



Australian Capital Territory

# Victims of Crime Act 1994

**A1994-83**

**Republication No 29**

**Effective: 1 July 2025 – 1 January 2026**

Republication date: 1 July 2025

Last amendment made by [A2024-16](#)  
(republication for amendments by [A2023-45](#))

## About this republication

### The republished law

This is a republication of the *Victims of Crime Act 1994* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 1 July 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2025.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Victims of Crime Act 1994

## Contents

	Page
<b>Part 1 Preliminary</b>	
1 Name of Act	2
2 Dictionary	2
3 Notes	2
3A Offences against Act—application of Criminal Code etc	2
3AA Objects of Act	3
<b>Part 2A Important concepts</b>	
6 Who is a <i>victim</i> ?	4
7 Meaning of <i>administration of justice</i>	5
8 Meaning of <i>justice agency</i>	6
<b>Part 3 Victims of crime commissioner</b>	
11 Functions	8
13 Attendance at criminal proceedings	9

R29  
01/07/25

Victims of Crime Act 1994  
Effective: 01/07/25-01/01/26

contents 1

	Page
<b>Part 3A</b>	
<b>Victims rights</b>	
<b>Division 3A.1 Preliminary</b>	
14 Object—pt 3A	10
14A Meaning of <i>victims rights</i>	10
14AA Application of victims rights to victims under div 3A.3A	10
14B Definitions—pt 3A	11
<b>Division 3A.2 Victims rights—respect, privacy and safety</b>	
14C Respectful engagement with victims	12
14D Respectful engagement with child victims	13
14E Contact with victims	13
14F Victims' privacy	14
14G Storage and return of victims' property	15
14H Victims' appearance at preliminary or committal hearings	15
14I Minimising victims' exposure to accused etc	16
14J Minimising registered victims' exposure to offenders etc	17
<b>Division 3A.3 Victims rights—access to support, services, legal and financial assistance</b>	
15 Referral of victims to support services	18
15A Provision of aids or adjustments to victims	19
15B Victims may request referral of offences to restorative justice	20
15C Reimbursement and financial assistance for victims	21
<b>Division 3A.3A Victims rights—harm statement etc</b>	
15CA Definitions—div 3A.3A	21
15CB Application—div 3A.3A	22
15CC Harm statement—who may make a harm statement	23
15CD Harm statement—form and contents	23
15CE Harm statement—presentation to panel	24
15CF Harm statement—use by panel	25
15CG Harm statement—relevant entity to tell victims about harm statement	25
15CH Information disclosure to victim of harmful behaviour	26
<b>Division 3A.4 Victims rights—information about administration of justice processes</b>	
15D Police to tell victims about administration of justice processes after offence reported	27

		Page
15E	DPP to give information to victim witnesses	28
15F	Police and DPP to tell victims about victim impact statement	28
15G	DPP to tell victims about decisions to discontinue prosecution and review of decisions	29
15H	Justice agencies to tell eligible victims about victims register etc	30
15I	Justice agencies to tell victims about justice agency complaints and victims rights concerns	31
<b>Division 3A.5</b>	<b>Victims rights—information about investigations, proceedings and decisions</b>	
16	Police to give written confirmation to victims reporting offences	32
16A	Police to update victims about status of investigations	32
16B	DPP to consider victims' views about dealing with charges	33
16C	Police and DPP to update victims about bail decisions	35
16D	DPP to tell victims about hearings	35
16E	DPP to tell victims about reparation orders	36
16F	DPP to tell victims about outcomes of trials and appeals	37
16G	Justice agencies to tell victims about inquiries for parole or release on licence	37
16H	Justice agencies to tell victims about parole or release on licence decisions	39
16I	Justice agencies may give information about offenders to registered victims	40
16J	Justice agencies to tell registered victims about transfer etc of detained offenders	41
16K	Adult offender victims register unit to tell victim about intensive correction orders	42
16L	DPP to tell victims about court requirements and orders relating to offender's mental health	43
16M	ACAT to tell victims about mental health orders etc	45
16N	Affected person register unit to tell victims about affected person register etc	46
<b>Division 3A.6</b>	<b>Victims rights—participation in proceedings</b>	
17	Justice agency to present victims' concerns about protection in bail submissions	47
17A	Victims may make victim impact statements	48
17B	Corrective services unit to consider victims' views about pre-sentence report or intensive correction assessment	48

## Contents

---

	Page
17C	Victims may be in courtroom for proceedings 49
17D	Victims may make submissions for parole or release on licence inquiries 49
17E	Victims may give statement to ACAT for mental health orders etc 51
17F	Affected person register unit to assist victims to participate in order hearings 51
17G	Victims may participate in restorative justice 52
<b>Division 3A.7 Implementing victims rights</b>	
<b>Subdivision 3A.7.1 Complying with victims rights</b>	
18	Justice agencies must comply with victims rights 53
18A	Other entities should have regard to victims rights 53
18B	Victims' representatives 54
18C	Justice agencies to tell victims about administration of justice processes 55
<b>Subdivision 3A.7.2 Complaints and concerns about victims rights</b>	
18D	Victims may make justice agency complaints to justice agencies 55
18E	Justice agencies to deal with justice agency complaints 56
18F	Victims may raise victims rights concern with commissioner 57
18G	Commissioner to deal with victims rights concerns 58
<b>Division 3A.8 Miscellaneous</b>	
18H	Justice agencies to make victims rights guidelines 59
18I	Justice agencies to include justice agency complaints in annual report 59
18J	Commissioner to include victims rights concerns in annual report 60
18K	Legal rights not affected 61
18L	Review of victims rights 61
<b>Part 4 Victims services scheme</b>	
19	Victims services scheme—establishment 62
20	Victims services scheme—eligibility 62
21	Victims services scheme—annual report 62
22	Victims services scheme—access to information and protection of privacy 63

	Page
<b>Part 4A</b>	<b>Victims advisory board</b>
<b>Division 4A.1</b>	<b>Establishment and membership</b>
22A	Establishment of board 64
22B	Functions of board 64
22C	Membership of board 64
22D	Appointed members of board 65
22E	Chair 66
22F	Conditions of appointment generally 66
22G	Term of appointment 66
<b>Division 4A.2</b>	<b>Proceedings of board</b>
22H	Time and place of meetings 67
22I	Procedures governing conduct of meetings 68
22J	Disclosure of interests 68
<b>Part 5</b>	<b>Victims services levy</b>
23	Meaning of <i>offence</i> —pt 5 69
24	Imposition of victims services levy 69
26	Levy not to be reduced 69
27	Effect of appeal etc 70
<b>Part 6</b>	<b>Miscellaneous</b>
28	Protection from liability 71
29	Secrecy 71
29A	Delegation by chief police officer 73
30	Regulation-making power 73
<b>Dictionary</b>	<b>74</b>
<b>Endnotes</b>	
1	About the endnotes 78
2	Abbreviation key 78
3	Legislation history 79

## Contents

---

		Page
4	Amendment history	84
5	Earlier republications	95



Australian Capital Territory

# Victims of Crime Act 1994

---

An Act relating to victims of crime and other harmful behaviour

---

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Victims of Crime Act 1994*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

### 3A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1* *Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

**3AA      Objects of Act**

The objects of this Act are to—

- (a) acknowledge the central role of victims in the criminal justice process; and
- (b) contribute to upholding the safety, privacy and dignity of people adversely affected by crime and other harmful behaviour; and
- (c) help victims deal with the effects of criminal offences and other harmful behaviour; and
- (d) acknowledge, promote and uphold the rights and interests of victims in the administration of justice; and
- (e) recognise and establish appropriate ways for agencies involved in the administration of justice to engage with victims in order to minimise adverse outcomes and prevent trauma for victims; and
- (f) establish requirements for monitoring and reviewing victims rights.

## Part 2A Important concepts

### 6 Who is a *victim*?

- (1) In this Act (other than division 3A.3A):

***victim*** means a person who suffers harm because of an offence and includes—

- (a) a person (the ***primary victim***) who suffers harm—
    - (i) in the course of, or as a result of, the commission of an offence; or
    - (ii) as a result of witnessing an offence; and
  - (b) a family member, of the primary victim, who suffers harm because of the harm to the primary victim; and
  - (c) a person who is financially or psychologically dependent on the primary victim and who suffers harm because of the harm to the primary victim; and
  - (d) the following people under the *Victims of Crime (Financial Assistance) Act 2016*:
    - (i) a primary victim;
    - (ii) a related victim;
    - (iii) a homicide witness; and
  - (e) if a person mentioned for this definition is a child or legally incompetent person—a guardian of the child or legally incompetent person.
- (2) However, a ***victim*** does not include a person who suffers harm because of an offence he or she committed or is alleged to have committed.

(3) In this section:

***guardian*** means—

- (a) for a child—a parent, a legally appointed guardian of the child or someone else with parental responsibility for the child under the *Children and Young People Act 2008*, division 1.3.2 (Parental responsibility); or
- (b) for a legally incompetent person—a person who is—
  - (i) a legally appointed guardian of the legally incompetent person; or
  - (ii) an attorney, appointed under an enduring power of attorney that has become operative, for the legally incompetent person.

***harm*** includes 1 or more of the following:

- (a) physical injury;
- (b) mental injury or emotional suffering (including grief);
- (c) pregnancy;
- (d) economic loss;
- (e) substantial impairment of a person's legal rights.

***legally incompetent person*** means an adult who is subject to—

- (a) an enduring power of attorney that has become operative; or
- (b) a guardianship order.

## **7 Meaning of *administration of justice***

In this Act:

***administration of justice*** includes the provision of services by a justice agency.

## 8        **Meaning of *justice agency***

(1) In this Act:

***justice agency***—

(a) means any of the following entities:

- (i) the director-general of the administrative unit responsible for maintaining a register of victims of offenders under the *Crimes (Sentence Administration) Act 2005*, section 215 (the ***adult offenders victims register unit***);
- (ii) the director-general of the administrative unit responsible for maintaining the affected person register under the *Mental Health Act 2015*, part 7.2 (the ***affected person register unit***);
- (iii) the chief police officer;
- (iv) the director-general of the administrative unit responsible for the *Corrections Management Act 2007* (the ***corrective services unit***);
- (v) a court or tribunal, when acting in an administrative capacity;
- (vi) the director of public prosecutions;
- (vii) a referring entity, when acting in an administrative capacity;
- (viii) the director-general of the administrative unit responsible for the *Crimes (Restorative Justice) Act 2004* (the ***restorative justice unit***);
- (ix) the sentence administration board, when acting in an administrative capacity;
- (x) the victims of crime commissioner;

- (xi) the director-general of the administrative unit responsible for this Act;
  - (xii) the director-general of the administrative unit responsible for maintaining a register of victims of young offenders under the *Crimes (Sentence Administration) Act 2005*, section 215A (the *youth justice victims register unit*);
  - (xiii) the director-general responsible for the *Children and Young People Act 2008*;
  - (xiv) an entity prescribed by regulation; but
- (b) does not include any of the following:
- (i) the Chief Justice or a judge;
  - (ii) the Chief Magistrate, a magistrate or any office that must be occupied by a magistrate.
- (2) For subsection (1), definition of ***justice agency***, paragraph (a), an entity that is a court or tribunal is ***acting in an administrative capacity*** other than when it is exercising its jurisdiction in relation to any proceeding before it.

*Note 1* A director-general may delegate to a public employee or another person a function given to the director-general under this Act (see *Public Sector Management Act 1994*, s 20).

*Note 2* An entity that is not a justice agency need not comply with victims rights (see s 18), although the entity should have regard to victims rights (see s 18A).

## Part 3 Victims of crime commissioner

### 11 Functions

- (1) The commissioner has the following functions in connection with the administration of justice:
  - (a) to manage the victims services scheme, the financial assistance scheme and any other program for the benefit of victims;
  - (b) to advocate for the interests of victims;
  - (c) to advocate for the interests of affected people under the [Mental Health Act 2015](#);
  - (d) to monitor and promote compliance with victims rights;
  - (e) to ensure victims rights concerns are dealt with promptly and effectively;
  - (f) to promote the prompt and effective resolution of complaints about victims rights made to relevant complaints entities;
  - (g) to ensure the provision of efficient and effective services for victims;
  - (h) to consult on and promote reforms to meet the interests of victims;
  - (i) to develop educational and other programs to promote awareness of the interests of victims;
  - (j) to distribute information about the operation of this Act and the commissioner's functions;
  - (k) to ensure that victims receive information and assistance they need in connection with their involvement in the administration of justice;
  - (l) to encourage and facilitate cooperation between agencies involved in the administration of justice with respect to victims;

- (m) to advise the Minister on matters relating to the interests of victims;
- (n) any other function given to the commissioner under this Act or another territory law.

*Note 1* The commissioner is a member of the human rights commission appointed under the [Human Rights Commission Act 2005](#), s 18D.

*Note 2* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

- (2) In this section:  
*relevant complaints entity*—see section 18G (4).

## 13 Attendance at criminal proceedings

For the exercise of the commissioner's functions under this Act, the commissioner is entitled to be present at the hearing of a proceeding in a court in respect of an offence, including any part of the proceeding held in private, unless the court directs otherwise.

## Part 3A                      Victims rights

### Division 3A.1              Preliminary

#### 14                      Object—pt 3A

The object of this part is to ensure that, in the administration of justice, engagement with victims is governed by the victims rights.

#### 14A                      Meaning of *victims rights*

In this Act:

*victims rights* means the rights in the following divisions:

- (a) division 3A.2 (Victims rights—respect, privacy and safety);
- (b) division 3A.3 (Victims rights—access to support, services, legal and financial assistance);
- (c) division 3A.4 (Victims rights—information about administration of justice processes);
- (d) division 3A.5 (Victims rights—information about investigations, proceedings and decisions);
- (e) division 3A.6 (Victims rights—participation in proceedings).

*Note*                      The victims rights are not exhaustive. Victims have a range of rights under other territory laws.

#### 14AA                      Application of victims rights to victims under div 3A.3A

- (1) A victims right applies, as far as possible, to a victim of a child's harmful behaviour under division 3A.3A.
- (2) In this section:  
*harmful behaviour*—see section 15CA (1).

## **14B Definitions—pt 3A**

In this part:

**authorised officer**—see the *Bail Act 1992*, dictionary.

**detained offender** means an offender who—

- (a) has been sentenced for the offence; and
- (b) is—
  - (i) a detainee within the meaning of the *Corrections Management Act 2007*, section 6; or
  - (ii) a young detainee within the meaning of the *Children and Young People Act 2008*, section 95.

