

2022 - 2023 Annual Report

Commissioner for Victims' Rights



Government of South Australia
Victims of Crime SA

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31 July 2023 presented to Attorney-General

To:

Hon Kyam Maher

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.

Submitted on behalf of the Commissioner for Victims' Rights by:

Bronwyn Killmier

Commissioner for Victims' Rights

Date 31 July 2023

Signature



From the Commissioner

As I did not seek reappointment for a further term, this was my final year as the Commissioner for Victims' Rights.

This annual report outlines some of my achievements over the last 5 years, but also some continued challenges for both the office and for services to victims. I am hopeful that they can be resolved in the future.

I have been proud to make changes to the way that my office works so that we can assist more victims and be more responsive. Of course, every Commissioner will work differently, and that is healthy for the sector.

Not surprisingly, no one person can do this alone. I would like to recognise all those people from government and non-government agencies who work to assist victims – not only in South Australia but across Australia. There are too many to name, but your help, collaboration and support cannot be underestimated. There is no “I” in team, and recognition of achievements needs to be shared amongst you all, as well as the courageous victims who strive to make changes for others.

My philosophy is always to leave a position better than what it was – to build on the good work of those before. When I developed the original SAPOL victim contact officer network and response to the obligations placed on SAPOL by the *Victim of Crime Act 2001*, and later, with my team in Canberra, the National Missing Persons Unit, featuring National Missing Persons Week, I did not expect both to still exist and be working to assist victims, families and friends across Australia, but they are.

I hope that the legacy I leave at VOCSA is a foundation for those who continue to work in the area and make their own changes for the betterment of victim issues.

Bronwyn Killmier APM

Commissioner for Victims' Rights

M.St (Cantab), MBA, Grad Dip Ed, BA

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Overview: about the agency

Our strategic focus

Our purpose

The Commissioner for Victims' Rights is an independent statutory officer with responsibilities under the *Victims of Crime Act 2001*. The Commissioner helps victims of crime in South Australia in their dealings with the criminal justice system, and ensures victims are treated fairly and respectfully with their rights acknowledged and observed by public agencies and officials.

The Commissioner provides information, advice and support to South Australians who are harmed, and their families and friends, to deal with the physical, emotional and financial impact of crime.

The Commissioner also participates in certain criminal proceedings and consults on victims' grievances.

The Commissioner monitors laws and policy for the safety, fairness and justice for victims of crime in South Australia and leads the Victims of Crime South Australia (VOCSA) office.

Our vision

Victims in South Australia are treated fairly and respectfully with their rights acknowledged and observed by public agencies and officials.

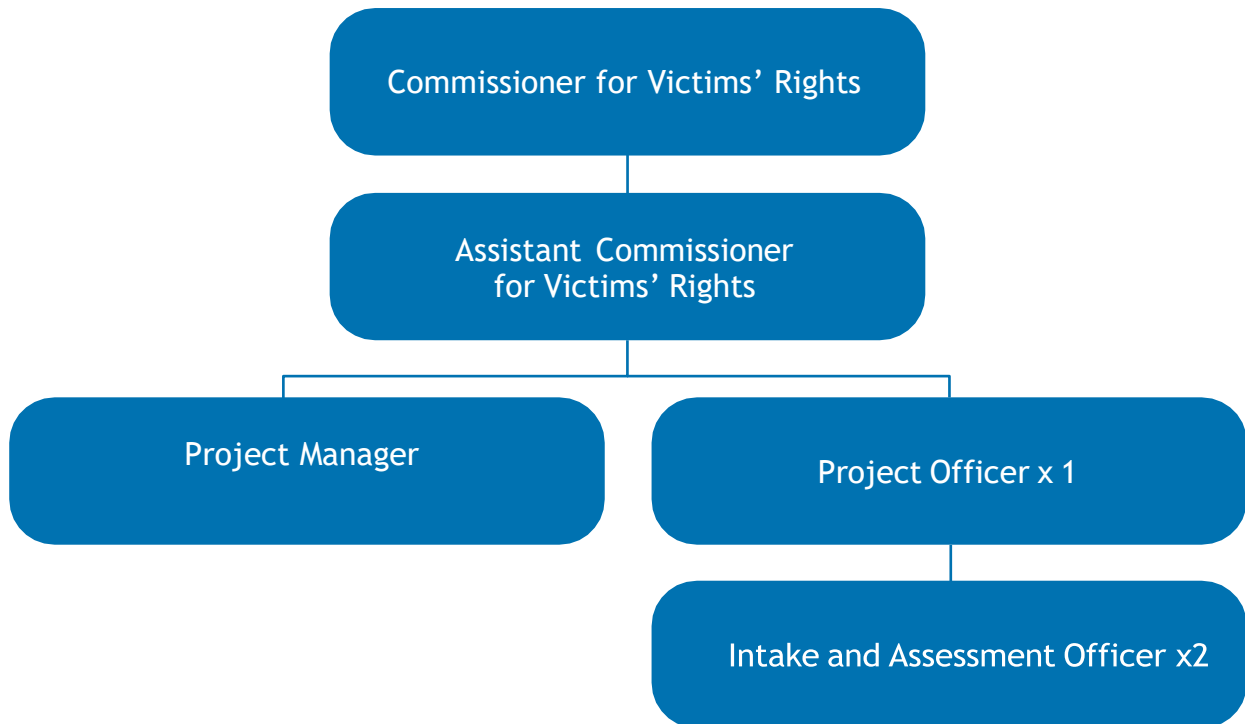
Our values

VOCSA services are responsive, inclusive and collaborative.

Our functions, objectives and deliverables

- to give statutory recognition to victims of crime and the harm that they suffer from criminal offending
 - to establish principles governing how victims of crime are to be treated by public agencies and officials
 - to help victims of crime recover from the effects of criminal offending and to advance their welfare in other ways
 - to marshal available government resources so they can be applied for the benefit of victims in the most efficient and effective way
 - to assist victims in their dealings with prosecution authorities and other government agencies
 - to monitor and review the effect of the law and of court practices and procedures on victims
 - to carry out any other functions assigned to the Commissioner under the *Victims of Crime Act 2001*, or under other Act.
-

Our organisational structure



Legislation monitored by the agency

Victims of Crime Act 2001

The agency's objectives and performance

Policy, legislation and collaboration

A key function for the Commissioner for Victims' Rights is to identify gaps in service delivery, legislation, rights or access to justice in relation to victims of crime. The Commissioner has a responsibility to marshal available government and non-government resources so that they can be applied for the benefit of victims in the most efficient and effective way.

The Commissioner continues to collaborate with SAPOL to trial a streamlined information sharing process so that more timely responses to victims can be made and efficiencies realised for SAPOL and VOCSA without any compromise to service delivery. This has resulted in fewer follow up contacts required and a timelier service for victims.

