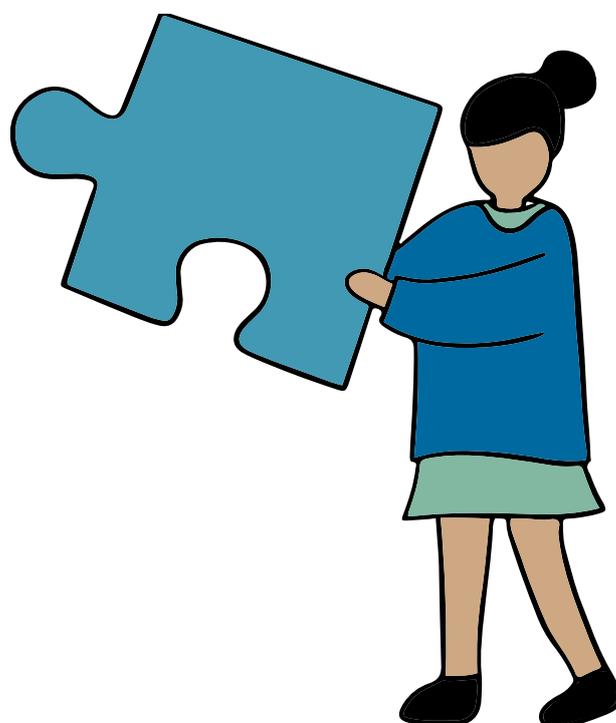


DVNSW Recommendations for the Statutory Review of the *Victims Rights and Support Act 2013*

July 2022



D O M E S T I C
V I O L E N C E
N S W

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Acknowledgement

This report was written on the stolen and unceded lands of the Gadigal People of the Eora Nation. We pay respects to the Elders past, present and emerging.

Domestic Violence NSW would like to acknowledge Aboriginal and Torres Strait Islander people across the breadth and depth of Australia. We recognise that Aboriginal and Torres Strait Islander people have lived and cared for Country for over 65,000 years and continue to do so, honouring ancestors and knowledge holders within community, and observing ancient cultural practices.

We would like to recognise the impacts of colonisation and the ongoing systemic racism and oppression that is still present within institutions and the broader community.

We acknowledge the strength and resilience of Aboriginal and Torres Strait Islander people and hold their stories with great care.

We concede that Aboriginal and Torres Strait Islander women are at the highest risk of sexual, family and domestic violence compared with other women in Australia. We acknowledge that domestic and family violence are not part of Aboriginal culture.

Domestic Violence NSW work to position ourselves as allies, to walk alongside, to listen, to give our voice and strength, to respect, to never forget and to learn from past mistakes.



About Domestic Violence NSW

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Domestic Violence NSW (DVNSW) is the **peak body for specialist domestic and family violence (DFV) services in NSW**. We have over 125 member organisations across NSW. We work to improve policy, legislative and program responses to domestic and family violence and to eliminate DFV through advocacy, partnerships and promoting good practice.

DVNSW members represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence. They are non-government-funded organisations. Our member organisations include crisis and refuge services, transitional accommodation and community housing providers, family support services, Aboriginal controlled organisations and specialist CALD organisations, specialist homelessness service providers, men's behaviour change programs and networks, community organisations working with high-risk communities, specialist women's legal support services, women and children's support services, and Safe at Home programs.

DVNSW gives the NSW Department of Communities and Justice permission to publish this submission publicly.

This submission is representative of DVNSW's 130+ member services.

DVNSW endorses the NSW Women's Legal Service submission and recommendations in full.

Executive Summary

Domestic Violence NSW (DVNSW) thanks the Department of Communities and Justice for the opportunity to comment on the Review of the *Victims Rights and Support Act 2013*. We recognise the important role of the Victims Support Scheme in the recovery of victim-survivors following trauma. However, in order for the scheme to appropriately support victim-survivors of trauma, it must prioritise a trauma-informed, survivor centric, and culturally safe approach in its practices, policies, and guidelines. DVNSW recognises that domestic and family violence (DFV) requires a comprehensive and integrated professional response that places those affected by domestic and family violence at the centre of the response, prioritises their safety, and enhances their ability to make informed decisions. As such, access to support following trauma is essential to our collective goal of the elimination of DFV in Australia.

When asked about the importance of the Victims Support Scheme for victim-survivors, DVNSW members reported that the scheme was Very Important (n=61, 98%) or Important (n=1, 2%). In consultations, member services stated they receive positive feedback from victim-survivors with successful applications, specifically noting victim-survivors felt empowered and believed when provided with support through the Victims Support Scheme. For victim-survivors, these services are often needed to reach and maintain a safe living environment. While DVNSW would like to highlight the importance of the Victims Support Scheme, it is essential to note that the challenges victim-survivors face in accessing the scheme can be disempowering and discourage the difficult and courageous decision to seek help and safety following trauma.

DVNSW member services have a strong interest in advocating for a trauma-informed, survivor centric and culturally safe approach to the Victims Support Scheme. When surveyed, a majority of DVNSW members (n=43, 69%) reported that they support clients with Victims Services claims, on average, more than once per week. Our members continue to highlight the great amount of time required of services to gather supporting evidence for Victims Support applications. One DVNSW member specifically noted:

"I have 14 clients alone, 10 of whom are eligible for victim services but with the new process, it means I am spending most of my time working on gathering evidence and writing support letters when I really need to be focused on rehousing, education and employment."

DVNSW are of the continued concern that the changes implemented 1 July 2020 regarding the collection of documentary evidence places an unwarranted burden on specialist domestic and family violence services, other services working with victim-survivors of trauma, and victim-survivors themselves. It is essential that Victims Services returns to collecting evidence or funding services to complete this work, to reduce the risk of re-traumatisation for victim-survivors and increase the capacity of specialist services for other essential support for victim-survivors.

As a government organisation with the goal of supporting victim-survivors, it is essential that Victims Services maintains transparent and accountable. The processes associated with applications, decisions, and communications should be informed by feedback on comprehensive data to support a trauma-informed, survivor centric and culturally safe approach. The scheme should therefore reflect the prioritisation and consideration of victim-survivor needs, as informed by feedback of victim-survivors and advocates in the sector.

In March 2021, DVNSW expressed concern that the changes implemented to Victims Services NSW in June 2020 were not trauma and violence informed, as well as disappointment in the lack of

consultation regarding the changes (Domestic Violence NSW, 2021). DVNSW continue to recommend the prioritisation of consultation mechanisms and consults prior to decision making. It is essential that any changes to the Victims Support Scheme are preceded by comprehensive consultation with the sector. Consultation serves as an important method to ensure the processes involved in the scheme are both effective and appropriate for the victim-survivors wishing to access support. These consultation mechanisms should ensure the Commissioner Victims' Rights, Victims Services and victim-survivors and their advocates work collaboratively to ensure a trauma informed, culturally safe response to victim-survivors and so victim-survivors can access the support they need.

It is integral that the Victims Support Scheme allows for victim-survivors of trauma to access the support available, with assistance as needed throughout the application process. The Victims Support Scheme is essential for supporting the wellbeing of victim-survivors and promoting a safe environment for recovery from trauma. DVNSW encourages the recommendations outlined in this submission are implemented to improve the ability of the *Victims Rights and Support Act 2013* to ensure that victim-survivors have access to timely financial support for immediate needs and economic loss, counselling services, and that the traumatic experiences of victim-survivors are recognised and acknowledged.

Key Recommendations

This submission has 92 total recommendations, our key recommendations are:

1. Ensure all aspects of the Victims Rights and Support Act are enacted in a trauma-informed, survivor centric and culturally safe manner.
2. Simplify identity checks.
3. In circumstances of sexual, domestic and family violence and modern slavery, legislate a presumption not to pursue restitution unless the victim-survivor elects Victims Services pursue restitution.
4. Improve access to high quality counselling for victims of crime eligible under the act with guidance from the DFV sector and people with lived expertise.
5. Improve access to Immediate Needs Support Package (INSP).
6. Improve access to economic loss payments.
7. Provide greater recognition of domestic violence, including child abuse and sexual violence and modern slavery, through higher recognition payments. These payments should increase in value and the scheme's current categories should be shifted to higher categories.
8. Consult with victim-survivors, the Victims Advisory Board and Victims of Crime Interagency to simplify the application process and ensure use of plain English.
9. Remove all time limits for applying for Victim Services for victim-survivors of sexual, domestic and family violence (SDFV) as well as victim-survivors of modern slavery in relation to Victims Support applications.
10. Expand eligibility for Victim Support to high-risk victim-survivors.
11. Ensure procedural fairness of the Victims Services process.
12. Amend the act to ensure procedural fairness in the review process.
13. Update reporting practices, policies, and guidelines to increase transparency and accountability of Victim Services.
14. The Victims Rights Commissioner prioritises consultation mechanisms and consults prior to decision making.

Methodology

In drafting this submission DVNSW conducted two focus groups and an online survey. On 7 June 2022, Domestic Violence NSW consulted with fifteen DVNSW members regarding their experiences with Victims Services. On 21 June 2022, Domestic Violence NSW consulted with twelve WDVCS workers regarding their experiences with Victims Services.

DVNSW created a survey which was open from 20 June 2022 to 27 June 2022. Sixty-two DVNSW members responded to the survey, with an average time spent completing the survey of 8 minutes. The survey was a mixture of 4 open questions, 10 multiple choice questions, and 7 multiple choice questions, with the option to expand upon an answer in a free text box. The quantitative data was analysed through univariate analysis, and the qualitative data was analysed through thematic analysis.

A note on terminology

In the specialist domestic and family violence sector, the preferred term is victim-survivor. DVNSW notes that the justice sector and legislation use the term victim. In this submission, although used interchangeably, the emphasis has been placed on the term victim-survivor, with victim used at times particularly when discussing the justice system or legislation.

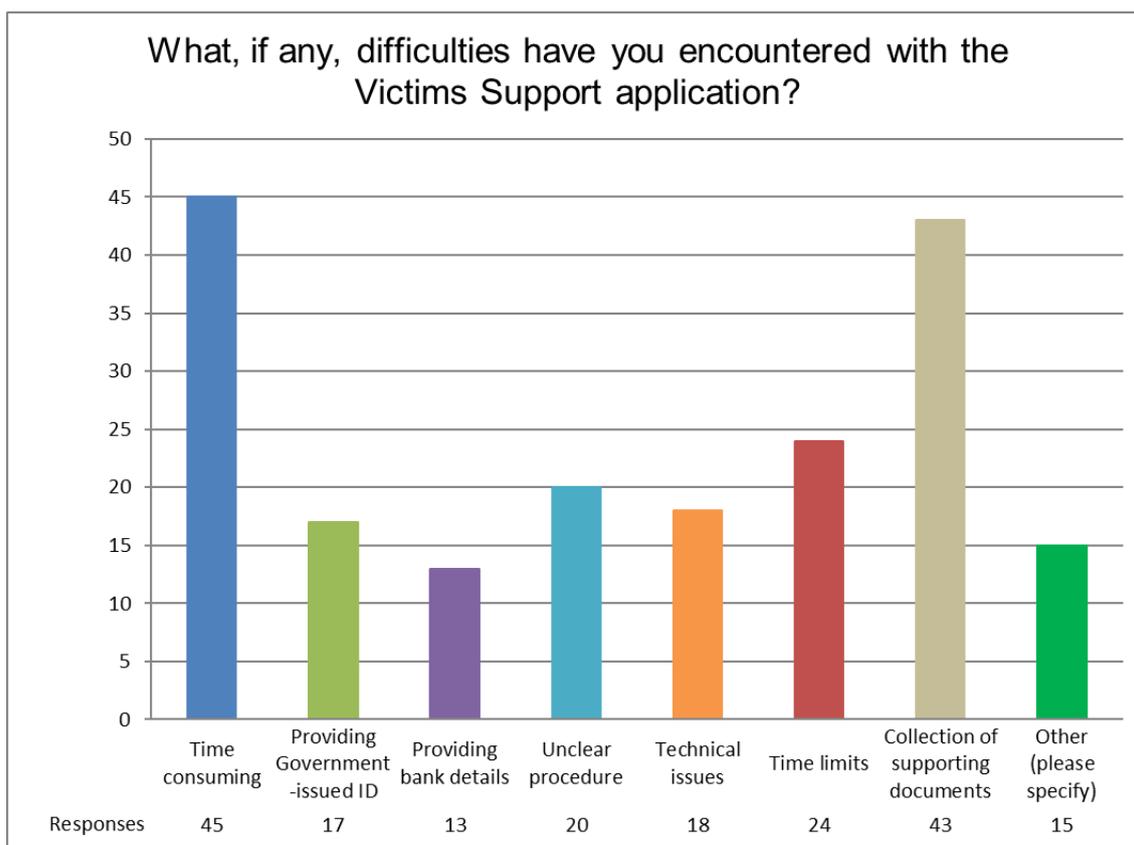
Trauma-informed, Survivor Centric Approach

Recommendation 1: Ensure all aspects of the Victims Rights and Support Act are enacted in a trauma-informed, survivor centric and culturally safe manner.

The process by which victim-survivors access services through the Victim’s Support Scheme should uphold a trauma-informed, victim-survivor-centred approach. It is essential that this process does not exacerbate trauma for victim-survivors seeking support. Research shows that a trauma-informed approach in the delivery of services provides victim-survivors with empowerment and support in the recovery process following a traumatic experience (Wilson et al., 2013).

The NSW Charter of Victims’ Rights highlights that victims of crime have the right to, “be treated with courtesy, compassion, cultural sensitivity and respect for your rights and dignity” (Victims Services, 2016, p.1). Consistent with this right, victim-survivors should not experience further trauma due to any processes required to access the Victims Support Scheme.

When asked, DVNSW members selected a number of ways in which the changes made on 1st July 2020 have affected clients. Most frequently members expressed concerns that applications are time consuming (73 %, n=45), that the requirement that victims and their workers must collect their own supporting documents is a barrier (69%, n=43), and the time limits are a barrier (39%, n=24).



