



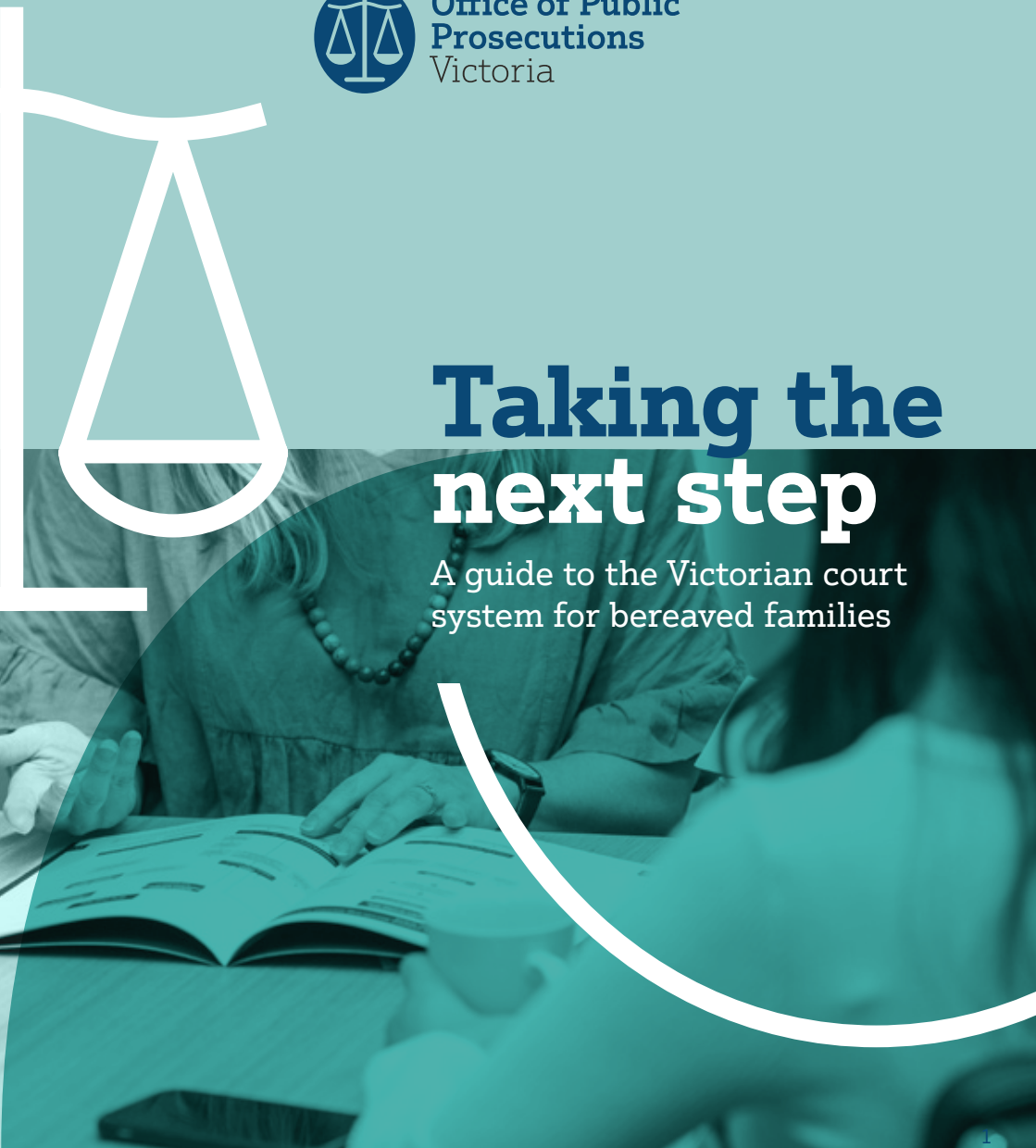
Victims &
Witnesses



Office of Public
Prosecutions
Victoria

Taking the next step

A guide to the Victorian court
system for bereaved families



Your police informant

Phone:.....

Your OPP lawyer

Phone:.....

Your Victims and Witness Assistance Service (VWAS) worker

Phone:.....

Disclaimer

Every effort has been made to ensure the accuracy of the material in this publication; however, its contents are intended for guidance and assistance only and should not be regarded as being or taking the place of formal legal advice.

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The Office of Public Prosecutions strongly recommends that where persons affected by a crime require formal legal advice in relation to their rights and entitlements at law, advice be sought from an independent legal practitioner.

The Office of Public Prosecutions gratefully acknowledges the contribution of the Victims' Support Agency, Department of Justice and Regulation, in developing this publication.

Published by the Office of Public Prosecutions in the State of Victoria.

*First published November 2012
© Office of Public Prosecutions 2012
Revised and re-published 2015
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Updated 2022

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Introduction

There is no right or wrong way to grieve for someone you have lost. When their death is the result of a violent crime the grieving process is further complicated and at times overshadowed by the criminal justice process.

Investigating and prosecuting the crime are the two key stages in the criminal justice process, which may take up to several years to complete.

The criminal justice process is 'adversarial', involving the 'State' prosecuting the accused person. Rules and principles have been established to ensure the accused person gets a fair trial and to prevent the wrong person being punished for the crime.

There are times when you may feel that the legal system is unbalanced and one sided, as it is focused on the accused and the crime rather than your loved one.

Your expectations of what the criminal justice process will achieve may not always match those of the State, which represents the community. There are times when you may feel isolated and disconnected from the criminal justice process, despite your deep investment in that process.

Things that have been private to you may become public, including your story and that of your loved one. The media and those involved in the court case may construct their own explanations and recounting of the death of your loved one. These may be quite different from your own. You may hear things about your loved one that have no resemblance to what you know, which can be upsetting and hurtful.

The criminal justice process will not necessarily take into account things that are important to you. The demands it places on you may test your emotional resources and resolve.

Having an understanding of the criminal justice process, and what to expect, will better prepare you for your involvement in that process.

Purpose

This booklet:

- explains how you should be treated by the police, prosecuting authorities and victims' services
- tells you about the investigation and prosecution process
- explains some of the more difficult legal terminology
- tells you about how and where to access support
- gives you contact details of relevant support and criminal justice agencies.





Your entitlements under the Victims' Charter

The Victims' Charter Act of 2006 sets out how investigatory agencies, prosecuting agencies and victims' services agencies should respond to and engage with victims of crime and persons adversely affected by crime.

A person adversely affected by crime means:

- A person who has suffered as a direct result of a criminal offence, or their family member.
- A witness to a criminal offence.

A victim of crime means:


- A person who has suffered injury as a direct result of a criminal offence (or a family member if the person is a child or is incapable of managing their own affairs due to mental impairment).
- If a person has died as a direct result of a criminal offence committed against that person, a family member of that person.
- If the offence charged is grooming for sexual conduct with a child under 16, the child and the family member of the child.


As a person adversely affected by crime, you are entitled to:

- Be treated with courtesy, respect and dignity, and in a way that is responsive to your particular needs.
- Be given clear, timely and consistent information about support services, possible entitlements, and legal assistance available to you.
- Be referred to relevant services, for support and legal assistance, if appropriate.

As a victim of crime, you are entitled to:

- Have your rights and entitlements as a participant in criminal proceedings respected.
- Have your particular needs taken into account if you live in a rural or regional location.

- 
- Have your communication preferences and abilities taken into account.
 - Receive updates from police about key progress in the investigation. If giving you details about a criminal investigation is likely to put the investigation at risk, you should be told this.
 - Be informed about the prosecution. This includes:
 - » charges laid
 - » any decision to substantially change the charges, discontinue the charges, or accept a plea of guilty to lesser charges
 - » if an appeal is lodged, the grounds of the appeal, and the result of the appeal
 - » the date, time and location of any contested committal hearing, trial, plea hearing, sentencing hearing and appeal hearing
 - » the outcome of any committal mention, contested committal hearing, initial directions hearing, trial, plea hearing, sentencing hearing, appeal hearing or guilty plea.
 - Have an opportunity to provide your views before the DPP makes a decision to substantially modify the charges, discontinue the charges, accept a plea of guilty to lesser charges, appeal a sentence, or appeal an acquittal (unless the DPP is unable to reasonably contact you).
 - Receive information from the DPP about the factors taken into account in deciding to:
 - » agree or oppose an application to cross-examine a victim at committal
 - » apply for, agree to, or oppose an application for the case to be heard in the Magistrates' Court (unless the DPP is unable to reasonably contact you).
 - Be provided with the reasons for any decision to substantially modify the charges, discontinue the charges, accept a plea of guilty to lesser charges (unless providing this information to you may jeopardise a criminal investigation or prejudice another proceeding).
 - Receive information (if you request it) about the outcome of any bail application, and if bail is granted, any bail conditions that are intended to protect victims or their family members.