The Commissioner collaborates and liaises across government and non-government agencies, and with communities, on policy and service delivery - this has included:

Attorney-General's Department – State and Federal	Forensic Mental Health
Australian Federal Police	Commissioner for Children and Young People
Department for Correctional Services	Public Advocate
South Australian Housing Trust	Child Protection Services
Office for Women	Courts Administration
Child Protection Services	SAPOL
Office of the Director of Public Prosecutions	Relationships Australia South Australia
	Victim Support Service

The Commissioner has made submissions on proposed legislation and policy that could impact on victims. This has included:

- Age of criminal responsibility
 - Criminal Law Consolidation (Persistent Sexual Abuse of a Child) Amendment Bill 2023
 - Child Sex Offenders Registration Regulations 2007
 - Child Sex Offenders Registration (Child-Related Work) Amendment Bill 2023
 - Equal Opportunity (Domestic Abuse) Amendment Bill 2022.
 - Evidence Regulations 2007
 - Gel Blasters
 - Stalking
 - Spent Convictions (part 8A findings) Amendment Act 2023
 - Victims of Crime (Statutory Compensation) (Application Requirements) Amendment
-

Regulations 2022.

- Victim Impact Statement reforms
- Social Security (Australian Victim of Terrorism Overseas Payment) Principle 2013 review
- Statutes Amendment (Serious Vehicle and Vessel Offences) Act 2022.

National Victims of Crime Working Group

The Commissioner attended the National Victims of Crime Working Group (NVOCWG) led by the Western Australian Commissioner via teams. The Assistant Commissioner went in person to Perth.

South Australia held their second Victims' Day on September 16, 2022. We were able to hold a small morning tea function, respecting COVID-19 restrictions, where the Attorney-General spoke to victims and agencies who work to assist victims.

The working group also discusses relevant legislative amendments, innovations and processes impacting on victims. The Commissioner provided information to the group on legal funding and community impact statements, as other states and territories are interested in these reforms.

Commissioner for Victims' Rights Consultative Committee

The Commissioner for Victims' Rights Consultative Committee (CVRCC) was formed in February 2019 to invigorate and enhance innovative ways of delivering meaningful services for victims.

Meetings are held every 6 weeks but, due to COVID-19 restrictions, meetings have either been deferred or held online. The CVRCC members include victims with lived experience, victim support group representatives and government and non-government agencies.

This year the CVRCC was not as active as other years, due to the capacity to undertake some work. The committee met and discussed topics, but all work was undertaken by VOCSA and the Commissioner, limiting what could be done. With more adequate resourcing, greater work could be undertaken to identify and lobby for systemic changes.

Some of the topics discussed by the CVRCC include assistance with victim impact statements, changes required in relation to victim impact statements, victims' day, assisting vulnerable victims to make parole submissions, communication partners and discussion and updates on legislation that formed the basis for submissions by the Commissioner on behalf of victims.

Collaboration on policy and service delivery

The Commissioner has collaborated and liaised with many agencies, groups and committees in 2020-2021, including:

Adelaide University	Commissioner for Children and Young People
AGD - Policy and Community	Commonwealth Attorney-General
Legal and Legislative Services, Projects and Technology	Courts Administration Authority
Australian Federal Police	Crown Solicitor's Office (civil)
Carly Ryan Foundation	Department for Correctional Services - Victim Services Unit
Child Protection Services	Flinders University

Forensic Mental Health	South Australian Law Reform Institute
Homicide Victim Support Group (HVSG)	South Australia Police
Lawyers specialising in compensation	Statutory Authorities
Media	Victim Support Service
National Victims of Crime Working Group	Witness Assistance Scheme (WAS) ODPP
Office of the Director of Public Prosecutions	Women's Domestic Violence Court Assistance Service
Parole Board	Women's Safety Service SA
Politicians	Youth Court Stakeholders
Relationships Australia SA	Youth Justice
Road Trauma Support Team (RTST)	Youth Women's Safety and Wellbeing Division of the Women's and Children's Health Network.

Systemic issues impacting victims

The Commissioner has identified systemic issues impacting on victims that need to be addressed long term. The Commissioner continued to collaborate and consult with agencies and victims to realise changes to practices, policy and legislation that will mitigate the impact of crime on victims. In doing so, the Commissioner has made submissions advocating to the Government about important initiatives affecting victims and the delivery of services to assist them in their recovery.

Access to justice for our most vulnerable

The role of an independent Communication Partner (known as an intermediary across Australia) is to assist vulnerable witnesses, including children, who may not have the language to describe what happened to them, or even if they can do this, they struggle to disclose this to strangers. This can often lead to assumptions by those in the criminal justice system, that further investigation is not possible, and charges cannot be laid in court. Assumptions are made that a prosecution cannot go ahead because there would be no reasonable prospect of conviction, and offenders are not held to account.

Access to justice for our most vulnerable people is compromised, as often the victim is the only person who can give the account of what happened. The criminal justice system should give all victims, including disabled and vulnerable people, the same access to justice by supporting them and providing the best opportunity to give their account.

There is no barrier to using a communication partner in South Australia. The first funded scheme in 2015 was a voluntary scheme, but this was changed to a professionalised scheme in 2020. The issue is that no funding, nor coordination, nor oversight has been provided to the criminal justice sector, unlike other states where there are successful programs. This has led to agencies being unable to use the scheme and victims not being afforded the same opportunities. Other state's data demonstrate the need for the scheme to be properly implemented in South Australia, showing the benefits to victims but also the court process.

The recommendation was to fund and trial the scheme with appropriate oversight and coordination, modelled on interstate versions and experience. Most other schemes have also included

defendants, as there are often communication issues with offenders.

Despite strong lobbying by many over several years, there is no change to the current ineffective system.

Appropriate funding for VOCSA

There has been an indication that funding for VOCSA will be examined later in 2023 as to whether there will be a reduction due to funding having been provided to the Victim Support Service (VSS). A detailed report was provided to the Attorney-General about the efficiencies made to the office since my appointment, the data trends indicating a growth in workload, the lack of resourcing and unintended consequences when legislative requirements are introduced without consideration of staffing impact, and how the office functions in providing different services to all victims across the state, and on occasion, South Australian victims interstate or overseas. Further details of workload can be found in this annual report.

While case management is currently being implemented, the further efficiencies as a result of this will not be known in the short term. One of the aims of case management is to make further efficiencies to enable staff to undertake more complex and systemic work and to be able to respond to victim issues in a timelier manner.

Section 6B 16C of the *Victims of Crime Act 2001* outlines that the Commissioner will have such staff as is necessary for the effective performance of her functions. Payment for the Commissioner's salary and the salaries of other staff of the Commissioner are paid from the Victims of Crime Fund (S31(a1)) if the staff are designated by the Attorney-General as being staff to whom this provision applies. The Fund has approximately \$200 million in it.