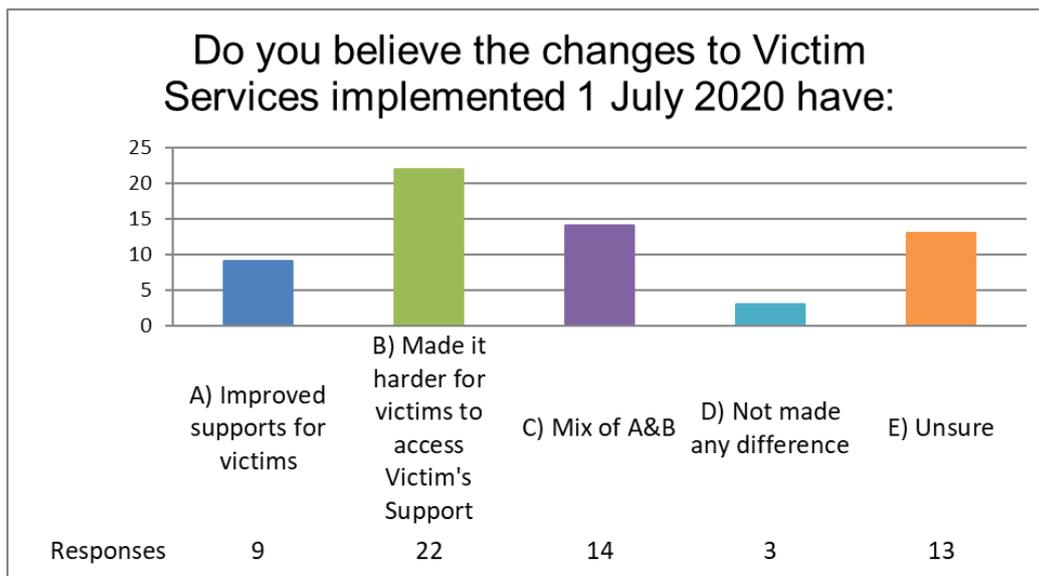
Some members expanded on these points:

There is some double up of information on the primary application and the INSP form.

DVNSW Member

<i>Multiple forms to be completed for different supports.</i>	DVNSW Member
<i>Crisis/trauma from DV prevent victim-survivors from following steps.</i>	DVNSW Member
<i>Not having a police event number, because no report was made to police.</i>	DVNSW Member
<i>Finding it hard to prove they are a victim of crime, with only a support letter from a DV Specialist.</i>	DVNSW Member
<i>If one item is missing the entire application needs to be recompleted and resubmitted.</i>	DVNSW Member
<i>When clients fill out their own applications, as they don't know "the language" and what is required they can inadvertently misconstrue evidence required or information. I have had applications denied only when they do the paperwork themselves.</i>	DVNSW Member
<i>Process very difficult to follow for clients with low literacy, disabilities and low-tech skills.</i>	DVNSW Member
<i>The workflow of the claim isn't automated or linked.</i>	DVNSW Member
<i>Loss of documents and having to start the process over again.</i>	DVNSW Member
<i>Multiple back and forths around having to prove consent from clients.</i>	DVNSW Member
<i>The biggest issue is around having to prove dangerous and violent behaviours that were not physical assaults on the DV survivor. We are finding that unless there is full on physical violence women are being declined.</i>	DVNSW Member
<i>Requiring signatures, we cannot do this.</i>	DVNSW Member
<i>Impact on service to support client in doing the above, not being a trauma informed practice making the victim responsible to get the evidence to get support.</i>	DVNSW Member

Further, 36% of respondents (n=22) indicated they believe the changes to Victims Services implemented 1st July 2020 have made it harder for victim-survivors to access Victims Support.



This submission provides a variety of recommendations aimed to simplify the process of applying for support under the Act, including simplifying application forms, offering additional supports to victims of crime who have not reported to police and ensuring either the sector is resourced to support victims of crime or Victims Services resume undertaking this.

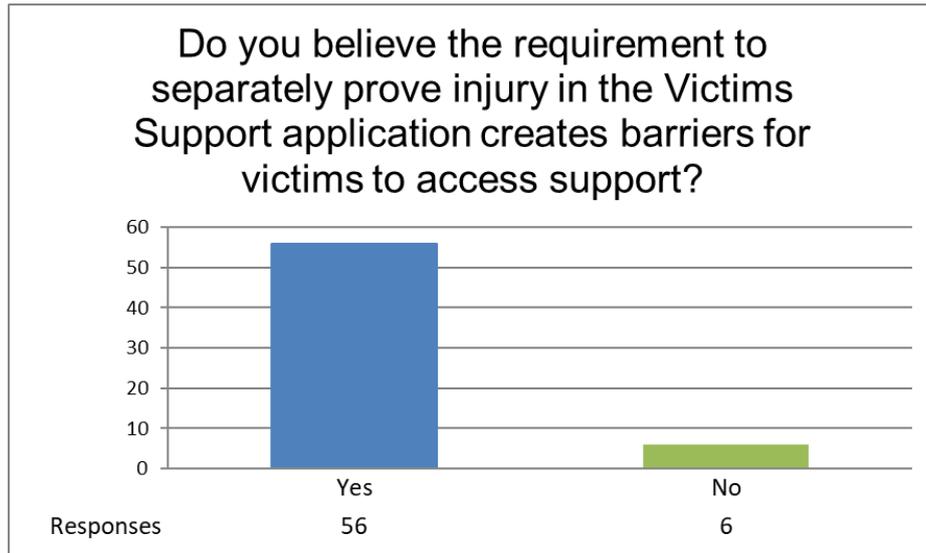
Documentary evidence

Recommendation 1a: Remove the requirement to separately prove injury in Victims Support Scheme applications.

Currently Victims Support applications for a recognition payment and financial assistance for economic loss require two separate pieces of evidence. These include one piece of evidence to prove an act of violence occurred and a separate medical or counselling report to prove injury. This process is traumatic for victim-survivors because of the need to repeatedly share their experiences of violence and a worry that the level of injury will be insufficient, and their story not believed. Collecting different forms of evidence also takes time, energy and resources.

The sector has not been able to ascertain a legal need for this requirement and see it largely as a carryover from the old Victims Compensation Scheme. In the previous scheme, there was a range for payment where applicants were required to show severity of injury to be awarded a higher payment. The Victims Support Scheme is different and generally does not require applicants to prove severity of injury. Therefore, the fact that the act of violence occurred should be enough, and the removal of the requirement to separately prove injury should apply for all acts of violence. The harm of violence is well known and does not require individual proof of harm. This suggested approach is both trauma-informed and efficient and will reduce the cost of administering the scheme.

When asked about the requirement to separately prove injury in the Victims Support application, 90% of respondents (n=56) believe the requirement to separately prove injury in the Victims Support application creates barriers for victims to access support.



Many respondents provided additional commentary.

“It re-victimizes clients having to collect the info again. It also makes a tremendous amount of work for the case worker.”

DVNSW Member

“I feel that having a Certificate of Injury to be filled in by a counsellor or doctor is an obstacle for clients. Often, we have clients who have never reported the violence to police or their doctors before, so it is retraumatizing for clients to have to re-tell their story to a doctor.”

DVNSW Member

“Further traumatising incurred by having to seek evidence through multiple sources and repeat what has happened to them.”

DVNSW Member

“It’s a traumatic experience for the victim to have to keep re-telling their story and the turnaround time, especially for the recognition payment is absolutely disgusting.”

DVNSW Member

“Having to keep telling the details of their trauma experience with no guarantee of a desired outcome.”

DVNSW Member

“In my experience, some women on temporary visas are less likely to seek medical support as a result of language barrier, or knowledge of services available. Also, a huge lack of culturally appropriate services in general. This means collecting evidence is that much more difficult.”

DVNSW Member

Case Study 1

MRS. H (name has been changed)

Rejection of Second INSP and Recognition Payment due to lack of Doctor or Counsellor Letter

A member service supported Mrs H to apply for a second INSP for security cameras only, as well as a recognition payment. Photos were attached of the security cameras already installed, and letter from electrician to explain that 5 out of 6 cameras have been smashed by the defendant.

Victim Services rejected both. Their response was highly contradictory and lacking any kind of trauma-informed approach. See below text from the correspondence.

14. For Mrs H to be considered eligible for victim Support, the documentary evidence must establish that she was a victim of an act that apparently occurred in the course of the commission of an offence, which involved violent conduct and has resulted in injury (physical or psychological). When all of these elements are established, she is considered to be a primary victim of an act of violence.

15. Documentary evidence must be provided together with the application for victim Support (s.39). For financial support for economic loss or a recognition payment, the following documents are required:

- 1) a police report or a report of a Government Agency or any other agency that provides support services to victims of crime;*
- 2) a medical, dental or counselling report verifying the primary victim has been injured as a result of the act of violence.*

*24. While I am satisfied the letter from [worker] of [service] is sufficient to establish that Mrs H was the victim of an act of violence on [date] involving threats and intimidation by the offender which caused her mental harm, a medical or counselling report has not been provided to verify this. Accordingly, the documentary evidence requirements for approval of a recognition payment have not been met, and Mrs H's application for a recognition payment is therefore **dismissed**.*

*35. The evidence **establishes that Mrs H was the primary victim of an act of violence.***

*36. As the documentary evidence requirements for approval of a recognition payment have not been satisfied, Mrs H's application for a recognition payment is **dismissed**.*

*37. As evidence substantiating how Mrs H spent her previous grants of financial assistance has not been provided, a further grant of financial assistance for security cameras is **not approved**.*

The DVNSW member who provided this case study advised, "The requirement that victims see a doctor or psychologist has absolutely no basis in any academic, medical, or sector research. It is highly common for victims to not seek these forms of assistance for perhaps years, if at all, following violent victimisation. It is not the place of a government agency to demand victims do so and punish them by not providing support if they do not." The impact of the process of applying and being rejected for Victim Services on the victim-survivor herself was substantial, causing significant stress, worry and distress.

Recommendation 1b: Victims Services returns to collecting evidence or funds services to undertake this work and reimburses services for associated costs.

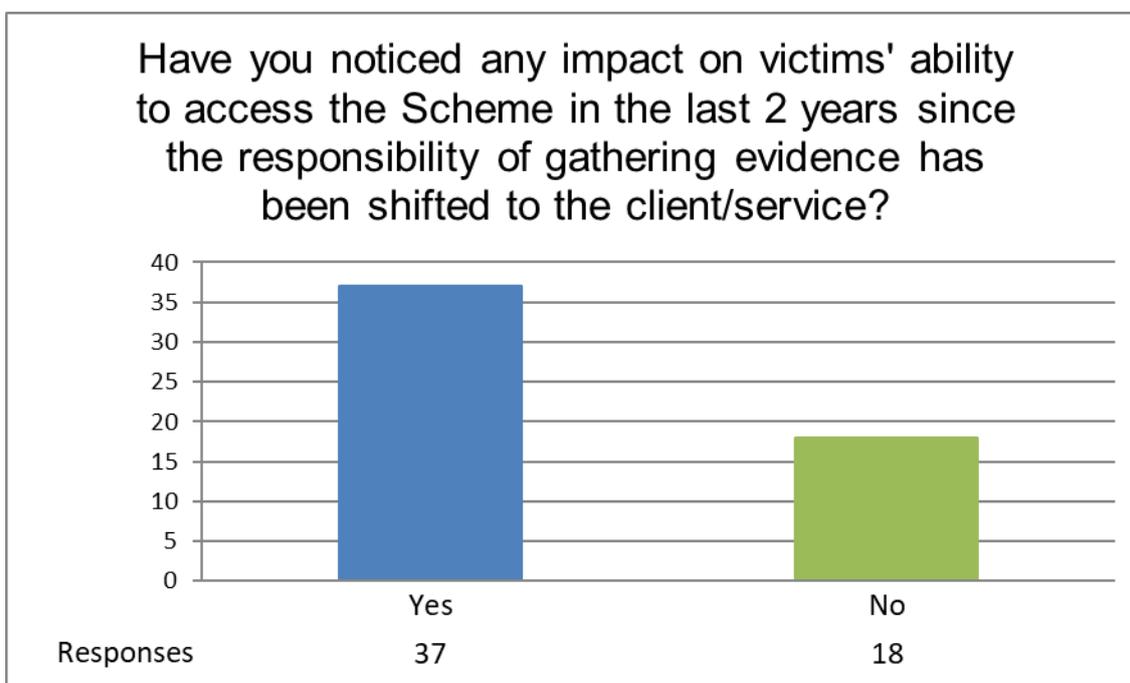
DVNSW are concerned that the current process for collecting evidence creates an unwarranted burden on specialist domestic and family violence services and other services working with victim-survivors of trauma as well as on victim-survivors themselves. As a part of the suite of changes that were introduced to the scheme in July 2020, Victims Services requires victim-survivors to collect their own evidence to support their application, primarily in relation to harm suffered as a result of the act(s) of violence.

“It is a hard to explain process that the victims have to go through to apply on their own. It is not an easy to read/complete application with a doubling up of information required that causes confusion.”

DVNSW Member

DVNSW believe that this shift has placed a significant and unnecessary burden on victim-survivors of trauma. Placing this burden on victim-survivors is contrary to the principles of trauma-informed practice. DVNSW holds concerns that applicants who are unrepresented and are unable to collect evidence without support may decide not to make an application or have their application dismissed without the evidence required. Victim-survivors may re-experience their trauma as a result of being asked to collect evidence to support their application. Additionally, applicants with additional accessibility requirements are disadvantaged such as people with disability, low literacy skills, or an inability to use or access the technology required. As such, DVNSW are concerned that this change has curtailed victim-survivors’ ability to access the scheme.

When asked if DVNSW members had noticed any impact on victims’ ability to access the scheme, 67% of respondents (n=37) noticed an impact on victims’ ability to access the Victims Support Scheme in the last 2 years since the responsibility of gathering evidence has been shifted to the client/service.



