



SENTENCE ADMINISTRATION BOARD OF THE AUSTRALIAN CAPITAL TERRITORY

ACT VICTIMS OF CRIME INFORMATION PACKAGE

The ACT Government is committed to ensuring that victims of crime receive appropriate support. *The Victims of Crime Act 1994* outlines the principles that apply to victims in the administration of justice. As far as practicable and appropriate, victims are dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to his or her personal situation, rights and dignity.

Following the arrest, prosecution and sentencing of an offender, victims may wish to continue to be informed as to the progress and whereabouts of an offender who is serving a prison sentence, or is to be considered for release to parole. In the ACT, victims may register on a Victims Register. By so doing, they become eligible to receive information on an offender. They also become eligible to submit information to authorities about the release of an offender from prison.

This information package is provided to victims to enable them to make an informed choice as to whether they want to register themselves on the ACT Victims' Register.

ACT VICTIMS' REGISTER

The Secretariat of the ACT Sentence Administration Board maintains the ACT Victims' Register, which records, with consent of the victim, their name, contact details, the name of the offender, and any other details of the offence. *Details maintained in the register are confidential.*

The Secretariat of the Sentence Administration Board uses details recorded in the register to contact victims in relation to an offender.

What is the Sentence Administration Board?

The Sentence Administration Board was formerly the Parole Board of the ACT. The Sentence Administration Board is responsible for determining the release of prisoners to parole. Should the Board decide to release a prisoner, it does so conditionally. Conditions of parole are designed to protect victims and ensure community safety, and may include both standard and additional conditions that are designed to reduce the likelihood for offending behaviour in a way that is appropriate for the individual.

Sentence Administration Board of the ACT

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When making decisions regarding release to parole, and conditions of parole, the Board is required to take into consideration submissions put forward by victims of crime, or their representative(s).

The Board is also responsible for deciding whether offenders will return to prison for the remainder of their sentence if they do not comply with their parole conditions.

What are the benefits of registering?

If you are a victim registered on the ACT Victims' Register you will be contacted by the Secretariat when the Board is considering the release of the offender to parole. At that time you will be invited to make a written submission to the Board about the release of the offender, and the likely effect that the release will have on you. You are also able to express any concerns you may have for your safety.

It is important for victims to realise that most prisoners will eventually be released to parole rather than serve the entirety of their sentence in prison. The timing of that release is dependent on a number of factors that are considered by the Sentence Administration Board. There are benefits for the community and the prisoner by allowing a prisoner to be released to parole. Parole officers can monitor prisoners' behaviour in the community and they can be assisted to adopt a law-abiding lifestyle. There are also greater opportunities in the community for prisoners to undertake programs or counselling, thereby assisting them to address their unacceptable behaviour.

It is also important to understand that submissions received by the Board are only one part of the Board's deliberations. There are many other considerations that the Board must take into account, for example, the judge's comments, the prisoner's behaviour in prison, their progress in custody, post release plans etc. It is important to take this into consideration when deciding whether or not to make a submission.

What happens if I am not registered?

If you are not registered, then you will not be contacted about the parole hearing or receive any information involving the offender whilst they are in custody.

What if the crime was committed some time ago?

You are eligible to apply for registration as long as the offender is still serving their period of imprisonment, or undertaking a parole order, for the offences in which you are a victim. The Board may also consider requests for registration from victims of offences which are taken into account by the court when imposing a sentence for a new offence committed by the same offender.

SUBMISSIONS

What is a submission?

A submission is a written story that contains information relevant to the offender's possible release from custody and the conditions of that release. For example, you may wish to advise

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the Board about any concerns you may have in relation to the offender or you may wish certain conditions of release be considered by the Board. In summary, a submission may include any information that you think is relevant to your situation as a result of the crime that has been committed against you.

What should I say or write about in my submission?

The submission should state how you, as the victim, feel about the impending release of the offender. The submission should not include additional evidence. It is important to understand that the purpose of the submission is to give the Board information for it to consider.