VOCSA currently has 6 staff, including the Commissioner. Should the funding decrease and therefore staffing be reduced, services will have to be cut for victims. With appropriate funding there is so much more the office could do to assist victims of crime and meet the Commissioner's obligations outlined in the Act. At the time of writing this annual report, it is unclear what the future funding of the office will be, and consequently, what services will continue to be delivered.

Financing suicide clean-ups

Suicide is not a crime. VOCSA assists with crime scene clean-ups for murders and other violent crimes. On occasion, there is a request to assist with suicides which has presented difficulties as the Victims of Crime Fund is specifically for crime victims. For several years, the Commissioner has been advocating for funds to enable clean-up support when required at suicides. No one should suffer the trauma associated with confronting the scene where their loved one died and be required to clean and restore the area. This situation creates additional trauma, distress and a financial burden for families and friends.

This year, SAPOL and the Commissioner jointly met with Nadia Clancy MP, the Premier's Advocate for Suicide Prevention and Joe Szakacs MP, the Minister for Police, Emergency Services and Correctional Services and are collaborating on a way forward.

Change of terminology

A proposal to change the terminology 'not guilty due to mental incompetence' has been submitted so that the views of victims are more appropriately reflected, recognising the trauma suffered by them. It is particularly painful for victims to hear 'not guilty' when the person committed the act that resulted in the death of a loved one. In 2020, NSW changed the terminology they use to better reflect the circumstances – using the finding of '*act proven but not criminally responsible*'. Words matter and this would more appropriately reflect the situation while acknowledging their trauma.

Forensic procedures

Concerns were raised by Health professionals working with victims about some of the requirements of the legislation in the *Criminal Law (Forensic Procedures) Act 2007*. The Commissioner provided a report to the Attorney-General outlining these concerns and requesting some consideration of changes to the Act.

Longer term funding for Child Protection Services (CPS)/Forensic Mental Health Register

Health Child Protection Services (CPS) provide specialist assessment and treatment services to children from birth to 18 years and their families where there is a suspicion of child abuse, psychological maltreatment and/or neglect. The Commissioner advocated for existing funding to be provided on a longer cycle so that there could be longer term sustainable service delivery to victims.

The Commissioner advocated the same for the funding of a position at the Forensic Mental Health victim register.

Both were agreed.

Recommendation to increase funding for victims of crime counselling to ensure adequate capacity for service

Relationships Australia South Australia (RASA) currently provide counselling for victims of crime through their *Rebuild* program. At the time of writing this report, the result of the most recent tender is not announced.

The Commissioner provided information to the Attorney-General on his appointment about the need for greater funding for the counselling service. As when VSS provided the service, there is a wait list to access counselling, which was counterproductive to an early intervention philosophy to reduce trauma and assist victims to recover from the crime. The funding had been significantly cut in 2020, but more rigorous data collection, demonstrated a clear need for increased funding both in the short term and longer term.

Regional forensic medical examinations - sexual assault

The Commissioner provided a report to the Attorney-General and the Minister for Health with concerns about access to forensic medical examinations in regional areas. Many victim issues cross different service providers, agencies and officials.

Information, education and community engagement

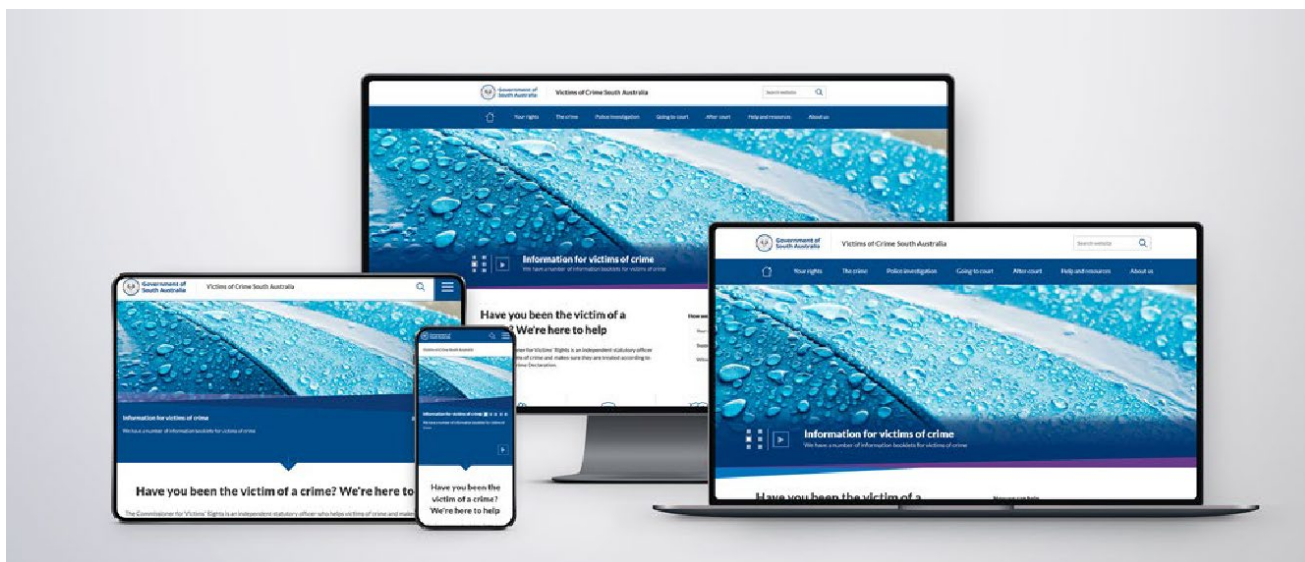
Website

The VOCSA website (www.voc.sa.gov.au) provides information for victims on the Declaration of principles governing treatment of victims, as outlined in the *Victims of Crime Act 2001*. These principles should govern the way victims are dealt with by public agencies and officials.

The criminal justice system can be complex and confusing. The information on the website can help victims understand what to expect, from reporting a crime through to the outcome of the court process and beyond. It also provides advice of where support can be obtained, amongst other information.

Our change of name to “Victims of Crime South Australia” (VOCSA) to reflect that the priority is on victims and not the Commissioner has made it easier for victims to find our services and emphasises our commitment to victims.

Our website has enabled greater flexibility, with editable forms able to be accessed – these enabled improvements in access to victim impact statements.



Publications

VOCSA publications are used not only by victims, but also by many government and non-government agencies who provide support and services to victims.

Our publications continue to be rewritten and updated to be more concise and accessible. We are consulting with people with lived experience and experts in doing so.

As trends are identified by victim issues, we produce or update our publications. We had previously identified and introduced more appropriate ways to manage our publications so that there is less wastage, and they are able to be updated as required. We are finalising an information booklet relating to those cases involving mental impairment. All our publications can be downloaded from the website and are also available in hardcopy.




Media

The Commissioner has engaged with media and provided opinion and discussed a wide range of victim topics through radio, television and online and print media, raising community awareness of victim issues.

