



## THE ROLE OF VICTIMS OF CRIME IN THE CRIMINAL TRIAL PROCESS

Submission by the Supreme Court of Victoria to the Victorian Law Reform Commission  
October 2015

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### *About the Supreme Court of Victoria*

1. The Supreme Court of Victoria (the Court) is the superior Court of record of the State of Victoria.
2. It has jurisdiction 'in all cases whatsoever'<sup>1</sup> within the State, as well as federal jurisdiction conferred by the Commonwealth under the Constitution.<sup>2</sup>
3. The Court comprises two divisions - the Court of Appeal and the Trial Division. In respect of criminal matters, the Court of Appeal hears appeals from the Trial Division of the Supreme Court and the County Court. The Court has exclusive jurisdiction with respect to murder<sup>3</sup> and all other homicide charges are brought in the Court as a matter of practice. Cases involving these offences make up the majority of criminal trials in the Court, with remaining matters being terrorism, major drug, major fraud, administration of justice (offences committed by public officials), and some sexual offences.
4. The Court hears between 100 and 150 trials and pleas per year. The Court of Appeal finalises approximately 300 criminal appeals per year.

### *About this submission*

5. The Court has selected a number of areas from the Commission's Consultation Paper on which to make observations. The Court's comments are not intended to be comprehensive. The absence of a response on a particular aspect should not be taken as an indication of the Court's views.
6. This submission does not necessarily reflect the views of individual Judges.
7. The Court's comments are informed by the broad experience of its Judges, and reflect a perspective derived from the types of cases which are dealt with in the Court. Victims in cases coming before the Trial Division of the Supreme Court are predominantly family members of the deceased person whose death is the subject of the charge. The Court of Appeal deals with a much broader range of cases and victims. Victims and victim's families sometimes attend the hearing of appeals whether brought by the offender, or the Director of Public Prosecutions. The views

<sup>1</sup> Constitution Act 1975 (Vic) s 85.

<sup>2</sup> The Commonwealth Constitution ss 71 and 77. In relation to federal criminal jurisdiction see *Judiciary Act 1903* (Cth) s 68.

<sup>3</sup> *County Court Act 1958* (Vic) s 36A.

and proposals put forward in this submission reflect this. The Court acknowledges that other courts bring different perspectives based on the nature of their jurisdiction and the fact that they will much more commonly deal with victims as witnesses.

8. Whilst the law, and the practice and procedure of the courts evolve over time, there are certain principles of common law which are now considered fundamental to the conduct of criminal trials and which should inform discussion of the role of victims in the criminal trial process.
9. They include:
  - The presumption of innocence
    - Our system of criminal justice is based around the core principle that an accused person is innocent until proven guilty to the requisite high criminal standard of beyond reasonable doubt.
    - The occurrence of an offence and the actions and credibility of an alleged victim may be in issue until the point of conviction.
    - It is an inevitable consequence of the presumption of innocence that some people who have committed offences will not be convicted and that some victims will not feel that justice has been served.
  - The right of an accused to a fair trial
    - This includes the right to be informed of the evidence, the right to test that evidence and present a defence.
    - This means that some victims will be cross-examined, and their actions may be called into question. Whilst the Court has the power to intervene to prevent inappropriate questioning, there is an extent to which giving evidence is an unavoidably difficult process for victims.
  - The independence and impartiality of the Court
    - The Court must remain independent and impartial. Whilst dealing with tragic circumstances, the Court must remain objective and open minded. The Court cannot assume that a victim's account is correct prior to conviction.
    - Whilst the Court acknowledges and takes account of the impact of the crime upon the victim, it must remain impartial in the application of the laws of sentencing.
10. Four main principles inform the Court's submission on the individual issues raised by the Commission:
  - Adversarial trials before a judge and jury, with an independent and impartial prosecution, best serve the interests of justice.
  - Victims should be provided with as much information and support as possible from the time charges are laid until the conclusion of the criminal trial process. Their interests should be protected and the impact of crime upon them should be recognised.

- An accused must be afforded a fair trial and be able to test the evidence against him or her. Subject to that requirement however, all steps reasonably practicable should be taken to enable victims, and witnesses generally, to give evidence in the most effective way without fear or anxiety.
- The Court must remain impartial and be seen to be impartial in the conduct of the trial and any appeal.

