



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair), Mr Andrew Braddock MLA

Submission Cover Sheet

Inquiry into Immediate Trauma Support Services in the ACT

Submission Number: 004

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Standing Committee on Justice and Community Safety

Office of the Legislative Assembly

Via LACommitteeJCS@parliament.act.gov.au

8 December 2023

Dear Standing Committee on Justice and Community Safety,

Submission to the Inquiry into Immediate Trauma Support Services in the ACT

Thank you for the opportunity to make a submission in relation to the Standing Committee's Inquiry into Immediate Trauma Support Services in the ACT (the 'Inquiry').

I note the **enclosed** submission addresses the following Terms of Reference:

- What immediate supports are offered to people in the ACT following a traumatic incident?
- What type of immediate supports are needed by people who have experienced a sudden or traumatic incident?
- At what point do Victim and Coronial Support Services engage in the process following a traumatic incident?

I request that this submission be published in full.

Yours sincerely

Heidi Yates

Victims of Crime
Commissioner

About Victim Support ACT

1. The Victims of Crime Commissioner (VOCC) is an independent statutory advocate, located within the ACT Human Rights Commission. The VOCC's functions are set out in the *Victims of Crime Act 1994*, the *Victims of Crime (Financial Assistance) Act 2016* and the *Victims of Crime Regulation 2000*.
2. The VOCC advocates for the interests of victims of crime and affected persons in the ACT. Particularly relevant to the subject of this Inquiry, the VOCC's responsibilities include:
 - 2.1. advocating for the interests of victims;
 - 2.2. monitoring and promoting compliance with victims rights;
 - 2.3. consulting on and promoting reforms to meet the interests of victims; and
 - 2.4. delivering frontline support services to victims via the Victim Services Scheme (VSS) and the Financial Assistance Scheme (FAS), which operate under the umbrella of 'Victim Support ACT' (VSACT).
3. The terms of reference of this Inquiry directly relate to the core functions of the VOCC in consulting and promoting reforms to meet the interests of victims.

Victim Services Scheme

4. The Victim Services Scheme (VSS) operates under the *Victims of Crime Act 1994* (VoC Act) and the *Victims of Crime Regulation 2000* to provide advocacy and a broad range of supports to people affected by crime in the ACT. For example, VSS Case Coordinators working in the client services team:
 - 4.1. provide information about what to expect after a crime, including what to expect from the justice system;
 - 4.2. provide support to people when they are deciding whether to report a crime to police, and assist them to report to police if they choose to do so;
 - 4.3. facilitate access to free counselling and other therapeutic supports under the *Victims of Crime Regulation 2000*, which is delivered via more than 140 approved providers across the ACT;
 - 4.4. provide advocacy and support to people as they navigate the criminal justice system, including assisting victims to resolve concerns about breach of their rights to information, consultation and participation under the Charter of Rights for Victims of Crime;
 - 4.5. assist people to apply for financial assistance under the *Victims of Crime Financial Assistance Scheme*; and
 - 4.6. provide information about, and referrals to, other services relevant to people's needs, including legal and family support services.

Immediate supports offered to people in the ACT following a traumatic incident

5. VSACT is funded by the ACT government to provide services to victims of crimes committed in the ACT, regardless of whether the crime has been reported to police or whether the alleged offender has been convicted. Notably, VSACT is unable to provide support to people following a traumatic incident if the incident does not arise in the course of, or as a result of, the commission of an offence.¹
6. In circumstances where VSACT receives a referral immediately following a traumatic incident, VSACT staff will determine on the information available whether the person seeking services has suffered harm because of an offence, to assess whether the person is a victim or affected person under the *Victims of Crime Act 1994*. VSACT staff will also assess presenting client needs that may require further assessment and/or inter-agency/service collaboration to support their immediate needs. It is important to note that clients' needs will rarely remain static. The level of complexity, and consequently the level of involvement of VSACT, will be reassessed by VSACT staff at regular intervals, with appropriate services offered accordingly.
7. VSACT operates within standard business hours (9am to 5pm, Monday – Friday). VSACT is not a crisis service, and is not specifically resourced to provide an immediate trauma response to victims. Case Coordinators do not provide immediate support onsite following a traumatic incident. They support clients to navigate the complexities of the criminal justice system over time, and work closely with other supports within the agency, such as the Multicultural Liaison Officer, the Disability Liaison Officer and the Aboriginal and Torres Strait Islander outreach program (discussed further below). Case Coordinators can connect victims with free counselling and other therapeutic supports under the VSS,² however, it is important to note that there are significant delays—approximately two to three months—for individuals in the Canberra community to access counselling and other therapeutic supports.
8. At present, VSACT is fortunate to have within our staff a Senior Case Coordinator who is also an allied health professional with significant experience in the provision of trauma-informed counselling. Within business hours, this individual *can* provide immediate trauma support to clients where required. For example, ACT Policing have historically contacted this team member immediately after a traumatic incident, such as a homicide, with a request that she provide support to the victim/s. While this team member is not currently funded to provide immediate crisis counselling outside of business hours, in exceptional circumstances, the in-house counsellor has been contacted by ACT Policing and has been on standby to provide after-hours assistance to victims. Where capacity allows, this team member will remain the ongoing Senior Case Coordinator for the relevant victim/s beyond initial contact (assuming they are determined to be eligible for ongoing support). However, this is not always possible due to operational demands.
9. Earlier this year, VSACT received funding for 1.5 FTE to provide case coordination, crisis counselling and ongoing support to families bereaved by a motor vehicle collision arising from a criminal offence. These services are provided only within standard business hours (9am – 5pm, Monday to Friday). Following amendments to the Victims of Crime Regulation 2000 on 31 May 2023, these staff members can provide intensive support to, and advocacy for, such family members, including wraparound case coordination, crisis counselling, court support and access to ongoing therapeutic care (delivered in a manner consistent with the VSS). Case Coordinators also assist family members to access financial and other supports via the Motor Accident Insurance (MAI) Scheme.

