

A guide for Victims of Crime in Queensland



My important contacts

Victim Assist Queensland | **1300 546 587**

(Monday–Friday 8.30am – 5.00pm except public holidays)

Email | VictimAssist@justice.qld.gov.au

For a free interpreting service call: 13 14 50 and ask for Victim Assist Queensland

My application number is _____

My Victim Coordination Officer is _____

Queensland Police | **13 14 44** *(Policelink for non-urgent enquiries)*

My local police station _____

My police contact (arresting officer) _____

My police report number is **QP** _____

Queensland Health Victim Support Service | **1800 208 005**

My Victim Support Coordinator is _____

Legal Aid Queensland | **1300 651 188**

My Legal Aid contact is _____

Other contacts and important notes

Introduction

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

This booklet is a guide for people affected by a violent crime, as well as their family and friends. Violent crimes can include assault, robbery, murder, sexual assault, child abuse, stalking and kidnapping and dangerous driving causing death and serious injury. It also includes victims who have suffered injuries as a result of Domestic and Family Violence (DFV), including those who have suffered emotional or economic abuse.

In this booklet you will find information about support services such as counselling and legal support. You will also find out how you may be able to apply for financial assistance through Victim Assist to help with the costs of your recovery. Your rights as a victim of violent crime are explained in section 6. You will find simple advice on how the criminal justice system in Queensland works for victims at section 8.

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*If there are words in this booklet you don't understand, please go to the Glossary of Terms where the meanings are explained (section 10). Frequently asked questions are also addressed at section 11. For more information about anything in this booklet you can contact Victim Assist on **1300 546 587** (business hours) or via email to VictimAssist@justice.qld.gov.au.*

The impact of violent crime on you and your family

Everyone is affected differently by a traumatic event such as violent crime. You may go through a whole range of responses that are different from day to day. Some days you may feel like you can cope, and other days you may feel like it is hard to do everyday things. It is important to remember this is normal. It is also normal for your family and friends, as well as people who have witnessed the crime, to have similar feelings.

Here are some common reactions to trauma:

Common emotional reactions	Common physical reactions
» Grief and loss.	» Exhaustion and tiredness.
» Shock and disbelief.	» Pain in the body including:
» Feelings of:	– headaches
– emptiness or numbness	– backaches
– fear or anxiety	– stomach aches.
– self-blame, shame or guilt	» Nightmares.
– helplessness, panic	» Sleeplessness.
– being out of control	» Sudden sweating.
– separation and isolation	» Heart palpitations.
– sadness, depression.	» Changes in appetite.
» Outbursts of anger or feeling irritable.	» Constipation or diarrhoea.
» Loss of self esteem.	» Easily startled by noise.
» Pretending it didn't happen.	» Easily startled by unexpected touch.
» Difficulty concentrating / remembering.	» More likely to catch colds or illnesses.
» Not wanting to burden others.	
» Avoiding anything to do with what happened.	

You may have some or all of these symptoms, or none of them. You might have different symptoms. It is usually important to seek help and support from others, including doctors. In many cases the symptoms will go away over time with the support of your family, friends and professionals.

You may also find that you would like support such as counselling, therapy or just someone to listen to you and give you information. You can access a support service at any time after a crime has happened. You may want to do this very soon after the incident, or after some time has passed, for example, when it is time to go to court. Section 4 lists contact details of free support services for victims of crime.

Looking after yourself

Everyone has their own way of coping with a trauma. Here are some ideas that might help you.

- » Talk about how you feel with someone you trust.
- » Don't make life changing decisions until you feel ready.
- » Remember that bad feelings do go away but it can take time.
- » Exercise regularly.
- » Limit your use of alcohol or drugs.
- » Try to follow a daily routine as much as possible.
- » Make time to do nice things for yourself.
- » Eat regularly and try to keep your diet healthy.
- » Keep a journal of how you feel.
- » Seek help from a support service.

Kate – my story

“After the assault, I felt all over the place. I kept forgetting things and couldn't concentrate. I would sometimes get lost half way through a sentence and wondered what on earth I was going to say. It was like my head didn't work properly. I guess I was in shock. I couldn't believe it had happened to me, but I knew it had — the memories were very overwhelming.

At the same time I kept thinking why me, why did this happen to me? It was really hard to get to sleep and if I woke up in the night it was really hard to get back to sleep. I felt exhausted. I took it out on the people I loved and I felt really bad about this afterwards but didn't know how to fix it. Most of all I just felt ashamed.

I didn't really want to talk to anyone but in the end I did. I rang Victim Assist and was referred to an organisation that provided free counselling. The counsellor was really nice. She helped me to try and get a little bit of 'normal' back in my life. I started walking and even remembered to eat!

After a while I felt safe enough to talk to the counsellor about some of the thoughts that were going on in my head. That helped too. Some days are still very tough, but I now have some ideas of how to get through them. I am just taking one day at a time.”

For family and friends – your support and wellbeing

Supporting a family member or friend who has been through a violent crime can also be difficult. You are probably feeling upset or angry at what has happened to someone you care about and may not be sure how you should act or what you should say.

Here are some things you can do that may help you cope and provide support to your loved one:

- » It is OK if you don't know how to make things better or what to say.
- » Spend time with them.
- » Listen carefully.
- » Believe what they say.
- » Give them opportunities to talk about their feelings.
- » Tell them you are sorry about what has happened to them.
- » Avoid telling them you know how they feel.
- » Don't take angry outbursts personally.
- » Help them with everyday tasks such as cooking and cleaning.
- » Be patient and understand that people recover at different rates.
- » Be mindful not to discuss evidence if there is an active court case.

When you are supporting someone else, it is also important that you look after yourself. You need to be able to care for your loved one, but the experience can be hard on you as well. Give yourself some time out and take leave from work if you need to. Support services are also available for the family and supporters of victims of crime and offer counselling, moral support and information to help you. Section 4 lists contact details of free support services available to you.

Supporting a young child 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 tell you in the same way an adult can.

Children and young people often experience feelings of guilt and may find it hard to talk about the crime. They may also find it hard to say how it has impacted them. They may have seen family violence and feel scared or ashamed to tell anyone. It is important that when they do tell an adult they trust, they are believed and supported and no longer feel like they are going through the problem alone. Here are some common reactions that younger children who suffer trauma may show:

- » Having nightmares or problems sleeping.
- » Bed wetting.
- » Acting younger than they are.
- » Clinging to adults.
- » Difficulty trusting adults, including parents.
- » Feeling that what happened is their fault.
- » Being withdrawn and fearful of being left alone.
- » Suffering headaches and loss of appetite.
- » Losing concentration and being very distracted.
- » Fighting with friends or siblings and other antisocial behaviour.
- » Being scared of people, places or things that remind them of what happened.

Supporting older children and teenagers

Older children and teenagers may react to trauma in similar or slightly different ways to younger children. You might see these signs:

- » Feeling ashamed or blaming themselves.
- » Feeling like there is nobody they can turn to for help who understands.
- » Feeling worthless.
- » Feeling angry, anxious or afraid.
- » Decreased concentration, may start to do badly at school.
- » Risk taking or self-harming behaviour.
- » Doesn't want to be left alone.
- » Becoming withdrawn and sad.
- » Can't talk about it, or can't stop talking about it.
- » Feeling like nobody believes them.
- » Conflicts with family members or friends.
- » Overt sexual, aggressive or antisocial behaviour.