### **Decision to prosecute**

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11. The decision to prosecute is fundamentally not one for the Court. However, prosecutorial decisions are informed by duties owed to the Court including duties of frankness, fairness, impartiality and adherence to the law. Where a prosecutor does not believe that there is sufficient evidence to sustain a particular charge against an accused, their duty prevents them from pursuing such a charge. Likewise a prosecutor cannot accept a plea to a charge they do not consider is open on the evidence. It is important that those duties are maintained and explained to victims.
12. From the Court's perspective, it is important that prosecutorial decisions and their consequences are explained to victims by the prosecution. The Court is concerned to ensure that those involved in or affected by its proceedings are informed about the law and court processes. The greater the level of understanding of the law and court processes, the greater the confidence individuals have in the court system. The Court is often not in a position to provide that information and is reliant on others to do so. The Court is not involved in prosecutorial decisions, therefore it relies on the prosecution to explain them to victims.
13. At a practical level, the explanation of prosecutorial decisions and their consequences is also important for the Court when it comes to the sentencing phase. Those making victim impact statements need to be informed of the charges on which a person was ultimately convicted and that material relating to charges which have been withdrawn, or of which the offender was not convicted, will be inadmissible. The victim impact statement process is dealt with in greater detail below.
14. Whether or not a victim chooses to make a victim impact statement, it is important that the prosecution explain to the victim prosecutorial decisions relating to charges and what the implications are at the sentencing stage. The Court will explain the reasons for the sentence ultimately imposed, but it is appropriate that victims be provided with an understanding of the basis upon which the Court will be required to sentence, and the range of likely sentences at this earlier stage. The latter is important because of the need for victims' expectations to be informed. Otherwise the sentencing judge can be exposed to unfair criticism.

## **Committal proceedings**

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15. As noted above, the nature of the Court's jurisdiction means that it is uncommon for a primary victim to be a witness. Related victims may or may not be witnesses depending on the particular facts of the case.
16. Much of the discussion in this chapter of the Commission's consultation paper relates to the role of primary victims as witnesses at the committal stage. Other courts will be better placed to provide insights on these matters.
17. The Commission has sought views on whether cross-examination of victims and other witnesses at committal should be replaced with the earlier transfer of proceedings to the trial court, with examination of witnesses before the trial judge prior to trial. The Court has been exploring the possibility of greater involvement of the trial court at an early stage as a means improving the overall management and timely disposition of criminal proceedings.
18. Whilst at an early stage, the Court has concluded that it is worth exploring this matter further by undertaking research to provide an evidence base for reform. The Court plans to learn more about the processes used in the Supreme Court of Western Australia where a venue of the Magistrates' Court has been co-located with the Supreme Court and a more integrated approach to management of criminal proceedings has been adopted. The Court is also pursuing a partnership with academic researchers to undertake empirical research.
19. Whilst this project has, as its focus, the efficient and effective conduct of criminal trials, the work undertaken may inform consideration of proposals in relation to committal proceedings which have a victim-witness focus. What is clear from the work the Court has undertaken so far, is that this kind of change requires in-depth analysis and an evidence based approach.

## **Pre-trial proceedings**

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### ***Confidential communications***

20. It is uncommon for the issue of confidential communications to arise in proceedings before the Supreme Court, but it does occur from time to time. The Court knows of no instance in which a victim has been refused leave to appear and make submissions. Indeed, it would appear to be inconsistent with the general rules of procedural fairness for an individual with a right to assert a form of privilege to be refused the opportunity to make submissions before that right was affected.
21. It is common for a non-party to seek leave to address the Court. It is the means by which they introduce themselves to the Court and establish their interest (e.g. that they are the protected confider in relation to the documents), but it is not a separate process akin to an application for leave to appeal.
22. It would be helpful to understand whether in practice the leave requirement is viewed as a hurdle in order to determine whether removing it would have any practical benefit.