- 
- Be informed about the court process and your entitlement to attend any relevant court proceedings (unless the court orders otherwise).
 - If you are a victim who will appear as a prosecution witness, to be informed about the hearing process, your role as a witness, your entitlement to remain in the courtroom after you have given your trial evidence (unless the court orders otherwise), and any alternative arrangements for giving evidence.
 - As far as is reasonably practicable, be protected from unnecessary contact with, and intimidation by, the accused person, their family, supporters and defence witnesses, while you are at court.
 - Make a Victim Impact Statement (VIS), which may be considered by the court in sentencing the offender.
 - Be referred to a victims' services agency for help to prepare your VIS, and to be informed about the types of information in a VIS that the court may rule inadmissible.
 - Not have your personal information disclosed to anybody, except in accordance with the Privacy and Data Protection Act 2014.
 - Have your property that is held for investigation or evidence stored and handled in a lawful, respectful and secure manner, and returned to you as soon as possible.
 - Apply to a court for an order that the offender pay you compensation for injury suffered by you.
 - Apply to the Victims of Crime Assistance Tribunal for financial assistance and compensation.
 - Apply to be included on the Victims' Register if an adult offender is sentenced to prison for a violent crime against you, receive specific information about the offender, and have your views taken into account by the Adult Parole Board and the Post Sentence Authority.



Making a complaint under the Victims' Charter

If you believe that an organisation you are dealing with has failed to following the Victims' Charter principles, you are entitled to make a complaint.

Raising an issue with the OPP

If you would like to raise an issue about a prosecution with the OPP, your first step should be to contact the OPP lawyer with conduct of the prosecution. It may be possible for the OPP lawyer to resolve your issue quickly.

If the OPP lawyer is unable to resolve your issue, you can make a formal complaint to the OPP.

Making a formal complaint to the OPP

You can make a formal complaint to the OPP by:

- Using the online information available at opp.vic.gov.au
- By email to info@opp.vic.gov.au
- By post to:

Complaints
Office of Public Prosecutions
565 Lonsdale Street
Melbourne VIC 3000

Further information about the OPP complaints process is available at opp.vic.gov.au/complaints/



Making a complaint to the Victims of Crime Commissioner

If you believe that the OPP has failed to follow the Victims' Charter principles and you are not satisfied with the outcome of the OPP complaints process, you can make a complaint to the Victims of Crime Commissioner.

The Commissioner can only investigate complaints that relate to an agency's compliance with the Victims' Charter principles. The Commissioner cannot investigate complaints about an individual's conduct or the outcome of a criminal case.

How to make a complaint to the Commissioner

If you would like to make a complaint to the Victims of Crime Commissioner:

GPO Box 4356
Melbourne VIC 3000

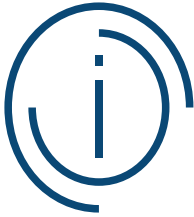
- E: victimsofcrimecommissioner@vocc.vic.gov.au
- T: 1800 010 017 (toll free)

Victims' Charter Enquiries and Complaints

T: 1800 010 017 (toll free)

Office of Public Prosecutions

T: (03) 9603 7666
T: 1800 641 927 (toll free)
E: info@opp.vic.gov.au
W: opp.vic.gov.au



Information and support

Under the Victims' Charter you can ask for information and ask questions about any aspect of the criminal justice process or your part in it.

Getting and processing information may be difficult at times. You have the right to:

- ask for information more than once
- ask for information to be repeated
- ask for information to be explained more clearly.

The following agencies can give you information and support where required.

Victims and Witness Assistance Service

The Victims and Witness Assistance Service (VWAS) is part of the OPP. It is a specialist service that supports victims, family members and witnesses involved in the cases being prosecuted by the OPP.

T: (03) 9603 7425
T: 1800 641 927 (toll free)
E: wasadmin@opp.vic.gov.au
W: opp.vic.gov.au/victims-witnesses

Victims of Crime Helpline and Victims' Assistance and Counselling Program

The Victims of Crime Helpline will refer you to your local Victims' Assistance and Counselling Program for further information and support.

T: 1800 819 817 (toll free)
Text: 0427 767 891
E: vsa@justice.vic.gov.au
W: victimsofcrime.vic.gov.au

Road Trauma Support Service

The Road Trauma Support Service provides information, counselling and support to those who have lost a loved one to road trauma.

T: (03) 8877 6900
T: 1300 367 797 (toll free)
W: rtssv.org.au

Coroners Court – Family Liaison Team

The Family Liaison Team helps coroners with investigations where families and witnesses need extra support. Family liaison officers help families understand information in a coronial brief, provide support during court proceedings, and give families and witnesses referral information and advice for counselling and support agencies.

T: 1300 309 519 (toll free)
W: coronerscourt.vic.gov.au

WorkSafe

The WorkSafe Information officer can provide you with information about investigations and prosecutions under the Occupational Health & Safety Act 2004.

T: 1800 136 089 (toll free)
E: info@worksafe.vic.gov.au
W: worksafe.vic.gov.au





Criminal justice process

When someone dies unexpectedly and violently, the State requires that the circumstances and cause of the person's death are investigated. The investigation may be conducted by Victoria Police, or the Coroner of WorkSafe, depending on the particular circumstances.

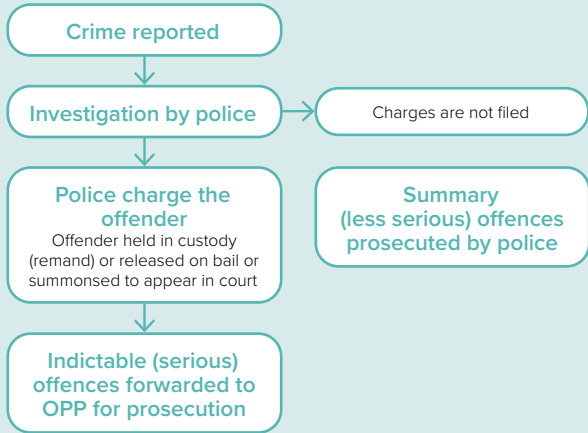
Where an investigation shows that a crime may have occurred, and points to a person or people being responsible, those people may be prosecuted in court by the State. The Office of Public Prosecutions (OPP) is responsible for prosecuting serious crime in Victoria.

The following chapters explain the investigation and court process, what to expect and where to get information and support.

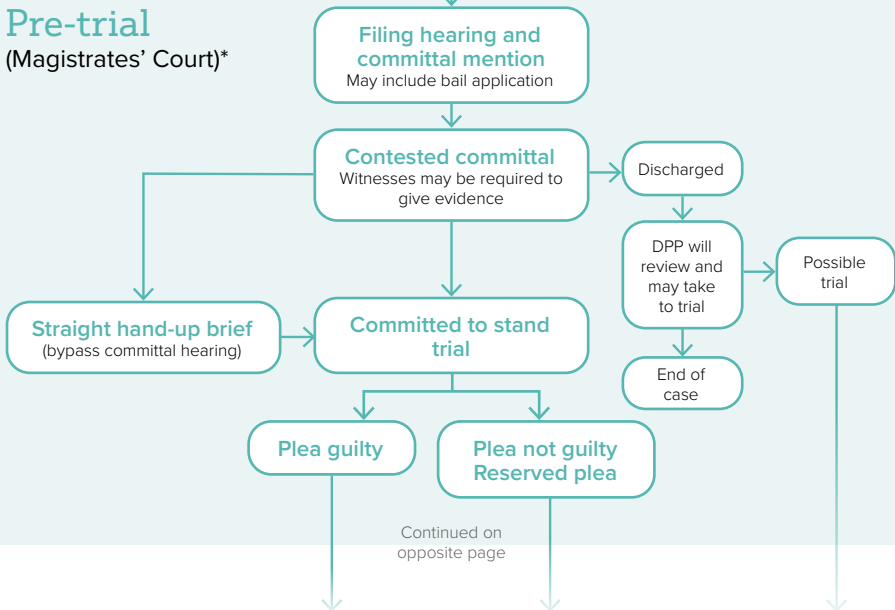
The flowchart on page 16 and 17 details the different stages of the criminal justice process.