Social Media

VOCSA is on Twitter, with the three top tweets this year being;

Date	Topic
3/8/22	<p>In preparing our Community Impact Statement we worked closely with the Joint Anti Child Exploitation Ream and acknowledge their exceptional work – they are often exposed to awful content in bringing offenders to justice and protecting children @SAPoliceNews</p> <p>@AusFedPolice</p> <p>@mikelorigan</p> <p>Aug 3, 2022</p> <p>BREAKING: 67-year-old retired public servant Ian Schapel, who pleaded guilty to 50 serious child sex offences, including paying to watch overseas children abused on Skype, has been sentenced to 16 years jail with a non-parole period of 10 years. @9NewsAdel</p>
21/8/22	<p>Today, 20 years after the Bali bombings & on the International Day of Remembrance & Tribute to the Victims of Terrorism, the message is that victims and survivors of terrorism must always be heard and never forgotten. Let's remember them today and always.</p>

	 <p>August 21 International Day of Remembrance and Tribute to the Victims of Terrorism</p>
16/8/22	<p>Editing of victim impact statements causes victims distress – the Commissioner is currently working on a submission for the Attorney-General. Murder victim Joanne Lillecrapp’s family edited and censored by SA prosecutors https://adelaide.com.au/truecrimeaustralia/police-courts-sa/joanne-lillecrapp-murderer-given-new-nonparole-period-despite-drug-breaches-grieving-family-censored-by-sa-prosecutors/news-story/55ff310ae60904e28293811b3612db6b... via @thetiser</p>

Training

VOCSA has developed and conducted a number of training and awareness courses to improve services for victims. As well as providing training and awareness in partnership with SAPOL for victim contact officers, prosecution, child and family violence investigators, detectives and recruits, we have also given presentations to other professionals, including the crown solicitors who manage compensation. We have also presented at university courses.

It is important that training is ongoing, as there is a general decline in the way that victims’ rights are being managed by SAPOL, as is obvious in the advocacy matters. The Commissioner continues to engage with SAPOL about their service for victims.

Improvements for victims

My responsibilities, as outlined in section 3 – the objects of the *Victims of Crime Act 2001*, directly relate to assisting in the prevention of crime, advancing the interests of victims of crime and helping them to recover from the crimes.

The table below outlines how some of my functions align with these responsibilities and the Act.

Section 31 the Act	Functions
Assist in the prevention of crime	<p>Education, crime prevention work with SAPOL and Crimestoppers, security installations for victims including phone applications and hardware</p> <p>Intervene in extended supervision orders for S269 offenders, and in Parole Administration Commissioner’s Review (PARC)</p> <p>Member of SafeWork SA Advisory Committee Meeting</p>
Advance the interests of Victims of crime	<p>Represent victims in grievances with agencies and officials, and advocate on behalf of victims when their rights are breached</p> <p>Provide submissions, and comment on legislation on behalf of victims to SA Government and nationally.</p> <p>Provide legal representation to appropriate victims to represent their interests</p> <p>Recommend changes to legislation to benefit victims</p> <p>Help victims navigate the complex criminal justice system</p> <p>Ensure victims are notified of the first court date of their offence, as is their right</p> <p>Train SAPOL prosecutors, recruits, Family and Domestic violence officers, Victim Contact officers and Detectives</p> <p>Organise and hold ‘Victim’s Day’ in South Australia to promote victims’ rights</p> <p>Formed a Commissioner’s Consultative Committee, with agencies and victims to advance the interests of victims</p> <p>Work with victims regarding the Prisoner Compensation Quarantine Fund.</p>
Benefit victims of crime	<p>Provide community impact statements in sentencing to give a voice to victims not represented as per legislation enabling me to do this (e.g., child exploitation matters in conjunction with the Joint Anti Child exploitation team JACET – AFP and SAPOL, murders affecting CALD communities, arson in regional areas) and the Carly Ryan Foundation.</p> <p>Coordinate victim impact statements, including assisting vulnerable victims</p> <p>Negotiate and refer victims to agencies – government and non-government – for assistance, for example, Relationships Australia South Australia (RASA) for counselling support</p> <p>Negotiate with government to fund appropriate services for victims of crime from the Fund</p>

	<p>Contact and assist victims of life sentenced prisoners to make a submission to the parole board when parole being sought. (Also assist other vulnerable victims)</p> <p>Contact and assist victims of life sentences prisoners to make a submission to the parole board when prisoners who have been released on parole breach their conditions.</p> <p>Contact and assist victims of S269 perpetrators when application is made to return to the community to represent their interests</p>
Help victims recover from the effects of crime	<p>Provide discretionary funding to assist victims recover from the effects of crime, including funeral funding for murder victims, crime scene clean up, security funding, psychological gap payment, relocation for safety reasons, referral for counselling to RASA or Road Trauma Support Team (RTST)</p>

Office efficiencies

During my term as Commissioner, I have made a number of changes to the office to ensure that efficiencies were made that benefited victims, as well as staff, but also ensure that proper governance was in place.

Some efficiencies have included:

