

2021

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

PAPER FOR TABLING

**REVISED - REVIEW OF THE VICTIMS OF CRIME FINANCIAL ASSISTANCE SCHEME –
PROJECTS ASSISTING VICTIMS' EXPERIENCE AND RECOVERY (PAVER) REVIEW**

**Presented by
Tara Cheyne MLA
Minister for Human Rights**



Australian
National
University

CENTRE FOR SOCIAL
RESEARCH & METHODS

Projects Assisting Victims' Experience and Recovery (PAVER) Review

Final Report

Dr Robyn Holder, Professor Lorana Bartels, Dr Helen Taylor and
Kandie Allen-Kelly

February 2021

We acknowledge and celebrate the First Australians on whose traditional lands we meet, and pay our respect to the Elders past, present and emerging.

List of Tables	vi
List of Figures	viii
Acknowledgements.....	x
Abbreviations	xi
EXECUTIVE SUMMARY	xiii
RECOMMENDATIONS	xvi
CHAPTER 1: INTRODUCTION	1
Purpose of the Review	1
Review Objectives and Criteria	2
Approach to the Review	4
Layout of the Final Report	5
CHAPTER 2: BACKGROUND AND CONTEXT OF RESPONSES TO VICTIMS OF CRIME	6
A Brief Historical Overview	6
Models of Victim Support	7
Crimes Compensation/Financial Assistance to Victims: The Policy Evolution in Australia ...	9
Criticism and Reforms of Early Schemes	10
Reforms to State-based Payment Schemes.....	10
Breaking the ‘Compensation’ Nexus.....	15
Implementing Victim Support Services.....	15
CHAPTER 3: REVIEW METHODOLOGY	17
Introduction	17
Review Participants.....	17
Review Methodology	18
Research Instruments	20
A Trauma-Informed Research Approach	21
Key Principles	22
Additional Review Methods.....	22
NOTE ON SERVICE USE DATA IN THIS REPORT	23
CHAPTER 4: ANALYSIS OF COMPARATIVE LEGISLATION IN AUSTRALIA.....	24
Comparison with Current Relevant Financial Assistance Schemes in Australia	24
Eligible Applicants	24
Eligibility Evidentiary Requirements	25

Evidentiary Standards	25
Exclusions	26
Time Limits for Applications	27
Types of Claims or Payments	28
Amounts Payable	29
Administration of Schemes	29
Challenges Related to Scheme Administration	30
Some Concluding Observations	34
CHAPTER 5: DATA ON VICTIMS OF CRIME IN THE ACT	37
Victimisation in Australia and the ACT	37
Crime Reported to ACT Policing	38
Summary	45
CHAPTER 6: VSACT'S RESPONSE TO CRIME VICTIMS IN THE ACT	46
Victim Support ACT	46
Referral and Intake	47
Intake, Allocation and Assessment	48
Service Provision and Coordination	50
Specialist Victim Support Programs	52
Volunteer Program	53
Approved Service Providers	54
Financial Assistance Scheme (FAS)	56
Client Communications	58
Resourcing and Caseloads	58
Integration of Service Activities	60
Similar Challenges in Other Service Sectors	60
Packages and Markets	60
Client Choice and Control	62
Models and Cases	64
Co-designing an Integrated Service	65
Chapter Summary	67
CHAPTER 7: OVERVIEW AND ANALYSIS OF VSACT'S FINANCIAL ASSISTANCE AND VICTIMS SERVICES SCHEMES	69

The Victims of Crime (Financial Assistance) Act 1983 (ACT)	69
Implementing the New FAS	70
Staffing the New FAS.....	71
Statistical Information on Scheme’s Operation.....	71
Applications.....	72
Applicants’ Personal Characteristics.....	75
Applications Disqualified	76
Payments Made, Number and Amounts	78
Number of Payments Made.....	78
Amounts Awarded in Applications	79
Time Taken in Making Payments	81
ACT Victims Services Scheme.....	85
Policy Intentions for VSS	85
Establishment of VSS	86
Previous Reviews	87
Dare Review (2002).....	87
AGD Review (2005)	87
Garnett Review (2019).....	88
The VSS Data	89
Number of Clients	89
Referrals to VSACT	89
Client Characteristics	91
Victimisation and Victim Type	91
Types of Assistance	92
Integrated Service Use.....	94
CHAPTER 8: CLIENT EXPERIENCES WITH VICTIM SUPPORT AND ASSISTANCE IN THE ACT.....	96
Gathering Client Feedback: Methodology and Analysis.....	96
Findings: Survey and Interview Respondents.....	99
Personal Characteristics and Victimisation Experiences	99
Impact of the Victimisation.....	101
Clients’ General Experiences with Victim Support ACT.....	102
VSACT Clients’ Experiences with Financial Assistance Scheme (FAS).....	108

VSACT Clients' Experiences with Victims Services Scheme (VSS)	114
VSACT Clients' Comparative Evaluations of Programs and their Effects.....	115
Clients' Reasons for Satisfaction and Dissatisfaction	117
Summarising Clients' Feedback	119
CHAPTER 9: OVERVIEW AND ANALYSIS OF VICTIMS OF CRIME LEVIES.....	121
Comparison with Other Jurisdictions.....	121
Victims' Levies in the ACT	121
Statistical Analyses of the VFAL and VSL	122
Administering the Levies.....	129
Stakeholder Feedback.....	130
Summary and Recommendations.....	131
CHAPTER 10: REVIEW CONCLUSIONS AND A BLUEPRINT FOR REFORM	133
Right to Services.....	134
The Review Findings and Recommendations	135
Putting People at the Centre of Victim Support, Assistance and Advocacy.....	135
Support, Assistance and Advocacy	136
Creating a Single Coherent Legislative Response Enabling Support, Assistance and Advocacy	136
Over-riding Duties of Victims of Crime Commissioner (VOCC)	137
Re-Designing a Client-Centred Organisation	138
Access to Support, Assistance and Advocacy	139
A Blueprint for Reform: Core Components	141
Single Legislative Instrument	141
Victim Registration.....	146
A Client-Centred Structure and Process for VSACT	147
References	152
Legislation	162
APPENDIX A: PAVER Research Activities.....	164
APPENDIX B: Assessing the Research Literature	167
Costs of Crime	167
Impact of Crime	167
Social Impacts of Crime.....	167

Labour and Wellbeing Impacts	168
Financial Harms.....	168
Personal and Physical Consequences of Crime	168
Longer-term Effects	169
Needs and Service Responses.....	169
Access to Support Services	171
Access to Support for Victims in the ACT	173
Other Findings on Victim Support	174
What Works for Crime Victims?	175
Summary	177
APPENDIX C: Jurisdiction Overview – Financial Assistance/Compensation Legislation	178
APPENDIX D: Data Cleaning and Analysis Decisions, VSACT Data	182
APPENDIX E: Summary of Written Submissions to PAVER Review	190
APPENDIX F: Summary of VSACT Staff Assessments of What is Working Well.....	201

List of Tables

Table 1: Objectives and Criteria for Review of Victim Programs and Comment.....	xxvii
Table 2: Objectives and Criteria for Review of Victim Programs.....	2
Table 3: Jurisdictional CIC/Financial Assistance Reforms, Selected Australian Jurisdictions ..	12
Table 4: Methods, Participants and Samples~	18
Table 5: Distribution of Research Activities	19
Table 6: Methods to Address Review Questions.....	19
Table 7: Number of Victims in the ACT by Crime Type – 2007-08 and 2016-20, by FY.....	38
Table 8: Number of Victims in the ACT, by Location, 2016-20 FYs, Aggregated	39
Table 9: Number of Victims in the ACT, by Gender, 2007-08 and 2016-20 FYs, by FY and Aggregated.....	40
Table 10: Number of Victims in the ACT, by Crime Type and Gender, 2016-20 FYs, Aggregated.....	41
Table 11: Number of Victims in the ACT, by Crime Type and Gender, 2019-20	42
Table 12: Number of Victims in the ACT, by Age Category, 2016-20 FYs, Aggregated	43

Table 13: Number of Victims in the ACT, by Relationship of Offender to Victim, 2016-20 FYs, Aggregated.....	43
Table 14: Number of Victims in the ACT, by Number of Times Victimised, 2016-20 FYs, Aggregated.....	44
Table 15: Number of Victims in the ACT, by How Incident Cleared, 2016-20 FYs, Aggregated	44
Table 16: VSACT Staff-Identified (N=20) Priorities for Improvement, Listed per Item	66
Table 17: 'Old' FAS: Applications Lodged, Awards Made and \$ Value of Awards, by FY	70
Table 18: FAS Staff Resourcing Since Scheme Commencement	71
Table 19: Number of FAS Applications and Awards, by FY of Application	72
Table 20: Total Applications, by Offence Category, 2016-20 FYs, Aggregated	73
Table 21: Total Applications, by Offence Category (Excl. Assault), 2016-20 FYs, Aggregated	74
Table 22: Total Applications, by Gender, 2016-20 FYs, Aggregated.....	75
Table 23: Number of Applications Disqualified, by FY.....	77
Table 24: Number of Applicants Receiving Payment, by Offence Category, 2016-20 FYs, Aggregated.....	79
Table 25: Applications Awarded: Total Amounts paid (\$), by FY*	79
Table 26: Applications Awarded: Average Amounts paid (\$), by FY*	80
Table 27: Average Amounts (\$), by Offence Category, 2016-20 FYs, Aggregated	80
Table 28: Victims of Crime provided with Assistance under VSS	89
Table 29: Source of Client Referral to VSACT, 2016-20 FYs, Aggregated	90
Table 30: Total Referrals to VSACT, Clients With and Without Unique Identifier.....	90
Table 31: Type of Victim, Whether Primary, Related or Witness, 2017-20, Aggregated.....	91
Table 32: Types of Support Most Requested by Clients.....	92
Table 33: Types of Services Most Undertaken by VSACT Staff.....	93
Table 34: Types of Service Provided, 2017-20, Aggregated	93
Table 35: Level of Service Accessed/Approved, Aggregated.....	93
Table 36: Service Use, All VSACT Clients (New and Continuing) Accessing any Service, 1 July-31 Dec 2020	94
Table 37: Comparison Between AIC and PAVER Surveys	98
Table 38: Online Survey Respondents – Type of Victimization (N=269)	99

Table 39: Survey Respondents – Personal Characteristics and Type of Victimization (N=269)	100
Table 40: Who Told About VSACT (N=269)	103
Table 41: Time Between Most Recent Incident and Contact with VSACT (N=269)	103
Table 42: Knowledge About VSACT’s Existence Prior to Contact (N=269)	103
Table 43: How Contact with VSACT Happened (N=269)	104
Table 44: Help Wanted from VSACT and Help Taken up (N=269)	105
Table 45: First Preference for Type of Contact from VSACT Staff (N=269)	107
Table 46: First Preference for How Service to be Delivered by VSACT Staff (N=269)	107
Table 47: VSACT Programs Engaged with, Number of Individuals (N=269)	108
Table 48: VSACT Programs Applied for, Number of Applications/Registrations	108
Table 49: FA Application with Decision Received and Payment (N=71)	111
Table 50: FA Application with Payment, Amounts Received (N=54)	112
Table 51: Importance of Payments in Helping Deal with Victimization Impacts	112
Table 52: Satisfaction with Victim Support Programs, ‘Very/Quite’ N and %	117
Table 53: How Active in Community Life Before and After Being a Victim of Crime (N=180)	117
Table 54: Top 20 Legislative Instruments, Ranked by Amount Levied, 2015-2020,* Aggregated	124
Table 55: Top 20 Legislative Instruments, Ranked by Percent of Payments Pending, 2015- 2020,* Aggregated	125
Table 56: Top 20 Legislative Instruments, Ranked by Payment Amounts Pending, 2015- 2020,* Aggregated	126
Table 57: Debts Satisfied for Reasons Other Than Monetary Payment	128
Table 58: Payments Still Pending	128
Table 59: Financial Assistance Expended, Compared to Financial Assistance Levies Paid (\$m): 2015-2019, by FY	129
Table 60: A Client-centred Service Delivery Structure and Process, VSACT	147

List of Figures

Figure 1: Number of FAS Applications, by FY	73
Figure 2: Total FAS Applications, by Offence Category, 2016-20 FYs, Aggregated	74

Figure 3: FAS Applications Lodged, by Gender, Age and FY	75
Figure 4: Applications, by Indigenous Status and FY	76
Figure 5: Number of Applications for Assault Disqualified, by Gender and FY	77
Figure 6: Number of Applications for Assault Disqualified, by DV Status and FY.....	78
Figure 7: Number of Applications and Awards, by FY	78
Figure 8: Time Taken to Process IN payment, From Application to First Payment.....	82
Figure 9: Time Taken to Process RP Payments, From Application to First Payment.....	83
Figure 10: Proportion of Cases Active, by FY of Application	84
Figure 11: Proportion of Active Cases, by Offence Category, 2016-20 FYs Aggregated	84
Figure 12: Number of Referrals to VSACT, by FY	90
Figure 13: Impact of Victimization on Areas of Individual’s Life, % Very/Quite Seriously (N=296)	102
Figure 14: Experience of VSACT response, % strongly agree/agree (N=269).....	106
Figure 15: Motivations to Apply for Financial Assistance, % Strongly Agree/Agree (N=141)	109
Figure 16: Experience of Applying for Financial Assistance, % Strongly Agree/Agree (N=138)	110
Figure 17: Assessment of Treatment by Assessors, Clients Applying for FA Application, % Strongly Agree/Agree (N=141).....	111
Figure 18: VSS External Services Offered and Used, % (N=140).....	115
Figure 19: How Important Victim Programs Were in Helping Deal with Impact of Violence, % Very/Quite	116
Figure 20: Accumulated Levies and Payments 2015-2020*	122
Figure 21: Total Levied, by Levy Type 2015-2020*	123
Figure 22: Payment Status of VS and VFA Levies, 2015-2020* , Aggregated.....	127

Acknowledgements

A great many people gave generously of their time and expertise to this review. In particular, we thank Laura Pound and Christian Dent from the Justice and Community Safety Directorate; Heidi Yates, the Victims of Crime Commissioner; and staff from Victim Support ACT and the Human Rights Commission. Victim Support staff gave generously of their experience and suggestions for change in workshops, interviews and commentary.

To the members of the ACT community who contributed to the online survey and those who also offered an interview, we are greatly indebted. The experiences and perspectives of the diverse people who used the services and programs for victims of crime in the ACT has been essential to this review.

For wisdom and experience in contributing to the review, including preliminary engagement about our plans, we greatly appreciated guidance from First Nations individuals in the ACT.

ACT Policing, Victim Support ACT, and the ACT Courts and Tribunals generously provided administrative data and gave answers to our questions – thank you.

We also thank those individuals working in ACT agencies and services who thoughtfully answered our questions, provided submissions and shared their experiences. Thanks also to the Victim Services Scheme Approved Providers who responded to the online survey and your suggestions for improvements. Contacts in other Australian jurisdictions were generous in sharing information about how financial assistance and other victim support schemes worked for their communities.

We are particularly grateful to Victoria Meyer for her thorough work on cleaning and analysing the anonymised data provided by Victim Support ACT as well as the survey data.

