

Review of the Victims Rights and Support Act 2013

Submission to the NSW
Department of
Communities and Justice

11 July 2022

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About knowmore

Our service

knowmore legal service (knowmore) is a nation-wide, free and independent community legal centre providing legal information, advice, representation and referrals, education and systemic advocacy for victims and survivors of child abuse. Our vision is a community that is accountable to survivors and free of child abuse. Our mission is to facilitate access to justice for victims and survivors of child abuse and to work with survivors and their supporters to stop child abuse.

Our service was established in 2013 to assist people who were engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). From 1 July 2018, knowmore has been funded to deliver legal support services to assist survivors of institutional child sexual abuse to access their redress options, including under the National Redress Scheme (NRS). knowmore also receives funding to deliver financial counselling services to people participating in the NRS, and to work with other services in the NRS support network to support and build their capability. From 1 January 2022, our services were expanded to assist survivors who experienced child sexual abuse in non-institutional settings. From 1 March 2022, we have also been funded to provide legal and financial counselling support to people engaging with the Territories Stolen Generations Redress Scheme (Territories Redress Scheme).

knowmore uses a multidisciplinary model to provide trauma-informed, client-centred and culturally safe legal assistance to clients. knowmore has offices in Sydney, Melbourne, Brisbane, Perth and Adelaide and Darwin. Our service model brings together lawyers, social workers and counsellors, Aboriginal and Torres Strait Islander engagement advisors and financial counsellors to provide coordinated support to clients.

knowmore is funded by the Commonwealth Government, represented by the Departments of Attorney-General and Social Services and the National Indigenous Australians Agency.

Our clients

In our Royal Commission-related work, from July 2013 to the end of March 2018, knowmore assisted 8,954 individual clients. The majority of those clients were survivors of institutional child sexual abuse. Almost a quarter (24%) of the clients assisted during our Royal Commission work identified as Aboriginal and/or Torres Strait Islander peoples.

Since the commencement of the National Redress Scheme for survivors of institutional child sexual abuse on 1 July 2018 to 30 June 2022, knowmore has received 68,853 calls to its 1800 telephone line and has completed intake processes for, and has assisted or is currently assisting, 11,869 clients. 34% of knowmore's clients identify as Aboriginal and/or Torres Strait Islander peoples. Almost a fifth (19%) of clients are classified as priority clients due to advanced age and/or immediate and serious health concerns including terminal cancer or other life-limiting illness.

Our clients in New South Wales

knowmore has a significant client base in New South Wales — 22% per cent of our current clients reside in the state. We therefore have a strong interest in NSW law reform that may provide enhanced access to justice for survivors.

knowmore's submission

In making this submission, we have drawn on our experience as a nation-wide, free and independent community legal centre providing legal assistance and support to victims and survivors of child abuse, including child sexual abuse. We have also drawn on key findings and recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. In our submission, we make a number of recommendations to improve the Victims Support Scheme for survivors, which address key issues raised by our staff and our client group.

In addition to the recommendations made herein, knowmore has also endorsed the joint submission and supports the broader recommendations made by organisations working with victims and survivors, including NGO members of the Victims of Crime Interagency, community legal centres and NSW Women's Alliance members.

knowmore's overall position

knowmore recognises that an effective, trauma-informed and survivor-centred statutory victims' support scheme can provide an important avenue for victims and survivors of child abuse to seek recognition of the harm and trauma they experienced as children, as well as financial and counselling support to assist them to alleviate the impact of the abuse on their lives. Where statutory victims' support schemes fail to meet these standards, they significantly impact the ability of victims and survivors to access justice and support.

As a nation-wide service, we have observed the benefits of effective statutory victims' support schemes as an alternative to adversarial justice processes. We have also observed the many strengths of the New South Wales Victims Support Scheme. However, in our view, urgent and significant changes are required to ensure that the Scheme can best meet the critical and ongoing needs of victims and survivors of child abuse.

