



Taking The Next Step

A guide to the Victorian court system for bereaved families

Your police informant

Phone:

Your OPP solicitor

Phone:

Your Witness Assistance Service (WAS) worker

Phone:

The Office of Public Prosecutions gratefully acknowledges the contribution of family members towards the development of this publication.

The quotes throughout this publication represent typical comments of family members of deceased victims.

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Designed by MAPG.

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Foreword

Losing our son Christopher, when he was murdered in October 2003, was the most painful and difficult time of our lives.

In 2005, when the case finally went to trial in the Supreme Court, I dreaded the whole process and didn't know how we would get through it. I coped by dealing only with what was absolutely necessary, one hour at a time, one day at a time. Breathing slowly helped me remain calm and enabled me to concentrate on as much of the legal process as I could understand.

As difficult as it was, we managed to sit quietly and listen intently throughout the trial. We did this for Christopher. We had a choice to attend court. Christopher had no more choices, no more life. We felt by being there we were honouring Christopher and showing the court and the jury how much he meant to us.

Grief is a heavy, debilitating sadness that envelopes your life and becoming a victim of crime burdens you with a handicap that can be a constant struggle to overcome. My heartfelt sympathy goes to victims and their families involved in the criminal justice process. It is a distressing, confusing and often overwhelming world to be thrown into.

This guide provides important and relevant information about the criminal justice process in a simple and comprehensive format that can help you better prepare and understand that process.

I offer my deep gratitude and appreciation to all the professionals involved, and other victims of crime who contributed to this guide for the benefit of those who most need it.

Jennifer Williams



Director's Message

During my 30 years working in the criminal justice system, I have witnessed first-hand the impact of violent crime on its victims, particularly family members and friends who have lost a loved one.

While grieving for their loved one, they are thrust into the unfamiliar world of the criminal justice system and can feel bewildered, stressed and anxious.

This publication has been developed with the aim of easing some of those emotions by providing detailed and practical information.

In this guide, the families of loved ones lost to violent crime are informed step-by-step about the criminal process and what to expect from the investigation through to completion of the prosecution.

It also guides families to where they can find extra support and information at the various stages of the criminal justice process.

Workers in the health and community sector who are supporting the family of victims of serious crime will also find this publication useful.

The Office of Public Prosecutions takes its obligations under the *Victims Charter Act 2006* seriously.

It is my hope that this guide will not only help family members to understand and navigate their way through the challenges they will face in the criminal justice system, but that it will also give them the confidence to ask questions and to seek further information and help if they need it.

John Champion S.C.

Director of Public Prosecutions



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

As a victim of crime you have a number of entitlements under the *Victims' Charter Act 2006*.

The Victims' Charter sets out 12 principles which outline how Victoria Police, the Office of Public Prosecutions (OPP) and victims' support services should respond to victims of crime and their families, in cases involving the death of a loved one.

Victims' Charter principles

As a victim of crime, you are entitled to:

- 1 be treated with courtesy, respect and dignity
- 2 be given information about your rights and entitlements in a way that you understand and be referred to a victim or legal support service, to access further information and assistance, if required
- 3 be told, by police, of key progress in the investigation. If giving you details about the investigation is likely to put it at risk, you should be told this
- 4 be told by the prosecution or police if they have charged someone, about any substantial changes to those charges, about the details of court hearings, the outcome of the case and whether an appeal has been lodged
- 5 request, from the prosecution or police, information about the outcome of any bail hearing. Where bail is granted, to be told about any special conditions intended to protect you
- 6 have the court process explained to you, including your entitlement to attend relevant court proceedings, and your role if you are a witness
- 7 as far as possible be protected from unnecessary contact with the accused, their family and defence witnesses, while you are in court

- 8 make a Victim Impact Statement, which will be considered by the judge in sentencing the person found guilty of the crime
- 9 have your personal information kept private and not have it disclosed to anybody, except in accordance with the *Information Privacy Act 2000*
- 10 have any of your property being held by the police as evidence to be stored and handled in a lawful, respectful and secure manner, and have it returned as soon as practicable
- 11 apply for financial assistance from the Victims of Crime Assistance Tribunal (VOCAT)
- 12 apply to be included on the Victims' Register.

