



# Merri Health

Healthcare that moves with you

Submission from Merri Health

August 2021

**Inquiry into  
Victoria's Criminal  
Justice System**

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# 1. About Merri Health

Merri Health creates healthy, connected communities through local health services for people at every age and stage of life. We provide services across Victoria and therefore understand the needs of rural as well as metropolitan communities. We support people throughout life, with a range of wraparound services available throughout our network of services. Our approach addresses the medical, social, environmental and economic aspects that affect health, with services spanning across:

- children and families
- young people
- carer support
- management of chronic conditions
- dental
- mental health
- disability services
- health and wellness
- aged care.

We've been the trusted health service of local communities for over 40 years. As a not-for-profit organisation, our focus is on partnering with people, responding to local needs, and strengthening the health of entire communities.

# 2. Merri Health Victims Assistance Program

The Victims Assistance Program is a network of agencies across Victoria that provides services to victims of violent crime against the person. Victims Support Workers aim to assist victims to effectively manage and recover from the effects of crime and tailor services to individual needs.

The Victims Assistance Program is a free service that provides information, practical assistance and referrals to other services. It offers support to access the criminal justice system (for both reported and unreported crimes) and to help victims of violent crime with:

- applying for financial assistance
- emergency home security and managing personal safety
- communicating with police and making a report
- counselling, transport and medical services
- getting ready for court
- preparing a Victim Impact Statement
- getting information about the offender.

Merri Health provides the Victims Assistance Program in the Northern Metropolitan Region (municipalities of Banyule, Darebin, Hume, Moreland, Nillumbik, Whittlesea and Yarra) and Hume Region (municipalities of Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga) of Victoria.

With this commitment and experience in providing practical and personal supports to victims of violent crime, we are pleased to be able to contribute to the Inquiry into Victoria's Justice System.

## 3. Ensuring judges and magistrates have appropriate knowledge and expertise

### 3.1 Trauma-informed practice

#### *Context and evidence*

The criminal justice system is focused around the offender and their rights to natural justice and a fair hearing. While the legal basis for this is understood, in practice the criminal justice system re-traumatises victims beyond the initial effects of the crime itself.

Victims are required to relive their trauma from the time they first seek help, when making a statement to police, through to when the matter proceeds to court. Every opportunity to limit further trauma to victims of crime should be seriously considered within court practice in each and every criminal matter.

Victims Support Workers have, on many occasions, heard magistrates refer to crimes as not serious if the victim has not sustained a physical injury. This overlooks the debilitating effects of coercive control and other forms of abuse. In other matters, related family members of homicide victims have experienced judges speaking directly to offenders in sentencing hearings about the offenders' opportunities for a good life following their release from prison. This minimises the victims' experiences and the impact of the crime.

Quote from Merri Health clients:

- *"I think they(judges/magistrates) need to know how we feel by talking with us...I don't know if it's possible but if the judge could speak to someone from each family, to really hear about what it's like over a period of time."*

#### *Victorian Government policy or investment options*

It is extremely important that all judges and magistrates receive appropriate training to develop knowledge and expertise in trauma-informed practice. All professionals working within the justice system need an understanding of the psychological and physical impacts of violence and intimidation on victims of violent crime.

## 3.2 Prioritising Victim Impact Statements in criminal court proceedings

### *Context and evidence*

Victim Impact Statements are the only opportunity for victims of violent crime to inform the court of how they have been personally impacted by the crime. Many clients in the Victims Assistance Program at Merri Health have voiced difficulty in not being able to participate in the criminal justice process, other than being able to write a Victim Impact Statement about their experience.

There have been numerous occasions when victims have not had their Victim Impact Statement read in court. This most often happens in the Magistrates court when sentencing can occur on the same day as the contest hearing. Our Victims Support Workers have observed many other examples where solicitors from the Office of Public Prosecutions or police informants have not submitted a Victim Impact Statement to the court. Those victims then lost their only opportunity to speak about their experiences of the crime.

Quotes from Merri Health clients:

- *“Even if they had just read out my mum’s statement that would have helped. The judge said she read them in her private time but how did we know that?”*
- *“But we did our impact statements, and put our heart and soul into those things. We wished they could have been heard in court.”*
- *“We left the court feeling confused and not sure what had happened. Didn’t seem like the judge gave us much thought. We found our voice and wrote it down and wanted the judge to read it out in court. Victims need some kind of voice regardless of who the offender is and what their mental health status is.”*

### *Victorian Government policy or investment options*

Merri Health recommends due weight to be given to the importance of Victims Impact Statements by judges and magistrates to ensure that victims of violent crime are afforded the opportunity to have their statement read in court.

In our experience of supporting victims write Victim Impact Statements, having a Victim Impact Statement read in court can have a very positive effect on victims’ recovery.

## 3.3 Timeframe for court matters

### *Context and evidence*

Before the introduction of restrictions in response to the Covid-19 pandemic, serious criminal matters heard in the County and Supreme Courts in the Hume region took on average two years to finalise. This timeframe has been extended significantly since Covid-19 restrictions were introduced in March 2020. The Hume Victims Assistance Program is supporting victims of violent crime who have now been waiting between three to five years to for their matter to be finalised in court.

In a recent matter involving the sexual assault of a young person under the age of 18 years, the offender submitted a guilty plea, long after the committal hearing was held in early 2018. The matter is still not expected to finalise until late 2021. This is a very long time in the life of a young person.

Quote from Merri Health client:

- *“We know coronavirus has made it worse, but it takes too long. It will be three or four years by the time this gets to court. We live every day waiting for it to happen.”*

*Victorian Government policy or investment options*

We recommend that courts are provided with more staffing and resources to reduce the current length of criminal proceedings. If victims of violent crime can progress through the court process quicker, it will mitigate the risk of ongoing trauma through prolonged interaction with the legal system and allow them to proceed sooner on their journey to recovery.

## 4. Further information

We are available and willing to attend additional public hearings to provide additional information.

Please contact Jacqueline Milburn, Manager Victims Assistance program   