**forensic mental health order**—see the *Mental Health Act 2015*, dictionary.

**forensic patient**—see the *Mental Health Act 2015*, section 127.

**intensive correction order**—see the *Crimes (Sentencing) Act 2005*, section 11 (2).

**mental health order**—see the *Mental Health Act 2015*, dictionary.

**offender** means a person convicted or found guilty of an offence by a court.

**parole order**—see the *Crimes (Sentence Administration) Act 2005*, section 117.

**registered affected person**, in relation to a forensic patient—see the *Mental Health Act 2015*, section 129.

**registered victim**, of an offender—see the *Crimes (Sentence Administration) Act 2005*, section 213.

*transfer or release*, of a detained offender, means—

- (a) the transfer of the detainee from their place of detention; or

**Examples**

- 1 transporting an offender from a detention place to hospital
- 2 transferring an offender from a correctional centre to an equivalent institution interstate

- (b) the release of a detainee from their place of detention, including for a temporary absence.

**Examples—temporary absence**

- 1 to work or seek work
- 2 to attend a funeral or visit a relative suffering a serious illness
- 3 to attend a place of education or training
- 4 to participate in a prison program that includes release under a pre-release permit scheme

*victim impact statement*, for an offence—see the [Crimes \(Sentencing\) Act 2005](#), section 47.

*young offender*—see the [Crimes \(Sentence Administration\) Act 2005](#), dictionary.

## **Division 3A.2                      Victims rights—respect, privacy and safety**

### **14C                      Respectful engagement with victims**

- (1) A justice agency must engage with a victim respectfully and with appropriate regard to the victim’s personal situation, needs, concerns, rights and dignity.
- (2) A justice agency must take into account, and be responsive to, the individual needs of a victim, particularly needs relating to any of the following:
  - (a) age;
  - (b) disability;

- (c) gender identity;
- (d) race;
- (e) religion;
- (f) sex;
- (g) sexuality;
- (h) parental, family, carer or kinship responsibilities.

#### **14D Respectful engagement with child victims**

If a primary victim is a child, a justice agency must—

- (a) as far as practicable, consider the child's views, wishes and circumstances before engaging with the child's parent or carer as the victim in relation to victims rights; and
- (b) engage with the child in a way that is appropriate for a person of the child's age who is not a victim.

#### **14E Contact with victims**

- (1) A justice agency must contact a victim if, in exercising a function in relation to victims rights, it is required to do so (a ***required contact***).
- (2) However, a justice agency need not make a required contact with a victim if—
  - (a) the justice agency has told the victim about each required contact (including the right to which each contact relates) and the victim does not want any required contact, or does not want the particular required contact; or
  - (b) another agency has already made the required contact with the victim; or
  - (c) it is not possible or practicable in the circumstances to make the required contact with the victim; or

- (d) for a person who is a victim under section 6 (1), definition of *victim*, paragraph (b) or (c) (an *associated victim*)—the justice agency—
  - (i) has already made the required contact with the primary victim; and
  - (ii) considers it unnecessary to also contact the associated victim.

**Examples—par (b)**

- 1 if the DPP is required to give a victim information, the DPP may arrange with the chief police officer for a police officer to give the information to the victim
- 2 if the ACAT is required to give a victim information, the ACAT may arrange for the commissioner give the information to the victim

**Examples—par (c)**

- 1 the victim cannot be found after reasonable steps have been taken to find the victim
- 2 the proceedings progress too quickly for the victim to be contacted
- 3 a justice agency is not aware of a victim or cannot reasonably find a victim's contact details

## **14F Victims' privacy**

- (1) A justice agency must not disclose personal information about a victim or a family member of the victim, unless the information is disclosed—
  - (a) in the course of a proceeding before a court or tribunal; or
  - (b) under a territory law; or
  - (c) with the victim's consent.

- (2) In this section:

*educational institution* means a school, college or other educational institution, whether or not operated in the ACT or by or on behalf of the Territory.

*personal information*, about a person, includes—

- (a) a person's home address and contact details; and
- (b) if the person is employed—the place where the person is employed; and
- (c) if the person is a student—the educational institution the person attends.

#### **14G Storage and return of victims' property**

- (1) If a victim's property is held by a justice agency for the purpose of investigating or prosecuting a criminal offence, the property must be—
  - (a) handled and stored in a lawful, respectful and secure manner; and
  - (b) returned to the victim as soon as practicable after it is no longer needed for that purpose.
- (2) However, for subsection (1) (b)—
  - (a) the property must not be returned to the victim if the victim's possession of the property would be an offence; and
  - (b) the property need not be returned to the victim directly.

*Note* The [Court Procedures Rules 2006](#) sets out for how long exhibits put into evidence may be kept by the court in proceedings (see r 6762), including in appeals proceedings (see r 5194), duties on parties to claim exhibits (see r 6763) and disposal of exhibits (see r 6766).

#### **14H Victims' appearance at preliminary or committal hearings**

The director of public prosecutions must not require a victim to appear at a preliminary hearing or a committal hearing unless—

- (a) a court directs the victim to appear; or

- (b) the director of public prosecutions considers the victims' appearance necessary in the interests of justice.

*Note*        Under the *Magistrates Court Act 1930*, s 90AA, written statements may generally be admitted as evidence in a committal hearing, however, the court may give leave for evidence to be given in person at the hearing if it considers it necessary in the interests of justice (see that *Act*, s 90AA (7)).

## **14I            Minimising victims' exposure to accused etc**

- (1) This section applies to a victim of an offence if the victim—
- (a) is in a court or tribunal building for a proceeding for the offence; and
  - (b) has told a relevant justice agency that the victim may need protection from violence or harassment by any of the following people:
    - (i) an accused person for the offence;
    - (ii) a defence witness;
    - (iii) a family member of the accused or any person supporting the accused.
- (2) The relevant justice agency must, as far as practicable, minimise the victim's exposure to the person while in the court or tribunal building.

*Note*        The *Evidence (Miscellaneous Provisions) Act 1991*, pts 4.2 and 4.3 set out special requirements that apply in particular proceedings to stated kinds of witnesses, including children and intellectually impaired witnesses, to minimise the exposure of a witness to an accused. Particularly, that *Act* sets out—

- when a stated kind of witness may give evidence by audiovisual link in particular proceedings (see tables 43.1 to 43.4 and div 4.3.5); and
- that a court may order that an accused person be screened from a witness while the witness is giving evidence in a courtroom (see s 47); and

- that a witness in a relevant proceeding must not be examined personally by the accused person (see s 48); and
- that a court may order that the court be closed to the public while a witness is giving evidence (see s 50).

(3) In this section:

***exposure***, of a victim to another person—

(a) includes—

- (i) any form of physical contact between the victim and the other person; and
- (ii) face-to-face communication between the victim and the other person; but

(b) does not include—

- (i) oral communication by telephone; or
- (ii) written communication, including electronic communication.

***relevant justice agency*** means either of the following justice agencies:

- (a) the director of public prosecutions;
- (b) a court or tribunal, when acting in an administrative capacity.

## **14J Minimising registered victims' exposure to offenders etc**

(1) This section applies if—

- (a) an offender is sentenced; or
- (b) for a detained offender—the offender is transferred or released from their place of detention.

- (2) A relevant justice agency must, as soon as practicable, tell each registered victim of the offender about actions the victim may take to minimise their exposure to, and prevent contact from, the offender.

**Examples—actions victim may take**

- 1 apply for a personal protection order under the *Personal Violence Act 2016*
- 2 ask that the offender be directed to not contact the victim by phone or mail under the *Corrections Management Act 2007*, s 47 (6) or s 48 (5)
- 3 ask that a young offender be directed to not contact the victim by phone or mail under the *Children and Young People Act 2008*, s 174 (6) or s 175 (4)

- (3) In this section:

*relevant justice agency* means either of the following justice agencies:

- (a) the youth justice victims register unit;
- (b) the adult offenders victims register unit.

## **Division 3A.3 Victims rights—access to support, services, legal and financial assistance**

### **15 Referral of victims to support services**

- (1) The chief police officer must, as soon as practicable, refer a victim of an offence to a service that provides support or assistance suitable for the victim and the victim's circumstances.

**Examples—as soon as practicable**

- 1 after a person reports an offence to police
- 2 after police become aware an offence has been committed

- (2) However, a referral need not be made if it would not be appropriate in the circumstances.

**Example—not appropriate in the circumstances**

the victim does not consent to the referral

## **15A Provision of aids or adjustments to victims**

A justice agency must, unless the court directs otherwise, ensure a victim of an offence is provided with, or is able to access—

- (a) any special requirement the victim is entitled to in relation to a proceeding for the offence under the *Evidence (Miscellaneous Provisions) Act 1991*, part 4.2; and
- (b) any aid or adjustment that is reasonably necessary to enable the victim to fully participate in the administration of justice for the offence.

### **Examples—aid or adjustment**

- 1 assistance animal
- 2 intermediary or support person
- 3 interpreter or translator

*Note 1* The *Evidence (Miscellaneous Provisions) Act 1991* sets out—

- (a) when a court may appoint an intermediary in a criminal proceeding for a witness with a communication difficulty (see that *Act*, ch 1B); and
- (b) when a court may order that a witness have a support person in court while giving evidence (see that *Act*, s 49 and s 101).

*Note 2* The *Evidence Act 2011*, s 30 sets out when a witness in a proceeding may give evidence through an interpreter.

*Note 3* This section applies to a court or tribunal, a referring entity or a member of the sentence administration board only when acting in an administrative capacity, but does not apply to a judge, a magistrate, or a court or tribunal when exercising its jurisdiction in relation to any proceeding before it (see s 8 (1), definition of *justice agency*, par (a) (v), (vii) and (ix) and s (2)).

**15B            Victims may request referral of offences to restorative justice**

- (1) A victim of an offence may—
- (a) at any stage during the administration of criminal justice for the offence, ask a justice agency whether the offence may be referred for restorative justice; and
  - (b) at any stage of the criminal justice process for the offence, ask a referring entity for that stage of the process to refer the offence for restorative justice.

*Note 1*    The *Crimes (Restorative Justice) Act 2004* sets out eligibility requirements for restorative justice (see that [Act](#), pt 5) and the process for referral of offences for restorative justice (see that [Act](#), pt 6).

*Note 2*    Under the *Crimes (Restorative Justice) Act 2004*, s 28A, in stated circumstances, an offence may be referred for restorative justice by a post-sentence referring entity without telling the offender that the offence is being considered for restorative justice.

- (2) However, a victim of an offence committed by a person who is at least 10 years old but under the age of criminal responsibility for the offence may ask the agency or entity at any time and whether or not a criminal justice process has, or can be, begun for the offence.

- (3) In this section:

***stage***, of the criminal justice process, has the same meaning as in the *Crimes (Restorative Justice) Act 2004*, section 22.

***under the age of criminal responsibility***—a person is ***under the age of criminal responsibility*** for an offence if the person is not criminally responsible under the [Criminal Code](#), section 25 for the offence.

## **15C Reimbursement and financial assistance for victims**

- (1) A victim who is required to attend court to give evidence as a witness in a criminal proceeding may be able to claim reimbursement of expenses incurred or income lost in attending court.

### **Examples—expenses**

transport, parking, meals

*Note* Under the [Court Procedures Rules 2006](#), r 4331, a person who attends the Magistrates Court as a witness in the hearing of a criminal proceeding is entitled to be paid witness expenses.

- (2) A victim may apply for financial assistance under the [Victims of Crime \(Financial Assistance\) Act 2016](#).

*Note* Eligibility requirements apply for financial assistance under the [Victims of Crime \(Financial Assistance\) Act 2016](#), div 3.1.

- (3) A victim who suffers loss or incurs expense as a direct result of the commission of an offence, or has property stolen, may ask the director of public prosecutions to apply for a reparation order under the [Crimes \(Sentencing\) Act 2005](#), section 19 or section 20.

*Note* A victim who suffers loss or expense as a direct result of the commission of an offence may be entitled to reparation from the offender by way of payment of money or otherwise, for the loss or expense (see [Crimes \(Sentencing\) Act 2005](#), s 19). A victim whose property is stolen may be entitled to have the property restored to them or to payment of the value of the property (see that [Act](#), s 20).

## **Division 3A.3A Victims rights—harm statement etc**

### **15CA Definitions—div 3A.3A**

- (1) In this division:

**child** means a person under 14 years old.

**harm**—see section 6 (3).

**harmful behaviour**, of a child, means behaviour that causes harm to another person.

***harm statement***, in relation to a child's harmful behaviour, means a statement prepared by or for a victim of the behaviour for consideration by the therapeutic support panel.

***therapeutic support panel***—see the *Children and Young People Act 2008*, dictionary.

***victim***, of a child's harmful behaviour, means—

- (a) a person (a ***primary victim***) who suffers harm because of the behaviour; or
- (b) if a primary victim dies because of the behaviour—a person who was financially or psychologically dependent on the primary victim before the primary victim's death.

(2) In this section:

***because of***, a child's harmful behaviour, means—

- (a) as a result of, or in the course of, the behaviour; or
- (b) in the course of assisting a police officer in the exercise of the officer's power to arrest a person for the behaviour or to take action to prevent the behaviour.

***loss*** of a pregnancy means a miscarriage or stillbirth.

## **15CB Application—div 3A.3A**

This division applies if—

- (a) a child has engaged in harmful behaviour; and
- (b) there is a victim of the behaviour; and
- (c) the child is not the subject of a criminal proceeding for the harmful behaviour.

**15CC Harm statement—who may make a harm statement**

- (1) The following people may make a harm statement in relation to a child's harmful behaviour:
  - (a) a victim of the behaviour;
  - (b) a person with parental responsibility for a victim of the behaviour;
  - (c) a close family member of a victim of the behaviour;
  - (d) a carer for a victim of the behaviour;
  - (e) a person with an intimate personal relationship with a victim of the behaviour.

- (2) In this section:

*person with parental responsibility*, for a victim who is a child or young person—means a person with parental responsibility for the child or young person under the *Children and Young People Act 2008*, division 1.3.2.