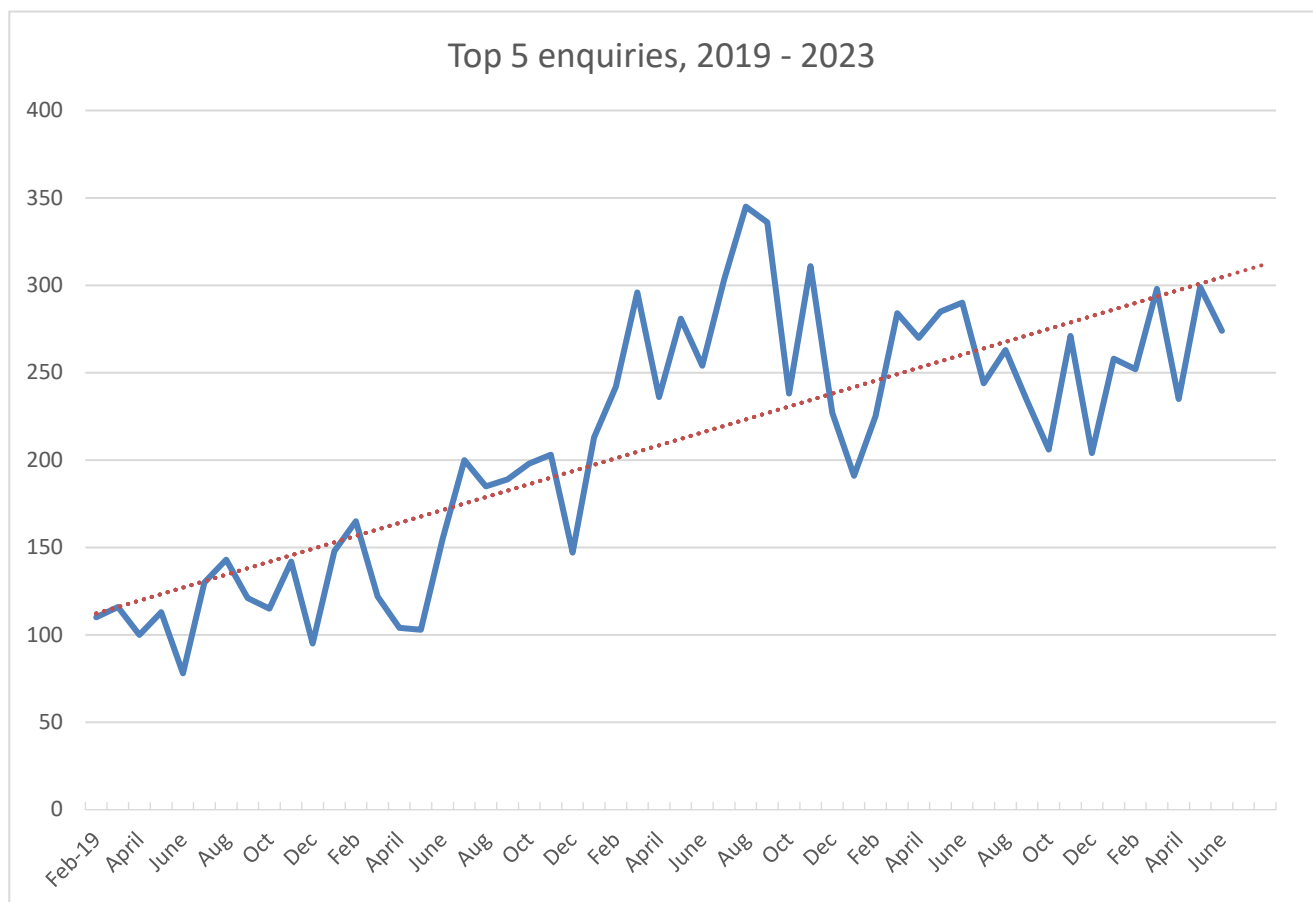
- Development and implementation of policies and process maps to guide decision making and equitable service delivery for victims – enabling any staff to deal with enquiries
 - Development and implementation of policies, processes to manage financial decisions and payments to victims of crime and agencies assisting victims – streamlining service delivery
 - Movement of existing funding agreements to AG Policy and Community for more appropriate management with advice on funding from the VOCSA office
 - Streamlining and simplifying the production, distribution and availability of publications and information for victims, and making the website clearer and more accessible
 - Using technology to enhance processes for victims and victim agencies, including editable PDFs on the website – these enabled others to manage processes without having to contact the office, thereby freeing staff and police workload
 - Moving the office from hard copy to digital, so that all victim files can be accessed by all staff to provide updates, rather than relying on the availability of one person
 - Using existing software to collect meaningful data to demonstrate our services for annual reporting, funding and other requirements so that other efficiencies such as case management can be implemented
 - Producing an annual report that is publicly available for transparency and educating the public of our services and available resources, particularly via the website
 - Developing, and obtaining funding for a case management system to further make efficiencies in the office and ensuring victim assistance is provided in a timely manner
 - A one SAPOL contact point for obtaining information to confirm victim status and provide information so that appropriate decisions can be made by the Commissioner (e.g., requests for discretionary funding)
-

- Clarifying roles within the office and development of an intake process and a daily triage meeting to discuss and allocate the workload among staff and decide on discretionary funding for actioning.
- Secondment of staff from Fines Enforcement Unit (FERU) to the office for their development and to assist with intake and assessment, as FERU and VOCSA staff handle similar traumatised clients.
- Placement of an Adelaide University law/criminology student and a Flinders University Masters Social Work student in the office to assist with their development and with intake and assessment
- Formation of a Commissioner’s Consultative Committee with agencies and victims to progress and discuss victim issues in a problem solving and collaborative manner.

Workload

Workload data has been collected since February 2019 so that evidence can be provided to ensure that core business is undertaken, and that adequate funding is provided to ensure services for victims are robust and equitable. This data is rudimentary and will be enhanced by the introduction of case management.

However, it is clear that there are more victims assisted, the need for VOCSA has increased, and funding to other services who undertake different work, has made little difference to the workload of VOCSA. COVID-19 had an impact on our workload, but since restrictions have been removed, the workload remains high. More victims of historical crimes and complex matters have been coming forward for assistance. Crime has risen and victims are seeking more support.



The ‘top five’ categories relate to the five primary enquiry types of State funded compensation (victim and lawyer), Discretionary funding, Criminal justice sector and counselling. This is only a snapshot of the work undertaken by VOCSA.

Case management system

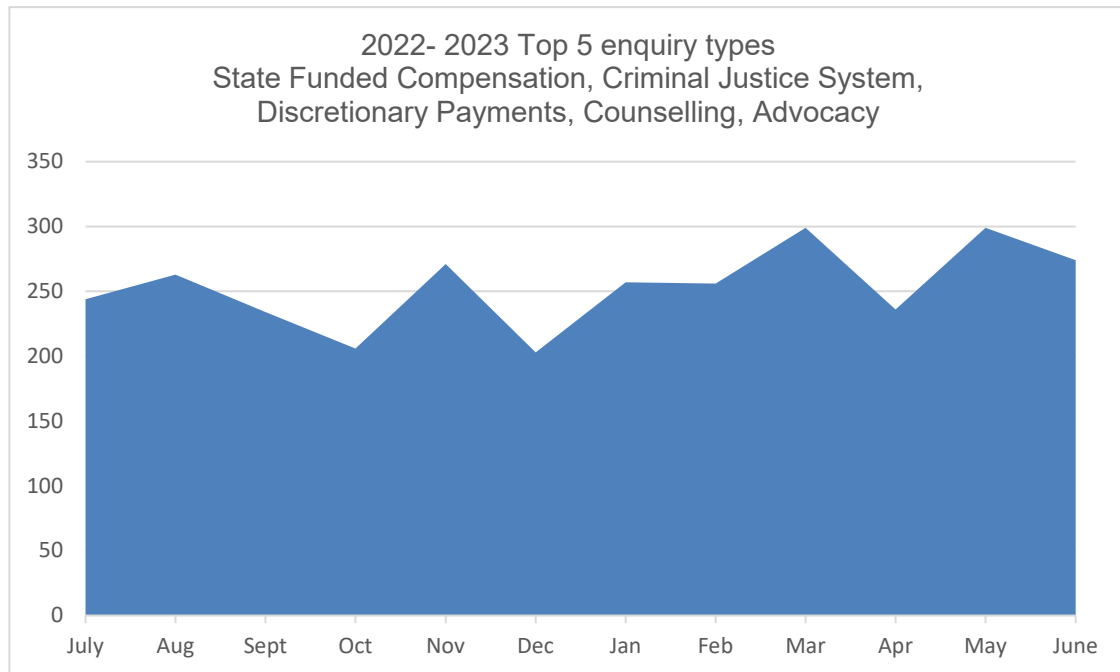
A provider was selected for a case management system for the office, and after some delay with contractual negotiations, VOCSA has been heavily involved in the development of a system that will ensure more timely advice to victims, as well as making further efficiencies to our work.