Feedback from DVNSW members on the impacts observed in the last two years highlighted the challenges victim-survivors and services face with the Victims Support application process.

“When clients fill out their own applications- as they don't know “the language” and what is required they can inadvertently misconstrue evidence required or information. I have had clients’ applications denied only when they do the paperwork themselves.”

DVNSW Member

“Process very difficult to follow for clients with low literacy, disabilities and low-tech skills.”

DVNSW Member

“Especially during COVID. Our clients do not have access to computers/ technology to complete the applications online, upload their ‘evidence’ etc.”

DVNSW Member

“Clients just won’t do the applications, unless case workers do them, because it’s too complex”

DVNSW Member

“Especially for clients who might have disabilities and those from NESB [Non-English-Speaking Backgrounds].”

DVNSW Member

Furthermore, feedback from the DVNSW survey and consultations illustrates the difficulties associated with requiring victim-survivors and specialist services to collect supporting evidence, and how they are consistently seen across all client groups.

As a representative body, DVNSW are concerned about the undue burden placed on services representing victim-survivors to collect all evidence. The shift in practice by Victim Services has moved the work of collecting supporting evidence to services such as Community Legal Centres and other support services, without the increased resources for services to provide that support. DVNSW understand that it is the intention of the Act for Victim Services to undertake this work and provide this support. If the NGO sector is expected to undertake additional work, they will require adequate resourcing to perform this work at an appropriate standard.

Recommendation 1c: Introduce wording to the Act on the right for victims to receive support enabling access to their rights under the act.

The Charter of Victims’ Rights expresses that victim-survivors have the right to access services and the right to respect (Victims Services, 2016). For victim-survivors to get access to services available through the Victims Support Scheme, it is essential they are supported in their applications to do so. To uphold victim-survivors’ right to respect, the Victims Support application process should minimise the risk of re-traumatisation.

Section 139 of the *Victims of Crime Assistance Act 2009* (QLD), describes the functions of the victim services coordinator. One of the legislated functions of the victim services coordinator is “to assist victims in obtaining information or assistance they need as a victim” (*Victims of Crime Assistance Act 2019* (Qld) s. 139). This role represents a trauma-informed, survivor centric approach to the design of Victims of Crime Assistance. DVNSW are in favour of introduced legislation in the *Victims Rights and Support Act 2013* that states Victim Services will assist victim-survivors in obtaining information and assistance they need as a victim of crime to ensure that these fundamental rights are enshrined in legislation.

Recommendation 1d: Legislate the standard of proof to a “reasonable likelihood” test, consistent with the National Redress Scheme for people who have experienced institutional child sexual abuse.

DVNSW members were asked what factors, if any, they felt created obstacles for victims to prove victimisation to the current standard of proof for the Victims Support application. The main themes that emerged were that some clients do not report to police, let alone have an ADVO, that many clients experience forms of violence other than physical violence, and the responsibility to prove victimisation unreasonably falling to the client. The majority of victim-survivors of domestic and family violence do not report to police (Australian Institute of Health and Welfare [AIHW], 2022), so alternate reports and evidence will be needed in a high number of cases. It is important that there are avenues for victims of serious crime who do not report to police to receive financial support and recognition.

“Only women have experienced physical assaults being approved however we know that not all dangerous and controlling DV behaviours are physical.”

DVNSW Member

“Only supports Victims who have made a statement to police.”

DVNSW Member

“Rigid and fixed definitions of violence that police and other organisations believe in, particularly for LGBTQ people experience[ing] domestic and family violence. Definitions to payments and nil consideration for coercive control.”

DVNSW Member

“Traumatised clients, that may not have been provided with an AVO, having to present to Police to access. Police can’t provide to workers. This responsibility falls on the client.”

DVNSW Member

“If there are no police reports of the incidents. Some women have never reported incidents because of fear of being hurt by the perpetrator.”

DVNSW Member

“I have encountered many women especially from culturally and linguistically diverse backgrounds who don’t report violence to police due to cultural barriers and control from family and community, so they don’t have AVO’s or police event numbers even though the DV has been extensive.”

DVNSW Member

“Victims that did not report to police because they did not realize it was abuse such as emotional, verbal and psychological abuse.”

DVNSW Member

“Providing proof that VS could access on their behalf (narrative, AVO, even ID linked to Services NSW) [is a burden].”

DVNSW Member

“It is especially difficult for those on temporary visas, those who are new arrivals and refugees. Sometimes there is a fear of reporting to police, and these will only report to services (if anyone)”

DVNSW Member

Conversely, The Royal Commission into Institutional Responses to Child Sexual Abuse recommended that the standard of proof for determining applications for redress should be ‘reasonable likelihood’ (Commonwealth of Australia, 2017). This recommendation followed a five-year inquiry on the matter with consideration of various standards of proof. The standard of proof for Victims Support applications should be legislated at the same level with a test of ‘reasonable likelihood.’ This would increase accessibility and decrease trauma for victim-survivors.

Recommendation 1e: The form of evidence to support a Victims Support application should not be prescribed.

The current evidence requirements to support a Victims Support application prescribe specific forms of evidence to include in the application. The feedback from DVNSW members showed that having a prescribed form of evidence required to support a Victims Support application is a barrier to accessing support. Due to the highly complex nature of domestic and family violence, evidence to support an application must recognize the diversity of circumstances among victim-survivors which lead to crimes occurring.

Identification documentation

Recommendation 2: Simplify identity checks.

Recommendation 2a: Remove the requirement to provide banking details at the time of application (i.e. in the application form) consistent with recommendation 3.6 of the final report of the Second Year Review of the National Redress Scheme.

The requirements to provide identification documentation and bank details prior to applying present barriers for many victim-survivors.

“Accessing government ID is often a timely process.”

DVNSW Member

“ID is always a huge barrier for Indigenous women.”

DVNSW Member

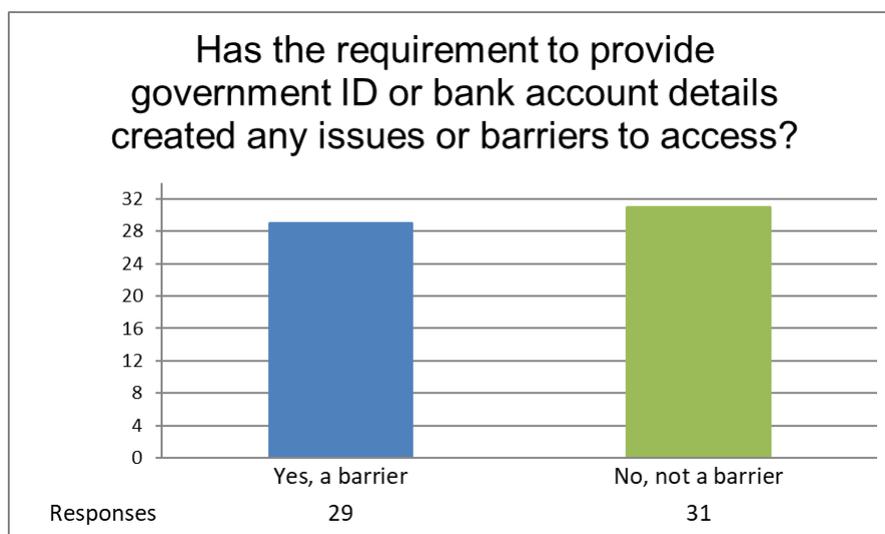
“Identification can be challenging to obtain once clients flee their home.”

DVNSW Member

If a victim-survivor is fleeing her home and forgets to pack any of her identification documents, it can be weeks or months until they are able to safely return to their home with police to collect them. If the person needs to apply for new identification documents and bank accounts, this can take a protracted time. This creates yet another barrier to accessing much needed Victim Support funding in a time of crisis.

DVNSW members were asked whether the requirement to provide government ID or bank account details has created any issues or barriers to access. While 52% (n= 31) of respondents reported that

the requirement was not a barrier, almost half (n=29, 48%) reported that they did view this requirement as a barrier for their clients.



Consultations with DVNSW members illustrated that these barriers tend to be for vulnerable and marginalised groups including First Nations people, people experiencing homelessness, transgender people (binary and non-binary), people who are incarcerated, as well as victim-survivors who have fled their homes to seek safety.

Further, financial abuse “is likely to exist within a pattern of psychological, physical and/or sexual abuse” (Sharp-Jeffs, 2015, p. 8). Research on the prevalence of financial abuse in Australia revealed that financial abuse is one of the most common forms of abuse, with each year almost 1 in 30 women experiencing financial abuse; noting this is almost certain to be understating the true prevalence (Commonwealth Bank of Australia, 2022). Providing bank details upfront may exacerbate financial abuse in a number of ways. First, a perpetrator may benefit from a Victims Support payment because there is a joint bank account, or the perpetrator has access to the account. In order for the victim-survivor to have the funds directed into her own personal account, a new account may need to be opened. This is yet another administrative task that the victim-survivor is required to carry out, delaying their application.

Second, generating debt, including through fraudulently impersonating the victim-survivor, force, or misinformation, is a common form of financial abuse (Sharp-Jeffs, 2015). As such, opening a new bank account may not be a simple process for the victim-survivor, as they may be required to navigate a number of processes within the banking system first. As a result of these factors, a victim-survivor’s bank details may change between the time of lodging an application and payment, which can cause complications when funds are due to be paid. Further, providing bank details upfront also implies everyone will be successful with their Victims Support application. Consistent with recommendation 3.6 of the final report of the Second Year Review of the National Redress Scheme, the requirement to provide bank details up front should be removed. Bank details should be provided after a successful determination.

Recommendation 2b: Victims Services enable applicants to provide identification documentation at a later time rather than at the time of application.

Providing government-issued identification is an obstacle to accessing support for victim-survivors who are fleeing violence or are experiencing homelessness. Often, victim-survivors do not have access

to their identification documents and are unable to easily obtain new copies. Whilst DVNSW understand the need to accurately identify people and prevent fraud, we suggest that there is flexibility in cases where identity documents have been lost or stolen, particularly in relation to the crime which has occurred, to enable swift access in particular to counselling and INSP.

Recommendation 2c: Victims Services allow the identification documentation requirement to be waived in appropriate circumstances.

These circumstances may include First Nations people, homeless people, and people who are incarcerated. Further, transgender people (binary and non-binary) who were born in NSW and who have not undergone gender affirmation surgery cannot update their gender markers on identity documents. This can cause challenges in having ID documents that match gender experience. It is important that these circumstances are considered in relation to the identification documentation requirement as to not create an obstacle for marginalised victim-survivors to access support.

Restitution

Recommendation 3: In circumstances of sexual, domestic, and family violence and modern slavery, legislate a presumption not to pursue restitution unless the victim-survivor elects Victims Services pursue restitution.

DVNSW is concerned that the current practice of pursuing restitution creates barriers for victim-survivors to access the scheme. While there are some cases in which victim-survivors feel restitution is an appropriate and safe form of accountability to the perpetrator, some victim-survivors fear that the perpetrator may retaliate if restitution is pursued. The current practice in which the Commissioner of Victims Rights has the discretion to pursue restitution does not allow victim-survivors to know whether restitution will be sought before submitting a Victims Support application. Victim-survivors should always be aware of whether restitution is being pursued.

Of the 66.6% of domestic and family violence victim-survivors who did not report the incident to the police, 21.2% reported it was due to fear of the person responsible (AIHW, 2022). This high proportion of victim-survivors who do not report the incident due to fear of the perpetrator indicates the need to consider the real risk of further violence involved in the current practice of pursuing restitution. The safety of victim-survivors of sexual, family and domestic violence and modern slavery should be of the utmost priority when considering whether restitution should be pursued. Allowing victim-survivors the option to elect whether restitution is pursued allows for certainty and safety throughout the process of seeking support. Victim-survivors should not be deterred from seeking the support available through the Victims Support Scheme due to fear of further violence.

“Retribution payment collection is putting victims at risk of further harm within the DV space. This practice works when the perpetrator is unknown/stranger but not when the perpetrator is a current or former partner and potentially will seek further revenge.”

DVNSW Member

“In cases of domestic violence, if the POI receives a custodial sentence, when victim services states that they would retribute the funding from the POI. This makes the client hesitant to apply and in certain cases I’ve seen clients unwilling to apply altogether due to concerns around increased risk from the POI... I believe DV victims should be exempt from this ruling under Victims Services as it just puts them at too much risk.”

DVNSW Member

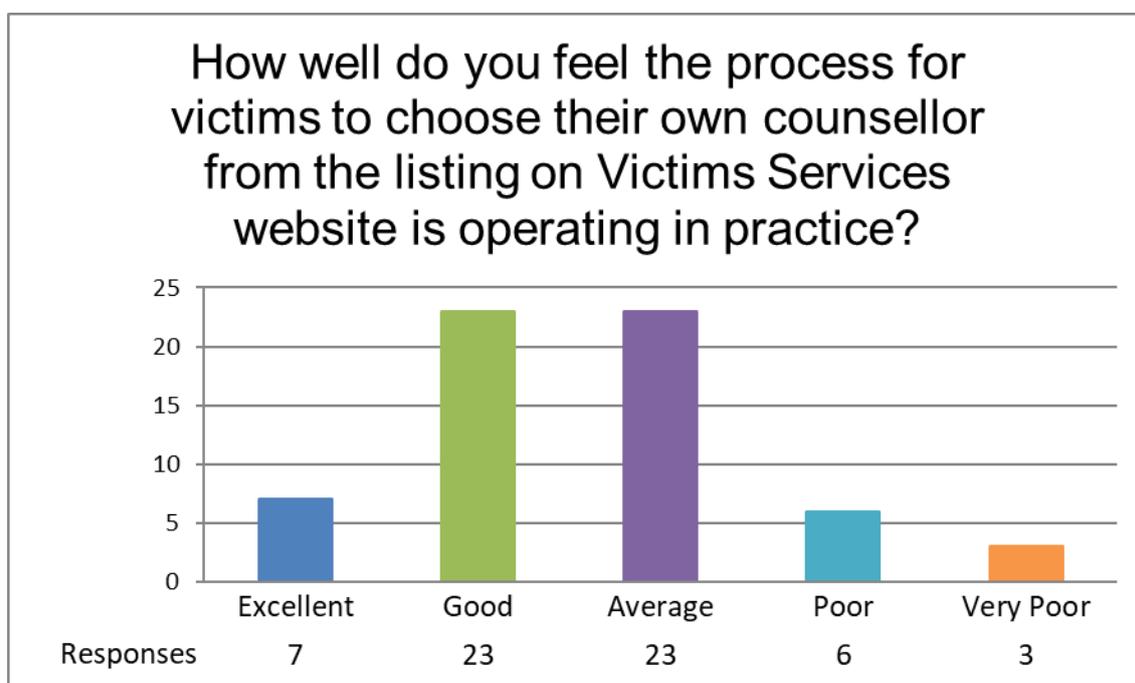
The practice of pursuing restitution should reflect similar considerations to that of the Department of Social Services regarding the collection of child support payments. To receive child support payments, the parent seeking benefits is required to take reasonable action to obtain maintenance, by communication with the other parent, to be eligible for family tax benefit (FTB). However, in cases of DFV, victim-survivors that are single parents are able to seek exemption from the maintenance action test due to the fear of violent reactions from the other parent (Department of Social Services, 2021). Similar to this practice, it is important that the pursuit of restitution by Victims Services considers the risk involved for victim-survivors and their families when collecting payments from perpetrators of.