Some information that you could include in your submission might include:

- your history of relationship with the offender;
- the circumstances of the offence;
- the effect it has had upon your life;
- any adverse contact you may have had with the offender since the offence (including any contact from prison);
- any concern you may have regarding the release of the offender;
- any concern you may have for your safety or the safety of your family; and/or,
- any conditions you would like included in the offender's parole order.

If you feel that it would be useful to you in writing your submission to know certain information about the offender, such as his or her plans upon release, you should contact the Secretariat to determine if this information can be released to you. Should you require assistance to write your submission, please contact the Secretariat of the Sentence Administration Board.

Who can make a submission?

If you are a victim of a crime for which an offender is currently serving a gaol sentence you are entitled to make a submission to the Board. Victims of crime are defined under the *Rehabilitation of Offenders (Interim) Act 2001* as persons who suffer harm –

- during, or as the result of, the commission of a relevant offence; or
- while assisting a police officer in the exercise of the officer's power to arrest the offender or to take action to prevent the commission of an offence by the offender; or
- if the primary victim dies as a result of the commission of a relevant offence – anyone who was financially or psychologically dependent on the primary victim immediately before the victim's death; or
- a person witnessed the commission of a relevant offence in circumstances in which it is probable that the person would suffer harm.

Family representatives or other interested parties are also able to make submissions to the Board on your behalf.

Do I have to make a submission?

No, you do not have to make a submission. The Board will make a decision regarding a release to parole, and conditions of parole, with or without a submission from you. The decision to make a submission is up to you, and is voluntary.

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Does my submission have to be in writing?

It is preferable for submissions to be in writing. However, an officer can visit you in your home to take a verbal submission from you if you prefer. If you (and any support person) wish to appear in person before the Board to speak at a hearing you may seek the Board's permission to do so, however, it is not the usual practice for victims to appear at Board hearings.

Is a parole hearing open to the public?

No. Parole hearings are closed to all members of the public. You must have the permission of the Board to be present at a hearing.

Will the offender have access to my submission?

The Board can determine if an offender is able to see a submission. The Board will not however let the offender or any other person see a submission if it considers that so doing would pose a substantial risk with regard to a number of factors, including a person's safety or the public interest. The process by which a submission is protected in this way is called 'securing'.

If you do not want the offender to see your submission, you are able to request, in writing, that the submission be withheld from the offender. Your request will then be sent to a judicial member of the Board, along with your submission, so that the judicial member can determine whether to secure the document or not. You will be advised if the judicial member decides not to secure your submission, and be given the choice of withdrawing it from the Board's consideration.

When will a decision releasing a prisoner to parole be made?

Generally a decision will be made at the parole hearing. However, a number of meetings can occur before a decision to release to parole is made. As a registered victim you will be kept informed as to the progress of the offender's hearing. Once the Board has made a decision, you will be informed of that decision as soon as possible.

VICTIM SUPPORT SERVICES

There are a wide variety of information, counselling, support and referral services available to victims in the ACT. The impact that a crime has upon an individual will be unique, as will the assistance that a victim may require. Some of the services currently operating in the ACT are:

The Victims Services Scheme (VSS)

http://www.communitycare.act.gov.au/treatment_support/vss.html

The VSS has a mix of professional staff and volunteer support workers who provide Information; Counseling; Rehabilitation; Referral; Support and Practical assistance. Services are confidential, holistic and personal and are free of charge. In particular the VSS can refer victims to appropriate counseling, rehabilitation and support services. The VSS can be contacted 24 hours a day, on email (victim.services@act.gov.au) or via a toll free number: 1800 822 272.

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Lifeline (www.act.lifeline.org.au)

Lifeline provides counselling services via a team of volunteer counsellors. Services are free, and are available 24 hours via telephone on Tel: 13 11 14. If a Lifeline counsellor cannot help directly, they are able to refer victims to appropriate services.

Kids Helpline (<http://www.kidshelp.com.au/>)

Kids Helpline is a national, 24 hour counselling service designed for children and young people under 18 years of age, in Australia. Kids Helpline can be contacted by telephone on Tel: 1800 55 1800. Counsellors can also be contacted via email – look at the relevant section of the Kids Helpline website for more information.