Summary of court and prosecution process

Investigation



Pre-trial (Magistrates' Court)*



Continued on opposite page

Pre-trial

(Magistrates' Court)*

Continued from opposite page

Trial

(County or Supreme Court)

Plea

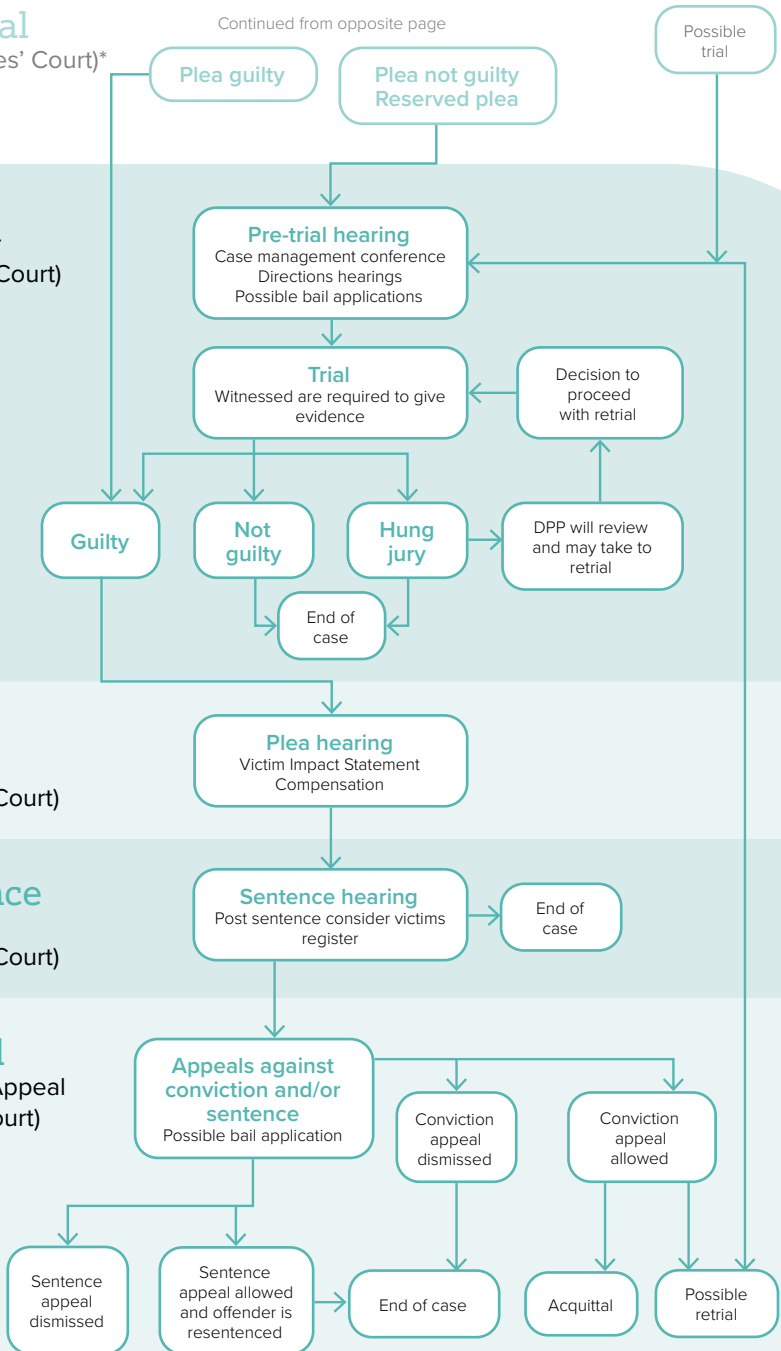
(County or Supreme Court)

Sentence

(County or Supreme Court)

Appeal

(Court of Appeal or High Court)



* Victims and witnesses are supported throughout the prosecution process

The investigation

Police investigation

In investigating the death of your loved one, the role of police is to investigate whether a crime has been committed. The evidence the police collect may be used to support the prosecution of the person or people they consider to be responsible.

Who is responsible for investigating?

The Homicide Squad investigates suspicious or sudden, unexplained deaths.

The Major Collision Investigation Unit investigates deaths that occur as a result of a motor vehicle collision.

These are specialist units whose members have particular experience and expertise in collecting evidence to support a prosecution.

Being informed about the investigation

Under the Victims' Charter, you are entitled to be informed at reasonable intervals about the progress of the police investigation (unless providing this information to you would jeopardise a criminal investigation).

Generally, a squad member will be responsible for keeping you informed and answering any questions or concerns you may have about the process. This person is known as the 'informant'.

Investigation timeframe

There is no set time for completing an investigation.

In complex matters an investigation may take many months and sometimes longer than a year. In some cases, due to the extensive nature of the investigation, the accused person may not be charged until after the investigation has been finalised.





What is involved in an investigation?

During an investigation, members of the investigating team may need to:

- talk to you, other family members, friends, neighbours and any other potential witnesses
- formally interview and take written statements from some or all of these people
- examine and take away personal property belonging to you or your loved one
- conduct a detailed forensic examination of the place where the crime happened, which will involve specialist, crime- scene investigators and examiners. This is a process of searching for, collecting, recording and preserving evidence. It may include taking photographs, on-site tests and a crime scene reconstruction.

The investigating officers may need your agreement to get certain information or evidence. You may be required to give formal authorisation to police officers to access certain records, for example your loved one's medical or financial records.

It is also possible that at the end of an investigation, no charges will be laid.

Information and support during the investigation

Different aspects of the investigation process can create additional stress at a time when you may still be trying to come to terms with your loss.

If you need information or support during this time you can contact the Victims of Crime Helpline at Victoria Police who will refer you to your local Victims Assistance and Counselling Program for information and support.



Investigation outcomes

The investigation by Victoria Police of your loved one's death will end in one of the following ways:

- The evidence shows that a serious crime may have been committed and points to a particular person or people being responsible. In this situation those people may be charged and a prosecution commenced. The prosecution will be conducted by the OPP and this booklet explains the process. Less serious crimes are prosecuted by Victoria Police.
- The evidence shows that a crime has been committed and points to a particular person being responsible, but the person is either considered 'unfit to stand trial or has a defence of 'mental impairment'. These cases, which are prosecuted by the OPP, are subject to a separate process under the Crimes (Mental Impairment And Unfitness To Be Tried) Act 1997. If your case is heard under this legislation, you can contact the Victims and Witness Assistance Service (VWAS) or the prosecuting lawyer for more information.
- The evidence shows that a crime has been committed, but it is not clear who is responsible or there is not enough evidence to charge someone with committing the crime. In this situation the Coroner will investigate and report on the cause and circumstances of the death. The police file will be kept open. If new information becomes available the police investigation may recommence.
- The evidence shows that what happened was not a crime and no one is charged. In this situation, the Coroner will investigate and report on the cause and circumstances of their death. This is a separate process handled by the Coroners Court. The Coroner may also make recommendations to help prevent similar deaths in the future. The Coroners process is described in more detail on page 25.



Common charges

A number of different charges may be laid in cases involving homicide and culpable driving.

The legal definitions for each charge are detailed below. If you would like any further information or explanation, you can contact the informant or the prosecuting lawyer.

Common charges filed in the case of homicide (unlawfully killing someone)


Murder – where a person unlawfully:

- intentionally or recklessly kills another
- intentionally or recklessly inflicts really serious injury on another person who dies as a result.

Manslaughter – where a person kills another in circumstances where:

- in the absence of some mitigating factor, the killing would amount to murder
- the death was caused by an unlawful and dangerous act, or omission
- the death was caused by criminal negligence.

