



# STUART GRIMLEY MP

Member for Western Victoria  
State Leader of Derryn Hinch's Justice Party

## MEDIA RELEASE



### Derryn Hinch's Justice Party Gets A Victims Legal Service in Victoria

20 May 2021

Derryn Hinch's Justice Party (DHJP) has welcomed the announcement of a new Victims Legal Service (VLS) in the *2021/2022 Budget*, a long-standing proposal of the Party.

The \$7.3 million announcement for a "new Victims Legal Service to provide critical support during criminal proceedings" would provide legal advice "to FAS applicants and to victims seeking Restitution and Compensation orders".

DHJP say this doesn't scratch the surface for what victim survivors need to endure the court process, but is a step in the right direction.

The VLS was a concept State Leader of DHJP Grimley had developed with barrister Michelle Zammit, who has worked with – and represented – countless victim survivors throughout her professional career.

This proposal came about partly as a result of the VLRC's 2016 Report into *The Role of Victims of Crime in the Criminal Trial Process*, where recommendation 23 suggested a service modelled on the Sexual Assault Communications Privilege Service at Legal Aid NSW.

Despite the Budget announcement not including all of the functions of a desired VLS, DHJP welcomes the first step towards a fully-functional service that can eventually assist victims of crime – especially sexual crime - with legal assistance and representation.

DHJP hope is that this VLS will one day include a suite of services, such as:

- Providing advice to a victim about their substantive legal rights and entitlements, rather than general legal advice or procedural matters (where the obligation to provide this lies with DPP/OPP/Victims' services agencies)
- Making a complaint to an investigatory, prosecuting or victim support agency, pursuant to the Victims' Charter Act 2006
- Attending conferences between the victim and the Police/OPP where the VLS could act as the victim's representative
- Assisting victims with writing their Victim Impact Statements, so that no inadmissible content is included (which would result in the victim being able to read out the entirety of the victim impact statement in court, if they wish to).

And appearing on behalf of a victim in the following situations:

- Where there is an application to cross-examine a victim about their sexual history;
- Section 32C Applications (Confidential Communications);
- Applications for Compensation and Restitution Orders (if the OPP refuse to do so); and
- Applications for Family Violence or Personal Safety Intervention Orders, where appropriate.
- Providing victims of crime with legal advice, assistance and representation in VOCAT applications
- Providing victims of crime with legal advice, assistance and representation in making a restitution or compensation application pursuant to the Sentencing Act 1991



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### Quotes Attributable to Stuart Grimley MP:

"I absolutely welcome this first step to pursuing a fully-functional Victims Legal Service. While \$7.3 million doesn't even scratch the surface to what victims of crime require from our legal system, the acknowledgement that we need a Victims Legal Service and the pledge of seed funding for this is a start.

Survivors and victims of crime are constantly overlooked in our system. Our adversarial court system unfortunately doesn't allow for the considerations of a victim of crime and so we are missing a vital piece of the puzzle; legal support for this vulnerable group of people.

There are many issues I hope this legal service will one day address including the representation in court to an application for a survivors' past sexual history, or the contesting of access to a survivor's personal information, such as a computer hard drive. The survivor should have access to a lawyer who can help them navigate their rights in a confronting, complex courtroom.

I'd like to thank Michelle Zammit for assisting me greatly with this proposal and to all those victim survivors who have contributed or support our idea, including Josh and Jeynelle Dean-Hayes; thank you all so much."

### Quotes Attributable to Tania Maxwell MP:

"It's a very proud day for myself and Stuart to see the first-ever dedicated Victims Legal Service receive funding in the Budget.

We have heard frequent accounts of victims of crime not only failing to have their needs or best interests reflected in court but also encountering great difficulty even in accessing the lawyers and legal advice they potentially need to begin understanding and navigating the criminal justice system.

The establishment of this new service should begin make a crucial difference in all of those respects."

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