

# 2023-24 Annual Report

Victims of Crime South Australia



**Government of South Australia**

Victims of Crime SA

## Acknowledgement of Country

The Commissioner and VOCSA acknowledge the Traditional Owners and custodians of the lands on which we live and work across South Australia. We pay our respects to Aboriginal and Torres Strait Islander Elders, leaders, and respected persons past, present and future. We value the immense cultural knowledge of Aboriginal people and are committed to reconciliation.

## Victim-Survivor Acknowledgement

The Commissioner and VOCSA acknowledges the experiences, knowledge and strength of all individuals who speak with us and share their personal experiences of crime and the criminal justice system. The work we undertake is always informed by their individual and collective voices.

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Date presented to Minister:

24 September 2024

**OFFICIAL**

To:

**The Honourable Kyam Maher MLC**

Minister for Aboriginal Affairs

Attorney-General

Minister for Industrial Relations and Public Sector

This annual report will be presented to Parliament to meet the statutory reporting requirements of section 16F of the *Victims of Crime Act 2001* and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Sarah Quick

Commissioner for Victims' Rights

**Date:** 24 September 2024

**Signature:**

A handwritten signature in black ink, appearing to read 'S. Quick', is written above a solid black horizontal line.

## From the Commissioner

It is a privilege to present my first annual report as Commissioner for Victims' Rights with my appointment effective from 1 August 2023.

I would like to thank the former Commissioner, Bronwyn Killmier for all her efforts during her term and congratulate her on her achievements.

I also take this opportunity to acknowledge the many victims who contact my office and share their experiences of crime and the criminal justice system, and advocate for change. It is crucial that my work is underpinned and informed by their lived experience.

Victims continue to experience the criminal justice system as daunting and confusing. Whilst there are a range of excellent services, most do not address victims' needs holistically. This therefore necessitates interaction with multiple services in the aftermath of crime. Victims often experience services confusion and fatigue.

Service connection and strong referral pathways can mitigate some of the confusion and deliver better outcomes for victims. As such I am committed to building strong, collaborative relationships between all agencies who assist victims including Victim Support Service, Relationships Australia SA, Women's Safety Services, Health and Recovery, Trauma Safety Services (HaRTSS), South Australia Police, Department for Correctional Services, Courts Administration Authority, and the Office of the Director of Public Prosecutions to name a few.

Earlier this year, I also commenced visits with police in regional areas to strengthen relationships and identify any victim issues unique to these areas.

As well as building open and collaborative relationships with individual service providers, I have convened several network meetings, bringing together those who provide support to victims. Service providers have expressed the value of sharing information and having an opportunity to discuss any trends and issues facing victims.

Information is critical if victims are to exercise their rights and access supports. I have reviewed some of the available resources to ensure victims receive accurate and timely information which minimises confusion. This has resulted in the development of a postcard given to victims when they report a crime. The postcard has a QR code that links victims to comprehensive information on the VOCSA website and a dedicated section for recording report details. The postcard was designed following feedback from SAPOL officers who were seeking an alternative to the printed information booklet.

Even with accessible information, trauma can impact on a victim's willingness and ability to communicate with service providers. It can be difficult to articulate their thoughts and speak with strangers. Having control over when and how

## OFFICIAL

communication takes place can be beneficial. VOCSA staff have collaborated with SA.GOV.AU to develop an online enquiry form for victims of crime so victims can make enquiries when and how it best suits them. VOCSA is committed to facilitating and maximising victim choice and control wherever possible.

It is well documented that First Nations people are overrepresented as victims of crime, yet there is a lack of culturally appropriate information for Aboriginal people as victims of crime in South Australia. I have prioritised funding for a project officer to consult with Aboriginal people in South Australia and develop appropriate resources. The project officer will commence work in the 2024-25 period and will also play a crucial role in enhancing the skills and knowledge of VOCSA staff when responding to Aboriginal people.

As Commissioner, it is my role to protect and promote the rights and interests of victims of crime. When a victim's rights are not upheld, I assist a victim to lodge complaints and where appropriate, seek an apology. It is interesting to note that complaints to VOCSA have decreased significantly over the past five years. The cause of the downward trend is unclear and likely multifaceted including our varying approaches to complaint classification.

Reduced complaints may also be the result of increased agency awareness of and compliance with victims' rights. It may be reflective of greater community awareness and thus increased individual agency in ensuring rights are observed from the outset. These of course would be positive reasons for the reduced number of complaints.

It is, however, important that victims are aware of their right to make a complaint and I have some concern that the current complaint process lacks clarity and visibility. This is an issue I intend to examine in the coming year.

Whilst the number of formal complaints is relatively low, victims often discuss complaints informally with my office. Timely justice consistently features as a major issue for victims. Prolonged proceedings can cause victims to lose confidence in the criminal justice system and to suffer a secondary injury.

One victim - after having her second trial date vacated and relisted almost a year later - expressed her frustration, stating she felt angry, sad, and fed up with the court system which was in no way supportive of her as a victim. Another victim was distraught at having to wait 12 months for her matter to be adjudicated only to be told it was to be withdrawn. Some victims are unable to endure the timeframes, with one victim describing it as "a kick in the guts" and her sole reason for requesting a discontinuance.

When matters are unresolved victims feel as though their lives are on hold, unable to move forward. Delayed resolution may also mean delayed access to compensation and consequently delayed treatment.

Resourcing, processes, and legislation must be examined to reduce delays, noting that timely justice should never be at the cost of victims' or offenders' rights. My office will continue to examine these issues and advocate for victims in this area.

