



Title: Guidelines for Implementing the Fundamental Principles of Justice for Victims of Crime

Responsible Officer: Registrar

Action Officer: Complaint Contact Officer

References:

Family Responsibilities Commission:

- [Queensland Public Service Code of Conduct](#)
- [Workplace Health and Safety Policy](#)
- [Harassment Discrimination and Bullying Policy](#)
- [Employee Complaints Management Policy](#)
- [External Complaints Management Policy](#)
- [Victim of Crime Complaint Form 12](#)

Relevant Legislation

- *Victims of Crime Assistance Act 2009*
- *Family Responsibilities Commission Act 2008*
- *Queensland Public Service Officers and Other Employees Award – State 2015 Work Health and Safety Regulations 2011*
- *Work Health and Safety Act 2011*
- *Public Service Act 2008*

- *Public Service Ethics Act 1994 (Qld)*
- *Anti-Discrimination Act 1991 (Qld)*
- *Information Privacy Act 2009*
- *Public Records Act 2002 (Qld)*
- *Judicial Review Act 1991*
- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- *Information Privacy Act 2009*
- *Right to Information Act 2009*


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1.0 Purpose

From 1 December 2009 the *Victims of Crime Assistance Act 2009* (the Act) requires all Queensland Government agencies and officers, including the Family Responsibilities Commission (the Commission), to comply with the Fundamental Principles of Justice for victims of crime (justice principles).

Under Section 17 of the Act, each Government agency must prepare appropriate guidelines and processes for implementing the justice principles. This guideline has been developed to help Commission staff conduct themselves in a way that is consistent with the justice principles, and inform Commission staff how to meet the requirements of the justice principles in their day to day work.

2.0 Scope

These arrangements apply to all permanent, temporary or contracted employees of the Family Responsibilities Commission.

3.0 Who is a victim of crime?

Under Section 5 of the Act, a victim is a person who has suffered harm:

- because a crime is committed against the person or
- because the person is a family member or dependent of a person who has died or suffered harm because a crime is committed against that person or
- as a direct result of intervening to help a person who has died or suffered harm because a crime is committed against that person.

4.0 Fundamental principles of justice for victims of crime (Justice Principles)

In 1985 the United Nations released the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power promoting victim's rights.

The nine justice principles declared in the Act are based on the United Nations declared principles, and aim to advance the interests of victims by recognising the need to improve the rights and services available to victims of crime in Queensland.

The justice principles are to be applied when officers of the Commission deal with victims of crime in the work environment.

5.0 Do I need to know about the justice principles?

The *Victims of Crime Assistance Act 2009* states that the Commission must prepare and adopt appropriate guidelines and processes for implementing the principles. The guidelines and processes must be directed at helping employees of the Commission to conduct themselves in a way that is consistent with the principles. This guideline has been compiled in order to provide you with the information you need to comply with the principles.

6.0 A victim has a right to complain

Section 19 of the Act, provides that a victim has the right to complain if they believe that a government agency or employee has engaged in conduct that is *inconsistent* with the justice principles. Complaints will be treated seriously and can be lodged about an agency or individual prescribed person (Commission employee).

7.0 When do the justice principles take effect?

Effective from 1 December 2009.

8.0 What is Victim Assist Queensland?

Victim Assist Queensland coordinates financial assistance and support services to victims of crime. Victim Assist Queensland is part of Community Justice Services in the Department of Justice and Attorney-General.

Victim Assist Queensland also provides information for support services assisting Indigenous victims of crime in Queensland. The Support for Aboriginal and Torres Strait Islander victims of crime webpage provides information on how an Indigenous person can report a crime to police, the healing, legal and support services that are available to Indigenous people and eligibility for financial assistance under the *Victims of Crime Assistance Act 2009*. The webpage aims to help support services, and people who assist Indigenous victims, to understand the rights and options available to Indigenous victims of crime in Queensland.

The contact details for Victim Assist Queensland are:

Postal address GPO Box 149, Brisbane 4001
Telephone 1300 546 587 (Victims LinkUp)
Email victimslinkup@justice.qld.gov.au
Website www.justice.qld.gov.au

9.0 Justice principles that specific agencies and their officers are required to comply with

Justice principles that all government agencies and their officers are required to comply with:

- **Fair and dignified treatment:**
The victim must be treated fairly and shown dignity, respect, compassion and courtesy. All government agencies must take into account and be responsive to the particular needs of the victim including the victim's:
 - age
 - sex or gender identity
 - race
 - cultural or linguistic background
 - impairment
 - sexuality or
 - religious beliefs.

For this principle, a victim includes a witness to an act of violence.

- **Privacy of victim:**
A victim's personal information, including their address and telephone number, must not be disclosed to any unauthorised persons.
- **Information about services:**
The victim must be given timely information on the relevant services available to them, including welfare, health, counselling, legal and financial assistance.

Justice principles that specific agencies and their officers are required to comply with:

- **Information about investigation of offender:**
If asked by the victim, the Queensland Police Service should give the victim information about the investigation of the offender where possible. Information given to a victim may include the progress of the investigation or the name of the person charged.
- **Information about prosecution of offender:**
If asked by the victim, the prosecuting agency (for example the Queensland Police Service or the Office of the Director of Public Prosecutions) should give the victim details about the crime committed against them. The information may include when the victim may attend a court proceeding, notice of a decision to change a charge, or notice of the outcome of a court proceeding.