In addition, it is important to ensure that any changes introduced do not compromise the overall availability, accessibility, acceptability and quality of the Scheme and the benefits it provides to victims and survivors of child abuse in New South Wales. knowmore remains concerned that recent changes made to the Scheme in July 2020 have adversely impacted the effectiveness of the Scheme in supporting victims and survivors, and we continue to call on the NSW Government to reverse those changes.

Increasing the accessibility of the Scheme for survivors

Removing time limits on Victims Support applications

It is now well recognised that victims and survivors of child abuse face significant barriers to disclosing and reporting their experiences of abuse, particularly in making an initial

disclosure. Victims and survivors with disability, as well as Aboriginal and/or Torres Strait Islander victims and survivors, may face additional and compounding barriers to disclosure.

The Royal Commission found that these barriers were particularly acute for victims and survivors of child sexual abuse. For many, disclosure is not a single event. Rather, it can be an ongoing process of partial disclosures that unfolds over their lifetime.¹ Importantly, the Royal Commission found

From what survivors told us, it took, on average, 23.9 years to disclose the abuse, with men taking longer to disclose than women (25.7 years for men and 20.6 years for women). A substantial minority (10.3 per cent) of survivors, most of them male, told us that they disclosed for the first time to the Royal Commission. We know some victims never disclose.²

The above findings mirror knowmore's experience in assisting victims and survivors of child abuse. We continue to support clients who have only now been able to disclose their abuse, decades after it occurred. For such reasons, it is knowmore's view that statutory victims' schemes should not impose time limits on victims and survivors seeking justice and redress for the harm they experienced as children. Instead, effective and survivor-centred schemes should recognise the nature and impact of child abuse and ensure that their processes take into account the significant barriers victims and survivors face in disclosing their experiences of child abuse, and the reality that many will not disclose any aspect of their experience of abuse for at least the periods reported by the Royal Commission.

Currently, the Victims Support Scheme imposes a number of inappropriate and inconsistent time limits on victims and survivors of child abuse. For example

- Victims and survivors of child abuse must make an application for a recognition payment within 10 years after the day on which the victim and survivor turns 18 years of age.³ This differs from the approach to victims and survivors of child sexual abuse, who do not face any time limits in applying for a recognition payment.⁴
- Victims and survivors of child abuse seeking financial assistance for economic loss must make an application within two years of turning 18 years of age. Again, this differs from the approach to victims and survivors of child sexual abuse who face no time limit for claiming out-of-pocket expenses, but must apply within two years of turning 18 years of age if they seek financial assistance for loss of earnings, medical and dental bills, and loss or damage to personal items.⁵

While knowmore is pleased that the Scheme has sought to recognise the barriers to disclosure faced by victims and survivors of child sexual abuse, it is concerning that this recognition does not extend to all aspects of the Scheme. For example, the two year time limit placed on victims and survivors of child sexual abuse to seek financial assistance for loss of earnings does not take into account barriers to disclosure or the lifelong impacts that

¹ Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, 2017, <https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_4_identifying_and_disclosing_child_sexual_abuse.pdf>, p.16, p.25.

² Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, 2017, p.30.

³ *Victims Rights and Support Act 2013* (NSW), section 40(5).

⁴ *Victims Rights and Support Act 2013* (NSW), section 40(7).

⁵ See *Victims Rights and Support Act 2013* (NSW), section 40(1) and 40(7).

child sexual abuse can have on victims and survivors' employment and economic security.⁶ Similarly, the time limit placed on victims and survivors of child sexual abuse to seek financial assistance for medical expenses does not take into account barriers to disclosure or the lifelong impacts of abuse on the health and mental wellbeing of many victims and survivors and their ongoing need for support.

In addition, we are concerned that barriers to disclosure faced by victims and survivors of other forms of child abuse, including domestic and family violence, are not adequately recognised by the Scheme.

knowmore recommends that the NSW Government remove all time limits for victims and survivors of child abuse in relation to Victims Support applications. We also recommend that this be extended to adult victims and survivors of violent offences, including domestic and family violence, sexual assault, and modern slavery in recognition of the many barriers adult survivors also face in disclosing the abuse they experienced.

