



## Media Release – For immediate release 1 July 2020 Victim-survivor groups have no confidence in Commissioner’s proposed review

Despite strong and widespread opposition from victim-survivors and their advocates, the Commissioner Victims Rights has announced substantial detrimental changes to NSW Victims Support to take effect from today, 1 July 2020.

“The changes will deny many victim-survivors of violence in NSW access to support they have a right to and need,” says Delia Donovan, Interim CEO, Domestic Violence NSW.

There will be a six month review of the changes.

Over 40 organisations have made a [Joint Statement](#) opposing the changes. “Given the Commissioner has failed to address the many concerns raised by victim-survivors the Joint Statement expresses no confidence in the Commissioner’s proposed 6-month review of the changes,” says Liz Snell, Law Reform and Policy Co-ordinator, Women’s Legal Service NSW.

The changes include:

- Shifting the burden from Victims Services onto the victim-survivor to collect their own evidence if they wish to access aspects of victims support – including counselling, financial assistance and recognition payments and allowing only 12 months for the victim-survivor to gather the supporting evidence after lodging an application.
- 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 Victims Services rather than Victims Services allocating them a counsellor in their geographical area if they request this

“When the Victims Support scheme was introduced in 2013, its key feature was to be its accessibility. There was no longer a need to pay lawyers’ fees to complete applications or to cover the cost of gathering evidence because Victims Services would collect evidence on their behalf once an application was lodged,” says Tim Leach, Executive Director, Community Legal Centres NSW. “The Government commissioned report at the time recommended Victims Services gather evidence on behalf of victim-survivors to ensure victim-survivors could access the support they are entitled to and need,” says Mr Leach.

“These reforms prioritise efficiencies at the expense of a trauma informed, victim centric approach. Victims Services’ efficiency statistics, measuring the time from lodging an application to awarding victims support, might look great – but will it just be smoke and mirrors? What the statistics won’t capture are the numbers of victim-survivors who are being failed by the system and not receiving the support they are entitled to and need because of the barriers put in place by Victims Services,” says Ms Snell.

“Every barrier put in a victim-survivor’s way will deter them from accessing support,” says Ms Snell.

“The changes will be especially detrimental for the Aboriginal community,” says Christine Robinson, Co-ordinator, Wirringa Baiya Aboriginal Women’s Legal Centre. “Aboriginal people, especially women and children, are over-represented as victims of violence. The Commissioner needs to acknowledge the significant social and economic disadvantage faced by many Aboriginal victims-survivors that will deter them from applying. This includes: limited literacy; no funds to pay for the costs of applying for evidence; limited access to digital technology and not knowing how to complete online forms. In addition, the Commissioner needs to understand that: there is a lack of Aboriginal specific and culturally appropriate services to assist an Aboriginal victim-survivor; many Aboriginal people experience racism and discrimination when dealing with government and non-government services; many services do not communicate in plain language; and, that the trauma experienced by Aboriginal victims-survivors is especially complex due to transgenerational trauma,” says Ms Robinson.

“The Royal Commission into Institutional Responses to Child Sexual Abuse was clear about the need for service systems for victims and survivors of abuse to be trauma-informed and underpinned by the principles of accessibility and acceptability,” says Warren Strange, Executive Officer of knowmore. “The changes to Victims Support run counter to this and will leave some victims and survivors, particularly older people who are survivors of child sexual abuse, unable to access the support they need,” says Mr Strange.

“At the same time the Government announces important and welcomed landmark reforms to help provide justice for child abuse survivors, they also limit access for child abuse victim-survivors to Victims Support,” says Ms Snell.

“Working with people with disability who are survivors of violence, abuse and neglect, our advocates see the multiple barriers that people with disability face in access to justice,” says Romola Hollywood, Director of Policy and Advocacy, People with Disability Australia. “This can include the overall accessibility of the scheme for people with disability as well as effective referrals to supports to help us make a claim. To place the onus on people with disability to collect often costly evidence will mean less people with disability will be able to access the scheme despite being over-represented in the statistics on victims of violence. Given the emerging lessons on barriers for people with disability to access the National Redress Scheme, we need a broad review of the NSW Victim Support Scheme, not some operational changes that will most likely exclude more people with disability from accessing the scheme,” says Ms Hollywood.

“We know that many people with disability who are seeking compensation through the Victim Support Service are living in extreme hardship and poverty, which is often a result of the violence perpetrated against them. Some people are also trapped in situations such as congregate living settings making access to supports and advocacy even more vital,” says Ms Hollywood.

The Joint Statement also says “If the changes proceed in the face of continued strong opposition by victim-survivors and their advocates, it would be our hope and expectation that the comprehensive statutory review be the proper place to review the changes. We call on the Department of Communities and Justice to release baseline data relating to the areas of impact that have been raised.”

Signatories to the Joint Statement include: specialist women’s organisations; sexual, domestic and family violence service providers; Aboriginal and Torres Strait Islander organisations; disability advocates; organisations working in regional, rural and remote areas; women’s health services; homelessness services; organisations working with children, older people, trans and gender diverse communities; community legal centres; peaks.

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### **Media Contacts**

Liz Snell, Women’s Legal Service NSW **Ph: 02 8745 6900**

Tim Leach, Community Legal Centres NSW **Ph: 02 9212 7333**

Rachael Martin, Warringa Baiya Aboriginal Women’s Legal Centre **Ph: 02 9569 3847**

Romola Hollywood, People With Disability Australia **Ph: 02 9370 3100**

Delia Donovan DVNSW **M: 0400 936 192**

### **Background information**

On 20 April 2020, the Commissioner Victims Rights announced significant systemic changes to NSW Victims Support they were due to come into effect 5 days later, immediately after 5pm on 24 April 2020. These reforms were announced without any consultation, including with the Victims Advisory Board or Victims of Crime Interagency, bodies specifically established for that purpose.

In response to community concerns, the Commissioner paused implementation for 2 weeks to enable consultation with those raising concerns. Community Legal Centres NSW wrote to the Commissioner providing an [alternative proposal](#).

There was a further pause in implementation, with feedback due to the Commissioner by 29 May 2020. An [Open Letter](#) to the Commissioner, now signed by 90 organisations and over 500 individuals, calls for the reforms not to proceed and for the immediate commencement of the statutory review.

There is a requirement in the law for the Victims Support Scheme to be reviewed at regular intervals. The next review is required to take place anytime from May 2019 to May 2021.

An [urgent communication](#) was made to United Nations experts calling for the reforms not to proceed and for a comprehensive victim-survivor led review to commence immediately instead.

On 1 July 2020 over 40 organisations have made a [Joint Statement](#) opposing the changes