*Pre-trial matters in which the victim has an interest*

23. There are circumstances where the interests of a witness are such that the Court will receive submissions on their behalf, for example, where a witness objects to giving evidence (e.g. on the grounds of privilege or against a spouse) or where a potential witness seeks to have a subpoena set aside. As new provisions are introduced to protect victim-witnesses, it would be consistent with existing law and practice to allow a victim-witness to make submissions where the application of those provisions is considered by a court.
24. The further step, of allowing a victim to make submissions on pre-trial issues going beyond that victim's direct interests as a witness, raises more complex issues.
25. It places the victim in an adversarial position. As the Commission notes, this potentially raises issues regarding equality of arms and the fair trial rights of the accused. It also raises practical difficulties for the conduct of trials. It would therefore require some reasonably compelling evidence of the benefit to be derived from going down this path. It is not immediately apparent to the Court that victims' experiences of the criminal trial would be improved, or their interests better served, through adopting an adversarial role.
26. Where the law does not include the interests or views of the victim as a relevant factor in the determination of a legal issue, permitting a victim to make separate submissions is unlikely to serve the interests of the victim, or the interests of justice. Obviously, the Court can give no more weight to a legal argument merely because it is put forward by a victim. The only effect would be to create a false expectation that the Court should give greater weight to a victim's submission, which would potentially undermine the confidence of the community and the victim in the justice system. Alternatively a situation may arise in which the victim and the prosecution make contrary legal submissions, potentially undermining the effectiveness of an independent prosecution.
27. Where the victim's position is legally relevant, it is possible for prosecutors to convey those views. Prosecutors are responsible for informing the court of the law and matters relevant to the court's consideration of the legal issues. While the prosecutor is not an advocate for the victim, it is not inconsistent with the functions of a prosecutor to make inquiries and relate the position conveyed to the court. This is the preferable means of ensuring that the views of victims are before the court in a pre-trial context, where the victim's interests as a witness are not directly affected. The prosecution will usually have an established relationship with the victim and is therefore best placed to communicate with them at the appropriate time. Where the victim's position is legally relevant, the prosecution should be aware of it to inform their own submissions.

**At trial**

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*Evidence*

28. As noted above, in the Supreme Court it is rare to be dealing with a primary victim as a witness. Other courts are better placed to discuss the options in relation to primary victims' evidence.

29. The Court has reasonably broad powers to allow for different arrangements to be made for the giving of evidence beyond those specifically enacted in relation to 'vulnerable witnesses'. Extending the legislative provisions for special arrangements for the giving of evidence would not necessarily represent a significant departure from practice, although the use of much earlier pre-recorded evidence would be a significant departure.
30. Whatever course is adopted, it is important that the Court retain a level of discretion in order to ensure a fair trial in the multitude of different circumstances which can arise. Where, for example, an appeal has led to a retrial and the recorded evidence of a victim cannot be edited appropriately to exclude inadmissible material and still convey to a jury the relevant evidence, there should be a discretion not to use the recording.

### *Intermediaries*

31. Having learned of the experience in England and Wales with the use of trained professional intermediaries to facilitate children and individuals with communication difficulties giving evidence, the Court is very supportive of the introduction of similar processes in Victoria.
32. It is vitally important that the vulnerable in our society have ready access to the criminal justice system and 'every reasonable step' should be taken to facilitate that access.
33. Existing powers allow for the use of intermediaries. The most significant aspect of achieving greater use of intermediaries will be to establish systems and provide the resources which will make available trained professionals with the particular expertise and understanding of their role in the context of Court proceedings. It will also be necessary to provide education for the judiciary, the profession and other agencies.

### *Representation and Participation at trial*

34. As discussed above in the pre-trial context, there are some matters where it is consistent with the functioning of a common law criminal trial for the court to receive submissions from the victim regarding matters relating to their role as a witness and the legal protections afforded to them. Legal representation is desirable in those contexts, both to ensure the rights of the victim can be served and to assist the court by presenting the argument. The prosecution cannot advise the victim and may well have a conflict.
35. Broader participation as an auxiliary prosecutor does not accord with the view that independent and impartial prosecutions best serve the interests of justice. In the absence of clear evidence that acting in such a role would significantly improve the experience of victims, the balance does not appear to favour this proposal.
36. If a victim were to participate at trial, legal representation would be necessary to ensure the victim was appropriately advised and their participation occurred in a way that preserved the integrity of the trial process. Incidents which may result in the need to discharge the jury are to be avoided in the interests of all concerned. Resourcing of that representation is obviously a difficult issue in an environment where there are already significant gaps in the ability to provide access to legal

representation, and other potentially more pressing needs to assist a victim's recovery. As discussed below, this becomes an issue of priorities.