While the support of family and friends is very important, it is also important to get help from experts who are trained to help young victims of crime. This may help the child or teenager understand it is not their fault that someone hurt them and to know other people have been through similar things.

It is important for the young person to know that even though talking to someone about what happened may feel risky and uncomfortable, it can help them feel much better to talk to someone they trust.

They could talk to a:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Parent or family member | <input checked="" type="checkbox"/> School counsellor or guidance officer |
| <input checked="" type="checkbox"/> Friend | <input checked="" type="checkbox"/> Youth worker |
| <input checked="" type="checkbox"/> A helpline | <input checked="" type="checkbox"/> Chaplain |
| <input checked="" type="checkbox"/> Teacher | <input checked="" type="checkbox"/> Police officer |
| <input checked="" type="checkbox"/> School nurse or a doctor | <input checked="" type="checkbox"/> Victim support service |

Josh – my story

“I didn’t tell any of my friends. Mum was super worried and kept asking me if I was OK. I didn’t know what to say so I said nothing. She looked so sad too, I didn’t want to make things worse. There isn’t really anyone to talk to about it. I was thinking – what’s the point? People would probably say it was my fault.

I mean what was I doing there at that time of night? I felt stupid, and I felt I was paying for my own stupidity. I thought it was my fault and I got what I deserved. I stopped hanging out with my friends.

They didn’t get it and kind of shut me out. That made me really angry. I called a helpline once, but hung up - I didn’t know what to say. In the end mum dragged me to the doctor.

The doctor seemed to get it. She didn’t seem shocked about what I was thinking. I talked to her a few times. In the end, she linked me to a counsellor. I can see things a bit more clearly now.”

Children and young people often know when an adult is worried or stressed, so it is best to try and keep things as normal as possible. As the parent or carer of a child or young victim, it is also important to look after yourself and to ensure that you have someone to talk to about what is happening.

Section 4 lists support services for children and young victims of crime and their families, such as counselling. This includes help if the child or young person is acting as a witness in court.

Information on accessing financial assistance for child primary victims is detailed in section 5.

Domestic and Family Violence

If you need urgent help or are in danger call 000.

If you need housing in a women's refuge call 1800 811 811.

Domestic violence is behaviour perpetrated by one person against another, where two people are in a relevant relationship, which is: physically or sexually abusive; emotionally or psychologically abusive; economically abusive; threatening; coercive; or in any other way controls or dominates the victim and causes the victim to fear for their own, or someone else's, safety and wellbeing.

A relevant relationship is an intimate personal relationship, including a spousal relationship, an engagement or a couple relationship, a family relationship or an informal care relationship.

A victim of domestic and family violence is a person who has suffered harm:

- » caused from a partner, family member or informal care provider;
- » because they are a family member or dependant of a person who has suffered harm due to domestic violence; or
- » as a direct result of trying to help a person who suffered harm because of domestic violence.

Victim Assist is able to help with the cost of recovery for all victims of domestic and family violence (DFV), who have suffered injuries (both physical and/or psychological). Before an application for assistance can be assessed by Victim Assist the act of violence needs to be reported. You can report to: a domestic violence service, the police, a doctor, psychiatrist, psychologist or counsellor.

Information on your rights as a victim of domestic and family violence is available in section 6 of this Guide.

Domestic Violence Protection Orders

If you are experiencing domestic and family violence in a relationship you may be able to apply for protection under the *Domestic and Family Violence Protection Act 2012*. A Domestic Violence Order (DVO) is an order made by a Magistrates Court to keep family members safe from further domestic and family violence. More information about protection orders is available by contacting your local Magistrates Court.

Pets in Crisis

Pets in Crisis is a foster care program for the pets of victims who are in immediate threat or danger, or have become victims of cruelty associated with domestic or family violence. Referrals are made to the RSPCA by DV Connect to provide refuge for pets for up to 28 days with foster carers until they can be reunited with their owners. The RSPCA will attend to any immediate veterinary needs. There is a very small charge for this service which can be reviewed in some circumstances. For more information on Pets in Crisis, contact DV Connect on **1800 811 811**.

Support services available to you and your family

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 free of charge. The support services listed in this section will be able to either help you directly or put you in touch with another service that is suited to your needs.

Victim Assist Queensland

Victim Assist is a part of the Queensland Department of Justice and Attorney-General and assists eligible victims of crime to recover from the injuries of that crime by providing financial assistance. Victim Assist also provides information, support and referral to services that can help you. For more information see section 5 of this booklet or contact Victim Assist on **1300 546 587** (business hours) or via email to **VictimAssist@justice.qld.gov.au**.

For a free interpreting service call: 13 14 50 and ask for Victim Assist Queensland.

General services for all victims of crime >>

Victims Counselling and Support Service (Relationships Australia Qld)

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.

Call: **1300 139 703** (Open 24 hours)
Email: **generalenquiries@relateqld.com.au**
Website: **www.vcss.org.au**

Lifeline Community Care Queensland

Lifeline provides 24 hour telephone counselling and a variety of support services to assist people in Queensland communities.

Call: **13 11 14** (24 hours)
Website: **www.lccq.org.au**

Crime Stoppers

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.

Free call: **1800 333 000**
Website: **www.crimestoppersqld.com.au**

Queensland Police Service

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).

Police are stationed in metropolitan and regional centres. To be placed in contact with your closest police station:

Call: **(07) 3364 6464** (24 hours)
Website: **www.police.qld.gov.au**

Court Network

Court Network volunteers provide support and information about going to court; can support you in person on your day in court; can explain how the courts and legal systems operate (in person or by telephone); can show you around the court beforehand, so you can become familiar with where you have to go on the day of your court case; can provide you

with a safe place in court; can refer you to other community services that can help you.

Free call: **1800 267 671**
(Brisbane QEII Courts of Law)
or **(07) 4048 1422** (Cairns Courthouse)

Email: queensland@courtnetwork.com.au
or cairns@courtnetwork.com.au
Website: www.courtnetwork.com.au

Victims of sexual offences >>

State-wide Sexual Assault Helpline

Free confidential service providing information and referral for adult victims of sexual assault aged 14 years and over.

Free call **1800 010 120**

Local service contacts available on Queensland Health website at:
www.health.qld.gov.au/sexualassault

Working Alongside People with Intellectual and Learning Disabilities (WWILD)

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.

Call: **(07) 3262 9877**
Email: info@wwild.org
Website: www.wwild.org.au

Bravehearts Inc

Counselling and support for adult survivors of child sexual assault. Also provides support for clients' non-offending family members.

Free call: **1800 272 831**
Email: admin@bravehearts.org.au
Website: www.bravehearts.org.au

Livingwell

Services to assist men aged 16 years and over who have experienced sexual assault or childhood sexual abuse. The service also extends to working with partners, friends and family.

