

**Authorised Version No. 021**  
**Victims' Charter Act 2006**  
**No. 65 of 2006**

Authorised Version incorporating amendments as at  
3 September 2018

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**The Parliament of Victoria enacts as follows:**

**Part 1—Preliminary**

**1 Purposes**

The purposes of this Act are—

- (a) to recognise principles that govern the response to persons adversely affected by crime by investigatory agencies, prosecuting agencies and victims' services agencies; and
- (b) to establish requirements for the monitoring and review of the principles set out in this Act.

**2 Commencement**

This Act comes into operation on 1 November 2006.

**3 Definitions**

(1) In this Act—

*Charter principles* means the principles set out in Part 2;

*criminal offence* means an offence, or a series of related offences, committed at any time, whether or not a person has been accused or convicted of that offence, and in relation to a victim, is the offence that gave rise to the injury suffered by the victim;

S. 3(1) def. of  
*detention  
order*  
inserted by  
No. 91/2009  
s. 219(Sch. 3  
item 6.1),  
substituted by  
No. 27/2018  
s. 371(1)(a).

*detention order* means a detention order or an  
interim detention order within the meaning  
of the **Serious Offenders Act 2018**;

S. 3(1) def. of  
*domestic  
partner*  
repealed by  
No. 52/2008  
s. 267(1).

\* \* \* \* \*

S. 3(1) def. of  
*emergency  
detention  
order*  
inserted by  
No. 27/2018  
s. 371(1)(b).

*emergency detention order* means an emergency  
detention order within the meaning of the  
**Serious Offenders Act 2018**;

S. 3(1) def. of  
*extended  
supervision  
order*  
inserted by  
No. 21/2008  
s. 25(3).

*extended supervision order* means an extended  
supervision order within the meaning of the  
**Serious Sex Offenders Monitoring Act  
2005** or an interim extended supervision  
order within the meaning of that Act;

S. 3(1) def. of  
*family  
member*  
repealed by  
No. 52/2008  
s. 267(1),  
new def. of  
*family  
member*  
inserted by  
No. 52/2008  
s. 267(2).

*family member* has the meaning given by section  
8(1) and (2) of the **Family Violence  
Protection Act 2008**;

*injury* means—

- (a) actual physical bodily injury; or

- (b) mental illness or disorder or an exacerbation of a mental illness or disorder, whether or not flowing from nervous shock; or
- (c) pregnancy; or
- (d) grief, distress or trauma or other significant adverse effect; or
- (e) loss or damage to property; or
- (f) any combination of matters referred to in paragraphs (a), (b), (c), (d) and (e);

*investigatory agency* means—

- (a) a police officer; or
- (b) a person authorised by an enactment to investigate a criminal offence;

S. 3(1) def. of *investigatory agency* amended by No. 37/2014 s. 10(Sch. item 175.1(b)).

*person adversely affected by crime* means—

- (a) a natural person who has suffered injury as a direct result of a criminal offence, whether or not that injury was reasonably foreseeable by the offender; or
- (b) a family member of a person referred to in paragraph (a); or
- (c) a witness to a criminal offence;

*police officer* has the same meaning as in the **Victoria Police Act 2013**;

S. 3(1) def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 175.1(a)).

S. 3(1) def. of  
*Post  
Sentence  
Authority*  
inserted by  
No. 57/2017  
s. 53(1),  
substituted by  
No. 27/2018  
s. 371(1)(c).

*Post Sentence Authority* means the Post Sentence Authority continued in existence under section 290 of the **Serious Offenders Act 2018**;

S. 3(1) def. of  
*prosecuting  
agency*  
amended by  
No. 37/2014  
s. 10(Sch.  
item 175.1(c)).

*prosecuting agency* means—

- (a) the Director of Public Prosecutions for Victoria; or
- (b) a police officer; or
- (c) a person authorised to bring proceedings for a criminal offence against an enactment;

S. 3(1) def. of  
*relative*  
inserted by  
No. 52/2008  
s. 267(2).

*relative* has the meaning given by section 10 of the **Family Violence Protection Act 2008**;

*Secretary* means the Secretary to the Department of Justice;

S. 3(1) def. of  
*supervision  
order*  
inserted by  
No. 91/2009  
s. 219(Sch. 3  
item 6.1),  
amended by  
No. 27/2018  
s. 371(1)(d).

