

29 November 2021

The Hon. Mark Speakman MP
Attorney General, and Minister for Prevention of Domestic and Sexual Violence
GPO Box 5341
SYDNEY NSW 2001

Open letter re additional barriers for victim-survivors to access counselling and the increasing lack of transparency and accountability of Victims Services

Dear Attorney General,

We are writing as members of the Victims of Crime Interagency (VoCI) and other, concerned organisations. The signatories to this letter comprise a joint collective of non-government organisations (NGOs) who support and work alongside tens of thousands of victim-survivors and family victims of crime in NSW and their supporters.

We are writing to express our concern and disappointment in relation to a number of ongoing issues. These issues are:

- The changes made to the availability of counselling for certain victim-survivors
- The inability to fulfil the primary objectives of the VoCI
- Continued concern about the changes to Victims Support implemented since 1 July 2020, including difficulties accessing counsellors and the burden of collecting evidence shifting from Victims Services onto a victim-survivor, and the lack of transparency and accountability in Victims Services failing to publish submissions, data and the final report of the review they conducted on this
- The failure by Victims Services to publish data on the Victims Support Scheme since 2018
- The role of the Commissioner of Victims Rights.

Barriers to accessing additional hours of counselling

At present, most victim-survivors are entitled to up to 22 hours of counselling through the Victims Support Scheme but can apply for further hours in “exceptional circumstances”. The NGO VoCI members understand that Approved Counsellors were recently notified by email of a change to guidelines that are to be applied by Victims Services when assessing applications for further counselling. These include:

- Requests for additional hours can take up to 10 additional days to be approved
- If a client has experienced multiple acts of violence, they need to submit a separate counselling claim for each act of violence and complete all their hours before submitting a request for additional hours

- A request for additional hours must outline the reasons for requesting further hours including what the exceptional circumstances are. The request must relate to the client's recovery from the act of violence
- Clients who were victims of sexual assault or physical abuse in NSW while under the age of 18 can request ongoing counselling. These clients still need to demonstrate that the reasons for requesting further hours relates to the recovery from the act of violence, however they do not need to demonstrate exceptional circumstances.

In practice, it seems more difficult to establish “exceptional circumstances” than previously, making it more difficult for victim-survivors to access further counselling.

We are particularly concerned with Victims Services' decision to remove funding for group counselling. We do not understand why this decision has been made when group therapy is considered by NGO members of the VoCI to be a cost-effective and valued method of healing trauma.

All of the above has been implemented by Victims Services without any consultation or input from the NGO members of the VoCI.

This reduction in services also comes at a time when the COVID pandemic is having a severe and lasting impact on the mental health of survivors, family victims and society at large. It is also clearly at odds with the recent [announcement](#) from the Government of over \$130 million dollars in spending for mental health in NSW.

Failure to fulfil the primary objectives of the VoCI

In relation to the VoCI, until recently Victims Services had stated on its website

“The primary objectives of the interagency committee are to provide a forum:

- *to discuss and monitor implementation of the Charter of Victims Rights;*
- *to facilitate a ‘whole of government’ approach to the delivery of services to victims of crime;*
- *to exchange information about services relevant to victims of crime;*
- *for consultation about specific operational issues relating to services to victims of crime.”*

In the face of strong opposition from NGO VoCI members, the Commissioner of Victims Rights unilaterally changed these terms of reference in September 2021, removing reference to consultation. NGO VoCI members have been raising the need to strengthen consultative mechanisms, including the VoCI, with the Commissioner for some time.

The VoCI meetings are held regularly and are well-attended. They also have the potential to be very important not only for information sharing, but also to assist in the formulation of policy to address identified systemic issues. We have been extremely disappointed that despite multiple invitations to attend, the Commissioner has not attended meetings. We have

also been concerned by the shortening of these meetings and welcome the return to longer meetings.

