



Protective conditions

General information

VICTIM-OFFENDER MEDIATION UNIT

*voluntary and
independent*

Protective conditions

All offenders currently serving a relevant order for an offence against a victim are referred to the Victim-offender Mediation Unit (VMU). The VMU is part of the Department of Corrective Services and investigates the victim's issues for each case so that it can recommend contact conditions between the two parties.

As part of this process, the victim does **not** need to **meet** or come **face-to-face** with the offender to agree to the terms of the agreement.

Usually, after investigating these issues, the VMU recommends that a standard **'no contact condition'** apply between the offender and victim.

What is a standard 'no contact condition'?

Under the 'no contact condition', the offender is **not** allowed any **direct** or **indirect** contact with the victim of the offence.

This includes contact via:

- phone
- mail/ post
- email or internet
- fax
- sms messages
- face-to-face
- a third party

If the victim agrees to this standard condition, it is made an official part of the offender's order. This can be done in the following ways:

● Adults

- the 'no contact condition' is endorsed by the Releasing authority and made a part of the offender's release order from prison, or
- a community corrections officer (CCO) issues the offender with a 'lawful instruction', which requires them to abide by the condition as part of their community-based order.

● Juveniles

- the 'no contact condition' is endorsed by the Supervised Review Release Board and made a part of the offender's release order from detention or remand, or
- a juvenile justice officer (JJO) issues the offender with a 'reasonable direction' requiring them to abide by the condition as part of their community-based order.

● Offenders under the jurisdiction of the Criminal Law (Mentally Impaired Defendants) Act (1996)

- the Mentally Impaired Defendants Review Board and treating psychiatrist are both informed of the recommendation as well as requirements regarding its monitoring.

Are other options available?

If requested, the VMU can help the victim and the offender develop different contact conditions, which are made into an 'agreement'. The agreement takes the place of the 'no contact condition' and is made part of the offender's order in the same way a 'no contact condition' is.

1) Extending the 'no contact conditions'

Alternative conditions for an agreement might extend 'no contact' to include:

- business premises
- employees
- family members
- mutual friends
- areas frequently visited, eg work or schools

2) Limiting the 'no contact condition'

An agreement can also regulate contact between a victim and an offender. If the victim requests some contact with the offender, the VMU can help develop an agreement which allows contact under mutually agreed conditions.





The agreement might involve:

- restricted contact – eg telephone or mail only
- supervised contact – by a neutral person
- contact initiated by one party only
- unrestricted contact

Agreements are entirely voluntary and must be agreed to by both the victim and offender. If either party is not happy with the conditions initially suggested, they may offer alternative conditions. If conditions cannot be mutually agreed by the victim and offender, the standard 'no contact condition' will apply.

When unrestricted contact is agreed to by both the victim and the offender, the VMU will no longer be involved.

However, the VMU can be available if circumstances change, provided the offender is still subject to that order.

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What if either person changes their mind?

If the victim or offender decides they are no longer happy with the conditions, they may *possibly* be changed. The person wanting to change the conditions needs to inform the VMU, which will re-investigate the contact issues.

*Conditions are only in place when the order is current. Changes can **only** be made while the offender is currently serving a custodial order, release order from custody or a community-based order.*

If a change is requested by one person, mediation will be attempted. If successful or unsuccessful, the VMU will inform the relevant releasing authorities of what has transpired. These could include the releasing authority, Supervised Review Release Board or Mentally Impaired Defendants Review Board. If the offender is currently not in custody, the supervising authority, such as the community corrections officer, juvenile justice officer or the treating psychiatrist, will be informed. These authorities then consider the request.

If it is allowed, the new condition is endorsed as a part of the offender's release or community order. If it is not allowed, then the original condition remains in place.





When are the conditions in place?

The VMU will inform each party, in writing, when the appropriate condition is in place and what it will involve.

The standard 'no contact condition' or an 'agreement' will be in place when the offender is released from custody as it forms part of the offender's release order.

If the offender is subject to a community order, the standard 'no contact condition' or 'agreement' will be in place when they either receive a 'lawful instruction' from their community corrections officer or a 'reasonable direction' from their juvenile justice officer.

What happens if the offender breaks the conditions?

Protective conditions are a legal part of the offender's order.

If the offender breaks the 'no contact condition' or 'agreement' by making contact with the victim or acting contrary to the 'agreement', the victim can contact the VMU which may take action on their behalf. This involves informing the relevant releasing or supervising authority of the breaching condition, which may lead to the offender returning to court, prison or detention.

More information

For more detailed information about mediation, contact:

Metropolitan

Victim-offender Mediation Unit
Level 13, International House
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PERTH WA 6000
T: 9425 3200 F: 9425 3222

Joondalup Court House
21 Reid Promanade
JOONDALUP WA 6027
T:9400 0746 F: 9300 2005

Armadale Court House*
109 Jull Street
ARMADALE WA 6112
T: 9399 0700 (not a direct line)

Midland Community Justice Services*
U/1, 3 The Crescent
MIDLAND WA 6056
T: 9250 5146 F: 9250 1586

Fremantle Justice Complex
8 Holdsworth Street
FREMANTLE WA 6160
T: 9335 2084 F: 9335 9466

Rockingham Justice Complex
Whitfield Street
ROCKINGHAM WA 6168
T: 9528 4662 F: 9592 3077

Regional

Broome Aboriginal Visitors Scheme
11 Barker Street
BROOME WA 6825
T: 9192 6827 F: 9192 3696

Kalgoorlie Court House
54-68 Brockman Street
KALGOORLIE WA 6430
T: 9021 0279 F: 9021 2005

Bunbury Community Justice Service
65 Wittenoom Street
BUNBURY WA 6230
T: 9791 0186 F: 9791 1404

Kununurra Community Justice Services*
U/17, Corner of Konkerberry Dve and Messmate Way
KUNUNURRA WA 6743

Busselton Justice Complex*
12 Stanley Street
BUSSELTON WA 6280
T: 9754 9678 F: 9754 6300

T: 9168 3148 F: 9169 1145
Freecall: 1800 247 023

Geraldton Community Justice Services*
45 Cathedral Avenue
GERALDTON WA 6530
T: 9921 7174 F: 9964 2231

Pilbara – South Hedland Justice Complex
Hawke Place
SOUTH HEDLAND WA 6722
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**These offices operate on a part-time basis.*

Department of Corrective Services

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