Counselling

Recommendation 4: Improve access to high quality counselling for victims of crime eligible under the act with guidance from the DFV sector and people with lived expertise.

Counselling is a crucial service for many victim-survivors in recovering from trauma. It is important that the counselling victim-survivors access following violence support their recovery with a trauma-informed approach, appropriate to their individual needs. Trauma informed practice promotes the unique situations of each individual while prioritising safety and the prevention of further harm (Kezelman, 2014). The implementation of trauma informed practices decreases the number of re-traumatised victim-survivors due to a lack of knowledge and training of counsellors.

DVNSW members were asked how they felt the process for victims choosing their own counsellor from the listing on the Victim Services website is operating in practice. While 48% of members (n= 30) felt the process is working above average (Good, Excellent), a concerning number of DVNSW members (n=32, 51.62%) observed the process was working at or below an average level (Very Poor, Poor, Average).



Access to trauma-informed and culturally safe healing with qualified counsellors

Recommendation 4a: Actively increase the number of suitably qualified Victims Services approved counsellors available, including in regional, rural and remote areas. This includes counsellors who are culturally safe, disability aware, LGBTQIA+ aware, trauma informed, with expertise in working with particular priority populations, and expertise in domestic, sexual and family violence.

Consultation with members has demonstrated a common concern with the lack of counsellors accessible in regional and rural areas. These concerns highlighted more specifically the lack of qualified counsellors with availability to meet the needs of clients. It is critical that counsellors approved for the Victims Support Scheme are knowledgeable in trauma-informed care and working with victim-survivors of violence to reduce the risk of causing further harm.

“I believe there is only one Aboriginal counsellor in this LGA, First Nations clients say that counsellors want them to talk straight away, and they are not prepared to jump into these conversations. They find it confronting.”

DVNSW Member

“Clients who have a hearing impairment are unable to access a counsellor who can communicate using sign language (Auslan).”

DVNSW Member

“There are not enough counsellors in our region. Women are having to use telecommunication for counselling which isn’t always conducive for dealing with trauma.”

DVNSW Member

DVNSW recommend that the availability of trained counsellors is reviewed, including identifying measures which could increase the number of counsellors in regional and rural areas, for example increasing the fee in those areas, or providing additional training and support. It is important guidance is sought from the DFV sector and people with lived expertise in order to respond to the needs of victim-survivors. Both the knowledge and experience of DFV services and victim-survivors are valuable for the implementation of successful services.

Recommendation 4b: Introduce open approval applications to suitably qualified organisations that have the required values, skills and accreditations to automatically qualify their employed counsellors.

“Family violence in LGBTQ families needs more recognition and support, including that of children experiencing physical assault from parents or any other forms of assault from kinship groups.”

DVNSW Member

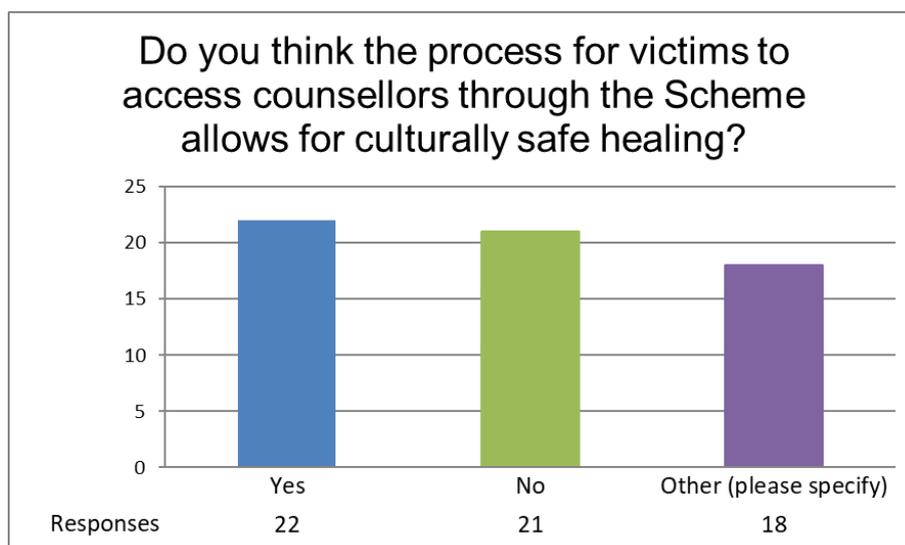
A suggested solution for the significant shortage of Victim Services counsellors is to open approval applications to suitably qualified organisations that have the required values, skills, and accreditations to automatically qualify their employed counsellors. There is not a shortage of qualified workers in the sector, but rather a shortage that are able to meet the rigorous standards of Victim Services approval. The primary relationship would remain with the organisation, not the individual staff members, but would increase the availability of quality, trauma informed counselling available through Victim Services. This would rapidly increase the pool of available counsellors, and significantly expand the various areas of expertise that are required for victim-survivors of domestic and family violence. As recognised by the member quoted above, minority groups in particular have different needs and require different recognition and supports. Victim Services can contribute to expanding support in this area by working with experts already qualified in the area.

Recommendation 4c: Provide access to culturally safe healing.

The Healing Foundation (2020) explains that healing can be supported by, “reconnecting with culture, strengthening identity, restoring safe and enduring relationships and supporting communities to understand the impact that their experiences have had on their behaviour and create change” (p.1).

When asked if DVNSW members felt the process for victims to access counsellors through the scheme allows for culturally safe healing, only 36% of survey respondents (n=22) believed it is, with 34% (n=21)

and 30% (n=18) feeling the process did not allow for culturally safe healing, or elected to leave other comments, respectively.



Of those who chose to select 'other' and leave feedback, members wrote the following:

“There should be investment in CALD women/programs for healing. Healing is different to everyone and some cultures the individualised therapeutic approach is not the best way to achieve good outcomes. This needs to improve.”

DVNSW Member

“Counsellors are not all culturally sensitive, nor are they always a good fit for our clients.”

DVNSW Member

“In my experience when assisting a CALD client, she was not able to access a counsellor who could communicate in her first language and understand the culture.”

DVNSW Member

It is crucial that First Nations victim-survivors, and those who are culturally and linguistically diverse (CALD) are able to access counselling under the Act. The purpose of counselling is to support victim-survivors through their recovery process following a traumatic event. Access to these services should not depend on a victim-survivor’s culture or first language. Further, these services should not exclude victim-survivors seeking healing outside of the predominant individual therapeutic approach. DVNSW suggests that a review is conducted to further understand the needs of culturally and linguistically diverse and First Nations Victim Services clients.

Recommendation 4d: Develop policy and procedures recognising the need to apply extended hours of counselling allocation up to 44 hours where appropriate with further extensions as required. The policy should ensure a presumption in favour of approving the application.

Currently, victim-survivors of violence can apply for an initial 10 hours of free counselling, and an additional 12 hours upon a counsellor’s recommendation. However, to receive more than 22 hours of counselling, there must be exceptional reasons for continued counselling. Research shows that the length of treatment necessary following trauma varies by individual.

The American Psychological Association [APA] (2017) expresses that treatments over the course of longer periods of 20 to 30 sessions achieve greater symptom remission and increased confidence of patients. Victim-survivors should have the option to apply for additional counselling hours as needed through the Victims Support Scheme. It is crucial to understand that the recovery process following trauma is different for each individual and the options to access counselling should reflect the differing needs of victim-survivors. As will be explored further below, understanding the individual nature of recovery also extends to time, with time-limits imposed by Victim Services detrimental to many victim-survivors. A victim-survivor should not be deterred from accessing counselling in the case that it is needed.

Recommendation 4e: Remove the two session “no show rule” so that victim-survivors who are unable to attend appointments for reasons beyond their control can continue to receive counselling.

The current two session “no show rule” allows the Victims Services Approved Counsellor to decline further appointments with a victim-survivors following two missed appointments. The Victims Services Operating Guidelines for Approved Counsellors advises counsellors that continuation of counselling with clients who have missed two sessions is the counsellor’s “own risk or expense” (Victims Services, 2021, p.7).

Victim-survivors may miss counselling appointments for a variety of reasons, many of which are beyond their control. When a client misses an appointment for reasons they are unable to control, they should not be punished with termination of counselling services. Rather, there should be more understanding of the circumstances each victim-survivor faces before the automatic decision is made to remove their access to needed services. This would require Victim Services to continue to remunerate counsellors, even when clients do not attend their sessions, which should not lead to the client ‘losing’ one of their entitled sessions.

Recommendation 4f: Increase access to counselling for victim-survivors of crime while they are in custody.

“Having worked with inmates in previous positions, I am aware of how difficult it is for them to access mental health supports”

DVNSW Member

Research consistently demonstrates that ‘victim’ and ‘offender’ do not exist as a binary, but rather have considerable overlap, with many victim-survivors occupying one or both positions at numerous different times (Tillyer & Wright, 2014). As a result, up to 90% of women in custody have experienced abuse, many of whom are the primary victims (Australia’s National Research Organisation for Women’s Safety [ANROWS], 2020). Among other services, these women need to have access to mental health services whilst incarcerated to ensure they have the appropriate supports upon release. Removing counselling services for victim-survivors in custody not only halts their progress, but also furthers their stigmatisation and shame.

Recommendation 4g: Reinstate funding for group work in NSW. Individual counselling is not a substitute for victims wishing to benefit from facilitated peer support group work.

Many victim-survivors wish to benefit from facilitated peer support group work. While individual counselling is often a crucial component of recovery, it does not substitute group work for those who choose to participate. Facilitated group work allows for victims to engage in counselling in a safe, supportive space alongside peers with similar understandings of traumatic experiences. Often victim-survivors of family and domestic violence are removed from their support systems. The opportunity

to engage in group work promotes feelings of community, as well as shows individuals they are not facing traumatic experiences on their own. This form of therapy has been found to be effective both in empirical research (Nisbet Wallis, 2002) and anecdotally. Survivors and Mates Support Network (SAMSN) have collated dozens of compelling testimonials, all of which detail the benefit of speaking with others who truly understand what they're experiencing, because they have experienced it too. It is important to note that DVNSW is calling for the funding for group work to be reinstated, independent of any other counselling entitlements.

Victims Services Approved Counsellors

Recommendation 4h: Provide more information to victim-survivors about the qualifications and expertise of counsellors.

When choosing a counsellor, victim-survivors should be able to get information on the qualifications and expertise of individual counsellors in order to find one that best suits their individual needs. While the counsellor portal lists the experience of each counsellor, the descriptions are very vague and repetitive. For example, 'domestic and family violence' does not indicate what part of the broad spectrum of DFV the counsellor is most experienced in. The portal also does not detail the types of therapy used, such as DBT therapy. Victim-survivors should be provided with more information about a counsellor so they can make an informed decision about what the clinician is right for them, rather than having to try numerous different counsellors until they find the best fit.

Recommendation 4i: Ensure that Victims Services provides assistance to victim-survivors to access a counsellor when they request this help, and that help is easy to access.

The process of selecting a counsellor is important to find an individual who fits the needs of a victim-survivor. Throughout this process, a victim-survivor may require assistance in accessing counselling and it is essential that they are able to request and access this support easily. The obstacles associated with selecting a counsellor should not deter victim-survivors seeking counselling. While specialist services may assist some victim-survivors with the selection of a counsellor, not all victim-survivors are engaged with specialist services. Therefore, it is essential that all victim-survivors are able to readily access this support via Victims Services.

Recommendation 4j: Victims Services reviews approved models of counselling philosophy to ensure holistic approaches are employed along with the other values and requirements for appointment.

It is important that Victim Services reviews the philosophy of counsellors and the quality of interventions utilised. Victim Services must ensure that counsellors are not insisting that clients only speak about what the counsellor deems to be their reaction to the "Crime Event". Trauma informed practice and models of counselling philosophy understand reactions to trauma are complex and must be treated in a holistic fashion. Further, for many victim-survivors, domestic violence did not start and end with the most recent relationship. They may have been victimised previously, some as early as childhood.

Recommendation 4k: Adequately remunerate Victims Services Approved Counsellors.

"A lot of Victims Services Approved Counsellors are steering away from providing [counselling through Victims Services] as an option because it is not financially viable or what they would be paid through other avenues."

DVNSW Member

The *Victims Rights and Support Regulations 2019* states that Victims Services Approved Counsellors are currently remunerated according to tiered categories. For 2021-22, the Australian Psychological Society provided members with a “suggested fee of \$267 for a 46-60-minute consultation” (Australian Psychological Society, 2021). The suggested rates are significantly higher than the Victims Services rate of \$120 per hour for Generalist counsellors tier 1 and \$144 per hour for Generalist counsellors tier 2 (Victims Services, 2021).