Defensive homicide – where a person kills another person in circumstances that would amount to murder, except the accused person claims they believed it was necessary to kill to protect themselves, or another person, from serious injury or death, but they did not have reasonable grounds for that belief.



Common charges filed in relation to culpable driving

Culpable driving causing death – where a person:

- consciously and unjustifiably disregards a substantial risk that death or grievous bodily harm may result from their driving
- Fails unjustifiably and to a gross degree to observe the standard of care which a reasonable person would have observed
- drives recklessly or negligently:
- falling so far short of the standard of care that a reasonable person would have exercised; and
- involving such a high risk of death or serious injury
- drives under the influence of alcohol or drugs to such an extent that they are incapable of having proper control of the vehicle
- drives while excessively fatigued so they fall grossly short of the standard of care that a reasonable person would have observed in the circumstances.

Dangerous driving causing death – where a person:

- drives at a dangerous speed
- drives in a dangerous manner.

Consequences for the driver

Police cannot automatically suspend a person's drivers licence because their driving has caused another person's death. If the driver is found guilty it is likely their licence will be suspended as part of their sentence. Until that time they may still be able to drive.



Bail

When a person is charged with a serious (indictable) crime they may be taken into custody while they wait for the charges to be heard by the court. This is referred to as being 'on remand'. Any person on remand can apply for bail.

When a person is charged with murder the court will only grant bail in exceptional circumstances. Applications for bail on a charge of murder are generally made to the Supreme Court.

A person charged with manslaughter or culpable driving may also apply for bail.

What is bail?

If bail is granted the accused person is able to stay out of custody if they agree to appear in court when required and obey conditions set by the court. These are the 'conditions of bail'. These conditions do not always involve paying a financial 'surety', but may include regularly reporting to police, staying at a particular address, and not having any contact with witnesses or family members.

If the accused person does not obey the conditions of bail the police can apply to the court to have them returned to custody.

When can an accused person apply for bail?

An accused person can apply for bail at any stage between being charged and having the charges heard in court. They can apply more than once, even if bail has been refused before. If a person has been refused bail and then makes another application, they must show that there are new facts or circumstances that support their application.

Your rights relating to bail

Your views can be taken into account by the judge in deciding whether to grant bail. If you have particular concerns about the accused being granted bail you should contact the informant as soon as possible after the accused person is charged.

It is not always possible for the informant to contact family members when an accused person applies for bail. They will let you know about the outcome of any application including any conditions that relate to you or other family members.

If you believe that the accused person has breached any of their bail conditions you should tell the police informant immediately.





Coroner's investigation

In cases of unexpected, unnatural or violent death – or death resulting from an accident or injury at a workplace – the death of your loved one is required by law to be reported to the Coroner. This will generally be done by Victoria Police or a doctor.

The role of the Coroner is to investigate the cause of the victim's death and, in certain cases, the circumstances of the death.

The type of investigation will depend on the case. It may involve an autopsy, specialist reports or inquest (a public hearing). Where the death involves broader issues of public importance, the Coroner may make comments or recommendations.

Where there is a police investigation, which is the case in homicide or culpable driving/dangerous driving causing death, the police will provide the Coroner with a brief of evidence. This, together with the results of any inquest, will form the Coroner's findings.

The Coroner will usually wait until the criminal process has finished before conducting an inquest. An inquest will not be held in every case.

An inquest will usually be held where:

- there are questions of public importance
- there are questions about the circumstances of the death
- the person died at work.

The purpose of an inquest is not to decide if someone is guilty of a crime. That is the purpose of the criminal proceedings. The main purpose of an inquest is to identify the person who has died and, if possible, establish the cause of death.

The Coroner can decide not to proceed with a formal inquest in court if someone has already been through the criminal process. Instead, they may adopt evidence from the trial to assist with making their findings.

More information on the process is available via the Coroners Court website.

The Coroners Court has a counselling and support service for relatives and others affected by the death. This includes:

- free short-term counselling
- telephone counselling
- de-briefing
- help to understand the coronial process
- advocacy on your behalf.

If you have any questions or would like support, you contact the State Coroner's Office at:

T: 1300 309 519 (toll free)
W: coronerscourt.vic.gov.au

WorkSafe Investigation

If a person dies at work, the circumstances of their death may be investigated by WorkSafe. The purpose of investigating is to identify possible breaches of the Occupational Health & Safety Act 2004.

In certain circumstances the investigation may result in a prosecution. WorkSafe will work with the OPP during the court proceedings. You will be contacted by the OPP once the prosecution process has started.

The WorkSafe Information Officer provides an information service for families affected by a workplace death throughout the investigation and prosecution process.





Office of Public Prosecutions

Prosecuting the crime

Who is responsible for prosecuting?

In Victoria, the State acts on behalf of the community to prosecute people who commit crimes.

Serious crimes, referred to as 'indictable' crimes, are prosecuted on behalf of the Director of Public Prosecutions (DPP), by the Office of Public Prosecutions (OPP). Indictable crimes are heard by a judge and jury.

The OPP has lawyers who prepare the case against the accused person. Barristers, who are known as Crown Prosecutors, and private barristers engaged by the OPP present the case in court. Although part of their role is to help victims through the court process, the OPP lawyers and barristers represent the DPP.

This means that while the OPP will ask victims for their views about certain decisions in the case, the OPP might make decisions that victims don't agree with.

It also means that sometimes the OPP will not be able to share certain information with victims. The OPP is also unable to provide victims with legal advice.

Once the police have charged the accused person, and notified the OPP, an OPP lawyer and a social worker from the Victims and Witness Assistance Service will be allocated to the case. They will contact you to introduce themselves.

Victims and Witness Assistance Service

The Victims and Witness Assistance Service (VWAS) at the OPP supports victims and witnesses of serious crime through the court process. VWAS have a number of experienced social workers. Their role is to:

- provide information about the prosecution process
- provide information about the progress of a matter
- provide support during pre and post court conferences with OPP lawyers
- help you understand the legal process
- help make arrangements for you to be in court
- refer you to other specialist support services, where appropriate.



Deciding what charges will be prosecuted

The case is reviewed at the start of the prosecution process and is continually reviewed during the prosecution process. A case can only go ahead if two tests are met:

1. there is a reasonable prospect of conviction, and
2. the prosecution is in the public interest.

At any stage the DPP may decide not to proceed with certain charges, or change the charges, depending on a number of factors including the strength of the evidence. The accused person may ask to plead guilty to a lesser charge rather than face a trial.

The DPP has to decide whether or not this is appropriate in the circumstances. While your views about an offer to plead guilty will be sought, it is ultimately the DPP's decision whether to accept or reject such an offer.

“He killed my son – It was hard to hear that he was only going to be charged with manslaughter.”

The DPP files a statement of charges that the accused person will stand trial on. This is called an indictment. In a small number of cases the DPP may decide not to prosecute the case, or stop a prosecution from going to trial. Before this decision is made the lawyer will explain the reasons why and ask for your opinion about taking this action. Your views will be taken into account and communicated to the DPP but the final decision is made by the DPP.

The accused person may plead guilty at any stage of the prosecution process. If this happens there will not be a trial. Instead there is a plea hearing followed by a sentencing hearing.



Prosecuting the case in court

In Australia we have an ‘adversarial’ court system. There are two sides: the prosecution, which represents the interests of the community and the defence, which represents the interests of the accused person.

The judge or magistrate acts as an impartial third party who controls the proceedings to ensure the trial is fair.

The position of family members in criminal proceedings

Despite your level of interest and investment in the process you may sometimes feel disconnected from the proceedings, given that the DPP is responsible for prosecuting the case on behalf of the community. Occasionally you or other family members may be required to give evidence as witnesses.

“Sometimes we felt like there was no one representing us, or our daughter, during the court proceedings.”

Legal principles governing criminal proceedings

The adversarial system involves the DPP prosecuting an accused person. A number of legal principles have been developed to make sure the accused person gets a fair trial.

These principles form the basis of criminal trials.

Presumption of innocence

Any person who is charged with a criminal offence is presumed innocent until proven guilty. The prosecution has to prove a person's guilt. The accused person does not have to prove their innocence.

Standard of proof

This principle relates to the level of proof required to convict the accused person. In Victoria, the standard of proof in criminal cases is 'beyond reasonable doubt'. This means that, on the basis of all of the relevant evidence, the jury is satisfied 'beyond reasonable doubt' that the accused person committed the crime. This is a very high standard.