Canberra Rape Crisis Centre

The Centre provides free sexual assault counselling, crisis support, advocacy, counselling, education and runs support groups. Specifically, the Centre has an Aboriginal Outreach and Support Program (Nguru), and auspices the Service Assisting Male Survivors of Sexual Assault (SAMSSA). The Centre operates a crisis/support line that can be accessed by anyone 24 hours a day on Tel: 6247 2525 or email: crc@rapecrisis.org.au, with subsequent services being provided by appointment.

Domestic Violence Crisis Service (DVCS) (<http://www.dvcs.org.au>)

DVCS works with all people affected by domestic violence, this includes people who have been subjected to domestic violence, people who use violence and/or abuse in their relationships and children and young people who have witnessed and/or been subjected to violence or abuse in their families. DVCS services include:

- 24 hours/7 days a week free service providing direct crisis intervention in cooperation with the police;
- 24 hour/7days a week crisis telephone support;
- Information and referrals for women, men and young people;
- Facilitation of access to safe accommodation;
- Education in schools and in the community;
- Court support for those that have been subjected to violence; and
- Support of family and friends of those affected by domestic violence.

DVCS can be contacted 24 hours a day on Tel: 6280 0900.

Victims Of Crime Assistance League (ACT) Incorporated (VOCAL)

VOCAL provides practical assistance, emotional support, court support, counselling, and help with applying for compensation, either directly or through referral. VOCAL also organises a victim support group and publishes a quarterly newsletter that is available through membership. VOCAL can be contacted via telephone on Tel: (02) 6295-9600 or via email:

vocalact@cyberone.com.au

Australian Federal Police Victim Liaison Officers

(<http://www.afp.gov.au/page.asp?ref=/Crime/VictimsCrime/>)

The AFP has a number of Victim Liaison Officers (VLO's) who provide support, advice, referral, assistance and information to victims of crime. For urgent Police assistance, victims or potential victims should call 000 or the Police Attendance Line on Tel: 131 444. For other matters, victims should contact the VLO Office. VLO officers may be able to assist directly, or refer victims to appropriate services. The VLO's can be contacted on Tel: 6245 7441 or email: Victims-Liaison-Office@act.gov.au

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ACT Women's Legal Centre (<http://members.ozemail.com.au/~womensact/>)

The ACT Women's Legal Centre provides free, professional legal advice to women in Canberra and the surrounding area. The Centre advises on legal problems such as: family law, employment and criminal injuries compensation. Advice can be provided initially over the phone on (02) 6257 4499 or toll free 1800 634 669. Please note that the Centre operates from 9.30 am – 12 noon each weekday.

The Office of the Victims of Crime Coordinator (VoCC)

If you have a concern or query about the level of service that has been provided by criminal justice agencies, these queries or concerns can be raised with the VoCC who acts as a form of ombudsman under the ACT *Victims of Crime Act 1994*. The VoCC is also able to provide direct assistance and to act as an advocate for victims. The Office of the VoCC can be contacted via telephone, on Tel: 6257 8452 and 6217 4381 or email: robyn.holder@act.gov.au

ENQUIRIES

If you have any enquires regarding the ACT Victims' Register please contact:

The Victim Liaison Officer
ACT Sentence Administration Board
GPO Box 158
Canberra ACT 2601
Phone: (02) 6207 2223
Fax: (02) 6207 5246
Email: victims.register@act.gov.au

WHAT OTHER SERVICES ARE AVAILABLE?

Information concerning entry to and release from custody

Under the *Victims of Crime Act 1994*, victims who are known to have expressed concern about the need for protection from an offender are entitled to be informed of the offender's impending release from custody. Persons registered on the ACT Victims' Register are informed when an offender is about to be released from prison. However, it is possible for offenders to be returned to custody on unrelated matters, and held on remand until such time as the Board is able to make a decision regarding how the unrelated matter has affected the offender's parole order.