The payment amounts for Approved Counsellors should be raised to represent adequate payments according to the qualifications required and reflect the rates currently used in the counselling field. Increasing the remuneration of approved counsellors will allow the role to be more competitive with other remuneration (e.g., Medicare, Workers Compensation, EAP) and attract more counsellors to want to do this work. Having more Victims Services Approved Counsellors will increase accessibility for victim-survivors seeking qualified counsellors through the scheme.

Recommendation 4I: Victims Services to provide professional support (including vicarious trauma support) to counsellors and opportunities for professional development and training.

While it is standard practice for most counsellors or psychologists working in private practice to engage in their own self-care and manage vicarious trauma, providing counselling support to victim-survivors who are accessing the Victim Services Scheme is likely to be more traumatising than standard private practice work. As such, it is important that Victim Services provides additional support to ensure the sustainability of the scheme, due to the risk that counsellors may withdraw due to the psychological impact of DFV counselling.

An abundance of research finds that vicarious trauma for counsellors can be treated through training and education served as an effective method to aid in coping with challenging cases (Follette et al., 1994; Chrestman, 1995; Alpert & Paulson, 1990 as cited in Trippany et al., 2004). It is essential that the counsellors working with victim-survivors maintain good mental health in order to successfully support victim-survivors recovering from trauma. In addition, it is imperative to their own mental health that counsellors are able to access resources and support.

Financial Assistance

Financial support must be available for victim-survivors to assist them in escaping violence, and to ensure they are able to continue living without violence. The financial assistance often required for victim-survivors is to meet basic needs. Women who have reported experiencing violence more often experience the need for financial assistance, including the need for financial assistance in housing, employment and income and child support (Cortis & Bullen, 2016).

Between 1 July 2020 and 30 June 2021, Victims Services received 8,613 applications for financial assistance (including immediate needs, economic loss, and funeral expenses) under the Victims Support Scheme (NSW Parliament, 2021b). Of the 8,613 applications, there were 5,008 applications for immediate needs and 1,123 applications for economic loss that resulted in a dismissal. The number of dismissals for financial assistance has increased from the previous year significantly. Of the 8,447 received applications in 2019 to 2020, there were 3,888 applications for immediate needs and 874 applications for economic loss that resulted in a dismissal (NSW Parliament, 2021a). With only an increase of 166 applications for financial assistance received, data revealed a disproportionate increase in dismissals with 1,120 more dismissals for immediate needs applications and 276 more dismissals for economic loss. This data shows that financial assistance is becoming increasingly less accessible for victim-survivors seeking support through the Victims Support Scheme.

Financial assistance for immediate needs

Recommendation 5: Improve access to Immediate Needs Support Package (INSP).

For people experiencing domestic and family violence, financial assistance for immediate needs must be accessible to increase safety and wellbeing.

“A young woman was living with the POI, ended the relationship and reported DFV. She had been covering his costs for 6 months and had no savings, she needed to move ASAP to ensure her safety, but didn’t have the cash to cover bond and removalist. WDVCS applied for INSP, but the wait times are so long at the moment that she is still waiting... She had to wait an extra 14 days to move out and was living in constant fear.”

DVNSW Member

The example above illustrates the consequences of long wait times and difficulties in accessing financial assistance for immediate needs. This form of financial assistance is to aid in the immediate needs of victim-survivors to ensure their immediate safety. The packages available to support victim-survivors in their immediate needs must be accessible within a time frame appropriate to their needs.

Recommendation 5a: Victims Services adopts a more trauma informed approach to auditing of Immediate Needs Support Package – Domestic Violence (INSP-DV).

Victims Services have commenced auditing INSP-DV on a random basis and requiring provision of receipts before second and subsequent INSP claims are considered. In this process, there is little flexibility for victim-survivors to demonstrate how they have spent funds. Victim-survivors will often not have access to receipts as they have fled violence and left belongings and may have decided to spend the money on a different, more pressing need by the time the money became available. Victims Services need to provide other options for victims to demonstrate expenditure of INSP grants and allow flexibility. Alternative options for victims to demonstrate expenditure of INSP grants could include photos of additional security devices, a statutory declaration from the victim-survivor, or a

declaration from another party confirming how the funds were spent. Flexibility needs to be allowed in the expenditure. For example, a victim-survivor may have applied for an INSP grant for security cameras for her property. However, by the time the funds come through, she has ended up moving suburbs completely due to the threat the perpetrator posed, and, instead, needed to buy her children new school uniforms for the new school they are about to attend. Both of these are immediate needs, and both are for the victim-survivor and her children. Therefore, this change in priority due to the change in circumstances should not lead to the victim-survivor being penalised.

Case Study 2

MS. T (name has been changed)

Dismissal of Second INSP

A member service supported Ms T to apply for her second INSP for security upgrade on 12/01/22 due to serious DV assault. The defendant was arrested, and bail refused until Sept 22. Ms T had spent a significant amount of time over the last two years couch surfing and accessing temporary accommodation, often moving due to serious risk of harm due to the offender constantly tracking her down, causing hurt and harm and manipulating and coercing her to re-commence the relationship. Ms T also had to change banks on three separate occasions due to the POI coercing her into 'shared bank accounts'. Ms T had finally been able to sub-let from a friend and was seeking support from Victim Services to make the property safer.

Upon application, Victim Services responded:

It should be noted that under related claim [number], on [date from 2020], Ms T was approved \$5,000 under an INSP, to provide for rental assistance, household items and whitegoods / appliances. This was to assist Ms T in relocating to her current address in [location]. A condition of Ms T application for an INSP at that time was that she would retain proof of her expenditure of any INSP funds approved to her for a period of five years, and that she would produce such proof to Victim Services upon request.

On 19 January 2022, Victim Services emailed Ms T's representative, requesting proof of expenditure of the INSP funds previously approved to Ms T under the previous claim. This proof was requested in the form of receipts, invoices and/or tenancy agreements. On 31 January 2022, Ms T's representative responded to this request:

Ms T is unable to produce any receipts/invoices etc due to her moving several times since this the previous application. On occasions Ms T was couch surfing and accessing temporary accommodation. Ms T was often moving due to serious risk of harm due to the offender constantly tracking her down, causing hurt and harm and manipulating and coercing her to re-commence the relationship.

Despite this explanation, Victim Services replied:

Ms T is advised that it is the strict policy of Victim Services that documentary proof must be provided by applicants verifying that previously approved INSP funds have been spent for their intended purposes, before any subsequent INSP grants or financial support are approved. This is because Victim Services must account for the public funds approved to applicants and must verify that such approved funds are being appropriately utilised by applicants.

Even after appealing and providing submissions Victim Services still declined to assist Ms T, stating:

However, I do not accept this as a sufficient reason for the non-provision of any documentary proof in respect of how Ms T spent the funds previously approved to her. There are easily obtainable documents that Ms T would either have electronically available to her, or that remain available to her at this time. These documents include: a. Bank statements from the relevant period showing the deposit of the INSP funds, and the use of the monies for rental payments and the purchase of various household item and appliance purchases.

b. Proof of her tenancy of the [new] address, including a copy of her rental bond lodgement, tenancy agreement, rental ledger or at the very least, proof of her residence at the address (such as a utility bill).

*Given that no such documentary evidence has been provided, I am unable to independently verify that the previously approved INSP funds have been utilised for their intended purposes. Upon that basis, I am unable to approve any further INSP grants or financial support to Ms T at this time. Therefore, Ms T's current application for an Immediate Needs Support Package is **not approved**.*

Ms T does not have a tenancy agreement as she is sub leasing from a friend, and she has had to change banks on three separate occasions due to the POI coercing her into 'shared bank accounts'. This documentation is not easily accessible, and the requirements by Victim Services that traumatised and terrified clients somehow navigate these complex systems themselves after changes were implemented that meant Victim Services no longer needed to find this information, is unrealistic and cruel.

Recommendation 5b: Introduce Immediate Needs Support Package – sexual violence (following the success of INSP – DV).

The INSP should be expanded to include victim-survivors of sexual violence to enable them to secure their safety via the use of the INSP grant.

Recommendation 5c: Legislative amendments are made to enable Victims Services to pay third parties for *Government Information (Public Access) Act 2009* (access to information) expenses and other evidentiary requirements such as medical reports separate to financial assistance.

Such legislative amendments would allow case management services and CLCs the capacity to collect evidence on behalf of a victim-survivor, alleviating the stress on the victim-survivor.

Recommendation 5d: NSW to pilot enabling specialist trauma specialist organisations to administer INSP in-house.

DVNSW recommends that NSW consider enabling specialist organisations to be able to administer and approve INSP claims in house. This recommendation has been built upon the success of the [flexible support package system](#) in Victoria which, similarly to INSP in NSW, offer personalised responses that assist victim-survivors to access support and increase safety.

Financial assistance for economic loss

Recommendation 6: Improve access to economic loss payments.

The consequences resulting from sexual abuse, domestic violence, child abuse, child sexual abuse, and modern slavery often include the inability to attend work, for a variety of reasons directly related to

the violence experienced. Victim-survivors should not be further deterred from seeking safety following trauma due to the obstacles involved with accessing economic loss payments. Further, with financial abuse being one of the most common forms of abuse utilised by perpetrators to trap victim-survivors (Sharp-Jeffs, 2015), financial assistance for economic loss is imperative for enabling victim-survivors to facilitate independent economic stability.

Recommendation 6a: The type of evidence is not stipulated as this can be a barrier to access, for example, where the employer is the alleged perpetrator (e.g., modern slavery).

For applications for financial assistance for economic loss for actual loss of earnings, victim-survivors are required to provide “full particulars” of the economic loss. “Full particulars” include a statement from the employer confirming loss of earnings which include name and address of the employer and the period of absence from work. It may not be possible to obtain such prescribed documentary evidence. For example, in cases of modern slavery, the employer may be the perpetrator of violence for which a victim-survivor is seeking economic loss.

“Currently very difficult to prove financial loss, i.e., POI moves out and leaves client with large electricity bill or phone bill or rental arrears or other debts. In the past, Victims Services have declined support around this issue due to unable to prove. Maybe VS could consider a support letter from a financial counsellor evidence enough in this space.”

DVNSW Member

Recognition Payments

Recommendation 7: Provide greater recognition of domestic violence, including child abuse and sexual violence and modern slavery, through higher recognition payments. These payments should increase in value and the scheme's current categories should be shifted to higher categories.

Recognition payments are designed as a payment intended to recognize the trauma experienced by victim-survivors due to an act of violence or modern slavery. While there is no amount of money that could compensate for the traumatic experiences victim-survivors have undergone, the purpose of recognition payments is to acknowledge and validate these experiences. However, the current categories and award amounts for recognition payments do not sufficiently acknowledge the long-term consequences of trauma and ongoing abuse.

Under the NSW Victims Support Scheme, the payments available for victim-survivors are significantly lower than those offered through the previous NSW Victims Compensation scheme. Rather than placing the focus of such applications on the long-term consequences of sexual, domestic, and family violence, the scheme considers the act of violence. The categories also fail to consider cases of domestic violence which include ongoing abuse and multiple acts of violence. This categorisation fails to adequately acknowledge victims of domestic and family violence and the long-term impacts of such violence.

Greater recognition of domestic violence

Recommendation 7a: Choking, suffocation, strangulation or attempts to choke, suffocate or strangle should be specifically included at a minimum as a Category C recognition payment.

Any injury to the head or neck, including choking, strangulation, hitting, punching or kicking the head, neck, or face, or the banging of the head against the head, can cause brain damage (Montgomery & Ramirez, 2021). The study of brain injury due to domestic violence as a field is still in its infancy, however we do know that the ongoing impacts are wide-ranging and can severely impact the daily life of victim-survivors. This can range from headaches and fatigue to seizures, strokes, reduced cognitive functioning, and personality changes (Montgomery & Ramirez, 2021). We also know that the risks associated with strangulation are higher, with someone strangled by their partner being seven to eight times more likely to be killed by that partner (Sharman, Douglas, & Fitzgerald, 2021), and as such require adequate financial assistance to safely escape a violent partner. Therefore, choking, suffocation, and strangulation, and attempts to do so, should be specifically included at a minimum as a Category C recognition payment.

Recommendation 7b: Category B recognition payments should be expanded to include domestic violence involving violence that is one of a series of related acts.

Recommendation 7c: Better recognition of modern slavery through higher recognition payments.

Recommendation 7d: Acts of violence currently resulting in a Category B require a greater recognition payment and should be elevated to Category A (\$15,000).

There has been no increase in recognition payments since the Victims Support Scheme was introduced in May 2013.

Recommendation 7e: Payments need to be indexed annually and should not ever decrease despite indexation.

Access to the Victims Support Scheme

The Victims Support Scheme offers essential support to victim-survivors of sexual, domestic, and family violence, child sexual abuse and child abuse. Counselling and financial support are often necessary for people experiencing domestic and family violence to escape violent relationships and live a safe life without violence. Due to the importance of these supports in recovering from trauma, it is critical that the Victims Support Scheme is easily accessible for all victim-survivors of sexual, domestic, and family violence.

Simplifying application processes

Recommendation 8: Consult with victim-survivors, the Victims Advisory Board and Victims of Crime Interagency to simplify the application process and ensure use of plain English.

A significant number of DVNSW members commented on challenges for clients to undertake the application process themselves (See section titled "[Trauma-informed, Survivor Centric Approach](#)").

Members offered the following concerns about the application process:

"If one item is missing the entire application needs to be recompleted and resubmitted"

DVNSW Member

"The workflow of the claim isn't automated or linked."

DVNSW Member

"There is some double up of information on the primary application and the INSP form"

DVNSW Member

"There should be ONE Form!"