## **Sentencing**

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### ***Purposes of sentencing***

37. The Commission raises the question whether the purposes of sentencing should be amended to include 'the needs and interests of victims'.
38. The 'needs and interests of the victim' is an amorphous concept which is difficult to apply, particularly outside of a restorative justice setting, where sentencing options are limited. While some victims may indicate a desire for a particular sentencing outcome, that does not necessarily equate to the needs or interests of the victim. It would not be appropriate for the Court to act on the punitive desires of victims, yet inclusion of the 'needs and interests of the victim' in the purposes of sentencing may create a perception that this is what is required of the Court.
39. There is no evidence to suggest that a lengthy prison sentence serves the needs and interests of victims better than a shorter one. The Court has regard to the impact of the crime upon the victim or victims as part of the sentencing exercise. However, the length of a prison sentence is not capable of reflecting the depth of feeling of the relatives of a deceased victim.
40. In some contexts, sentencing options which serve the interests of victims may be available. For example, Community Corrections Orders may contain area exclusions or residence conditions which may provide victims with greater peace of mind, as well as contributing to the rehabilitation of the offender. Sentences of imprisonment may provide victims with a sense of security in situations where they fear further violence by the offender. The 'protection of the community' as a purpose of sentencing encompasses protection of the victim and allows the Court to take these kinds of matters into account. There are however limits on what sentencing can achieve.

### ***Victim Impact Statements***

41. Victim impact statements serve a significant purpose in the sentencing exercise, both in the evidentiary content provided to the Court, and the value placed by victims on this process. The Court makes every effort to ensure that victims are afforded the opportunity to make a statement if they wish to do so, within the confines of the law.
42. The Court sees serious problems with victims making direct submissions on sentence and therefore does not support allowing victims to make submissions about the type and length of sentence in a victim impact statement. Victims cannot be expected to be impartial and may, for understandable reasons, seek retributive sentences. Sentencing involves consideration of matters personal to the offender which the victim would not be expected to appreciate or accord appropriate weight. Submissions which are not informed by the law which the Court is required to apply would be counter-productive. Sentencing law is complex and it would be extremely difficult for a lay person to make informed and objective legal

submissions. The Court would be unable to constructively engage with submissions that were not informed by the law, which could result in a perception that the victim is being ignored. This also carries a significant risk of increasing the number of appeals.

43. It is preferable that the prosecutor have responsibility for informing the Court about the views of the victim in relation to specific matters which, for example, might inform the framing of the conditions of a community corrections order.
44. The categories of persons able to make a victim impact statement are already quite broad, encompassing a person who has suffered injury, loss or damage (including grief, distress, trauma or other significant adverse effect) as a direct result of the offence. Extending beyond that definition has the potential to take away from the central focus on primary victims and those closest to them.
45. The ripple effects of a homicide are well understood by the Court. There have been occasions where a large number of statements beyond the immediate family have been read aloud, where there was a palpable sense that it had become re-traumatising for those closest to the deceased, at a time when their well-being should be the focus. In some cases it has extended the hearing by days, imposing a significant burden on family members.
46. The Court has observed that, where large numbers of people seek to read aloud their statements, it can place pressure on close family members to read their statement aloud, even if they would have preferred not to. From the Court's experience there is a balance to be struck between affording all those affected the opportunity to inform the Court of the impact of the crime, and ensuring that the interests of those most directly affected are not compromised. All written statements are to be read by the judge. Limiting the reading aloud of statements to those most directly affected may be one way of providing that balance.
47. The Commission raises the question of privacy with respect to victim impact statements. In the Supreme Court, criminal files are not open for public inspection. Victim impact statements tendered in court are only available if permission is granted by the Court. Whilst exhibits are often made available to the media, the Court's media policy makes it clear that victim impact statements are not considered appropriate for release. If the statement is read aloud in open court, the transcript is sometimes provided to the media to assist accurate reporting.
48. Judges are circumspect about the information from statements which they include in their reasons for sentence, knowing that those reasons are made publicly available. If there is specific content which the victim would prefer not be referenced, this can be indicated to the Court.
49. Any legislative restrictions on publication and distribution of victim impact statements would need to address the following issues:
  - a. some victims want their statements to be made public, while others are concerned about privacy;
  - b. the Court must ultimately balance the important principles of open justice, and providing appropriate reasons for sentence, with the wishes of the victim;