**15CD Harm statement—form and contents**

- (1) A harm statement may, but need not, identify the victim to whom the statement relates, but must not identify the victim if the victim does not wish to be identified in the statement.
- (2) However, if the statement does not identify the victim, the therapeutic support panel must—
  - (a) be told the identity of the victim; and
  - (b) not disclose the identity to any other person.
- (3) If the person who makes the statement is not the victim (or the victim's representative)—
  - (a) the statement must indicate that the victim does not object to the statement being made to the therapeutic support panel; and

- (b) if practicable, the victim (or representative) must sign the statement, or make a separate written or oral statement to the panel, to verify that the victim does not object.
- (4) If the victim to whom the statement relates is not a primary victim, the statement must identify the primary victim and state the nature and length of the victim's relationship with the primary victim.
- (5) If the statement is made by a person who is not the victim, the statement must indicate the nature and length of the person's relationship with the victim.
- (6) The statement may state the circumstances of the harmful behaviour, and the harm suffered by the victim.
- (7) The statement may contain photographs, drawings or other images.
- (8) The statement must not contain anything that is offensive, threatening, intimidating or harassing.
- (9) This section does not prevent a harm statement being made in relation to more than 1 victim.

**15CE Harm statement—presentation to panel**

- (1) A harm statement may be given to the therapeutic support panel as—
  - (a) a written statement signed by or for a victim of the behaviour;  
or
  - (b) an oral statement by or for a victim of the behaviour; or
  - (c) in any other way the panel considers appropriate.
- (2) The panel must allow the written statement to be read aloud, or a statement that is not written to be given orally, if the victim wishes the statement to be given to the panel in that way.

**15CF Harm statement—use by panel**

- (1) In deciding how a child should be treated for their harmful behaviour, the panel—
- (a) must take into account a harm statement given to the panel in relation to the behaviour when exercising any panel function to which the statement is relevant; and
  - (b) must not draw any inference about the harm suffered by a victim from the fact that a harm statement is not given to the panel in relation to the behaviour.

**Examples—par (a)**

- 1 assessing the therapeutic needs and best interests of a child
  - 2 developing a plan for therapeutic treatment of the child
  - 3 promoting a child's accountability for harmful behaviour
  - 4 use in restorative justice referrals
- (2) The panel may provide a copy or recording of a harm statement or part of a harm statement to the child if—
- (a) the panel considers providing the statement to the child to be in the best interests of the child; and
  - (b) the victim agrees to the copy or statement being given to the child.

**15CG Harm statement—relevant entity to tell victims about harm statement**

- (1) A relevant entity must, as soon as practicable, tell the victim the following:
- (a) who may make a harm statement;
  - (b) that a statement may be made orally or in writing;
  - (c) what information a statement must and may include;

- (d) how a statement may be used by the therapeutic support panel in carrying out its functions, including that—
  - (i) a copy of the statement may be given to the child but only if the victim agrees; and
  - (ii) the panel must consider the statement in carrying out its functions.
- (2) In this section:  
*relevant entity* means the following:
  - (a) the chief police officer;
  - (b) the therapeutic support panel;
  - (c) the commissioner.

### **15CH Information disclosure to victim of harmful behaviour**

- (1) The therapeutic support panel or the commissioner may disclose information about a child's harmful behaviour, including information about the therapeutic treatment of the child's harmful behaviour, to the victim of the behaviour but only if—
  - (a) the chair of the panel and the commissioner agree that disclosure of the information is appropriate in the circumstances; and
  - (b) the information does not include personal information or personal health information about the child.
- (2) If the victim is under 15 years old, the panel or commissioner may disclose the information to a person with parental responsibility for the victim *or* a person acting for a victim or both.
- (3) In deciding whether disclosure of the information is appropriate in the circumstances, the panel and commissioner must consider all relevant circumstances, including the following:
  - (a) the age of the child;

- (b) the nature of the harmful behaviour;
- (c) the effect of the harmful behaviour on the victim.
- (4) In this section:

**personal health information**—see the [Health Records \(Privacy and Access\) Act 1997](#), dictionary.

**personal information**—see the [Health Records \(Privacy and Access\) Act 1997](#), dictionary.

**person with parental responsibility**, for a victim under 15 years old—means a person with parental responsibility for the victim under the [Children and Young People Act 2008](#), division 1.3.2.

## Division 3A.4      Victims rights—information about administration of justice processes

### 15D      Police to tell victims about administration of justice processes after offence reported

- (1) The chief police officer must, as soon as practicable, give a victim of a relevant offence information about the administration of justice processes that result from reporting the offence.

**Examples—resulting administration of justice processes**

- 1    charging and prosecuting an alleged offender
- 2    giving evidence and the burden of proof in a proceeding
- 3    a victim's role in a proceeding as a witness for the prosecution

- (2) In this section:

**relevant offence** means—

- (a) an indictable offence; or
- (b) any other offence in relation to which the victim has asked the chief police officer to be given information about administration of justice processes.

**15E            DPP to give information to victim witnesses**

- (1) This section applies if a victim of an offence is required to attend court to give evidence as a witness for the prosecution in a proceeding for the offence.
- (2) The director of public prosecutions must, within a reasonable period before the witness is to give evidence, tell the victim about, or where to find information about—
  - (a) the hearing or trial process; and
  - (b) the role, rights and responsibilities of witnesses.

**15F            Police and DPP to tell victims about victim impact statement**

- (1) A relevant justice agency must, within a reasonable period before a victim of an offence would be able to make a victim impact statement, tell the victim the following:
  - (a) who may make a victim impact statement;
  - (b) that a victim impact statement may be made orally or in writing;
  - (c) what information a victim impact statement must and may include;
  - (d) how a victim impact statement may be used in court during a proceeding, including that—
    - (i) a copy of the victim impact statement will be given to the offender; and
    - (ii) the victim may be cross-examined about the contents of the victim impact statement; and

- (iii) the court must consider the victim impact statement in deciding how the offender should be sentenced.

*Note* The *Crimes (Sentencing) Act 2005*, pt 4.3 sets out the requirements for victim impact statements. A victim impact statement may only be made for an offence that is punishable by imprisonment for longer than 1 year (see that [Act](#), s 48).

- (2) In this section:

***relevant justice agency*** means either of the following justice agencies:

- (a) the chief police officer;
- (b) the director of public prosecutions.

## **15G DPP to tell victims about decisions to discontinue prosecution and review of decisions**

- (1) This section applies if a person is charged with 1 or more offences in relation to a victim.
- (2) The director of public prosecutions must tell the victim which of the director's decisions in relation to the charges are automatically reviewed.
- (3) If the director of public prosecutions decides to discontinue the prosecution of 1 or more of the charges, the director must, as soon as practicable after making the decision, tell the victim how the victim may request a review of the decision if—
  - (a) as a result of the decision, the person is not prosecuted for any charge in relation to the victim; and
  - (b) the decision will not be automatically reviewed.

**15H Justice agencies to tell eligible victims about victims register etc**

- (1) A relevant justice agency must, as soon as practicable after an offender is sentenced for an offence, tell each victim who is eligible to be registered on the victims register—
- (a) how the victim may become registered on the victims register; and
  - (b) the rights of registered victims to information about offenders who are sentenced; and
  - (c) the role of registered victims in relation to the release of offenders from imprisonment under a parole order or on licence.

*Note 1* Registration of victims of offenders is dealt with in the [Crimes \(Sentence Administration\) Act 2005](#), ch 10.

*Note 2* Release under parole and on licence are dealt with in the [Crimes \(Sentence Administration\) Act 2005](#), ch 7 and pt 13.1.

- (2) In this section:

**relevant justice agency** means either of the following justice agencies:

- (a) the youth justice victims register unit;
- (b) the adult offenders victims register unit.

**victims register** means—

- (a) the register of victims of offenders kept under the [Crimes \(Sentence Administration\) Act 2005](#), section 215; or
- (b) the register of victims of young offenders kept under the [Crimes \(Sentence Administration\) Act 2005](#), section 215A.

**15I Justice agencies to tell victims about justice agency complaints and victims rights concerns**

- (1) This section applies if a victim tells a justice agency that the victim—
  - (a) believes the agency has not complied with their victims rights;  
or
  - (b) is otherwise dissatisfied with the justice agency's services in relation to victims rights.
- (2) The justice agency must, as soon as practicable, tell the victim how the victim may—
  - (a) make a justice agency complaint to the justice agency; or
  - (b) if the victim believes the agency has not complied with their victims rights—
    - (i) raise a victims rights concern with the commissioner; or
    - (ii) make a victims rights complaint to the human rights commission; or

*Note*     **Justice agency complaint**—see s 18D (2).  
             **Victims rights complaint**—see the [Human Rights Commission Act 2005](#), s 41C (2).  
             **Victims rights concern**—see s 18F (2).

- 
- 
- (c) if another entity has power to deal with the matter—make a complaint about the matter to the other entity.

**Examples**

- 1 if the matter relates to corrupt conduct, the victim may be able to make a complaint to the integrity commission
- 2 if the matter relates to a member of the Australian Federal Police, the victim may be able to make a complaint to the National Anti-Corruption Commission (NACC) established under the [National Anti-Corruption Commission Act 2022](#) (Cwlth), section 20

## **Division 3A.5                      Victims rights—information about investigations, proceedings and decisions**

### **16                      Police to give written confirmation to victims reporting offences**

- (1) If a victim of a relevant offence reports the offence to a police officer, the chief police officer must, as soon as practicable, give the victim written confirmation of the report, including the name and contact details of—
  - (a) the police officer who took the report; and
  - (b) another police officer the victim may contact about the report.
- (2) However, the chief police officer need not give written confirmation of the report if doing so is likely to affect the safety of the victim or another person.
- (3) In this section:  
*relevant offence* means—
  - (a) an indictable offence; or
  - (b) any other offence in relation to which the victim has asked the chief police officer to provide written confirmation of the report.

### **16A                      Police to update victims about status of investigations**

- (1) If a police officer is investigating a relevant offence, the chief police officer must give a victim of the offence an update about the status of the investigation—
  - (a) as soon as practicable after a change in the status of the investigation; and
  - (b) at least every 6 weeks.

- (2) However, if the victim wishes to be updated less frequently, the chief police officer may update the victim at another time agreed between the chief police officer and the victim.
- (3) Also, if the chief police officer considers that giving the victim an update about the status of the investigation would prejudice the investigation, the matter generally or any other investigation, the chief police officer—
  - (a) must not tell the victim about the status of the investigation; but
  - (b) must tell the victim as much as possible about the progress of the investigation.
- (4) In this section:
  - change in status of an investigation*, for an offence, includes when police decide to—
    - (a) charge a person with the offence; or
    - (b) issue a warrant for the arrest of a person accused of committing the offence.
  - relevant offence* means—
    - (a) an indictable offence; or
    - (b) any other offence in relation to which the victim has asked the chief police officer to update the victim about the status of the investigation.

## **16B DPP to consider victims' views about dealing with charges**

- (1) This section applies if—
  - (a) a person has been charged with a relevant offence; and

(b) the director of public prosecutions is considering taking any of the following actions in relation to the charge (a ***proposed action***):

(i) substantially modifying the nature of the case in a proceeding for the charge, including by—

(A) accepting a guilty plea for a lesser charge; or

(B) discontinuing the prosecution of the charge;

(ii) applying to the ACAT for an assessment order in relation to the person.

*Note* The DPP may apply to the ACAT for an assessment order in relation to a person alleged to have committed an offence if the DPP believes on reasonable grounds that it may not be appropriate to prosecute the person considering the nature and circumstances of the alleged offence and the person's apparent mental disorder or mental illness (see [Mental Health Act 2015](#), s 35).

(2) The director of public prosecutions must, as soon as practicable and before taking the proposed action, seek and consider the victim's views about the proposed action.

(3) However, the director of public prosecutions need not seek the victim's views if the director of public prosecutions considers that it would prejudice the prosecution of an offence.

(4) In this section:

***assessment order***—see the [Mental Health Act 2015](#), dictionary.

***relevant offence*** means—

(a) an indictable offence; or

(b) any other offence in relation to which the victim has asked the director of public prosecutions to tell the victim about any proposed action.

## **16C Police and DPP to update victims about bail decisions**

- (1) This section applies if a victim of an offence has expressed concern to a relevant justice agency about the need for protection from violence or harassment by an accused person for the offence.
- (2) The relevant justice agency must, as soon as practicable, tell the victim if—
  - (a) a court or an authorised officer makes a decision about a grant of bail, or reviews a bail decision, in relation to the accused person; or
  - (b) bail is granted to the accused person and a condition is imposed on the grant of bail to protect the victim or a family member of the victim.

*Note* The [Bail Act 1992](#), s 47A outlines that victims should be given notice of bail decisions if they have expressed safety concerns.

- (3) In this section:

***accused person***—see the [Bail Act 1992](#), dictionary.

***relevant justice agency*** means either of the following justice agencies:

- (a) the chief police officer;
- (b) the director of public prosecutions.

## **16D DPP to tell victims about hearings**

- (1) This section applies if—
  - (a) a person has been charged with an offence; and
  - (b) a court has set a hearing date for the charge.

- (2) The director of public prosecutions must, as soon as practicable after the hearing date has been set, tell a victim of the offence the date, time and place of the hearing.

*Note* The DPP need not give the information mentioned in s (2) to the victim if another justice agency has already given the information to the victim (see s 14E (2) (b)).

## **16E DPP to tell victims about reparation orders**

- (1) This section applies if—
- (a) an offender is convicted or found guilty of an offence against a territory law; but
  - (b) the court has not yet sentenced or made a non-conviction order for the offender.
- (2) The director of public prosecutions must tell a victim of the offence—
- (a) that a court may make a reparation order against the offender under the *Crimes (Sentencing) Act 2005* or another territory law; and
  - (b) if the director of public prosecutions decides not to apply for the order—
    - (i) the decision; and
    - (ii) unless the director of public prosecutions considers that it would prejudice the prosecution of an offence—the reason for the decision.

*Note 1* Reparation orders are dealt with under the *Crimes (Sentencing) Act 2005*, s 19, s 20 and ch 7. Reparation orders are made on the basis of facts established by evidence given at trial, available documents, admissions by the offender, or submissions made by or for anyone (including the DPP) (see that *Act*, s 110).

*Note 2* The DPP need not give the information mentioned in s (2) to the victim if another justice agency has already given the information to the victim (see s 14E (2) (b)).

## **16F DPP to tell victims about outcomes of trials and appeals**

- (1) The director of public prosecutions must, as soon as practicable after a proceeding for a relevant offence has ended, tell a victim of the offence about—
  - (a) the outcome of the proceeding, including any sentence imposed by the court on the offender; and
  - (b) if the offender appeals a decision under paragraph (a)—
    - (i) the nature of the appeal; and
    - (ii) the outcome of the appeal.

*Note* The DPP need not give the information mentioned in s (1) to the victim if another justice agency has already given the information to the victim (see s 14E (2) (b)).

- (2) In this section:

***relevant offence*** means—

- (a) an indictable offence; or
- (b) any other offence in relation to which the victim has asked the director of public prosecutions to tell the victim about the outcome of the proceeding.