Call: **(07) 3028 4648**
Email: info@livingwell.org.au
Website: www.livingwell.org.au



Victims of domestic and family violence >>

DVconnect (inc. Pets in Crisis)

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 (24 hours).

Mensline 1800 600 636
Email: mail@dvconnect.org
Website: 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
Website: www.iwss.org.au.

Children and young victims of crime >>

Bravehearts Inc

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
Website: 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 449 632
Email: pact@pact.org.au
Website: 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

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
Website: 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

Website: www.health.qld.gov.au/qhvss

Families and friends of victims that 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

Legal support for victims of crime

Community Legal Centres (CLC's)

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 www.communitylegalqld.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

Women's Legal Service

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

Free call: 1800 957 957

Email: admin@wlsq.org.au

Website: 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

Website: www.atsils.org.au

Queensland Indigenous Family Violence Legal Service

Provides Legal and Counselling to Indigenous adults and children who are victims of family violence including sexual abuse, or people who are at immediate risk of such violence.

Call: 1800 887 700

Website: www.qifvls.com.au

LawRight

LawRight (formerlyQPILCH) is a community-based legal organisation providing pro bono legal services for individuals who cannot afford to pay a private lawyer and are ineligible for legal aid, as well as community groups in Queensland.

Call: (07) 3846 6317

Website: www.lawright.org.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: 1300 367 757

Email: info@qls.com.au

Website: www.qls.com.au

**For more information contact
Victim Assist on 1300 546 587
(business hours) or via email to
VictimAssist@justice.qld.gov.au.**

Financial assistance to help recovery

What is financial assistance?

The Queensland Government provides financial assistance through Victim Assist to eligible victims of acts of violence. This assistance is to pay for, or reimburse the costs of, goods and services you may need to recover from physical or psychological injuries as a result of a violent crime committed in 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.

What is an act of violence?

An act of violence is a crime that has directly resulted in the death of, or injury to, one or more persons. This can include:

- » assault, grievous bodily harm
- » sexual assault, rape, incest or indecent treatment of children
- » robbery, burglary with violence
- » stalking, kidnapping, deprivation of liberty
- » murder, attempted murder and manslaughter
- » dangerous operation of a motor vehicle causing death or grievous bodily harm
- » Domestic and Family Violence such as
 - » physical, sexual, emotional, psychological and economic abuse
 - » threatening, coercive controlling behaviour
 - » damaging a person's property or threatening to do so
 - » depriving a person of liberty or threatening to do so
 - » threatening a person with the death or injury of the person, a child of the person, or someone else
 - » threatening to commit suicide or self-harm so as to torment, intimidate or frighten
 - » causing or threatening to cause the death or injury to an animal, to control, dominate or coerce the person
 - » unauthorised surveillance of a person
 - » or arranging someone else to do the things mentioned above.

What is an injury?

An injury can be physical, psychological or emotional and includes:

- » bodily harm
- » mental illness or disorder (including anxiety and depression)
- » intellectual impairment
- » disease
- » unwanted pregnancy (as a consequence of rape)
- » the adverse impacts of a sexual offence or domestic and family violence.

What types of victims are there?

The *Victims of Crime Assistance Act 2009* identifies 4 main categories of victims.

- ① **Primary victim** – you have been harmed as a direct result of an act of violence committed against you. See definition on page 16 for **Special primary victim**.
- ② **Related victim** – you are a close family member, 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, there are two more victim categories:

- ③ **Parent Secondary victim** – you are a parent or guardian injured as a direct result of finding out about an act of violence committed against your child under the age of 18
- ④ **Witness Secondary victim** – you are injured as a direct result of witnessing (seeing or hearing) an act of violence.

Please note: *If the act of violence happened before 1 December 2009, you must meet the eligibility criteria of the legislation that was in force at the time of the act of violence. This may mean that you are not eligible for financial assistance until the offender has been convicted in the Supreme or District court; or you have been notified that the offender cannot be identified or located. Please contact Victim Assist if you were the victim of an act of violence that occurred prior to 1 December 2009.*

If you are a victim of an act of domestic and family violence occurred before 1 July 2017, please contact Victim Assist.

Does the act of violence need to be reported to the police?

In most cases, to be eligible for financial assistance, you need to report the act of violence to the police (see section 7). However, for special primary victims, the act of violence can be reported to the police, a doctor, psychiatrist, psychologist, counsellor or domestic violence service.

You are a special primary victim if you are 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 or domestic and family violence
- » 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 financial assistance is available?

The type and amount of help available will vary depending on your circumstances. Financial assistance may include:

- » counselling costs
- » medical and dental costs
- » some travel expenses to attend medical or counselling appointments
- » costs to get reports
- » security upgrades to your home to make you feel safe or relocation costs if it is not safe to stay where you are
- » help with loss of wages that resulted from the act of violence
- » assistance with the costs of the funeral of a person who has died as a result of an act of violence (up to \$8,000)
- » legal expenses related to applying for assistance (up to \$500)
- » a special assistance payment (for primary victims only)
- » a distress payment (for related victims only)
- » a dependency payment (for related victims only)

	Primary Victim	Parent Secondary Victim	Witness Secondary Victim - More serious	Witness Secondary Victim - Less serious	Related Victim
Counselling	✓	✓	✓	✓	✓
Medical and dental	✓	✓	✓	✓	✓
Travel to medical or counselling appointments	✓	✓	✓	✓	✓
Report expenses	✓	✓	✓	✓	✓
Loss of earnings	✓	✓ *	✓ *		
Damage to clothing	✓				
Reasonable other expenses due to exceptional circumstances e.g. home security upgrades for safety or relocation costs if it is not safe to stay where you are	✓	✓	✓		✓
Special assistance payment	✓				
Payments a person may have received if the victim had not died.					✓
Distress payment					✓
Funeral assistance					✓
Legal costs to apply for assistance	✓	✓	✓		✓

**Exceptional circumstances only*

How long does it take to get assistance?

Before assistance is granted, Victim Assist must assess whether you are eligible. This may involve seeking documentation from other agencies and individuals as well as the applicant. Consequently, assessment may take several months.

There are two exceptions to this. Funeral assistance can be granted more quickly, usually within three weeks. Interim assistance can also be granted within three weeks. Interim assistance covers immediate and urgent expenses.

Are there time limits for applying?

There are time limits for applying for assistance. For most people this will be three years from when the act of violence occurred. If you are the victim and were under 18 when the act of violence occurred, you can apply up until you turn 21. If you have a reasonable excuse as to why you did not apply within the time limit you can apply to Victim Assist for an extension of time.

How to apply for assistance

What are the steps for applying?

To apply for assistance from Victim Assist you need to:

- 1. Report the act of violence** to the police by contacting the local police station or calling Policelink on **13 14 44**. Or, if you are a special primary victim, report it to the police, a doctor, psychiatrist, psychologist, counsellor or domestic violence service.
- 2. Complete the correct Application form**
There are four forms for financial assistance (depending on the category of victim) and one for funeral assistance. It is important to select the correct form:
 - » primary victim form
 - » related victim form
 - » parent secondary form
 - » witness secondary form
 - » funeral assistance form.

