



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

JEREMY HANSON CSC MLA (CHAIR), MARISA PATERSON MLA (DEPUTY CHAIR), JO CLAY MLA

Inquiry into referred 2019–20 Annual and Financial Reports and Budget Estimates 2020-21
ANSWER TO QUESTION ON NOTICE

Asked by Peter Cain MLA:

Ref: Budget Statements D, JACSD Annual Report 2019-20, ACT Human Rights Commission Outlook and Priorities for 2020-21

In relation to: Victims of Crime Commission

1. In the JACSD Annual Report 2019-20 (p. 13), a key strategic priority of the Directorate is Supporting the Victims of Crime Commissioner to meet increased demand to access the Victims of Crime Financial Assistance Scheme and the Victims Services Scheme during the COVID-19 public health emergency. How much have claims increased for the Victims of Financial Assistance Scheme and Victims Services Scheme in 2019-20 FY compared to previous years?
 - a. An additional key strategic priority of the Directorate is implementing a Charter of Rights for Victims of Crime. Can you provide how much has been spent on implementing the Charter of Rights?
 - b. Please outline the type of information and opportunities for victims to be heard that the implementation of the Charter will provide.
 - c. How many Victims have accessed the complaints pathway to date?
 - d. How many victims are expected to access the complaints pathway in the future?
 - e. In Budget Statements D (p. 22) it notes that \$130,000 has been allocated in the 2020-21 Budget to the Commissioner. Where will this money be spent?
 - i. How will this funding be prioritised?

Tara Cheyne MLA: The answer to the Member's question is as follows:—

1. The Financial Assistance Scheme (FAS) received 513 applications in 2019-20, representing a 13 per cent increase from 2018-19 (453 applications), and a 375 per cent increase in comparison to the scheme's first year of operation (2016-17). The FAS paid a total of \$3.3 million in financial assistance in 2019-20, representing a 32 per cent increase from 2018-19.



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

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The Victim Services Scheme (VSS) registered 689 new clients for case coordination in 2019-20, representing a 31 per cent increase from 2018-19. The VSS provided a total of 2,159 clients with case coordination, advice, information, counselling, court support and/or justice advocacy services in 2019-20, representing a 27 per cent increase from 2018-19 and a 53 per cent increase on the same data three years ago.

Victim Services Scheme client assistance

	2016-17	2017-18	2018-19	2019-20
Clients provided with case coordination				
New clients registered for case coordination	327	404	524	689
New clients registered for case coordination compared to the previous year		+24%	+30%	+31%
Existing clients with new experiences of violence	24	6	6	107
Existing registered clients receiving ongoing service	413	630	521	691
Total clients provided with case coordination	764	1040	1051	1487
Clients provided with information. referred to other services or unable to be contacted				
Advice, information or referral	479	429	544	613
Referral received, client declined service	151	140	80	44
Out of scope/inappropriate referral	19	25	23	15
Clients unable to be contacted after 3 attempts	193	207	186	270
Total	1606	1841	1884	2429

- (a) The implementation of the Charter of Rights for Victims of Crime was allocated \$1.881 million over four years in the 2019-20 Budget Review to assist victims to access their rights and justice agencies to uphold them.



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Funding will support the development of community education and information resources; FTE for key justice agencies to liaise with victims of crime and share information from August 2020; and the pilot of a flexible fund to address victim needs and fill gaps not covered under other schemes.

- (b) The Charter of Rights for Victims of Crime includes victim rights under key themes including:
- the provision of general information about justice processes;
 - case updates and, where appropriate, seeking victim views on key decisions; and
 - opportunities for participation in proceedings.

For example, when a victim first comes into contact with police, they will be told about the justice processes resulting from reporting an offence, receive written confirmation of having reported a crime, and be referred to relevant support services.

When a crime is being investigated by police, victims must be kept regularly updated, unless this would jeopardise the investigation.

During prosecution of an offence, victims will be given information about their role as a witness including victim impact statements; the review process that is available if a decision is made not to prosecute; hearing dates; and the outcomes of trials and appeals. Victim views may also be sought on key decisions around dealing with charges, recognising that at times, the DPP may choose not to consult with victims due to the risk of prejudicing the prosecution of an offence.

After sentencing, victims will be given information about reparation orders; available victims registers which provide information about an offender's sentence; and options to minimise exposure to the offender, for example via a personal protection order or requesting that they not be contacted while an offender is detained.

When parole inquiries are being held, registered victims will be provided with information about how they can provide a submission, the outcomes of any parole decisions, and information about an offender's sentence, including intensive corrections orders, where this relates to their safety.

If an offender is subject to a mental health justice pathway, a victim will be given information and updates about mental health orders where appropriate, how to provide submissions to ACAT hearings, and how they can register to receive further updates and support.

Victims have rights to information about and participation in restorative justice where eligible, as this is an important opportunity for victims to seek recognition of the harm caused by an offence.



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All justice agencies are also required to give information to victims about the available complaints pathways if a concern is raised, and the processes for resolving the concern.

- (c) The Disability and Community Services Commissioner in the ACT Human Rights Commission (HRC) has received a number of queries about victims rights since the commencement of the Charter of Rights for Victims of Crime, but to date no formal complaints have been received.
- (d) It is hoped that the Charter of Rights for Victims of Crime complaints process, as the first of its kind in Australia, will be well utilised.
- (e) These funds have been allocated to the administration of the Victims of Crime Financial Assistance Scheme (FAS) to address:
 - i) the processing of FAS applications, noting the 375% increase in applications in 2019-20 compared to scheme's first year of operation; and
 - ii) the increase in FAS immediate needs applications in context of COVID-19, noting that 60 per cent of new FAS applications in January 2021 had an 'immediate needs' component compared to 24 per cent in the same period in 2020.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

A handwritten signature in blue ink, appearing to be "Tara Cheyne".

Date:

11/3/21

By the Minister for Human Rights, Tara Cheyne MLA