## **16G Justice agencies to tell victims about inquiries for parole or release on licence**

- (1) This section applies if the sentence administration board intends to start an inquiry into an application for—
  - (a) parole by an offender under the *Crimes (Sentence Administration) Act 2005*, chapter 7 (Parole); or
  - (b) the release of an offender on licence under the *Crimes (Sentence Administration) Act 2005*, part 13.1 (Release on licence).

- (2) A relevant justice agency must, as soon as practicable, tell a victim of an offender—
- (a) about the inquiry; and
  - (b) how the victim may—
    - (i) make a submission to the board; or
    - (ii) tell the board about any concern in relation to the inquiry; or
    - (iii) ask the board not to give the submission or concern to the offender or another person.

*Note 1* The sentence administration board must seek a registered victim's views before starting an inquiry for parole (see [Crimes \(Sentence Administration\) Act 2005](#), s 123) or release on licence (see that [Act](#), s 292) for an offender.

*Note 2* The sentence administration board must ensure, as far as practicable, that documents are not given to a person if it may endanger a victim or someone else, and other reasons (see [Crimes \(Sentence Administration\) Act 2005](#), s 192).

- (3) The relevant justice agency must also give the victim the following information to assist the victim to make a submission or tell the board about a concern:
- (a) information about the offender;
  - (b) information about any assistance available to the victim to make a submission or tell the board about a concern.

*Note 1* The [Crimes \(Sentence Administration\) Act 2005](#) sets out the information that must be given to a victim for an inquiry for parole (see that [Act](#), s 124) or release on licence (see that [Act](#), s 292 (6)).

*Note 2* Information about an offender may only be disclosed to a registered victim of the offender if the disclosure is appropriate in the circumstances (see s 16I).

(4) In this section:

*relevant justice agency* means either of the following justice agencies:

- (a) the adult offenders victims register unit;
- (b) the sentence administration board when acting in an administrative capacity.

## **16H Justice agencies to tell victims about parole or release on licence decisions**

- (1) If the sentence administration board decides to make, or refuse to make, a parole order for an offender, the relevant justice agency must, as soon as practicable, take reasonable steps to tell each relevant victim of the offender about—
  - (a) the board's decision; and
  - (b) if the board decides to make a parole order for the offender—
    - (i) the offender's parole release date; and
    - (ii) in general terms, the offender's parole obligations.
- (2) If the Executive makes a decision to grant, or refuse to grant, an offender a licence to be released from imprisonment, the relevant justice agency must, in writing, take reasonable steps to tell each relevant victim of the offender, as soon as practicable, about—
  - (a) the Executive's decision; and
  - (b) if the Executive grants a licence to the offender—
    - (i) the offender's licence release date; and
    - (ii) in general terms, the offender's release on licence obligations.

- (3) The relevant justice agency may also tell a relevant victim the general area where the offender will live while on parole or release.

*Note* The *Crimes (Sentence Administration) Act 2005* sets out the information to be given to victims in relation to parole orders for offenders (see that [Act](#), s 133) and licences granted for release of offenders from imprisonment (see that [Act](#), s 298).

- (4) In this section:

***relevant justice agency*** means either of the following justice agencies:

- (a) the adult offenders victims register unit;
- (b) the sentence administration board when acting in an administrative capacity.

***relevant victim***, of an offender—

- (a) for a parole order—see the *Crimes (Sentence Administration) Act 2005*, section 133 (6); and
- (b) for a grant of licence for release—see the *Crimes (Sentence Administration) Act 2005*, section 298 (8).

## **16I Justice agencies may give information about offenders to registered victims**

- (1) A relevant justice agency may tell a registered victim of an offender information about the offender if—
- (a) the offender has been sentenced; and
  - (b) the victim asks the relevant justice agency for the information; and

- (c) the relevant justice agency is satisfied the disclosure is appropriate in the circumstances.

*Note* Under the *Crimes (Sentence Administration) Act 2005*, if an offender has been sentenced, information about the offender may be disclosed to a registered victim of the offender if the disclosure is appropriate in the circumstances (see that *Act*, s 216 and s 216A).

- (2) In this section:

***relevant justice agency*** means either of the following justice agencies:

- (a) the youth justice victims register unit;
- (b) the adult offenders victims register unit.

## **16J Justice agencies to tell registered victims about transfer etc of detained offenders**

- (1) This section applies if—

- (a) a detained offender—
  - (i) is to be transferred or released from imprisonment or detention; or
  - (ii) escapes from custody; and
- (b) either—
  - (i) a registered victim of the offender has expressed concern about their safety or the need for protection from the offender to a relevant justice agency; or
  - (ii) the relevant justice agency believes the offender's transfer, release or escape is likely to affect the registered victim's safety.

- (2) The relevant justice agency must, as soon as practicable, tell the registered victim—
- (a) if the detained offender is to be transferred or released from imprisonment or detention—
- (i) of the transfer or release; and
- (ii) any condition of the release that may affect the registered victim's safety; and
- (b) if the detained offender escapes from custody—of the escape.
- (3) However, subsection (2) does not apply if the relevant justice agency is satisfied the disclosure is not appropriate in the circumstances.

*Note* Under the [Crimes \(Sentence Administration\) Act 2005](#), if an offender has been sentenced, information about the offender may be disclosed to a registered victim of the offender if the disclosure is appropriate in the circumstances (see that [Act](#), s 216 and s 216A).

- (4) In this section:

***relevant justice agency*** means either of the following justice agencies:

- (a) the youth justice victims register unit;
- (b) the adult offenders victims register unit.

**16K Adult offender victims register unit to tell victim about intensive correction orders**

- (1) This section applies if an offender is subject to an intensive correction order and—
- (a) the offender has breached any of the offender's intensive correction order obligations; or
- (b) the sentence administration board has decided to—
- (i) suspend or cancel the offender's intensive correction order;
- or

- (ii) amend or discharge the offender's intensive correction order; or
- (iii) reinstate the offender's previously cancelled intensive correction order.

*Note* Only adult offenders may be subject to an intensive correction order (see [Crimes \(Sentencing\) Act 2005](#), s 11).

- (2) The adult offenders victims register unit must, as soon as practicable, tell a registered victim of the offender about the breach, suspension, cancellation, amendment, discharge or reinstatement of the offender's intensive correction order if—
  - (a) it is likely to affect the victim's safety; or
  - (b) the victim has expressed concern about their safety or the need for protection from the offender to the adult offenders victims register unit.

## **16L DPP to tell victims about court requirements and orders relating to offender's mental health**

- (1) If a court requires an offender in relation to a relevant offence to submit to the jurisdiction of the ACAT under any of the following provisions, the director of public prosecutions must, as soon as practicable, tell a victim of the offence about the requirement:
  - (a) the [Crimes Act 1900](#), part 13 (Unfitness to plead and mental impairment);
  - (b) the [Crimes Act 1914](#) (Cwlth), part 1B (Sentencing, imprisonment and release of federal offenders).

- (2) If the Magistrates Court orders that an offender in relation to a relevant offence be taken to an approved mental health facility without requiring that the person submit to the jurisdiction of the ACAT, the director of public prosecutions must, as soon as practicable, tell a victim of the offence about the order.

*Note 1* Under the [Crimes Act 1900](#), s 309 the Magistrates Court may order that an accused be taken by a police officer or corrections officer to an approved mental health facility for clinical examination for the purpose of deciding whether the accused needs immediate treatment or care because of mental impairment.

*Note 2* The DPP need not give the information mentioned in s (1) or (2) to the victim if another justice agency has already given the information to the victim (see s 14E (2) (b)).

- (3) In this section:

***approved mental health facility***—see the [Mental Health Act 2015](#), dictionary.

***offender*** includes a person—

- (a) who is arrested in connection with an offence; or
- (b) in relation to whom there are sufficient grounds on which to charge the person in connection with an offence; or
- (c) who is charged in connection with an offence.

***relevant offence*** means—

- (a) an indictable offence; or
- (b) any other offence in relation to which the victim has asked the director of public prosecutions to tell the victim about the information mentioned in this section.

**16M ACAT to tell victims about mental health orders etc**

- (1) If the ACAT is considering making any of the following orders for an offender, the ACAT must, as soon as practicable, tell a registered affected victim of the offender that the ACAT is considering making the order:
  - (a) if section 16L (1) or (2) applies to the offender—a mental health order;
  - (b) a forensic mental health order;
  - (c) an order under the *Mental Health Act 2015*, section 180 to release the offender from custody.
- (2) If the ACAT makes an order mentioned in subsection (1) for an offender, the ACAT must, as soon as practicable, tell a registered affected victim of the offender—
  - (a) that the order has been made; and
  - (b) the nature and length of the order.

*Note 1* The *Mental Health Act 2015*, s 134 sets out information in relation to a forensic patient that must be disclosed to a registered affected person if a mental health order has been made (see that [Act](#), s 134 (2)). Other information may be disclosed if necessary for the registered affected person's safety and wellbeing (see that [Act](#), s 134 (3)). However, identifying information about a child, or a person who was a child when the offence was committed or alleged to have been committed, may only be given in certain circumstances (see that [Act](#), s 134 (4)).

*Note 2* The ACAT need not give the information mentioned in this section to the victim if another justice agency has already given the information to the victim (see s 14E (2) (b)).

(3) In this section:

***offender***—see section 16L (3).

*Note*        A victim can only be a registered affected person in relation to an offender who is a forensic patient.

***registered affected victim***, of an offender, means a victim who is a registered affected person for an offence committed or alleged to have been committed by the offender.

**16N        Affected person register unit to tell victims about affected person register etc**

- (1) The affected person register unit must tell a victim who is an affected person because of an offence committed, or alleged to have been committed, by a forensic patient—
- (a) about the affected person register; and
  - (b) the rights of a registered affected person; and
  - (c) if the victim is a registered affected person—
    - (i) when the victim’s information will be removed from the register; and
    - (ii) if an order has been made in relation to the forensic patient—
      - (A) the information mentioned in the *Mental Health Act 2015*, section 134 (2) in relation to the forensic patient; and
      - (B) any other information about the forensic patient that the affected person register unit considers necessary for the victim’s safety and wellbeing; and
      - (C) whether the ACAT intends to hold a hearing in relation to the order.

(2) In this section:

*affected person*—see the [Mental Health Act 2015](#), section 128 (1).

*affected person register*—see the [Mental Health Act 2015](#), section 130.

## Division 3A.6      Victims rights—participation in proceedings

### 17      Justice agency to present victims' concerns about protection in bail submissions

(1) If a court or an authorised officer is considering whether to grant bail to, or is reviewing a bail decision for, an accused person, a relevant justice agency must—

- (a) ask a victim of the accused person whether the victim has any concerns about the need for protection from violence or harassment by the accused person; and
- (b) if the victim has expressed concern to the relevant justice agency about the need for protection from violence or harassment by the accused person—tell the court or authorised officer about the concern.

*Note*      The [Bail Act 1992](#), s 23A outlines that a victim's concern about the need for protection from violence or harassment by an accused person must be considered by a court or authorised officer when making a decision about the grant of bail to the accused person.

(2) In this section:

*accused person*—see the [Bail Act 1992](#), dictionary.

*relevant justice agency* means either of the following justice agencies:

- (a) the chief police officer;
- (b) the director of public prosecutions.

**17A            Victims may make victim impact statements**

- (1) A victim of an offence may be eligible to make a victim impact statement under the *Crimes (Sentencing) Act 2005*, part 4.3.
- (2) The director of public prosecutions must ensure, as far as practicable, that no one other than the eligible victim decides whether or not to make a victim impact statement.

*Note*        Under the *Crimes (Sentencing) Act 2005*, pt 4.3, a victim of an offence may make a victim impact statement for the offence if the offence is punishable by imprisonment for longer than 1 year. The statement may be made orally or in writing (see that *Act*, s 50) and must be considered by the court in deciding how an offender should be sentenced (see that *Act*, s 53).

**17B            Corrective services unit to consider victims' views about pre-sentence report or intensive correction assessment**

- (1) This section applies to a victim of a relevant offence if a court has ordered that a pre-sentence report or an intensive correction assessment be prepared in relation to the offender.
- (2) In preparing the report or assessment, the corrective services unit must seek and consider the victim's concerns about the need for protection from violence or harassment by the offender.

*Note*        Under the *Crimes (Sentencing) Act 2005*, an assessor who is preparing a pre-sentence report or an intensive correction assessment for an offender may ask a victim of the offender to provide information (see that *Act*, s 43 and s 46E).

- (3) In this section:

*intensive correction assessment*—see the *Crimes (Sentencing) Act 2005*, dictionary.

*pre-sentence report*—see the *Crimes (Sentencing) Act 2005*, dictionary.

*relevant offence* means—

- (a) an indictable offence; or
- (b) any other offence in relation to which the victim has asked the corrective services unit to contact the victim about protection from violence or harassment by the offender.

## **17C Victims may be in courtroom for proceedings**

A victim of an offence may be present in the courtroom during a proceeding for the offence, unless the court directs otherwise.

*Note 1* Under the [Court Procedures Act 2004](#), s 72 (2), if a child or young person is the subject of a criminal proceeding in a court, the court may exclude a victim to which the proceeding relates from being present at the hearing of the proceeding if the court considers it is appropriate to do so having regard to the victim's behaviour or expected behaviour, or the nature of the victim's relationship with the child or young person.

*Note 2* The [Evidence \(Miscellaneous Provisions\) Act 1991](#), pts 4.2 and 4.3 set out when a stated kind of witness may give evidence by audiovisual link in particular proceedings (see tables 43.1 to 43.4 and div 4.3.5).

## **17D Victims may make submissions for parole or release on licence inquiries**

- (1) This section applies if the sentence administration board intends to start an inquiry into an application by an offender for—
  - (a) parole by an offender under the [Crimes \(Sentence Administration\) Act 2005](#), chapter 7; or
  - (b) the release of an offender on licence under the [Crimes \(Sentence Administration\) Act 2005](#), part 13.1.

- (2) A victim of an offence to which the offender's application relates may—
- (a) make an oral or written submission to the board about the granting of parole or a licence for the offender, including the likely effect on the victim, or on the victim's family, if parole or the licence were to be granted; or
  - (b) tell the board, orally or in writing, about any concern of the victim or the victim's family about the need to be protected from violence or harassment by the offender.

*Note*        Under the *Crimes (Sentence Administration) Act 2005*, the sentence administration board must seek a registered victim's views before starting an inquiry for parole (see that [Act](#), s 123) or release on licence (see that [Act](#), s 292) for an offender.