Abbreviations

ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
ACTP	ACT Policing
AIC	Australian Institute of Criminology
AFP	Australian Federal Police
AoV	Act of Violence
CALD	Culturally and linguistically diverse
CIC	Criminal injuries compensation
DJAG	Department of Justice and Attorney-General
DRO	Debt recovery office
DVCS	Domestic Violence Crisis Service
DVPC	Domestic Violence Prevention Council
EL	Economic loss
EU	European Union
F2F	Face-to-face
FAS	Financial Assistance Scheme
FVIPCC	Family Violence Intervention Program Coordinating Committee
HRC	Human Rights Commission
ICVS	International Crime Victim Survey
IN	Immediate needs
IV	Immediate victim
JACS	Justice and Community Safety Directorate
LPP	Legislation Policy and Programs Unit in JACS
NDIS	National Disability Insurance Scheme
NSW	New South Wales
NT	Northern Territory
PTSD	Post-traumatic stress disorder
PV	Primary victim
Qld	Queensland
RCRCSA	Royal Commission into Responses to Institutional Child Sexual Abuse
RFQ	Request for quote
RI	Research instrument
RP	Recognition payment
RV	Related victim
SA	South Australia
SV	Secondary victim
Tas	Tasmania
UK	United Kingdom
UN	United Nations

UNODCCP	United Nations Office for Drug Control and Crime Prevention
US	United States
VAB	Victim Advisory Board
VAQ	Victim Assist Queensland
Vic	Victoria
VFAL	Victims Financial Assistance Levy
VLRC	Victorian Law Reform Commission
VOC	Victims of crime
VOC Act	<i>Victims of Crime Act 1994 (ACT)</i>
VOCC	Victims of Crime Commissioner
VOCCA Act	<i>Victims of Crime (Financial Assistance) Act 2016 (ACT)</i>
VSACT	Victim Support ACT
VSL	Victims Services Levy
VSS	Victims Services Scheme
WA	Western Australia

EXECUTIVE SUMMARY

This is the final report of the review into the Australian Capital Territory (ACT) Victims of Crime Financial Assistance Scheme (FAS), the ACT Victims Services Scheme (VSS), as well as the Victims Financial Assistance Levy (VFAL) and Victims Services Levy (VSL), conducted by the Australian National University (ANU).

In July 2020, the Justice and Community Safety Directorate (JACS) of the ACT Government commissioned the ANU to conduct a review into specific programs implemented for the benefit of crime victims in the ACT, to consult on these programs, and produce a report.¹

The purpose of this review,² known as the Projects Assisting Victims' Experience and Recovery (PAVER) Review, is to identify whether:

1. the ACT's *Victims of Crime (Financial Assistance) Act 2016* (ACT) (VOCFA Act) is operating as intended;
2. the VOCFA Act should be amended to ensure the ACT is operating a best-practice scheme that acknowledges the harmful effects of crime and assists victims to recover from acts of violence through financial assistance, including, but not limited to, those matters outlined in Attachment A (see Statement of Requirement);
3. the ACT's *Victims of Crime Regulation 2000* (ACT) (VOC Regulation) is operating effectively to provide access to therapeutic supports to victims of crime to promote their recovery and allow them to take part in the social, economic and cultural life of their community;
4. the VOC Regulation should be amended to ensure it is aligned with best practice in the delivery of therapeutic services to victims of crime, including, but not limited to, those matters outlined in paragraph (3) (see Statement of Requirement); and
5. the Victims Financial Assistance Levy under the VOCFA Act and the Victims Services Levy under the *Victims of Crime Act 1994* (ACT) (VOC Act) should be streamlined to better offset delivery of services, including, but not limited to, those aspects of the levies outlined in paragraph (4) (see Statement of Requirement).

This final report presents the results of a multi-staged review and consultation process, including findings from written submissions, interviews, focus groups and surveys, as well as analyses of aggregated government agency data, tailored to address JACS' specific

¹ The Request for Quotation (RFQ) was issued in June 2020 (JA2200662). The review arises in part from a statutory requirement in the *Victims of Crime (Financial Assistance) Act 2016* (ACT).

² See the Statement of Requirements in the RFQ.

requirements. This final report builds on the interim report presented to Legislation, Policy and Programs (LPP) in November 2020 (and finalised in December 2020).

People who have been victimised by crime and violence usually experience a range of consequences to their well-being and sense of safety, as well as to their social, cultural, material and economic worlds. The impact of crime is felt on many levels: individual, family and community. Responses to crime victims in Australia have comprised a mix of legislative and policy change and all jurisdictions are experiencing increases in demand for financial assistance, with the ACT being no exception.

The ACT Government established Victim Support ACT (VSACT) in 2007 as a one-stop shop to help members of the community deal with the consequences of crimes committed against them. In 2019-20, VSACT reported that just over 2,600 people used its services. Yet approximately 15,000 individuals report crime victimisation to ACT Policing annually. This represents a service gap. Part of the puzzle about how and when to offer victim support and of what type is, in part, influenced by who gets to know it exists and, in part, how the concerns and needs of the victim population in all its diversity are understood. It is also influenced by the case management model or approach to service delivery taken by VSACT. Taken together, the referral process and design of service delivery make an impact on and determine workloads and workflow management. Ultimately, it is victims of crime who either access services and experience good services, or they don't.

Since its establishment, VSACT has made a number of internal changes. Presently VSACT supports 24 permanent staff and 12 temporary staff. The scope of VSACT's services is wide and one result of VSACT's evolution from different stages of law reform and service change is that *programs* drive how staff are structured and work, rather than the often-unique needs of clients. Due to both the nature of the work and the significant variation in client profiles, VSACT staff are dealing with different levels of complexity all the time and the findings of this report identify a strong preference for more integration between the FAS and VSS in the provision of victim support, assistance and advocacy.

These complexities are also reflected in the system for administering the levies imposed on convicted offenders in the ACT, intended to provide a source of revenue to services that support victims of crime. As with earlier chapters, the report puts forward recommendations for system reform, in order to streamline these crucial services for victims.

The report is therefore structured as follows. Chapter 1 presents the purpose of the review, the review's objectives and criteria, the approach taken to the review, and the layout of the report. In Chapter 2, we provide a brief historical overview of the background and context of responses to victims of crime in Australia and overseas. Models of victim support and the policy evolution in Australia are also presented, as well critiques and reforms of the earlier

schemes. Reforms to state-based payment schemes, moves to break the ‘compensation’ nexus, and implementation of victim support services are also discussed.

Chapter 3 presents the methodology for the review, including the review participations, instruments, trauma-informed research approach, and key principles. In Chapter 4 we conduct comparative analyses of victim support legislation in Australia, including applicant eligibility, evidentiary standards, exclusions, time limits, the types of claims or payments that can be made, the amounts payable, the administration of the schemes and identify key challenges for jurisdictions related their administration.

In Chapter 5, data are presented on victims of crime in Australia and the ACT. Analyses of data from ACT Police highlights that approximately 7,000 people disclose having experienced actual physical assault in the ACT each year. The data reveal that males comprise the largest number and proportion of those experiencing homicide and assault offences, while females overwhelmingly predominate in numbers of sexual related offences, as well as other offences against the person.

Chapter 6 details VSACT’s response to crime victims. It commences with an overview of VSACT’s operations, including the referral and intake, allocation and assessment processes. Service provision and coordination, the specialist and volunteer programs and Approved Service Providers and FAS are also considered. The chapter discusses client communications, resourcing and caseloads, integration of service activities, similar challenges in other service sectors, and issues associated with packages and markets, client choice and control, and models and cases. The chapter concludes with reflections on co-designing an integrated service.

In Chapter 7, we present an overview and analysis of VSACT’s FAS and VSS, including the implementation of and staffing the proposed new financial assistance scheme, and further information on both the FAS and VSS as they currently operate, drawing on prior reviews and data collected for the present review.

Chapter 8 highlights clients’ experiences with victim support and assistance in the ACT, drawing on the surveys and interviews conducted for this review. The information presented includes the impact of the victimisation, clients’ experiences with VSACT, the FAS and VSS and comparative evaluation of the programs and their effects, as well as the reasons for their satisfaction and dissatisfaction.

In Chapter 9, we present an overview and analysis of the victims of crime levies, including comparison with other jurisdictions and statistical information on the Victims Financial Assistance Levy (VFAL) and Victims Services Levy (VSL). The issues associated with administering the levies and stakeholder feedback are also considered.

The report concludes by presenting a blueprint for reform in Chapter 10. This includes articulating victims' right to review and synthesising the review's key findings and recommendations. Key themes include putting people at the centre of victim support, assistance and advocacy and creating a single coherent legislative instrument that enables this. The overriding duties of the Victims of Crime Commissioner to ensure programs of *benefit* are delivered in the *interests* of victims are discussed. The report outlines components necessary for the re-design of a client-centred organisation. The need for access to support, assistance and advocacy is described, before presenting the core components of the blueprint for reform.

RECOMMENDATIONS

The recommendations for immediate action do not require legislative change, other than the recommendation in relation to the victim levies. Most, but not all, other recommendations require legislative change. Those relating to the re-structure of VSACT and its services will require regulatory change.

A key focus of the recommendations is improving the efficiency and effectiveness of the support, assistance and advocacy for victims of crime in ways that are *beneficial* for their *interests*. All recommendations, whether for immediate or later action, should be adopted in order to progress the proposed **object** of new legislation (discussed further below), namely, to:

(a) provide support, assistance and advocacy to victims of crime that will—

- (i) help victims deal with the effects of and assist their recovery from the harms suffered because of crime;
- (ii) provide recognition of the wrong done to the victim because of the crime;
- (iii) contribute to upholding the safety, privacy and dignity of people adversely affected by crime;
- (iv) acknowledge, promote and uphold the rights and interests of victims to their human rights and rights in the administration of justice;
- (v) allow them to take part in the social, economic and cultural life of their community; and
- (vi) establish requirements for monitoring and reviewing victims support assistance and advocacy.

We recommend the ACT Government adopt the following for **immediate** action:

1. *Secure continuing human resources.*

Those positions within VSACT that are currently supplied on temporary funding should be secured as continuing budget commitments.

The volume of individuals victimised by crime in the ACT and who seek assistance from VSACT appears to be overwhelming the staff. The level of demand affects every part of VSACT's service, from the timeliness of decisions, to being able to keep in touch with and update clients, to the quality of interactions, and to liaison with other services for and with clients. The VOCC expressed grave concern about the impact of the growing caseloads on both clients and staff. We share that concern. VSACT staff at all levels consistently described workload stress, exacerbated by the trauma content of the work and the high levels of system engagement. These are critical occupational workplace health and safety issues.

2. *Prioritise decisions on recognition payments, along with immediate needs payments under the Victims of Crime (Financial Assistance) Act 2016 (ACT).*

Current delays in applicants receiving financial assistance are unacceptable. Priority for the immediate need payment under s 42(2) of the *Victims of Crime (Financial Assistance) Act 2016 (ACT)* (VOCCA Act) requires a commencing assessment as to whether the applicant is eligible; that is, on the balance of probabilities, did the crime occur and has it been reported to the appropriate authority? The same eligibility assessment is required for a recognition payment. If eligibility is established for one, then it also applies to the other.

One barrier appears to be the assumption that proof of harm or injury is *additionally* required for a recognition payment. On the face of it, the legislation does not appear to require it on application. Decision-makers may find harm in the material facts of the matter. They should reconsider the necessity and scope of evidence of harm or injury for recognition payments, given the objects of the VOCCA Act.

3. *Reduce proof burdens for expense and loss financial assistance scheme (FAS) applications.*

A key principle within the functions of the Victims of Crime Commissioner (VOCC) is to ensure that programs are *beneficial* in the *interests* of crime victims (*Victims of Crime Act 1994 (ACT)* (VOCA) s 11). The principle should guide decision-makers within the FAS (and elsewhere within VSACT). Section 31(2) of the VOCCA Act application requirements are minimal and should remain so. Section 43 requires that the VOCC must be satisfied on the balance of probabilities about the existence of *any matter* relevant to deciding the application, with examples of such matters listed. This is too broad a requirement, the effect appears to be that Assessors are requiring large amounts of information which distresses applicants and slows decision-making to a significant degree. The provision should be amended in future. However, immediate procedural changes should include:

- (a) requiring the applicant to supply quotations, invoices and/or receipts upon application and/or VSACT staff other than Assessors assisting the applicant to locate the documentation;

- (b) unless directly relevant and necessary to a balance of probabilities determination whether the expense is related to the injury caused by the offence and/or is reasonably incurred as a consequence, not requiring the applicant to produce medical or psychological evidence; and/or
- (c) in determining the connection of an expense to the crime, decision-makers should examine the material facts of the matter, to identify harms and injuries.

4. *Revise the eligibility for payments, under the Victims of Crime (Financial Assistance) Act 2016 (ACT).*

The eligibility of applicants as related or family victims of the primary victim should be made on the *status* of the relationship, in line with ss 13-17 of the VOCFA Act, without requiring proof of the *quality* or *nature* of those relationships as well as removal of any requirement to show a '*genuine* personal relationship' or '*dependence*'. These are assumed in the status of the relationships.

5. *Produce guidelines for maximum transparency of FAS decision-making.*

The VOCC currently has authority to produce written guidelines for assessment, determination and review of financial assistance (FA) applications. If these exist, they are not easily available to members of the public or those who assist them. Guidelines must be in plain English, specify clearly to the layperson precisely the steps in the assessment, decision and/or review process and be made available both in hard copy and on a website. The guidelines must follow key principles that the FAS be *beneficial* to and in the *interests* of victims. Further, they must adhere to principle of natural justice and seek to apply model ethical practice in dealing with people as applicants.

6. *Amend the Victims of Crime Regulation 2000 (ACT).*

The following recommendation for regulatory reform does not rest on the adoption of a single legislative instrument. However, the regulatory changes recommended have been drafted by the PAVER Review researchers to anticipate an integrated set of services that provide 'support, assistance and advocacy', as set out in Recommendation 7 (for detail, see also Chapters 6 and 10).

The recommended regulatory changes expand on the current provisions in two ways. First, the *amount* of service that can be quantified as a nominal monetary value is expanded, on the basis that early provision of practical and supportive interventions should meet most needs of most victims. The intention is that early intervention mitigates the aggravation of harms caused by the crime that may arise from inadequate, inappropriate and/or delayed responses. Early intervention may thus reduce longer-term recourse to victims services, including financial assistance. Second, greater emphasis on VOCC *discretion* in decision-making in relation to access to services recognises considerable variation in the types of

victimisation that take place in ACT. Discretion centres on a humane and compassionate response, based on the principle of beneficence.

The recommended regulatory changes also aim to maximise flexibility for VSACT staff in responding to clients' needs by providing that the nominal value of an 'hour' within service levels may be monetised, for the purchase of a wider range of 'goods and services'. This approach encapsulates a client-focused service. It also borrows learning from the implementation of the National Disability Insurance Scheme (NDIS) that service brokers (here, the individual VSACT staff) can 'thicken' an otherwise 'thin' market of providers presently dominated by psychological services, by progressively adding knowledge about a wider set of services being available.

