



CDPP

Australia's Federal Prosecution Service



Victims of Crime Policy

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References to the law, policies and guidelines are current as at the date of publication. Users should confirm the currency of all source material at the time of using this document.

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A. STATEMENT OF INTENT

1. The Office of the Director of Public Prosecutions (Cth) (**CDPP**) treats victims with dignity, courtesy, compassion, cultural sensitivity and respect, and has regard for their entitlements under this *Victims of Crime Policy* (**Policy**).

B. INTRODUCTION

2. The CDPP is an independent agency created by the Parliament of the Commonwealth of Australia to prosecute offences against Commonwealth law. The CDPP does not act directly for or on behalf of a victim of crime in the way that private solicitors act for their clients. In carrying out its functions, the CDPP acts on behalf of the whole community. However, the CDPP recognises that victims play an important role in the prosecution process.
3. This Policy identifies the information to be provided to, and the consultation that must take place with, victims during the prosecution process.
4. This Policy applies to the CDPP and all external counsel that are briefed by the CDPP.

C. DEFINITION OF VICTIMS OF CRIME

5. This policy applies to all identified individuals who have suffered harm as a result of an offence or offences committed, or alleged to have been committed, that are prosecuted by the CDPP.
6. This policy also applies to:
 - 6.1. any parent or primary caregiver of a victim who is under 18 years of age or was under 18 years of age at the time of the offence; and
 - 6.2. immediate family members of a victim who has died as a result of an alleged Commonwealth offence.
7. In this definition, “harm” includes physical, psychological and emotional suffering, pregnancy, economic and other loss and damage.

D. GUIDING PRINCIPLES

8. The CDPP's engagement with victims throughout the prosecution process is informed by the following guiding principles:
 - 8.1. The CDPP aims to ensure the most appropriate charges are identified and laid as early as possible to minimise the risk of distress to victims caused by the discontinuation of charges or replacement of charges with alternative offences.
 - 8.2. All reasonable steps will be taken to have continuity of CDPP Case Officers and WAS Officers in relevant cases, particularly in cases involving vulnerable victims such as children.
 - 8.3. A victim's privacy and their personal information will be protected by the CDPP as required by law and as far as possible.
 - 8.4. Where victims are required to give evidence, the CDPP will keep the victim updated as to any relevant dates and will aim to minimise any inconvenience to the victim as far as possible.

E. INFORMATION FOR VICTIMS

9. The CDPP will provide all victims with a copy of this Policy and inform them about the court process (that is, the various stages in a prosecution before a court and their role as a witness) in a timely manner.
10. The CDPP will promptly inform victims of the progress of the prosecution (unless they have indicated they do not wish to be updated) including by providing regular and timely updates in relation to the following matters:
 - 10.1. a decision to commence a prosecution (and the charges laid);
 - 10.2. a decision not to commence a prosecution;
 - 10.3. a decision to take over a private prosecution, being a prosecution commenced by a member of the public;
 - 10.4. the date and place of hearing of any charges laid;
 - 10.5. the outcome of any bail proceedings;
 - 10.6. plea negotiations; and
 - 10.7. the outcome of proceedings, including appeal proceedings.
11. Following any guilty plea entered by an accused or guilty verdict reached by a court or jury, the CDPP will inform victims of their ability to engage with the sentencing process, including by:
 - 11.1. providing a Victim Impact Statement; and
 - 11.2. seeking a reparation order.
12. In prosecutions which involve a large number of victims (for example, victims who have suffered financial loss as a result of a large-scale fraud) it may not be appropriate or practical for the CDPP to directly engage with each individual victim. In those circumstances the CDPP may communicate information to, and consult with, victims through alternate means, such as the CDPP's website or with the assistance of the relevant investigative agency.

F. CONSULTATION WITH VICTIMS

13. In accordance with the *Prosecution Policy of the Commonwealth* and this Policy, where it is appropriate the CDPP is required to consult and consider the views of any victims where those views are available. The CDPP will take those views into account when deciding whether it is in the public interest to:
 - 13.1. commence a prosecution;
 - 13.2. take over a private prosecution;
 - 13.3. discontinue a prosecution;
 - 13.4. accept a guilty plea to alternative, including lesser or different, charges;
 - 13.5. decline to proceed with a prosecution after a committal; and
 - 13.6. proceed to a retrial following an appeal.
14. In relation to bail applications, where possible, the CDPP will seek the views of the victim regarding a need or perceived need for safety and security. Where appropriate, those views should be communicated to the court when the bail determination is being made.
15. Where the views of a victim are sought on an issue in accordance with this Policy, the CDPP will give the victim adequate time to formulate their views.
16. The CDPP will keep the victims informed of relevant decisions in a timely manner.
 - 16.1. Ordinarily, decisions will be communicated to the victim verbally in the first instance and then confirmed in writing.
 - 16.2. A victim may request the opportunity to speak with the relevant prosecutor and/or seek reasons for the decision in writing.
17. Where the CDPP is unable to adequately communicate and consult with victims due to the victim's age, lack of capacity or due to the victim being deceased, the CDPP will seek to discharge its obligations under this Policy by identifying an appropriate representative of the victim. In most instances, they will be a member of the victim's immediate family.
18. The CDPP is not required to seek the views of the victim when the victim has clearly communicated that they do not want to be consulted or when the whereabouts of the victim cannot be ascertained after reasonable inquiry has been made.

G. RIGHT OF REVIEW AND COMPLAINTS

19. Victims of crime have a right to seek a review of a decision made by the CDPP in accordance with the [Right of Review for Victims of Crime Policy](#). Victims who have requested a review will be informed of the outcome of the review in writing.
20. Victims of crime have the opportunity to make a complaint about CDPP staff and/or members of the private bar briefed by the CDPP who have not treated them in accordance with this Policy or for any other reason. Victims can also provide compliments to the CDPP in relation to either their staff or members of the private bar briefed by the CDPP.

21. Feedback, complaints or compliments from members of the public, including victims of crime, may be made via our [Feedback and Complaints e-form](#) or via email: FeedbackandComplaints@cdpp.gov.au. More information is available on the [Feedback and Complaints](#) page of the CDPP's website.
22. The CDPP values all feedback and complaints it receives and uses any lessons learned as a result to improve its processes and practices.