If you are unsure which category you should use, please see page 15.

- 3. Provide proof for payments** you have already made such as invoices, receipts and statements.
- 4. Provide evidence of your injury** (optional). This could be a medical certificate from a doctor or another health professional. You do not have to provide this with your application, however proof of an injury will be required before any financial assistance is paid. Providing evidence of your injury may speed up your application.
- 5. Mail a signed copy of the completed application form and supporting documents to:**

Victim Assist, GPO Box 149, BRISBANE QLD 4001 or,
you can scan and email these to:

VictimAssist@justice.qld.gov.au or fax to **(07) 3109 1901**.

It is important to ensure all essential sections of the form are completed and all relevant documents are attached.

What if I can't complete the application form?

Another person can apply on behalf of a victim that is under 18 years or has impaired capacity. Another person can also apply on behalf of someone who will have difficulty completing their own application. However in these circumstances the applicant must sign the form themselves. It is important to correctly identify the victim as well as the person completing the form if they are not the same person.

Is a lawyer needed to apply for financial assistance?

No. A lawyer is not needed to apply for financial assistance, but you may engage one if you wish. If a lawyer is engaged to assist with completion of the application form, or with another aspect of the application. Victim Assist can provide a **maximum grant of \$500** to the victim to cover legal fees incurred in making an application. This is often paid directly to the legal firm after eligibility is confirmed. You need to consider the \$500 limit when entering into any agreement for legal representation as any amount in excess of \$500 for legal fees cannot be reimbursed by Victim Assist.

What will happen next?

You will receive notification that the application has been received by email or mail. Due to a large volume of applications, it may be some months before you hear anything further.

Once an application has been assigned to an assessor, the assessor will gather the information they need to assess your eligibility. They may request a medical certificate or other form of supporting documentation from the treating registered health practitioner (eg. doctor, dentist) describing the injuries and the recommended treatment plan resulting from the act of violence. They may contact the police if the matter was reported to the police. During the application process, the assessor will confirm your identity.

This process can take some time. You do not need to contact Victim Assist unless the assessor requests you to do so. If you have more information you feel is important, you should email it to Victim Assist through **VictimAssist@justice.qld.gov.au** or call **1300 546 587**.

If the assessor is considering refusing or reducing your application, the assessor will let you know. You will then have an opportunity to make a submission in support of your application before the final decision is made by the assessor.

When a final decision is made, the assessor will inform you in writing of their decision.

If a financial assistance grant is made, lump sum payments (e.g. special assistance or distress payments) are paid directly to you. If a victim is under 18, lump sum payments will be made to the Public Trustee.

If you have been granted assistance for expenses, payments are made to you, service providers or another person that has incurred the expense on your behalf. Payment for expenses can only be made after Victim Assist receives receipts (or in some circumstances invoices) from you or the service provider.

Can a victim change what they ask for?

An application for financial assistance can be changed at any time before it is decided by Victim Assist, even after it has been submitted. It can also be withdrawn, or particular claims for expenses changed.

Once eligibility is determined and the application has been decided, you can apply for an amendment to your grant of assistance for up to six (6) years from the date of the original grant. This means that you can seek financial assistance for further expenses that arise, as long as those expenses are a direct result of the act of violence. For victims that are under 18, they have until they turn 24 to claim additional expenses.

Will the offender know a victim has applied for assistance?

Victim Assist treats individual's information including their application as required by the *Victims of Crime Assistance Act 2009*, the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

However, if the offender is convicted of the act of violence, the Department of Justice and Attorney-General will seek to recover from them the amount of financial assistance paid to a victim. Victims' details are not provided to an offender during this process.

What else should a victim know before applying?

1. Payments cannot be made for loss or damage to personal property (except for damage to clothing worn during the act of violence).
2. Victim Assist is unable to cover the cost of general living expenses such as food, rent, bond and utilities.
3. Victim Assist can only pay for the cost of goods and services that a victim is unable to recover from any other scheme. Examples of other schemes that may be able to make relevant payments to victims are listed on the following page:

Medicare and/or private health insurance

If you are eligible for Medicare or have private health insurance you must claim from these agencies first. You should keep all medical receipts and contact the relevant insurer to make your claim as soon as possible.

Workers' compensation

If an act of violence occurred in the workplace, while travelling to or from work, or while on a work break, you must apply for workers' compensation prior to applying to Victim Assist. Notification of injuries should be made to employers as soon as possible and a workers' compensation medical certificate obtained from a doctor. For more information on workers' compensation or to lodge a claim, call WorkCover Queensland on **1300 362 128** or visit **www.workcoverqld.com.au**.

Compulsory Third Party

If you have been injured, or a loved one has been killed in a car accident you must make a claim against any Compulsory Third Party (CTP) insurance policy before making an application to Victim Assist. For more information about CTP claims, call the Motor Accident Insurance Commission on **1300 302 568** or via email **maic@maic.qld.gov.au**.

Household insurance

As Victim Assist cannot make payments for loss or damage to personal property, claims may be made against household insurance policies for property damaged as a result of an act of violence. The insurance provider should be contacted as soon as possible, and it is likely they will require details of where and when the crime was reported to police.

Centrelink

Victim Assist must take into account any payments you receive, or are entitled to receive, from Centrelink. Visit **www.centrelink.gov.au** for contact numbers.

Court ordered payments

Payments awarded by a court may impact financial assistance received from Victim Assist. This includes orders for compensation or restitution and civil court action. It is recommended you seek legal advice before going ahead with civil court action. Strict time limits apply in civil court actions. For free legal information, contact Legal Aid Queensland on **1300 651 188** or visit the website at **www.legalaid.qld.gov.au**.

Your rights as a victim of crime

If you have suffered harm as a result of a crime including domestic and family violence, you have rights. The Charter of Victims' Rights explains these rights.

You should be treated appropriately by government and non-government agencies.

- » You should be treated with respect, courtesy, compassion, and dignity, taking into account your needs.
- » You have a right to privacy. Your personal information cannot be shared unless the law allows it.
- » You should be given information as soon as possible about services that can help you recover.

You have rights in the criminal justice system.

You can expect to be told about:

- » The progress of the police investigation, unless this may jeopardise the investigation.
- » Major decisions about the prosecution of the accused person. This includes the charges brought against the accused person, not bringing charges, substantial changes to the charges or accepting a plea of guilty to a lesser or different charge.
- » The name of the person charged in relation to the crime.
- » The issue of a warrant for the arrest of the accused person.
- » Court processes, including hearing dates and how you can attend court.
- » Any diversionary programs available to the accused person.
- » The result of the criminal court proceeding against the accused person, including the sentence imposed and outcome of an appeal.
- » An application for bail made by the accused person, outcome of the bail application, any arrangements made for the release of the accused person, including any special conditions that may impact your safety or welfare.
- » The trial process and your role as a witness (if you are one).

You have a right to:

- » Be protected at court from unnecessary contact with, or violence or intimidation by, the accused person and their witnesses, family members or friends.
- » Make a Victim Impact Statement at sentencing of the person found guilty, expressing how the crime has harmed you.
- » Have your property, held for an investigation or as evidence, returned as soon as possible.