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After significant advocacy by both victims and my office, it was pleasing to see the Government introduce the Statutes Amendment (Victim Impact Statements) Bill 2024 in April. Faced with one of the few opportunities to have a voice in criminal proceedings, victims expect to be able to speak freely and in their own words in their victim impact statement. It causes considerable distress when victims are encouraged to edit or sanitise their words. These amendments strengthening victims' voices will go a long way to enhance their sense of procedural justice. VOCSA will be revising the victim impact statement form and guidelines to reflect the legislative amendments upon commencement.

I am extremely fortunate to have worked alongside a fantastic team of people who have assisted me over the past year. I thank all the permanent and contract employees as well as students on placement who have supported victims of crime. Their commitment and efforts are appreciated. I also extend my thanks to the efforts of staff of the Attorney-General's Department who provide significant support to VOCSA in the areas of governance, finance, and human resources. I particularly, acknowledge the exceptional support provided by ICT through the implementation of VOCSA's new case management system.

I remain committed to listening to victims and amplifying their voices, and look forward to working on further improving the criminal justice system for victims in the coming year.



Sarah Quick

**Commissioner for Victims' Rights**

Victims of Crime SA

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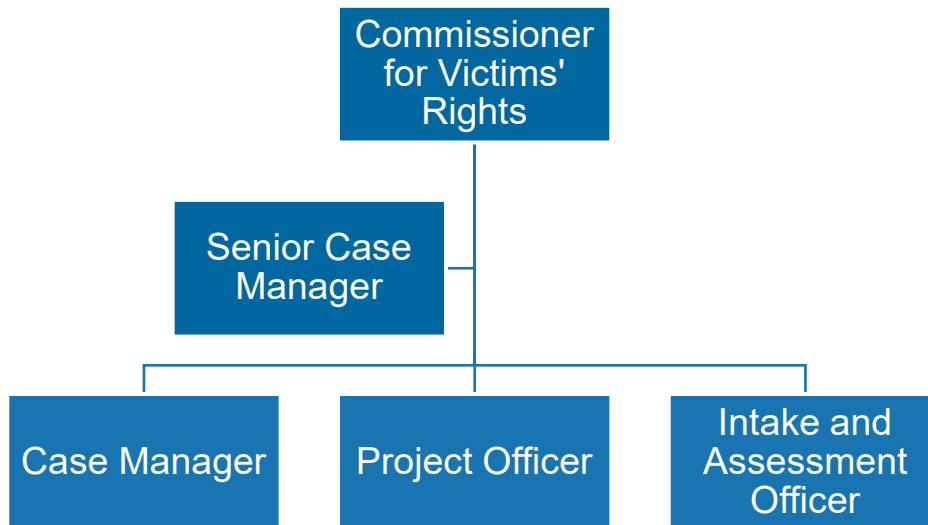
## Overview: about the agency

The office of the Commissioner for Victims' Rights (the Commissioner) is known as Victims of Crime South Australia (VOCSA).

### Our strategic focus

|   |  |
|---|--|
| <b>Our Purpose</b>                                | The Commissioner for Victims' Rights is appointed under the <i>Victims of Crime Act 2001 (SA)</i> to promote and protect the rights and interests of victims of crime in South Australia.  |
| <b>Our Vision</b>                                 | Victims are empowered, respected and supported throughout the criminal justice system. All public agencies and officials respect and uphold victims' rights, ensure victims voices are heard and provide trauma-informed support to victims of crime.  |
| <b>Our Values</b>                                 | <p>Empowerment</p> <p>Respect</p> <p>Equity</p> <p>Accountability</p> <p>Trustworthiness</p> <p>Collaboration</p>  |
| <b>Our functions, objectives and deliverables</b> | <p>Pursuant to section 16(3) of the Act:</p> <ul style="list-style-type: none"> <li>a) to marshal available government resources so they can be applied for the benefit of victims in the most efficient and effective way;</li> <li>b) to assist victims in their dealings with prosecution authorities and other government agencies;</li> <li>c) to monitor and review the effect of the law and of court practices and procedures on victims;</li> <li>d) to carry out any other functions related to the objects of this Act assigned by the Attorney-General;</li> <li>e) if another Act authorises or requires the Commissioner to make submissions in any proceedings – to make such submissions (either personally or through counsel);</li> <li>f) to carry out any other functions assigned under other Acts</li> </ul> |

## Our organisational structure



## Changes to the agency

During 2023-24 the following changes were made to the VOCSA's organisational structure:

- Role of intake and assessment officer reduced to one FTE. Funding for the second FTE was on a temporary basis and has now ended.
- The role Case Manager replaces the Project Manager with the change in title intended to better reflect roles and responsibilities.
- The role of Senior Case Manager replaces the role of Assistant Commissioner.

The position of Case Manager was established in February 2024 and filled at the end of June. For much of the 2023-24 period VOCSA operated with four staff members with the assistance of part-time casual employees.

## Our Minister

The Hon Kyam Maher MLC, Minister for Aboriginal Affairs, Attorney-General, and Minister for Industrial Relations and Public Sector, is the State's principal legal advisor to the government and responsible for exercising certain powers and regulating and administering a range of legislation.

The Attorney-General is a member of Cabinet and is responsible for:

- specific legislation and the state's legal system
- developing and implementing policy
- legal action relevant to the state government.

## **Our Executive team**

Nil – the Commissioner is a statutory appointment.

## **Legislation administered by the agency**

*Victims of Crime Act 2001 (SA).*

# The agency's performance

## Performance at a glance

The Commissioner upholds the principles governing how victims of crime are to be treated by public agencies and officials.

VOCSA also helps victims recover from the physical and psychological effects of criminal offending and provides resources to benefit victims in the most efficient and effective way.