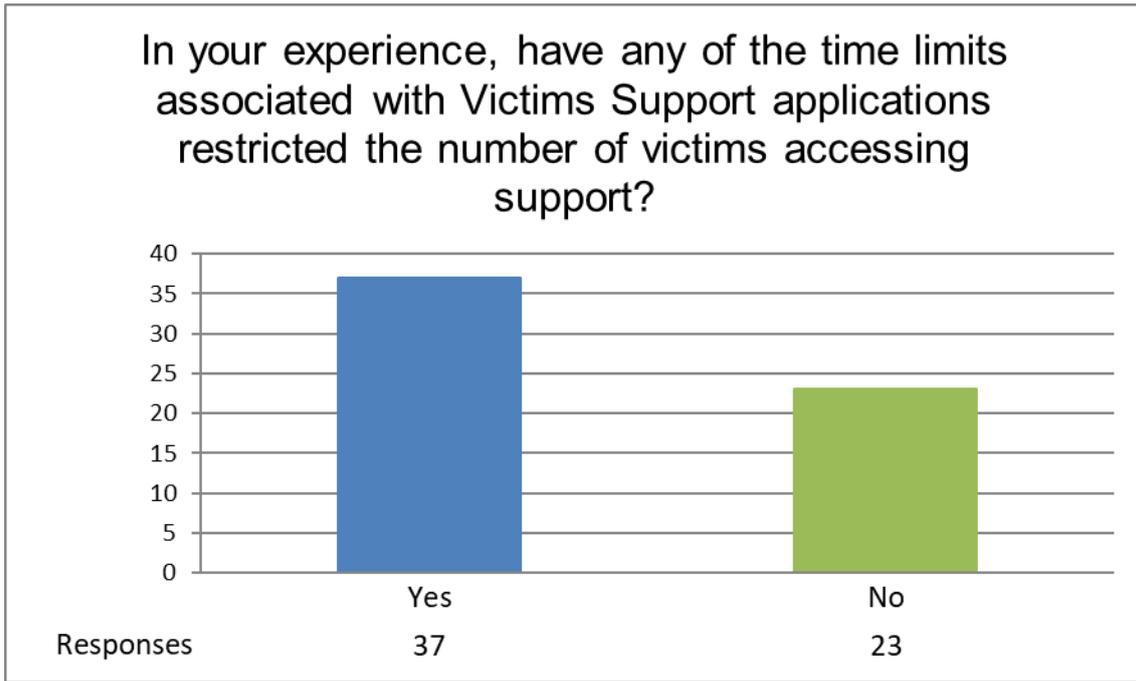
DVNSW Member

Victims Support application time limits

Recommendation 9: Remove all time limits for applying for Victim Services for victim-survivors of sexual, domestic, and family violence (SDFV) as well as victim-survivors of modern slavery in relation to Victims Support applications.

The current time limits on Victims Services applications present a barrier to accessing support. Victim-survivors often require time before reporting or disclosing victimisation and seeking assistance. The time that a victim-survivor takes to disclose a traumatic experience should not prevent their access to supports available.

When asked if any of the time limits associated with Victims Support applications restricted the number of victims accessing support, 62% of respondents (n=37) felt that it did.



“With DV there is a limit on time to act for services. Clients are trying to get their lives back together, applying for counselling, etc., is often put on the back burner while they set their family up again or just manage to get through the everyday life stressors.”

DVNSW Member

“2 years is not long enough for Domestic Violence victim-survivors. Many clients come to us after DV but weren’t even aware that’s what they were experiencing, and as a result, did not apply within the eligible timeframe.”

DVNSW Member

The feedback received through consultations and the DVNSW survey reflect the need to remove time limits for all Victims Support applications.

Recommendation 9a: Remove the upper time limits on recognition payments for victims of domestic violence, sexual assault, and child abuse as well as victim-survivors of modern slavery.

Research describes an abundance of reasons as to why victim-survivors may not identify they have experienced domestic violence, sexual violence, child abuse, child sexual abuse or modern slavery. These reasons are frequently associated with psychological or social impacts following traumatic experiences. Removing the time limits for these categories recognises the effect of trauma on victim-survivors accessing the scheme and ensures all victim-survivors can access the scheme.

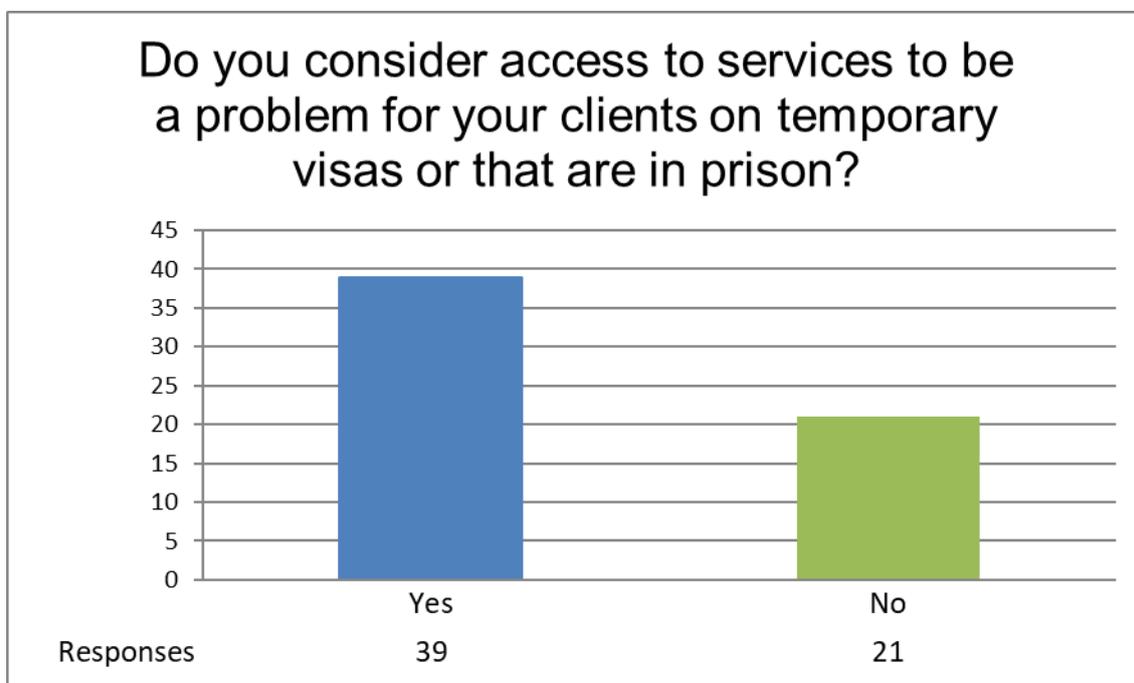
Recommendation 9b: Remove the 2-year time limit for financial assistance for victims of domestic violence, sexual assault, child sexual abuse and child abuse as well as victim-survivors of modern slavery including for loss of actual earnings and medical and dental expenses.

The long-term effects of an act of violence may not be identified within the two-year time limit for financial assistance, causing claims for financial assistance to often arise outside of this time limit. The time limits in the Victims Support Scheme should be removed to allow victim-survivors to access the Scheme when the claim arises.

Expanding eligibility to at risk cohorts

Recommendation 10: Expand eligibility for Victim Support to high-risk victim-survivors.

When asked if DVNSW members considered access to services to be a problem for clients of theirs who are on temporary visas or are in prison, a majority 65% (n=39) found that they were.



Recommendation 10a: Expand eligibility for Victim's Support to people who are victims of crime whilst incarcerated.

As explored in [Recommendation 4f](#), up to 90% of women in custody have experienced abuse, many of which are the primary victims (ANROWS, 2020). As such, many of the women in prison need to be able to access Victim Services and require extended timeframes to be able to do so. People who are incarcerated are not able to provide the evidence required while incarcerated, as they won't have access to their ID, may not have a bank account, and may not have consistent access to electronic or paper mail. People in incarceration also may not have access to the medical attention required to obtain the medical evidence. As such, Victims Services should collect evidence on their behalf for these victim-survivors in particular and remove time limits.

"Time consuming prison system does not allow time/resources to allow inmates to apply for Victims Services whilst incarcerated."

DVNSW Member

Recommendation 10c: Add a new Victims Support payment called a Disability and Domestic and Family Violence Crisis payment.

Support for victim-survivors with a disability is particularly important for victim-survivors of domestic violence, sexual violence, child abuse, child sexual abuse and modern slavery. DVNSW support increased support for people with disability. As such, we endorse the submission of People With Disability Australia and support this recommendation.

Ensure procedural fairness

Recommendation 11: Ensure procedural fairness of the Victims Services process.

Clear and explicit communications

Recommendation 11a: Victims Services informs applicants and/or their legal representatives and advocates in writing of the earliest date by which a matter will be determined.

Victims Services does not currently advise applicants or their representatives of the earliest date of when they will determine a matter. This has led to matters being determined prior to all supporting evidence being lodged, with applicants then required to seek an internal review of the decision to have their further evidence considered. The lack of due process can further traumatise victim-survivors. The issue is easily rectified by Victims Services informing the applicant when their matter is due to be determined and allowing the applicant the opportunity to provide further supporting evidence.

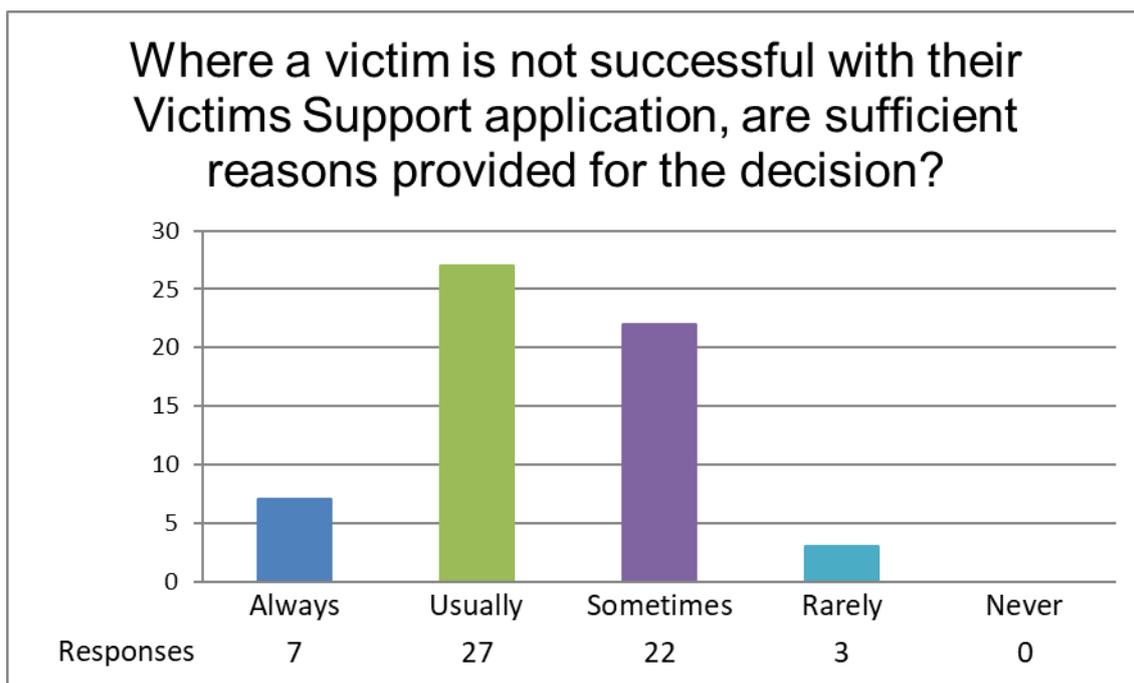
Recommendation 11b: Applicants and/or their legal representatives and advocates have access to all evidence upon which Victims Services relies to make a decision.

Victims Services is no longer able to provide applicants access to police records. This means that applicants are unable to address any issues arising from the police report of the act of violence, as they are not able to read the relevant report. On appeal to the NSW Civil and Tribunal, Victims Services do not automatically provide the police records as part of the evidence they relied on to make their original decision. Procedural fairness requires an applicant to be able to see the evidence relied upon for Victims Services to make their decision. Instead, a Notice to Produce is required to be issued, which causes delays in proceedings. This issue could be addressed by police allowing Victims Services to share police reports with the applicant/legal representative/advocate at no charge.

Recommendation 11c: Legislate the requirement for Victims Services to note all evidence considered and provide reasons for their decisions ensuring that decision-makers provide applicants with detailed information to justify their decision in plain English, and that the reasons outline the evidence relied upon to reach the decision.

Victims Services decisions are often brief and do not refer to the evidence considered in making a decision. It is often not clear if all evidence has been considered, as reasons for the decision are often not provided. This makes it difficult for victim-survivors to understand why a decision has been made, and also makes it difficult to appeal a decision (through internal or external review). It is also important decisions are in plain language so they can be easily understood.

When asked whether DVNSW members felt sufficient reasons are provided for a decision where a victim is not successful with their Victim Support application, only 12% of respondents (n=7) felt that Victims Services always provides sufficient reasoning for an unsuccessful application. 46% of respondents (n=27) indicated that Victims Services usually provides sufficient reasons for their decision in the case of an unsuccessful application. The remaining respondents felt that sufficient reasons are sometimes (n=22, 37.29%) or rarely (n=3, 5.08%) provided. DVNSW believes that victim-survivors should always receive sufficient reasons provided with an unsuccessful application decision for Victim Support.



Internal and external reviews

Recommendation 12: Amend the act to ensure procedural fairness in the review process

Recommendation 12a: Amend the Act to provide out of time provisions for internal review for all aspects of Victims Support or alternatively remove the time limit for internal review altogether.

The strict 90-day time limit for internal review can be a barrier. While victim-survivors may be informed they can seek a review, they may not understand what this means and what they need to do. Some may not seek legal advice until very close to the end of the time limit. There is discretion to apply out of time for external reviews, however, there also needs to be discretion to accept applications for internal review out of time. Alternatively, DVNSW suggest removing the time limit for internal review altogether.