- (a) Establish VSACT to provide support, assistance and advocacy services, that is, 'victims services' (Part 3). Remove all references to 'scheme'.
- (b) Delete rr 20(c) (iv) and (v).
- (c) Amend r 22 (a) and remove 'the different levels of'.
- (d) Amend r 22 (b) to replace 'professional services' with 'support, assistance, and advocacy services'.
- (e) Add new r 22(c) 'to provide, or arrange for the provision of the support, assistance and advocacy as goods and/or services'.
- (f) Delete or amend r 22(f) for 12-month reporting.
- (g) Add r 22 to provide opportunities for those engaged in services for victims for continuing education in relation to support, assistance and advocacy needs of and services to victims.
- (h) Amend r 22(g)(i)(k)(l) and replace 'victims services scheme' with 'victims services'.
- (i) Amend r 23 to essential requirements for persons or groups of persons providing therapeutic or rehabilitation services: having a recognised qualification, indemnity and professional insurance, not subject of complaints to the relevant professional body, and familiarity with the *Human Rights Act 2004* (ACT) (HRA). For persons providing other goods or services: having a recognised qualification for the provision of the good or service (if required under other regulation), indemnity and professional insurance, and familiarity with the HRA.
- (j) Delete r 23(2)(a)(ii) and delete 23(2)(b), as provided for in r 22(g).
- (k) Amend r 24(2) to provide that the VOCC has discretion to determine eligibility for persons (a) and (b).
- (l) In Div 3.2, add that all reviewable decisions for eligibility and/or review shall have regard to the objects of the Regulation, human rights and principles of natural justice.
- (m) Amend r 26A, so that the original decision-maker supply grounds (reasons) for the original decision to the client/applicant.
- (n) In Div 3.3, add new provision, so that a 'level of service' may be provided in different forms, including hourly or as the aggregated value of those hours (at a determined rate) (and amend r 37 accordingly).

- (o) In Div 3.3, change language of 'care plan' or 'care' to 'support plan' or 'support'; and 'case coordinator' to 'victim support officer'.
- (p) Change Level 1 to 6 hours, and Levels 2 and 3 to 20 hours. Amend eligibility for Level 1 for victims of property or personal crime, and Levels 2 and 3 for victims of violent crime.
- (q) Amend Level 3 and exceptional circumstance entitlement to 'services only' and remove entitlement to 'goods' within these levels of service.
- (r) Requirements for case management in rr 34-35 are best practice, but should be removed to proposed Service Guidelines.
- (s) Amend Div 3.4 to encompass 'Providers of Goods and Services'.
- (t) Amend r 40 so that VOCC may approve providers of goods and services as fit and proper persons at her discretion.
- (u) Provide that the VOCC may approve providers of therapeutic and rehabilitation services generally and compile and maintain these in an up-to-date register (Delete r 40(2) as written), and that these types of providers may be procured according to criteria. The essential criteria are to be: having a recognised qualification, indemnity and professional insurance, not subject of complaints to the relevant professional body, and familiarity with the HRA.
- (v) Suspension of approval to be amended to include if the Assessor is the subject of a complaint to relevant professional body.

7. We recommend significant reforms to streamline the victims services levies:

- (a) Combine the levies into one single 'Victims of Crime' (VoC) levy on a 'flat rate/per person basis', rather than on a per charge/offence basis. The 'flat rate' could be more than the amount of the current levy, based on the fact that, on average, many offenders are charged with and convicted of multiple offences.
- (b) In order to avoid the potential for disadvantaging impecunious offenders who commit a single offence, we recommend that the rate of the new levy be developed in consultation with key stakeholders, such as ACT Council of Social Services, Canberra Community Law, CARE and the Aboriginal and Torres Strait Islander Elected Body.
- (c) In addition, exemptions on hardship criteria should be available in exceptional circumstances. Exemptions should also be considered in cases where a victim, or the VOCC, has made a submission for exemption based on the potential negative impact of a levy imposition on the victim.
- (d) We note that a single flat rate levy per person would be simpler to administer. Subject to any exemptions applying, individual assessment of each charge would be eliminated. A single levy could apply to adults only (namely, a person who is 18 years or over and convicted of an offence committed as an adult). This would be in line with other jurisdictions that have only one levy.

- (e) Increases to the levy amount should be aligned with increases to other types of penalties, or in line with annual Consumer Price Index increases, whichever is most simple and transparent.
- (f) In the event that the current two-levy model is retained, we suggest adopting a hardship exemption in respect of the VFAL, so that there is a safeguard and/or consistency between the VFAL and the VSL.

We further recommend that the ACT Government:

- 8. *Develop a single legislative instrument providing for victims' rights and entitlements to support, assistance and advocacy services.*

The recommendation for rights to services is to stand as a companion to the *Victims of Crime Act 1994* (ACT), providing for the rights of victims in the administration of justice.

There are two possible approaches to standardising and simplifying victims rights to services. Our preferred approach is for a single legislative instrument, indicatively titled the *Victims' Support Assistance and Advocacy Act* (VSAAA), to replace the *Victims of Crime (Financial Assistance) Act 2016* (ACT), the *Victims of Crime Regulation 2000* (ACT) and Part 4 of the *Victims of Crime Act 1994* (ACT). A second approach is to amend the VOCCA Act by incorporating in it Part 4 of the VOCA, which establishes the Victims Services Scheme. This approach would still require legislative change, to standardise definitions and concepts, and make plain the composition of assistance to different victim groups. The approach also requires merging and amending the two regulatory instruments currently in operation.

Either approach should incorporate the recommended revised legislative objects set out above. The detailed regulatory and procedural recommendations are designed to reduce access hurdles for victims and decision-making burdens for VSACT staff and thus minimise the human and financial cost impacts. Either approach simplifies the eligibility criteria and categories of client/applicant and hence of entitlements.

- 9. *A standardised and simplified legislative instrument should recognise VSACT as the responsible agency and the VOCC as the reporting authority.*

Core elements of the legislative reform are as follows:

Amend the *Victims of Crime Act 1994* to:

- (a) recognise the VOCC is responsible for administering the single legislative instrument, as well as the responsible agency. The VOCC is the reporting authority;
- (b) amend s 11(1)(a) to provide a function of the VOCC to: 'manage Victim Support ACT, its programs and any other program for the benefit of victims';
- (c) provide for delegation of the VOCC duties and authority; and

- (d) specify VSACT as the responsible agency to provide support, assistance and advocacy for victims.

The proposed new single statute should provide:

- (e) that victim support, assistance and advocacy services be established (transferring and amending Part 4 from the VOCA);
- (f) wide eligibility be retained for victims to access support, assistance and advocacy (as currently contained in s 20 of the VOCA), subject to regulation;
- (g) amended legislative objects for support, assistance and advocacy (as above);
- (h) in providing support, assistance and advocacy, provide that VSACT may also cause to have services provided, whether through registered Approved Service Providers and/or non-registered other entities;
- (i) that a Code of Practice for the standards to service delivery be produced within 12 months of enactment and guidelines drafted for any person or entity exercising functions under the new instrument. Both of these are to be made publicly available. All instruments are to be consistent with the Act's functions and both the *Victims of Crime Act* and the *Human Rights Act*. [Note *Mental Health Act 2015* (ACT) ss 198, 198A for comparable relevant provisions; this would in essence also incorporate *Victims of Crime (Financial Assistance) Act 2016* (ACT) s 87];
- (j) for a Director of Victims Support (or Director of Services) within VSACT [Note *Mental Health Act 2015* (ACT) Pt 12.2 for comparable relevant provisions].
- (k) information sharing provisions relevant to VSACT, as information-holder [Note *Mental Health Act 2015* (ACT) Pt 12.5 for comparable relevant provisions; VSS designation as a health service for the purpose of health records; and relevant provisions allowing information sharing under *VOCA* and *Victims of Crime (Financial Assistance) Act 2016* (ACT) Div 3.5];
- (l) for regulations to detail the provision of support, assistance and advocacy; and
- (m) stipulate in the Regulations that Victim Support Officers are to provide, coordinate and manage the support, assistance and advocacy.

Consistent definitions and terms in single legislation and regulation:

- (n) the *definition of 'victim of crime'* should be consistent with that in s 6 of the VOCA, except where specified (see below) for access to particular services;
- (o) *eligibility* for support, assistance and advocacy be available to those defined persons, except as further specified. Both eligibility and the levels of service to which they may be entitled are based on *the person*, as opposed to events or incidents;
- (p) *client-centred rights and principles* of service are to be specified, with particular reference to core human rights, as well as the importance of timeliness, and
- (q) *referral* of victims from ACT Policing is to be provided for (as per *Victims of Crime Act 1994* (ACT) Div 3A.3), with appropriate information access to and sharing provisions

necessary to facilitate victims' access to their entitlements to support, assistance and advocacy.

Services to be provided:

In transferring the 'victims services scheme' (s 19(1)(2) VOCA) to the new legislation, the terminology is to be amended to 'victims services' and remove references to 'scheme'. To remove any doubt, 'victims services' shall include that presently understood as VSS, FAS and victims rights advocacy. To remove doubt, 'assistance' includes but is not limited to 'financial assistance'.

- (r) Add to s 19 that victims of crime shall have access to support, assistance and advocacy ('the victims services');
- (s) Amend s 19(2)(b) to include 'types and levels of victims services'; and
- (t) Add new Part providing for financial assistance and transfer ss 18-23 VOCA Act to the new legislation.

10. In transferring financial assistance provisions to the new single legislation, we recommend:

- (a) simplifying the assessment requirements for specific payments, with an emphasis on making timely decisions;
- (b) providing that the financial assistance may be in the form of a grant, allowance, refund of expenditure, direct payment of an invoice, or any other form of financial assistance, at the VOCC's discretion;
- (c) simplifying the application process for the victim with an emphasis on receiving a timely decision;
- (d) changing the purpose of the recognition payment to recognise the wrong of the crime and its effects on the victim;
- (e) simplifying and reducing the categories of offences for the recognition payment and eliminating the circumstances of aggravation;
- (f) providing that a victim's application and supporting documentation shall be protected and not admissible in other legal proceedings; and
- (g) specifying that decisions on applications must have regard to the *benefit* to the victim and the objects of the part.

11. We recommend a single regulatory instrument for proposed single legislation, that:

- (a) should follow Recommendation 6, if already implemented;
- (b) the VOCC and delegate are to have discretion in determining eligibility to access services, for which the key element in decision-making is access to which level and type of service (for example, current disqualifications exclude persons injured by

motor vehicle and who have committed a serious offence in the course of which they became a victim of crime, but these could access Level 1);

- (c) *levels of support* must be drafted so as to mean both the structure as to *how* the services are to be provided and the *scope* and nominal value of each level; and
- (d) *Levels* should be designed to commence with wide entitlement to persons victimised by crime, whether personal or property (Level 1) and to elevate expanded entitlement, but for narrower categories and circumstances (Levels 2 and 3).

12. Re-structure VSACT as a client-centred organisation

The re-structure should aim to ensure services *beneficial* to the *interests* of crime victims and prioritise early provision of victims services (as set out in the proposed legislation and recommended regulatory amendments) through:

- (a) a designated Reception and Early Intervention Team;
- (b) an enlarged Client Services Team of Victim Support Officers (VSOs) who deliver all areas of victims' services (support, assistance and advocacy) as a Client Services Team;
- (c) specialist programs designated for outreach, Victim Advocates who provide rights advocacy and complaint responses, and Assessors who determine financial assistance applications; and
- (d) an enlarged Business Services Team comprising the Assessors, and administrators responsible for payments for victims' goods and services purchased by VSOs as part of support planning.

13. Additional and ongoing budget and human resources to deliver support, assistance and advocacy

Sufficient additional human resources must be provided on a continuing basis, in addition to the present staffing establishment of VSACT, in order to meet the legislative objects for members of the ACT community who have been victimised by crime.

14. Implementation planning and implementation resources

We strongly recommend that there be a phased reform implementation strategy, led by JACS, given the scope and breadth of the proposed changes. The implementation plan should be developed in close collaboration with the VOCC and contain at least two aspects: an internal reform strategy that addresses the re-design of VSACT, its processes and procedures, and an external reform strategy. The internal reform implementation plan may be limited in membership, but the external implementation plan will necessarily require the active collaboration of key stakeholders, including the VOCC, ACT Policing and others.

Due to the current demand for services and the backlog of financial assistance applications, additional implementation resources should be made available to the VOCC to progress the extensive recommendations that affect the agency. These additional implementation resources should also encompass funds for problem-focused technical studies that examine (for example):

- (a) an information interface with ACT Policing's database, PROMIS;
- (b) a digital portal for clients of VSACT services to track their support plan and progress;
- (c) a linked portal for Approved Providers to both confirm a client's entitlements and to transact invoices and payments securely; and
- (d) an assessment of *relevant* caseload literature within development of new casework management and flow procedures.

15. Establish service standards monitoring, service evaluation framework and review

We endorse the recommendation made in the Dare Review (2002) that an evaluation framework be developed for the victims services provided by VSACT. An evaluation framework would necessarily include mechanisms to assess the effect of service interventions and for victim feedback. We recommend that such mechanisms be simple and easy-to-use.

We add two further recommendations to those of the Dare Review. First, we recommend that the service standards contained in the proposed Code of Practice be monitored and published in an annual report. Second, we recommend that the implementation of legislative and service changes made in this report be reviewed by the ACT Government no later than five years from receipt of this report.

16. Victims' access to services

Victims of crime have a right to access support, assistance and advocacy services. Many people find these services whether they choose to report to police or not. Many also access specialist services such as DVCS and CRCC. However, a more robust referral of victims who report to ACT Policing to VSACT is necessary.

We recommend:

- (a) that individuals are automatically referred (within parameters of existing other protocols between ACT Policing, DVCS and CRCC) to VSACT to receive information about the support, assistance and advocacy available to them;
- (b) individuals may opt out at the first point of contact with VSACT, if they chose to do so;
- (c) VOCC and ACT Policing should establish a working party, including the short-term placement of a police officer within VSACT, to identify the constraints on ACT Policing as a Commonwealth agency and the possible implications for opt-out referral and information access, to develop the parameters of an opt-out process and an

implementation plan. To enable VSACT to prepare, the implementation plan may be phased according to:

- (i) victims of violence for whom a criminal charge is proceeding in the matter (thereby also facilitating Victims Charter requirements);
- (ii) other victims of violence;
- (iii) victims of non-violence offences for whom a criminal charge is proceeding in the matter; and
- (iv) other victims of non-violent crime.

17. Debt recovery office

We also recommend that the ACT Government review enforcement mechanisms as a whole, for example, through the establishment of a central debt recovery agency, to minimise complexities around individual agencies pursuing enforcement.

Finally, the PAVER Review was not asked to review the amounts set for payments. However, we note the following:

- there are significant differences in the dollar value of recognition payments between jurisdictions;
- some submissions noted the shortfalls in current payments for funeral costs and crime-scene clean-up costs;
- the effect of s 203 of the *VOCF*A is that some victims receive significantly larger payments than applicants under the current FAS for similar fact situations. This distorts proportionate (principle of equality) outcomes for like cases and the total distribution of outcomes (principle of equity) across all eligible victims; and
- there are issues with indexation of payments.

The following table sets out the objectives and criteria for the review and comment on these from the PAVER Review team.