If you feel that any of these principles have not been followed in your case, you are entitled to make a complaint.

It is important to provide feedback to criminal justice agencies about how they are applying the charter principles. This will allow them to more effectively monitor and improve their responses to victims and family members.

To make a complaint, or to get further information, you can contact the Victims' Charter Enquiries and Complaints Line or if your complaint is about the Office of Public Prosecutions (OPP), you can contact the OPP Community Liaison Officer.



Victims' Charter Enquiries and Complaints

T: 1800 118 728



Office of Public Prosecutions (OPP)

T 1800 180 587

E communityliaison@opp.vic.gov.au

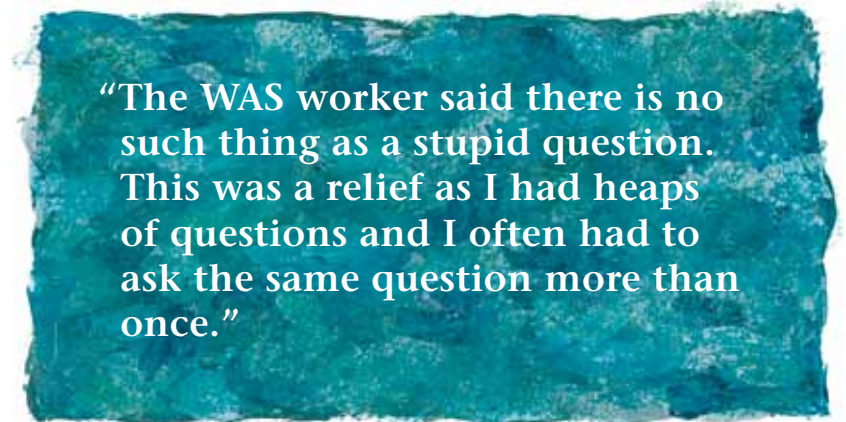
M The Community Liaison Officer, C/o Office of Public Prosecutions, 565 Lonsdale Street, Melbourne VIC 3000

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.



Witness Assistance Service

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

T 03 9603 7425

T 1800 641 927 (toll free)

W www.opp.vic.gov.au



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)
T 03 8684 6700



Victims Advisory Unit, Victoria Police

The Victims Advisory Unit is a specialist unit within Victoria Police that can provide you with advice and assistance.

T 03 9247 6555
W www.police.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 1300 367 797 (toll free)
T 03 8877 6900
W www.rtsv.org.au



Coroners Court – Family and Community Support Service

The Family and Community Support Service offers assistance to family members and other interested people. This includes short-term counselling, support, assistance in understanding the process and advocating on your behalf.

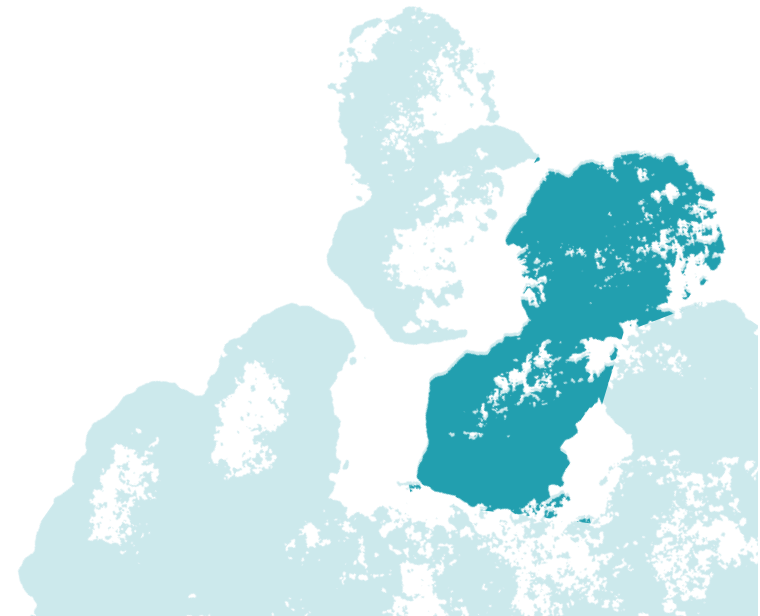
T 1300 309 519 (ask to speak to a counsellor)