You may have rights when the offender goes to prison.

Many victims are eligible to register on the Queensland Corrective Services Victims Register once an offender has been sentenced to prison. You can call **1800 098 098** to find out if you are eligible.

If you are on the Victims Register, you will be:

- » Informed about the offender's period of imprisonment.
- » Notified if the offender escapes from prison.
- » Given the opportunity to write to the parole board about granting parole to the offender.

You have the right to complain.

If a Queensland Government agency or non-government organisation has not met these rights contact, Victim Assist on **1300 546 587**.

Reporting the crime to police

Why report the crime to the police?

It is your choice whether you report the crime to the police.

When deciding whether to report a crime, please consider the following:

- » The police can answer a victim's questions and concerns about making a report and can explain what will happen next if a decision is made to report the crime.
- » The police can only take action against an alleged offender if a report is made.
- » Unless the victim is a Special Primary Victim (see page 16), the act of violence must be reported to police for the victim to be eligible to apply for financial assistance from Victim Assist.
- » You can report even if days, months or years has passed since the crime. However, if you do decide to report the crime to police, it is best to report the crime as soon as possible. This may prevent valuable evidence being lost or destroyed and help with any investigation that follows.
- » You can also tell the police what happened without making a formal complaint.
- » When you are deciding to make a report to the police, the support services listed in section 4 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 happened. However, you may change your mind at a later date. It is a good idea to make a note of the following information to help the police if you do decide to make a report at a later date:
 - » the events leading up to the crime
 - » what actually happened during the crime
 - » the date and time, and where the crime happened
 - » who was there.

How to report a crime to the police

You can report a crime by:

- » going to any police station and telling the person at the counter you want to report a crime
- » calling the police so they can arrange a time to come and speak to you about the crime
- » writing to the police to tell them you want to report a crime. The police will contact you and arrange a time to speak to you about the crime.

Contact details of your nearest Queensland police station can be found using the station locator at www.police.qld.gov.au or by calling **Policelink** on **13 14 44**.

If you choose to make a complaint, the police will listen to you and ask you questions to get information about what happened. They may also look for other evidence.

What will happen when I report a crime to police?

A police officer will listen to you and ask you questions about what happened. This will usually happen at the police station, in a private interview room. You can ask for a police officer of the same sex, but this may not be available. This may take several hours. Sometimes it takes more than one (1) day.

You can take a friend, family member or worker from a support service with you when you are giving your statement to police. You may not take someone who may be a witness to the crime, such as someone who saw what happened or someone you told about the crime before reporting it to the police. Support services are listed in section 4 of this guide.

The police may ask you:

- » for details about what happened that may be quite personal
- » to see a doctor to obtain evidence about your injuries
- » for the clothing you were wearing at the time of the crime
- » to look at photographs or video to help identify the alleged offender
- » to sign a document to release your medical documents for use in evidence.

The police may take photographs of any injuries.

After listening to you, the police may create a typed statement of what they think you said. You will be asked to read through to check it is accurate and sign it under oath or affirmation. This means you are making a truthful statement. If you want to change something you should tell the police at this time. Your statement may be used if the matter goes to court.

You may 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 wasn't right, tell the police officer who interviewed you as soon as possible. It is important not to talk about your statement or to show it to anyone else as it may be used as evidence if the case goes to court.

What if the victim is a child or young person?

The police make special allowances when taking a statement from a child or young person under 16 years old. This is so the child or young person does not suffer any further distress by giving their statement. This is the process for taking statements from children and young people.

- » 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 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 8).

Support services that can provide specialist support to children and young people are listed in section 4.

What if the victim has impaired capacity?

Similar allowances are made by the police for people with impaired capacity. If you have an impairment, or are the carer or family member of a person with impaired capacity, please tell the police officer.

What happens after you have reported the crime?

The police will look at all the information they received to see if there is enough evidence to investigate further. They may interview people you mentioned in your statement including people you have spoken to about the crime, or people who might have seen the crime happen.

If there is enough evidence the police may interview the alleged offender, who may be charged with a crime. 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 court 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.

After an investigation, there may not be enough evidence to charge an offender. It is important to remember that just because the police have not been able to make a charge; it does not mean that you have not been believed. The police will contact you to explain this decision to you.

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

When you report a crime, police who assist with the investigation will have access to information about the matter. If someone is charged and the matter goes to court, the police are required by law to give a copy of all evidence to the defendant's lawyer. The court process may involve people such as police prosecutors, staff from the Office of the Director of Public Prosecutions, and court staff. These people will all have access to evidence and information about the matter. Staff from these agencies are all bound by law to keep your information private.

Victims of sexual assault

Alternative Reporting Options (ARO).

If you are a survivor of a sexual assault that occurred in Queensland you can use an alternative reporting option instead of making a formal complaint to the police. Many survivors have reasons for not officially reporting sexual assault or rape. Alternative Reporting Options (ARO) give you the opportunity to provide police with all the details of the assault with the option of remaining anonymous if you wish. Police can still use the information you provide to help with other prosecutions against an alleged offender and to protect the community.

To use an ARO, you need to fill out a Sexual Crime Survey Form, answering some questions about yourself (you don't need to say who you are), the assault, and the offender. You then return the form to the police by post or by email. You have the option to have a police officer contact you and discuss your situation if you want to. The form and more information about ARO are available on the Queensland Police website at 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 run by Bravehearts Inc and was developed to stop the barriers to reporting sexual assault to the authorities. It means you can report your act of violence without having direct contact with the police, until you are ready. To fill out a SADS form contact Bravehearts Inc. Their contact details are listed in section 4.

Going to court as a witness

Queensland courts

After investigation, the police may charge someone with an offence. The person who is charged is called the defendant or the accused. The QPS then refer the matter to the prosecutor who will present the case in court. Under Australian law, the defendant is innocent until proven guilty. If the defendant is found guilty, the court will decide what the sentence will be.

Queensland has five (5) tiers of courts and tribunals which each deal with a variety of matters. The type of offence or dispute determines which jurisdiction will hear the matter.

1. Queensland Civil and Administrative Tribunal (QCAT)

Deals with minor civil disputes and many administrative appeals.

2. Magistrates Court

Criminal offences and many civil disputes are mentioned here first.

The **magistrate** is in charge of the court and makes the decisions. There is no jury in the Magistrates Court.

Anyone charged with an offence will appear in the Magistrates Court soon after the charge is laid. This is called a mention. Witnesses are not required to attend a mention.

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.

A defendant who has been charged with an indictable offence may attend a **committal hearing** in this court 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.

The role of the **prosecution** is to present the case against the defendant to the court. A police prosecutor or lawyer from the Office of the Director of Public Prosecutions will often present prosecution cases (also known as the Crown's case) in this court.

The role of the **defence** is to present the case for the defendant and to test the evidence presented by the prosecution in order to bring about a not-guilty verdict for the defendant.

3. District Court

Hears more serious criminal and civil cases.

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.

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 or not guilty beyond reasonable doubt.

