

Open Letter in response to proposed changes to NSW Victims Support Scheme 22 April 2020

Dear Attorney General and Minister for Prevention of Domestic Violence,

Call for proposed changes to NSW Victims Support Scheme not to proceed and for proper consultation

We, the undersigned, write to you to express strong concerns about [proposed changes](#) to the NSW Victims Support scheme which are due to commence on 27 April 2020. These changes were only recently communicated to stakeholders and were announced without any consultation, including with the Victims Advisory Board or the Victims of Crime Interagency, bodies established for such purposes. The timing of these announcements is also concerning given the additional barriers for some applicants in accessing Victims Services due to COVID-19.

The changes will impact on all victims-survivors due to strict time limits. This is because Victims Support applications will not be accepted unless all necessary documentary evidence is attached at the time of making the application.

We are particularly concerned about the impacts on victims-survivors of domestic violence, sexual assault, child abuse and child sexual abuse

We call for these changes not to proceed.

We understand the desire to improve efficiencies in the operation of the Victims Support Scheme. However, this must be done with proper consultation with those affected, namely those seeking to access the Scheme and their advocates.

Some of our concerns include:

- 1 How will victims-survivors be able to preserve their right to Victims Support when they have insufficient time to gather evidence prior to the expiring of their time limit and an application will not be accepted without all necessary documentary evidence?
- 2 Will Victims Services be continuing with Immediate Needs Support Package for victims-survivors of domestic violence?
- 3 What support will be available for applicants to access an approved counsellor, noting one will no longer be allocated to them and they will need to select a counsellor from a list on the Victims Services website. What guarantees will there be that the list of approved counsellors will be accepting new applications in a timely manner?
- 4 There seems to be an assumption that victims-survivors have ready access to the internet. There are barriers to marginalised people accessing the internet, including due to cost, language and literacy barriers. This will particularly impact on the homeless, victims-survivors in prison and other victims-survivors of domestic and sexual violence.

We fear that these changes will exacerbate trauma for victims-survivors and that victims-survivors may not know how to respond to an email from Victims Services that denies accepting a person's application form without all the necessary evidence. This is particularly concerning given this scheme is intended to operate without legal assistance.

We fear that these changes will effectively deny many victims-survivors access to financial assistance and recognition payments which they are entitled to and need.

Victims-survivors must be accorded procedural fairness.

These changes are also inconsistent with other sections in the *Victims Rights Support Act*, including s 41A relating to lapsing of application if evidence to support application not provided. This provision requires Victims Services to contact the applicant on a minimum of 3 occasions over a 12 month period from first being asked to provide documentary evidence to support an application.

We call for these changes not to proceed and for the Commissioner of Victims Rights to consult with victims-survivors and their advocates on ways to improve the efficiency of the Victims Support scheme.

Yours faithfully,

List of organisations

This letter is a joint letter. Please contact Liz Snell, Community Legal Centres NSW Domestic Violence & Victims Support Subcommittee on ph: 8745 6900.

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Tim Leach, Executive Officer, Community Legal Centres NSW
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Ryan Flippence, Principal Solicitor, Central Coast Community Legal Centre
Karen Willis, Executive Officer, Rape and Domestic Violence Services Australia
Patrick O'Callaghan, Principal Solicitor, Western NSW Community Legal Centre
Gloria Larman, Chief Executive Officer, Women's Justice Network
Susan Smith, Coordinator, Sydney Women's Domestic Violence Court Advocacy Service
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Vicki Johnston, Manager, The Deli Women & Children's Centre
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Jane Sanders, Principal Solicitor/Jacki Maxton, Senior Solicitor, The Shopfront Youth Legal Centre
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Kerrie Thompson, Chief Executive Officer, Victims of Crime Assistance League Inc NSW
Ken Marslew AM, CEO & Founder / Simone Marslew, General Manager / Melisa Kanisek, Community Development Officer / Cassandra Sweet, Victims Assistance Team, Enough is Enough Anti Violence Movement Inc.
Nicole Yade, General Manager, Lou's Place
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