Recommendations

- Remove all time limits for victims and survivors of child abuse in relation to Victims Support applications.
 - Remove time limits on recognition payments for victims and survivors of all forms of child abuse.
 - Remove the two year time limit for financial assistance for economic loss for victims and survivors of child abuse, including child sexual abuse, including for loss of actual earnings and medical and dental expenses.
- Remove all time limits for adult victims and survivors of violent offences, including domestic and family violence, sexual assault and modern slavery.

Reviewing the requirement for victims and survivors to provide government issued identification

One of the changes made to the Victims Support Scheme in July 2020 was to introduce a requirement for victims and survivors to provide government issued identification at the time of application. knowmore joined with others in the community legal sector to oppose this change on the basis that this requirement directly results in additional barriers and delays for some victims and survivors, particularly for those who do not have government issued identification, including elderly Aboriginal and/or Torres Strait Islander survivors and survivors experiencing homelessness, as well as victims and survivors who have difficulty accessing or using the internet. We continue to hold this view.

While knowmore is able to support clients to apply to the Scheme, we have had difficulty obtaining copies of government issued identification from some of our elderly clients and

⁶ Royal Commission, *Final Report: Volume 3, Impacts*, 2017, <https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_3_impacts.pdf>, p.147.

those living in regional, rural and remote locations, due to limitations upon the provision of face-to-face services resulting from the COVID-19 pandemic. Despite providing support to clients over the phone and explaining the process of scanning and digitising documentation, understandably some clients are unable to do this without face-to-face support.

knowmore recommends that the NSW Government remove the requirement for victims and survivors to provide government issued identification at the time of application. Instead, a flexible approach should be adopted, allowing Victims Services to accept a wider range of identity documents and enabling applicants to provide identification at a later time, prior to a decision being made on their application. In addition, we are of the view that Victims Services should have the discretion to waive the identification requirements in appropriate circumstances, for example for elderly Aboriginal and/or Torres Strait Islander survivors and survivors experiencing homelessness, to ensure that they have equal access to support under the Scheme.

Recommendation

- Review the requirement for victims and survivors to provide government issued identification with a view to ensuring that:
 - Victims Services adopts a more flexible approach to identify checks and can accept a wider range of identity documents;
 - Victims and survivors applying to the Scheme can provide identification documents at a later time rather than at the time of application; and
 - Victims Services has the discretion to waive the requirement to provide identify documents in appropriate circumstances.

Supporting survivors to obtain evidence of violence

Another change that was made to the Victims Support Scheme in July 2020 was to introduce a requirement for victims and survivors to collect their own evidence of violence in support of their claim for a recognition payment and to provide this evidence to the Scheme within 12 months of lodging their application.

knowmore remains deeply concerned about these changes. We note that this role has previously been undertaken by Victims Services and are concerned that the burden has been inappropriately shifted onto victims and survivors, therefore increasing the barriers they face in accessing the Scheme.

The process of collecting documentary evidence about the childhood abuse they experienced will be re-traumatising for many victims and survivors. It is also likely to be difficult for some victims and survivors to undertake without appropriate assistance and support; for example, elderly survivors whose applications relate to historical acts of violence where there is likely to be a lack of supporting documentation, as well as some survivors with disability who face additional barriers including difficulties accessing the

internet and cost barriers.⁷ Further, some victims and survivors may have difficulty accessing support services and, even where they are able to do so, services may face challenges in providing this assistance due to a lack of funding and resourcing.

In our view, the 12-month timeframe imposed on victims and survivors to undertake such a difficult task is also insufficient and unfair, as are the upfront costs faced by victims and survivors, without any guarantee of reimbursement. Further, while Victims Services has undertaken to remind applicants when the 12-month deadline is approaching, in our experience this is not always occurring.

knowmore recommends that Victims Services resume their role and responsibility for supporting victims and survivors to collect documentary evidence, consistent with a survivor-focused and trauma-informed service. Alternatively, other funded services need to be provided.

Recommendation

- Victims Services returns to collecting evidence or the NSW Government funds independent, trauma-informed and culturally safe support services to undertake this work, and reimburses services for associated costs.