The Sentence Administration Board can inform victims registered on the ACT Victims' Register of matters such as an offenders return to and release from custody, if it is aware that this would be of interest to a victim and provided this information is made available to the Board. If you wish to be informed of an offender's return to and release from custody other than imprisonment as and when the Board becomes aware of this information, you must indicate this on the attached application form.

The NSW Victims' Register

It is currently the practice of the ACT Sentence Administration Board to register victims on the ACT Victims' Register, on the NSW Victim' Register as a matter of course. I have enclosed an

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information brochure on the NSW Victims' Register for your interest. The benefits of registering on the NSW Register are that you will be informed if the offender is released into NSW, is granted weekend leave, or escapes from custody.

Following your registration on the ACT Victims' Register, NSW Corrective Services will send you an acknowledgment of your registration there. If however you decide that you do not want to be registered on the NSW Victims' Register, please indicate this on the registration form enclosed with this package. Alternatively, you can ask the ACT Sentence Administration Board Secretariat to withdraw your registration at a later point.

Restorative Justice

Restorative justice is a process that works to encourage offenders to take responsibility for their actions and find solutions to the harm caused by the crime. It can help to give victims of crime a voice in the criminal justice process, by allowing victims the opportunity to let the offender know the impact that his or her actions has had upon the victim.

Victims of a crime committed by an ACT offender who is serving a sentence are able to access restorative justice initiatives established and managed by NSW Corrective Services. NSW Corrective Services facilitates restorative justice programs by firstly determining of interested parties are eligible to participate in restorative justice, and by secondly bringing victims and offenders into contact with each other in a structured, supervised and safe environment.

Research has shown that, generally, victims have a high level of satisfaction after being involved with restorative justice initiatives, and find the experience helps them to put the crime behind them and move forward with their lives.

NSW Corrective Services restorative justice initiatives are currently provided in two forms, with differing levels of contact between the parties dependent on the offender's behaviour as well as a range of other factors. The two forms are Victim-Offender Family Group Conferencing and Protective Mediation. If you are interested in becoming involved in restorative justice and would like more information about the options that may be available to you, you should contact the NSW Corrective Services Restorative Justice team on Tel: (02) 9289 3921, Fax: (02) 9289 3824 or email: Restorative.Justice@dcs.nsw.gov.au

IMPORTANT POINTS TO NOTE

Limitations of the Victims Register and the Sentence Administration Board

It is important to understand that there are limitations with the Victims Register, and with the jurisdiction of the Sentence Administration Board.

- If you are registered with the Victims Register you will only receive information about the offender who has committed a crime against you (or against the person that you have been nominated to represent).
- The Board is only responsible for deciding to release offenders on parole, monitoring their progress while on their parole order and returning them to prison upon failure to comply with conditions. The Board does not have a role in sentencing the offender, and cannot change the sentence that has been handed down by the courts.

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- The Board has no power to protect you from any immediate violence or harassment perpetrated by the offender. If you are being harassed, and/or require immediate protection, you should contact the Police or a victim support service for advice.
 - It is your responsibility to keep your personal information up to date on the Victims Register. Please ensure that you inform the Victims Register of any changes to your contact details at the earliest possible convenience.
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Victims**Register****Application****Form**

If you would like your details to be recorded on the Victims Register please complete the following form and return it to the Secretariat. Information you provide on this form will be used to assist the Sentence Administration Board in contacting you when the offender is being considered for release on parole. This information will be treated with confidence. Please ensure that all questions are completed as fully as possible and the form is signed before submitting it.

First Name	
Last Name	
Address	
Phone (Home)	
Phone (Work)	
Phone (Mobile)	
Email address	
Offender's Name	

Would you like to be <i>removed</i> from the NSW Victims Register?	
Would you like to be kept informed of an offender's release from custody other than this period of imprisonment (if and when known by the Sentence Administration Board)?	

Are you applying for registration on behalf of another person? If so what is that person's name.	
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I verify that all details on this form are correct.

Signed

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