



Consulate General *of the* United States of America

Suite 2, 50 Miller Street, North Sydney NSW 2060 | Website <http://au.usembassy.gov>

HELP FOR AMERICAN VICTIMS OF CRIME IN AUSTRALIA

[Please click on this link to read the Department of State's brochure for victims of crime.](#)

Being the victim of a crime in a foreign country can be a devastating and traumatic experience. While no one can undo the emotional trauma, physical injury, or financial loss you may have experienced, the U.S. Embassy in Canberra and the U.S. Consulates General in Sydney, Melbourne and Perth are ready to help. We are very concerned about violent crimes committed against U.S. citizens in Australia. We will assist you in managing the practical consequences of being a crime victim and provide you with information about accessing the local criminal justice system, as well as other resources for crime victims abroad and the United States. We can assist you to find appropriate medical care, contact family or friends on your behalf and explain how funds can be transferred. We can also help you to better understand the criminal justice system in Australia, which is very different from the system in the United States.

The information included in this guide relating to the legal requirements in Australia is provided for general information purposes only. The information may not be accurate or relevant to a particular case. Questions involving interpretation of Australian laws should be addressed to legal counsel licensed to practice law in Australia. The investigation and prosecution of the crime is solely the responsibility of local authorities. The Federal Bureau of Investigation (FBI) may assist local authorities in certain cases of kidnapping, hostage-taking and terrorism.

REPORTING CRIMES:

A victim of crime or an individual wishing to register a complaint should do so by contacting their local police station. In an emergency, please call 000 in Australia and emergency services will respond. Victims are encouraged to report a crime immediately to police in the jurisdiction in which the crime occurred as many crimes (with the exception of sexual assault) have limits on how long after the event it can be reported. While there are not police officers specifically assigned to assisting foreigners, translators can be provided if there are language difficulties. If you wish to report a crime after you have left Australia, you are encouraged to contact the police in the state where the crime occurred for assistance. In some cases, the state or territory government may fund your travel back to Australia if you are required to testify in a criminal trial.

While we will help you in any way possible, we cannot report a crime to the police on your behalf. However, if you experience difficulties reporting a crime or filing a police report, please contact your nearest U.S. Embassy or Consulate General for assistance. It is important to report a crime if you intend to apply for victim's compensation or to claim on your insurance.

To find your nearest police station, please go to your state's police website:

Australian Capital Territory:	http://www.afp.gov.au/act
New South Wales:	http://www.police.nsw.gov.au
Queensland:	http://www.police.qld.gov.au
South Australia:	http://www.sapolice.sa.gov.au
Tasmania:	http://www.police.tas.gov.au
Victoria:	http://www.police.vic.gov.au
Western Australia:	http://www.police.wa.gov.au
Northern Territory:	http://www.police.nt.gov.au

INVESTIGATIONS:

Many crime investigations never result in the arrest of a suspect. In each Australian state and territory, the police are responsible for investigating crimes and you should expect forensic evidence to be collected by the police as a

crucial part of any investigation. The police officer investigating the incident in which you were a victim is the usually the officer with the primary responsibility for keeping you informed as to the progress of the investigation. In addition, some police stations may have officers specially trained as Victim Liaison Officers who will provide additional assistance and information to you. If you experience harassment or intimidation from the accused offender, you should always report this to the officer investigating the crime; they will be able to advise you about applying for a restraining order and other legal means to deter the accused or their family from contacting you. Should there be no arrest in your case, the police will determine the length of time your case will remain open. Depending on the seriousness of the crime, the case may remain open for many years or for as little as one month.

ARRESTS:

If the accused in your case is arrested, they may be remanded to custody until the trial begins or they may be granted bail. As in the U.S., Australian prisons are generally considered to be overcrowded and bail is granted to most defendants except in the most serious of crimes, particularly when violence was used in the perpetration of the crime or the courts believe there may be a flight risk. The courts will usually impose a monetary condition on bail or they may require the defendant to surrender his/her passport.

If you reported the crime to the police, they will notify you if/when an arrest is made and it is also possible that you will be requested to attend a police lineup or view photographs to identify the accused.

PRETRIAL PERIOD:

A major difference between the criminal justice systems in the U.S. and Australia is that an individual does not decide to “press charges” or to take the matter to court. Once a crime has been reported to the police and they have conducted their investigation, the police will determine if there is enough evidence and a reasonable chance of a conviction before court action will be initiated.

In each state and territory, the Office of the Director of Public Prosecutions (DPP) is responsible for managing the prosecution of all crimes once the crime has been referred to them by the police. In each state and territory in Australia, there is a court hierarchy. Minor criminal offences are usually dealt with by the Local Court, Magistrate’s Court or the Court of Petty Sessions (the name varies depending on which state or territory you are in) and more serious crimes, such as sexual assault and armed robbery, are addressed in the District Court. The most serious of crimes, such as murder, are only heard in the Supreme or High Court. While plea bargaining is not officially sanctioned in any state or territory, there have been instances where defendants have cooperated in other investigations in order to be seen more favorably by the courts.