Data will enable trends to be analysed to identify gaps in victim services so that the Commissioner can advocate for improvements for victims. This system will go live in the 2023-2024 year.

Victim assistance

The Commissioner for Victims' Rights 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.

During the year, VOCSA dealt with:



The data above is only a snapshot of the work undertaken by the office in the top 5 victim enquiries:

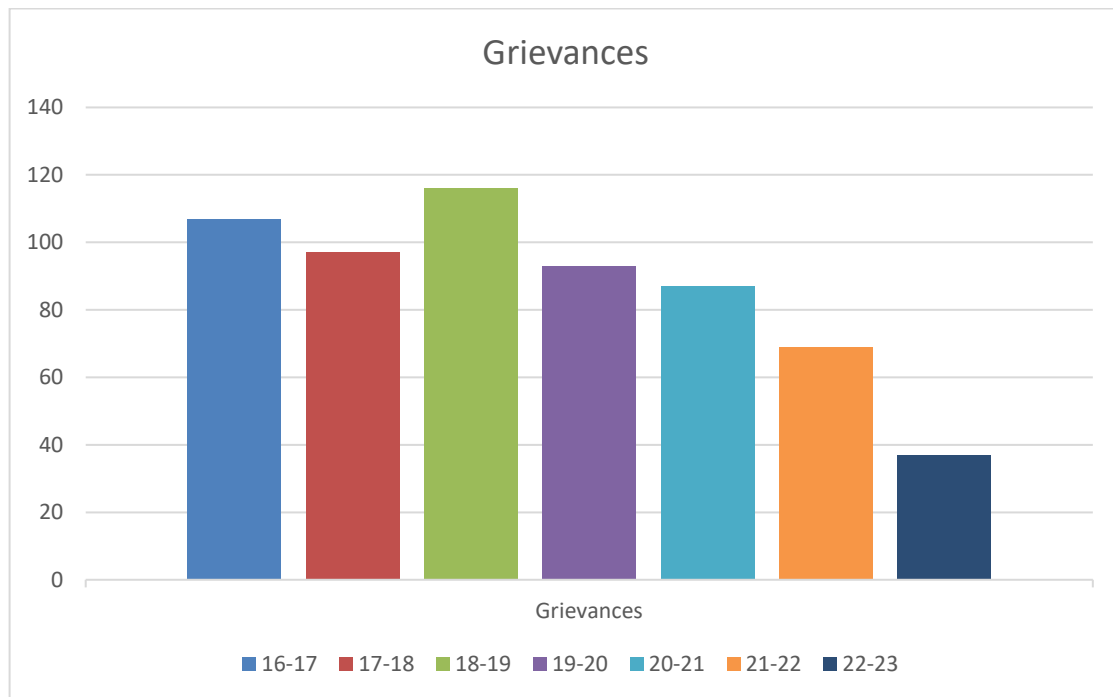
The 3,042 enquiries from victims generated 10,104 subsequent contacts by VOCSA, with a 3.3 average number of follow-ups for each enquiry. The average number of days those enquiries took to be completed was 5.5, and 98% were completed.

The office also undertakes a significant amount of work on a regular basis that is not captured by the data above. This includes dealing with grievances, making parole submissions, community impact statements, updating publications, commenting on legislation, securing court documents for victims, dealing with the media and assisting with victim impact statements.

Helping victims in their dealings with prosecution authorities and other government agencies and officials

Some people have a complaint about how they have been treated or supported as a victim of crime. If the victim is not satisfied with how an agency has resolved their complaint, they can contact the Commissioner who assists victims dealing with public authorities and the justice system and consults regarding the treatment of victims to ensure that the Declaration of Principles Governing Treatment of Victims has not been violated.

In 2022 - 2023 VOCSA received 37 grievances.



Most grievance matters relate to victims not being kept informed, not being consulted if charges are downgraded, withdrawn or not proceeded with and not being able to complete their victim impact statements.

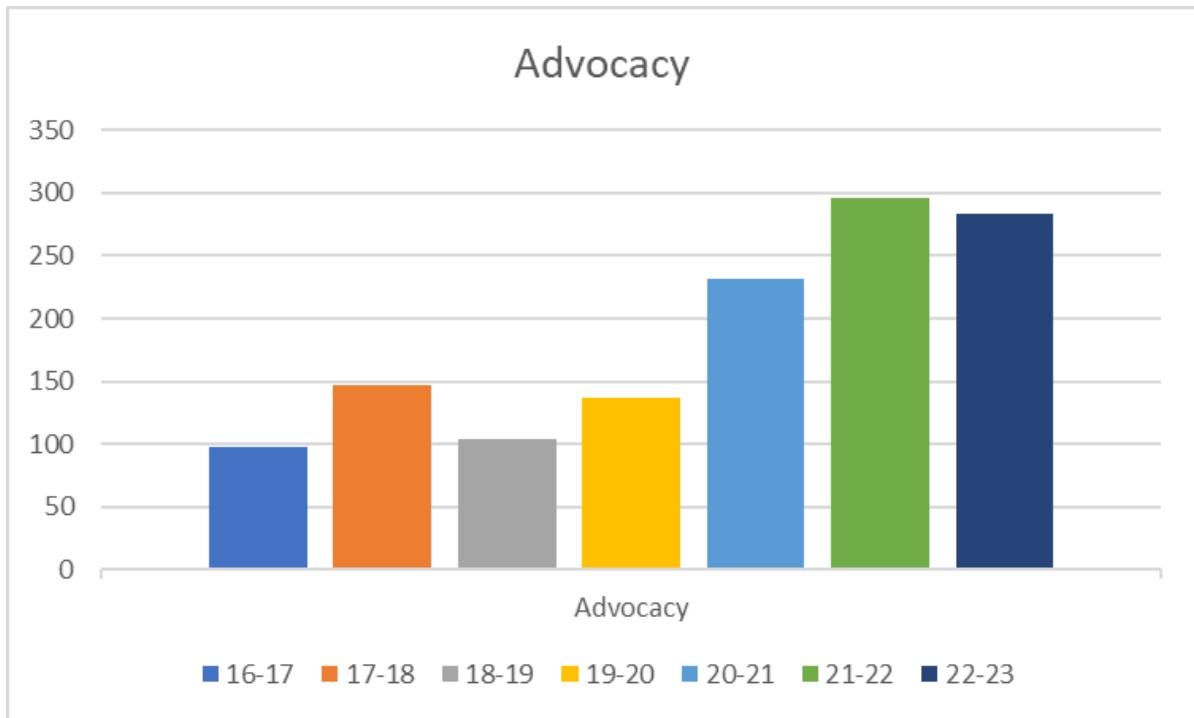
- VOCSA has liaised with many agencies to resolve victim grievances including:
 - SafeWork SA
 - South Australian Housing Authority (SAHA)
 - SAPOL
 - Office of the Director of Public Prosecutions
 - Crown Solicitor's Office
 - Department for Correctional Services
 - Courts Administration Authority
 - Members of Parliament
 - Attorney-General's Department
 - Coroner's Court
 - Department of Human Services
 - some media agencies.