WorkSafe

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

T 03 9940 4347
E info@worksafe.vic.gov.au





Criminal justice process

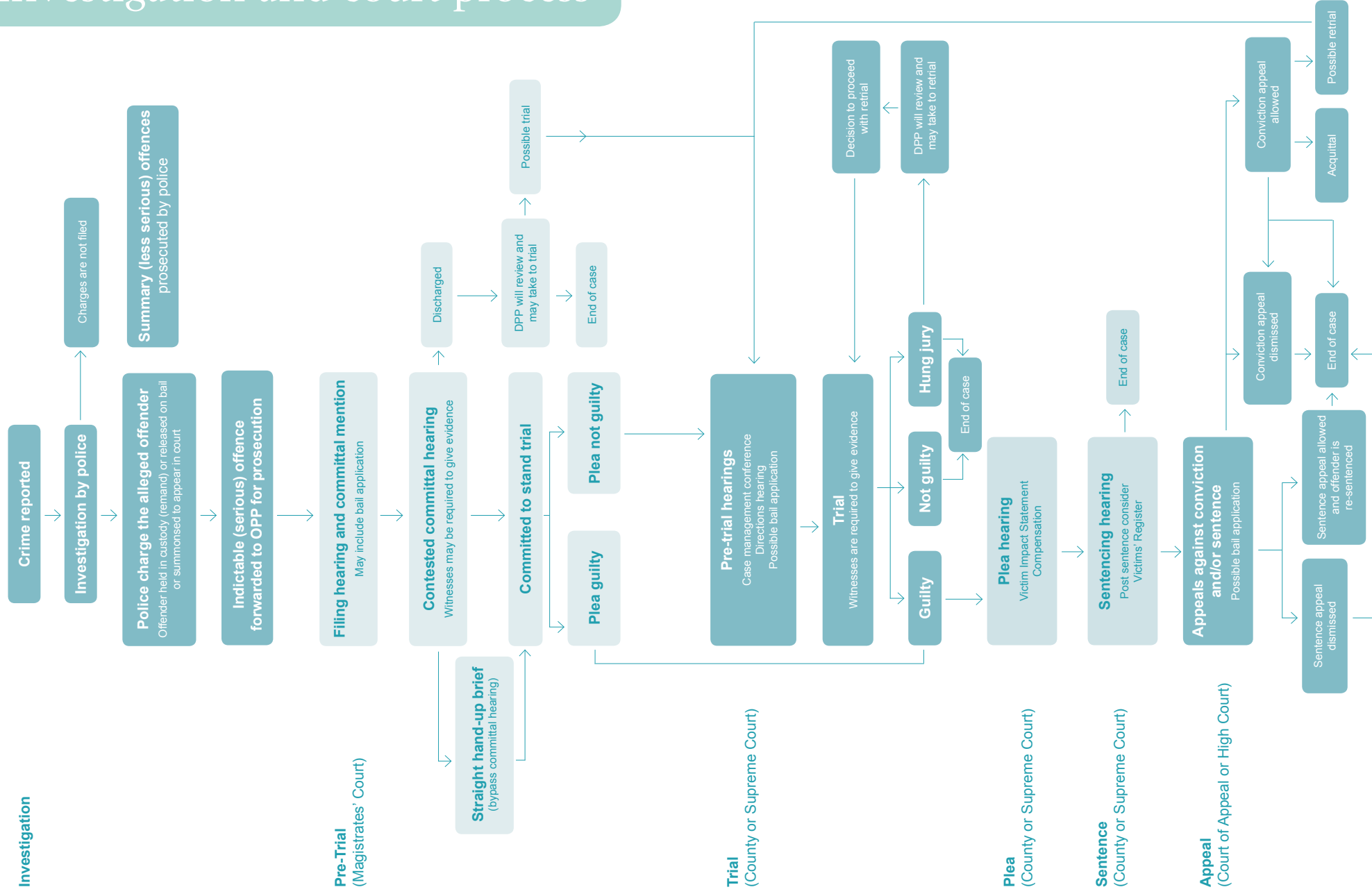
When someone dies unexpectedly and violently, the State requires that the circumstances and cause of the person's death are investigated. The investigation may be conducted by Victoria Police, the Coroner or Worksafe, depending on the particular circumstances.