A **judge** is in charge of the court. The judge may ask a witness questions. If the jury finds the defendant guilty the judge decides what sentence will be given.

The **Crown Prosecutor** is a lawyer or barrister working for the Office of the Director of Public Prosecutions to prosecute criminal cases on behalf of the state. The role of the Crown Prosecutor is to prove beyond reasonable doubt that the defendant committed the offence.

The role of the **defence** is to present the case for the defendant and to test the evidence presented by the prosecution in order to bring about a not guilty verdict for the defendant.

4. Supreme Court

Hears the most serious criminal and civil cases. The court process for District Court is identical to Supreme Court as detailed above.

5. Court of Appeal

The Court of Appeal is a division of the Supreme Court and hears all appeals lodged by the defence from the Supreme and District courts, and many tribunals. The court does not hear entire cases or have a jury, but is headed by a panel of judges. It deals only with the subject of the appeal against criminal or civil decisions made at trial. Appeals are usually lodged within one calendar month from the end of the trial.

For more information on Queensland courts, or the locations and contacts details for courthouses in Queensland please visit the Queensland Courts Service website at www.courts.qld.gov.au.

Other types of court in Queensland

Childrens Court (Magistrates Court) and The Childrens Court of Queensland (District Court)

There are special courts that deal with juvenile offenders alleged to have committed an offence. Childrens Court matters are closed to the public, however matters heard in The Childrens Court of Queensland are generally held as open court unless a judge orders otherwise. Witnesses may be required to give evidence to this court.

Murri Court

Murri Court is a court where Aboriginal and Torres Strait Islander people who have pleaded guilty may have their matter heard by a magistrate. The court pays respect to these cultures and the magistrate involves Elders, Respected Persons, Community Justice Groups and the offender's family in the court process. The court makes links to cultural and support services for defendants to assist them in making positive change to their lives and to stop offending. The magistrate will make the final decision and impose the sentence based on reports presented by the groups listed above as well as police prosecutions. Victims of crime may be required to give evidence in Murri Court as a witness.

Mental Health Court

Mental Health Court 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. Victims of crime would not be required to give evidence to the Mental Health Court as a witness.

Victims of mentally ill offenders have the right to certain information about the offender relevant to their safety. The Queensland Health Victim Support Service provides information and support to victims of mentally ill offenders. They can be contacted on free call telephone (business hours): **1800 208 005** or email: **Victim.Support@health.qld.gov.au**.

Coroners Court of Queensland

Once a death is reported to the coroner (usually by police), the coroner must investigate the circumstances of the death to establish:

- » the identity of the deceased
- » when and where they died
- » how they died
- » the medical cause of death.

The coroner controls each step of the investigation. Police officers assist the coroner to gather evidence. A coronial investigation may take several months depending on the unique circumstances of the case. Witnesses may be required to give evidence to this court.

The role of a witness in court

You may be asked to attend court as a witness if you saw or heard something important to the case, or you were involved in the events in some way. Victims of violent crime are very important witnesses. Your information can help the judge and jury, or the magistrate decide what the truth is and make a fair decision. The prosecutor may ask a witness questions to find evidence or to review the evidence. A defence lawyer is likely to question (cross-examine) a witness to test the evidence of the prosecution.

Support for you in court

How you might feel as a witness. When you go to court as a witness, you may be asked to re-tell details of the crime. Sometimes this triggers strong memories or feelings which may be difficult for you to deal with. Sometimes these reactions can take you by surprise, as you might have felt you had been coping well since the incident. It is normal to feel nervous, frightened or uneasy in this kind of environment. Talking to a support person before the court case, or during and after the case can be very helpful and comforting for some people. Court support services can give you information about the legal process and help you prepare for any appearances in court. Section 4 of this Guide lists court support and counselling services available to you in Queensland.

Victim Liaison Officers (VLO) - Victim Liaison Officers work for the Office of the Director of Public Prosecutions. They provide information and referrals for victims of crime during the court process. When a matter is referred to the Office of the Director of Public Prosecutions a VLO will make contact with you.

Victim Coordination Officers (VCO) - Victim Coordination Officers work for Victim Assist. If you or a member of your family needs to attend court regarding a violent crime, they can help you with information about the court process or to understand some of the legal terms. VCO's are physically located in the Cairns, Rockhampton and Ipswich courthouses but assistance by phone can be given anywhere in the state.

As well as providing information about the court process, VCOs can assist you, or refer you to an agency who can help with:

- » referrals to specialist agencies that provide court support
- » counselling services
- » writing a Victim Impact Statement (VIS)
- » completing an application for financial assistance.

You can phone or email Victim Assist for this assistance.

Vulnerable witnesses in court

Special witnesses

Special witnesses can include:

- » a child under 16 years
- » a person with a disability who is likely to be disadvantaged as witness or to suffer severe emotional trauma or intimidation at a hearing
- » witnesses to organised crime
- » a victim of domestic and family violence
- » a person who is a victim of sexual assault.

There are special legal arrangements that can be made for special witnesses in court to reduce the trauma associated with giving evidence.

These might include:

- » pre-recording the evidence on video before the trial or hearing date
- » giving evidence from a remote witness room so the witness is unable to see or hear the defendant
- » putting up a screen in the courtroom so the witness is not able 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.

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 these provisions can be put in place. The final decision is made by the magistrate or judge.

The police, Office of the Director of Public Prosecutions and the support services listed in section 4 can provide more information about special witnesses and affected child witnesses.

Victim Impact Statement

Victims of offences committed against a person or domestic and family violence, including breaches of domestic violence orders, police protection notices and release conditions under the *Domestic and Family Violence Protection Act 2012*, may give a Victim Impact Statement at the time of sentencing of the offender.

This is sometimes referred to as a VIS. A victim does not have to do a VIS, it is voluntary.

A VIS tells the court how the crime has affected your life. The judge or magistrate can use it to consider the effects the crime has had on you when sentencing the offender.

It is important to remember your VIS must be about the impacts of the crime not the crime itself. It must be accurate and relevant only to the crime the person has been found guilty of. It might include details of:

- » the difference in your life before and after the crime
- » physical or emotional injuries and how these affect you
- » financial loss and how this affects you
- » other documents, such as medical reports, photographs or receipts may be attached if they are relevant
- » If the case is about the death of a loved one, you can speak about their life;

The VLO from Office of the Director of Public Prosecutions can provide you with more information about this.

If you write or type a VIS, you must sign and date it. However, a signature is not required if you email it. Your VIS should be given or emailed to either the arresting police officer, or the VLO from the Office of the Director of Public Prosecutions. A copy of your VIS will be passed to the defence.

You can read your VIS aloud to the court, or you can ask a parent, relative or the prosecutor to read it for you.

More information on VIS is available from your Victim Liaison Officer and on the Victim Assist website at www.qld.gov.au/victims or by calling **1300 546 587**.

Restorative justice processes

In some situations in Queensland, there may be other options available to victims of crime to deal with a police complaint. Sometimes this means the matter can be resolved without going to court through referral to justice mediation or a youth justice conference. These are known as restorative justice processes.