- (3) The board, when acting in an administrative capacity, must ensure, as far as practicable, that a victim's submission is not given to a particular person if—
- (a) the victim asks the board to not give the submission to the person; and
  - (b) a judicial officer of the board considers there is a substantial risk that giving the submission to the person would endanger the victim or anyone else.

*Note*        The sentence administration board must ensure, as far as practicable, that documents are not given to certain people for the reason mentioned in s (3) (b) and other reasons (see *Crimes (Sentence Administration) Act 2005*, s 192).

- (4) If the board intends to give the victim's submission to a particular person after being asked not to by the victim under subsection (3) (a), the board must tell the victim of the board's intention.

**17E Victims may give statement to ACAT for mental health orders etc**

- (1) This section applies if the ACAT is considering making any of the following orders for an offender:
  - (a) a mental health order;
  - (b) a forensic mental health order;
  - (c) an order under the [Mental Health Act 2015](#), section 180 to release the offender from custody.
- (2) The following people may appear and give evidence at the hearing in relation to the order or provide a statement to the ACAT in relation to the order:
  - (a) a victim who is a registered affected person for an offence committed or alleged to have been committed by the offender;
  - (b) another victim with the leave of the ACAT.

*Note 1* In making a mental health order, the ACAT must take into account the views of people appearing in the proceeding (see [Mental Health Act 2015](#), s 56). In making a forensic mental health order, the ACAT must take into account any statement by a registered affected person and the views of people appearing in the proceeding (see [Mental Health Act 2015](#), s 99).

*Note 2* Certain hearings under the [Mental Health Act 2015](#) must be held in private (see that [Act](#), s 194).

*Note 3* A victim can only be a registered affected person in relation to an offender who is a forensic patient.

**17F Affected person register unit to assist victims to participate in order hearings**

- (1) This section applies if the ACAT is considering making any of the following orders for an offender:
  - (a) if section 16L (1) or (2) applies to the offender—a mental health order;

- (b) a forensic mental health order;
  - (c) an order under the *Mental Health Act 2015*, section 180 to release the offender from custody.
- (2) The affected person register unit must—
- (a) tell a victim of the offender how the victim may—
    - (i) apply to the ACAT for leave to participate in any hearing in relation to the order; and
    - (ii) if leave is granted—participate in the hearing; and
  - (b) for a victim who is a registered affected person—
    - (i) offer to assist the victim to participate in the hearing; and
    - (ii) if the victim accepts the offer—assist the victim to participate in the hearing.

*Note*        A victim can only be a registered affected person in relation to an offender who is a forensic patient.

- (3) In this section:

***participate***, in a hearing in relation to an order, includes—

- (a) appear and give evidence at the hearing of the order; or
- (b) provide a statement to the ACAT in relation to the order.

## **17G        Victims may participate in restorative justice**

- (1) A victim of an offence may take part in a process of restorative justice under the *Crimes (Restorative Justice) Act 2004* in relation to the offence if the victim is—
- (a) an eligible victim; and
  - (b) a suitable victim.

(2) In this section:

**eligible victim**—see the *Crimes (Restorative Justice) Act 2004*, section 17.

**suitable victim**—see the *Crimes (Restorative Justice) Act 2004*, section 34.

*Note*      The *Crimes (Restorative Justice) Act 2004* sets out when a victim of an offence is an eligible victim (see that [Act](#), s 17) and the matters the director-general must consider in deciding whether an eligible victim is a suitable victim (see that [Act](#), s 34) for restorative justice in relation to the offence.

## **Division 3A.7      Implementing victims rights**

### **Subdivision 3A.7.1    Complying with victims rights**

#### **18      Justice agencies must comply with victims rights**

- (1) A justice agency must, when engaging with a victim, comply with all victims rights that apply to the victim.
- (2) If complying with a particular right would support a victim, despite the right not applying to the victim, a justice agency should, as far as practicable, comply with the right in relation to the victim.
- (3) In considering whether complying with a right would support a victim, the justice agency should have regard to the individual needs of the victim and their circumstances.

#### **18A      Other entities should have regard to victims rights**

An entity that is not a justice agency should have regard to victims rights when engaging with a victim.

**Examples—entities that should have regard to victims rights**

- 1      non-government organisations that engage with victims
- 2      government policy areas that engage with victims

## 18B Victims' representatives

- (1) A victim may nominate a person, in writing, to be the victim's representative (a *representative*) to do any of the following for the victim, as nominated by the victim:
- (a) to exercise some or all victims rights;
  - (b) to receive some or all information required to be given to the victim in relation to victims rights;
  - (c) to make a justice agency complaint, raise a victims rights concern or make a victims rights complaint for the victim.

*Note* **Justice agency complaint**—see s 18D (2).

**Victims rights complaint**—see the [Human Rights Commission Act 2005](#), s 41C (2).

**Victims rights concern**—see s 18F (2).

- (2) A victim may nominate anyone to be their representative, including—
- (a) a relative or friend of the victim; or
  - (b) an officer or employee of an organisation whose functions include the provision of information, support or services to victims.

### Examples—par (b)

- victim liaison officer
  - victim support agency
- (3) If a victim nominates a representative and the nominee agrees to be the victim's representative, the representative must be given the information they are allowed to be given under subsection (1) (b).

**18C Justice agencies to tell victims about administration of justice processes**

A justice agency must make the following information available to a victim in a way the victim understands:

- (a) victims rights and how a victim may make a justice agency complaint, raise a victims rights concern or make a victims rights complaint if the victim believes a justice agency has not complied with their victims rights;
- (b) how to report an offence to a police officer and the administration of justice processes that result from making a report;
- (c) any services that provide support or assistance, including legal and financial assistance, that are available to the victim;
- (d) hearing and trial processes, including the role, rights and responsibilities of witnesses;
- (e) restorative justice options that are available to victims, including the referral process, and that there are eligibility and suitability requirements for restorative justice under the [\*Crimes \(Restorative Justice\) Act 2004\*](#).

**Subdivision 3A.7.2 Complaints and concerns about victims rights**

**18D Victims may make justice agency complaints to justice agencies**

- (1) This section applies if—
  - (a) a victim engages with a justice agency; and
  - (b) the victim—
    - (i) believes the justice agency has not complied with their victims rights; or

(ii) is otherwise dissatisfied with the justice agency's services in relation to victims rights.

(2) The victim may make a complaint about the justice agency's conduct to the justice agency (a ***justice agency complaint***).

*Note* Alternatively, a victim may raise a victims rights concern with the commissioner (see s 18F (2)) or make a victims rights complaint to the human rights commission (see [Human Rights Commission Act 2005](#), s 41C (2)).

(3) A justice agency complaint may be made orally or in writing.

(4) A justice agency must record an oral complaint in writing if—

(a) the agency considers the complaint is of a sufficiently serious nature to be recorded in writing; or

(b) the victim asks the agency to record the complaint in writing.

*Note* A complaint may be made for a victim by the victim's representative if nominated to do so by the victim (see s 18B).

(5) A justice agency complaint may be withdrawn at any time by—

(a) the victim; or

(b) if the victim has nominated a representative to make the complaint—the victim's representative.

(6) In this section:

***representative***—see section 18B (1).

## **18E Justice agencies to deal with justice agency complaints**

(1) If a victim makes a justice agency complaint to a justice agency, the justice agency must—

(a) give the victim information about the process that will be used for resolving the complaint; and

(b) take all reasonable steps to resolve the complaint as soon as practicable.

- (2) The victim must give the justice agency any document or information that the victim can provide and which is reasonably required by the justice agency to resolve the complaint.

**18F Victims may raise victims rights concern with commissioner**

- (1) This section applies if—
- (a) a victim engages with a justice agency; and
  - (b) the victim believes the justice agency has not complied with their victims rights.
- (2) The victim may raise a concern (a *victims rights concern*) about the justice agency's conduct with the commissioner.

*Note 1* Alternatively, a victim may make a justice agency complaint to a justice agency (see s 18D) or make a victims rights complaint to the human rights commission (see *Human Rights Commission Act 2005*, s 41C).

*Note 2* A victim need not have made a justice agency complaint to a justice agency before raising a victims rights concern with the commissioner.

- (3) A victims rights concern may be raised orally or in writing.

*Note* A concern may be raised for a victim by the victim's representative if nominated to do so by the victim (see s 18B).

- (4) A victims rights concern may be withdrawn at any time by—
- (a) the victim; or
  - (b) if the victim has nominated a representative to raise the concern—the victim's representative.
- (5) In this section:  
*representative*—see section 18B (1).

## **18G            Commissioner to deal with victims rights concerns**

- (1) If a victim raises a victims rights concern about a justice agency with the commissioner—
    - (a) the commissioner must—
      - (i) give the victim information about the process that will be used for resolving the concern; and
      - (ii) take all reasonable steps to resolve the concern as soon as practicable; and
    - (b) the justice agency must, on request, give the commissioner any document or information that the justice agency could provide to the victim and which is reasonably required by the commissioner to resolve the concern.
  - (2) However, a justice agency must not give the commissioner a document or information if—
    - (a) the victim does not consent to the giving of the document or information; or
    - (b) the director of public prosecutions considers that it would prejudice the prosecution of an offence.
- Note*        The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.
- (3) If the commissioner is unable to resolve a victims rights concern, the commissioner may, with the victim's consent—
    - (a) refer the concern to a relevant complaints entity; and
    - (b) if the concern is referred under paragraph (a)—give the entity any information the commissioner has in relation to the concern.

(4) In this section:

***relevant complaints entity*** means any of the following entities:

- (a) the human rights commission;
- (b) the ombudsman;
- (c) the integrity commission;
- (d) any other entity authorised to investigate a complaint relating to the administration of justice.

## **Division 3A.8      Miscellaneous**

### **18H      Justice agencies to make victims rights guidelines**

Each justice agency must make and publish written guidelines on the agency's website (the agency's ***victims rights guidelines***) to—

- (a) assist the agency to comply with victims rights; and
- (b) establish appropriate processes and procedures to enable the agency to respond to and resolve justice agency complaints.

### **18I      Justice agencies to include justice agency complaints in annual report**

- (1) A justice agency must include the following in the agency's annual report under the [\*Annual Reports \(Government Agencies\) Act 2004\*](#):
  - (a) a statement of how many written justice agency complaints were made to the agency in the year;
  - (b) for each written complaint made—
    - (i) the right in relation to which the complaint was made; and

- (ii) whether the agency resolved the complaint.

*Note 1*    **Justice agency complaint**—see s 18D (2).

*Note 2*    The DPP may also be required to include other information in relation to victims rights complaints in the DPP's annual report (see [Human Rights Commission Act 2005](#), s 100B).

- (2) However, the justice agency must not include any information that would identify a complainant or a victim of an offence.
- (3) In this section:

**written justice agency complaint** includes a justice agency complaint made orally by a victim and recorded in writing by a justice agency.

## **18J            Commissioner to include victims rights concerns in annual report**

- (1) The commissioner must include the following in the human rights commission's annual report under the [Annual Reports \(Government Agencies\) Act 2004](#):
  - (a) a statement of how many victims rights concerns were raised with the commissioner in the year;
  - (b) for each concern raised—
    - (i) the right in relation to which the concern was raised; and
    - (ii) whether the commissioner resolved the concern; and
    - (iii) if the commissioner referred the concern under section 18G (3)—the entity to which the concern was referred.
- (2) However, the commissioner must not include any information that would identify a complainant or a victim of an offence.

**18K      Legal rights not affected**

- (1) The Legislative Assembly does not intend by this part to—
  - (a) create in any person any legal right or give rise to any civil cause of action; or
  - (b) affect in any way the interpretation of any territory law; or
  - (c) affect in any way the operation of any territory law, including a law that deals with the same subject matter as a victims right; or
  - (d) affect the validity, or provide grounds for review, of any judicial or administrative act or omission.
- (2) However, nothing prevents a contravention of this Act from being the subject of disciplinary proceedings against an official.

**18L      Review of victims rights**

- (1) The Minister must review the operation of this part as soon as practicable after the end of its 3rd year of operation.
- (2) The Minister must present a report of the review to the Legislative Assembly within 12 months after the day the review is started.
- (3) This section expires 5 years after the day it commences.

## Part 4 Victims services scheme

### 19 Victims services scheme—establishment

- (1) A victims services scheme must be established in accordance with the regulations.
- (2) Regulations made for this section may provide for the following matters:
  - (a) conditions for eligibility for the scheme;
  - (b) different levels of services for different categories of victim, or for victims in different circumstances;
  - (c) the exercise of functions in relation to the scheme by the commissioner (other than functions inconsistent with the commissioner's other functions under this Act);
  - (d) the nomination of a person or body as the annual reporting authority for the scheme;
  - (e) any other matters necessary or convenient for the establishment or operation of the scheme.

### 20 Victims services scheme—eligibility

All victims, including a victim under division 3A.3A, are eligible for assistance under the victims services scheme, subject to regulations made for section 19.

### 21 Victims services scheme—annual report

The annual reporting authority nominated in accordance with the regulations must prepare an annual report under the *Annual Reports (Government Agencies) Act 2004* about the operations of the scheme within the relevant financial year.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## **22 Victims services scheme—access to information and protection of privacy**

For the avoidance of doubt—

- (a) the victims services scheme is declared to be a health service provider for the *Health Records (Privacy and Access) Act 1997*; and
- (b) that Act accordingly applies in relation to any health record (under that Act) held by the victims services scheme in relation to a victim.

## **Part 4A**                      **Victims advisory board**

### **Division 4A.1**              **Establishment and membership**

#### **22A**              **Establishment of board**

The Victims Advisory Board is established.

#### **22B**              **Functions of board**

The functions of the board are—

- (a) to advise the Minister on policies, priorities and strategies for the acknowledgment, protection and promotion of the interests of victims in the administration of justice; and
- (b) if asked by the Minister—to help develop and maintain protocols and procedures for the treatment of victims by agencies involved in the administration of justice; and
- (c) any other function given to the board under this Act or another territory law.

#### **22C**              **Membership of board**

The board consists of—

- (a) the director-general; and
- (b) the commissioner; and
- (c) the Domestic, Family and Sexual Violence Coordinator-General; and
- (d) the members (the *appointed members*) appointed under section 22D.

## **22D Appointed members of board**

- (1) The director-general must appoint a representative of each of the following as members of the board:
  - (a) the DPP;
  - (b) the Australian Federal Police;
  - (c) the ACT courts;
  - (d) the sentence administration board;
  - (e) the administrative unit allocated responsibility for the administration of corrective services;
  - (f) the administrative unit allocated responsibility for the administration of youth justice;
  - (g) the administrative unit allocated responsibility for restorative justice.
- (2) The Minister must appoint the following as members of the board:
  - (a) 3 people who, in the Minister's opinion, represent the interests of victims services groups;
  - (b) 2 people of different gender who, in the Minister's opinion, represent the interests of indigenous communities;
  - (c) 1 person who is a lawyer.