Table 1: Objectives and Criteria for Review of Victim Programs and Comment

Scheme	JACS Review Objective	VOCC Functions	Legislative/Regulatory/Policy Objectives	PAVER Review Preliminary Comments
FAS	Is the scheme operating as intended?	Beneficial for victims Efficient and effective services	VOCA Act s 6: (a) assist victims of crime to recover from acts of violence; and (b) contribute to the safety of victims of crime and the prevention of future acts of violence; and (c) acknowledge the harmful effects of acts of violence; and (d) complement other services provided for victims of crime	<p>The question of ‘effectiveness’ of financial assistance for victims of crime has been minimally addressed in the research literature. Reforms in other jurisdictions appear to ignore the question.</p> <p>Survey and interview feedback from clients who applied for FAS and received payments suggest variation in victims’ assessments whether these have helped them recover, improve their safety and have the harms acknowledged. Some rate the FAS highly, some rate it poorly and some have mixed views.</p> <p>Client feedback suggests that the payments can meet the objects but that the timeliness of decisions and the perceived inconsistencies in decisions undermine a positive aggregate assessment. More importantly, client feedback generally find that the process of applying is intimidating, confusing, and frustrating. The quality of staff interactions and communications with clients only go so far to mitigate these assessments.</p> <p>Interviews with stakeholders generally suggests that the FAS complements other services for victims. However, there are some views of those working closely with victims in other agencies that better integration of services, more streamlined processes and improved access would both help more victims and help the services.</p>

				<p>In line with other ACT Government policy intentions (discussed in Chapters 5 and 6) and based on the available information presented in this report:</p> <ul style="list-style-type: none"> • the current scheme is more accessible to victims than previous schemes, with a 364% increase in number of applications since commencement; • significantly more females than males are now applying for FAS and there have been increases in the number and percent of applicants who identify as First Nations, CALD or persons with a disability; • the total number of people awarded payments per year under the current scheme is more than the previous court-based scheme but less than the earlier CIC scheme; • the current model has reduced the total cost to the Territory of payments to victims of crime and the average payments to victims has reduced from previous schemes; • permanent staffing resources to administer FAS have remained the same since commencement; and • the FAS does not appear to be operating in a timely manner.
VSS	Is the scheme operating effectively?	Beneficial for victims Efficient and effective services	VOC Regulation r 20: The objects of the victims' services scheme are— (a) to provide assistance to victims of crime that will—	<p>The question of 'effectiveness' of services for victims of crime has not been addressed in the research literature, except in relation to specific forms of intervention, such as PTSD treatment. Reforms in other jurisdictions appear to ignore the question.</p> <p>The regulatory framework for VSS is burdensome and unnecessarily complicated. Client and staff feedback revealed frustration with the narrow range of types of services available, the restriction only to</p>

			<p>(i) promote their recovery from the harm suffered because of crime; and</p> <p>(ii) allow them to take part in the social, economic and cultural life of their community; and</p> <p>(b) to provide the assistance to victims of crime using a multidisciplinary approach; and</p> <p>(c) to provide the assistance to victims of crime in ways that are—</p> <p>(i) timely; and</p> <p>(ii) accessible; and</p> <p>(iii) solution-focused; and</p> <p>(iv) professional; and</p> <p>(v) individualised; and</p> <p>(vi) appropriate to the victim.</p>	<p>“approved service providers”, and the inability to broker more client-centred “packages” of support.</p> <p>Survey and interview feedback from clients who engaged with VSS and received services suggest variation in victims’ assessments whether these have helped them recover or allow them to take part in the social, economic and cultural life of the community. Some highly rate their engagements with the approved provider and others have more mixed views.</p> <p>Generally, client feedback finds VSS services to be timely, accessible and appropriate. Again, however, there were specific problems with finding the ‘right’ person in accessible places and equipped to deal with the support the person wanted. A number of clients commented on the demanding process to be assisted by a provider of their choice who was not on the register of approved providers. Clients also found that follow-up by a case manager was variable.</p> <p>Feedback from a small sample of Approved Service Providers was generally positive about their involvement. However, there were concerns about the amount of paperwork, business transactions and communications with staff about clients.</p> <p>On (b), VSS administrative data on external services shows that a ‘counselling paradigm’ in responses to victims persists. Client feedback also showed the continuing dominance of counselling as a service offer. While most indicated that having ‘counselling / someone to talk to’ was a priority for them, respondents’ answers</p>
--	--	--	--	--

				<p>to an open question and one-to-one interviews also revealed strong interest in support and assistance other than counselling.</p> <p>On (c)(i), interviews with stakeholders and review submissions suggest that the VSS mostly provides timely assistance. However, responses from clients (survey and interview) showed that response times, updates and follow-up contact with a staff member was often found wanting.</p> <p>On (c)(ii), the VSS appears to be accessible, with the number of referrals to VSACT increasing from 2016 to 2020, including a 40% increase in the number of new clients. More females than males appear to access VSACT and there has been an increase in the number and percent of applicants who identify as First Nations. On (c)(iii-vi), interviews with stakeholders and review submissions suggest VSS is professional. Stakeholders generally held positive views about the qualities of VSS [and VSACT] staff and responsiveness to inter-agency referrals and coordination around clients.</p>
Victim Levies	Can the levies be streamlined?	Beneficial for victims	<p>VOCA Act s 82(1)</p> <p>A levy is imposed to provide a source of revenue to contribute to the cost of providing financial assistance for victims of crime.</p> <p>VOCA s 24(1)</p>	<p>Yes, the levies need to be streamlined. The administration of the levies is complex and appears to undermine the policy intention for revenue to off-set the cost of victim assistance including financial assistance.</p>

			A levy is imposed to provide a source of revenue to improve services for victims of crime.	
--	--	--	--	--

CHAPTER 1: INTRODUCTION

People who have been victimised by crime and violence usually experience a range of consequences to their well-being and sense of safety, as well as to their social, cultural, material and economic worlds. The impact of crime is felt on many levels: individual, family and community. How best to respond to these impacts has been the subject of service development, law reform and research in many parts of the world for a number of decades.

In July 2020, the Justice and Community Safety Directorate (JACS) of the Australian Capital Territory (ACT) Government commissioned the Australian National University (ANU) to conduct a review into specific programs implemented for the benefit of crime victims in the ACT, to consult on these programs, and produce a report.³ Two of these programs, the Victims of Crime Financial Assistance Scheme (FAS) and the Victims Services Scheme (VSS) are provided within Victim Support ACT (VSACT) and are situated within the ACT's Human Rights Commission (HRC). VSACT is administered by the independent statutory officer, the Victims of Crime Commissioner (VOCC). The review also examined the Victims Financial Assistance Levy (VFAL) and Victims Services Levy (VSL) (see below).

In November 2020, an interim report of the review was presented to Legislation, Policy and Programs (LPP) in JACS and to the stakeholders consulted at that date, in order to allow an opportunity for those stakeholders to confirm the accuracy of information, comment on the report's analysis and findings, and provide any other comments. This final report builds on that interim one.

Purpose of the Review

The purpose of this review,⁴ known as the Projects Assisting Victims' Experience and Recovery (PAVER) Review, is to identify whether:

1. the ACT's *Victims of Crime (Financial Assistance) Act 2016* (ACT) (VOCFA Act) is operating as intended;
2. the VOCFA Act should be amended to ensure the ACT is operating a best-practice scheme that acknowledges the harmful effects of crime and assists victims to recover from acts of violence through financial assistance, including, but not limited to, those matters outlined in Attachment A (see Statement of Requirement);
3. the ACT's *Victims of Crime Regulation 2000* (ACT) (VOC Regulation) is operating effectively to provide access to therapeutic supports to victims of crime to promote their

³ The Request for Quotation (RFQ) was issued in June 2020 (JA2200662). The review arises in part from a statutory requirement in the *Victims of Crime (Financial Assistance) Act 2016* (ACT).

⁴ See the Statement of Requirements in the RFQ.

recovery and allow them to take part in the social, economic and cultural life of their community;

4. the VOC Regulation should be amended to ensure it is aligned with best practice in the delivery of therapeutic services to victims of crime, including, but not limited to, those matters outlined in paragraph (3) (see Statement of Requirement); and
5. the Victims Financial Assistance Levy under the VOCCA Act and the Victims Services Levy under the *Victims of Crime Act 1994* (ACT) (VOC Act) should be streamlined to better offset delivery of services, including, but not limited to, those aspects of the levies outlined in paragraph (4) (see Statement of Requirement).

Review Objectives and Criteria

The review objectives are linked to different legislative, regulatory and policy objectives, set out in Table 1. Also notable are the key criteria identified for the review, namely, whether the FAS and VSS schemes are **effective** and **efficient** in their operation (Request for quote (RFQ) A.A.3: 19) and whether they offer **best practice** to victims of crime.

Table 2: Objectives and Criteria for Review of Victim Programs

Scheme	JACS Review Objective	VOCC Functions ⁵	Legislative/Regulatory/Policy Objectives
FAS	Is the scheme operating as intended?	Beneficial for victims Efficient and effective services	VOCCA Act s 6: (e) assist victims of crime to recover from acts of violence; and (f) contribute to the safety of victims of crime and the prevention of future acts of violence; and (g) acknowledge the harmful effects of acts of violence; and (h) complement other services provided for victims of crime
VSS	Is the scheme operating effectively?	Beneficial for victims Efficient and effective services	VOC Regulation r 20: The objects of the victims' services scheme are— (a) to provide assistance to victims of crime that will—

⁵ Pursuant to *Victims of Crime Act 1994* (VOC Act) s 11.

			<ul style="list-style-type: none"> (i) promote their recovery from the harm suffered because of crime; and (ii) allow them to take part in the social, economic and cultural life of their community; and (b) to provide the assistance to victims of crime using a multidisciplinary approach; and (c) to provide the assistance to victims of crime in ways that are— <ul style="list-style-type: none"> (i) timely; and (ii) accessible; and (iii) solution-focused; and (iv) professional; and (v) individualised; and (vi) appropriate to the victim.
Victim Levies	Can the levies be streamlined?	Beneficial for victims	<p>VOCCA Act s 82(1)</p> <p>A levy is imposed to provide a source of revenue to contribute to the cost of providing financial assistance for victims of crime.</p> <p>VOC Act s 24(1)</p> <p>A levy is imposed to provide a source of revenue to improve services for victims of crime.</p>

Relevant to these review criteria are the statutory functions of the VOCC, the administrator of the schemes within VSACT. Under the *Victims of Crime Act 1994* (VOC Act), the VOCC manages ‘the victims’ services scheme, the financial assistance scheme and any other relevant program for the benefit of victims’ (s 11(a)). The VOCC is also required to ensure ‘effective and efficient services’ are provided to victims (s 11(f)). In combination, these range of objectives and criteria create both a legislative review and a service review.

While questions about effectiveness, efficiency and best practice are central to the review, the review also raises questions about the nature of beneficial outcomes to victims of crime. That is, what do ‘beneficial outcomes’ look like for different victimised peoples and groups,

what is the inter-relationship of these outcomes with the victims' programs, and how are these measured? In particular, after the experience of crime and violence, what are the nature, shape and contours for individuals and communities in relation to their:

- recovery;
- safety; and
- capability to take part in the social, economic and cultural life of their community?

These desired client outcomes generate substantive evaluation questions that ordinarily argue for methods that enable pre- and post-testing, as well as longitudinal tracking. However, these methodologies were not possible, given the timeframes for the project. Accordingly, the methods adopted below were selected in order to best enable us to answer the review questions efficaciously.

Approach to the Review

A multi-staged review and consultation approach, based on previous similar methodologies, was tailored to address JACS' specific requirements. Appendix A provides a summary of activities undertaken in for this report.

Preliminary engagement: upon being commissioned to undertake the review, the research team undertook preliminary engagement with key Aboriginal and Torres Strait Islander stakeholders in the ACT and with VSACT. These engagements helped shape the resulting review plan.

Phase I legislative review: this focused on an analysis of the relevant legislation and regulation and gathering data from professionals working in government and/or community services (*Group 1 'professionals'*) (see below). Phase I invited government and non-government agencies and services to make written submissions to reform questions on the relevant legislation and regulatory instruments, as well as gathering aggregated administrative data. Interviews with selected executives and key workers and focus groups with other professionals involved in the operation of the schemes were undertaken.

Phase II service review: this focused on gathering data from people who have experienced violent victimisation in the ACT and who are accessing or have accessed victims' support services (*Group 2 'service users'*). For this component, the researchers sought broad-brush quantitative feedback via an online survey from a large population of people who have used Victim Support ACT services. Service users were also invited to volunteer for more in-depth one-on-one interviews and/or participation in focus groups in order to provide a further opportunity to comment qualitatively on the schemes. Phase II also involved focused discussions with Aboriginal and Torres Strait Islander stakeholders and with VSACT staff and volunteers in analysing what works, what could be improved and co-designing services that centre client benefit and draw upon the resources of the FAS and VSS.

Layout of the Final Report

This final report comprises the following sections:

- executive summary and findings in relation to PAVER Review objectives;
- overview of the evolution of relevant reforms in selected Australian jurisdictions (Chapter 2);
- review methodology (Chapter 3);
- a comparative analysis of comparable legislation in Australia (Chapter 4);
- data on victims of crime in the ACT (Chapter 5);
- assessment of staff and stakeholders about the FAS and VSS (Chapter 6);
- an overview and statistical analysis of the operation of FAS and VSS (Chapter 7);
- an analysis of client access to and use of Victim Support ACT and the FAS and VSS programs (Chapter 8);
- an overview of the Victims Financial Assistance Levy and the Victims Services Levy and their administration (Chapter 9);
- findings and a blueprint for legislative and service reform (Chapter 10); and
- appendices, including a rapid assessment of the literature and an overview of crime in the ACT.

CHAPTER 2: BACKGROUND AND CONTEXT OF RESPONSES TO VICTIMS OF CRIME

This chapter provides background to the evolution of responses to crime victims, with specific information on jurisdictional service framework models. These serve as a broad backdrop to specific examination of state-based schemes in Australia that provide monetary assistance.

A Brief Historical Overview

Responses to people victimised by crime and violence developed in irregular bursts over the past decades. Crime victims were previously presented as ‘forgotten’ by society, as much as by authorities (Waller, 1984) or, if considered at all, were said to be supported by new publicly-funded health and welfare services (Chappell, 1970). Beginning in the 1950s and 60s, crime victims emerged as a subject for public policy in Australia and overseas. In those early decades, there were two key responses to crime victims: one argued for a public policy shift and the other was social movement driven.

In the first instance, crime victims were presented as potential recipients of compensation, as a result of crimes’ harms (Fry, 1959) and, in the second, as persons victimised through structures of gender and racial oppression (Russell, 1977) and as invisible to and unprotected by justice systems (for example, see Baril, 1984; Smale, 1984). The responses revolved on a foundational question: what is owed to members of the community victimised by crime and violence? How governments responded to the challenge, including successive ACT Governments, has involved knitting together welfare services and rights entitlements.

A first level of response involved persuading many governments of the case to provide public funds to certain categories of crime victim in limited circumstances. From 1963, jurisdictions legislated for criminal injuries compensation (CIC) schemes, with New Zealand the first (in 1963), followed by Great Britain (in 1964). In Australia, the first CIC scheme was enacted in New South Wales (NSW) (1967), then Queensland (Qld) (1968) and South Australia (SA) (1969). The ACT’s CIC scheme was legislated in 1983, prior to self-government. By that date, all Australian states and territories had such schemes. Then, from the 1990s, Australian jurisdictions commenced reviews of these schemes. By 2015, significant change had been introduced in four of eight jurisdictions (discussed in more detail below and see Holder and Daly, 2018).