Right to silence

The accused person has the right to silence. This means they don't have to speak at all in court or answer questions asked by the prosecutor.



Going to court

Court hearings

A number of court hearings take place during the prosecution process. Information about the main types of hearings is set out below.

Information about court hearings

Someone from the prosecution team, usually the informant, will tell you about the date and time of the various court hearings. They will tell you about the type of hearing and what to expect at the hearing.

Committal hearing

At the committal hearing, the magistrate will decide if there is enough evidence for the case to go to trial before a judge and jury. It is not the final determination of the case.

Prior to the committal hearing there will be a 'mention' hearing. This is a short administrative hearing to clarify the number of witnesses and the length and date of the committal hearing.

Trial

The trial of the accused person will be at the County Court or Supreme Court of Victoria in Melbourne or in a major Victorian regional centre.

At administrative hearings, referred to as 'directions' hearings, the date for trial will be set and the parties will make sure the case is ready to go ahead. Administrative hearings are held before the trial. More information on the trial process can be found on page 41.



Plea hearing

If the accused person pleads guilty, or is found guilty by the jury, there will be a plea hearing.

At this hearing the prosecutor will provide a summary of the evidence to the court. You may then choose to tell the court about the impact of the crime on you, through a Victim Impact Statement, which will usually have been prepared sometime earlier.

The defence barrister will then give information to the judge about the offender. This may include information about their character and circumstances, their medical and/or psychological circumstances.

Sentence hearing

The sentence hearing is generally held on a date after the plea hearing.

In sentencing, the judge is required to take into account a number of factors including the age of the offender, the type of crime, the impact of the crime on family members, their previous criminal record and whether or not they pleaded guilty to the crime at the earliest possible stage.

At this hearing the judge will tell the offender what their punishment is and the reasons for the particular punishment. Further information on sentencing can be found on page 48.

Appeal hearing

If the offender appeals against his or her conviction and/or the length of their sentence, the hearing will take place in the Court of Appeal, Supreme Court. Further information on the appeal process can be found on page 50.



Victims and Witness Assistance Service conferences

The aim of VWAS conferences is to introduce family members to the lawyer handling the case and the barrister who will be prosecuting the case in court.

Conferences give family members an opportunity to ask questions about the process and for the prosecution team to explain the process, the way the case is proceeding and what to expect.

The Victims and Witness Assistance Service can conduct a conference with family members at one or more stages of the prosecution process, for example:

- before the committal hearing
- before the trial
- before the plea hearing and sentence hearing
- before an appeal.

For more information about what is involved in going to court, or for assistance in deciding what to do, contact the Victims and Witness Assistance Service.



Whether or not to go to court

You have the right to decide whether or not to go to any of these court hearings if you are not required as a witness to give evidence. If you are a witness in the case, there are times you will not be able to sit in the courtroom, including when other witnesses are giving evidence.

If you choose not to go to court you can ask to be kept informed about what happens in court by the informant, the OPP or Victims and Witness Assistance Service.

“We decided not to go to court and listen to the medical evidence. I couldn’t cope seeing photos that were taken after the crash.”

“There were days when I felt strong enough to go to court, and there were days when I needed to stay away. The prosecution team kept in touch with me when I couldn’t be there.”



Court locations

Court hearings for crimes involving death may be held in the Magistrates' Court, the County Court or Supreme Court of Victoria in Melbourne. These courts are situated in the legal precinct on opposite corners of Lonsdale and William Streets.

The Court also hear cases 'on circuit' in regional Victoria. If your case is going to be heard in a regional court, you will be told when and where it will be heard.

The courts generally hear cases from 10.00 am until 4.15 pm, with a lunch break between 1.00 pm and 2.00 pm. Occasionally the court may sit outside these hours.

You can contact the Witness Assistance Service for information about the court's location and nearby amenities such as parking, cafes and churches.



Being in court

As a family member you are entitled to attend any or all of the court hearings that relate to the death of your loved one. However, if you are a witness in the case, there will be times when you will not be able to sit in the courtroom. For example, when other witnesses are giving their evidence and before you have given your evidence at trial. All members of the public and the media can attend court hearings unless the court orders that they be excluded from the court, or orders that the court be closed.

There are a number of aspects about going to court, and being in court, which may create additional stress for family members. The following information may assist you to prepare for being in court.

“The thought of walking into the courtroom was terrifying.”



Arriving at court

Arriving at court and working out how to get to the courtroom can be challenging, particularly if there are television cameras and photographers waiting outside the court building. You may find it useful to make prior arrangements with the prosecution team about arriving and leaving the courtroom.

Some family members find it useful to visit the court and courtrooms before the hearing. This may help you feel more comfortable and familiar in the court surroundings. VWAS can arrange court tours.

“I’d never been in trouble before,
so I’d never had to go to court.
I had no idea what to expect.”



Inside the courtroom

There is a high level of formality inside courtrooms. Court staff and barristers usually wear wigs and gowns. Court staff have particular names which describe their position. For example, the associate and tipstaff are the staff who assist the judge during the court hearing. The barristers are the lawyers who present the case for the prosecution and defence during the hearing.

If the accused person is not in custody, be prepared to see them and their family inside and outside the courtroom.

If the accused person is in custody, they will be sitting in the ‘dock’ which is usually near the back of the courtroom.

“It was really difficult to sit in court
and not react or show emotion to
what was being said.”

It may be useful to prepare yourself for what you will see and hear in the courtroom. The trial process is focused on the facts of the case rather than specifically on your loved one. You will hear your loved one referred to as 'the deceased'. Evidence may include distressing images and distressing information about your loved one.

Being calm and in control of your emotions in the formality of the court setting, and in front of the jury, may be incredibly difficult. You may leave the courtroom at any time if you need to. See page 59 of this booklet has more detailed information on court etiquette.

Reading media reports of the court hearings may also cause you distress. You may want to avoid reading media reports of the process, as they may say things about your loved one that differ from your own views and recollections.

“At one stage I had to leave the court because I couldn't stop crying and everyone could hear me. One of the court staff asked me to leave for a little while, so the Court Network volunteer took me out and helped me compose myself.”

Court support

VWAS can arrange support for you during court hearings, particularly if you have specific concerns about being in court.

Court Network

Court Network is a voluntary service that provides information and support to family members.

Court Network operates out of a number of courts including the County Court, Magistrates' Court and Supreme Court of Victoria. Trained volunteers can sit with you while you are waiting or when you are inside the courtroom. They can also help you to avoid contact with family members of the accused person and assist in addressing any concerns you may have about being in court.

“The Court Network volunteers were there every day. They were helpful with practical advice like where to go for time out, where we could smoke and where to get a coffee. They were very kind to my family.”

“There were so many delays during the trial. It felt like we spent so much time waiting for something to happen.”





The committal hearing

The committal hearing is the main hearing before the trial and is held in the Magistrates' Court.

At the committal hearing the magistrate will decide whether there is enough evidence for the case to go to trial before a judge and jury.

All the relevant evidence is presented to the magistrate by the prosecution.

Some witnesses may be required to appear in person to give evidence at the committal hearing and be cross-examined by the defence barrister.

Not all witnesses who make a statement are required to give evidence at the committal hearing. Their statement will be included in the brief of evidence which is given to the magistrate.

Once the magistrate has considered the evidence, they will decide whether there is enough evidence to send the accused person to trial. If so, the case will be listed for trial in the County Court or Supreme Court.

The test that the magistrate must apply at committal is a different test to the test that a jury must apply at a trial when deciding whether an accused person is guilty or not guilty. This means that even though there might be enough evidence for an accused person to be committed to stand trial, this doesn't mean that they will be found guilty at trial.

Sometimes the magistrate will decide there is not enough evidence for the case to go to trial and the charges against the accused person may not go ahead. The OPP will review all of these cases and in some instances the DPP may decide to take the accused person to trial anyway.





The trial

The trial is the main court hearing and is before a judge and jury.

The purpose of the trial is for the prosecution and defence to present all relevant evidence to the jury which will decide whether or not the accused person is guilty of the crime.