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 pages 18 and 19 details the different stages of the criminal justice process.

Investigation and court 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 about the progress of the police 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.

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 Advisory Unit at Victoria Police or the Victims' Helpline who will refer you to your local Victims Assistance and Counselling Program for information and support.



Victims Advisory Unit

T 03 9247 6555 (8.00 am to 4.00 pm Monday to Friday)



Victims' Helpline

T 1800 819 817 (8.00 am to 11.00 pm Monday to Friday)

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 crime has 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.
- 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 Witness Assistance Service (WAS) or the prosecuting solicitor 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 Coroner's Court. The Coroner may also make recommendations to help prevent similar deaths in the future. The Coroner's process is described in more detail on page 27.

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 solicitor.

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:

- 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 that it merits criminal punishment
- 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
- drives under the influence of alcohol or drugs

and that driving results in death.

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.

"I can't understand why he's still allowed to drive when his driving caused my son's death."

Bail

When a person is charged with a serious (indictable) crime they are 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.

The Coroner's Court has produced an information booklet called *The Coroner's Process – Information for Family and Friends (2010)* which outlines the process in more detail.

The Coroner's 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, would like a copy of the information booklet or would like support, contact the State Coroner's Office, at any time.



State Coroner's Office

T 1300 309 519
W www.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.



WorkSafe Information Officer

T 03 9940 4347
E info@worksafe.vic.gov.au



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 solicitors 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. These solicitors and barristers represent the DPP and are not your lawyers. They are required to be independent.

Once the police have charged the accused person and notified the OPP a solicitor is appointed to the case. The solicitor will confirm with you that they are working on the case.

Witness Assistance Service

The Witness Assistance Service (WAS) is part of the Victims' Strategy and Services directorate of the OPP.

WAS has a number of experienced social workers who are part of the prosecution team. Their role is to support victims of serious crimes, and their family members, through the prosecution process.

In particular WAS workers can:

- give you information about the progress of the case
- give you information about the prosecution process
- explain what to expect at court hearings and the trial
- assist you with arrangements for being in court
- provide 'in court' support
- refer you to other support services.

The Witness Assistance Service provides an important source of information and support.

Witness Assistance Service

T 03 9603 7425

T 1800 641 927 (toll free) 9.00 am to 5.00 pm

Deciding what charges will be prosecuted

The case is reviewed at the start of the prosecution process and again before the trial.

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 solicitor 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 State 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 State is responsible for prosecuting the case. 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 State 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.

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.



An abstract background with various shades of teal, blue, and green, featuring a prominent green banner on the left side.

Going to court

Going to court

Court hearings

A number of court hearings take place during the prosecution process.

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

The main hearing before the trial is the committal hearing at the Magistrates' Court.

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 45.

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 50.

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 54.

Witness Assistance Service conferences

The aim of WAS conferences is to introduce family members to the solicitor 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 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 Witness Assistance Service.

Witness Assistance Service



T 03 9603 7425

T 1800 641 927 (toll free)

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, OPP or 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.

Witness Assistance Service

T 03 9603 7425

T 1800 641 927 (toll free)

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. 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. WAS 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.

Be prepared to see the accused person and their family inside and outside the courtroom. The accused will be sitting in the 'dock' which is 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. Page 68 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

WAS 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 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."