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.

Advocate on behalf of victims

Some victims require assistance in navigating the criminal justice system and interacting with other agencies. The Commissioner can consult with agencies and officials, and advocate on behalf of victims.

In 2022 - 2023 the Commissioner for Victims' Rights received 284 requests from victims seeking advocacy.



Some advocacies become grievances when agencies do not properly respond to the issues. The Commissioner always attempts to advocate and solve victim issues prior to formally implementing grievances with agencies and/or officials. This is of more benefit for all involved.

Provide discretionary funding to benefit victims and to assist in the recovery from the impact of crime

Each discretionary payment application is assessed before a determination is made by the Commissioner and includes consultation with SAPOL and other agencies.

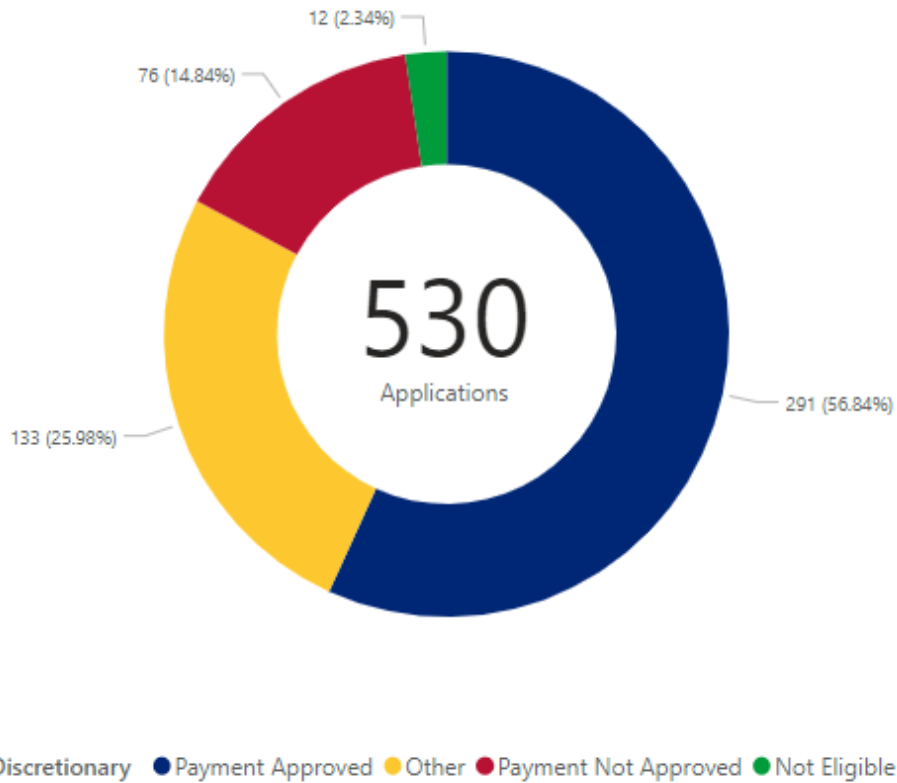
Of those applications that were approved, below is a snapshot of some of the types of assistance provided to victims:

- relocation to enable victims to stay safe
- payment for some emergency medical costs
- additional security to increase the safety of victims of crime in their homes
- payment of funerals for victims who have died as a result of murder.

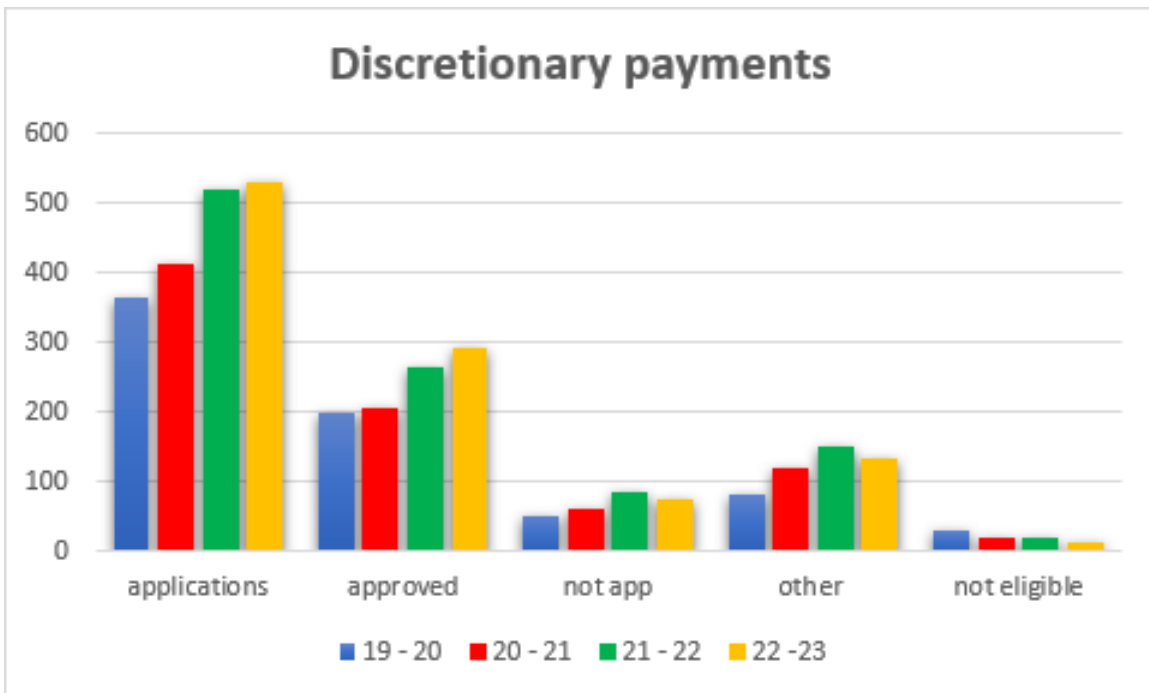
For the 2022 - 2023 period there have been 520 applications to the Commissioner for Victims' Rights for discretionary payments, of which 291 were approved.

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

No. of enquiries by discretionary



‘Other’ includes applications where assistance is no longer required by the victim, or VOCSA are unable to contact the victim and have had no further contact from the victim regarding assistance.



Managing discretionary payments are quite complex and have a considerable impact on the workload of the office, as quotes, payments, bookings, agreements and funding have to be agreed with providers and approved by the Commissioner. Providers have to be registered and receipts

processed through Government systems. All this is completed by VOCSA staff, often in a limited timeframe. However, the ability to assist victims in times of crisis with immediate assistance when able to, is invaluable.