The VoCI is an existing consultative mechanism that has been well established in informing you as Attorney General and the Commissioner of Victims Rights, of the issues impacting on victim-survivors in NSW. We believe that the VoCI is an important opportunity for members to work collaboratively with Victims Services to develop solutions that are trauma informed, culturally safe and based on what survivors actually need and want.

Publication of data

Under the previous Victims Compensation Tribunal (which operated before the current scheme began in 2013), the Chairperson would publish a comprehensive annual report which contained extensive data about the operation of the scheme.

The current scheme has, in the past, published data profiles about its activities including data in relation to financial support and recognition payment applications and determinations, contacts with clients and stakeholders and counselling applications. The last data profiles were published in 2018.

Publishing data is crucial in ensuring that Victims Services remains transparent and accountable for the services that it provides. NGO members of the VoCI, have been consistently advocating with Victims Services for the publishing of data for some time. This data is still not on the website.

We are also concerned that Victims Services has failed to publish submissions, data and a final report following a review of changes to Victims Support implemented from 1 July 2020. At the time these changes were introduced then Secretary, Department of Communities and Justice, Mr Coutts-Trotter acknowledged “the change is not broadly supported” and assured the public that “*We will work with various voices in the sector to undertake a review of this change six months down the line and if it is creating the kind of problems people fear, we will be open about it.*” ([Crikey](#))

The need for an independent Commissioner of Victims Rights

Since the role of Commissioner of Victims Rights was established in 2013, NGOs have been advocating that it should be an independent role. To be otherwise, places the person in the role in a very difficult position due to competing interests. The role of Executive Director Victims Services involves budgetary oversight in the delivery of services. As outlined above, in recent times, there have been significant cuts or limits on access to support for victim-survivors provided by Victims Services. In our collective experience, this has impacted negatively upon the victim-survivors with whom we work. Often these decisions are being made without any consultation with the members of the VoCI.

Victim-survivors need an effective advocate. The current functions of the Commissioner do not make it clear that this is the primary role of the Commissioner. This requires a position that is independent of the Department of Communities and Justice. We need a fully funded and independent Commissioner.

Our recommendations

The NGO members of the VoCI and other concerned organisations call for:

- Removing barriers to accessing additional counselling hours
- Re-institution of funding for group counselling sessions
- The Commissioner to attend VoCI meetings and sufficient time be dedicated in VoCI meetings to consulting with members on important issues
- Victims Services to publish comprehensive data on its website about the operation of the Victims Support Scheme
- The publishing of submissions, data and the final report of the review of changes to Victims Support implemented since 1 July 2020 and Victims Services returning to collecting evidence for victim-survivors who request this assistance
- An independent, fully-funded Commissioner of Victims Rights.

We welcome the recent introduction of measures aimed at improving Government responses to survivors of sexual, domestic and family violence including the *Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021* (NSW) and the [investment](#) of \$484.3 million for refuges for women and children fleeing domestic violence.

These measures show that the Government is listening to the sector and responding to the needs of survivors. However, if the issues raised in this letter continue, we are concerned that family victims and survivors' voices will continue to be silenced and this will only serve to take a step backwards from all the good work that is being achieved.

We look forward to hearing from you further.

Yours faithfully,

SIGNATORIES

This letter is a joint letter. Please contact Laura Henschke, Legal and Policy Officer at Full Stop Australia on (02) 8585 0333.

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Theresa Mason CEO	Central Coast Community Women's Health Centre - NSW
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Tim Leach Executive Director	Community Legal Centres NSW
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Kris Newton Manager	Mountains Community Resource Network
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Nicolette Norris AM Executive Chair	National Child Protection Alliance
Michelle Rogers Program Manager	Ngunya Jarjum
Niel van der Linde Acting Principal Solicitor	North & Northwest Community Legal Service
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General Manager	
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Catherine Groome Domestic Violence Crisis Counsellor	The Benevolent Society
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Julie Oberin Chair	WESNET
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