Length of the trial

The length of the trial depends of the case. Shorter trials generally take 5-7 days. Longer trials can take a number of weeks.

Before the trial there will be an estimate of how long the trial will take but it is difficult to precisely predict. It depends on a number of factors including the number of witnesses, whether there is one or more accused and the amount of legal argument.

At any stage before or during the trial the case may be adjourned to a future date by the court. There are many reasons why this may happen. This means that the case will not continue until the next date set by the judge.

If you choose to attend the trial, be prepared for it to take up a significant amount of your time. Who goes, and how often, is something you might want to discuss with family members and the prosecution team before the trial.

You may need to organise someone to look after your small children if you are giving evidence or plan to sit in the courtroom.

“There were so many delays during the trial. It felt like we spent so much time waiting for something to happen.”



Role of the judge and jury

The judge is in charge of running the trial. The judge will:

- make sure that the case for both sides is properly presented
- make sure that the trial process is fair to the accused person
- answer questions from the jury
- instruct the jury on the meaning of the law and how to apply it at various stages during the trial.

The jury is made up of 12 people from the community who are randomly selected from a pool of potential jurors. The role of the jury is to hear all the relevant evidence and, on the basis of that evidence, decide whether the accused is guilty or not guilty of the crime. Both the prosecution and the defence are involved in selecting the jury in accordance with specific rules. This can be a lengthy process.





What happens at the trial?

Pre-trial

Before the trial there may be discussions between the barristers and the judge about legal issues which may affect the way the trial is run. These discussions may go on for some time.

Trial

The proceedings begin with the judge telling the court what the trial is about. Then the prosecutor will speak and the defence barrister will usually give a short reply.

The prosecution will present its case first and the defence will then present its case.

Examination-in-chief

Both sides will open their case and then call witnesses who will give evidence about various aspects of the case. This is called giving evidence-in-chief.

Cross-examination

The prosecution and defence can ask questions of any witness to 'test' the evidence being given. This is called cross-examination.

Re-examination

The side that has called the witness can ask further questions of them in response to the questions asked in cross-examination. This is called re-examination.

Closing comments and charge

Once all witnesses have given their evidence, the prosecutor and defence barrister will give their closing comments to the jury. The judge will then summarise the evidence and arguments from both sides and explain legal issues for the jury. This is called the judge's charge.



The jury will then leave the courtroom to consider its verdict.

Occasionally the jury may return to the courtroom during its deliberations to ask questions of the judge. These questions may be about the law to be applied or the evidence given in the trial. The judge will answer the questions after consulting the prosecutor and defence barristers.

Once the jury has decided on its verdict, the judge's associate will contact the prosecution and defence barrister to confirm when and where the court will hear the jury's verdict.

Rules of evidence

According to the principle of a 'fair trial', there are rules about what evidence can be seen and heard by the jury. Not every piece of evidence collected by police will be used at the trial, some of it may not be allowed by the judge and some of it may not be relevant according to the law.

Evidence can be presented in the following ways:

- direct evidence from witnesses who give evidence 'under oath'
- photographs
- charts or other documents
- crime scene videos
- police interview with the accused person (record of interview)
- evidence given by expert witnesses, including doctors, pathologists and forensic experts.

Past conduct of the accused

The 'fair trial' principle means the prosecution can only present evidence that is relevant to the facts of the case currently before the jury. This means the jury cannot be told about any previous crimes committed by the accused person, which are not considered relevant to the current hearing.

“It was hard to understand why the jury didn't get to hear about his past violence towards other people. This didn't seem fair because the jury weren't allowed to know all the facts about him in my daughter's case.”


If the accused person is found guilty, the judge will take into account their previous criminal convictions when deciding on the sentence.

Verdict

In serious criminal matters all members of the jury are required to agree on the verdict. This is referred to as a 'unanimous' verdict. In cases other than murder, in certain circumstances, a judge may accept a 'majority verdict' if all but one of the jurors agrees on a verdict. If a unanimous or majority verdict cannot be obtained, it is called a 'hung' jury and the trial ends. A re-trial may be held at a later date.

The verdict may be:

- Guilty – the accused person has been found guilty of the crime and will be sentenced by the judge.
- Not guilty – by reason of mental impairment.
- Not guilty – the prosecution has been unable to prove, beyond reasonable doubt, that the accused person committed the crime.
- A mixed verdict – the accused person is found guilty in relation to some of the charges and not guilty in relation to others.

- 
- A 'hung' jury – where the jury cannot agree on a verdict.
 - A 'majority verdict' – where all but one of the jurors agrees on a verdict.

Generally, once a person has been found not guilty they cannot be tried again for the same crime. A person may only be tried again in very limited circumstances.

Waiting for the verdict

There is no set time for the jury to consider its verdict. In some cases it can take days. This can be a difficult and nervous time for family members.

If you want to be present for the verdict, or have any concerns while waiting for the verdict, you can speak with the prosecution team (the informant, OPP lawyer or VWAS worker). They will contact you as soon as they hear from the court about when the verdict will be read out.



The sentencing process

Plea hearing

If the accused person is found guilty, or pleads guilty, there will be a plea hearing before a judge.

At the plea hearing the prosecution and the defence will present information they want the judge to take into account when deciding on the sentence.

Making a Victim Impact Statement

At the plea hearing you have the opportunity to tell the court, in your own words, about the impact of the crime on you. You do this by making a Victim Impact Statement (victimsofcrime.vic.gov.au/going-to-court/victim-impact-statements).

The Victim Impact Statement is one of a number of factors the judge will take into account when sentencing the offender for the crime.

Each family member has the right to make a Victim Impact Statement.

Parents and guardians can prepare a statement for any children who want to tell the court about the impact of the crime on them. It is your choice whether or not to make a Victim Impact Statement.

You may be able to include pictures, photos, poems, paintings or DVDs in your Victim Impact Statement.

You have the right to read your statement to the judge. Alternatively you can get the prosecutor, another family member or a representative to read it out. In certain circumstances, alternative arrangements can be made for you to read out your statement in a remote witness facility or to have a support person beside you when you read it out. You should contact the OPP lawyer in advance if you wish to use these alternative arrangements.

It is important to know that the defence barrister and the accused person may read your Victim Impact Statement before or during the plea hearing.

For a copy of the Guide to Victim Impact Statements contact VWAS or your local Victims' Assistance and Counselling Program.

“I appreciated the opportunity to stand up in court and tell everyone there about the impact of my son’s death”



Defence information

After the prosecution has addressed the judge, and any Victim Impact Statements have been read out or given to the judge, the defence will present information to the judge.

The defence will try to present the offender in the best possible way and may call people to give ‘character’ evidence and/or psychological evidence about them. Some of this information may be difficult for you to hear.

“When I heard the defence barrister at the Plea hearing, I felt like they were trying to justify or make excuses for why he killed my husband. It was hard to hear.”



Sentencing hearing

The sentencing hearing may take place on the same day as the plea hearing or at a later date decided by the judge. At this hearing the judge will tell the offender what their sentence is.

Please note

It is very rare for the maximum penalty to be given. Maximum terms are legislated by the parliament and are used by the courts as a reference point when sentencing. This means that judges can impose a sentence that is up to but not exceeding the maximum penalty and is consistent with other sentences previously given in similar cases. The actual sentence will take into account a number of factors, including the particular circumstances of the case.

“I just thought – what’s the point of having a maximum penalty if judges never give it?”

“He got eight years, our son is dead and we got a life sentence.”

When judges are imposing a sentence they are required to take into account the impact of the crime on you. The Victim Impact Statement is one way that they can do this.

Other factors that will be taken into account include:

- the nature and seriousness of the crime
- the circumstances of the offender
- the offender’s past criminal history
- whether the offender pleaded guilty
- the maximum penalty for the offence
- other sentences for comparable crimes.

The judge will usually impose a maximum sentence and a minimum sentence. The maximum sentence is called the total effective sentence. The minimum sentence is called the non-parole period, which is the time served before the offender is eligible for parole.

Any sentence will take into account time already served. This is known as pre-sentence detention.



The appeal process

Defence appeal

The offender has the right to appeal against a conviction (a guilty verdict) and/or the length of a sentence.

They have 28 days from the date they are sentenced to lodge an appeal but in certain circumstances they may be able to get an extension of time.