- **Victim to be advised on their role as witness:**
A victim who is to be a witness for the prosecution, for example the Queensland Police Service or the Office of the Director of Public Prosecutions, in the trial for the crime committed against them, is to be informed by the prosecuting agency about the trial process and their role as a witness.
- **Minimal exposure to and contact with the offender:**
As far as is practicable agencies that investigate or prosecute crimes (for example officers of the Queensland Police Service or officers of the Director of Public Prosecutions and court staff present at court) are to ensure that the victim has minimal contact with or exposure to the offender during court proceedings or in the court building.
- **Victim Impact Statements:**
During sentencing of the offender the victim has the right to give details of the impact and harm caused by the offence to the prosecutor in the form of a "Victim Impact Statement".
- **Information about convicted offender:**
If an offender is convicted and imprisoned or placed in detention and the victim asks for information about the convicted offender, the victim should be given advice. This includes information on the sentence, an escape from custody or day of release. The relevant agencies to provide this information are Queensland Corrective Services (for adult offenders) and the Department of Communities (for juvenile offenders).

10.0 Complaint Process

If a complaint is received by the Commission regarding unfair and/or undignified treatment, invasion and/or abuse of privacy, or inadequate or lack of information provided to a victim of crime by Commission staff, the complaint must be referred to the Commission Complaint Contact Officer (the Registrar). The Commission Complaint Contact Officer will then process the complaint as per the guidelines specified in the Commission's External Complaints Management Policy.

The single most effective way to resolve an issue or concern is to discuss it with the person at the point of service. Often an apology or explanation can go a long way to resolving an issue or concern.

11.0 Resolution

Resolution of the complaint may involve specific and/or various combined strategies in line with the External Complaints Management Policy.

12.0 Complaint Outcome Advice Form

When the Commission has resolved the complaint the Victim Service Coordinator from Victim Assist Queensland will be advised by the Complaint Contact Officer forwarding them a copy of the complaint investigation/outcome.

The information contained will be de-identified and collated annually and made available to the Family Responsibilities Commission (FRC) Commissioner and the FR Board in order to assess complaint profiles and build improved practices to better respond to victims needs in the future. All information provided on this form will be treated as confidential and recorded in the Victim Assist Queensland Case Management System.

13.0 Key Referral Pathways for Complaints

There are two ways that justice principle complaints can be made:

1. complaints about government departments directly by the victim, and
2. complaints about government agencies made through Victim Assist Queensland.

13.1 Complaints against government agencies – made directly

Complaints about officers of government agencies will be dealt with by the nominated departmental complaints person (refer 10.0).

Process:

- The victim (complainant) makes the complaint directly to the Commission.
- The Commission will resolve the complaint as soon as reasonably practicable and in line with complaint management timeframes (refer External Complaints Management Policy).
- The Commission will inform the complainant and the Victim Service Coordinator (VSC) at Victim Assist Queensland about how the complaint was resolved or of the outcome(s) of any on-going investigation as soon as reasonably practicable.
- The complaint and the resolution will be entered into Victim Assist Queensland Complaints register by the VSC.
- VSC may contact the victim to seek information regarding satisfaction in relation to the complaint handling process and the outcome of the complaint. If dissatisfied with the outcome, the complainant may seek resolution through the Ombudsman.

(Refer “Annexure A” Flow Chart)

13.2 Complaints against government agencies – made through Victim Assist Queensland

If the complaint about a government agency is forwarded directly to Victim Assist Queensland, it will be forwarded to the Commission’s Complaint Contact Officer by the VSC within two (2) working days.

The complaint will then be investigated by the Commission as soon as reasonably practicable.

Process:

- The complaint will be recorded in the Victim Assist Queensland complaints register by the VSC.
- A letter of acknowledgement is sent to the complainant advising them that the complaint has been referred on their behalf.
- The complaint is forwarded to the Complaints Contact Officer at the Commission.
- After 30 working days, a follow-up to the Commission will be made by the VSC.

- If a resolution has occurred, the complainant is advised and the resolution added to the Victim Assist Queensland complaints register. If the complaint is not resolved the complaint will continue to be tracked by the VSC for a further 40 working days.
- If there is no resolution within a reasonable time, or the victim is not satisfied with the response from the Commission, the complainant can contact the VSC again.
- Complaints will then be re-referred to the Commission on behalf of the complainant.
- VSC will attempt to seek a resolution to the complaint within 14 working days.
- If no resolution is achieved the complaint will be escalated to the FRC Commissioner.
- VSC will contact the victim to seek information regarding satisfaction with the complaints handling process and the outcome of the complaint. If dissatisfied with the outcome, the complainant may seek resolution through the Ombudsman.

(Refer “Annexure A” Flow Chart)

14.0 Contact details for Victim Service Coordinator

Victim Service Coordinator
Victim Assist Queensland
GPO Box 149
Brisbane Qld 4001
Ph: 1300 546 587
Email: victimslinkup@justice.qld.gov.au
Web: www.justice.qld.gov.au

For further information and assistance contact:

Registrar
Family Responsibilities Commission
Level 3, 104 Grafton Street, Cairns
Telephone (07) 4081 8400 Fax (07) 4041 0974

ANNEXURE A

Flow Chart for Complaint Resolution of Breach of Justice Principles