Adult Restorative Justice Conferencing is a face-to-face meeting between a person who has been harmed by an incident (the victim) and the adult person responsible for the incident (the offender). The meeting is organised and attended by an approved mediator. It is voluntary, confidential and free. The defendant must accept responsibility for, and show they are sorry for their actions. All parties must agree to mediation.

Adult Restorative Justice Conferencing gives victims the opportunity to:

- » tell the offender how their behaviour affected you and to ask questions about the incident
- » express your feelings in a supportive environment with 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.

You can discuss justice mediation with the investigating police officer or prosecutor. Justice mediation is provided by the Department of Justice and Attorney-General. Further information can be obtained by calling **(07) 3239 6246**.

Youth justice conferencing 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 victims of crime the opportunity to:

- » attend the conference or ask someone 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 have experienced.

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

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

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 Department of Justice and Attorney-General. For more information call **07 3239 3520**.



Protecting you and your family

If the offender contacts you

In many cases, the victim knows the offender who committed the crime. The offender may contact you to say they are sorry for what they have done, to explain their actions or to bully or scare you. Whatever the reason, it is best not to have any contact with the offender or their lawyer.

Call your police officer if there is any contact from the offender, particularly if they are threatening you or your family.

If the media contacts you

Television stations or other media may contact you wanting information about what happened to you, or about your case. If you choose to speak with the media, this might affect your case in court, and you may be questioned about what you said to them. It is a good idea to ask the media to contact the police instead of talking to you.

What does it mean if the defendant is released on bail, or remanded in custody?

A defendant may be released on bail if it is believed they are not at risk of committing further crimes while on bail or posing a risk to the safety of the public and the defendant agrees to return to court when the trial starts. Usually a magistrate will impose conditions on the release. Common conditions might include:

- » not contacting the victim or other witnesses
- » having counselling or medical treatment
- » living at a particular address
- » electronic monitoring
- » regularly reporting to a police station.

You will be notified of any applications for bail and the outcome of any bail hearing, including any bail conditions. If you fear for your safety, you need to tell the police as soon as possible. If bail is granted, the police can ask for conditions to be put in place to protect you. If the defendant breaks any conditions of bail, you should contact the police immediately.

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

How do I find out about an adult offender after the trial?

If an offender has been sentenced to prison for a violent or sexual offence, you can register on the Victim Register if you are:

- » the actual victim of the offence
- » the immediate family member of a victim who died or
- » the victim's parent or guardian if the victim is under 18 years or has a legal incapacity
- » able to demonstrate the offender has a history of violence against you or that your life or physical safety could be in danger by the offender because of a connection with the offence.

If an adult offender has been sentenced to imprisonment for any offence, you can also register on the Victims Register if you are:

- » able to demonstrate domestic violence by the offender, regardless of whether the domestic violence is part of the offence
- » able to demonstrate your life or physical safety could be in danger by the offender because of a risk of domestic violence committed by the offender.

Once you are registered on the Victims Register you have the right to:

- » information about the offender's prison sentence
- » know if they transfer to another prison or escape from prison
- » be given the opportunity to write to the parole board about granting parole to the offender.

For more information please contact Queensland Corrective Services Victims Register on **1800 098 098**

How do I find out about a young offender after the trial?

The Eligible Persons Register gives information to registered victims. This information is about young offenders who:

- » have been convicted of committing a violent or sexual offence
- » are ordered to a period of detention for that offence.

To be eligible to register with the Eligible Persons Register, you need to be:

- » the actual victim of the offence
- » if the victim has died because of the offence, the immediate family member of the victim,



- » if the victim is a child or has a legal incapacity, the victim’s parents,
- » a person who is able to demonstrate that your life or physical safety could be endangered by the offender because of the offender’s history of violence against you or that your life or physical safety could be endangered by the offender because of a connection with the offence.

As an eligible person, you can find out:

- » the length of the young offender’s period of detention
- » if the young offender escapes from custody during their sentence
- » the date the young offender is due for release under a supervised release order, or due for discharge
- » if the young offender is transferred interstate or overseas
- » if the young offender is transferred from a youth detention centre to an adult prison
- » any further periods of detention imposed on the young offender while detained for the offence
- » if the young offender is granted a leave of absence;
- » about the death of the young offender.

Glossary of terms

For more information about young offenders call: **13 74 68**.

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 8).
Affirmation	A declaration made to the court that you will tell the truth instead of swearing under oath.
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 condition of bail might be that the defendant has no contact with a witness (see section 8).
Beyond 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 courtroom that is closed to members of the public, including the media such as a hearing for a domestic violence protection order application, or cases involving children.
Committal hearing	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.
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 intent	Pre-planned intention to commit a criminal offence.
Criminal justice system	The network of courts and tribunals which deal with criminal law and its enforcement.
Cross examination	Questions asked of a witness by the defendant's legal team.
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	Handles more serious criminal and civil cases than Magistrates Court and involves a jury and a judge.
Dock	The area of the court where the defendant may sit, which is often secured.
(Domestic Violence) Aggrieved	The person in need of protection and for whose benefit a domestic violence order is made.
Domestic Violence Protection Order	A court order that forbids one person (respondent) from committing an act of domestic violence towards another (aggrieved).

(Domestic Violence) Respondent	The person the domestic violence protection order (or police protection notice) is made against.
Exhibit	An object or document that is presented in court as evidence. It is always given an identification number and will be referred to by this number after it is presented.
Guilty plea	When the defendant admits guilt to either the offences they are 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 and finds the defendant guilty. The matter then proceeds to sentencing.
Hearing	A court hearing of evidence.
Indictable offence	An indictable offence is a more serious crime which is most often heard before the Supreme or District courts.
Inquest	An inquiry made by a coroner to decide the facts relating to the cause of a reportable death.
Judge	The person in charge of a Supreme or District courtroom.
Jury	A jury consists of 12 adults selected from the community to decide if a person accused of a crime is guilty or not guilty, after hearing all the evidence.
Magistrate	A person who is in charge of a magistrates' courtroom and makes the decisions in this court.
Magistrates Court	The first level of court in the Queensland justice system.

Mention	The first day a defendant appears in the Magistrates Court is called the ‘mention’ date. There are no witnesses and the magistrate makes all the decisions (such as the penalty for lesser charges or date for a sentencing hearing or trial date), based on the information presented.
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 Office of the Director of Public Prosecutions (ODPP) will decide whether it is in the public’s interest or not to have a re-trial (set another trial date).
Oath	When a person giving evidence to the court swears on the Bible that they will tell the truth. If people have a valid reason not to swear on the Bible, they may make an affirmation instead.
Offender	A person who has been convicted of committing a crime.
Office of the Director of Public Prosecutions (ODPP)	<p>The ODPP represents the community in criminal cases. The main function of the Office is to prosecute criminal matters in the Supreme, District 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 in a Magistrates Court. The police prosecutor is specially trained in matters of law and court procedure. Police prosecutions also conduct bail applications.