DPP's appeal against sentence

The DPP will carefully review the sentence handed down in each case prosecuted by the OPP. If the DPP considers that a sentence is too low, the DPP may appeal against the sentence.

If the DPP is considering appealing a sentence, the OPP will seek your views before this decision is made. The DPP will only appeal a sentence if the DPP considers that the sentence is 'manifestly inadequate'.

The DPP is not able to appeal against a not-guilty verdict.

Court of Appeal hearings

Any appeal will be heard in the Court of Appeal which is the highest court in Victoria.

While you are entitled to attend any appeal hearing, they are very different to the trial. They involve legal and technical discussions on the law.

An appeal is not a re-trial. The purpose of an appeal is to determine whether the law has been properly applied or whether there is some other legal error at the trial which results in a substantial 'miscarriage of justice.'

The possible results of an appeal by the guilty person against their conviction are:

- The appeal is dismissed and the original guilty verdict stands.
- The appeal is allowed and a re-trial is ordered.
- The appeal is allowed, the conviction is set aside and the offender is set free. There has to be a substantial 'miscarriage of justice' for this to happen.

The possible results of an appeal by the guilty person against their sentence are:

- The appeal is dismissed and the sentence stands.
- The appeal is dismissed and the sentence is increased.
- The appeal is allowed and the sentence is reduced.

When the DPP appeals against the sentence, the court may either allow the appeal and increase the sentence or leave the sentence as it is.

If an appeal is lodged, the OPP will inform you of this. The OPP will also inform you of the grounds of the appeal, and the result of the appeal.

Taking the Next Step

The Victims' Register

Being on the Victims' Register means you will be given certain information about the offender who committed the crime while they are in prison. This includes:

- The offender's earliest possible release date.
- The offender's possible release on parole.
- Information about making a submission to the Adult Parole Board.
- The offender's actual release date and the reason for releasing them.

The Victims' Register cannot give information about the location of the prisoner.

The Victims' Register can only give details about adult offenders. If your case involves an offender in a Youth Training Centre you can contact the Youth Parole Board.

You can choose whether or not you want to be put on the Victims' Register. If you would like to be on the Victims' Register you will need to fill out an application form.

For more information, contact the Victims' Registrar via the Helpline.



The Parole Board

Members of the Adult Parole Board – or the Youth Parole Board, if the prisoner is under 18 – decide whether and when to release prisoners back into the community and are responsible for managing this process.

Before making any decisions, the board is required to take into account your views. They will also take into account any concerns you may have about the prisoner being released or the terms on which they are released.

You can make your views known to the board, or register any concerns, by making a submission to the Adult or Youth Parole Board.

If you are on the Victims' Register you will be told about any parole hearings and the opportunity to make a submission.

If not, you will need to contact the relevant parole board.





The media

Dealing with the media

Media interest in criminal cases can be intense. Dealing with the media can be challenging for victims, witnesses, and their families. You might be approached by the media at court, at home, or by telephone.

What to do if you are approached by the media

If a media representative approaches you, you have the right to privacy and you can decline to speak with them. If a media representative shows up at your house, you can ask them to leave your property.

If you are approached by the media while the criminal case is before the court, you should not say anything about the case until you have spoken with the OPP solicitor or social worker. This is important because:

- There are laws about what information can and cannot be published while a criminal case is before the court.
- In some cases, the court will make a suppression order. A suppression order prohibits the publication of certain information about a criminal case.
- You may not be able to predict the types of questions you may be asked by the media, or control how your comments are reported. Once you have provided information to the media, your control over the use of that information is limited.

What about social media?

The OPP cannot provide legal advice to victims, witnesses, or their families. However, it is important to be aware that publishing information on social media about a criminal case could (depending on the type of information and the circumstances):

- compromise the case
- breach a law
- breach a suppression order
- amount to contempt of court.

Victims of sexual offences

The media are not allowed to publish information that might identify a victim of a sexual offence unless:

- the victim has given permission to the media
- the court has made an order giving permission.

A victim of a sexual offence is allowed to publish their own identity unless this is likely to identify another victim of a sexual offence who does not give permission for their identity to be published.

The courts have published guides for people seeking permission to publish information identifying victims of sexual offences. You can find them here:

- **Magistrates' Court** (mcv.vic.gov.au/news-and-resources/publications/guide-people-seeking-permission-publish-information-about-victims)
- **County Court** (countycourt.vic.gov.au/news-and-media/news-listing/2020-09-17-reforms-sexual-offence-victim-identification)
- **Supreme Court** (supremecourt.vic.gov.au/forms-fees-and-services/forms-templates-and-guidelines/guide-for-jpra-applications)

Making a complaint about the media

If you believe the media or a journalist has acted unprofessionally or inappropriately you can lodge a formal complaint with the **Australian Press Council** (presscouncil.org.au/complaints/make-a-complaint) or the **Australian Communications and Media Authority** (acma.gov.au).



Your entitlements

Victims of Crime Assistance Tribunal

You may be entitled to financial assistance from the Victims of Crime Assistance Tribunal (VOCAT) to assist with costs you have been required to pay as a result of the crime. This includes:

- medical expenses
- funeral expenses
- counselling
- loss of financial support.

Transport Accident Commission

In the case of culpable driving or dangerous driving causing death you may be entitled to financial assistance from the Transport Accident Commission (TAC) for:

- funeral expenses
- counselling
- home services
- dependency benefits.

When making an application for financial assistance you will be required to meet various criteria which relate to:

- your eligibility
- the time limit for making an application
- how much financial assistance you are entitled to
- when and where to make your application.

VOCAT recommends that if you are eligible for financial assistance from the TAC, that you apply there first before lodging your VOCAT application.

For general information and assistance making an application you can contact the Victims Assistance and Counselling Program (VACP).

The VACP can give you information, support and assistance with applications for financial assistance. To contact your local VACP, first call the Victims of Crime Helpline. You may also want to contact VOCAT or the TAC directly.

Compensation and civil action

In certain circumstances you may be able to apply for compensation from the offender, through the sentencing court, after they are found guilty. You have the right to take civil action for compensation against the offender whether or not they are found guilty. Both options involve complex legal processes. Important questions to consider are:

- Will the offender be able to pay the compensation?
- If the offender refuses to pay compensation, how much will it cost to enforce the order?
- What are the costs involved in taking civil action?

The following organisations can provide you with information about your right to financial assistance and compensation:

- Victims Assistance and Counselling Program (VACP)
 - » VACP can give you information, support and assistance with applications for financial assistance. VACP workers may also refer you to a local lawyer for advice or assistance.
- Federation of Community Legal Centres (CLCs)
 - » The Federation can give you details of your local Community Legal Centre which provides free legal advice to the public.
- Law Institute Referral Service
 - » The 'Find A Lawyer And Legal Referral Service' gives you access to 30 minutes free legal advice from a local law firm.



Court etiquette

Coming into the courtroom

When you go into or leave the courtroom you need to bow slightly or nod your head to the judge. When the judge goes into and out of the courtroom, everyone in the court will stand and bow.

In the courtroom you are not allowed to:

- eat or drink
- wear a hat or sunglasses
- talk while the judge and jury are present and when a witness is giving evidence
- be disruptive at any time (comment loudly or shout abuse)
- use your mobile phone for any reason – it must be turned off
- have anything that could be used as a weapon
- have a tape or voice recorder
- have cameras or video recorders.

If you are finding it difficult to be quiet or composed while in court, you may leave at any time. There are areas in the court building where you can go to have a break and Court Network volunteers who can give you support if required.

For more information

If you have any questions about being in court, or would like more information, contact the Victims and Witness Assistance Service (VWAS) or Court Network.





Glossary of Terms

Accused – A person charged with a crime is called the defendant in the Magistrates' Court and the accused in the Supreme Court and the County Court.

Adjournment – A case postponed to a future date.

Bail – An agreement made by a person charged with a criminal offence to appear at court when required and to abide by any special conditions on what they can or cannot do while on bail.

Barrister – A lawyer who appears at court either as prosecutor or defence barrister.

Brief of evidence – A document containing the police statements and other evidence being relied on by the prosecution.

Committal hearing – A court hearing in the Magistrates' Court before a magistrate sitting alone to establish whether there is enough evidence for a trial before a judge and jury.