Increasing the capacity of the Scheme to deliver outcomes for survivors

Increasing recognition payments to reflect community standards

In knowmore's experience, ex-gratia payments under statutory victims' support schemes can play an important role in providing victims and survivors of child abuse with a sense of justice and can help to assure them that they have been believed. Often, as is the case in New South Wales,⁸ their purpose is to provide recognition of the trauma that victims and survivors experienced and the lifelong and debilitating impact on their lives, as well as to support them to pursue their recovery.

However, the Royal Commission found that in order for an ex-gratia recognition payment to achieve these purposes, the financial award must be meaningful, and capable of making a tangible difference in a survivor's life.⁹ The Royal Commission was of the view that a lower

⁷ People with Disability Australia, *Letter to the Commissioner of Victims Rights: Proposed Changes to Victims Support Scheme*, May 2020, <<https://pwd.org.au/wp-content/uploads/2021/03/060520-PWDA-Letter-to-VR-Commissioner-Victims-Support-Changes.pdf>>.

⁸ According to the *Victims Rights and Support Act 2013* (NSW), a recognition payment under the Scheme is made in 'recognition of the trauma suffered by a victim of an act of violence or act of modern slavery.' See *Victims Rights and Support Act 2013* (NSW), section 34.

⁹ Royal Commission, *Redress and civil litigation report 2015*, <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/final_report_-_redress_and_civil_litigation.pdf> p.223.

financial award may provide little more than a symbolic gesture rather than adequate recognition of the seriousness of the harm they experienced.¹⁰ The Royal Commission stated

*...survivors seek a payment in an amount that will positively impact on the quality of life of survivors, many of whom have struggled to cope with adverse physical and mental health conditions as a consequence of their abuse. A 'token' amount would not provide any sense of justice to many survivors.*¹¹

In New South Wales, recognition payments under the Victims Support Scheme for victims and survivors of child abuse, including child sexual abuse, are capped at \$10,000. As we submitted to the Royal Commission

*A sum as low as \$10,000 is perceived by some survivors as a message that the crimes committed against them, and the devastating impacts of those crimes, are not regarded by the law and our society as being significant.*¹²

We remain concerned that despite crimes committed against children, including child sexual abuse, being amongst the most serious offences, the financial assistance offered to victims and survivors in recognition of those crimes is wholly inadequate and does not reflect community standards. We are also concerned that the limited level of financial assistance does not take into account the cumulative abuse often experienced by victims and survivors, including further physical, emotional and for Aboriginal and/or Torres Strait Islander children, Cultural abuse.

In knowmore's view, the inadequate financial assistance available under the Victims Support Scheme acts as a significant barrier to justice for victims and survivors in New South Wales. Some survivors may be deterred from going through what could be a re-traumatising application process for such limited recognition and benefit. The inadequate financial assistance also leads to vastly unequal outcomes for victims and survivors. For example, knowmore has provided free legal assistance and support to many victims and survivors of child sexual abuse in New South Wales. Since the commencement of the National Redress Scheme in 2018, victims and survivors whose abuse occurred in an institutional context have the option to make an application to the National Redress Scheme and may receive a recognition payment of up to \$150,000. In comparison, victims and survivors who experienced child sexual abuse in a domestic, family or community setting have much more limited options to seek justice and redress, and may only be eligible to receive a \$10,000 recognition payment through the Victims Support Scheme. This creates a two-tiered system where victims and survivors of child sexual abuse in New South Wales do not have equal access to justice or redress.

¹⁰ Royal Commission, *Redress and civil litigation report 2015*, p.225.

¹¹ Royal Commission, *Redress and civil litigation report 2015*, p.222.

¹² knowmore, *Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse on Issues Paper 7: Statutory Victims of Crime Compensation Schemes*, <<https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Issues%20Paper%207%20-%20Submission%20-%2041%20knowmore.pdf>>, p.5.

While we acknowledge that it is unlikely to be feasible to increase recognition payments under the Victims Support Scheme to the same level as the National Redress Scheme, we urge the NSW Government to review the current level of financial assistance provided, with a view to increasing the current cap on recognition payments to bring them more into line with community standards and to ensure that they are more capable of having a meaningful impact on the lives of victims and survivors.

