



[REDACTED]
[REDACTED]
Department of Justice and Community Safety

By email: [REDACTED]@justice.vic.gov.au

Dear [REDACTED]

Improving victims' experience of summary criminal proceedings

Thank you for inviting the Commission for Children and Young People to contribute to the Attorney-General's review into how to improve victims' experience of summary proceedings.

We welcome the Department's recognition of children as victims of crime in their own right, with distinct needs, and the attention given to improving children's experience of summary proceedings.

The Commission's functions do not give us direct insights into children's experiences of involvement in prosecution decision-making, participation in court process, or the support services at court. This response, therefore, provides high-level observations on topics explored in the Issues Paper, as outlined below.

To best understand children's experiences of summary proceedings, and how they can be improved, we strongly encourage the Department to engage directly with children and young people with lived experience. Direct engagement would give the Department access to the strongest source of information from which to base improvements on.

We would welcome a discussion with the Department about how the review could engage with children and young people, drawing on the expertise of the Commission's Youth Council. The young people on the Youth Council advise the Commission on how to bring youth voice and lived experience to the Commission's work.

General observations and suggestions

As the Department develops options to improve children's experience of summary proceedings, we encourage the Department to consider the following:

- The Issues Paper's observation that 'improvements to victims' experience of summary proceedings will need to reflect and respond to the diverse experience of victimisation' (page 11) is particularly relevant to child victims. The experiences and needs of child victims are extremely diverse.

Most children who become involved in summary proceedings as victims also have at least one additional vulnerable characteristic. Child victims in summary jurisdictions may be subject to Child Protection orders, living in out-of-home care. Many children experience poor mental health. Child victims may be Aboriginal, from a culturally and linguistically diverse background, living with disability or LGBTIQ+. Many children who are victims live in rural communities, far too many are victim-survivors of family violence or have been charged or convicted of offences.

- Each of the options developed to improve victims' experience of summary proceedings should include parallel models that are accessible and appropriate for children.
- Any improvements that relate to victim support or counselling must include a separate, tailored response for children, particularly children who have experienced trauma, to minimise the risk of re-traumatising children.
- In principle, the Commission supports efforts to better inform child victims about prosecution decisions, include them in those decisions and better support child victims to participate in the court process, if they wish to.

To align with our state's *Victims Charter Act 2006*, it is essential that engagement with children, and information for children, is child and youth-friendly, age and culturally appropriate and trauma-informed.¹

Prosecutors and court staff supporting children should be trained appropriately in engaging with children and trauma-informed practice. We refer the Department to Victoria Police's commitment to improving trauma-informed engagement with children.² It is also important that prosecutors and court staff are able to engage with Aboriginal children and other culturally and linguistically diverse children in culturally safe ways (and ideally that there are Aboriginal staff to support Aboriginal children).

- Noting the limitations on the availability of Court Support Coordinators and the Child Witness Service, opportunities to expand at-court support services for child victims should be considered, so that support is available to more children affected by crime, including children in regional areas.
- It is important that meaningful data and feedback about children's experiences of court support services is collected to understand and keep improving children's experiences.

We would be pleased to discuss any of these points further.

Next steps

If the Commission can assist the Department further, particularly regarding engagement with children and young people, please contact [REDACTED].

Yours sincerely



Liana Buchanan
Principal Commissioner

11 August 2021



Justin Mohamed
**Commissioner for Aboriginal
Children and Young People**

11 August 2021

¹ *Victims Charter Act 2006*, see section 7B(c)(iii).

² See Victoria Police, *Policing Harm, Upholding the Right: Victoria Police Strategy for Family Violence, Sexual Offences and Child Abuse 2018-2023*.