Each state and territory has victim advocate groups that will provide support services to you and may also represent your interests. For more information about victim support groups in your state or territory, please visit:

Australian Capital Territory:	http://www.victimsupport.act.gov.au
New South Wales:	http://www.lawlink.nsw.gov.au/vs
Queensland:	http://www.justice.qld.gov.au/justice-services/victims-of-crime
South Australia:	http://www.voc.sa.gov.au
Tasmania:	http://www.justice.tas.gov.au/victims
Victoria:	http://www.vocat.vic.gov.au/
Western Australia:	http://www.victimsofcrime.wa.gov.au/
Northern Territory:	http://www.nt.gov.au/justice/graphpages/crimvict/agencies.shtml

TRIAL:

The duration of a trial is largely based on the type of crime involved. While minor crimes may be heard and finalized within a few days, other trials involving more serious crimes may take several weeks or even months to be heard and finalized.

If you have returned to the U.S. before the trial has begun, you may be required to return to Australia to provide your testimony to the court. At this time, there is no provision for a crime victim to present their testimony by digital or video link but as technology advances, we recommend that you explore this possibility with the police and the courts.

In Australia, criminal trials are open to the public and anyone can attend, including the media. The only exception to this is when a trial involves a crime performed by a child or against a child. These cases are closed to the public and the records of these trials are sealed. As with the police, the courts will provide a translator service if you have legitimate language difficulties.

Depending on the type of crime the defendant is accused of and the court in which it is heard, a jury may be utilized to determine guilt or innocence. As in the U.S., the jury is selected from a pool of potential jurors and the defense and the prosecution have the right to challenge the selection of a juror based on their answers to questions posed by both attorneys. Courtroom protocol in Australia does not vary; you are expected to dress in a presentable and conservative manner and to stand when the Magistrate and/or Judge enters and leaves the courtroom.

SENTENCING:

If the defendant pleads guilty or is found guilty by the court, sentencing may take place that day if the crime is minor or up to 6 to 8 weeks later if the Judge or Magistrate wishes to consider the defendant's criminal history, character references, and if provided, a Victim Impact Statement. If you wish to provide a Victim Impact Statement, please discuss this with the police prosecutor handling your case.

Once a sentence is handed down by the Judge or Magistrate, the defendant will begin that sentence immediately. Victims will not be generally notified if the perpetrator is released from prison or transferred to a new prison unless they register their details with their state or territory's crime victim register, which is administered by each state and territory's Department of Corrective Services. To contact Corrective Services in your state or territory, please go to:

Australian Capital Territory:

New South Wales:

Queensland:

South Australia:

Tasmania:

Victoria:

Western Australia:

Northern Territory:

<http://www.correctiveservices.nsw.gov.au>

<http://www.correctiveservices.qld.gov.au>

<http://www.corrections.sa.gov.au>

http://www.justice.tas.gov.au/correctiveservices/about_us

<http://www.vic.gov.au/law-justice/correctional-services.html>

<http://www.correctiveservices.wa.gov.au/>

<http://www.nt.gov.au/justice/corrservices/>

APPEALS:

For perpetrators convicted by a judge or jury, they can appeal both their conviction and the length of their sentence. A perpetrator who was convicted of a crime because they pleaded guilty can only appeal against the length of their sentence, not the actual conviction. In both cases, they will work with their legal representation on their appeal.

The length of an appeal will vary greatly depending on the reasons for the appeal (new evidence being presented, additional witnesses coming forward, etc) and in cases where an appeal is successful, a crime victim may be required to testify again.

ATTORNEYS:

You may want to consider hiring a local attorney to secure appropriate legal guidance. Local legal procedures differ from those in the United States. Although the Director of Public Prosecutions is responsible for prosecuting your case, an attorney you hire can promote your interests with the police and the court. While our office cannot recommend specific attorneys, we can provide you with a list of attorneys who have expressed interest in representing U.S. citizens. This list is available at <http://canberra.usembassy.gov/lawyers.html>.

