

## Systemic inquiry—Victims as participants in the justice system

### Terms of reference

#### ***The Victims of Crime Commissioner’s systemic inquiry powers***

The Victims of Crime Commissioner is empowered under section 13(1)(b–c) of the *Victims of Crime Commissioner Act 2015* (Vic) to carry out inquiries on systemic victim of crime matters and report to the Attorney-General on any systemic victim of crime matter.

#### ***Background***

Since 2018, the *Victims’ Charter Act 2006* (Vic) (Victims’ Charter) has recognised victims as a participant, but not a party, in proceedings for criminal offences. Specifically, the Victims’ Charter was amended in 2018 to create:

- a new object of the Victims’ Charter recognising that a victim of crime has an inherent interest in the response by the criminal justice system to that crime, giving rise to the rights and entitlements set out in this Act, and to acknowledge the victim's role as a participant, but not a party, in proceedings for criminal offences
- a requirement for investigatory, prosecuting and victims’ services agencies to respect the rights and entitlements of victims as participants in proceedings for criminal offences.

These changes followed the 2016 report of the Victorian Law Reform Commission (VLRC), *Victims of Crime in the Criminal Trial Process*, which recommended that the role of the victim as a participant in criminal proceedings be legislatively and ‘operationally recognised’.

Little is known about how victims in Victoria are experiencing these new participatory entitlements and whether, as envisaged by the VLRC, these entitlements are resulting in tangible improvements to victims’ status as a participant in the justice process.

#### ***Scope of the inquiry***

Pursuant to the Commissioner’s own motion powers under section 23 of the *Victims of Crime Commissioner Act 2015*, the Victims of Crime Commissioner is undertaking a systemic inquiry into victims as participants in the justice system.

The inquiry will consider:

- victims' views on what 'participation' means to them at key stages of the justice process, including whether the current scope of participatory rights meet their justice needs
- victims' views on how the current (legislated) participatory rights translate to meaningful participation at key stages of the justice system, including any barriers experienced by victims
- the respective roles of various justice and victims' services agencies in upholding victims' participatory rights, and whether the necessary processes have been put in place to meet victims' legislative participatory rights
- justice sector and victims' services views on victims' participation in the justice process, including their views on any barriers to victim participation and associated impacts on the justice system and scope of their role or operations
- victims' and other stakeholder's views on whether further reforms are required to enable meaningful participation by victims of crime, whether involving legislative reform, cultural change, procedural or service system delivery
- approaches to victim participation in other jurisdictions and academic and other literature on best practice approaches to victim participation
- whether the rights tools and systems are in place to measure victims' participation in the justice system, and their satisfaction with their participation in the justice system
- any other matters of relevance to consideration of victims' participatory rights in Victoria.

***Further information***

Call 1800 010 017 or email [enquiries@vocc.vic.gov.au](mailto:enquiries@vocc.vic.gov.au)