Reportable death (in Queensland)	<p>Cases where:</p> <ul style="list-style-type: none"> » the person’s identity is unknown » the death was violent or unnatural » the death happened in suspicious circumstances » a ‘cause of death’ certificate hasn’t been issued and isn’t likely to be » the death was related to health care » the death occurred in care, custody or as the result of police operations.
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 punishment should be given) at a sentence hearing. Types of sentence can include prison, community based orders like probation and community service, and good behaviour orders.</p>
Special witness	<p>A special witness can be: a child under 16 years, a person with a mental, intellectual or physical disability or one likely to suffer severe emotional trauma or intimidation at a hearing, witnesses to organised crime, or victims and witnesses to domestic and family violence.</p>
Statement	<p>A witness’ written explanation of what they saw and heard. The witness usually gives a statement to the police officer investigating the crime.</p>
Summary hearing	<p>A hearing in a Magistrates Court where evidence is heard and a final decision is made by a magistrate.</p>
Summary offence	<p>A summary offence is a less serious offence and will be heard in the Magistrates Court.</p>
Summons/Subpoena	<p>A written legal order requiring a person to attend court.</p>
Supreme Court	<p>The highest court in Queensland where trials are held for the most serious criminal and civil cases.</p>



Surety	A person who agrees in writing to pay an amount of money to the court if the accused (the person charged) fails to meet their bail conditions.
Suspended sentence	A prison sentence that only needs to be served if the offender commits another crime within a set period of time.
Trial	A trial is a hearing before a judge or magistrate where a person is to be sentenced.
Victim liaison officer (VLO)	Victim liaison officers from the ODPP provide information and referral services to victims of crime during the court process.
Witness	A witness is someone who may be asked to provide evidence to the court about a crime.

Frequently Asked Questions (FAQ's)

My application for financial assistance

Q. Have you received my application? I sent it in/emailed it last week.

- A. When you send an application to us, it will be registered in our system and placed in a queue to be assigned to a government assessor. You will receive confirmation of your application number and provided with further information.

Q. I was a victim of a serious assault while I was at work. What do I do?

- A. You need to lodge a claim with WorkCover Queensland and have it finalised before you can apply for financial assistance from Victim Assist.

Q. I lodged an application some time ago. Why is it taking so long?

- A. A government assessor needs to first determine your eligibility. This is done by gathering information from other sources, like hospitals and Queensland Police. This can take months.

Q. I have received a Notice of Decision letter, and have been granted assistance. How long will it take for me to receive some money?

- A. Generally, it can take up to two weeks for payments to be processed. However, there may be some conditions that you need to meet before payment is released to you. For example, further information may be needed e.g. copies of payslips, identity verification, invoices or receipts.

Q. I have received some financial assistance from Victim Assist. What if I need more counselling or have some more expenses due to the act of violence?

- A. You can apply for an amendment to your application for up to six years from the date of your original grant of assistance (or up until you turn 24 if you were a child when you were first granted assistance). You can do this by emailing the details to VictimAssist@justice.qld.gov.au or sending us a letter. A government assessor will then make a further assessment on your application. Please be aware that this can also take some months and it may not be assigned to the same government assessor.

Going to court as a witness

Before court

Q. How will I know if I need to go to court as a witness?

A. As the victim, you may be called upon as a witness in court. You will be advised by the police or the Office of the Director of Public Prosecutions, and you will also receive some paperwork telling you that you need to attend court. This is called a summons to witness (in the Magistrates court) or a subpoena (in the Supreme or District court). The summons or subpoena will tell you where and when the case will be held. Legally, you must attend court if you receive a summons or subpoena.

Q. How soon will the start of the court hearing or trial be?

A. For a case in the Magistrates court, there might be several months between the mention date and the start of the summary hearing. For a case in the Supreme or District court, it can take 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 Office of the Director of Public Prosecutions as soon as possible.

Q. Am I allowed to ask for information on the hearing or trial?

A. You have the right to ask for information at any time. You can contact the police or your victim liaison officer. However, it is important not to discuss evidence except with your police officer or prosecutor.

Q. What is an adjournment?

A. A hearing or trial can be adjourned (delayed) to another day for a number of reasons. The police or the Office of the Director of Public Prosecutions 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.

Q. How much time will I have to spend at the courthouse?

A. Depending on the case, a trial can take between several days to several weeks. You may also need to attend court more than once.

Q. Will I be able to speak to anyone from the court before the trial?

A. You may be contacted to talk to the police prosecutor or the Office of the Director of Public Prosecutions before you are due to give evidence in court. They will explain to you what is going to happen.

Q. Can I see inside a courtroom before the trial date?

- A. If you think visiting a courtroom might make you feel more comfortable on court day, you can ask the police, the Office of the Director of Public Prosecutions or your court support person to arrange a visit for you. You can also find more information, or do a virtual tour of the courts at the following website: www.qld.gov.au/law/court/going-to-court/going-to-court/.

Q. Can I have a support person in the courtroom with me?

- A. 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 should not speak, answer questions or give you any kind of encouragement when in the courtroom.

Q. Will I need to wait around at the court?

- A. The court hearing may take some time. You might like to take something to read to fill in the time, or some snacks and a drink.

Q. What should I wear in court?

- A. Courts are very formal places and you must appear neat and tidy in the courtroom. You should also be comfortable and may like to take warm clothing in case you feel cool in the air-conditioning.

Q. How do I get to court?

- A. Generally, you will be expected to arrange your own transport to court. However, if you have problems with transport or have to travel a long way you should tell the police or the Office of the Director of Public Prosecutions as soon as possible.

In the courthouse**Q. Do I wait with other witnesses?**

- A. All witnesses remain outside the courtroom until they are called to give evidence. If you think you might feel scared or unprotected when waiting to go into 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 everyone has given evidence.

Q. How will I know when it is my turn to give evidence?

- A. A court officer called a bailiff will notify you when it is time for you to give evidence and show you where to go.

Being a witness

Q. Will the public or the media be in the courtroom?

- A. 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.

Q. Do I have to swear an oath?

- A. 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. You must always tell the truth in court – it is a crime to lie in court.

Q. What do I call the judge or magistrate?

- A. When you are speaking to a judge or magistrate, you must call them 'Your Honour.'

Q. Do I have to see the defendant?

- A. The defendant will be in the court and you may be able to see the defendant from where you are sitting in the courtroom. Your support person can help you to prepare for this.

Q. What sort of questions will I be asked in the courtroom?

- A. The prosecution and the defence will ask you questions so the court can hear all the evidence. Sometimes you may feel like you have already answered the question. Take your time, stay calm and speak slowly and clearly. If you don't understand a question or you did not hear a question, ask for it to be repeated. If you do not know an answer or can't remember, it is OK to say so. Do not try to guess an answer. Remember, it is important to tell the truth.

Q. What if I get upset?

- A. 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.

Q. Can I have an interpreter?

- A. An interpreter can be arranged if you require one. Let the police or the Office of Public Prosecutions know if you require one.

After court

Q. Can I talk to anyone about the case after the trial or hearing has ended?

- A. Some people might find it helpful to talk about their experiences. Support after court can be provided by the contacts listed in section 4.

Q. Can I claim for expenses?

- A. The police officer looking after the case can give you information on how you may be able to claim certain expenses.

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