*supervision order* means a supervision order within the meaning of the **Serious Offenders Act 2018** or an interim supervision order under that Act;

S. 3(1) def. of  
*victim*  
amended by  
Nos 7/2014  
s. 5(3), 5/2018  
s. 21.

*victim* means—

- (a) a natural person who has suffered injury as a direct result of a criminal offence, whether or not that injury was reasonably foreseeable by the offender; or

- (b) if a person has died as a direct result of a criminal offence committed against that person, a family member of that person; or
- (c) if the person referred to in paragraph (a) is under 18 years of age or is incapable of managing his or her own affairs because of mental impairment, a family member of that person; or
- (d) in the case of an offence against section 49M of the **Crimes Act 1958** (grooming for sexual conduct with a child under the age of 16), the child and a family member of that child;

*victims' services agency* means—

- (a) an entity established under an enactment that is responsible for the provision of services to persons adversely affected by crime; or
- (b) a public official within the meaning of the **Public Administration Act 2004** who is responsible for the provision of services to persons adversely affected by crime; or
- (c) an entity that is publicly funded to provide services to persons adversely affected by crime.

\* \* \* \* \*

**S. 3(2)**  
**repealed by**  
**No. 52/2008**  
**s. 267(3).**

#### **4 Objects**

- (1) The objects of this Act are—
  - (a) to recognise the impact of crime on the victims of that crime, including the impact on members of victims' families, witnesses to the crime and in some cases, the broader community;
  - (b) to recognise that all persons adversely affected by crime, regardless of whether they report the offence, should be treated with respect by all investigatory agencies, prosecuting agencies and victims' services agencies and should be offered information to enable them to access appropriate services to help with the recovery process;
  - (c) to help reduce the likelihood of secondary victimisation by the criminal justice system.
- (2) The objects referred to in subsection (1) are based on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the General Assembly of the United Nations by resolution 40/34 of 29 November 1985.

#### **5 Nomination of representatives**

- (1) A victim may nominate a person to be his or her representative for the purposes of this Act, and if a representative is nominated the representative is to be provided with information that, in accordance with the Charter principles, is required to be provided to the victim.
- (2) If a person has died or suffered injury as a direct result of a criminal offence committed against the person and the person has more than one family member, the family members of the person may nominate one or more family members to be the representative of the family for the purposes of this Act.



## **Part 2—Charter principles governing response to victims**

### **6 Treatment of persons adversely affected by crime**

- (1) All persons adversely affected by crime are to be treated with courtesy, respect and dignity by investigatory agencies, prosecuting agencies and victims' services agencies.
- (2) Investigatory agencies, prosecuting agencies and victims' services agencies are to take into account, and be responsive to, the particular needs of persons adversely affected by crime, particularly needs relating to differences such as—
  - (a) race or indigenous background;
  - (b) sex or gender identity;
  - (c) cultural or linguistic diversity;
  - (d) sexual orientation;
  - (e) disability;
  - (f) religion;
  - (g) age.

### **7 Information to be given to persons adversely affected by crime**

Investigatory agencies, prosecuting agencies and victims' services agencies—

- (a) are to provide clear, timely and consistent information about relevant support services, possible entitlements and legal assistance available to persons adversely affected by crime; and
- (b) if appropriate, are to refer persons adversely affected by crime to relevant support services and to entities that may provide access to entitlements and legal assistance.

## **8 Information to be given to victim about investigation**

- (1) An investigatory agency is to inform a victim, at reasonable intervals, about the progress of an investigation into a criminal offence unless—
  - (a) the disclosure may jeopardise any investigation of that offence or any other offence; or
  - (b) the victim requests not to be provided with that information.
- (2) If the disclosure of information under subsection (1) may jeopardise any investigation, an investigatory agency is to inform the victim about the progress of the investigation of the criminal offence relevant to the victim, to the extent possible without jeopardising any investigation.
- (3) If the disclosure of information under subsection (1) would jeopardise an investigation, an investigatory agency is to inform the victim that no information can be provided at that stage due to the ongoing nature of the investigation.