- (3) A member must be employed, practise, or live, in the ACT.
- (4) A member appointed under subsection (2) must not be a public servant.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see [Legislation Act](#), div 19.3.3).

*Note 4* A person may be reappointed to a position if the person is eligible to be appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1, def *appoint*).

## **22E Chair**

The chair of the board is the director-general.

## **22F Conditions of appointment generally**

- (1) An appointed member holds the position on a part-time basis.
- (2) An appointed member holds the position on terms not provided by this Act or another territory law that are decided by the Minister.

## **22G Term of appointment**

- (1) An appointed member must be appointed for not longer than 3 years.
- (2) The director-general must end the appointment of a member appointed under section 22D (1) if satisfied that the member is no longer the representative of the entity the member was appointed to represent.

- (3) The Minister must end the appointment of a member appointed under section 22D (2) if satisfied that the member—
  - (a) no longer represents the interests of the group or community the member was appointed to represent; or
  - (b) is no longer eligible for appointment.
- (4) The director-general or Minister may end the appointment of a member appointed by the director-general or Minister respectively—
  - (a) for misbehaviour or physical or mental incapacity; or
  - (b) if the member becomes bankrupt or personally insolvent; or
  - (c) if the member is absent for 3 consecutive meetings; or
  - (d) if the member is convicted of an indictable offence; or
  - (e) if the member fails to comply with section 22J (Disclosure of interests) without reasonable excuse.

*Note* A person's appointment also ends if the person resigns (see [Legislation Act](#), s 210).

## **Division 4A.2 Proceedings of board**

### **22H Time and place of meetings**

- (1) Meetings of the board are to be held at the times and places it decides.
- (2) However, the board must meet at least twice every year.
- (3) The chair—
  - (a) may at any time call a meeting of the board; and
  - (b) must call a meeting if asked to do so by the Minister or at least 7 members.

**22I Procedures governing conduct of meetings**

- (1) The chair presides at all meetings at which the chair is present.
- (2) If the chair is absent, the member chosen by the members present presides.
- (3) The board may decide the procedure to be followed for a meeting.
- (4) At a meeting of the board—
  - (a) 7 members form a quorum; and
  - (b) each member has a vote on each question to be decided; and
  - (c) a question is to be decided by a majority of the votes of the members present and voting but, if the votes are equal, the member presiding has a casting vote.
- (5) The board must keep minutes of its meetings.

**22J Disclosure of interests**

- (1) This section applies to a member of the board if—
  - (a) the member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the board; and
  - (b) the interest could conflict with the proper exercise of the member's functions in relation to the board's consideration of the issue.
- (2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a meeting of the board.
- (3) The disclosure must be recorded in the board's minutes and, unless the board otherwise decides, the member must not—
  - (a) be present when the board considers the issue; or
  - (b) take part in a decision of the board on the issue.

## Part 5                      Victims services levy

### 23                      Meaning of *offence*—pt 5

In this part:

*offence* means an offence dealt with by the Supreme Court or the Magistrates Court other than an offence prescribed by regulation.

### 24                      Imposition of victims services levy

- (1) A levy (a *victims services levy*) is imposed to provide a source of revenue to improve services for victims of crime.
- (2) An adult who is convicted of an offence and ordered by a court to pay a fine in relation to the offence is liable to pay the Territory a victims services levy of \$60.

*Note*        The victims services levy is recoverable under the [Crimes \(Sentence Administration\) Act 2005](#), ch 6A (Court imposed fines).

- (3) The victims services levy is in addition to, and does not form part of, the fine.

### 26                      Levy not to be reduced

- (1) A court must not reduce the victims services levy payable by a person or exonerate a person from liability to pay the levy.
- (2) However, the court may exonerate the person from liability to pay the levy if satisfied in the circumstances of the case that paying the levy is likely to cause undue hardship.

**27                      Effect of appeal etc**

- (1) The commencement of any proceeding to appeal against, or for review of, a conviction for an offence for which a victims services levy is imposed on a person stays the person's liability to pay the levy.
- (2) Setting aside the conviction annuls the person's liability to pay the victims services levy.
- (3) Dismissal of the appeal or review removes the stay of liability.

## Part 6 Miscellaneous

### 28 Protection from liability

- (1) An official is not civilly liable for conduct engaged in honestly and without recklessness—
  - (a) in the exercise of a function under this Act; or
  - (b) in the reasonable belief that the conduct was in the exercise of a function under this Act.
- (2) Any civil liability that would, apart from this section, attach to the official attaches instead to the Territory.
- (3) In this section:

*conduct* means an act or omission to do an act.

*official* means—

- (a) the commissioner; or
- (b) a member of the staff of the commissioner; or
- (c) a person authorised under this Act to do or not to do a thing.

### 29 Secrecy

- (1) A person to whom this section applies commits an offence if—
  - (a) the person—
    - (i) makes a record of protected information about someone else; and
    - (ii) is reckless about whether the information is protected information about someone else; or

(b) the person—

- (i) does something that divulges protected information about someone else; and
- (ii) is reckless about whether—
  - (A) the information is protected information about someone else; and
  - (B) doing the thing would result in the information being divulged to someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply if the record is made, or the information is divulged—
- (a) under this Act or another law applying in the Territory; or
  - (b) in relation to the exercise of a function, as a person to whom this section applies, under this Act or another law applying in the Territory.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) Subsection (1) does not apply to the divulging of protected information about someone with the person's consent.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) A person to whom this section applies need not divulge protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act or another law applying in the Territory.

(5) In this section:

***court*** includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

***divulge*** includes communicate.

***person to whom this section applies*** means a person who—

(a) is or has been—

(i) the commissioner; or

(ii) a member of the staff of the commissioner; or

(b) exercises, or has exercised, a function under this Act.

***produce*** includes allow access to.

***protected information*** means information about a person that is disclosed to, or obtained by, a person to whom this section applies because of the exercise of a function under this Act by the person or someone else.

## **29A Delegation by chief police officer**

The chief police officer may delegate a function under this Act to a police officer.

*Note* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

## **30 Regulation-making power**

The Executive may make regulations for this Act.

*Note* A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* In particular, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- ACT
- adult
- bankrupt or personally insolvent
- Chief Justice
- Chief Magistrate
- chief police officer
- child
- director-general (see s 163)
- domestic partner (see s 169 (1))
- DPP
- Executive
- home address
- human rights commission
- indictable offence (see s 190)
- integrity commission
- judge
- magistrate
- Magistrates Court
- Minister (see s 162)
- ombudsman
- parent
- penalty unit (see s 133)
- police officer
- public servant
- sentence administration board
- Supreme Court

- territory law
- the Territory.

***administration of justice***—see section 7.

***adult offenders victims register unit***—see section 8 (1) (a) (i).

***affected person register unit***—see section 8 (1) (a) (ii).

***appointed member***—see section 22C (d).

***authorised officer***, for part 3A (Victims rights)—see section 14B.

***board*** means the victims advisory board.

***child***, for division 3A.3A (Victims rights—harm statement etc)—see section 15CA (1).

***commissioner*** means the Victims of Crime Commissioner appointed under the [Human Rights Commission Act 2005](#), section 18D.

*Note* The commissioner is a member of the human rights commission (see [Human Rights Commission Act 2005](#), s 12 (1)).

***corrective services unit***—see section 8 (1) (a) (iv).

***detained offender***, for part 3A (Victims rights)—see section 14B.

***financial assistance scheme*** means the scheme established under the [Victims of Crime \(Financial Assistance\) Act 2016](#) to provide financial assistance for victims.

***forensic mental health order***, for part 3A (Victims rights)—see section 14B.

***forensic patient***, for part 3A (Victims rights)—see section 14B.

***guardian***—see section 6 (3).

***harm***, for division 3A.3A (Victims rights—harm statement etc)—see section 15CA (1).

***harmful behaviour***, for division 3A.3A (Victims rights—harm statement etc)—see section 15CA (1).

***harm statement***, for division 3A.3A (Victims rights—harm statement etc)—see section 15CA (1).

***intensive correction order***, for part 3A (Victims rights)—see section 14B.

***justice agency***—see section 8.

***justice agency complaint***—see section 18D (2).

***mental health order***, for part 3A (Victims rights)—see section 14B.

***offence***—

(a) for this Act generally—means an offence against a law in force in the ACT; and

(b) for part 5 (Victims services levy)—see section 23.

***offender***, for part 3A (Victims rights)—see section 14B.

***parole order***, for part 3A (Victims rights)—see section 14B.

***primary victim***—see section 6 (1) (a).

***referring entity***—see the [Crimes \(Restorative Justice\) Act 2004](#), dictionary.

***registered affected person***, in relation to a forensic patient, for part 3A (Victims rights)—see section 14B.

***registered victim***, of an offender, for part 3A (Victims rights)—see section 14B.

***restorative justice***—see the [Crimes \(Restorative Justice\) Act 2004](#), section 10.

***restorative justice unit***—see section 8 (1) (a) (viii).

***therapeutic support panel***, for division 3A.3A (Victims rights—harm statement etc)—see the [Children and Young People Act 2008](#), dictionary.

***transfer or release***, of a detained offender, for part 3A (Victims rights)—see section 14B.

**victim—**

- (a) for this Act generally—see section 6; and
- (b) of a child’s harmful behaviour, for division 3A.3A (Victims rights—harm statement etc)—see section 15CA (1).

**victim impact statement**, for an offence, for part 3A (Victims rights)—see section 14B.

**victims advisory board** means the board established under section 22A.

**victims rights**—see section 14A.

**victims rights complaint**—see the [Human Rights Commission Act 2005](#), section 41C (2).

**victims rights concern**—see section 18F (2).

**victims services levy**—see section 24 (1).

**victims services scheme** means the scheme established under part 4.

**young offender**, for part 3A (Victims rights)—see section 14B.

**youth justice victims register unit**—see section 8 (1) (a) (xii).

## Endnotes

1 About the endnotes

---

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

#### **Victims of Crime Act 1994 A1994-83**

notified 15 December 1994 (Gaz 1994 No S280)  
s 1, s 2 commenced 15 December 1994 (s 2 (1))  
remainder (ss 3-19) commenced 15 June 1995 (s 2 (3))

as amended by

#### **Statute Law Revision (Penalties) Act 1998 A1998-54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

#### **Victims of Crime (Financial Assistance) (Amendment) Act 1999 A1999-91 pt 3**

notified 23 December 1999  
s 1, s 2 commenced 23 December 1999 (s 2 (1))  
pt 3 commenced 24 December 1999 (s 2 (2) and Gaz 1999 No S69)

#### **Legislation (Consequential Amendments) Act 2001 A2001-44 pt 407**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 407 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Statute Law Amendment Act 2003 A2003-41 sch 3 pt 3.21**

notified LR 11 September 2003  
s 1, s 2 commenced 11 September 2003 (LA s 75 (1))  
sch 3 pt 3.21 commenced 9 October 2003 (s 2 (1))

#### **Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.36**

notified LR 19 March 2004  
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))  
sch 1 pt 1.36 commenced 13 April 2004 (s 2 and see [Annual Reports \(Government Agencies\) Act 2004 A2004-8](#), s 2 and [CN2004-5](#))

## Endnotes

**Justice and Community Safety Legislation Amendment Act 2007**  
**A2007-22 sch 1 pt 1.15**

notified LR 5 September 2007  
s 1, s 2 commenced 5 September 2007 (LA s 75 (1))  
sch 1 pt 1.15 commenced 6 September 2007 (s 2)

**Victims of Crime Amendment Act 2007 A2007-44**

notified LR 13 December 2007  
s 1, s 2 commenced 13 December 2007 (LA s 75 (1))  
remainder commenced 20 December 2007 (s 2)

**Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.82**

notified LR 26 November 2009  
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))  
sch 3 pt 3.82 commenced 17 December 2009 (s 2)

**Crimes (Sentence Administration) Amendment Act 2010 A2010-21**  
**sch 1 pt 1.10**

notified LR 30 June 2010  
s 1, s 2 commenced 30 June 2010 (LA s 75 (1))  
sch 1 pt 1.10 commenced 1 July 2010 (s 2)

**Victims of Crime Amendment Act 2010 A2010-29 pt 2**

notified LR 31 August 2010  
s 1, s 2 commenced 31 August 2010 (LA s 75 (1))  
pt 2 commenced 28 February 2011 (s 2 and LA s 79)

**Administrative (One ACT Public Service Miscellaneous Amendments)**  
**Act 2011 A2011-22 sch 1 pt 1.167**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.167 commenced 1 July 2011 (s 2 (1))

**Justice and Community Safety Legislation Amendment Act 2012**  
**A2012-30 sch 1 pt 1.6**

notified LR 13 June 2012  
s 1, s 2 commenced 13 June 2012 (LA s 75 (1))  
sch 1 pt 1.6 commenced 14 June 2012 (s 2)

**Justice and Community Safety Legislation Amendment Act 2013  
(No 4) A2013-45 sch 1 pt 1.5**

notified LR 11 November 2013  
s 1, s 2 commenced 11 November 2013 (LA s 75 (1))  
sch 1 pt 1.5 commenced 12 November 2013 (s 2)

**Mental Health (Treatment and Care) Amendment Act 2014 A2014-51  
sch 1 pt 1.11 (as am by A2015-38 amdt 2.54)**

notified LR 12 November 2014  
s 1, s 2 commenced 12 November 2014 (LA s 75 (1))  
sch 1 pt 1.11 commenced 1 March 2016 (s 2 (as am by A2015-38  
amdt 2.54))

**Mental Health Act 2015 A2015-38 sch 2 pt 2.2, sch 2 pt 2.4 div 2.4.16**

notified LR 7 October 2015  
s 1, s 2 commenced 7 October 2015 (LA s 75 (1))  
sch 2 pt 2.2 (amdt 2.54) commenced 8 October 2015 (s 2 (2))  
sch 2 pt 2.4 div 2.4.16 commenced 1 March 2016 (s 2 (1) and see  
Mental Health (Treatment and Care) Amendment Act 2014 A2014-51,  
s 2 (as am by A2015-38 amdt 2.54))

*Note* Sch 2 pt 2.2 (amdt 2.54) only amends the [Mental Health  
\(Treatment and Care\) Amendment Act 2014 A2014-51](#)