### Victims of Crime SA in 2023-24



Information and support provided to victims across more than

**3,000** cases

More than **15,400**

contacts across all cases



Supported victims in more than

**160** parole cases

with over 1,400 contacts



**26**

Speeches and presentations given

## Agency specific objectives and performance

### New counting rules

VOCSA’s new case management system (CMS) went live on 4 September 2023. Transition to the new CMS was gradual and it was several months before the CMS became the only active system. As a result, an updated counting methodology has been implemented. The data in the new CMS is not easily consolidated with pre-existing data. As a consequence some reports below only include data from the new CMS. Accordingly, caution should be taken when comparing this financial year data to previous years.

As well as counting enquires or case types, the number of contacts for each individual case are also counted (recorded / documented / collated). These contacts include phone calls, emails, letters or meetings that occur in managing the enquiry or case to provide an outcome or conclusion.

### Victim enquiries

Enquiries are matters where VOCSA have provided information, advice, and referrals for a diverse range of issues.

**Fig. 1 – Total enquiries (1 July 2023 to 30 June 2024)**

| Enquiry type                   | Total number | Number of contacts |
|--------------------------------|--------------|--------------------|
| <b>Total enquiries 2023-24</b> | <b>1968</b>  | <b>7623</b>        |

**Fig. 2 – Enquiries by type after transition to new Case Management System (4 September 2023 to 30 June 2024)**

| Enquiry type                         | Total number |
|--------------------------------------|--------------|
| Criminal Justice Sector              | 390          |
| Counselling                          | 54           |
| Court Support Referral               | 2            |
| Ex-Gratia Payment                    | 10           |
| Parole                               | 10           |
| Redress                              | 3            |
| Restitution                          | 92           |
| State Funded compensation            | 377          |
| Uncategorised                        | 36           |
| Enquiry with 2 or more enquiry types | 190          |
| <b>TOTAL</b>                         | <b>1164</b>  |

## Information requests

Fig. 3 – Information requests by type after transition to new Case Management System (4 September 2023 to 30 June 2024). Prior to 4 September information requests were counted under victim enquiries.

| Information Request Type          | Total Cases | Number of Contacts |
|-----------------------------------|-------------|--------------------|
| Individual Court Document Request | 20          | 166                |
| Lawyer Information Request        | 200         | 656                |
| <b>TOTAL</b>                      | <b>220</b>  | <b>822</b>         |

### Individual court document requests

VOCSA can obtain copies of some court documents for victims of crime. These documents are provided to victims free of charge on the basis that they are for personal use only.

Documents include:

- a record of the court outcome
- the complaint or 'information'
- remarks on the verdict
- remarks on the penalty or sentence.

### Lawyer information requests

VOCSA receives requests for information from lawyers acting on behalf of victims of crime in respect to applications for state-funded compensation.

VOCSA provides lawyers with information such as police report numbers to facilitate the progress of a victim's application for compensation.

## Helping victims

VOCSA help victims in their dealings with prosecution authorities and government agencies and officials. The Commissioner also monitors and reviews laws and court practices on victims.

Fig. 4 – Victims’ rights requests by type (1 July 2023 to 30 June 2024)

| Victims’ Rights           | Total Cases |
|---------------------------|-------------|
| Advocacy                  | 193         |
| Complaints and Grievances | 15          |
| <b>TOTAL</b>              | <b>208</b>  |

### Advocacy

Some victims require assistance to understand and navigate the legal system and to access support.

Advocacy involves providing victims with comprehensive information about their rights, assisting them to exercise their rights and addressing their individual needs.

The Commissioner can consult with agencies and officials, and advocate on behalf of victims to ensure their rights and interests are observed and considered.

The extent of advocacy is determined by the needs of individual victims.

## Case study

The Commissioner assisted a victim-survivor of family and domestic violence who was experiencing difficulty navigating multiple, concurrent processes.

These included the offender being released on home detention, alleged breaches of an intervention order and the offender’s application for release on parole.

In addition, the victim was concerned for her safety and the safety of her children.

Support was crucial as the victim was still experiencing significant trauma from the original offence but was physically and emotionally drained by her ongoing involvement in criminal justice processes.

Some victims have a strong desire to use their personal experiences and difficulties to advocate for law and policy reform. Their perspectives are invaluable.

The Commissioner is committed to assisting victims to share their views with appropriate government agencies and officials.

## Case study

In the 2023-24 period the Commissioner provided support to victim-survivors of an extremely serious crime.

Support commenced in December 2023 and included practical and emotional support, and assisting in interactions with the Premier, the Attorney-General, the Minister for Health and Wellbeing, the Chief Psychiatrist and Forensic Mental Health.

Advocacy is ongoing.

## Complaints

Some victims of crime have complaints about the criminal justice system and how they have been treated or supported. The Commissioner can assist victims where complaints related to a failure to comply with the requirements of the Declaration of Principles Governing the Treatment of Victims (victims' rights).

Note that in previous Annual Reports complaints were referred to as 'grievances'.

Victims are, in the first instance, encouraged to raise complaints with the relevant agency. If a victim remains dissatisfied, they raise a complaint with the Commissioner. The Commissioner may consult with a public agency or public official regarding the victim's complaint.