Recommendation

- Introduce legislative amendments by 2023 to provide higher recognition payments for survivors of child abuse, including child sexual abuse, as well as for adult survivors of sexual violence, domestic violence and modern slavery.

Ensuring that National Redress Scheme payments are excluded from consideration as a relevant payment under the Scheme

knowmore understands that under the *Victims Rights and Support Act 2013*, in determining the amount of financial support to be given or the recognition payment to be made to victims and survivors, the Commissioner of Victims Rights must have regard to any amount that has been received by the person in respect of the act of violence.¹³ In assessing applications involving institutional child sexual abuse, the Commissioner may therefore take into account prior payments received by the person under the National Redress Scheme and offer a lesser amount of financial assistance.

This differs significantly from the approach in some other jurisdictions. For example, in Queensland, legislative protections have been introduced to ensure that National Redress Scheme payments are not taken into account when determining the amount of financial assistance to be awarded.¹⁴

We urge the NSW Government to introduce such protections as a matter of priority, in recognition that the purpose of both statutory schemes is to acknowledge and alleviate the impact of the traumatic abuse that victims and survivors experienced as children, and that victims and survivors should not be disadvantaged for pursuing the limited options available to them to seek justice and redress.

Recommendation

- Introduce legislative reforms to ensure that payments made under the National Redress Scheme for Institutional Child Sexual Abuse are not taken into account when determining the amount of financial support to be given or the recognition payment to be made to victims and survivors of child sexual abuse.

¹³ *Victims Rights and Support Act 2013* (NSW), section 44(4).

¹⁴ See the *Victims of Crime Assistance Act 2009* (Qld),

<https://www.legislation.qld.gov.au/view/whole/html/inforce/current/act-2009-035>, Schedule 3 Dictionary, definition of 'relevant payment'.

Reviewing the Scheme’s evidentiary requirements

Removing the requirement to separately prove injury

knowmore strongly supports legislative amendments to remove the requirement for victims and survivors to separately prove injury in Victims Support applications. We recently joined with over 70 organisations to call on the NSW Government to introduce these legislative reforms by the end of 2022,¹⁵ in recognition of the significant body of research demonstrating the inherent, debilitating and often lifelong injury experienced by victims and survivors of child abuse, including child sexual abuse. In our view, removing this requirement will significantly improve the accessibility of the Scheme for victims and survivors and ensure help to ensure that the Scheme takes a more trauma-informed and survivor-centred approach when considering the impact of these serious offences on victims and survivors.

Recommendation

- Introduce legislative reforms to remove the requirement to separately prove injury in Victims Support applications by the end of 2022.

Introducing a fairer standard of proof

Under the *Victims Rights and Support Act 2013*, the standard of proof required for a victim’s support is ‘on the balance of probability’.¹⁶ This standard of proof is equivalent to the common law standard which applies in civil litigation proceedings. In knowmore’s view, this standard of proof is inappropriate for a statutory victims’ support scheme and is inconsistent with the findings and recommendations of the Royal Commission.

In determining the best practice model for a national redress scheme, the Royal Commission carefully considered the appropriate standard of proof. In doing so, the Royal Commission took into consideration the purpose of statutory schemes, which is to provide a more accessible and survivor-centred alternative to common law processes. The Royal Commission stated that ‘a redress scheme would offer no real alternative to common law if it simply replicated common law requirements.’¹⁷

The Royal Commission was of the view that the standard of proof for a redress scheme should be lower than the common law standard of proof, given that redress payments are not intended to provide compensation equivalent to common law damages and that redress schemes do not purport to make findings of liability based on common law principles. The Royal Commission concluded that the appropriate standard of proof for redress schemes is “reasonable likelihood”.¹⁸

¹⁵ Joint Position Statement, *The case for removing the requirement to separately prove injury in NSW Victims Support applications*, July 2022, <<https://www.wlsnsw.org.au/wp-content/uploads/The-case-to-remove-requirement-to-sep-proving-injuryf.pdf>>.