## **9 Information regarding prosecution**

The prosecuting agency is to give a victim, as soon as reasonably practicable, the following information—

- (a) the offences charged against the person accused of the criminal offence;
- (b) if no offence is charged against any person, the reason why no offence was charged;

S. 9(a)  
amended by  
No. 68/2009  
s. 97(Sch.  
item 130.1).

S. 9(b)  
amended by  
No. 68/2009  
s. 97(Sch.  
item 130.2).

- (c) if offences are charged, any decision—
  - (i) to substantially modify those charges;  
or
  - (ii) not to proceed with some or all of those charges; or
  - (iii) to accept a plea of guilty to a lesser charge;
- (d) details about how to find out the date, time and place of the hearing of the charges against the accused person;
- (e) the outcome of the criminal proceeding against the accused person, including any sentence imposed;
- (f) if an appeal is instituted, the fact of the appeal, the grounds of the appeal and the result of the appeal.

S. 9(c)  
amended by  
No. 68/2009  
s. 97(Sch.  
item 130.3).

## 10 Applications for bail

- (1) A prosecuting agency, on request by a victim, is to ensure that the victim is informed of—
  - (a) the outcome of any application for bail by the person accused of the criminal offence;  
and
  - (b) if bail is granted, any conditions imposed on the accused person by the court that are intended to protect the victim or family members of the victim.

S. 10(1)(b)  
amended by  
No. 70/2010  
s. 41.

\* \* \* \* \*

S. 10(2)  
repealed by  
No. 26/2017  
s. 27.

## **11 Information about court process**

- (1) A prosecuting agency is to ensure that a victim is informed about the court process and the victim's entitlement to attend any relevant court proceedings, unless the court otherwise orders.
- (2) If a victim is to appear as a witness for the prosecution, the prosecuting agency is to ensure that a victim is informed about the process of the trial or hearing (as the case requires) and the victim's role as a witness for the prosecution.

S. 11(2)  
amended by  
No. 68/2009  
s. 97(Sch.  
item 130.4).

## **12 Contact between victim and accused in court building to be minimised**

So far as is reasonably practicable, a prosecuting agency and the courts should, during the course of a court proceeding and within a court building—

- (a) minimise a victim's exposure to unnecessary contact with the person accused of the criminal offence, defence witnesses and family members and supporters of the accused person; and
- (b) protect a victim from intimidation by the accused person, defence witnesses and family members and supporters of the accused person.

## **13 Victim impact statements**

- (1) A victim of a criminal offence may make a victim impact statement to the court sentencing the person found guilty of the offence, and unless the court orders otherwise, that statement may be considered by the court in determining the sentence of the offender.

Note to  
s. 13(1)  
amended by  
No. 65/2011  
s. 107(Sch.  
item 15).

### **Note**

See Division 1C of Part 3 of the **Sentencing Act 1991** in relation to victim impact statements.

- (2) If a victim expresses a wish to make a victim impact statement, a prosecuting agency should refer the victim to an appropriate victims' services agency for assistance in preparing the victim impact statement.

#### **14 Victims' privacy**

A victim's personal information, including his or her address and telephone number, is not to be disclosed by any person except in accordance with the **Privacy and Data Protection Act 2014**.

##### **Note**

Section 10 of the **Privacy and Data Protection Act 2014** provides that the Act does not apply in respect of the collection, holding, management, use, disclosure or transfer of personal information by a court, tribunal, judge, magistrate or registry staff in relation to their judicial or quasi-judicial functions.

**S. 14**  
amended by  
**No. 60/2014**  
s. 140(Sch. 3  
item 49.1).

**Note to s. 14**  
amended by  
**No. 60/2014**  
s. 140(Sch. 3  
item 49.2).

#### **15 Storage and return of property held by the State**

If property of a victim is in the possession of an investigatory agency or a prosecuting agency for the purpose of the investigation or prosecution of a criminal offence—

- (a) the agency is to handle and store the property in a lawful, respectful and secure manner;  
and
- (b) if possible and in consultation with the victim, the property is to be returned to the victim as soon as reasonably practicable.