VICTIM COMPENSATION IN AUSTRALIA

While there is no Australia wide crime victim assistance office, each state and territory provides assistance so that victims of crime are aware of their entitlements. The criteria to be eligible for victim's compensation may vary quite significantly depending on where you are in Australia. We encourage you to contact the Victims Assistance Office in the state or territory where the crime occurred for specialized guidance:

Australian Capital Territory: <http://www.victimsupport.act.gov.au>

New South Wales:	http://www.lawlink.nsw.gov.au/vs
Queensland:	http://www.justice.qld.gov.au/574.htm
South Australia:	http://www.voc.sa.gov.au/default.asp
Tasmania:	http://www.justice.tas.gov.au/victims
Victoria:	http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/Victims/Support+for+Victims/
Western Australia:	http://www.courts.dotag.wa.gov.au/V/victim_services.aspx
Northern Territory:	http://www.nt.gov.au/justice/dpp/html/victim/index.html

SPECIAL INFORMATION FOR CASES OF SEXUAL ASSAULT AND RAPE:

Physical evidence is very important in sexual assault cases, and can deteriorate as time passes. As such, victims should not change clothes, avoid bathing if possible, and have a physical exam at the first opportunity. You should take these steps even if you are unsure about whether to report the crime to police. If you decide to pursue a prosecution at a later time, these steps preserve evidence that will assist the prosecutor. A consular officer or after-hours duty officer from the U.S. Embassy or Consulates may be able to accompany victims of sexual assault for the medical exam.

In Australia, sexual assault is defined as any unwanted act of a sexual nature; this includes touching, exposure, incest, and rape. Consent must be freely and voluntarily given by a person with the cognitive capacity to consent, it is not freely voluntarily given if it is obtained by force, threat or intimidation, fear of bodily harm, exercise of authority, false or fraudulent statements, or a mistaken belief about the identity of the person committing the sexual act.

Once a sexual assault has been reported to the police, they will organize for you to undergo a forensic medical exam. This is an important part of the evidence gathering process and the police will refer you or accompany you to a hospital that has specially trained nurses and doctors who have experience with examining and helping victims of sexual assault. While you can refuse this examination and still file a police report without having undergone an examination, you should be aware that the prosecution of the offender may be difficult without forensic evidence to support your allegations. The examination will usually involve a pelvic examination, vaginal/penile/anal swabs, head and pubic hair samples, fingernail scrapings, blood samples and saliva samples. You can bring a support person to the examination as long as that person is not a witness to the crime or giving evidence.

Regardless of whether you intend to report the sexual assault, you should get medical attention to determine if you have been injured in any way and to discuss treatment and prevention options for pregnancy and sexually transmitted diseases. You can talk to your General Practitioner (GP) or the doctor performing your examination about emergency contraception, such as the morning after pill and HIV prophylaxis treatments, which are both available in Australia.

Given the highly traumatic and invasive nature of sexual assault, police services in every state and territory have specially trained officers to respond to reports of sexual assault and to also investigate these crimes. The victim will be interviewed by these officers and also eventually by the prosecutor and the defendant's attorney, should a perpetrator be found and charged. A victim should also expect to be interviewed multiple times and to answer difficult and personal questions throughout the duration of the investigation and the trial.

In Australia, date rape and spousal sexual assault are considered as serious as any other sexual assault. They are investigated in the same manner and have the same penalties upon conviction. Male sexual assault is treated in the same manner as female sexual assault.

Each state and territory also provides comprehensive resources and 24 hour phone services for victims of sexual assault. To find services close to you, the Australian Institute of Family Studies has developed a list of crisis support services in your state or territory, available at <http://www.aifs.gov.au/acssa/crisis.html>. In addition, the Australian Institute of Criminology has released a series of information sheets relating to the various aspects of sexual assault. There are available at <http://www.aifs.gov.au/acssa/crisis.html>.

SPECIAL INFORMATION FOR CASES OF DOMESTIC VIOLENCE:

In Australia, domestic violence is considered a very serious crime and the police treat it as such. Victims of domestic violence are first encouraged to call 000 if they are in immediate danger. The police will respond very quickly to any report of domestic violence and assess the situation upon arrival.

The police can arrest any perpetrator of domestic violence or act as a security measure while you take action to leave the home, should you wish to do so. The police can also give you information about how to apply for an Apprehended Violence Order (AVO) which is the Australian equivalent of a restraining order. An AVO will specify the physical distance a perpetrator must stay away from their victim. In the event an AVO is breached, the police can be notified and the perpetrator will be arrested.

In a situation where staying in the home is not a viable option, each state and territory has shelters where victims can stay for short, and even extended, periods of time. As the locations of these shelters are not advertised, the police and domestic violence support groups will be able to provide more information about locations, living conditions and other features of these shelters.