¹⁶ See for example *Victims Rights and Support Act 2013* (NSW), section 39.

¹⁷ Royal Commission, *Redress and civil litigation report 2015*, p.222.

¹⁸ Royal Commission, *Redress and civil litigation report 2015*, see pp. 367-376.

The “reasonable likelihood” standard of proof was subsequently agreed to by state and federal governments and adopted for the National Redress Scheme. According to the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*, reasonable likelihood means “the chance of the person being eligible is real, is not fanciful or remote and is more than merely plausible.”¹⁹ The National Redress Guide outlines factors relevant to determining “reasonable likelihood”. It requires decision-makers to consider that the Scheme was established in recognition that some people may be disclosing their abuse for the first time, may not be able to establish their presence at an institution due to the destruction of records or poor record keeping practices, and may not have corroborating evidence of the abuse they experienced.²⁰

An independent review of National Redress Scheme was conducted following the second anniversary of the Scheme. The review concluded that the standard of “reasonable likelihood” remained appropriate. However, that review found inconsistencies in the way the threshold was being applied, and recommended that the Scheme review its policy guidelines and training materials to ensure appropriate guidance is provided to decision-makers. The review also raised concerns that the Scheme’s Assessment Framework did not impose one consistent standard of proof. It recommended that the “reasonable likelihood” standard of proof should be prescribed for all decisions relating to an application.²¹

The findings of the second year review reiterate the importance not only of legislating a lower standard of proof for statutory redress schemes, but also ensuring that decision-makers are appropriately skilled and equipped to apply the threshold consistently and to assess applications in a survivor-focused and trauma-informed manner.

Recommendation

- Introduce legislative reforms to implement a “reasonable likelihood” standard of proof, consistent with the National Redress Scheme for Institutional Child Sexual Abuse.

Improving the counselling component of the Scheme

Supporting victims and survivors to choose a counsellor

As a result of changes made to the Victims Support Scheme in 2020, victims and survivors are now required to choose their own counsellor from a listing on the Victims Services website. Previously, Victims Services assisted victims and survivors to find a counsellor that met their individual needs.

¹⁹ *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*, sections 6 and 12.

²⁰ Australian Government, *Guides to Social Policy Law: National Redress Guide*, <<https://guides.dss.gov.au/national-redress-guide/3/2/1>>, see paragraph 3.2.

²¹ Final Report of the second year review of the National Redress Scheme, June 2021, <<https://www.nationalredress.gov.au/document/1386>>, pp. 62 and 63 and recommendation 3.4.

knowmore recognises that changes to enable victims and survivors to choose their own counsellor may benefit some victims and survivors, by increasing their choice of counsellor and limiting delays in accessing support. However, there are significant limitations with the current process that have had adverse consequences for some of our clients and our service.

In our experience some victims and survivors require support to navigate the online listing and search function and to identify appropriate counsellors. We are concerned that the burden to provide this support has been shifted from Victims Services to services such as knowmore. We are also concerned that, despite recent improvements to the listing and search function on the Victims Services website, it remains inadequate.

For example, very limited information is provided about the background, qualifications and experience of individual counsellors, making it difficult for victims and survivors to make an informed choice about the counsellor they engage with. We are also concerned about the lack of information to support Aboriginal and/or Torres Strait Islander victims and survivors to access Culturally appropriate and sensitive counselling services. For many of our Aboriginal and/or Torres Strait Islander clients, it is very important to know whether the individual counsellor identifies as Aboriginal and/or Torres Strait Islander and what connections they may have to country and community. However, this important information is not available on the Victims Services listing. Although the search function includes 'Aboriginal or Torres Strait Islander' as an area of experience, no other information is provided about the individual counsellor's experience or personal background.

Further, we are concerned that the search function is inadequate for victims and survivors living in regional, rural and remote locations. For example, the search function is unnecessarily limited to a 15km radius. The search function also fails to return results for counsellors with experience supporting adult survivors of child sexual assault when searching a number of regional postcodes.