Recommendation 12b: Amend the Act to ensure external review is available for all claims for financial assistance, including immediate needs.

Currently only decisions about recognition payments can go to an external review. All decisions should be able to be reviewed externally for transparency and fairness.

Recommendation 12c: Section 41A (lapsing provision) be reviewed and if it continues there be a legislative presumption that people applying for more time to provide evidence will be granted more time, particularly victim-survivors of domestic violence, sexual violence, child abuse, child sexual abuse, modern slavery as well as family victims.

Following the changes implemented 1 July 2020, the burden of collecting evidence to support an application now falls on the victim-survivor or service. Victims Services states that if supporting evidence is not provided within 12 months of lodging an application, an application will be closed.

If section 41A of the Act continues, more than 12 months should be provided to lodge evidence. It is important that there be a presumption to extend the time to provide evidence to support an application for Victims Support. This is particularly important for victim-survivors of domestic violence, sexual violence, child abuse, child sexual abuse, modern slavery, and family victims.

Case Study 3

MRS. B (name has been changed)

Denial of second VS application despite financial abuse

Mrs. B is a young Aboriginal Woman who lives in a remote community with the closest police station half an hour away. She had been in a relationship with the POI for 7 years on and off, which as a result they have two children (aged 2 and 5). A DVNSW member service supported Mrs. B to apply for financial assistance through the Victims Support Scheme following relocation to a new residence.

Mrs. B was most recently referred to the service from police following an answer of 'yes' to a question relating to strangulation. An AVO was taken out against the POI, who was unable to continue living at the same residence. He was then taken into custody and released on bail. The POI has extensive drug use concerns and unpredictable behaviours.

When speaking with Mrs. B, she disclosed a long history of violence that was unreported, including financial abuse. There had been previous police intervention some years prior. She previously received financial support for purchasing security cameras through Victims Services.

During conversations with Mrs. B, she disclosed that the POI took a large amount of money from her related to the POI's drug use and she had incurred a great amount of debt. As a result, in 2020 Mrs. B declared bankruptcy.

The member service then reapplied for support to purchase cameras because the POI had misappropriated the money. This application was declined.

Victims Services requested Mrs. B to provide receipts in relation to the previous successful application to prove purchase of security cameras. Mrs. B was unable to provide these receipts, as the funds had been misappropriated by the POI.

An appeal was put in stating that Mrs. B was a victim of financial abuse, did not have the cameras, and had relocated. The application was still further declined. Since then, the service has become aware that the POI returned to the property, further assaulted her, and their car was stolen.

The member service is providing Mrs. B with a ring doorbell camera through the support of an in-house service. The member service used brokerage for a client out of area, in order to provide Mrs. B with an option to increase her safety.

Victims of crime where the crime is unreported should still be eligible for access to the Victims Support Scheme. For victim-survivors, the need to appeal where further harm has been caused by the offender presents an increased risk of re-traumatisation. The case study above further highlights the need for provisions to be made in order for victim-survivors to access the INSP and increase their safety, independent of the status of previous claims.

Increase transparency and accountability

Recommendation 13: Update reporting practices, policies, and guidelines to increase transparency and accountability of Victim Services.

As a government organisation with the goal of supporting victim-survivors, it is essential that Victims Services maintains transparent and accountable. The processes associated with applications, decisions, and communications should be informed by feedback on comprehensive data to support a trauma-informed, survivor centric and culturally safe approach. There should also be publicly available service wide data available and reported upon annually for the broader community on the functions of Victim Services.

Transparency of policies and guidelines

Recommendation 13a: Require Victims Services or its managing agency or Minister to publish policies and guidelines they rely on to make decisions.

When surveyed, only 33% of respondents (n=20) believed that Victim Services assessors gave consistent assessments of applications, with the remainder answering no (n= 23) or unsure (n= 18). Further, not all members believed that sufficient reasons were provided when victims were not successful with their Victim Services application, with 42% (n=25) of respondents stating they believed sufficient reasons were sometimes or rarely provided.

However, when asked how often clients require a review of their Victims Support application after evidence is not fully or accurately considered in the first assessment, 59% (n=35) stated seldom or never. As such, there may not be an issue of incompetence, but rather an issue of accountability and transparency.

Recommendation 13b: Require Victims Services or its managing agency or Minister to regularly publish comprehensive data about the operation of the Victims Support Scheme as occurred under the Victims Compensation Scheme and also provides quarterly reports.

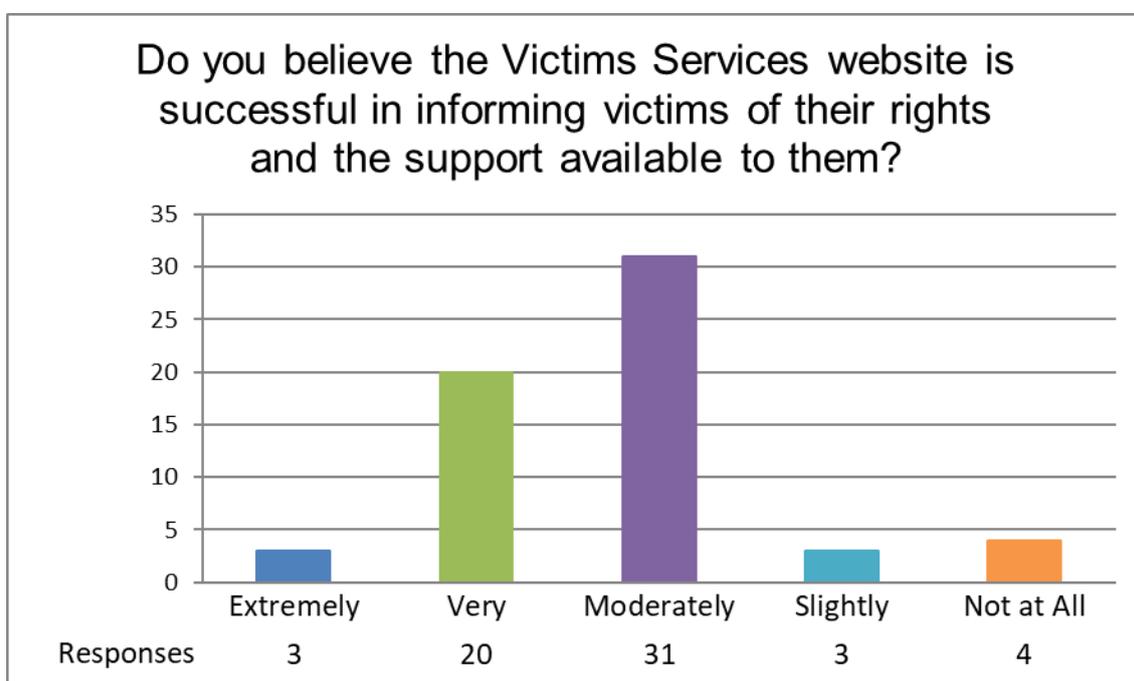
While comprehensive data was published annually on the NSW Victims Compensation Scheme through the Victims Compensation Tribunal Chairperson's Annual Report, the last data profiles on the Victims Support Scheme were published in 2017- 18. Minimal data is also included in the Department of Communities and Justice recent Annual Report.

As such, there is little accountability and transparency around the policies and guidelines that Victim Services rely upon to make decisions and publishing comprehensive data about the operation of the Scheme is important to furthering this. It is also noted that, since the updating of the Victim Services website in 2021, all previous data profiles about the operation of the Victims Support Scheme, Victims Compensation Tribunal Chairperson's Annual Reports, Victims Advisory Board reports and other reports, including the report on piloting of counselling in prison have been removed.

Recommendation 13c: Ensure all supports available to victim-survivors of crime are promoted in a centralised website.

Members' concerns over the lack of transparency and accessibility continued to the information offered online for victims. When asked whether respondents believed the Victim Services website is successful in informing victims of their rights and the support available to them, only 38% (n=23)

replied very or extremely. Conversely, 51% (n=31) selected moderately, and 11% (n=7) selected slightly or not at all.



Specifically, DVNSW members highlighted concerns around the need for an accessible and user-friendly website that victim-survivors from varying backgrounds and abilities can understand and use to access support.

“Not so much for people who don’t speak English well or don’t understand Australian processes.”

DVNSW Member

“Should be simplified into plain English step-by-step guided process so women with disabilities and literacy challenges are not excluded.”

DVNSW Member

“Very complex and not easy to understand. Clients are usually far too traumatised to view website and understand what applications need to be completed.”

DVNSW Member

“It’s too complex. It needs to be one online process where you can add other applications and evidence in the one form (i.e., INSP, counselling and Primary Vic applications).”

DVNSW Member

As the central resource for information regarding victim-survivor’s rights and available supports or resources, it is critical that the website informs victim-survivors of this information effectively in an easily understood manner. For many victim-survivors, especially those who have not engaged with a specialist service, the Victims Services website may be the primary source of information and therefore must be comprehensive and inclusive. The website must offer options for victim-survivors who are linguistically diverse or those of differing abilities. It cannot be assumed that all victim-survivors will understand complex legal or policy terminology.

Recommendation 13d: Strengthen the Charter of Victims Rights to apply to all victim-survivors, in line with the Universal Declaration of Human Rights.

The Charter of Victims Rights is designed to inform and empower victim-survivors of their rights following victimisation to crime. The Universal Declaration of Human Rights published in 1948 empowers all individuals globally to “the right to a standard of living adequate for the health and well-being... including food, clothing, housing, and medical care” (United Nations, 1948, p.7). The right to medical care is most notable in consideration of the Charter of Victims Rights. These rights must be applicable to all victims of crime, including those on temporary visas and people in prison. It is essential the rights relayed through the Charter of Victims Rights apply to all victim-survivors, in alignment with the longstanding Universal Declaration of Human Rights.

Independent Commissioner

Recommendation 13e: Appoint an independent Commissioner of Victims’ Rights to advocate for the needs of victim-survivors.

Currently, there is one person who acts as both Commissioner of Victims Rights and Executive Director Victims Services. There are significant concerns that having one individual act in both roles poses a conflict of interest. For example, how can one person both advocate for and act in the best interests of victims, whilst also performing required bureaucratic duties, such as balancing and improving budgets. This requires two separate roles.

The Queensland Women’s Safety and Justice Taskforce recently recommended the appointment of an independent Commissioner Victims Rights. It recommended the Commissioner’s functions include:

- “Identifying systemic trends and issues including in relation to policy, legislation, practice or procedure and potential responses to address these issues
- Assisting victims in their dealings with government agencies across the criminal justice system, including through the oversight of how agencies respond to complaints
- Monitoring and reviewing the effect of the law, policy and practice that impact victims of crime
- Other functions recommended throughout this report.

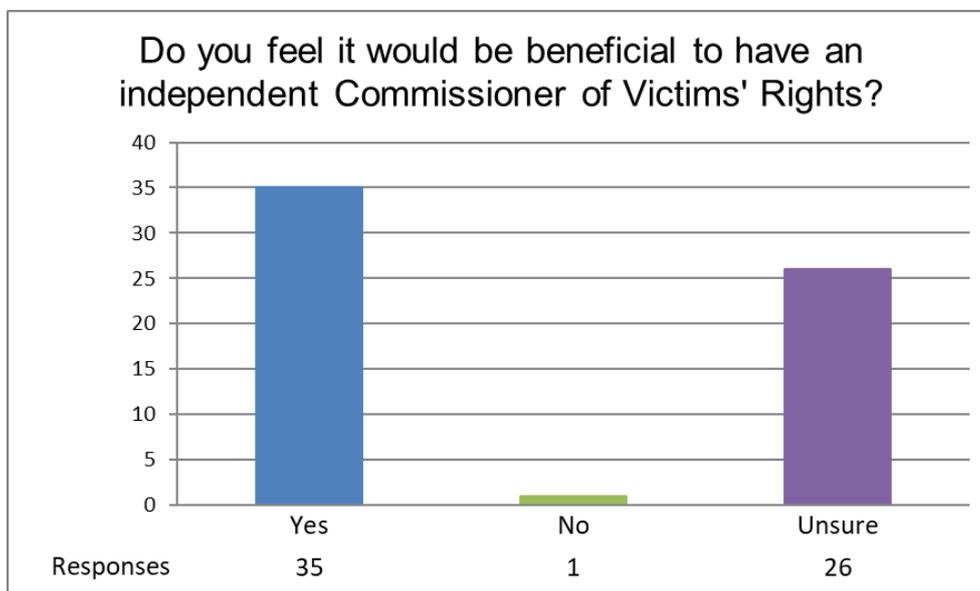
The commissioner will be authorised to exercise the rights of victims, upon their request and with consent, including in relation to their interactions with police, other government agencies and the courts (similar to the South Australian model).”

(Queensland Women’s Safety and Justice Taskforce, 2022, p. 14)

The taskforce further commented on the role of the Independent Commissioner, specifically noting that “a victims’ commissioner is needed to take an impartial role in relation to complaints about services provided to victims. It would therefore be appropriate that the functions of [Victims Assist Queensland] related to deciding applications for victims’ assistance should remain separate to the victims’ commissioner” (Queensland Women’s Safety and Justice Taskforce, 2022, p. 140).

In considering if the work could be done by an existing body the Taskforce concluded “that a victims’ commissioner would need to establish an independent public profile to build confidence in its impartiality and that the establishment of a new body would be preferable” (Queensland Women’s Safety and Justice Taskforce, 2022, p. 139).

When asked if DVNSW members felt it would be beneficial to have an independent Commissioner of Victims' Rights, 56% of respondents (n=35) responded yes, 42% responded that they were unsure (n=26) and only 1 respondent replied no (2%). This demonstrates a clear desire for transparency and unimpeded advocacy in the Victim Services process.



DVNSW support the above recommendations made by the Queensland Women's Safety and Justice Taskforce in relation to the recommended independent Commissioner Victims Rights. The feedback provided by DVNSW member services' survey responses further highlights the need for an independent Commissioner of Victims Rights.