- c. as evidence before the Court, the accused is entitled to see the statement.
50. The role of the prosecutor with respect to victim impact statements has been a vexed one. Whilst it is clear the prosecutor is not the victim's lawyer, the prosecution have certain obligations to provide victims with information about the court process and obligations to the court with respect to the conduct of the proceeding and the evidence presented. From the Court's perspective, that requires the prosecution to seek to inform victims about the process of making a victim impact statement, including the permissible and impermissible content, and to take steps to resolve admissibility issues before hearing wherever possible through discussion with the defence and the victim. The Court also expects the prosecution to make inquiries of the victim and inform the Court about the form in which the victim wishes to present the statement and any special arrangements which they wish to have in place.
  51. Prosecutors can also assist victims greatly in the sentencing process by giving them realistic assessments of the likely sentencing options and ranges. This helps prepare the victim to deal with the sentence when it is announced.
  52. The Court acknowledges that there is significant scope for assistance and advice being provided to victims preparing victim impact statements by other agencies, to alleviate the current burden on prosecutors. The Court acknowledges the work done by a number of agencies in providing non-legal support and assistance, but also recognises the gap in legal assistance available to victims.

### **Compensation and Restitution**

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53. For the Court, the issues which arise in relation to compensation orders are generally practical ones. Applications for compensation are often filed many months after sentence and the offender is often unrepresented and incarcerated. This can frequently delay proceedings.
54. Whether the financial circumstances of the offender should be a relevant factor, or whether- as in New Zealand- the potential hardship for the offender or the dependants of the offender should be considered, is a matter of policy for Government. The Court notes that financial hardship can work against the successful rehabilitation of some offenders, but it is also acknowledges that this is not legally relevant to a victim's ordinary civil entitlement.
55. It would be counterproductive to introduce a process which draws on private and public resources in order to obtain compensation orders which ultimately prove futile because offenders are impecunious. Whether or not the financial position of the offender remains a relevant consideration, it may be useful to include a simplified process to ascertain the financial position of the offender so that the victim is in a position to know whether it is worthwhile pursuing compensation, and how best to do so.
56. Courts provide the means through which compensation orders can be enforced, but it would not be appropriate to invest the Court with responsibility for collecting debt. The *Fines Reform Act 2014* will place responsibility for the collection of court fines primarily with a new office of Director Fines Victoria, partly in

recognition of the fact that this type of function is more appropriately carried out by a dedicated agency.

## Appeal processes

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### *Appeals of pre-trial rulings*

57. Whether victims should be able to appeal rulings affecting their interests needs to be considered in the context of the broader issue of whether any non-party whose interests are affected by rulings in a criminal trial should be able to appeal.
58. The limitations on interlocutory appeals in criminal matters are designed to prevent the fragmentation of proceedings.<sup>4</sup> Interlocutory criminal appeals were only introduced in Victoria in 2009. This was done in the context of a growing shift to the determination of legal issues at the pre-trial stage, allowing appeals to occur before a jury was empanelled. Nevertheless, the ability to appeal remains circumscribed. The limited nature of the interlocutory appeal provisions is premised on the fact that an accused can appeal the effect of a ruling if they are convicted.
59. It may be argued that rulings by the trial court on matters affecting the interests of any witness or third party should be subject to appeal. Decisions not to set aside a subpoena or rejecting a claim of privilege have consequences which cannot be addressed through a later appeal. There are very few examples in Victoria where a decision at first instance is not subject to some form of appeal or review. Whilst there is a clear risk of fragmentation of the criminal trial in permitting such appeals, significant rights can be at stake. The Court has strictly construed the restriction on the right to appeal in s 17A(3) of the *Supreme Court Act 1986*, acknowledging the significant nature of a privative clause that renders a decision immune from appeal.<sup>5</sup>

### *Updated Victim Impact Statements on Appeal*

60. There are difficulties with providing for updated victim impact statements to be made on appeal.
61. The question of whether the sentencing discretion is reopened, and the determination of what the sentence should be if it is, are determined by the Court after a single appeal hearing. This is the most efficient way of dealing with the proceeding. In keeping with that process, any updated statement would have to be prepared in advance and tendered provisionally. This would create a situation in which the majority of updated statements would not be referred to because the appeal was not allowed. It would be most unfortunate to put the majority of victims in the position of needlessly preparing an updated statement.
62. Whilst it is hoped that the process of making a victim impact statement ultimately has a positive benefit for the victim, it can be a difficult and emotional process.