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.

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

Trials generally take between five and seven days, but can take much longer depending on the case.

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 solicitor or WAS 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.

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 solicitor 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 WAS or your local Victims' Assistance and Counselling Program.

Witness Assistance Service

T 03 9603 7425

T 1800 641 927 (toll free)

Victims' Assistance and Counselling Program (via the Helpline)

T 1800 819 817

W www.justice.vic.gov.au/victimsofcrime

"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.

The maximum terms of imprisonment are:

- Murder – life imprisonment
- Manslaughter – 20 years
- Defensive homicide – 20 years
- Culpable driving – 20 years
- Dangerous driving causing death – 10 years

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 review the sentence handed down in every case prosecuted by the OPP.

If the DPP believes that a sentence is too low, he may appeal against the length of the sentence given. The sentence must be considered by the DPP to be '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.

Someone from the prosecution team – the informant, solicitor or WAS worker – will inform you if an appeal is lodged, the arguments relating to the appeal and the outcome of the appeal.



After the court process

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.

Victims' Register

- T 1800 819 817 (Helpline)
- W www.justice.vic.gov.au/victimsofcrime
- E VictimsRegister@justice.vic.gov.au

Youth Parole Board

- T 03 9096 7534
- E YouthJustice@dhs.vic.gov.au

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.

Adult Parole Board

T 03 9094 2111

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

Youth Parole Board

T (03) 9096 7534 or

E YouthJustice@dhs.vic.gov.au





The media

Dealing with the media

The media is generally interested in reporting information in cases where someone has died in unusual or unexpected circumstances.

The media may want to report on the death of your loved one – to explain what has happened to the general public and to speak about any aspects of public interest.

Journalists may want to report on the death of your loved one at a time when you may still be struggling to come to terms with what has happened. They may want to film you and your family, or use images of your loved one. You may see images of your loved one in an unexpected context and sometimes in a way that has been ‘sensationalised’.

During court hearings, the media may want to film you going in and out of the court building and may seek comments from you.

The Victoria Police Media Unit can assist you to develop a plan for dealing with the media. They have produced a *Media Guide for Families and Loved Ones*. For a copy of the guide or for further information contact the Victoria Police Media Unit.



Victoria Police Media Unit

T 03 9247 5205

W www.policemedia@police.vic.gov.au

Your rights in relation to media reporting

You are not under any obligation to speak to the media. If you decide NOT to deal with the media you can refer them to the Victoria Police Media Unit or the informant.

If you WANT to speak to the media you have the right to have the facts reported honestly and accurately. If an inaccurate report is published you have the right to have it corrected. You can choose:

- who you give an interview to
- when and where you are interviewed
- which questions you will answer.

Strategies for dealing with the media

The way you deal with the media can have an impact, either positive or negative, on the way they treat you. If you do not feel able to deal with the media you can nominate someone to speak on behalf of you and your loved one. You can then direct media enquiries to that person.

Comments you make to the media early on in the process, particularly about the accused, may have an impact on any upcoming legal proceedings. It might be useful to speak with the Victoria Police Media Unit, or informant, about what you want to say and how best to avoid saying something that may negatively affect the trial.

You can prepare a written statement instead of answering questions or being interviewed. You can discuss the content of the statement and how it will be distributed with the Victoria Police Media Unit, the informant or the Victims' Advisory Unit.

Making a complaint about the media

If you believe the media or a particular journalist has acted unprofessionally or inappropriately you can speak with the Victoria Police Media Unit. Alternatively, you can lodge a formal complaint with the Australian Press Council or the Australian Communications and Media Authority.

Australian Press Council (print media)

T 02 9261 1930
T 1800 025 712 (toll free)
E complaints@presscouncil.org.au

Australian Communications and Media Authority (broadcast media)

T 02 9334 7700
T 1800 226 667 (toll free)
E broadcasting@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.