## 16 Compensation and financial assistance for victims

- (1) A victim may apply to a court for an order that the person convicted of or found guilty of the criminal offence that gave rise to the injury suffered by the victim pay compensation to the victim.

### Note

See Division 2 of Part 4 of the **Sentencing Act 1991** in relation to applications for compensation for victims of crime.

- (2) In accordance with the **Victims of Crime Assistance Act 1996** a person eligible under that Act may apply to the State for compensation and financial assistance.

## 17 Information about offender

- (1) A victim of a criminal act of violence within the meaning of section 30A of the **Corrections Act 1986** may apply to be included on the victims register established under that Act.

### Note

See sections 30A to 30I of the **Corrections Act 1986** in relation to the victims register.

- (2) The Secretary may give to a person included on the victims register certain information concerning the offender such as the length of sentence, the likely date of release and the making of an extended supervision order, a supervision order or a detention order.
- (3) If the Adult Parole Board is considering ordering the release on parole of an imprisoned offender who has committed a criminal act of violence—
  - (a) a person included on the victims register may make a submission to the Board about the effect of the offender's potential release on the victim; and

S. 17(2)  
amended by  
No. 91/2009  
s. 219(Sch. 3  
item 6.2).

- (b) the Board is to consider any submission received.

**Note**

See sections 74A and 74B of the **Corrections Act 1986** in relation to victim submissions to the Adult Parole Board.

- (4) A person included on the victims register may make a submission to the Post Sentence Authority for consideration in determining any instruction or direction it may give to an offender subject to an extended supervision order, a supervision order, detention order or an emergency detention order

**Note**

See sections 16A and 16B of the **Serious Sex Offenders Monitoring Act 2005** or sections 153 and 154 of the **Serious Offenders Act 2018** in relation to victim submissions.

S. 17(4)  
amended by  
Nos 91/2009  
s. 219(Sch. 3  
item 6.3),  
57/2017  
s. 53(2),  
27/2018  
s. 371(2).

Note to  
s. 17(4)  
amended by  
Nos 91/2009  
s. 219(Sch. 3  
item 6.4),  
27/2018  
s. 371(3).

## **Part 3—General**

### **18 Implementation of Charter principles**

- (1) If an investigatory agency, a prosecuting agency or a victims' services agency is aware, or should reasonably be aware, that a person is a victim, the agency must have regard to the Charter principles when dealing with the person.
- (2) A person or body responsible for the development of criminal law policy, the development of victims' services policy, the administration of criminal justice or the administration of victims' services must, where relevant, have regard to the Charter principles.

### **19 Information regarding complaints process**

If a person adversely affected by crime informs an investigatory agency, a prosecuting agency or a victims' services agency that he or she believes that the agency has not upheld the Charter principles, the agency should inform the person about the processes available for making a complaint.

### **20 Monitoring operation of Act**

To ensure that the objectives of this Act are met, the Secretary must—

- (a) develop policies and plans to promote the Charter principles;
- (b) monitor, evaluate and review the operation of this Act and its benefits for victims;
- (c) ensure that appropriate processes are established for complaints to be made by persons adversely affected by crime if the Charter principles are not upheld;
- (d) do anything else the Secretary considers appropriate for the purposes of this Act.



## **21 Report of operations**

The Attorney-General must each year cause to be included in the report of operations of the Department of Justice under Part 7 of the **Financial Management Act 1994** the following information—

- (a) the steps taken to promote the Charter principles;
- (b) a report on the operation of this Act.

## **22 Legal rights not affected**

- (1) The Parliament does not intend by this Act—
  - (a) to create in any person any legal right or give rise to any civil cause of action; or
  - (b) to affect in any way the interpretation of any law in force in Victoria; or
  - (c) to affect the validity, or provide grounds for review, of any judicial or administrative act or omission.
- (2) Subsection (1) does not prevent a contravention of this Act from being the subject of disciplinary proceedings against a relevant official.

## **23 Regulations**

The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed to give effect to this Act.

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

*Minister's second reading speech—*

*Legislative Assembly: 14 June 2006*

*Legislative Council: 22 August 2006*

The long title for the Bill for this Act was "to recognise principles governing the response to victims of crime by the criminal justice system and for other purposes."