**Victims of Crime (Victims Services Levy) Amendment Act 2015  
A2015-39**

notified LR 6 October 2015  
s 1, s 2 commenced 6 October 2015 (LA s 75 (1))  
remainder commenced 7 October 2015 (s 2)

**Protection of Rights (Services) Legislation Amendment Act 2016  
A2016-1 sch 1 pt 1.3**

notified LR 23 February 2016  
s 1, s 2 commenced 23 February 2016 (LA s 75 (1))  
sch 1 pt 1.3 commenced 1 April 2016 (s 2)

**Victims of Crime (Financial Assistance) Act 2016 A2016-12 sch 3  
pt 3.5**

notified LR 16 March 2016  
s 1, s 2 commenced 16 March 2016 (LA s 75 (1))  
sch 3 pt 3.5 commenced 1 July 2016 (s 2 (1) (a))

## Endnotes

3 Legislation history

---

**Public Sector Management Amendment Act 2016 A2016-52 sch 1 pt 1.63**

notified LR 25 August 2016  
s 1, s 2 commenced 25 August 2016 (LA s 75 (1))  
sch 1 pt 1.63 commenced 1 September 2016 (s 2)

**Justice and Community Safety Legislation Amendment Act 2016 (No 2) A2016-53 pt 5**

notified LR 25 August 2016  
s 1, s 2 taken to have commenced 23 June 2016 (LA s 75 (2))  
s 14 commenced 1 July 2017 (s 2 (3))  
pt 5 remainder commenced 26 August 2016 (s 2 (1))

**Integrity Commission Act 2018 A2018-52 sch 1 pt 1.23 (as am by A2019-18 s 4)**

notified LR 11 December 2018  
s 1, s 2 commenced 11 December 2018 (LA s 75 (1))  
sch 1 pt 1.23 commenced 1 December 2019 (s 2 (2) (a) as am by A2019-18 s 4)

**Justice and Community Safety Legislation Amendment Act 2019 A2019-17 pt 15**

notified LR 14 June 2019  
s 1, s 2 commenced 14 June 2019 (LA s 75 (1))  
pt 15 commenced 21 June 2019 (s 2)

**Integrity Commission Amendment Act 2019 A2019-18 s 4**

notified LR 14 June 2019  
s 1, s 2 commenced 14 June 2019 (LA s 75 (1))  
s 3, s 4 commenced 15 June 2019 (s 2 (1))

*Note* This Act only amends the [Integrity Commission Act 2018 A2018-52](#).

**Victims Rights Legislation Amendment Act 2020 A2020-34 pt 3**

notified LR 29 July 2020  
s 1, s 2 commenced 29 July 2020 (LA s 75 (1))  
pt 3 commenced 1 January 2021 (s 2)

**Justice Legislation Amendment Act 2020 A2020-42 pt 30**

notified LR 27 August 2020  
s 1, s 2 commenced 27 August 2020 (LA s 75 (1))  
pt 30 commenced 10 September 2020 (s 2 (1))

**Courts Legislation Amendment Act 2023 A2023-37 sch 1 pt 1.15**

notified LR 29 September 2023

s 1, s 2 commenced 29 September 2023 (LA s 75 (1))

sch 1 pt 1.15 commenced 30 September 2023 (s 2)

**Victims of Crime Amendment Act 2023 A2023-41**

notified LR 8 November 2023

s 1, s 2 commenced 8 November 2023 (LA s 75 (1))

remainder commenced 9 November 2023 (s 2)

**Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023 A2023-45 pt 10**

notified LR 15 November 2023

s 1, s 2 commenced 15 November 2023 (LA s 75 (1))

s 140, s 141 commenced 1 July 2025 (s 2 (3))

pt 10 remainder commenced 27 March 2024 (s 2 (2) (a))

**Crimes Legislation Amendment Act 2024 A2024-12 pt 11**

notified LR 19 April 2024

s 1, s 2 commenced 19 April 2024 (LA s 75 (1))

pt 11 commenced 26 April 2024 (s 2 (1))

**Crimes Legislation Amendment Act 2024 (No 2) A2024-16 sch 1 pt 1.4**

notified LR 19 April 2024

s 1, s 2 commenced 19 April 2024 (LA s 75 (1))

sch 1 pt 1.4 commenced 26 April 2024 (s 2)

## Endnotes

4 Amendment history

---

### 4 Amendment history

#### Long title

long title sub [A2023-45](#) s 133

#### Name of Act

s 1 sub [A2003-41](#) amdt 3.455

#### Dictionary

s 2 om [A2001-44](#) amdt 1.4232  
ins [A2003-41](#) amdt 3.459

#### Notes

s 3 defs reloc to dict [A2003-41](#) amdt 3.458  
sub [A2003-41](#) amdt 3.459

#### Offences against Act—application of Criminal Code etc

s 3A ins [A2010-29](#) s 4

#### Objects of Act

s 3AA ins [A2020-34](#) s 23  
am [A2023-45](#) s 134

#### Objects and principles

pt 2 hdg sub [A2010-29](#) s 5  
om [A2020-34](#) s 24

#### Object of Act

s 3B ins [A2010-29](#) s 5  
om [A2020-34](#) s 24

#### Governing principles

s 4 am [A2003-41](#) amdts 3.460–3.468; [A2009-49](#) amdt 3.207  
om [A2020-34](#) s 24

#### Compliance with principles

s 5 sub [A2003-41](#) amdt 3.469  
am [A2010-29](#) s 6, s 7  
om [A2020-34](#) s 24

#### Important concepts

pt 2A hdg ins [A2010-29](#) s 9

#### Who is a *victim*?

s 6 sub [A2003-41](#) amdt 3.469  
om [A2010-29](#) s 8  
ins [A2010-29](#) s 9  
am [A2016-12](#) amdt 3.6; [A2023-45](#) s 135

**Meaning of *administration of justice***

s 7 am [A2003-41](#) amdts 3.470–3.472  
 sub [A2010-29](#) s 10  
 om [A2016-1](#) amdt 1.21  
 ins [A2020-34](#) s 25

**Meaning of *justice agency***

s 8 sub [A2010-29](#) s 10  
 om [A2016-1](#) amdt 1.21  
 ins [A2020-34](#) s 25  
 am [A2023-37](#) amdt 1.25

**Victims of crime commissioner**

pt 3 hdg sub [A2010-29](#) s 10

**Appointment of commissioner**

div 3.1 hdg (prev pt 3 div 1 hdg) renum R2 LA  
 sub [A2010-29](#) s 10  
 om [A2016-1](#) amdt 1.21

**Staff**

s 9 am [A2003-41](#) amdts 3.473–3.475  
 sub [A2010-29](#) s 10  
 om [A2016-1](#) amdt 1.21

**Delegation by commissioner**

s 10 om [A2003-41](#) amdt 3.476  
 ins [A2010-29](#) s 10  
 om [A2016-1](#) amdt 1.21

**Functions of commissioner**

div 3.2 hdg (prev pt 3 div 2 hdg) renum R2 LA  
 sub [A2003-41](#) amdt 3.480; [A2010-29](#) s 10  
 om R15 LA

**Functions**

s 11 am [A1998-54](#) sch  
 sub [A2010-29](#) s 10  
 am [A2014-51](#) amdt 1.73; [A2015-38](#) amdt 2.91 pars renum R14  
 LA; [A2016-1](#) amdt 1.22; [A2016-12](#) amdt 3.7; [A2020-34](#) ss 26–  
 28; pars renum R3 LA

**Concerns and complaints**

s 12 am [A2003-41](#) amdt 3.477, amdt 3.478  
 sub [A2010-29](#) s 10  
 am [A2018-52](#) amdt 1.111; pars renum R21 LA  
 om [A2020-34](#) s 29

**Attendance at criminal proceedings**

s 13 sub [A2003-41](#) amdt 3.479; [A2010-29](#) s 10

## Endnotes

4 Amendment history

---

### Victims rights

pt 3A hdg ins [A2020-34](#) s 30

### Preliminary

div 3A.1 hdg ins [A2020-34](#) s 30

### Object—pt 3A

s 14 sub [A2003-41](#) amdt 3.480  
om [A2010-29](#) s 10  
ins [A2020-34](#) s 30

### Meaning of *victims rights*

s 14A ins [A2020-34](#) s 30

### Application of victims rights to victims under div 3A.3A

s 14AA ins [A2023-45](#) s 136

### Definitions—pt 3A

s 14B ins [A2020-34](#) s 30  
def *authorised officer* ins [A2020-34](#) s 30  
def *detained offender* ins [A2020-34](#) s 30  
def *forensic mental health order* ins [A2020-34](#) s 30  
def *forensic patient* ins [A2020-34](#) s 30  
def *intensive correction order* ins [A2020-34](#) s 30  
def *mental health order* ins [A2020-34](#) s 30  
def *offender* ins [A2020-34](#) s 30  
def *parole order* ins [A2020-34](#) s 30  
def *registered affected person* ins [A2020-34](#) s 30  
def *registered victim* ins [A2020-34](#) s 30  
def *transfer or release* ins [A2020-34](#) s 30  
def *victim impact statement* ins [A2020-34](#) s 30  
def *young offender* ins [A2020-34](#) s 30

### Victims rights—respect, privacy and safety

div 3A.2 hdg ins [A2020-34](#) s 30

### Respectful engagement with victims

s 14C ins [A2020-34](#) s 30

### Respectful engagement with child victims

s 14D ins [A2020-34](#) s 30

### Contact with victims

s 14E ins [A2020-34](#) s 30

### Victims' privacy

s 14F ins [A2020-34](#) s 30

### Storage and return of victims' property

s 14G ins [A2020-34](#) s 30

**Victims' appearance at preliminary or committal hearings**s 14H ins [A2020-34](#) s 30**Minimising victims' exposure to accused etc**s 14I ins [A2020-34](#) s 30**Minimising registered victims' exposure to offenders etc**s 14J ins [A2020-34](#) s 30**Victims rights—access to support, services, legal and financial assistance**div 3A.3 hdg ins [A2020-34](#) s 30**Referral of victims to support services**s 15 sub [A2003-41](#) amdt 3.480  
om [A2010-29](#) s 10  
ins [A2020-34](#) s 30**Provision of aids or adjustments to victims**s 15A ins [A2020-34](#) s 30**Victims may request referral of offences to restorative justice**s 15B ins [A2020-34](#) s 30  
am [A2023-45](#) s 137, s 138; ss renum R27 LA**Reimbursement and financial assistance for victims**s 15C ins [A2020-34](#) s 30**Division 3A.3A Victims rights—harm statement etc**div 3A.3A hdg ins [A2023-45](#) s 138**Definitions—div 3A.3A**s 15CA ins [A2023-45](#) s 138  
def *child* ins [A2023-45](#) s 138  
sub [A2023-45](#) s 140  
def *harm* ins [A2023-45](#) s 138  
def *harmful behaviour* ins [A2023-45](#) s 138  
def *harm statement* ins [A2023-45](#) s 138  
def *therapeutic support panel* ins [A2023-45](#) s 138  
def *victim* ins [A2023-45](#) s 138**Application—div 3A.3A**s 15CB ins [A2023-45](#) s 138  
sub [A2023-45](#) s 141**Harm statement—who may make a harm statement**s 15CC ins [A2023-45](#) s 138**Harm statement—form and contents**s 15CD ins [A2023-45](#) s 138**Harm statement—presentation to panel**s 15CE ins [A2023-45](#) s 138

## Endnotes

4 Amendment history

---

**Harm statement—use by panel**

s 15CF ins [A2023-45](#) s 138

**Harm statement—relevant entity to tell victims about harm statement**

s 15CG ins [A2023-45](#) s 138

**Information disclosure to victim of harmful behaviour**

s 15CH ins [A2023-45](#) s 138

**Victims rights—information about administration of justice processes**

div 3A.4 hdg ins [A2020-34](#) s 30

**Police to tell victims about administration of justice processes after offence reported**

s 15D ins [A2020-34](#) s 30

**DPP to give information to victim witnesses**

s 15E ins [A2020-34](#) s 30

**Police and DPP to tell victims about victim impact statement**

s 15F ins [A2020-34](#) s 30

**DPP to tell victims about decisions to discontinue prosecution and review of decisions**

s 15G ins [A2020-34](#) s 30

**Justice agencies to tell eligible victims about victims register etc**

s 15H ins [A2020-34](#) s 30

**Justice agencies to tell victims about justice agency complaints and victims rights concerns**

s 15I ins [A2020-34](#) s 30  
am [A2024-16](#) amdt 1.8

**Victims rights—information about investigations, proceedings and decisions**

div 3A.5 hdg ins [A2020-34](#) s 30

**Police to give written confirmation to victims reporting offences**

s 16 sub [A2003-41](#) amdt 3.480  
om [A2010-29](#) s 10  
ins [A2020-34](#) s 30

**Police to update victims about status of investigations**

s 16A ins [A2020-34](#) s 30  
am [A2023-41](#) s 4, s 5

**DPP to consider victims' views about dealing with charges**

s 16B ins [A2020-34](#) s 30

**Police and DPP to update victims about bail decisions**

s 16C ins [A2020-34](#) s 30

**DPP to tell victims about hearings**

s 16D ins [A2020-34](#) s 30

**DPP to tell victims about reparation orders**s 16E ins [A2020-34](#) s 30**DPP to tell victims about outcomes of trials and appeals**s 16F ins [A2020-34](#) s 30**Justice agencies to tell victims about inquiries for parole or release on licence**s 16G ins [A2020-34](#) s 30**Justice agencies to tell victims about parole or release on licence decisions**s 16H ins [A2020-34](#) s 30**Justice agencies may give information about offenders to registered victims**s 16I ins [A2020-34](#) s 30**Justice agencies to tell registered victims about transfer etc of detained offenders**s 16J ins [A2020-34](#) s 30**Adult offender victims register unit to tell victim about intensive correction orders**s 16K ins [A2020-34](#) s 30**DPP to tell victims about court requirements and orders relating to offender's mental health**s 16L ins [A2020-34](#) s 30**ACAT to tell victims about mental health orders etc**s 16M ins [A2020-34](#) s 30**Affected person register unit to tell victims about affected person register etc**s 16N ins [A2020-34](#) s 30**Victims rights—participation in proceedings**div 3A.6 hdg ins [A2020-34](#) s 30**Justice agency to present victims' concerns about protection in bail submissions**s 17 sub [A2003-41](#) amdt 3.480  
om [A2010-29](#) s 10  
ins [A2020-34](#) s 30**Victims may make victim impact statements**s 17A ins [A2020-34](#) s 30**Corrective services unit to consider victims' views about pre-sentence report or intensive correction assessment**s 17B ins [A2020-34](#) s 30**Victims may be in courtroom for proceedings**s 17C ins [A2020-34](#) s 30