Assist victims in making submissions to the Parole Board

When a life-sentenced prisoner lodges an application for release on parole, the Commissioner for Victims' Rights makes a submission to the Parole Board representing the co-victims or those affected.

The Commissioner is legislated to assist co-victims of life sentenced prisoners – those convicted of murder. VOCSA also assists victims of manslaughter and cause death matters and other vulnerable victims on occasion.

VOCSA contacts victims to seek their views to present them to the parole board. On occasion the office supports the victim at the parole board hearing. VOCSA takes all reasonable steps to contact any co-victims to obtain their views so that their comments can be collated into the submission.

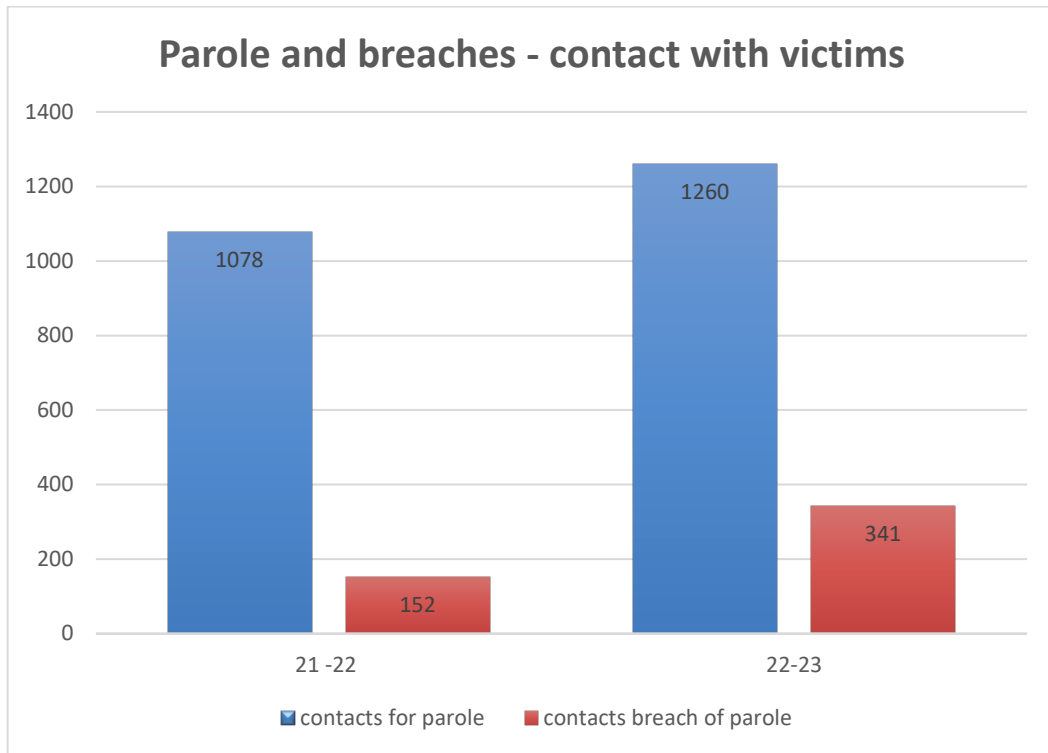
All submissions must meet strict timelines to be considered by the Parole Board. Following the Parole Board determination, all co-victims must be contacted and advised of the outcome and any conditions imposed. The Commissioner must then decide whether to ask for a review by the Parole Administrative Review Commissioner (PARC).

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

For the 2022 - 2023 period, there have been 1,260 contacts to co-victims and agencies by the VOCSA office in relation to 75 parole matters for life-sentenced prisoners.

In late 2021, legislation was changed to enable VOCSA to represent victims where life sentenced prisoners breached their parole conditions. This is a welcome change for victims, but this was not resourced in the office, and has significantly added workload as these offenders continue to breach. The process reflects the parole submission process with victims requiring contact, and advice of the outcome.

In 2022 – 2023 there have been 30 breach matters, with 341 victim contacts made. This is a valuable voice for victims but has increased the workload on the office.



Assist victims to prepare victim impact statements

VOCSA has responsibility for coordinating assistance for victim impact statements. Writing a victim impact statement is one of the few opportunities victims have to participate in criminal proceedings and victims often describe this as empowering. It is therefore the philosophy of VOCSA to support victims and increase their capacity to write their own statements. Information and support are provided to victims to enable them to write their own statement.

Where a victim is vulnerable and requires additional support VOCSA will triage the request. Some victims have been referred to agencies already engaged with the victim whilst some have been assisted by VOCSA staff who can provide the appropriate support and guidance for those with complex communication needs.

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.

Assist victims by preparing community impact statements

The Commissioner has prepared a number of community impact statements this year.

The Commissioner has partnered with the Joint Anti Child Exploitation team (JACET) and the Carly Ryan Foundation to provide community impact statements (CIS) to the court during sentencing to give victims who may be unknown, a voice in the proceedings. They highlight the significant damage and that there are real victims behind these offences, often completed using the internet. The CIS are all evidence based and have been submitted for different child exploitation situations.

The CIS not only represent the victims but also are instrumental in educating the judiciary, prosecution and others who report on them.

It is evident that the CIS are having some impact, as they are being referred to in sentencing comments by Judges and are now being requested as part of sentencing hearings, as opposed to the Commissioner initiating them. Judgements reflect that Judges and magistrates have considered them in their sentencing.

The legislation is a powerful tool for the Commissioner to represent victims, as well as educate the judiciary and others.

The Commissioner, with the assistance of legal counsel, has been successful in having Commonwealth courts accept the CIS in proceedings. The Commissioner has raised the CIS with the National Working Group as there has been interest from around Australia regarding implementing this in other jurisdictions. At the moment, the Commissioner has a legislated right to submit them, but other jurisdictions do not.

In addition, the Commissioner has submitted other CIS relating to murder, arson and other offences. These continue to be significant in assisting victims to have a voice in proceedings.

Other work

The Commissioner has applied for two extended supervision orders in the Supreme Court relating to Section 269 transitioning offenders.

In addition, the Commissioner funds private lawyers for some victims, in line with Treasury Instructions. The processes to ensure this is done in a proper manner have been implemented and are completed on each occasion by the Commissioner.

The Commissioner is a member of various committees that work with victims or are involved in victim issues. The Commissioner was recently included on the Safework SA Advisory committee, and amongst others, also attends the:

- Working Group on the discontinuance of S20A CLCA 1935 changes (strangulation laws)
- Problematic Sexual Behaviours Advisory Group
- Public Advocate clients and Domestic Family Violence working group
- SA Statewide Child Protection Services Interagency collaborative committee
- Trusted advisory group to support development of National Principles on coercive control (Federal)
- Youth Court stakeholders meeting
- Intervention Programs Consultative Committee
- the National Working Group (Victim Commissioners).

Being involved in these committees is important for victims.

