

TOP END WOMEN'S LEGAL SERVICE INC.

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The Director
Crimes Victims Services Unit
Department of the Attorney-General and Justice
GPO Box 1722
DARWIN NT 0801

By email to policy.AGD@nt.gov.au

Dear Ms. Chenoweth,

Review of Charter of Victims' Rights and accompanying Issues Paper – TEWLS submission

Thank you for inviting submissions to the draft new Charter of Victims Rights and accompanying Issues Paper ("the Charter"). The Top End Women's Legal Service Inc. ("TEWLS") welcomes the opportunity to make submissions on both documents.

About TEWLS

TEWLS is a community legal centre focused on the advancement of women's rights. We are funded by the Commonwealth Attorney General's Department and Prime Minister & Cabinet to provide referrals, legal advice, casework and community legal education to women in the Top End of the NT. TEWLS provides assistance in a number of areas of law, including domestic and family violence, sexual assault, family law, compensation for victims of crime, housing, credit and debt, discrimination, workplace health and safety, employment law, and complaints. We provide outreach services for culturally and linguistically diverse women, Aboriginal women in the town communities surrounding Darwin, and women incarcerated in the Darwin Correctional Precinct.

Our submission

Prioritising accessibility of the Charter to victims

TEWLS supports the rights and principles set out in the draft Charter, and notes that the current review provides an opportunity to reconsider the audience for the Charter, and in particular, whether the Charter should be primarily directed at victims.

In TEWLS' experience, victims are generally not aware of the Charter, or the rights and standards included therein. Additionally, service provider standards can remain inactivate with victims and/or their representatives required to be proactive to secure provision of one or more rights.

In light of the above, TEWLS suggests consideration be given to prioritising accessibility of the Charter to victims, with additional detail to better inform service providers being

incorporated into internal policies / procedures / guidelines of these organisations (if they are not currently). Such an approach would have the benefit of maximising awareness and promotion of the Charter rights, whilst entrenching service standards within relevant government agencies and service providers.

Content of the draft Charter

The remainder of this submission addresses the Charter in its current form. We raise for your consideration:

1. Whether Right 2 of the Charter should refer to “race or Indigenous background” and “cultural or linguistic diversity”, and, as occurs in Victoria, provide for “rural, regional or remote location” to be considered. Such locations often have reduced protective mechanisms and support services than those in metropolitan locations.¹ A reference to rural and regional areas would then place an obligation on agencies to reflect on and seek to address inequities in service provision between different locations;²
2. Whether Rights 6 and 8 of the Charter should be framed to require the information to be provided, unless the victim has expressed that they do not wish to receive this information;
3. Whether Right 11 of the Charter should include family members and/or support persons of the accused, given that it is not uncommon for female victims to be subjected to intimidation from family members of an accused, particularly at regional and remote court locations;
4. Whether Right 13 of the Charter should provide a right to information about support services, in addition to the right provided for by Right 4 of the Charter;
5. Whether Right 15 of the Charter’s reference to “serious personal violence” should be replaced with an alternate phrase, for example “offence causing harm” or “violent act”, given applications pursuant to the *Victims of Crime Assistance Act* (NT) are not limited to serious personal violent offences; and
6. Whether any additional rights should be incorporated. For example:
 - a. A right providing a victim with notice where an offender absconds before trial, escapes custody, and is returned to custody; and
 - b. A right to provide information to the parole board.

Whilst a Victims’ Register application facilitates this, it would be beneficial to emphasise that this right exists independently as a Charter right.

Charter and victims’ rights design and adaptation

In our experience, the current Charter has not been very accessible to TEWLS’ clients, particularly those from Indigenous and Culturally and Linguistically Diverse backgrounds. Given this, we raise for your consideration adaptation of the Charter so that different audiences can understand their rights. In this respect, we note Plain English is crucial and

¹ Victorian Law Reform Commission, *The Role of Victims of Crime in the Criminal Trial Process*, Report (2016) 89 [5.17].

² *Ibid* 90 [5.19].

the use of story and pictures should be considered where appropriate. A brief explanation could be provided for concepts such as “restorative justice options”, “bail” and “parole”, with references to the Crown or Director of Public Prosecutions avoided where they do not contribute to the victim’s understanding of their rights. We enclose for your reference alternate useful resources which tailor the explanation of the Charter to a target audience.³

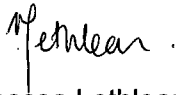
Conclusion

We appreciate the opportunity to make this submission, and support the ongoing review of the existing framework of services provided to victims of crime and the accompanying legislative review.

Should you require further information, please do not hesitate to contact the writer on (08) 8982 3000.

Yours faithfully,

TOP END WOMEN’S LEGAL SERVICE INC.



Vanessa Lethlean
Managing Solicitor

³ Victims Support Agency, *Rights for People affected by Crime- Fact Sheet- Koori Version* (2015, Victoria Department of Justice & Regulation); NSW Trustee & Guardian, and Victims Services, NSW Department of Attorney General and Justice, *Your Rights as a Victim of Crime* (2012).

