. A mention is the method used by courts to ensure a matter is proceeding in a timely way, and that it is moving towards a resolution.
Mis-trial	A trial that is terminated by the judge before a verdict is returned. For example, a judge might declare a mis-trial if the jury is deadlocked and cannot reach a decision or if there has been a fundamental error with the court process. If there is a mis-trial the ODPP will decide whether it is in the public's interest or not to have a re-trial (set another trial date).
Offender	A person who has been convicted of committing a crime.
Office of the Director of Public Prosecutions (ODPP)	<p>The Office of the Director of Public Prosecutions (ODPP) represents the community in criminal cases. The main function of the Office is to prosecute criminal matters in the District, Supreme and Mental Health Courts, the Court of Appeal and the High Court of Australia. Crown Prosecutors act on behalf of the state to prosecute criminal cases for the ODPP.</p> <p>There are three aspects to the work of the ODPP - legal preparation, court appearances and victim liaison work.</p>
Police Prosecutor	A specialised police officer who presents the case against the defendant at the Magistrates Court. The police prosecutor is specially trained in matters of law and court procedure. Police prosecutions also conduct bail applications.

Glossary of terms	
Prosecutor or prosecution	A person who presents the case against the defendant in court. See Police Prosecutor and Crown Prosecutor.
Sentence and sentence hearing	<p>If the accused pleads guilty or is found guilty by a jury or magistrate, the judge or magistrate will pass 'sentence' (decide what penalty should be given) at a sentence hearing.</p> <p>Types of sentence can include imprisonment, community based orders like probation and community service and good behaviour orders.</p>
Special witness	The prosecutor may make an application to the magistrate or judge to declare a witness to be a special witness. (see Section 7).
Summary hearing	A hearing in a lower court (e.g. Magistrates Court) where evidence is heard and a final decision is made before a magistrate.
Summary offence	A summary offence is a more minor offence.
Summons/Subpoena	A written legal order requiring a person to attend court.
Supreme Court	The highest level of court in Queensland (see section 7).
Trial	A trial is a hearing before a judge and jury (12 members of the public) in the District or Supreme Court.
Victim liaison officer (VLO)	Victim liaison officers from the ODPP provide information and referral services to victims of crime during the court process.
Victim of crime	<p>Under the <i>Victims of Crime Assistance Act</i> a victim is a person who has suffered harm:</p> <ul style="list-style-type: none"> <li>(a) because a crime is committed against the person</li> <li>(b) because the person is a family member or dependant of a person who has died or suffered harm because a crime is committed against that person</li> <li>(c) as a direct result of intervening to help a person who has died or suffered harm because a crime is committed against that person.</li> </ul> <p>See Section 6 of this booklet for an explanation of the different types of victims.</p>
Witness	A witness is someone who may be asked to provide evidence to the court about the crime.

You can find many more useful legal terms in the dictionary located at [www.legalaids.qld.gov.au](http://www.legalaids.qld.gov.au).



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Written and researched by Abby Lucas and Lisa Campbell (Victim Assist Queensland).

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Call 1300 546 587 between  
8.30am and 5pm weekdays  
(not including public holidays)  
and speak to an information officer.

For an interpreter service  
call 131 450 and ask for  
Victim Assist Queensland.

### Write to us

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[victimslinkup@justice.qld.gov.au](mailto:victimslinkup@justice.qld.gov.au)

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