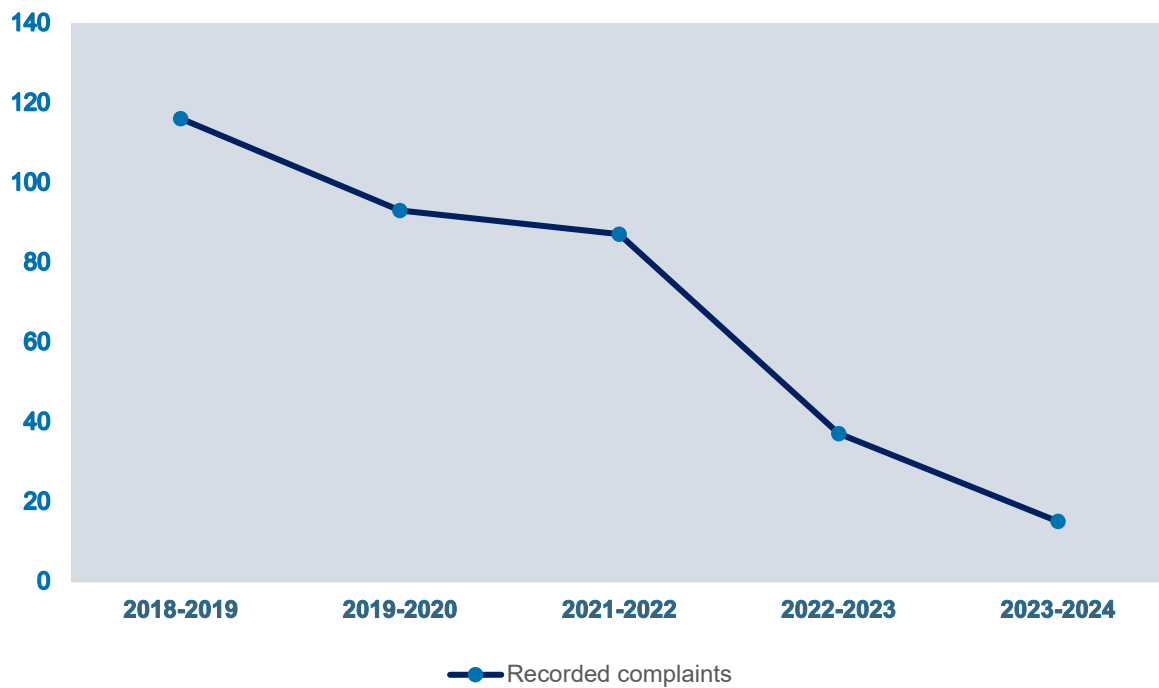
If after consultation, the Commissioner is satisfied that the public agency or public official has failed to comply with victims' rights and has not apologised or dealt with the failure in a satisfactory way, the Commissioner may, by notice in writing to the public agency or official, recommend that the agency or official issue a written apology to the relevant victim.

Complaints in 2023-24 were varied and included grievances about not being kept informed, not being consulted if charges were downgraded or withdrawn, not having the opportunity to present a victim impact statement, and criminal justice process delays.

It was not necessary for the Commissioner to request apologies under sections 16(A)(2) and 16(A) (4) as all complaints were resolved at the agency level.

There were significantly less grievances in the 2023-24 period than the 12 months prior.

Fig. 5 – Number of recorded complaints by FY



It remains to be seen whether the reduction is the result of changed counting rules and practices or indicative of a downward trend. Data for the last five years would suggest the latter.

Reduced complaints may be the result of increased agency education and awareness of victims' rights and mechanisms for support. Equally, it may be reflective of greater community awareness of rights and thus increased individual agency in ensuring rights are observed from the outset.

## Discretionary payments

Under section 31(2) *Victims of Crime Act 2001* the Attorney-General has an absolute discretion to make payments from the victims of crime fund to (or for the benefit of) victims of crime that will, in the Attorney-General’s opinion, help them to recover from the effects of crime or advance their interests in other ways.

This discretion is delegated to the Commissioner. In exercising this discretion, the Commissioner must be guided by the Objectives of the *Victims of Crime Act 2001*.

VOCSA receives requests for discretionary payments directly from victims and from various agencies and services on behalf of victims. Applications are assessed before a determination is made by the Commissioner. Assessment often includes consultation with South Australia Police (SAPOL) and other agencies.

**Fig. 6 – Discretionary payment applications (1 July 2023 to 30 June 2024)**

| Application Type      | Number Received | Total Approved |
|-----------------------|-----------------|----------------|
| Discretionary payment | 512             | 297            |

For the 2023–24 period there have been 512 applications to the Commissioner for discretionary payments, of which 297 were approved.

The remaining applications were either not approved, funded from a more appropriate source or were not eligible.

**Fig. 7 - Discretionary application by type after transition to new Case Management System (4 September 2023 to 30 June 2024)**

| Funding Type           | Number Received | Total Approved | Number of Contacts |
|------------------------|-----------------|----------------|--------------------|
| Ambulance              | 28              | 22             | 272                |
| Counselling            | 35              | 24             | 361                |
| Forensic Clean         | 14              | 11             | 67                 |
| Essential Items        | 19              | 13             | 131                |
| Funeral                | 18              | 16             | 215                |
| Other                  | 54              | 22             | 391                |
| Relocation             | 10              | 6              | 90                 |
| Security               | 126             | 59             | 1453               |
| Travel & Accommodation | 48              | 35             | 478                |
| Treatment              | 23              | 14             | 318                |
| <b>TOTAL</b>           | <b>375</b>      | <b>222</b>     | <b>3776</b>        |

(137 applications received before transitioning to CMS are not included)

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More information about the payment categories is included below.

| Payment Categories  |  | Explanation |
|---|--|-------------|
|  <b>Ambulance</b>                    | Payment for attendance or transportation by ambulance where a victim is unable to pay the account and later seeks reimbursement through compensation or restitution. |             |
|  <b>Counselling</b>                  | Where support through the government funded victim counselling program is not appropriate for the victim's needs or location   |             |
|  <b>Forensic Clean</b>               | Funding for forensic cleaning as requested by police. Funding is to ensure victims and co-victims are not traumatised when returning to the location of the crime.   |             |
|  <b>Essential Items</b>              | Discretionary payments do not cover property loss or damage unless the property is an item essential to a victim's daily functioning such as eyeglasses.             |             |
|  <b>Funeral</b>                    | Funding for funerals for homicide victims.   |             |
|  <b>Other</b>                      | Other expenses deemed appropriate in assisting victims to deal with the effects of crime and to assist their recovery.   |             |
|  <b>Relocation</b>                 | The costs associated with relocating a victim. This may be for reason of physical safety or to ensure a victim is closer to necessary social and emotional supports. |             |
|  <b>Security</b>                   | Security upgrades where the victim is at risk of further harm.   |             |
|  <b>Travel &amp; Accommodation</b> | Costs associated with travelling to Adelaide for funerals, court (limited) or treatment.   |             |
|  <b>Treatment</b>                  | Includes all treatment addressing physical injuries (e.g. medical, dental).  |             |

## Legal funding

In some circumstances the Commissioner will fund independent lawyers to provide victims with legal assistance to represent their interests. Legal funding also includes cases where the Commissioner has engaged a lawyer to present a Community Impact Statement.