<sup>4</sup> *Smith v R* (1994) 181 CLR 338.

<sup>5</sup> *Herald & Weekly Times Pty Ltd v A* (2005) 160 A Crim R 299; *Ross (a pseudonym) v Chief Commissioner of Police* [2014] VSCA 254.

Ultimately it may be counterproductive to the victim's healing process to go through that process again at the appeal stage. Whilst victims have a choice about whether to make a statement, the Court is conscious that the family of a deceased victim often feel a sense of obligation to take every opportunity to be involved, regardless of whether it has a negative impact upon them.

### **Victims' Rights**

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63. The Commission has highlighted the inherent difficulties in making victims' rights enforceable and the general trend to prefer complaint mechanisms.
64. The Court notes the recent introduction of the Victims of Crime Commissioner Bill 2015, which provides that one of the functions of the Commissioner is to inquire into systemic matters concerning victims of crime.
65. The Court considers that the best approach to questions of enforcement of victims' rights is to consider each individual context separately to ensure that any enforcement process is appropriate in that context. A right of appeal in relation to a confidential communications ruling raises very different issues to seeking a remedy for breach of the right to be provided with information.
66. If a complaint process is introduced, it is important that regard is had to the constitutional position of the Court and judges. It would not be appropriate for a general victims' complaint scheme to encompass complaints against the judiciary. Similarly, it would not be appropriate for a complaints body to investigate the actions of judicial staff acting at the direction of a judge.

### **Support for Victims**

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67. The Court is generally assisted by participants in the legal process receiving legal advice and being legally represented. The pro-bono contribution of the profession in appearing for victims in relation to confidential communications matters is an example.
68. There are certain matters where it is highly desirable that victims have access to advice and representation. Those are matters where the law protects a particular victim's interest, like the confidential communications privilege, or the right to compensation.
69. If the law is changed to place victims as an adversarial participant in the criminal trial, legal representation would be necessary to ensure the efficient conduct of the trial.
70. In the context of limited resources, decisions have to be made about the priorities in the support services provided to victims. For many victims, counselling and support workers will be the most important resource. Access to intermediaries should be viewed as a significant priority to facilitate basic access to the justice system for the most vulnerable victims. It is inevitable that not every victim will have access to legal advice. It is therefore important not to create a system which assumes legal representation will be available, and to target available legal resources to where they will have the greatest effect, whilst making general information available to assist all victims.

## General matters

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### *Implications for the conduct of criminal trials*

71. Some of the matters put forward for the additional participation by victims in committal, trial and appellate processes would, if ultimately recommended and implemented, have the consequence of increasing the length and complexity of criminal proceedings. This is a factor which needs to be considered, as it is generally in the interests of justice and of victims that criminal trials be kept as short and simple as possible. That is the clear policy which underpins the *Jury Directions Act 2015*.
72. In order to properly weigh this consideration, the Commission should research the likely impact of each of the options considered. This would include looking for information about the impact of legislative changes made in other jurisdictions. For example, it would be useful to know the impact of the different appeals provisions in New South Wales in relation to the confidential communications privilege.
73. There will be circumstances where the impact may be significant, but ultimately justified by the compelling arguments in favour of reform. The introduction of professional intermediaries has as its aim increasing the number of prosecutions brought, as well as facilitating the giving of evidence in existing cases. Some of those trials are likely to take longer because of the time required for the evidence to be given appropriately. However, the policy justification of providing access to the criminal justice system is strong.
74. Providing a general right for victims to make submissions on pre-trial matters, or to act as an auxiliary prosecutor during trial, is likely to significantly lengthen criminal proceedings and increase their complexity. Such benefits as might be derived from such approaches would not justify the effect on the trial.

### *Resources*

75. Where recommendations are made, it is important that they are contingent upon their consequences being appropriately resourced. Further, in the context of inevitably limited resources, some form of priority needs to be identified. While this will ultimately be a matter for Government to determine, the Commission's considered view can inform that process and allow the most important reforms to be implemented more quickly.
76. Where recommendations will add to the length and complexity of criminal proceedings, unless resources are provided there will be delays across the system, which has a very direct detrimental impact upon all victims of crime. It is therefore important that all the resourcing implications are identified and the experience of other jurisdictions researched in that regard.