Victims of Crime Helpline

T 1800 819 817 (who will refer you to your local VACP)

Victims of Crime Assistance Tribunal (VOCAT)

T 03 9628 7855

T 1800 882 752

W www.vocat.vic.gov.au

E info@vocat.vic.gov.au

Transport Accident Commission (TAC)

T 1300 654 329 (local call)

T 1800 332 556 (toll free for country callers)

W www.tac.vic.gov.au

E info@tac.vic.gov.au

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.

Victims of Crime Helpline

T 1800 819 817 (who will refer you to your local VACP)

Federation of Community Legal Centres

T 03 9652 1500

W www.communitylaw.org.au

E administration@fclc.org.au

Law Institute Referral Service

T 03 9607 9311

W www.liv.asn.au

E referrals@liv.asn.au

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 Witness Assistance Service (WAS) or Court Network.

Witness Assistance Service

T 03 9603 7425
T 1800 641 927 (toll free)

Court Network

T 03 9603 7433
T 1800 681 614 (toll free)
E admin@courtnetwork.com.au

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 he or she has 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 his or her solicitor defending him or herself 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 he or she has 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 solicitors 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.

Witness Assistance Service (WAS) – 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

M Level 1, 233 William Street
Melbourne VIC 3000
T 03 9628 7855
T 1800 882 752 (toll free for country callers)
W www.vocat.vic.gov.au
E info@vocat.vic.gov.au

Transport Accident Commission

M 60 Brougham Street
Geelong VIC 3220
T 1300 654 329 (local call)
T 1800 332 556 (toll free for country callers)
W www.tac.vic.gov.au
E info@tac.vic.gov.au



Legal Services

Federation of Community Legal Centres

M Level 3, 225 Bourke Street
Melbourne VIC 3000
T 03 9652 1500
E administration@fclc.org.au
W www.communitylaw.org.au

Law Institute of Victoria Referral Service

M 470 Bourke Street
Melbourne VIC 3000
T 03 9607 9311
F 03 9602 5270
E referrals@liv.asn.au
W www.liv.asn.au/directory/firmsref

Victorian Aboriginal Legal Service

M 273 High Street,
Preston VIC 3072
T 03 9418 5999
T 1800 064 865 (toll free)
F 03 9418 5900
E vals@vals.org.au
W www.vals.org.au

Victoria Legal Aid

M 350 Queen Street
Melbourne VIC 3000
T 03 9269 0120
T 1800 677 402 (toll free for country callers)
W www.legalaid.vic.gov.au

Youth Law

M At Frontyard, 19 King St
Melbourne VIC 3000
T 03 9611 2412
F 03 9620 3622
E info@youthlaw.asn.au
W www.youthlaw.asn.au



Parole and Victims' Register

Adult Parole Board

T 03 9094 2111
F 03 9094 2125
Interpreter Service: 131 450 (ask for the Adult Parole Board)
E apb.enquiries@justice.vic.gov.au
W www.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 www.justice.vic.gov.au/victimsofcrime

Support Services

Child Witness Service

T 1300 790 540
T 03 9603 9266
F 03 9603 9202
E childwitnessservice@justice.vic.gov.au

Coronial Services Centre

T 1300 309 519
F 1300 546 989
W www.coronerscourt.vic.gov.au

Court Network

T 1800 681 614 (toll free)
T 03 9603 7433
F 03 9670 8804
E admin@courtnetwork.com.au
W www.courtnetwork.com.au

Road Trauma Support Services

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

Victims of Crime Helpline

T 1800 819 817 (toll free)
T 03 8684 6700
F 03 8684 6777
T 133 677 (TTY hearing impaired)
E vsa@justice.vic.gov.au
W www.justice.vic.gov.au/victimsofcrime

Victims Advisory Unit

T 03 9247 6555
W www.police.vic.gov.au

Witness Assistance Service

M 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)
W www.opp.vic.gov.au

WorkSafe

T 03 9940 4347 (information officer)
W www.worksafe.vic.gov.au
E info@worksafe.vic.gov.au

Notes

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