Consultation mechanisms

Recommendation 14: The Victims Rights Commissioner prioritises consultation mechanisms and consults prior to decision making.

Consultation serves as an important method to ensure the processes involved in the Victims Support Scheme are both effective and appropriate for the victim-survivors wishing to access support. On 1st July 2020, several changes were implemented by Victims Services without consultation, only notification of the changes a week prior to their commencement. These changes were rushed through, despite overwhelming objection from hundreds of legal, health, and domestic violence organisations (Rushton, 2020; Victims of Crime Interagency, 2021). The changes included:

- "Shifting the burden from Victims Services onto the victim-survivor to collect their own evidence if they wish to access aspects of Victims Support
- Requiring victim-survivors to pay the expense of collecting the evidence up front with reimbursement only available after a decision has been made to award Victims Support.
- Victim-survivors having to choose their own counsellor from a searchable list of over 600 entries on the Victims Services website rather than Victims Services allocating them a suitable counsellor in their geographical area if they request this.
- Requirement to provide Government issued identification to access Victims Support."

(Victims of Crime Interagency, 2021a)

Recommendation 14a: Commissioner Victims Rights improves consultation mechanisms by requiring that proper consultation is undertaken before Victims Services makes change. These consultation processes must include ensuring the Victims Advisory Board (VAB) works collaboratively with the Victims of Crime Interagency (VoCI) and other appropriate mechanisms with avenues for community organisations to raise issues at VAB meetings and the publishing of VAB and VoCI minutes.

In addition, in September 2021, the Commissioner Victims' Rights unilaterally amended the Victims of Crime Interagency Terms of Reference to remove any reference to the Victims of Crime Interagency as a consultative mechanism. This was strongly opposed by NGO members of the Victims of Crime Interagency, who continue to advocate for consultation be included in the Victims of Crime Interagency Terms of Reference, as per the open letter sent to the NSW Attorney General in November of 2021 (Victims of Crime Interagency, 2021b). Minutes of the Victims of Crime interagency meetings and reports from the Victims Advisory Board are no longer published, further reducing the transparency of both of these mechanisms.

It is important that there are strong consultative mechanisms between the Commissioner Victims' Rights, Victims Services and victim-survivors and their advocates to work collaboratively to ensure a trauma informed, culturally safe response to victim-survivors and so victim-survivors can access the support they need.

Recommendation 14b: Ensure proper consultation in this review to hear about the experiences of priority populations, including First Nations people, refugee and migrant communities including people on temporary visas experiencing violence, people with disability, LGBTIQ+ communities, people who are homeless, people with lived experience of prison, people in regional, rural and remote areas, older people and younger people and for priority populations and the services supporting them to have input into proposed solutions and be consulted on proposed solutions.

Recommendation 14c: The independent Commissioner Victims Rights and Victims Services regularly consult organisations to ensure cultural safety and to remove barriers to accessing Victims Support with the independent Commissioner Victims Rights publishing an annual report which reports on such issues.

Additional Recommendations

DVNSW also supports the following joint recommendations with the Victims of Crime Interagency:

Recommendation 15: Improve access to economic loss payments.

Recommendation 15a: Improve access to economic loss payments for victim-survivors engaged in casual work.

Recommendation 15b: Clarification and simplification of the calculation of loss of actual earnings and the method of calculation that is embedded in the victims support legislation. Further consultation specific to this issue is required.

Recommendation 16: A discretionary process for victim-survivors under 18 years old to be able to receive their recognition payment rather than it being held on trust.

Recommendation 17: Improve access to the Victims Support scheme for family victims where there has been a homicide.

Recommendation 17a: Remove time limits on funeral payments to accommodate matters where the victim's body has not been found or where the victim's body has not been released for any reason.

Recommendation 17b: Remove time limits for justice-related expenses to accommodate matters that do not get resolved within the current period.

Recommendation 17c: Allow additional justice-related payments over and above the current limit to accommodate matters that go to retrial and multiple appeals.

Recommendation 17d: Remove time limits on applications for justice-related expenses for family victims. In the alternative, though less preferred, the time limit should start from the day charges are laid in relation to the homicide. These expenses should be made available for all homicide-related court matters – including mentions, trials, appeals and Coronial Inquests, Mental Health Review Tribunal hearings and State Parole proceedings.

Recommendation 17e: Improve access to Victims Support Approved Counsellors in rural areas, especially where family victims choose to have face-to-face counselling or may not have access to adequate online services. This will require active recruitment of counsellors by Victims Services.

Recommendation 17f: Reinstate option for payment of support person expenses for court or other related needs.

Recommendation 17g: Remove time limits or hours restrictions on counselling for family victims who will need to return to counselling at other stages in their life e.g., appeals, retrials, parole hearings, etc.

Recommendation 18: Victims Services to advocate to Services Australia for amendments to the Social Security Guide that will protect recipients of Special benefit and allow them to get the full benefit of Victims Support (or equivalent) payments without their Special Benefit being affected.

Recommendation 19: Amend the definition of “victim of crime” and “act of modern slavery” in the *Victims Rights and Support Act* to include all forms of modern slavery.

Recommendation 19a: The definition of “victim of crime” in s5(1) of the *Victims Rights and Support Act* specifically referring to sections 5(1)(a) and 5(1)(b) of the *Modern Slavery Act 2018 (NSW)*.

Recommendation 19b: The definition of “modern slavery” in s19A of the *Victims Rights and Support Act* be amended so an ‘or’ exists between s19A(1)(a) and s19A(1)(b) rather than an “and” or it read “and/or”.

Recommendation 20: Prohibit use of Victims Support payments to service debt.

Recommendation 20a: Immediate Needs payments are intended to help victim-survivors with urgent immediate needs for their safety and recovery. Financial assistance for economic loss also assists with recovery. Financial assistance for Immediate Needs payments, including Immediate Needs Support Package, as well as for economic loss must not be used to offset or pay off any kind of debt, including an order of restitution.

Recommendation 20b: A recognition payment is made to acknowledge a traumatic and violent experience. Recognition payments must not be used to offset or pay off any kind of debt, including an order of restitution. The only exception should be when a victim-survivor requests this to occur.

Recommendation 21: If a person makes an application to Victims Services for a recognition payment and they have an existing order for restitution (debt), Victims Support must notify them about the debt at the time of them lodging the application. Victims Services should also advise as to whether that debt has been transferred to Revenue NSW and provide information about Work Development Order programs available, so the applicant has the opportunity to reduce any debts by that scheme.

Recommendation 22: Uniformity of processes within Victims Services and Revenue NSW about debt collection.

Recommendation 23: Victims Services and Revenue NSW provide a list of Work Development Order programs available in the area where the person lives when advising about enforcement/debt.

Conclusion

The services offered through the Victims Support Scheme provide essential support to victim-survivors of sexual, domestic and family violence, child abuse, child sexual abuse and modern slavery. However, the scheme must prioritise a trauma-informed, survivor centric, and culturally safe approach in its practices, policies, and guidelines.

The current practices involved in Victims Support applications place unwarranted burdens on specialist services and victim-survivors of trauma. To reduce the risk of re-traumatisation, the application process requirements should be amended following the feedback of victim-survivors and advocates in the DFV sector.

The design of the scheme must prioritise of victim-survivors' needs and support victim-survivors in accessing such services. It is essential that any changes to the Victims Support Scheme are preceded by comprehensive consultation with the sector as to reflect the needs of victim-survivors.

The Victims Support Scheme should allow all victim-survivors of trauma to access services and provide assistance in a trauma-informed, survivor-centric and culturally safe manner.

References

- American Psychological Association. (2017). *How Long Will It Take for Treatment to Work?* <https://www.apa.org/ptsd-guideline/patients-and-families/length-treatment>.
- Australian Institute of Health and Welfare. (2022). *Family, domestic and sexual violence data in Australia*. <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-data/contents/about>.
- Australia's National Research Organisation for Women's Safety. (2020). Women's imprisonment and domestic, family, and sexual violence: Research synthesis (ANROWS Insights, 03/2020). Sydney, NSW: ANROWS. <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2020/07/ANROWS-Imprisonment-DFV-Synthesis.1.pdf>.
- Australian Psychological Society. (2021). Psychologists' fees in 2021-22. *InPsych*, 43(3). <https://psychology.org.au/for-members/publications/inpsych/2021/august-special-issue-3/psychologists-fees-in-2021-22>.
- Commonwealth Bank of Australia. (2022). *The cost of financial abuse in Australia*. Deloitte Access Economics. <https://www.commbank.com.au/content/dam/caas/newsroom/docs/Cost%20of%20financial%20abuse%20in%20Australia.pdf>.
- Commonwealth of Australia. (2017). *The Royal Commission into Institutional Responses to Child Sexual Abuse: The Final Report*. www.childabuseroyalcommission.gov.au/final-report.
- Cortis, N., & Bullen, J. (2016). *Domestic violence and women's economic security: Building Australia's capacity for prevention and redress: Key findings and future directions* (ANROWS Horizons: 05/2016). Sydney: ANROWS. <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/ANROWS-Compass-Report-Domestic-violence-and-womens-economic-security-2.pdf>.
- Department of Social Services. (2021). *Child Support Guide: Family & domestic violence*. <https://guides.dss.gov.au/child-support-guide/6/10/1#Centrelink>.
- Domestic Violence NSW. (2021). *Victims Services NSW – Feedback on six months of service changes July 2020-December 2021*. <https://www.dvnsw.org.au/wp-content/uploads/2022/01/DVNSW-Feedback-Victims-Services-Review-2021.pdf>.
- Healing Foundation. (2020). *Glossary of healing terms: A guide to key terms related to Aboriginal and Torres Strait Islander healing*. https://healingfoundation.org.au/app/uploads/2020/07/HF_Glossary_of_Healing_Terms_A3_Poster_Jul2020_V1.pdf.
- Kezelman, C. (2014). *Trauma informed practice*. Mental Health Australia. <https://www.mhaustralia.org/general/trauma-informed-practice>.
- Montgomery, L., & Ramirez, R. (2021). *Partner-Inflicted Brain Injury: Promising Practices for Domestic Violence Programs*. Ohio Domestic Violence Network. <https://www.odvn.org/wp-content/uploads/2021/11/Promising-Practices-Partner-Inflicted-Brain-Injury.pdf>.
- Nisbet Wallis, D. A. (2002). Reduction of trauma symptoms following group therapy. *Australian & New Zealand Journal of Psychiatry*, 36(1), 67-74. <https://doi.org/10.1046/j.1440-1614.2002.00980.x>.

NSW Parliament. (2021a). *Budget Estimates 2020-2021 Supplementary Questions: Portfolio Committee No. 5 – Legal Affairs*. Legislative Council Portfolio Committees. <https://www.parliament.nsw.gov.au/lcdocs/other/15383/Answers%20to%20supplementary%20questions%20-%20Minister%20Speakman.pdf>.

NSW Parliament. (2021b). *Budget Estimates 2021-2022 Supplementary Questions: Portfolio Committee No. 5 – Legal Affairs*. Legislative Council Portfolio Committees. <https://www.parliament.nsw.gov.au/lcdocs/other/16232/Supplementary%20questions%20-%20Speakman%20-%201%20November%202021.pdf>.

Queensland Women’s Safety and Justice Taskforce. (2022). *Hear her voice: Report Two Volume One*. https://www.womenstaskforce.qld.gov.au/_data/assets/pdf_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf.

Rushton, G. (2020). *NSW victims of crime now have a new obstacle to collecting compensation*. Crikey. <https://www.crikey.com.au/2020/06/29/nsw-victims-crime-compensation/>.

Sharman, L. S., Douglas, H., & Fitzgerald, R. (2021). *Review of domestic violence deaths involving fatal or non-fatal strangulation in Queensland*. The University of Melbourne/The University of Queensland. <http://hdl.handle.net/11343/290204>.

Sharp-Jeffs, N. (2015). *A review of research and policy on financial abuse within intimate partner relationships*. Child and Woman Abuse Studies Unit (CWASU) London Metropolitan University. <http://repository.londonmet.ac.uk/1482/1/Review-of-Research-and-Policy-on-Financial-Abuse.pdf>.

Tillyer, M. S., & Wright, E. M. (2014). Intimate partner violence and the victim-offender overlap. *Journal of Research in Crime and Delinquency*, 51(1), 29-55. <https://doi.org/10.1177/0022427813484315>.

Trippany, R., Kress, V., & Wilcoxon, S. (2004). Preventing Vicarious Trauma: What Counselors Should Know When Working With Trauma Survivors. *Journal Of Counseling & Development*, 82(1), 31-37. <https://doi.org/10.1002/j.1556-6678.2004.tb00283.x>.

United Nations. (1948). *Universal Declaration of Human Rights*. <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>.

Victims of Crime Assistance Act 2009 (Qld). <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-035#sec.139>.

Victims of Crime Interagency. (2021a). *Supports to victims of crime “difficult to access” say victim-survivor groups*. [Press release]. <https://www.dvns.w.gov.au/wp-content/uploads/2021/03/Joint-Media-Victims-Support-Statement.pdf>.

Victims of Crime Interagency. (2021b). *An open letter to the Attorney General Mark Speakman: Open letter re additional barriers for victim-survivors to access counselling and the increasing lack of transparency and accountability of Victims Services*. <https://www.wlsnsw.org.au/wp-content/uploads/Open-letter-to-Attorney-General-re-Victims-Services-FINAL.pdf>.

Victims Services. (2016). *Guide: Charter of Victims Rights (Victims Rights and Support Act 2013)*. https://www.police.nsw.gov.au/_data/assets/pdf_file/0010/256996/Charter_of_Victims_Rights.pdf.

Victims Services. (2021). *Approved Counselling Service: Operating Guidelines for Approved Counsellors*. <https://www.victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/counselling/Vs-AC-OG.pdf>.

Wilson, C., Pence, D., & Conradi, L. (2013). Trauma-Informed Care. *Encyclopedia Of Social Work*.
<https://doi.org/10.1093/acrefore/9780199975839.013.1063>.