## Endnotes

4 Amendment history

---

**Victims may make submissions for parole or release on licence inquiries**  
s 17D ins [A2020-34](#) s 30

**Victims may give statement to ACAT for mental health orders etc**  
s 17E ins [A2020-34](#) s 30

**Affected person register unit to assist victims to participate in order hearings**  
s 17F ins [A2020-34](#) s 30

**Victims may participate in restorative justice**  
s 17G ins [A2020-34](#) s 30

**Implementing victims rights**  
div 3A.7 hdg ins [A2020-34](#) s 30

**Complying with victims rights**  
sdiv 3A.7.1 hdg ins [A2020-34](#) s 30

**Justice agencies must comply with victims rights**  
s 18 sub [A2003-41](#) amdt 3.480  
om [A2010-29](#) s 10  
ins [A2020-34](#) s 30

**Other entities should have regard to victims rights**  
s 18A ins [A2007-22](#) amdt 1.56  
om [A2010-29](#) s 10  
ins [A2020-34](#) s 30

**Victims' representatives**  
s 18B ins [A2020-34](#) s 30

**Justice agencies to tell victims about administration of justice processes**  
s 18C ins [A2020-34](#) s 30

**Complaints and concerns about victims rights**  
sdiv 3A.7.2 hdg ins [A2020-34](#) s 30

**Victims may make justice agency complaints to justice agencies**  
s 18D ins [A2020-34](#) s 30

**Justice agencies to deal with justice agency complaints**  
s 18E ins [A2020-34](#) s 30

**Victims may raise victims rights concern with commissioner**  
s 18F ins [A2020-34](#) s 30

**Commissioner to deal with victims rights concerns**  
s 18G ins [A2020-34](#) s 30

**Miscellaneous**  
div 3A.8 hdg ins [A2020-34](#) s 30

**Justice agencies to make victims rights guidelines**

s 18H ins [A2020-34](#) s 30  
(2), (3) exp 1 January 2022 (s 18H (3))

**Justice agencies to include justice agency complaints in annual report**

s 18I ins [A2020-34](#) s 30

**Commissioner to include victims rights concerns in annual report**

s 18J ins [A2020-34](#) s 30

**Legal rights not affected**

s 18K ins [A2020-34](#) s 30

**Review of victims rights**

s 18L ins [A2020-34](#) s 30  
exp 1 January 2026 (s 18L (3))

**Victims services scheme**

pt 4 hdg ins [A1999-91](#) s 10

**Victims services scheme—establishment**

s 19 ins [A1999-91](#) s 10  
am [A2003-41](#) amdts 3.481–3.483; [A2010-29](#) s 11, s 12

**Victims services scheme—eligibility**

s 20 ins [A1999-91](#) s 10  
am [A2003-41](#) amdt 3.484; [A2023-45](#) s 142

**Victims services scheme—annual report**

s 21 ins [A1999-91](#) s 10  
am [A2003-41](#) amdt 3.485, amdt 3.486  
sub [A2004-9](#) amdt 1.49; [A2016-52](#) amdt 1.171

**Victims services scheme—access to information and protection of privacy**

s 22 ins [A1999-91](#) s 10  
am [A2003-41](#) amdt 3.486, amdt 3.487

**Victims advisory board**

pt 4A hdg ins [A2010-29](#) s 13

**Establishment and membership**

div 4A.1 hdg ins [A2010-29](#) s 13

**Establishment of board**

s 22A hdg ins [A2010-29](#) s 13

**Functions of board**

s 22B hdg ins [A2010-29](#) s 13

**Membership of board**

s 22C hdg ins [A2010-29](#) s 13  
s 22C am [A2011-22](#) amdt 1.464; [A2019-17](#) s 37, s 38; pars renum  
R20 LA; [A2024-12](#) s 25

## Endnotes

4 Amendment history

---

### **Appointed members of board**

s 22D hdg ins [A2010-29](#) s 13  
am [A2012-30](#) amdt 1.27; [A2019-17](#) s 39, s 40; ss renum R20  
LA

### **Chair**

s 22E hdg ins [A2010-29](#) s 13  
s 22E am [A2011-22](#) amdt 1.465

### **Conditions of appointment generally**

s 22F hdg ins [A2010-29](#) s 13

### **Term of appointment**

s 22G hdg ins [A2010-29](#) s 13  
am [A2019-17](#) ss 41-43; ss renum R20 LA

### **Proceedings of board**

div 4A.2 hdg ins [A2010-29](#) s 13

### **Time and place of meetings**

s 22H hdg ins [A2010-29](#) s 13

### **Procedures governing conduct of meetings**

s 22I hdg ins [A2010-29](#) s 13

### **Disclosure of interests**

s 22J hdg ins [A2010-29](#) s 13

### **Victims services levy**

pt 5 hdg (prev pt 4 hdg) renum [A1999-91](#) s 11  
sub [A2007-44](#) s 4

### **Meaning of offence—pt 5**

s 23 (prev s 19) renum [A1999-91](#) s 11  
am [A2001-44](#) amdt 1.4233  
sub [A2007-44](#) s 4

### **Imposition of victims services levy**

s 24 ins [A2007-44](#) s 4  
am [A2010-21](#) amdt 1.25; [A2013-45](#) amdt 1.15; [A2015-39](#) s 4;  
[A2016-53](#) s 13, s 14

### **Notice of levy**

s 25 ins [A2007-44](#) s 4  
om [A2020-42](#) s 149

### **Levy not to be reduced**

s 26 ins [A2007-44](#) s 4

### **Effect of appeal etc**

s 27 ins [A2007-44](#) s 4

**Miscellaneous**

pt 6 hdg ins [A2007-44](#) s 4  
sub [A2010-29](#) s 14

**Protection from liability**

s 28 ins [A2007-44](#) s 4  
sub [A2010-29](#) s 14

**Secrecy**

s 29 ins [A2010-29](#) s 14

**Delegation by chief police officer**

s 29A ins [A2020-34](#) s 31

**Regulation-making power**

s 30 ins [A2010-29](#) s 14

**Dictionary**

dict ins [A2003-41](#) amdt 3.488  
am [A2007-44](#) s 5; [A2009-49](#) amdt 3.208; [A2010-29](#) ss 15-17;  
[A2011-22](#) amdt 1.466; [A2019-17](#) s 44; [A2018-52](#) amdt 1.112;  
[A2020-34](#) s 32; [A2023-37](#) amdt 1.26  
def **administration of justice** reloc from s 3 [A2003-41](#)  
amdt 3.458  
sub [A2020-34](#) s 33  
def **adult offenders victims register unit** ins [A2020-34](#) s 34  
def **affected person register unit** ins [A2020-34](#) s 34  
def **appointed member** ins [A2010-29](#) s 18  
def **authorised officer** ins [A2020-34](#) s 34  
def **board** ins [A2010-29](#) s 18  
def **child** ins [A2023-45](#) s 143  
def **commissioner** ins [A2010-29](#) s 18  
am [A2016-1](#) amdt 1.23  
def **coordinator** sub [A2003-41](#) amdt 3.456  
reloc from s 3 [A2003-41](#) amdt 3.458  
om [A2010-29](#) s 19  
def **corrective services unit** ins [A2020-34](#) s 34  
def **detained offender** ins [A2020-34](#) s 34  
def **financial assistance scheme** ins [A2016-12](#) amdt 3.8  
def **forensic mental health order** ins [A2020-34](#) s 34  
def **forensic patient** ins [A2020-34](#) s 34  
def **governing principles** ins [A2010-29](#) s 20  
om [A2020-34](#) s 35  
def **guardian** ins [A2010-29](#) s 20  
def **harm** reloc from s 3 [A2003-41](#) amdt 3.458  
om [A2010-29](#) s 21  
ins [A2023-45](#) s 143  
def **harmful behaviour** ins [A2023-45](#) s 143  
def **harm statement** ins [A2023-45](#) s 143

## Endnotes

4 Amendment history

---

def **intensive correction order** ins [A2020-34](#) s 36  
def **justice agency** ins [A2020-34](#) s 36  
def **justice agency complaint** ins [A2020-34](#) s 36  
def **mental health order** ins [A2020-34](#) s 36  
def **offence** am [A2003-41](#) amdt 3.457  
    reloc from s 3 [A2003-41](#) amdt 3.458  
    sub [A2007-44](#) s 6  
def **offender** ins [A2020-34](#) s 36  
def **parole order** ins [A2020-34](#) s 36  
def **primary victim** ins [A2010-29](#) s 22  
def **referring entity** ins [A2020-34](#) s 36  
def **registered affected person** ins [A2020-34](#) s 36  
def **registered victim** ins [A2020-34](#) s 36  
def **restorative justice** ins [A2020-34](#) s 36  
def **restorative justice unit** ins [A2020-34](#) s 36  
def **therapeutic support panel** ins [A2023-45](#) s 143  
def **transfer or release** ins [A2020-34](#) s 36  
def **victim** am [A1999-91](#) s 9  
    reloc from s 3 [A2003-41](#) amdt 3.458  
    sub [A2010-29](#) s 23; [A2023-45](#) s 144  
def **victim impact statement** ins [A2020-34](#) s 36  
def **victims advisory board** ins [A2010-29](#) s 24  
def **victims rights** ins [A2020-34](#) s 36  
def **victims rights complaint** ins [A2020-34](#) s 36  
def **victims rights concern** ins [A2020-34](#) s 36  
def **victims services levy** ins [A2007-44](#) s 7  
def **victims services scheme** ins [A1999-91](#) s 9  
    reloc from s 3 [A2003-41](#) amdt 3.458  
def **young offender** ins [A2020-34](#) s 36  
def **youth justice victims register unit** ins [A2020-34](#) s 36

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R0A 17 Oct 2007	9 Dec 1998– 23 Dec 1999	<a href="#">A1998-54</a>	amendments by <a href="#">A1998-54</a>
R1 12 June 2000	12 June 2000– 11 Sept 2001	<a href="#">A1999-91</a>	amendments by <a href="#">A1999-91</a>
R1 (RI) 17 Oct 2007	12 June 2000– 11 Sept 2001	<a href="#">A1999-91</a>	reissue of printed version
R2 12 Sept 2001	12 Sept 2001– 8 Oct 2003	<a href="#">A2001-44</a>	amendments by <a href="#">A2001-44</a>
R3 9 Oct 2003	9 Oct 2003– 12 Apr 2004	<a href="#">A2003-41</a>	amendments by <a href="#">A2003-41</a>
R4 13 Apr 2004	13 Apr 2004– 5 Sept 2007	<a href="#">A2004-9</a>	amendments by <a href="#">A2004-9</a>
R5 6 Sept 2007	6 Sept 2007– 19 Dec 2007	<a href="#">A2007-22</a>	amendments by <a href="#">A2007-22</a>
R6 20 Dec 2007	20 Dec 2007– 16 Dec 2009	<a href="#">A2007-44</a>	amendments by <a href="#">A2007-44</a>
R7 17 Dec 2009	17 Dec 2009– 30 June 2010	<a href="#">A2009-49</a>	amendments by <a href="#">A2009-49</a>
R8 1 July 2010	1 July 2010– 27 Feb 2011	<a href="#">A2010-21</a>	amendments by <a href="#">A2010-21</a>
R9 28 Feb 2011	28 Feb 2011– 30 June 2011	<a href="#">A2010-29</a>	amendments by <a href="#">A2010-29</a>
R10 1 July 2011	1 July 2011– 13 June 2012	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>

## Endnotes

### 5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R11 14 June 2012	14 June 2012– 11 Nov 2013	<a href="#">A2012-30</a>	amendments by <a href="#">A2012-30</a>
R12 12 Nov 2013	12 Nov 2013– 6 Oct 2015	<a href="#">A2013-45</a>	amendments by <a href="#">A2013-45</a>
R13 7 Oct 2015	7 Oct 2015– 29 Feb 2016	<a href="#">A2015-39</a>	amendments by <a href="#">A2015-39</a>
R14 1 Mar 2016	1 Mar 2016– 31 Mar 2016	<a href="#">A2015-39</a>	amendments by <a href="#">A2014-51</a> and <a href="#">A2015-38</a>
R15 1 Apr 2016	1 Apr 2016– 30 Jun 2016	<a href="#">A2016-1</a>	amendments by <a href="#">A2016-1</a>
R16 1 July 2016	1 July 2016– 25 Aug 2016	<a href="#">A2016-12</a>	amendments by <a href="#">A2016-12</a>
R17 26 Aug 2016	26 Aug 2016– 31 Aug 2016	<a href="#">A2016-53</a>	amendments by <a href="#">A2016-53</a>
R18 1 Sept 2016	1 Sept 2016– 30 June 2017	<a href="#">A2016-53</a>	amendments by <a href="#">A2016-52</a>
R19 1 July 2017	1 July 2017– 20 June 2019	<a href="#">A2016-53</a>	amendments by <a href="#">A2016-53</a>
R20 21 June 2019	21 June 2019– 30 Nov 2019	<a href="#">A2019-17</a>	amendments by <a href="#">A2019-17</a>
R21 1 Dec 2019	1 Dec 2019– 9 Sept 2020	<a href="#">A2019-18</a>	amendments by <a href="#">A2018-52</a> as amended by <a href="#">A2019-18</a>
R22 10 Sept 2020	10 Sept 2020– 31 Dec 2020	<a href="#">A2020-42</a>	amendments by <a href="#">A2020-42</a>
R23 1 Jan 2021	1 Jan 2021– 1 Jan 2022	<a href="#">A2020-42</a>	amendments by <a href="#">A2020-34</a>
R24 2 Jan 2022	2 Jan 2022– 29 Sept 2023	<a href="#">A2020-42</a>	expiry of provisions (s 18H (2), (3))
R25 30 Sept 2023	30 Sept 2023– 8 Nov 2023	<a href="#">A2023-37</a>	amendments by <a href="#">A2023-37</a>

Republication No and date	Effective	Last amendment made by	Republication for
R26 9 Nov 2023	9 Nov 2023– 26 Mar 2024	<a href="#">A2023-41</a>	amendments by <a href="#">A2023-41</a>
R27 27 Mar 2024	27 Mar 2024– 25 Apr 2024	<a href="#">A2023-45</a>	Amendments by <a href="#">A2023-45</a>
R28 26 Apr 2024	26 Apr 2024– 30 June 2025	<a href="#">A2024-16</a>	amendments by <a href="#">A2024-12</a> and <a href="#">A2024-16</a>