A second level was the development of services for crime victims, responses that have been ad hoc and episodic. There has been limited mapping of these services over time and in the present. Some service areas have been surveyed, such as women’s refuges (Murray, 2006) and sexual assault services (Egan, 2019). These service areas have also been subject to

major governmental enquiries, such as nationwide Royal Commissions, including the Royal Commission into Responses to Institutional Child Sexual Abuse (RCRCSA) (2016), the Victorian Royal Commission into Family Violence (2016) and the present Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (2020). There has been less research attention, especially in Australia, on generic victim support services (O'Connell, 2017).

Underpinning these developments, there have been debates about the nature of all of these services: should they be based in the community or inside government? What is the role of volunteer or professional workers? How best to balance specialist provision with general? McGregor et al. observed that these debates have resulted in 'the range of support services, victims' needs and the organisational elements of support service provision vary[ing] both within and between countries' (2013: 6; and see also European Union (EU) Fundamental Rights Agency, 2015). What has not changed is the heterogeneity of the crime victim population and the range of effects that victimisation generates.

Models of Victim Support

There are a number of documents that recommend models, standards or best practice for victim support. In the main, these are high-level and provide little detail about implementation. Further, there is little by way of evaluation framework or assessment tools through which notions of 'model' or 'best' can be made transparent.

The key international instrument, the 1985 United Nations (UN) Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (hereafter 'the UN Victims Declaration'), is non-binding on states. Australia was central to the drafting and adoption of the UN Victims Declaration and was an early signatory. The UN Victims Declaration recommends access to justice and fair treatment, restitution, compensation, and assistance. The latter is specified as 'the necessary material, medical, psychological and social assistance [provided] through governmental, voluntary, community-based and indigenous means' (1985: [14]).

Implementation of the international instrument varies in different countries and regions. A *Manual on the Implementation of the UN Declaration* and *Handbook on Justice for Victims*⁶ were produced as a tool for 'implementing victim service programmes and for implementing victim sensitive policies, procedures and protocols for criminal justice agencies...' (UN Office for Drug Control and Crime Prevention, 1999: iv). The Manual sets out core components of victim assistance programs for a jurisdiction, namely:

⁶ The *Handbook on the Implementation of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* and the *Handbook on Justice for Victims: On the Use and Application of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* were drafted by an Expert Group for the UN Commission on Crime Prevention and Criminal Justice and ratified in 1999.

- crisis intervention;
- counselling;
- advocacy;
- support during investigation of a crime, criminal prosecution, trial and after case disposition;
- training for professionals and allied personnel on victim issues;
- violence prevention and other prevention services; and
- public education on victim issues (United Nations Office for Drug Control and Crime Prevention (UNODCCP), 1999: 16).

In Europe, a 2001 Framework Decision of the European Council on the standing of victims in criminal proceedings (2001/220/JHA) was superseded by the 2012 Directive of the European Parliament and the Council establishing minimum standards on the rights, support and protection of victims of crime. Based on a multi-country assessment of implementation of the Directive,⁷ the new Strategy on Victims' Rights (2020-2025) make a clear connection that rights are accessed through services and services are part of victims' rights.

Victim Support Australia, a national professional association involving all generic victim services from the states and territories operating from 1997 to 2019, drew on these documents to set out the Recommended Minimum Levels of Service for Jurisdictions (Position Paper No 1, 1997) and a Recommended Framework for Victim Support Services (Position Paper No 2, 1998) (Victim Support Australia, 1997; 1998). The documents mirrored the UNODCCP Manual recommendations.

A 2020 review of Victoria's victim support system, commissioned by the Victorian Department of Justice and conducted by the RMIT Centre for Innovative Justice (RMIT CIJ), recommended, amongst other matters, an integrated system with clear pathways between services, collaborative service delivery and integration of the financial assistance scheme within the service system. While the review makes an evidence-based argument for a robust integrated system that addresses both rights and recovery (see pages 47-51) and draws on victim interviews conducted for the review, it relies on case studies as evidence for the need for integration itself. In addition to a system-wide perspective, this review recommended a service model comprising, amongst others, intake and assessment, case coordination, brokerage funds and proactive phone support. Also recommended within the service model were specialisations for supporting those victimised by homicide, intensive case management and a legal advice service.

Arguments for integrated models of service are common in responses to domestic and family violence (for example, see Breckenridge et al., 2015). A World Health Organisation

⁷ Over 2018-2019, a consortium of victim agencies across Europe convened a *Victims of Crime Implementation Analysis of Rights in Europe* (VOCIARE). The consortium produced 26 country reports in order to assess implementation of the 2012 EU Directive.

(WHO) review of the literature on integration in health care identified 175 overlapping definitions of the term and argues for empirical research beyond ‘theoretical rhetoric’ (2015: 1). For this review, we draw attention to the distinction between the idea of integration across sectors or services to address a common problem, and the idea of integration *within* a particular service or system. The WHO describes ‘integrated care [as] often contraposed to fragmented and episodic care, and it is used synonymously to terms like coordinated care and seamless care, among others’ (2015: 3). The WHO goes on to identify a process-based definition, a user-led definition and a health system-based definition. Perhaps relevant to this review is the following user-led definition: ‘My care is planned with people who work together to understand me and my carer(s), put me in control, coordinate and deliver services to achieve my best outcomes’ (WHO, 2015: 4).

Pinpointing the evidence for positive outcomes for individuals and kin in relation to integrated responses is fragmented and concentrated on areas such as trauma intervention (Hill, 2003); and further depends upon the scope, content and purpose of integrated approaches (Breckenridge et al., 2015).

Crimes Compensation/Financial Assistance to Victims: The Policy Evolution in Australia

Criminal injuries compensation (CIC) has been a core component of contemporary government responses to crime victims. Australian CIC legislation was first enacted in New South Wales (NSW) in 1967. Queensland (Qld) and South Australia (SA) followed, in 1968 and 1969 respectively. By 1983, when legislation for CIC was enacted in the ACT,⁸ all remaining states and territories had schemes.

Most schemes commenced as subsidiary to criminal proceedings, where an aggrieved person could only apply for compensation to the trial court upon conviction of the offender (Victorian Law Reform Commission (VLRC), 2018).⁹ The intention was to retain the centuries-old principle that a convicted offender should recompense their victim(s) for the losses consequent upon the offence (Fry, 1951; Schafer, 1970). Claiming recompense from an offender for the consequences of victimisation via the criminal trial remains the most common route in most countries (Elbers et al., 2020).

The new CIC schemes also all followed the logic of tort in offering payment for economic losses (property damage or loss, medical costs, loss of earnings, among others) and non-economic loss (typically termed ‘pain and suffering’) (Duff, 1998; Miers, 2014a). Not all countries adopted this logic. Schemes across the United States (US) for example only provided ‘compensation’ for the “‘hard” costs of crime’ such as medical expenses (Miers, 2014a: 121). Under CIC, the court’s assessment of compensable injuries was conducted on

⁸ This was introduced by the Commonwealth Government, prior to ACT self-government, as the *Criminal Injuries Compensation Ordinance 1983 (ACT)*.

⁹ The Australian schemes developed differently to those in the United Kingdom (UK) and New Zealand in this respect where these latter operated as separate, quasi-administrative tribunals (Chappell, 1970; for an overview, see Daly, Holder and Meyer, 2019a).

the basis of common law principles, albeit subject to legislative caps on amounts. Enforcement of a compensation order was, similar to reparation orders, the responsibility of the victim (Davies, 1991). From the mid to late 1980s, the operation of CIC schemes came under increasing criticism.

Criticism and Reforms of Early Schemes

Broadly speaking, critics of CIC schemes pointed to backlogs and delay, lack of accessibility and useability, and cost projections (for example, see NSW Taskforce on Services for Victims of Crime, 1986). The reforms to CIC legislation were accompanied by demands from victim groups for implementation of the UN Victims Declaration (1985) and government expansion of and investment in services for victims (Freckelton, 2004). In some jurisdictions, the expansion and funding of service-based support for crime victims was made as an express trade-off with reforms of CIC legislation that would reduce financial outlay.¹⁰

In this section, we make a distinction between ‘compensation jurisdictions’ (Northern Territory (NT), South Australia (SA), Tasmania (Tas) and Western Australia (WA)) and ‘financial assistance jurisdictions’ (ACT, NSW, Queensland (Qld) and Victoria (Vic)). A compensation jurisdiction retains tort logic, with scope for an uncapped non-economic loss payment, albeit within an overall legislative cap. These jurisdictions have also retained the language of ‘compensation’.¹¹ Financial assistance jurisdictions, by contrast, provide specific payment caps for non-economic loss. Because of the similarity with the ACT, where relevant, our discussion concentrates on these jurisdictions, that is, NSW, Queensland and Victoria.

Reforms to State-based Payment Schemes

Reforms to CIC schemes in Australia were limited for their first 20 years, then accelerated in the mid-1990s, with substantial change introduced in four of the eight jurisdictions: ACT, NSW, Queensland and Victoria (see Chapter 8). These reforms were contentious. Some took place in parallel to reforms in workers’ compensation and civil litigation procedures (O’Loughlin, 2005). Some of the main issues driving debate included:

- the need for specialist support for crime victims balanced against universal welfare support (Chappell, 1971);

¹⁰ For example, a 1999 Government submission to the ACT Standing Committee on Justice and Community Safety on the Bill reforming the *Criminal Injuries Compensation Act 1983* (ACT) stated that ‘the new scheme will be a comprehensive generic victim support and services scheme, whose services to victims include rehabilitation and which will address a far wider range of victim needs than either the existing compensation scheme or existing victim support agencies’ (1999: 9).

¹¹ There have been recent reviews conducted in Western Australia (WA) and the Northern Territory (NT). The Report on the Findings of the Review of WA CIC recommended no substantive or structural change to the scheme (WA Department of Justice, 2019). To our knowledge, there is no public report of findings from the review initiated in the NT in 2012.

- the 'right balance' between the short-term needs of many victims and the longer-term needs of a smaller proportion of victims (Chan et al., 2013);
- the 'right balance' between monetary payments and rehabilitation services (Victorian Community Council Against Violence, 1994);
- identifying those 'most vulnerable' or 'deserving' of state-based assistance (PricewaterhouseCoopers, 2012);
- preventing fraudulent claims and 'rorting' by solicitors, psychologists and others (NSW Joint Select Committee on Victims Compensation, 1998; PricewaterhouseCoopers, 2012);
- the nature and scope of a 'criminal injury', especially psychological injury and associated payment for 'pain and suffering' (see eg NSW Joint Select Committee on Victims Compensation, 1998);
- pathologising 'normal' human reactions to adverse events NSW Joint Select Committee on Victims Compensation, 1998; Victorian Department of Justice, 2009);
- how to expedite resolution of applications and reduce administrative burdens on applicants as well as administrators (Queensland Department of Justice and Attorney-General, 2008; Western Australian Department of Justice, 2019);
- variation in payments across 'like' cases (Queensland Department of Justice and Attorney-General, 2015);
- the appropriate quantum for non-economic and economic losses (Brahe, 1993; NSW Auditor General, 1994);
- the appropriate distribution of public resources and social distribution of losses/harms of crime (New Zealand Law Commission, 2008);
- long-term financial viability (PricewaterhouseCoopers, 2012; Victorian Department of Justice, 2009);
- addressing continuing delays and backlogs (NSW Auditor General, 2009; Victorian Department of Justice, 2009; cf ACT Ombudsman, 2012);
- the evidentiary basis for various claims for victims' 'recovery' (Victorian Department of Justice, 2009; ACT Ombudsman, 2012); and
- the type of assistance needed to help applicants (legal, non-legal, other) (Victorian Department of Justice, 2009; ACT Ombudsman, 2012).

Table 3: Jurisdictional CIC/Financial Assistance Reforms, Selected Australian Jurisdictions

Jdn	Major Reviews	Reforms
ACT	<p>ACT Attorney-General Discussion Paper on CIC reform (ACT Attorney General's Department, 1997)</p> <p>Inter-Agency Victim Support Working Party (Victim Support Working Party, 1998)</p> <p>Dare Review of FAS and VSS (Dare, 2002)</p> <p>Standing Committee of Legal Affairs Public Inquiry (ACT Legislative Assembly, 2004).</p> <p>ACT Ombudsman's Report (ACT Ombudsman, 2012)</p> <p>Issues Paper (ACT Justice and Community Safety Directorate, 2013)</p> <p>Report on Models (ACT Justice and Community Safety Directorate, 2014)</p>	<p><i>Victims of Crime (Financial Assistance) Act 1983</i> (as amendment of <i>Criminal Injuries Compensation Act 1983</i>)</p> <p>Restricted eligibility to violent crime. Bill eliminate awards for 'pain and suffering'. Created provision for 'special assistance' for those with extremely serious and permanent injury. Eligibility for the special assistance expanded, on amendment, to emergency service workers, victims of sexual offences and related victims of deceased primary victim.</p> <p>Magistrates Court decision-maker</p> <p>Established Victims Services Scheme (VSS) within ACT Department of Health (2000)</p> <p><i>Victims of Crime (Financial Assistance) Act 2016</i></p> <p>Establishes administrative scheme, introduces specific cost categories, recognition payment (band range on offence seriousness)</p>
NSW	<p>NSW Task Force on Services for Victims of Crime (NSW Government Task Force, 1986)</p>	<p><i>Victims Compensation Act 1987</i></p> <p>Tribunal established, continued determination on common law, \$50k cap</p>

	<p>Brahe Report (Brahe, 1993) 1994 NSW Auditor General Report (cited in Manning and Griffith, 1997: 17).</p> <p>NSW Parliamentary Select Committee Inquiries (Joint Select Committee on Victims Compensation 1997; 1998; 2000)</p> <p>PriceWaterhouseCoopers (PwC) Review (PwC, 2012)</p> <p>NSW Statutory Review report on similar schemes (NSW Department of Justice, 2018) Further review to commence in June 2021¹²</p>	<p>Projected cost estimate of \$2.5B over next 5 years</p> <p>Victims Compensation Bill lapsed due to public outcry (see Manning and Griffith, 1997)</p> <p><i>Victims Support and Rehabilitation Act 1996</i></p> <p>Abolish determination on common law and replace with table of injuries</p> <p>Restrictions to eligibility</p> <p><i>Victims' Rights and Support Act 2013</i></p> <p>Package of practical and financial support, recognition payment</p> <p>Abolition of Tribunal and creation of victim support division overseen by Commissioner</p> <p>Introduction of compensation levy</p>
Qld	<p>CIC scheme linked to <i>Criminal Code 1899</i></p> <p>Two legislative frameworks – Criminal Code and <i>Criminal Offence Victims Act 1995</i></p> <p>Government Review of CIC (Queensland Department of Justice and Attorney-General, 2008)</p>	<p>Various amendments made with effect for injuries incurred on different dates</p> <p><i>Criminal Offence Victims Act 1995</i></p> <p><i>Victims of Crime Assistance Act (VOCAA) 2009</i></p> <p>Shift from court to administrative decision-making</p>

¹² Notes from a Zoom discussion with Principal Policy Manager, NSW Victims Services (9 Nov, 2020).