The **Victims' Charter Act 2006** was assented to on 29 August 2006 and came into operation on 1 November 2006: section 2.

#### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

##### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

##### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

##### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

## 2 Table of Amendments

This publication incorporates amendments made to the **Victims' Charter Act 2006** by Acts and subordinate instruments.

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### **Justice Legislation Amendment Act 2008, No. 21/2008**

*Assent Date:* 2.6.08  
*Commencement Date:* S. 25(3) on 3.6.08: Special Gazette (No. 148) 3.6.08 p. 1  
*Current State:* This information relates only to the provision/s amending the **Victims' Charter Act 2006**

### **Family Violence Protection Act 2008, No. 52/2008**

*Assent Date:* 23.9.08  
*Commencement Date:* S. 267 on 8.12.08: Special Gazette (No. 339) 4.12.08 p. 1  
*Current State:* This information relates only to the provision/s amending the **Victims' Charter Act 2006**

### **Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009, No. 68/2009**

*Assent Date:* 24.11.09  
*Commencement Date:* S. 97(Sch. item 130) on 1.1.10: Government Gazette 10.12.09 p. 3215  
*Current State:* This information relates only to the provision/s amending the **Victims' Charter Act 2006**

### **Serious Sex Offenders (Detention and Supervision) Act 2009, No. 91/2009**

*Assent Date:* 15.12.09  
*Commencement Date:* S. 219(Sch. 3 item 6) on 1.1.10: Government Gazette 24.12.09 p. 3397  
*Current State:* This information relates only to the provision/s amending the **Victims' Charter Act 2006**

### **Bail Amendment Act 2010, No. 70/2010**

*Assent Date:* 19.10.10  
*Commencement Date:* S. 41 on 1.1.11: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Victims' Charter Act 2006**

### **Sentencing Amendment (Community Correction Reform) Act 2011, No. 65/2011**

*Assent Date:* 22.11.11  
*Commencement Date:* S. 107(Sch. item 15) on 16.1.12: Special Gazette (No. 423) 21.12.11 p. 3  
*Current State:* This information relates only to the provision/s amending the **Victims' Charter Act 2006**

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**Crimes Amendment (Grooming) Act 2014, No. 7/2014**

*Assent Date:* 25.2.14  
*Commencement Date:* S. 5(3) on 9.4.14: Special Gazette (No. 112) 8.4.14  
p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Victims' Charter Act 2006**

**Victoria Police Amendment (Consequential and Other Matters) Act 2014,  
No. 37/2014**

*Assent Date:* 3.6.14  
*Commencement Date:* S. 10(Sch. item 175) on 1.7.14: Special Gazette  
(No. 200) 24.6.14 p. 2  
*Current State:* This information relates only to the provision/s  
amending the **Victims' Charter Act 2006**

**Privacy and Data Protection Act 2014, No. 60/2014**

*Assent Date:* 2.9.14  
*Commencement Date:* S. 140(Sch. 3 item 49) on 17.9.14: Special Gazette  
(No. 317) 16.9.14 p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Victims' Charter Act 2006**

**Bail Amendment (Stage One) Act 2017, No. 26/2017**

*Assent Date:* 27.6.17  
*Commencement Date:* S. 27 on 21.5.18: Special Gazette (No. 218) 15.5.18  
p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Victims' Charter Act 2006**

**Serious Sex Offenders (Detention and Supervision) Amendment (Governance)  
Act 2017, No. 57/2017**

*Assent Date:* 8.11.17  
*Commencement Date:* S. 53 on 27.2.18: Special Gazette (No. 49) 13.2.18 p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Victims' Charter Act 2006**

**Justice Legislation Amendment (Victims) Act 2018, No. 5/2018**

*Assent Date:* 27.2.18  
*Commencement Date:* S. 21 on 28.2.18: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Victims' Charter Act 2006**

**Serious Offenders Act 2018, No. 27/2018**

*Assent Date:* 26.6.18  
*Commencement Date:* S. 371 on 3.9.18: Special Gazette (No. 356) 31.7.18  
p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Victims' Charter Act 2006**

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### **3 Amendments Not in Operation**

There are no amendments which were Not in Operation at the date of this publication.

#### **4 Explanatory details**

No entries at date of publication.