In the 2023-24 period the majority of legal funding was provided to represent victims' interests in applications to vary licence conditions as per s.269 of the *Criminal Law Consolidation Act 1935*.

The Commissioner also funded legal counsel to assist a victim apply for funds quarantined under the *Correctional Services Act 1935*. This matter has not yet been finalised.

Fig. 8 - Legal funding requests 1 July 2023 to 30 June 2024

| Funding Type  | Number Received | Total Approved | Number of Contacts |
|---------------|-----------------|----------------|--------------------|
| Legal Funding | 32              | 25             | 366                |

## Case study

Parents of a primary victim of family and domestic violence were seeking private intervention orders.

The offender, who had threatened the parents, had been released on home detention and was applying for release on parole.

The Commissioner provided funding for legal advice about obtaining private intervention. This was on the basis that intervention orders would not only enhance the safety of the parents but also the primary victim and her children.

## Parole Board submissions

VOCSA assists victims and co-victims in making submissions to the Parole Board in relation to:

- applications for release on parole
- breaches of parole for life-sentenced prisoners
- applications to vary parole conditions for life-sentenced prisoners.

The Commissioner is legislated to assist co-victims of life sentenced prisoners, those convicted of murder, but also assists victims of manslaughter and cause death matters. VOCSA will assist victims of other crime types as requested.

VOCSA assists victims to present their views via submissions to the Parole Board and keeps victims informed throughout the parole process. On occasion the office supports the victim at the parole board hearing.

All submissions must meet strict timelines to be considered by the Parole Board. Following the Parole Board determination, victims are contacted and advised of the outcome and any conditions imposed.

In the case of life-sentenced prisoners the Commissioner must, once notified of the Parole Board’s decision to release a prisoner, consider whether to ask for a review by the Parole Administrative Review Commissioner (PARC).

VOCSA also frequently has contact with SAPOL, Department for Correctional Services (DCS) Victim Services Unit and the Parole Board in relation to the parole submissions.

**Fig. 9 - Parole requests (1 July 2023 to 30 June 2024)**

| Parole Support Type   | Total Cases | Number of Contacts |
|-----------------------|-------------|--------------------|
| Parole Application    | 77          | 1044               |
| Parole Breach         | 54          | 252                |
| Other Parole Matters* | 37          | 143                |
| <b>TOTAL</b>          | <b>168</b>  | <b>1439</b>        |

\*Other Parole Matters includes enquiries from victims and agencies regarding parole processes which do not fall under the primary scope of submissions in relation to parole applications or breaches of parole conditions.

## Victim impact statements

VOCSA assists victims with the preparation of victim impact statements. Writing a victim impact statement is one of the few opportunities a victim has to be heard or have a ‘voice’ in criminal proceedings.

As such it is critical that victim impact statements are in a victim’s own words.

**Fig. 10 - Parole requests (1 July 2023 to 30 June 2024)**

| Impact Statement Type         | Total Cases |
|-------------------------------|-------------|
| Victim Impact Statement (VIS) | 26          |

When victims approach VOCSA for help, staff aim to increase the capacity of victims to write their own statements by providing information and support.

Where a victim is vulnerable and requires additional support VOCSA will triage the request. Victims may be referred to an agency already engaged with the victim and thus better placed to assist. Others are assisted by VOCSA staff who provide more intensive assistance to complete a victim impact statement.

At times the use of an interpreter has been required and funded by VOCSA.

People who are writing victim impact statements, providing input for parole submissions or have trauma in their background are vulnerable and VOCSA staff often must contact them numerous times to complete their submissions in a trauma informed manner.

## Community impact statements

The Commissioner has prepared seven community impact statements the 2023-24 financial year:

- one neighbourhood impact statement as per section 15(2)(a) of the *Sentencing Act 2017*
- six social impact statements as per section 15(2)(b) of the *Sentencing Act 2017*.

### Neighbourhood impact statement

A neighbourhood impact statement is a statement about the effect of the offence, or offences on the same kind, on people living or working in the location in which the offence was committed.

## Case study

A teacher at a small rural school pleaded guilty to one count of sexual abuse against a child and 13 counts of aggravated communicate to make a child amendable.

All victims attended the school where the teacher was employed.

The offender was a well-liked and trusted staff member of the school and active member of the small community.

VOCSA sought comments from the victims and community members.

Their views portrayed how crimes of this kind have significant and devastating impacts. The victims, their families and friends, their social networks, the school's staff and other children attending the school were all affected.

Further, the offending damaged the school's reputation and impacted the wider community living in this small rural area. The offender destroyed the innocence and trust not only of the victims, but of the community as a whole.

### Social impact statement

A social impact statement is an evidence-based statement about the effect of the offence, or offences of the same kind, on the community generally or on any particular sections of the community.

They are useful in highlighting the harm caused to victims when they do not have a voice in proceedings because the victims have not been identified or have elected not to make individual victim impact statements.

These statements are a mechanism for providing the court with information about new and emerging crime types, debunking commonly held myths and stereotypes and detailing the broad impact of crimes.

All six social impact statements submitted by VOCSA were related to child exploitation, including charges of:

- possessing, disseminating, and producing child exploitation material
- procuring a child for sexual activity
- communicating with a child to make them amenable to sexual activity.