Conviction – A person is convicted when they are found guilty by a jury or plead guilty before a judge or magistrate.

County Court – A judge presides over this court. It hears serious (indictable) cases and a jury decides the case.

Court Networker – A volunteer who helps people who go to the court. Court Networkers help witnesses, victims of crime and their families or friends.

Cross-examination – Asking a witness questions about evidence they have given during the examination-in-chief. The defence barrister cross-examines prosecution witnesses and the prosecutor cross-examines defence witnesses.

Crown Prosecutor – A prosecutor who works solely for the Director of Public Prosecutions.

Defence – Arguments used by a person and the lawyer who is defending them in court.

Defendant – A person who has been charged with a crime is called the defendant in a Magistrates' Court.

Director of Public Prosecutions (DPP) – This is the person who is responsible for prosecuting serious (indictable) offences in the State of Victoria.

Dock – An enclosed place in a courtroom where the accused person stands or sits during a court hearing.

Evidence – The information given to the court to show what happened. Witnesses give evidence by telling the people in the court what they know. Sometimes items like clothing, photographs or letters are also shown to the court.

Examination-in-chief – Questions asked of a witness by the prosecutor.

Guilty person – A person is guilty if they have been found guilty by a jury or pleaded guilty before a judge or magistrate.

Indictment – A statement of the charges against the accused person.

Inquest – A court hearing before a Coroner which seeks to identify the person who has died and find out why the death occurred.

Judge – A person who hears cases in the County Court and Supreme Courts. The judge has the power to interpret the law and apply it, and to decide how a person should be punished if they have broken the law.

Judge's Associate – A person who helps the judge.

Jury – A group of 12 people who are chosen to decide who is guilty or not guilty in a County Court or Supreme Court trial.

Lawyer – A person who is trained in the law. A lawyer advises people about the law. See Barrister and Solicitor.

Magistrate – A person who hears cases in the Magistrates' Court. The magistrate also decides whether cases are serious enough to be passed on to higher courts.

Mitigating – A mitigating factor (in sentencing) refers to information or evidence about the offender, presented to the court, which may be relevant to sentencing (e.g. an early guilty plea). This will be considered by the judge against a number of other factors, which are required to be taken into account in sentencing.

Not guilty – A verdict given by a jury. This means that the jury thinks that the prosecution has not proved its case beyond reasonable doubt.

Oath – A promise to tell the truth in a court. Oaths can be given by swearing on a religious text such as the Bible or the Koran, or by making an affirmation.

Offender – A person who has committed a crime.

Office of Public Prosecutions (OPP)

– The office consisting of lawyers and support staff who prosecute on the behalf of the Director of Public Prosecutions.

Parole – Releasing a person, prior to the end of their sentence, subject to them complying with specific terms and conditions and monitoring for a defined period of time.

Parole Board – The Parole Board decide whether and when to release a prisoner back into the community and manage this process.

Plea – An accused person can plead guilty or not guilty.

Plea hearing – A hearing held before a judge or magistrate, either after an accused person has been found guilty by a jury or after electing to plead guilty. It is the hearing at which submissions in relation to sentence are made and Victim Impact Statements are read out or given to the court.

Police Informant – The police officer in charge of the investigation and the main contact between police and the family members.

Prisoner – This is what a defendant or an accused person is called after they have been convicted or found guilty of an offence.

Prosecutor – A barrister for the Director of Public Prosecutions (DPP) who calls witnesses and presents evidence in court to show that a person is guilty.

Re-examination – Asking a witness questions which arise out of cross-examination.

Remote Witness Facility – A room separate from the courtroom where vulnerable witnesses can give their evidence which is relayed to the courtroom via closed-circuit television (CCTV).

Sentence hearing – A hearing where the judge tells the offender what their sentence will be.

Solicitor – A lawyer who prepares a case to go to court.

Statement – A written document made and signed by a witness telling police what they know about a crime.

Subpoena – A document telling someone they must go to a court to give evidence as a witness in the County Court or Supreme Court.

Summons – A letter telling someone they must go to a court to give evidence as a witness in a Magistrates' Court.

Supreme Court – This court hears the most serious cases. A judge presides over the court and a jury decides the case.

Surety – A person who agrees in writing to pay a specific amount of money if the accused person does not come to court when required.

Tipstaff – An officer of the County and Supreme Courts who keeps order in a courtroom.

Trial – A hearing held in the County or Supreme Court before a judge and jury to find out whether an accused person is guilty or not guilty of a crime.

Verdict – A decision by a jury whether a person is guilty or not guilty.

Victim Impact Statement – A statement made by a victim of crime or their family member about how the crime has affected them. It is taken into account by the court when sentencing the offender.

Witness box – The place where people stand or sit when they are giving evidence in a court.

Witness – A person who appears in a court to tell what he or she knows about a crime or other event.

Victims and Witness Assistance Service (VWAS) – A branch of the Office of Public Prosecutions staffed by experienced social workers to provide ongoing information and support for witnesses, victims of crime and family members going through the court system.



Useful contacts

Compensation and Financial Assistance

Victims of Crime Assistance Tribunal

Level 1, 233 William Street
Melbourne VIC 3000

T 03 9628 7855

T 1800 882 752 (toll free for country callers)

W vocat.vic.gov.au

E info@vocat.vic.gov.au

Transport Accident Commission

60 Brougham Street
Geelong VIC 3220

T 1300 654 329 (local call)

T 1800 332 556 (toll free for country callers)

W tac.vic.gov.au

E info@tac.vic.gov.au

Legal services

Federation of Community Legal Centres

Level 3, 225 Bourke Street
Melbourne VIC 3000

T 03 9652 1500

E administration@fclc.org.au

W fclc.org.au

Law Institute of Victoria Referral Service

470 Bourke Street
Melbourne VIC 3000

T 03 9607 9311

F 03 9602 5270

E referrals@liv.asn.au

W liv.asn.au

Victorian Aboriginal Legal Service

273 High Street,
Preston VIC 3072

T 03 9418 5999

T 1800 064 865 (toll free)

E vals@vals.org.au

W vals.org.au

Victoria Legal Aid

350 Queen Street
Melbourne VIC 3000

T 03 9269 0120

T 1300 792 387 (toll free for country callers)

W legalaid.vic.gov.au

Youth Law

At Frontyard, 19 King St
Melbourne VIC 3000

T 03 9113 9500

E info@youthlaw.asn.au

W youthlaw.asn.au

Parole and Victims' Register

Adult Parole Board

T 03 9094 2111

Interpreter Service: 131 450

(ask for the Adult Parole Board)

E apb.enquiries@justice.vic.gov.au

W justice.vic.gov.au/paroleboard

Victims Register

T 1800 819 817 (toll free)

T 03 8684 6700 (interstate callers)

E VictimsRegister@justice.vic.gov.au

W victimsocrime.vic.gov.au

Support Services

Child Witness Service

T 1300 790 540
T 03 9603 9266
E childwitnessservice@justice.vic.gov.au

Coronial Services Centre

T 1300 309 519
W coronerscourt.vic.gov.au

Court Network

T 1800 571 239 (toll free)
T 03 8306 6966
E admin@courtnetwork.com.au
W courtnetwork.com.au

Road Trauma Support Services

T 03 8877 6900
T 1300 367 797 (toll free)
W rtssv.org.au

Victims of Crime Helpline

T 1800 819 817 (toll free)
T 03 8684 6700
TEXT 0427 767 891
T 133 677 (TTY hearing impaired)
E vsa@justice.vic.gov.au
W victimsofcrime.vic.gov.au

Victims Advisory Unit

T 1800 819 817 (toll free)
TEXT 0427 767 891
E vsa@justice.vic.gov.au
W police.vic.gov.au/victims-crime

Victims and Witness Assistance Service

Office of Public Prosecutions
565 Lonsdale Street
Melbourne VIC 3000
T 03 9603 7425
T 1800 641 927 (toll free)
T 133 677 (TTY hearing impaired)
E wasadmin@opp.vic.gov.au
W opp.vic.gov.au

WorkSafe

T 1800 136 089 (information officer)
W worksafe.vic.gov.au
E info@worksafe.vic.gov.au



Office of Public
Prosecutions
Victoria