	<p>Statutory Review Consultation Paper (Queensland Department of Justice and Attorney-General, 2014)</p> <p>Final Report on the Review of the <i>Victims of Crime Assistance Act 2009</i> (Queensland Department of Justice and Attorney-General, 2015)</p>	<p>Payment for specified expenses and recognition payment</p> <p>Streamlined application process, eliminated range within bands for recognition payments <i>Victims of Crime Assistance and Other Legislation Amendment Act 2017</i></p>
Vic	<p>1996, Crimes Compensation Tribunal</p> <p>Victims of Crime: Inquiry into Services (Victorian Community Council Against Violence, 1994)</p> <p>Reviewing Victims of Crime Compensation (Victorian Department of Justice, 2009)</p> <p>Victorian Law Reform Commission Review of VoCAA, (Victorian Law Reform Commission, 2018)</p> <p>Victorian Law Reform Commission Consultation Papers, (Victorian Law Reform Commission, 2017a, 2017b).</p> <p>Recommended establishing new administrative scheme within Office of Victims of Crime Commissioner</p>	<p><i>Criminal Injuries Compensation Act 1972</i></p> <p><i>Victims of Crime Assistance Act 1996</i></p> <p>Created specific categories of loss to claim, removed pain and suffering payments (reinstated in 2000) and new Victims of Crime Assistance Tribunal (VOCAT). Established service network comprising regional Victim Assistance and Counselling Programs (VACP) and Victims Helpline within Victim Support Agency (DoJ).</p>

Breaking the 'Compensation' Nexus

In the four financial assistance jurisdictions – the ACT, NSW, Queensland and Victoria – the substantive changes revolved around the application and decision-making processes, eligibility for and nature of payments, and conceptual shifts signalled through changed terms. In particular, payments were termed 'financial assistance', not 'compensation'.

Since the earliest days of CIC schemes in Australia, the United Kingdom (UK), New Zealand and elsewhere, governments had been at pains to stress two key points. One was that CIC paid from a state-based scheme did not imply state liability for the adverse event experienced by the individual. Second, that the payments made were not directly correspondent to 'damages' that may arise from litigation and be awarded by a civil court (Attiyah, 1970; Duff, 1998; New Zealand Law Commission, 2008). Notwithstanding these assertions, successive legislation had retained the language and logic of 'compensation'. The change in terminology from the mid-1990s to financial assistance was therefore designed to represent the distinction. More recent reform in the ACT (2016), Queensland (2009) and NSW (2013) more fully depict a break in the nexus with 'compensation' (see above table).

The new terminology was also accompanied by language that signalled a shift in the purpose of the legislation. Rather than compensation designed to return an applicant to their pre-victimisation status through a 'civil remedy surrogate' (Miers 2014a: 119), the financial assistance payments were to 'assist recovery'.

Financial assistance has two components: (1) reimbursement for eligible expenses incurred or likely to be incurred as a result of injuries arising from a violent offence; and (2) a capped sum that recognises the seriousness of the offence. Terms such as 'special assistance' and 'recognition payment' replaced the tort-based 'pain and suffering' of non-economic loss. Expenses for economic loss were either left open (Vic) or specified (ACT, NSW, Qld).

Implementing Victim Support Services

The development and implementation of support services for crime victims has been less contested than has reform of CIC/FAS. However, service developments have been more ad hoc, responding, in part, to different social change and advocacy groups and to different jurisdictional arrangements. These have included that:

- services for victims of particular offences such as domestic violence and sexual assault have emerged from social movement action in the form of women's refuges and rape crisis centres (Lucas and Holder, 2000);
- specialist services for survivors of homicide have been strongly identified with survivor advocacy and self-help;¹³

¹³ One of the longest-established and most well-known is the NSW Homicide Victims' Support Group (2021).

- victim-survivor advocacy groups based in the community have successfully lobbied for recognition of victims' rights within the criminal justice system (Holder and Kirchengast, 2020);
- the attention generated by victims of serious crime diverted attention from the more numerous victims of other everyday crimes (Rock, 2006).

Over the past 20-30 years in Australia, these influences have caused governments to implement services for victims of crime as a broad social category whether as grant-aided services based in the community or within government (O'Connell, 2015). The services' ethos reflected the emphasis on counselling that emerged from the CIC/FAS reforms as a replacement for monetary payment for 'pain and suffering'. The needs of particular victim groups have also tended to drive government investments (RMIT CIJ, 2020), such as for example victims of institutional abuse (Royal Commission on Responses to Institutional Sexual Abuse of Children, 2017) and those affected by domestic and family violence (Victorian Royal Commission into Family Violence, 2016).

These influences have all been present in service developments in the ACT. The specific evolution of Victim Support ACT is discussed further in Chapter 6.

CHAPTER 3: REVIEW METHODOLOGY

Introduction

The review and consultation plan were designed in response to the JACS requirements for the review of the relevant schemes, including proposed consultation activities, access to data and the specified timeframe. The review progressed in two phases. Phase I examined the history of services and financial reforms for crime victims, court levies in the ACT, crimes reported to police in the ACT, and client use of the programs under review. Phase II comprised surveys of and interviews with clients and a provider survey.

The review methods included written submissions, interviews, focus groups and surveys, as well as analysis of aggregated government agency data. The activities were designed to be flexible for those with time constraints and to maximise accessibility. They were also accompanied by a trauma-informed safety protocol and a COVID-19 safety protocol (available on request).

This chapter briefly describes the methodology for the two phases of the review (for further detail, see also Appendix D).

Review Participants

The review combined preliminary engagement with key stakeholders, legislative and service review (see Chapter 1) with two distinct participant groups and analysis of administrative data.

The review participants were organised in two main groups. *Group 1* were professional stakeholders from government, non-government and private agencies. Group 1 participants also included Approved Providers who are registered with VSACT. These are qualified specialists in varying therapeutic disciplines who are registered with VSACT via a formal procurement process.

Within Group 1, consultation activities were conducted with Indigenous stakeholders who specialise with Indigenous victims of crime first to inform the approach of the PAVER Review and to gather suggestions for improvements to the research instruments. In addition to one-to-one interviews, individuals were invited to two focus groups, one mid-way through the consultation and a concluding one, to communicate the proposed findings and recommendations.

Group 2 participants were members of the ACT community who met the following eligibility criteria for the study:

1. adults aged 18 years and over;
2. who have experienced violent victimisation in the ACT; and
3. have accessed FAS, VSS or another relevant ACT victim service.

Participants were invited to respond to the content questions as they relate to the function of their agency and the schemes' operations more generally (Group 1) or their own experience as service users (Group 2). Group 2 participants were not asked for detail about their victimisation experience.

When quoting participants in this report, we have erred on the side of caution and provided an ID number for Group 1 participants and no identification for Group 2 participants.

Review Methodology

Participation in the review was offered in different formats (ie, face-to-face (F2F), telephone and/or using online tools such as Zoom), as preferred by the two main participant groups, further delineated below (Table 4) (and see Appendix A).

Table 4: Methods, Participants and Samples~

Method	Group 1 (Professionals)	Group 2 (Service Users)
Provide written submission	N=19 (organisations, services)	N/A
Online survey	N=100 (individuals)*	N=approx. 750^
Interview # (F2F, telephone or online, as preferred by participant)	N=17 (individuals, executive level) N=9 (individuals, key workers)	N=15-30
Focus group	N=1-13 groups with approx. 6-8 participants in each	N=2 groups, with approx. 6-8 participants in each
Administrative data collection	N=4 (organisations, services)	N/A

~ Sample sizes are estimates drawn from funder's RFQ and government annual reports.

We propose to interview more than one person (n=26) per organisation (n=20).

* There are currently 100 VSS Approved Providers who are registered with VSACT to provide relevant services to victims. We propose to invite all to participate in the survey.

^ There are approximately 5000 adult victims of violence who have made contact with VSACT over the relevant period (since the FAS came into effect in July 2016). Assuming a 15% participation rate, this would give approximately 750 responses.

Phase II similarly used a mixed-methods approach to gather quantitative and qualitative data from service users. The co-design approach in Phase II drew from interviews and focus groups; some of these were conducted in Phase I, but most were completed in the second phase (Table 5). Group 2 participants were invited to participate through an email invitation

issued by VSACT. This contact approach preserved client confidentiality, allowed the service to screen out individuals that the service assessed as too traumatised to participate and also maximised the chances of the widest possible participation.

Table 5: Distribution of Research Activities

Participants	Research activity		
	<i>Interview</i>	<i>Focus Group</i>	<i>Survey</i>
Group 1: Professionals			
(a) Executives and key workers	RI#1 – semi-structured	RI#2 – group topics	N/A
(b) VSS Approved Providers	N/A	N/A	RI#3 – provider survey
Group 2: Service users			
Service clients	N/A	RI#5 – group topics	RI#4 – user survey
(i) FAS applicants	RI#6 – structured	N/A	N/A
(ii) VSS users	RI#7 structured	N/A	N/A

RI=Research instrument

As set out in Table 6, the methods were designed to address different aspects of the review objectives.

Table 6: Methods to Address Review Questions

Scheme	JACS Review Objective	VoCC Functions	Method and Sources
FAS	Is the scheme operating as intended?	Beneficial for victims Efficient and effective services	Review of legislation, regulations and scheme documents, including output statistics Key professional stakeholder interviews Service user survey

			<p>Service user interviews</p> <p>Focus groups with professionals and service users</p> <p>Analysis of administrative data</p>
VSS	Is the scheme operating effectively?	<p>Beneficial for victims</p> <p>Efficient and effective services</p>	<p>Review of regulations and scheme documents, including output statistics</p> <p>Key professional stakeholder interviews</p> <p>Service user survey</p> <p>Service user interviews</p> <p>Focus groups with professionals and service users</p> <p>Analysis of administrative data</p>
Victim Levies	Can levies be streamlined?	Beneficial for victims	<p>Review of legislation and procedures</p> <p>Key stakeholder interviews</p> <p>Analysis of court data</p>

Research Instruments

The research instruments involved interview questions, written submission questionnaire and surveys. Some of the instruments were adapted from previous similar research conducted in the ACT and Queensland examining financial assistance and police referral (Daly and Holder, 2019; Holder and Daly, 2018; McGregor, Renshaw and Andrevski, 2013).

Some questions and variables from these items were the same, in order to enable direct comparison between the findings from the different studies. The research instruments incorporated preliminary feedback from ACT Aboriginal and Torres Strait Islander stakeholders.

Surveys

There were two online surveys – one for Group 1 for Approved Providers and another for Group 2 service users.

The Group 2 survey used questions drawn from a project commissioned by the ACT Government and undertaken by the Australian Institute of Criminology (AIC) (McGregor et al., 2013).

Interviews

The data collection comprised semi-structured interviews with:

- Group 1 professionals (public servants and service providers) who are involved with the operation of the FAS, VSS and victim levies; and
- Group 2 service users who have used, or are using, the FAS and/or VSS.

Focus groups

The primary focus of the group discussions was to elicit information and perspectives about the operation of the schemes and ideas for future changes. Focus groups provide an efficient process for gaining operational information about the schemes and referral pathways. The project design included focus groups with both Group 1 and Group 2 participants. However, no service users volunteered for a focus group.

Written submissions

Written submissions about the operation of the schemes were sought from government, non-government and private providers. Written submissions are a standard approach to law reform. The number of questions of interest to JACS were too detailed to cover meaningfully by organisations with limited exposure to the schemes. Therefore, written submissions invited general comment on the high-level objectives.

Administrative data

Aggregate administrative data on the schemes' use was sourced from ACT Policing, VSACT and ACT Courts and Tribunals. ACT Policing data was based on the data provided to the AIC (McGregor et al., 2013).

A Trauma-Informed Research Approach

The review incorporated trauma-informed principles and steps to maximise the safety of participants. Our approach pushed against rhetoric that positions trauma and traumatic responses as rare or traumatised individuals as overly sensitive or vulnerable (Downes, Kelly

and Westmarland, 2014; Newman and Kaloupek, 2004; Rosenbaum and Langhinrichsen-Rohling, 2006).

Key Principles

Person-centred – the participants are at the centre of all planning and decisions regarding the conduct of the review and consultation; participant choice, safety and well-being are the focus.

Agency – individuals who have experienced trauma are expected, welcomed and included as agents capable of exercising choice.

Dignity, respect and trust – demonstrate respect and courtesy at all times, as trust-building and respecting dignity.

Strengths-based – acknowledge individual and/or group trauma and experience and focus on strengths and resilience.

Diversity – individuals and groups bring different experiences to research, which reflect gender, race, ethnic, age, ability and sexuality, which in turn are structured in particular socio-political ways.

Support – have support available in a timely, appropriate and meaningful way, in modes that are understandable, responsive and appropriate to the individual, group and context.

Responsive – be responsive to individual and group sensitivities and dynamics, by raising options, negotiating possibilities and seeking consensus, where possible.

Reflexive – anticipate, be transparent, discuss and reflect.

Additional Review Methods

In addition to the methods listed above, the reviewers also:

- conducted a rapid appraisal of the relevant literature (Appendix B);
- met early with staff at VSACT, to listen to their reflections about their work and any concerns they had about the review;
- reviewed internal forms and client correspondence;
- reviewed past annual reports of VOCC; and
- reviewed past evaluations/reviews of schemes in the ACT and other Australian jurisdictions.

NOTE ON SERVICE USE DATA IN THIS REPORT

The review team were supplied with de-identified service use data by the ACT Victims of Crime Commissioner (VOCC). The data related to individuals in contact with the Victims Services Scheme (VSS) and applicants for the Victims of Crime Financial Assistance Scheme (FAS) over the review period. Data reported by the VOCC in annual reports and elsewhere uses the same data *but is aggregated*.

For the purposes of the review, we were advised that it was not possible to know which clients (if any) were shared between the two programs, VSS and FAS. Data in each of the two datasets were cleaned. Variables were re-coded for simplicity and to create common definitions. Two Review Datasets resulted from this process. Each comprised *case* or *unit* data. Unless otherwise specified, VSS and FAS data described in this report derives from the Review Datasets.

As a result, there will be differences between data previously reported by the VOCC and that described in this report.

CHAPTER 4: ANALYSIS OF COMPARATIVE LEGISLATION IN AUSTRALIA

Responses to crime victims in Australia have comprised a mix of legislative and policy change. In this chapter, we focus primarily on policy debate and legislative change in relation to criminal injuries compensation (CIC) and financial assistance for victims of crimes.

Comparison with Current Relevant Financial Assistance Schemes in Australia

The review specifications asked if access to financial assistance has been ‘simplified and streamlined’ and requested comparison of the operation of the ACT Financial Assistance Scheme (FAS) with schemes in other Australian jurisdictions. Relevant for legislative comparison, the review specifications (RFQ ss 2.2-2.3) asked about:

- the appropriateness of eligibility criteria including definitions of victims and offences;
- types of payments and distributions to different victimised groups;
- circumstances for payments to be given;
- time limits; and
- consistency, predictability and transparency of decision-making.