## Case study

A defendant was communicating with children on Snapchat and Instagram.

During the communications, the defendant would request explicit material from the child in exchange for a financial benefit, including food via UberEats, cigarettes, makeup and gift cards from the online shopping platform, Shein. This is often referred to as 'self-generated' or 'self-produced' child exploitation material.

This statement was used to highlight the need to exercise caution when referring to 'self-produced' child exploitation material and to ensure the degree of humiliation, control, threat and coercion is not misunderstood or minimised.

Whenever young people share self-generated images with adults, either voluntarily or as a result of manipulation, it is within an abusive context of unequal power.

## Training and education

The Commissioner is committed to supporting criminal justice agencies and professionals through training and education.

The Commissioner provides training to ensure agencies and professionals understand:

- their obligations to victims of crime
- the support services available to assist victims
- the principles of trauma informed care
- the role and functions of the Commissioner for Victims' Rights.

The Commissioner also understands the value in presenting to community groups to ensure members of the public are aware of victims' rights and avenues for assistance should they or someone they know ever become victims of crime.

**Fig. 11 - Training and presentations (1 July 2023 to 30 June 2024)**

| Training/Presentation Type                      | Total Number |
|---|--------------|
| SAPOL Cadet training                            | 9            |
| SAPOL Prosecutor training                       | 1            |
| DV Investigator training                        | 4            |
| SAPOL Victim Contact Officer Training Day       | 1            |
| Regional Visits                                 | 2            |
| Presentation to other agencies on role of VOCSA | 3            |
| Community Education Presentations               | 4            |
| Memorial / Remembrance Days                     | 2            |

## Information for Victims of Crime

### Website

The Victims of Crime SA website ([www.voc.sa.gov.au](http://www.voc.sa.gov.au)) continues to receive positive feedback from victims and other partner agencies.

Over the 2023-24 period, the website received:

- 64,000 visitors
- 183,000 page views.

Overwhelmingly, the majority of users are interested in compensation, with the top 3 most visited pages (aside from the homepage):

- [State-funded compensation](#) (18,380 views)
- [Offender-paid compensation](#) (7,657 views)
- [Other payments](#) (7,062 views)

A quick exit button was also added to the website – allowing users to quickly switch to another, more innocuous website if needed.

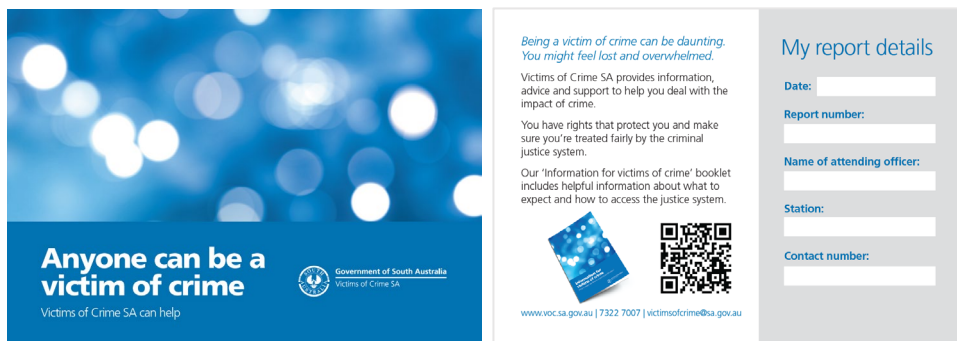
### Postcard – new initiative

When a victim reports a crime, police give victims a booklet titled ‘Information for victims of crime’ – known informally as the ‘Blue Book’. This is the primary means by which victims are first advised of their rights and the services available to assist them in the aftermath of crime.

The book also provides a space to record the report number and officer’s contact details for the victim’s future reference.

Victims do not always receive the booklet. Reasons include the victim stating they do not want a copy, have received the booklet in the past and officers not having the book available at the time of the report.

To address some of these issues VOCSA have produced a postcard with a QR code that takes victims to tailored information on the VOCSA website. Importantly, report details can be recorded on the postcard.



## OFFICIAL

The postcard was designed following feedback from SAPOL officers, particularly those in regional areas.

This is not intended to replace the Blue Book but rather to provide another option and maximise the likelihood that victims will receive information that is crucial to their involvement in the criminal justice system and to support them in their recovery.

Feedback since its first print run has been incredibly positive.

### Enquiry form

VOCSA collaborated with SA.GOV.AU to develop an online enquiry form with the intention of enhancing access to information, referrals and assistance. The online form gives victims of crime control over when they lodge enquiries without being constrained by business hours.

This form supplements phone enquiries, providing victims with greater choice to communicate in a way that best suits them.

### Publications

VOCSA developed and printed a new publication titled 'Forensic procedures for protected persons'.

This was a document initially requested by Child Protection Services and deals specifically with forensic procedures for those considered to be protected persons – usually a child (under the age of 16) or someone physically or mentally incapable of understanding the procedure.

The booklet outlines who can consent to the procedure, the process of a forensic procedure and the protected person's rights.



Several other fact sheets have been created on request from key stakeholders, including:

- information for funeral directors about compensation payments
- information about parole for prisoners whose crimes involve the death of a victim.

