

Clinical Psychologist

Nita Hidalgo

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All correspondence mailed to:

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Dear Sir/Madam,

My name is Nita Hidalgo, I am currently in private practice as a Clinical Psychologist. Furthermore, I was employed as an Approved Counsellor for Victims Services and welcome the opportunity to make a submission regarding the Statutory Review of the Victims Rights and Support Act 2013.

My professional background consists of over 9 years of working with victims of crime within private practice, in particular, I am passionate about treating women in domestic violence within the Western Sydney demographics. This is an area of high need.

In my experience, Victims Services have been an invaluable service to this under resourced and complex client group, in particular within the Fairfield region, which has particularly high rates of reported domestic violence and crime within NSW.

The focus of this submission will be on safeguarding victims of crime by attempting to "close a loophole" in the current legislation under the Victims Rights and Support Act 2013. Namely, to allow further scope within the Act 2013 to independently investigate and remedy inconsistencies that may arise from s31 (Act 2013) by the Commissioner and that of The Charter of Victims Rights under Division 2, that may allegedly constitute a breach of the Charter of Victims Rights.

As I have reviewed the Victims Rights and Support Act 2013, there is currently no legislative requirement to safeguard Victims of Crime by independently investigating these inconsistencies, alleged breaches of the Charter of the Victims Rights, outside of the Commissioner's powers.

Unfortunately, this recommendation has arisen due to inconsistencies I have experienced through my own private practice where breaches of the Charter of Victims Rights by not allowing victims of crime access to the counsellor of their choice, namely me. In these instances, the Commissioner has under s31 (Act 2013) refused access to the client's choice of counsellor on the basis of her discretionary powers. Largely, these clients have had psychological treatment for a number of years through another government funded mental health initiative and wanted continuity of treatment. The clients clearly documented their

choice to have continuity of treatment by completing the VS form and placing, "*Nita Hidalgo*" as their nominated counsellor. The Commissioner under s.31 refuses access to the counsellor of their choice without stating her grounds, except that it was at her discretion. In my view, the Commissioner's use of her power under s31 lacked transparency, fairness and integrity and breached the Charter of Victims Rights. It was also not a matter that could be challenged.

Client's clearly stated in an email/phone contact to myself and the case manager, they would refuse to see the "new" approved counsellor allocated and perceived their right to choose had been refused without reasonable grounds. After "much" advocating by the client, myself and other organisations for their right to choose their counsellor, the Commissioner did reverse her decision, but there was major trauma to the clients and me prior to the reversal.

The psychological impact on my clients who were refused access to choice of Approved Counsellor by Commissioner consisted of; feelings of disempowerment, distress, confusion, "retriggering" of past abuse, and anger over supposedly having "no" choices with regards to their counsellor. Furthermore, these actions by the Commissioner have had further negative impact by disrupting the therapeutic relationship and creating occupational, health and safety issues negatively impacting on their therapeutic treatment.

It is worth noting, the Commissioner has access to an independent body, namely, the Professional Advisory Panel (PAP) who advises the Commissioner on various matters including quality assurance of the Approved Counselling Services and suitability of prospective counsellors. The PAP consists of a panel of professional members who are qualified in their field, but also includes Approved Counsellors participating in the Approved Counselling Service. It would not be recommended for PAP to be appointed to remedy these inconsistencies, due to the contractual obligation between Approved Counsellors (contractor/employee) and the Commissioner. This could be construed as a conflict of interest for these Approved Counsellors. Further, I would argue that any decision made by the PAP could not be seen as independent while any of its members are deriving an income from the Victims Service.

I want to stress that in my professional opinion, the current Act 2013, in particular the Victims of Charter Rights did not safeguard the victims of crime by protecting their choices.

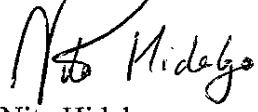
The current status of the Act 2013, doesn't address a "blindspot" of the power imbalance between the Commissioner under s31 and victims of crime under the Charter of Victims Rights. There is no easy way or "cheap" way to challenge a decision made by the Commissioner.

Without an appropriate independent body to investigate these inconsistencies, I felt it necessary to engage a private solicitor, to assist with balancing the "power dynamics". This resulted in financial costs to myself to attempt to resolve these inconsistencies and address breaches of the Charter of Victims Rights.

In concluding, the Statutory Review of the *Victims Rights and Support Act 2013* is "welcomed with open arms" as it allows further advocating and empowering victims of crime by addressing "blind spots" that may sadly erode the intended benefits of this necessary form of legislation, in promoting a safe and just society for our most vulnerable.

You are more than welcome to contact me with regards to clarification of this submission.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Nita Hidalgo". The signature is written in a cursive style with a large, stylized initial "N".

Nita Hidalgo