In this section, we compare the legislation across both financial assistance and compensation jurisdictions. A detailed comparison across Australian jurisdictions is provided here and in Appendix C.¹⁴ The following sections describe specific elements of the respective legislative instruments, with a particular focus on the primary victim applicant. The chapter ends with discussion about some challenges experienced by scheme administrators in other Australian jurisdictions and provides a brief sketch of changes made to respond to these challenges.

Critical to understanding the scope of the legislation is what constitutes eligibility and the nature of the acts or losses or injuries **and** what payments these then link to.

Eligible Applicants

All jurisdictions, except for South Australia, use a similar term at the core of their legislation: ‘primary victim’. A primary victim is eligible to apply for financial assistance if injured as a result of an act of violence carried out on that person. South Australia uses the term ‘immediate victim’, being a person who is a victim of an act of violence. A primary victim may also be a person who dies as a result of an act of violence carried out on that person (ACT, NSW, NT, Qld, Vic, Tas, WA).

All jurisdictions also categorise other types of person who may apply for financial assistance, again with slightly different terms. For example, a ‘related victim’ (ACT, Qld, Vic, WA) or ‘family victim’ (NSW, SA) is the term for an individual who was a dependent, close family

¹⁴ Further detail on legislative provisions may be obtained upon request from the authors.

member or intimate partner of the primary victim before their death. A related victim of a deceased primary victim may be defined further, especially with regard to the specific nature of their relationship with the deceased primary victim. Most jurisdictions (NSW, Qld, Vic, SA, Tas, WA) specify this as spouse, dependent, child, parent, or intimate. The ACT sets out three 'classes' of victim in this category.

In Victoria, the Northern Territory and Tasmania, a 'related victim' (close family) describes an eligible applicant, where the primary victim has sustained an injury.

Some jurisdictions also provide a category of applicant who is a witness of an act of violence against a primary victim who dies. This category of person may be eligible for certain financial assistance (ACT, NT, Qld, Tas, Vic, WA) or counselling only (NSW).

Eligibility Evidentiary Requirements

All jurisdictions, except Western Australia, specify that the eligible applicant must have been the victim of an act of violence. Commonly, the legislation will specify a list of violent offences and link to their respective crimes legislation. The ACT and NSW extend the meaning of act of violence to specify 'domestic violence', thus potentially allowing for the applicant to have experienced a property offence and/or breach of a family violence order. In Western Australia, the types of crimes, misdemeanours and simple offences covered potentially allow for applicants victimised by non-violence (Western Australian Department of Justice, 2019).¹⁵

Evidentiary Standards

All jurisdictions require applicants to meet certain evidentiary standards when applying for financial assistance. Most jurisdictions specify a report to police of the act of violence as constituting an elementary standard. NSW, Queensland and the ACT also provide that specific categories of applicant may have reported to another service other than police (see below). The Northern Territory legislation requires that an applicant supply the date on which a report to police was made or the reasons why no report was made.

The ACT, NSW, Queensland, Victoria and Tasmania specify a balance of probabilities standard that the act of violence took place. The Western Australian legislation lists a range of possibilities from a requirement that an offence be 'proven' and to an 'alleged offence' where no person is charged. South Australia requires that the incident must be proved beyond reasonable doubt (ie, a criminal standard of proof) although the Attorney-General has discretion to make an ex gratia payment in the absence of this burden being discharged.

A number of jurisdictions provide for specific types of victimisation that may give rise to exceptions in reporting to police. In the ACT, for example, a 'special reporting class victim' (including victims of sexual offences and those under the age of 18) are not required to have

¹⁵ This was confirmed in an email with the WA Chief Assessor (12 Nov, 2020).

reported the offence to police; however, they must have disclosed the offence to a service as listed in the legislation.

Documentary evidence in support of an application for compensation or financial assistance is required in all jurisdictions. The documentary evidence required is different in each jurisdiction and depends on what the applicant is claiming. In NSW, applications must also be accompanied by identification and bank information in relation to the applicant. If medical or dental costs are claimed, then medical, dental or counselling reports are required (NSW, NT, SA, Vic), statement on the loss of earnings (NSW, SA, Vic), invoices (or other documentation) for expenses incurred (NSW, NT, SA) and/or photographic evidence of injuries (SA). In South Australia and Tasmania, the information contained in an application must also be verified by an accompanying statutory declaration. Victoria requires a statutory declaration to be supplied in cases where the applicant did not report the act of violence to police. Queensland removed the requirements for a statutory declaration and for a medical certificate 'to ease the burden on victims when first applying for financial assistance' (Qld DJAG, 2015: 5).

After submitting the application, the applicant may be asked by an assessor to undertake further medical (ACT, NT, Qld, SA, WA) and/or psychological (NT) examinations, in order to substantiate their claims. In some jurisdictions (ACT, Qld, NT, WA), assessors have authority to ask for information from sources, including the police, courts and/or health practitioners, to provide information on the applicant, their criminal history, the incident and the relationship of the injury to the victimisation.

In the ACT, the legislation states that the VOCC may ask the applicant to provide further information specified by the VOCC when deciding an application for financial assistance. Similarly, in Western Australia, the legislation gives general powers to an assessor, such that they may seek and receive any information or evidence they consider necessary.

Exclusions

Some jurisdictions stipulate exclusions or set-offs to eligible applicants. All require that an applicant must have cooperated with law enforcement and/or prosecution authorities in relation to an investigation or prosecution of the act of violence. Some exceptions to this rule are if 'special circumstances' apply (Vic). Similarly, all jurisdictions restrict application or eligibility for certain payments, if the applicant's behaviour contributed in some way to the act of violence from which an injury was sustained or when they were committing another offence. Victoria also allows an assessor to consider the applicant's character, behaviour or attitude.

All jurisdictions also specify that eligibility is restricted if the applicant has recourse to or has received payments from another source, such as workers' compensation or insurance.

Time Limits for Applications

All jurisdictions apply time limits for applications for financial assistance. Five jurisdictions (ACT, Qld, SA, Tas, WA) require applications to be made within three years of the offence. The remaining three (NSW, NT, Vic) require that applications be made within two years of the offence. Most jurisdictions have exceptions to these time limits, extending the time for making an application, based on the following considerations:

- the age of the applicant (ACT, NSW, NT, Qld, Vic);
- the physical or psychological effect of the act on the applicant (ACT, Qld, Vic);
- whether:
 - the applicant has any physical or mental impairments (ACT, NT (mental impairments only), Qld, Vic);
 - the person responsible for the violence is in a position of power in relation to the primary victim (ACT, NT, Qld, Vic);
 - the extension of time will prevent a fair consideration of the application (ACT, NT, Qld, Vic);
 - the injury or death occurred as a result of sexual assault, domestic violence or child abuse (NT);
 - the act was reported to police within a reasonable timeframe (NT); or
- any other matters deemed to be reasonable grounds for an extension (ACT, Qld, Tas, Vic, WA).

NSW and Victoria make an additional exception on time limits for victims of domestic violence, child abuse or sexual assault, with NSW extending the relevant timeframe to 10 years from the offence or, in the case of minors, 10 years from the day they turn 18. Victoria places no time limits on applications for victims of physical or sexual assault, if the victim was under the age of 18 when the act occurred.

Most jurisdictions do not specify a time limit for making decisions on applications, stating only that a determination be made as expeditiously as possible (ACT, NT, Qld, Vic, WA). NSW simply states that the application will be considered by the Victims of Crime Commissioner, without any date provided. Tasmania imposes a limit of three years for a determination of an application for award to be made, while South Australia states that a claim for compensation be settled with the Crown Solicitor within three months after the claim is made. If the claim has not been settled within this timeframe, the claimant may apply to the court for compensation.

Finally, some jurisdictions also provide that an applicant may seek to vary an application and can claim certain further payments (if eligible) beyond the initial determination (ACT, Qld).

Types of Claims or Payments

All jurisdictions specify that both economic and non-economic (ie, pain and suffering) losses incurred as a result of the act of violence may be claimed. Economic losses generally are specified as loss of income and certain expenses. In financial assistance jurisdictions, non-economic loss is specified as a 'recognition payment' (ACT, NSW, Qld) or 'special financial assistance', in relation to an act of violence that has a 'significant adverse effect' (Vic). The legislation in these jurisdictions caps the recognition payment amounts, according to specific categories of violence (ie, the nature of the offence).

In CIC jurisdictions, non-economic loss is for the injury and is awarded on the evidence provided. Thus, the injury is *compensable*. In Western Australia, injury includes bodily harm, mental or nervous shock and pregnancy. In South Australia, grief is recognised for close family members of a deceased primary victim and, for the immediate victim, physical or mental injury is recognised in a table of maims. In Tasmania, injury refers to an impairment of bodily or mental health or pregnancy; and, in the Northern Territory, the compensable injury is physical or a recognisable psychological or psychiatric disorder, and pregnancy.

For economic loss, a range of payments made and expenses claimed by primary victims are provided for across the jurisdictions. Some jurisdictions specify what expenses may be applied for, such as medical and dental (NSW, Qld, Vic) or specify expenses such as relocation costs, items designed for the applicant's safety and security (ACT, NSW, Qld, Vic) or other exceptional expenses (Qld). An applicant may apply for counselling costs (NT, Qld, Vic) but must avail themselves of available free counselling (ACT). NSW provides that any victim of crime may access free counselling from Approved Providers.

Some jurisdictions provide for an interim, emergency or immediate payment for certain expenses. NSW provides for immediate needs in one of two ways, both of which are capped at \$5,000. Domestic violence victims may apply for an Immediate Needs Support Package for emergency needs. The payment acts as a grant can be made quickly (within nine days), with no receipts or quotes for the expenses required. A second way is for all eligible non-domestic violence victims. The cap is the same, but applicants must provide receipts and an explanation of how the cost is related to the injury arising from the act of violence.¹⁶ Western Australia also provides for an interim payment of up to \$2,250, which can be turned around in two days.¹⁷

¹⁶ Notes from a Zoom conversation with Principal Policy Manager, NSW Victim Services (9 November 2020).

¹⁷ Notes from a telephone conversation with WA Chief Assessor (6 November 2020).

Amounts Payable

The maximum amounts payable vary between jurisdictions. The overall maximum amount payable differs significantly across the states and territories from \$100,000 (SA), \$75,000 (Qld, WA), \$60,000 (Vic), \$54,174 (ACT), \$50,000 (NSW), \$40,000 (NT), and \$30,000 (Tas).¹⁸

For economic loss, the ACT awards the highest maximum amount (\$36,500), followed by NSW (\$30,000), Victoria and Queensland (\$20,000), the Northern Territory (\$10,000) and South Australia (\$2,000). Western Australia and Tasmania do not specify in their respective legislation the maximum amount for an economic loss payment. For an immediate needs payment, the ACT awards the highest maximum amount, at \$10,000, followed by Queensland (\$6,000) and NSW and the Northern Territory (\$5,000).

Recognition payments for financial assistance jurisdictions are tabulated according to offence seriousness. For NSW and Queensland, the amount in each category is fixed. NSW removed the sliding scale of payments in 2013, following a review of the NSW Victims Compensation Funder by PricewaterhouseCoopers (2012) and Queensland did so in 2015 (see Qld DJAG, 2015). The ACT retains a range of possible payments within each category, to account for aggravating circumstances.

Administration of Schemes

Schemes across the jurisdictions vary in their administration. In previous reforms, distinctions were made between court-based and administrative decision-makers (see eg Dare, 2002; Qld DJAG, 2007). Court-based schemes had been subject to criticism for their daunting procedures and overly legalistic approach (see Chapter 2). The introduction of tribunals in NSW and Victoria were, in part, a way to mitigate these problems. Some argued that victims favoured a tribunal setting, as it enabled them to 'tell their story' to an authoritative, albeit empathetic, judicial officer (see for example Victorian Law Reform Commission (VLRC) (2018) discussion on submissions to the review of the *Victims of Crime Assistance Act 1996* (Vic)). Most jurisdictions, except Victoria, describe scheme decision-makers as 'administrative' (Western Australian Department of Justice, 2019). However, most could nonetheless be described as legalistic, even quasi-judicial, perhaps as a legacy of judicial approaches to decisions on compensation.

A different type of distinction is the extent to which FAS administration is connected to, or indeed integrated with, case management or case coordination of victim support services. A Canadian review of the trauma literature described the importance of a 'continuum of services', especially given victims' heterogeneity (Hill, 2003: 43). A recent review of victim support services in Victoria recommended a new Victim Support Centre to conduct, amongst other tasks, needs assessment, including identifying client eligibility for financial

¹⁸ In Tasmania, if there is more than one offence, the maximum payment is \$50,000.

assistance (RMIT CIJ, 2020). Earlier, the VLRC (2018) had recommended abolishing the tribunal model and instead creating an independent specialist decision-maker, before whom victims would have the opportunity to be heard or acknowledged, with a right to legal representation. The VLRC observed that the service system for victims in Victoria was ‘fragmented and difficult to navigate’ (2018: 171) and should not be further burdened with a new scheme. A statutory review of the *Victims Rights and Support Act 2013* (NSW) recommended improvements to support increased access to counselling for victims, but made no specific recommendations about coordinating or managing victims’ access to services (NSW Department of Communities and Justice, 2019). Similarly, the 2015 statutory review of the *Victims of Crime Financial Assistance Act 2009* (Qld) found that the primary mechanism that the scheme administrator had to assist victims to access services was via referral (Qld DJAG, 2015). No recommendations for change were made.

It emerges from this that the ACT is unique, with its co-location of support services and financial assistance. The promise of integration, as described in the WHO report, is discussed further in this report at Chapter 6.

Challenges Related to Scheme Administration

Those jurisdictions in which public reviews have been undertaken (NSW, Qld, Vic and WA) all observe increasing demand apparently unrelated to patterns of crime reported to police. Here, we briefly describe some of the changes that two financial assistance jurisdictions have made as a result of this increasing demand, incorporating brief information about these jurisdictions’ direct services. It is pertinent to observe that, although NSW and Queensland have made different changes, both approaches appear to emphasise reducing the scope for assessor discretion and minimising the proof burdens on applicants. In both instances, it should be noted that the reverse, ie, increasing assessors’ options and the information they are required to assess delays getting payments to applicants.

NSW¹⁹

The *Victims Rights and Support Act 2013* (NSW) provides entitlements to counselling and to financial assistance. The legislation sets out the ‘composition of support’ in different levels, according to the eligibility criteria for different types of victim (ss 26-30). Section 30 provides that financial assistance (as one part of the ‘composition of support’) may take the form of a grant, allowance, refund or direct payment. Section 113 also provides protection for victims’ information in subsequent legal proceedings.

From 2013, the scheme administrator, NSW Victims Services, increased access to free counselling for victims to up to 22 hours. Since July 2020, people can make an online

¹⁹ Notes from phone and Zoom conversations with Principal Policy Officer, NSW Victims Services (9 November 2020 and 11 February 2021).

application for counselling. The application is usually approved within 1-2 days.²⁰ The applicant then receives the decision and is provided with a weblink to a website of Approved Providers (although they may also be assisted by the Victims Helpline). The applicant can choose a provider according to the provider's postcode and/or specialisation. When contacted by a potential client, the provider can check the individual's approval and their approved hours, via an online Provider Portal. Since the COVID-19 pandemic, a significant proportion of providers now provide counselling online. Anecdotally, this has resulted in improved and more widespread access to counselling for those residing in regional areas.