## Submissions

Fig. 12 - Submissions by type (1 July 2023 to 30 June 2024)

| Submission Type     | Total Cases |
|---------------------|-------------|
| Legislative Reforms | 12          |
| Systemic Advocacy   | 7           |
| Media               | 26          |
| <b>TOTAL</b>        | <b>45</b>   |

### Legislative reforms

The Commissioner made submissions on the following topics:

- Criminal Law Consolidation (Stalking and Harassment) Amendment Bill 2024
- Statutes Amendment (Criminal Proceedings) Bill 2024
- Sentencing (Serious Child Offenders) Amendment Bill 2024
- Statutes Amendment (Claim Farming) Bill 2024
- Criminal Law (High Risk Offenders) (Miscellaneous) Amendment Bill 2024
- Review of sexual consent laws in SA
- Bail (Contraventions of Bail Agreements) Amendment Bill 2023
- Statutes Amendment (Victim Impact Statements) Bill 2023
- Criminal Law Consolidation (Coercive Control) Amendment Bill 2023
- *Judicial Conduct Commissioner (Miscellaneous) Act 2015*
- Criminal Law Consolidation (s.20A) Amendment Bill 2023
- Consultation on Minimum Age of Criminal Responsibility – Discussion Paper

### Systemic advocacy

Systemic issues are issues of policy or procedure impacting on victims of crime. The Commissioner may collaborate and consult with agencies and victims to realise changes to practices, policy, and legislation.

The Commissioner has made submissions on a number of important initiatives affecting victims and the delivery of services to assist them in their recovery.

#### Offenders present at sentencing submissions

South Australian legislation requires a defendant to be present when a victim makes their impact statement. It was brought to the Commissioner’s attention, that on occasion victims arrive at sentencing submissions to find the defendant is appearing via audio-visual link (AVL).

## OFFICIAL

Whilst this may be considered ‘attendance in person’ it certainly does not meet the expectations of many victims – who feel the impact of their statement is diminished when an offender is not physically in the courtroom.

The Commissioner commenced consultation with courts and prosecutors to establish procedures to ensure the court is aware of the victim’s preference and to provide victims with confirmation of the defendant’s attendance prior to the hearing.

### Referrals for property compensation

The Commissioner developed a compensation factsheet for uploading to SAPOL’s intranet. The factsheet outlines the various types of compensation, eligibility criteria, and application process to assist SAPOL members when informing victims about compensation.

As the first contact with the justice system, SAPOL often begin conversations with victims about what sort of compensation they may be entitled to. This factsheet is one strategy to ensure victims of crime are informed about their rights and entitlements.

### Recommendations regarding state-funded compensation

The Commissioner provided the Attorney-General with information about recommended changes to state-funded compensation related to the initial application period and grief payments.

The initial application period for state-funded compensation is three years after the offence has been committed or, where the victim is a child, three years after the child turns 18.

The timeframes outlined are not realistic, with many matters not even prosecuted within that timeframe.

The Commissioner proposed the initial application period could be amended to five years at the conclusion of criminal proceedings (either when finalised in court or the matter filed by SAPOL).

The Commissioner also recommend an extension of eligibility under s.17(2)(ab) and s.17(2)(b) of the *Victims of Crime Act 2001* and suggested the definition of ‘a child’ should not be limited to a child under the age of 18 years at the time of the offence. The grief suffered does not alter because a child is over the age of 18 when their parent dies nor does a parent’s grief diminish because their child was over the age of 18 when killed.

### Review of victim expenses

Victim and witnesses attending court are entitled to have certain expenses paid or reimbursed. These may include flights and accommodation, meals, mileage, and the cost of childcare.

A number of issues, complexities and ambiguities associated with these expenses and related processes were brought to the Commissioner’s attention. It should also be noted these allowances and procedures have not been reviewed for some 20 years or more.

## OFFICIAL

The Commissioner convened a meeting with relevant stakeholders and provided the Attorney-General with advice.

### Prisoner Compensation Quarantine Fund

The Commissioner began consultation to address barriers that make it difficult for victims to make claims against a prisoner compensation quarantine fund.

If a prisoner is awarded damages in respect of a claim against the State for a civil wrong, the monies must be held in trust in a quarantine fund. A victim in relation to a criminal act by a prisoner may, within the quarantine period, commence legal proceedings for the recovery of damages against the prisoner.

Consultation was undertaken with SAPOL about identifying and notifying victims of their right to make a claim against a prisoner compensation quarantine fund.

Further, the Commissioner and Chief Executive of the Department for Correctional Services identified a number of barriers for victims and are currently undertaking a review of processes.

### Victim notification of Continuing Supervision Orders

Under s.269UA(5) of the *Criminal Law Consolidation Act 1935*, the Commissioner is entitled to appear and be heard in applications for continuing supervision orders and must be afforded a reasonable opportunity to call and give evidence, to cross examine witnesses, and to make submissions.

The Commissioner clarified the roles and responsibilities between VOCSA and Forensic Mental Health Service to ensure victims are notified of applications and their views obtained.

### Right to a copy of statement

SAPOL approached the Commissioner raising concerns that victims are often unaware of their entitlement to be provided with a copy of their statement (affidavit). It was suggested that this right be incorporated into the Declaration of Principles Governing the Treatment of Victims (*Division 2 Victims of Crime Act 2001*).

The Commissioner will provide this advice if and when the Declaration is revised. In the meantime, the Commissioner will amend the VOCSA website and 'Information for victims of crime' booklet to include information about a victim's entitlement to a copy of their statement.

## Media

Where appropriate, the Commissioner will provide comment about victims' experiences of crime and the criminal justice process, the impact of crime and improvements to the justice system for the benefit of victims.

The views and wishes of victims are the Commissioner's primary consideration when making comment.

The Commissioner does not always provide comment or in some instances may provide comments that are not published.