Each state and territory also provides hotlines for victims of domestic violence. For assistance in your state or territory, please go to:

Australian Capital Territory: <http://www.victimsupport.act.gov.au/content.php?id=19>

New South Wales:

http://www.police.nsw.gov.au/community_issues/domestic_and_family_violence/reporting

Queensland:

<http://www.justice.qld.gov.au/3003.htm>

South Australia:

<http://www.familiesandcommunities.sa.gov.au/Default.aspx?tabid=452>

Tasmania:

<http://www.dhhs.tas.gov.au/services/view.php?id=663>

Victoria:

http://www.betterhealth.vic.gov.au/BHCV2/bhcarticles.nsf/pages/Domestic_violence_services_for_women?OpenDocument

Western Australia:

<http://wa.gov.au/government/services/communitysafety/domesticviolence/>

Northern Territory:

<http://www.nt.gov.au/dcm/women/orders.html>

For Australia-wide information and contact information, please visit the website of the Australian Government's anti-domestic violence initiative at <http://www.australiasaysno.gov.au/>.

SPECIAL INFORMATION FOR CASES OF CHILD ABUSE:

If you suspect that a child may be a victim of abuse, we recommend that you call 000 to report your concerns or visit your local police station. People that are legally required to report suspicions of child abuse include doctors, dentists, nurses, other medical professionals, teachers, police officers, school employees, child care facilitators and public servants. Child protection is an issue administered by each state and territory government.

In The Australian Capital Territory, this authority is The Office for Children, Youth and Family Support Office. Their website is: <http://www.dhcs.act.gov.au/ocyfs>.

In New South Wales, this authority is the Department of Community Services. Their website is: <http://www.dcs.nsw.gov.au>.

In Queensland, this authority is the Department of Child Safety. Their website is <http://www.dcs.qld.gov.au>.

In South Australia, this authority is Child Protective Services. Their website is <http://www.wch.sa.gov.au/services/az/divisions/paedm/childprot/index.html>.

In Tasmania, this authority is Child Protections Services. Their website is <http://www.dhhs.tas.gov.au/services/view.php?id=657>.

In Victoria, this authority is the Department of Human Services.
Their website is http://www.office-for-children.vic.gov.au/child_protection/abuse.

In Western Australia, this authority is the Department for Child Protection.
Their website is <http://www.community.wa.gov.au/DCP/Resources/Child+Protection/>.

In the Northern Territory, this authority is the Department of Health and Families.
Their website is http://www.health.nt.gov.au/Children_Youth_and_Families/Child_Protection/index.aspx.

In the event that a report of child abuse leads to government officials removing an American child from the family home, it is generally preferred that the child goes to the home of a relative or a close family friend. In the absence of this option, the child would go to a foster home and in extreme cases, may be sent overseas to live with other family members.

As with any other crime, allegations of child abuse must be investigated by the police, in tandem with the state or territory's child protective services. When a medical examination is required, the child would be examined by specially trained medical professionals to ensure that trauma and emotional distress for the child is minimized.

Given that the child has already been placed under considerable stress by the actions of their abuser, authorities in Australia take great care to attempt to make any court appearance as comfortable and reassuring as possible. Children are often given familiarization tours of courts but are not required to appear in person and face their abuser as they will usually provide their testimony via closed circuit television. All children receive extensive counseling services both during the court hearings and during their recovery.

SPECIAL INFORMATION FOR CASES OF HOMICIDE:

In Australia, autopsies are required in all cases where the death is suspicious or when the deceased was not in the care of a doctor. The police, acting in coordination with the state or territory coroner, must receive the permission from the decedent's Next of Kin (NOK) to perform an autopsy. It is important to note that while there may be religious or cultural objections to autopsies, your objections may be overridden if the coroner deems that an autopsy is crucial to the investigation into the death. If you object to an autopsy, or do not give your permission to the coroner to perform the autopsy, the coroner must apply to the court to override your objection.

In a homicide case, family members of the victim may submit Victim Impact Statements should a conviction eventuate from a police investigation into a homicide. The judge may take these statements into consideration when determining the sentence of the perpetrator.

EMBASSY LOCATION: The U.S. Embassy and Consulates General are available at <http://canberra.usembassy.gov>. Americans living or traveling in Australia are encouraged to register with the nearest U.S. Embassy or Consulate through the [State Department's travel registration website](#) so that they can obtain updated information on travel and security within Australia. Americans without Internet access may register directly with the nearest U.S. Embassy or Consulate. By registering, American citizens make it easier for the Embassy or Consulates to contact them in case of an emergency.

The U.S. Embassy, Canberra
Moonah Place
Yarralumla, ACT
Tel: 61-2-6214-5600; Fax: 61-2-6214-5970
Email: ConsularCanber@state.gov

The U.S. Consulate General, Melbourne
553 St. Kilda Road
Melbourne, Victoria
Tel: 61-3-9526-5900; Fax: 61-3-9525-0769
Email: MelbourneACS@state.gov

The U.S. Consulate General, Sydney
Suite 2, 50 Miller Street
North Sydney NSW 2060
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Email: SydneyACS@state.gov

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Level 4, 16 St. Georges Terrace
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Tel: 61-8-9202-1224; Fax: 61-8-9231-9444
Email: PerthACS@state.gov