

Key issues for comment

Issues with changes to process implemented by Victims Services on 1 July 2021

We refer to our enclosed letter to the Commission

Kingsford
Legal Group

OF
IMPACT















5 March 202

Michelle Vaughan
Commissioner of Victims Rights
Victims Services

By email only: VS@dcj.nsw.gov.au

Dear Commissioner,

Consultation on Victim s Services Changes

We write to provide feedback on the changes to processes implemented by Victims Services on 1 July 2020. We understand that Victims Services is undertaking a review of the first six months of operation of the revised application requirements and the process for victims to choose their own counsellor.

We welcome the preliminary review, but any findings at this stage can only be preliminary as we do not have the longitudinal data to observe the real impacts of these changes.

We give Victims Services permission to publish our feedback and for our feedback to be provided to those undertaking the statutory review. For all case studies in this feedback, names and identifying information have been changed to protect confidentiality.

About King sford Legal Centre

Kingsford Legal Centre (KLC) provides free legal advice, casework and community legal education to our local community in south-east Sydney since 1981. We are part of the UNSW Sydney Law Faculty and provide clinical legal education to over 500 of its students each year.

We have extensive experience providing assistance and representation to people applying under the Victims Support Scheme. In 2020, we gave 37 victims compensation advices and provided intensive assistance with 8 victims compensation matters.

Key Issues for Comment

Applicants to provide government issued identification and whether th is has created any barriers to accessing support

KLC is concerned that there are significant barriers for some victim-survivors providing government issued documentation, which may include those in custody and those who are homeless or transient with limited documentation available. Elderly people

long history of trauma. Rhonda was in the fortunate position where she was connected to a support service who were able to refer her to KLC for assistance. We are assisting Rhonda to collect the necessary government issued identification and bank details, as well as supporting evidence, but without our help we do not believe Rhonda would have followed through on this process on her own. She does not have access to printers or scanners and expressed to us that the process was overwhelming and that she could not imagine collecting this documentation on her own.

KLC is aware that not all applicants will have the benefit of a support system or legal assistance. There are also barriers to marginalised people accessing the internet or having access to scanners, which could particularly cause barriers for the elderly, homeless or those in prison. As is further demonstrated by other case studies below, we are concerned that requiring government issued identification at the time of application creates a further barrier to victims-survivors accessing Victims Support.

We recommend that providing government issued identification should be removed from the application form. Identification should be allowed to be provided after an application has been made.

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As Huda's story above demonstrates, requiring a victim-survivor to make a number of applications for various records and at their cost causes stress and is an unnecessary burden during an already upsetting and traumatic time. It can also cause delays, as in our recent experience it has taken a number of months to receive COPS reports and has involved numerous correspondence around the scope of the request.

It is important that vetted COPS reports are easily accessible to applicants and/or their authorised legal representative as they could be relevant to reasons for not approving or reducing financial support under section 44 of the Victims Rights and Support Act 2013 (NSW).

We recommend that COPS reports be made easily accessible and free of charge to victims-survivors or their authorised legal representative. We support Victims Services in advocating with NSW Police around this issue.

Kingsford Legal Centre is concerned that ultimately these changes are creating further barriers to victims-survivors accessing Victims Support, as can be detailed by our client case studies provided above.

We respectfully ask that you pause the changes that have been effected and undertake a proper consultation on these processes where the outcome is not predetermined. It may be appropriate for these changes to be further considered in the upcoming statutory review.

If you have any questions, please contact me at e.golledge@unsw.edu.au.

Yours Faithfully
KINGSFORD LEGAL CENTRE

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Director

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