¹ *Victims of Crime Act 1994* (ACT) s 6.

² *Victims of Crime Regulation 2000* reg 24.

10. The VSACT Aboriginal and Torres Strait Islander outreach program also provides critical outreach support to clients, including immediate support following traumatic incidents arising in the course of, or as a result of, the commission of an offence. The program consists of two Aboriginal Liaison Officers with strong ties and connections to the ACT community. These individuals are assisted by VSACT's outreach social worker to ensure that culturally responsive services are available to Aboriginal and Torres Strait Islander victims.
11. VSACT's Multicultural Liaison Officer (MLO) has also been instrumental in providing critical support and assistance to victims of crime from multicultural backgrounds, including newly arrived migrants, refugees, and asylum seekers. Whilst not a trauma specialist, the MLO responds promptly to crisis situations, using a holistic model of culturally sensitive care to empower people who have been impacted by crime and to ensure they receive immediate support and protection within business hours.

What type of immediate supports are needed by people who have experienced a sudden or traumatic incident?

12. While the Inquiry into Dangerous Driving in the ACT considered the criminal justice and police responses to dangerous driver offending, the Inquiry more broadly underscored that there is currently a gap in the provision of immediate support available following a sudden or traumatic incident.³ The evidence of the Australian Federal Police Association also made clear that police and others attending at a scene are not necessarily in a position to always provide immediate support to those who have witnessed or experienced a sudden or traumatic incident.⁴
13. We refer to the lived experience of those who have been irretrievably impacted by sudden or traumatic incidents. To that end, we note that both Ms Camille Jago and Mr Tom McLuckie informed the Standing Committee of the gap in support arrangements currently available immediately following a motor vehicle offence.⁵ While not exhaustive, the immediate supports needed by those who want support immediately following a sudden traumatic incident include practical supports, the provision of information and emotional support. For example, immediate practical supports could include phoning family members or friends, waiting with people at a crime scene, a police station or a hospital, providing support to formally identify the deceased and coordinating access to transport, food and medical support. Information required by persons experiencing a sudden traumatic incident may involve liaising with police and other first responders to obtain clear information about next steps in the investigation, what police may require of them as witnesses or family members, access to the deceased and/or their personal belongings and answers to other questions about the justice process. Emotional support could include listening to those affected, normalising trauma responses and sharing emotional regulation strategies where someone is experiencing distress.

At what point do Victim Support services engage in the process following a traumatic incident?

14. VSACT engages after a traumatic incident where we receive a referral. A person may self-refer to VSACT via phone, email or by attending our office, by direct contact with a staff member including an outreach officer, by direct contact with the VOCC, or through the HRC online submission form. Alternatively, a third party may refer the victim. VSACT regularly receives referrals from agencies including ACT Policing (via Supportlink) and ACTP Victim Liaison Officers, the Office of the DPP and other government and non-

³ Ms Jago, Committee Hansard, 26 October 2022, pp 10-11.

⁴ Mr Caruana, Australian Federal Police Association, Committee Hansard, 27 October 2022, p 104.

⁵ Ms Jago, Committee Hansard, 26 October 2022, p 11; Mr McLuckie, Committee Hansard, 27 October 2022, p 71.

government agencies, such as the Domestic Violence Crisis Service, Canberra Rape Crisis Service, VSACT approved service providers and the Disability and Community Services Commissioner. VSACT is generally only able to respond to referrals during business hours.

15. Notably, s 15 of the *Victims of Crime Act 1994* requires the Chief Police Officer or their delegate to refer a victim of an offence to a suitable service—which may include VSACT—unless such a referral is not appropriate. If an ACT Policing Officer or Victim Liaison Officer makes a client referral to VSACT indicating the client has been a victim of an offence and requires immediate support, VSACT will rely on the information provided to aid the assessment of the client’s eligibility to receive services. The client will then be triaged and prioritised based on information in the referral, which may include the nature of the crime, any suicide risk assessment and the need for urgent safety planning. VSACT often works closely with police over many months to ensure that referred clients receive the information and support they require over the course of a police investigation and/or court proceedings.