### Release of Snowtown accomplice Mark Ray Haydon

*"They [the victims] very much feel that they've been given a life sentence, that their pain and their trauma doesn't subside so it's really difficult to reconcile the fact that Haydon might have the opportunity to start a fresh life." - ABC, 5 February 2024*

*"This is obviously an incredibly difficult time for the victims. Just as it is a period of adjustment for Mr Haydon, it is a time of significant adjustment for victims. They are all coming to terms with what Mr Haydon's release on parole and end of sentence means for them and their lives. Naturally they feel uncertain, apprehensive and fearful." – ABC, 18 April 2024*

### Kym Allen Parsons (the 'Bicycle Bandit')

*"If the objective elements of an offence are made out, such as cases where it is clear a crime has occurred but the offender is unknown, compensation can be paid to victims. I encourage any victim concerned about their right to compensation to contact my office." – The Advertiser, 8 June 2024*

### Impact of High Court immigration decision in South Australia

*"Each survivor's response to an assault will be unique, but knowing an assault might have been prevented is likely to compound feelings of anger and trauma." – Adelaide Now, 5 December 2023*

### **Victim Impact Statement reforms**

*“Crime is very disempowering and victim impact statements are one of the few processes in the criminal justice system that really allow victims to reclaim some of that power, so it’s really crucial that they’re able to make those statements, that that right is not disregarded or diminished in any way, and I think these reforms really support and advance those rights.”* – ABC Radio Adelaide, 11 April 2024

*“Editing has for a long time been a concern of many victims. They do feel it’s their one opportunity to speak, to have a voice in the proceedings and being told they can’t speak in their own words is very distressing. Hearing statements in victims’ own words is very powerful and at times it can be quite confronting, but I think it’s important because it also ensures that we don’t become desensitised to the true impact of crime on people’s lives – that we hear the unique impact to each victim.”* – ABC Radio Adelaide, 11 April 2024

*“These are welcome reforms that demonstrate the importance of victim’s rights to be heard during the sentencing process. Victims will have greater choice and control in exercising their right to be heard whilst being better informed and supported to do so. These changes directly address concerns being raised by victims. They seek to minimise distress caused by being denied the right to make a victim impact statement.”* – Media release, 25 September 2023

### **Derek Bromley’s release**

*“The death of Stephen Docoza had an unimaginable impact on his family that can never be truly healed or explained. Learning that the offender is to be released on parole is extremely difficult for most victims and they often find themselves revisiting painful thoughts, feelings and memories. It is particularly difficult for victims when a person found guilty of murder, continues to proclaim their innocence. For families, the lack of accountability and remorse is both insulting and insensitive.”* – ABC 29 March 2024

### **New court gender terms**

*“I appreciate this protocol is designed to ensure respectful treatment of all participants, and was especially pleased to hear the Chief Justice reiterate that a victim’s wellbeing will always be the primary consideration.”* – Adelaide Now, 6 November 2023

## Committees

The Commissioner participated in the following committees, working groups and workshops:

- SALRI Round Table - Suppression Orders
- Working Group – Discontinuance of s.20A CLCA
- Public Advocate Clients and Family Domestic Violence Working Group
- SA Gov Steering Group Committee - National Redress Scheme
- RMIT Alternative Reporting Stakeholder Roundtable
- National Victims of Crime Working Group
- UniSA Restorative Justice Workshop
- Criminal Justice Ministerial Taskforce
- Regional Responses to Sexual Assault Steering Committee
- Combined Statutory Authority Group
- Alternative Reporting Project – Stakeholder consultation
- Psychology Program Advisory Board
- Youth Court Stakeholder meeting
- Intervention Programs Consultative Committee
- Victims of Crime Network Meeting (convened by Commissioner)
- People with Disability in the Justice System (convened by Commissioner)

Other reporting requirements under s.36(1) of the *Victims of Crime Act 2001* appear in 2023-24 Annual Report for the Attorney-General's Department.

## Corporate performance summary

VOCSA is a business unit of the Attorney-General's Department (AGD). Information on corporate performance appears in the 2023-24 Annual Report for the Attorney-General's Department.

## Employment opportunity programs

Information on employment opportunity programs appears in the 2023-24 Annual Report for the Attorney-General's Department

## Agency performance management and development systems

Information on performance management and development systems appears in the 2023-24 Annual Report for the Attorney-General's Department.

## Work health, safety and return to work programs

Information on work health, safety and return to work programs appears in the 2023-24 Annual Report for the Attorney-General's Department.

## **Financial performance**

### **Financial performance at a glance**

Information on financial performance appears in the 2023-24 Annual Report of the Attorney-General's Department.

### **Consultants disclosure**

Information on consultants disclosure appears in the 2023-24 Annual Report of the Attorney-General's Department.

### **Contractors disclosure**

Information on contractors disclosure appears in the 2023-24 Annual Report of the Attorney-General's Department.

## **Risk management**

### **Risk and audit at a glance**

Victims of Crime SA is a business unit of the Attorney-General's Department (AGD). Information on risk and audit appears in the 2023-24 Annual Report for the Attorney-General's Department.

### **Fraud detected in the agency**

Information on fraud detection appears in the 2023-24 Annual Report for the Attorney-General's Department.

### **Strategies implemented to control and prevent fraud**

Information on strategies implemented to control and prevent fraud appears in the 2023-24 Annual Report for the Attorney-General's Department.

### **Public interest disclosure**

Information on public interest disclosure appears in the 2023-24 Annual Report for the Attorney-General's Department.

## Reporting required under any other act or regulation

Victims of Crime SA is not required to report under any other act or regulation.

## Public complaints

### Number of public complaints reported

Information on public complaints appears in the 2023-24 Annual Report for the Attorney-General's Department.

### Service Improvements

Information on service improvements appears in the 2023-24 Annual Report for the Attorney-General's Department.

## Compliance Statement

|  |   |
|--|---|
| Victims of Crime SA is compliant with Premier and Cabinet Circular 039 – complaint management in the South Australian public sector  | Y |
| Victims of Crime SA has communicated the content of PC 039 and the agency's related complaints policies and procedures to employees. | Y |

## Appendix: Audited financial statements 2023-24

Please refer to the 2023-24 Annual Report for the Attorney-General's Department for audited financial statements.



**Government  
of South Australia**

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Victims of Crime SA