Increasing access to counselling for victims and survivors and improving the adequacy, acceptability and quality of counselling

Under the Victims Support Scheme, victims and survivors are only eligible to receive 22 hours of free counselling. While further hours may be approved for victims of child abuse, including child sexual abuse, in our experience the process of seeking additional hours is burdensome, lacks transparency, and often results in small, arbitrary increases in counselling hours. Where an application to extend counselling hours is refused, victims and survivors are provided with limited meaningful information to understand the reasons for the decision and limited pathways to seek a review of the decision. In knowmore's view, this approach is neither trauma-informed nor survivor-focused, and is inconsistent with the findings and recommendations of the Royal Commission.

The Royal Commission carefully examined the advocacy, support and therapeutic treatment service needs of victims and survivors of institutional child sexual abuse. The Royal Commission emphasised the importance of service systems being both survivor-focused and trauma-informed, in recognition of the fact that many victims and survivors experience

trauma that can have “profound, long-lasting and cumulative impacts” on their lives.¹ The Royal Commission also identified four essential principles for the delivery of services to victims and survivors: availability, accessibility, acceptability and high-quality.²

knowmore is concerned that the counselling component of the Scheme does not currently meet the Royal Commission’s four key principles of availability, accessibility, acceptability and high quality. We therefore make the following recommendations to improve the counselling component of the Scheme for survivors.

Recommendations

- Adopt a more trauma-informed, survivor-centred, Culturally safe approach to the counselling component of the Victims Support Scheme by:
 - Victims Services resuming responsibility for supporting victims and survivors to choose a counsellor, where they request this support.
 - Making improvements to the listing and search function on the Victims Services website; including by providing a more detailed and personalised profile for each counsellor with links to their own websites (or their individual profile on the website of the relevant registering body), as well as information to assist Aboriginal and/or Torres Strait Islander survivors to choose Culturally safe and sensitive services.
 - Regularly reviewing the list of counsellors, with a view to ensuring that all victims and survivors in New South Wales, including those living in regional, rural and remote locations, have access to adequate support, including counsellors who are Culturally safe, disability aware, LGBTIQ+ aware, trauma-informed and who have specialist expertise in working with victims and survivors of child abuse.
 - Providing access to Culturally safe and appropriate support, including Cultural healing practices.
 - Reinstating funding for group-based support in New South Wales, in recognition of the significant benefits of facilitated peer support group therapy for many victims and survivors of child abuse, and as a means of addressing the significant service gaps faced by some groups of survivors, including male survivors of child sexual abuse.
 - Develop policy and procedures that recognise the need to apply extended hours of counselling, with allocation up to 44 hours where appropriate, with further extensions as required. Introduce a presumption in favour of approving extensions. Increase the transparency surrounding the process for seeking an extension. Provide clear reasons for decisions to refuse an extension, as well as information about how to seek a review.
 - Increase access to counselling for victims and survivors while they are in custody, and improve the search function on the Victims Services website so that survivors can search for counsellors with experience supporting people who have been through the criminal justice system.
 - Victims Services provide professional support (including vicarious trauma support) to counsellors and opportunities for professional development and training.
 - Remove the two session “no show rule” so that victims and survivors who are unable to attend appointments for reasons beyond their control and/or relating to their trauma are able to continue to receive support.
 - Adequately remunerate Victims Services Approved Counsellors.

Conclusion

knowmore appreciates the opportunity to contribute to the statutory review of the New South Wales Victims Support Scheme, as part of the broader review of the *Victims Rights and Support Act 2013*.

We ask the NSW Government to introduce the important recommendations we have outlined in our submission to ensure that the Scheme provides more survivor-focused, trauma-informed and Culturally safe support to victims and survivors of child abuse in New South Wales. Furthermore, we ask the NSW Government to introduce the additional recommendations outlined in the joint submission made by services supporting victims and survivors throughout New South Wales.

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Original artwork by Ngunawal man Dean Bell, depicts knowmore's connection to the towns, cities, missions and settlements within Australia.

knowmore acknowledges the Traditional Owners of the lands and waters across Australia upon which we live and work. We pay our deep respects to Elders past and present for their ongoing leadership and advocacy.

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