NSW also has a flat-rate recognition payment linked to the seriousness of the offence. From 2013, the Commissioner for Victims (as the scheme administrator) was provided with enhanced authority to approve applications and providers of services; the definition of the reporting agency was expanded beyond the police for certain offences; the definitions for automatic recognition payments after homicide were clarified; and the authority provided for the Commissioner to lapse applications where no evidence had been supplied by the applicant.

In response to demand, NSW has prioritised decisions on immediate needs payments. Since July 2020, immediate needs applications from domestic violence victims are dealt with as a grant. The applicant supplies some evidence, by way of a report to the police or other authority, personal identification and bank details. These applications are processed within 2-8 days. The requirement for proof of certain expenses and losses for applications for immediate needs payments from non-domestic violence victims remains. While immediate needs payments and other financial assistance payment timelines are now considerably reduced, the backlog in recognition payments remains for the NSW scheme.

Scheme administrators in NSW also have direct access to relevant information modules in the NSW Police database, thereby minimising the time required to assess applications.²¹

*Queensland*²²

The Queensland scheme administrator, Victim Assist Queensland (VAQ), does not directly provide direct rehabilitation services to victims; instead, it refers people to support services. VAQ's primary role is to receive and decide applications for financial assistance.

²⁰ The WA CIC Chief Assessor also advised that applications for interim payments (capped at \$2,500) can be made within two days (notes from a telephone conversation, 6 November 2020).

²¹ The WA Chief Assessor also described having direct access to relevant court records and a secure 'dropbox' for police incident records. She further advised about the pending implementation for electronic lodgement of compensation applications into which police could upload the required information (notes from a telephone conversation, 6 November 2020).

²² Notes from a meeting with VAQ Director and staff (21 July 2020) and phone conversation with the Director, VAQ (15 February 2021).

Following a large increase in applications in 2015-16, an internal review found that prioritising assessment for one component of payment (interim payments) over others meant that final decisions (especially for special assistance payments) were extensively delayed; this was in part because lodgements for interim assistance payments kept coming in. In part to streamline decision-making, but also to eliminate questions of perceived inconsistency and possible bias,²³ the previous sliding scale for recognition payments was abolished in July 2017. Instead, recognition or 'special assistance' payments are now a fixed amount per category of grouped offences. The change removed assessor discretion within each band. Assessors retain the discretion to 'uplift' the assessment of an offence type from one to another band depending on the facts of the matter. VAQ also implemented multi-disciplinary teams to assess and decide applications (rather than a single assessor) along with an approach to prioritise decisions and payments for recognition payments. The administrative policy is to 'get the payment out the door ASAP'. The assessment of eligibility is central. Once eligibility is established, then the decision for which category of recognition payment applies flows automatically. As applications are grouped and allocated to a team, this also means that any team member can respond to applicant queries, rather than relying on communication from a single assessor. Applicants can both check the progress of their application online and communicate directly with a team member.

Additionally, the requirement for certain documents, such as a statutory declaration, was eliminated and assessors' access to certain information was expanded. Applications always require some evidence of the offence and injury. However, evidence of the latter may be inferred by the material facts of a matter (for example, grievous bodily harm implies bodily harm). It is understood that, while some evidence is required, 'too much' or too wide a scope in relation to proof of injury can lead to excessive variation in decisions and can extend the time taken to decide them. Finally, VAQ has read-only access to limited modules of the Queensland Police database, which removes a resource burden on the police and reduces the time taken to access the necessary information.

Following consideration of the processes regarding extensive backlogs, as of March 2020, on average, 80% of decisions on applications are finalised by VAQ within three months. The performance target is that 80% of applications have a first decision within 90 days of lodgement.

Specific Comparisons

A summary of relevant legislative differences between the ACT VOCFA Act and similar legislation in Queensland and NSW reveals some key differences relevant to the PAVER Review.

²³ Research examining special assistance payments for sexual offences under the Queensland scheme found evidence of bias in decisions (Daly and Holder, 2019). The reform was enacted after the research was conducted, but before the research was published.

The *definitions of related victims* are similar, in specifying certain family relationships. However, the ACT and Queensland require that certain types of relationships be assessed to be 'genuine'. Further, all three jurisdictions require that certain types of related victim show that they are 'dependent'. Given that this category largely relates to the death of a primary victim, these determinations (especially the question of what is 'genuine') would be a highly sensitive assessment.

Expenses payments are for broadly similar types of financial loss, such as medical or dental costs. Expense payments are reimbursements, except in certain circumstances:

- (a) both the ACT and NSW provide for payment of 'immediate needs' expenses, such as for personal security, relocation or urgent medical attention. NSW pays immediate need applications from domestic violence victims as a grant, whereas the ACT requires some evidence of the nature of the needs; and
- (b) Queensland provides for an 'interim payment', where the applicant does not have the funds to pay for eligible expenses in advance.

The variation of approach to these payments can be attributed to differing emphases: about the need for real urgency for some applicants to receive financial assistance and assisting impecunious applicants with urgent needs. There is not a big difference to the assessment of the problem of getting payment rapidly to certain people. The difference is *how* the jurisdictions have responded: NSW has prioritised getting an expense payment to particular types of victim (domestic violence), while Queensland has prioritised getting the recognition payment to all those who apply for it, so that applicants may have cash available to pay for expenses. On the other hand, s 42(2) of the VOCFA Act ties the VOCC's hand, through the requirement that priority 'must' be given to an immediate needs payment.

Recognition payments are for non-economic loss and can be associated with earlier CIC determinations of 'pain and suffering', 'trauma', 'distress' or 'mental shock'. All three jurisdictions link the amount of payment first to who is the victim, and second to the seriousness of the act of violence (AoV). In addition:

- (a) each jurisdiction has a recognition payment for primary victims. ACT and NSW have a recognition payment for related victims of a homicide primary victim, whereas Queensland has a 'distress payment'.
- (b) For primary victims, ACT links its recognition payment to a list of 14 types of violence, whereas both NSW and Queensland group the AoV into four categories. Only the ACT also has four additional criteria for aggravating circumstances.

- (c) NSW and Queensland provide a flat rate recognition payment for each of the categories, whereas ACT provides a sliding scale for recognition payments, depending on the aggravating circumstances.
- (d) The highest recognition payment for a primary victim in NSW and Qld is \$10,000 and the lowest is \$1,500 in NSW and \$1,000 in Qld. The highest maximum in ACT is \$28,441 and the lowest minimum is \$1,082.

Thus, while the ACT's payment range is considerably more generous at the highest point than the other two financial assistance jurisdictions, the problem arises in determination. An assessor must be supplied with sufficient evidence not only that the AoV did occur (on the balance of probabilities), but also in which of the 14 violence categories it falls *and* in what aggravating circumstances (if any). The end result is an evidentiary burden on the applicant and an assessment burden for decision-makers.

The requirement that *injury* should flow from an AoV is relevant to applications for reimbursement of certain expenses. It is less clear in the determination of non-economic loss. For example, section 35 sets out the different categories of offence for a recognition payment in NSW. The categories stipulate 'serious bodily injury' for a single sexual assault, but not for a series of such assaults. In addition, the section does not specify bodily injury for some other types of sexual assault or for a series of physical assaults on a child. In Queensland, Schedule 2 of the *Victims of Crime Assistance Act 2009* (Qld) specifies the seriousness of injuries ('circumstances') relevant to the category of violence. However, the payment schedule for each category of violence is a flat sum and linked only to the violence offence. It is the same for the ACT, except where an injury is very serious and likely to be permanent; a provision that was carried over from the earlier FAS enacted in 2000 (see Chapter 7).

Proof of injury may be relevant for an application for expenses (and conceivably inferred from the facts of a matter), but the question arises if proof of injury is required at all for a recognition payment.

Some Concluding Observations

A number of observations can be made about the broad interjurisdictional comparisons outlined in this chapter and the more focused comparison of certain elements in financial assistance jurisdictions. In doing so, we also draw on the rapid literature review in Appendix B. For financial assistance jurisdictions, we observe that:

- the shift from a CIC scheme to a financial assistance one has required a slow and sometimes painful removal of approaches to, and understanding of, 'loss' inherited from tort law and from proof procedures inherited from court-based decision-makers;

- all jurisdictions are experiencing increases in demand for financial assistance, although there is no research on the reasons for this;
- financial assistance is designed, in part, to meet the victims' need for practical assistance to deal with the harms and injuries arising as a consequence of the victimisation;
- practical access to counselling generally does not require the same level of evidence as many other expense costs and certainly should not require a report to the police;
- access to support services such as counselling is provided as an entitlement similar to financial assistance or by government-funded services;²⁴
- if recovery and safety are central to the purpose of financial assistance, then the eligibility and proof requirements for expenses incurred for safety / security and rehabilitation / treatment could be considered on their own merit. In this context, it should be considered whether the current exclusions of certain applicants meet relevant legislative and policy purposes and, indeed, whether a report to the police is required for this and the income loss categories of payment;
- recognition payments are consistently understood in legislative reviews to be 'symbolic' acknowledgement for the victim;
- recognition payments are linked in financial assistance legislation to the seriousness of the victimisation (or the offence). Although the legislative purpose often still refers to acknowledging the harm, the closer link to the offence raises a question about whether 'injury' remains relevant to the recognition payment; and
- removing proof of injury or harm from applications for recognition payment may represent a decisive, albeit controversial, break from CIC and more fully represent a symbolic acknowledgement from the community of the victim and the wrong done to them by the crime.

Finally, there are several observations that can be made in relation to the question whether any of these schemes is financially sustainable. First, this is a decision about how a community wishes to acknowledge, respond to and assist those who have experienced victimisation by crime and especially violence. It is a public good to support those afflicted by harm, illness, disadvantage, and discrimination (amongst a number of social ills). Second, it is a decision about what filters government sets on the nature and terms of the assistance that a community wishes to provide. This also is a public good that balances the desire for a harmonious and healthy community alongside fiscal rectitude. A third answer is found in the literature, which suggests that relatively brief and intense consequences arise for most victims and their families from a majority of crimes (depending on crime types and pre-existing inequalities). These consequences may be aggravated or mitigated, shortened or lengthened for victims by the supportive practical and humane responses from government and their communities.

²⁴ Service provision in jurisdictions is a patchwork. All provide both general victim support services and specialist services such as for sexual assault. However, these may be provided inside government or in the community sector. There are no consistent arrangements across Australia.

Finally, the comparisons made in this chapter reveal some relatively simple changes, both legislative and procedural, that could be implemented to both ensure a humane and practical response to crime victims in the ACT, as well as ensuring a response that is equitable and measured. We examine some of these later in Chapters 6 and 7.

CHAPTER 5: DATA ON VICTIMS OF CRIME IN THE ACT

This chapter provides a brief statistical snapshot of crime in the ACT. First, we describe aggregate data from victimisation surveys in which members of the community disclosed to researchers the experiences they have had and the incidents they report to police. Second, we provide data on incidents reported to police in the ACT and recorded by them. These two data sources help show the wide potential population of people who may choose to access support services and also shows the smaller proportion who contact law enforcement. Relevant to this review is the range of victimization experiences that people disclose and the ways police categorise the reports made to them.

Victimisation in Australia and the ACT

The Crime Victimization Survey, conducted by the Australian Bureau of Statistics (ABS), asks individuals about their personal and their household experience of crime. The survey for 2018-2019 collected data from over 28,000 people across Australia. Nationally, an estimated 5% of Australians aged 15 years and over (992,900) experienced one or more of the surveyed personal crimes. About 10% of households experienced one or more household crimes in the same period. There have been slight declines in victimisation disclosed since 2008-2009 across most crime types, while sexual assault victimisation disclosure has been steady.

The ABS identified the following groups as more likely to experience physical and/or threatened assault in the last 12 months:

- male (5%), compared with female (4%);
- people aged 15-24 (8%), compared with persons in all other age categories (ranging from 2% for people aged 65 years and over to 6% for those aged 25-44);
- people living outside of capital cities (6%), compared with those in capital cities (4%);
- unemployed people (10%), compared with employed people (5%) and those not in the labour force (4%); and
- people living in an area in the lowest quintile (most disadvantaged) of the Index of Relative Socio-Economic Advantage and Disadvantage (7%), compared with those in all other quintiles (ranging from 3% for the highest quintile to 5% for the third quintile).

While both males and females were likely to be assaulted by a male, another variation in the pattern of violence victimisation is that men are most likely to be assaulted by a stranger (53%) and women by someone known to them (75%).

In the same survey, approximately 13,400 persons disclosed that they had experienced physical and/or threatened violence in the ACT in the previous 12 months, including nearly 7,000 experiencing actual physical assault. The victimisation rate for physical assault was

2%, the same for all other jurisdictions (except the NT). Of eight jurisdictions, the ACT was sixth in the rate at which physical assault was reported to police. For household crimes, 4,500 households experienced a break-in and 6,000 experienced theft from a motor vehicle (ABS, 2020).

Crime Reported to ACT Policing

The following section provides an overview of information about victims of crime in the ACT who reported to police. The data description follows that used by AIC for the financial year 2007–2008 (McGregor et al., 2013). The data requested for this report were provided by Performance Statistics within ACT Policing for four years from 2016-2017. The tables that follow comprise columns for 2007-2008 (for comparison purposes) and the additional four years, 2016-2017 to 2019-2020.

Table 7: Number of Victims in the ACT by Crime Type – 2007-08 and 2016-20, by FY

Offence Type	2007-08		2016-17		2017-18		2018-19		2019-20	
	N	%	N	%	N	%	N	%	N	%
Homicide and related offences	4	0.0	2	0.0	9	0.0	7	0.0	10	0.1
Assault	2,311	7.5	2836	12.1	2664	11.7	2752	12.4	2620	12.7
Sexual related offence	339	1.1	448	1.9	440	1.9	487	2.2	445	2.2
Other offences against the person	101	0.3	295	1.3	225	1.0	290	1.3	281	1.4
Robbery	228	0.7	261	1.1	262	1.2	222	1	245	1.2
Blackmail and extortion	1	0.0	13	0.1	10	0.0	14	0.1	6	0.0
Burglary	4,052	13.1	2538	10.9	2546	11.2	2671	12.0	2382	11.6
Fraud and misappropriation	458	1.5	833	3.6	796	3.5	1067	4.8	846	4.1
Motor vehicle theft	2,002	6.5	1372	5.9	1556	6.9	1243	5.6	1343	6.5
Theft other than motor vehicle	13,103	42.5	9675	41.4	9651	42.5	8778	39.5	8293	40.3
Property damage	8,236	26.7	5109	21.9	4530	20.0	4682	21.1	4117	20
Total	30835	99.9	23382	100.2	22689	99.9	22213	100	20588	100.1

Source: PROMIS as at 4 September 2020 and from AIC data request April 2009

It should be noted the numbers of victims of offences is not the same as the total number of individual victims in the ACT, as a single incident against a victim might include more than one offence. For the overall incidence and distribution of crime reported to police in the ACT, the data display consistency in the distribution by crime type, although the total number of victims of offences in 2007-2008 (n=30,835) is much higher than the total in 2019-2020 (n=20,588) (Table 7).

The reported crime that victims were most likely to experience was theft, other than a motor vehicle theft. This was the most common offence for all of the reported years, with between 40% and 43% of recorded victims falling into this category. This was followed by property damage (20-27%) and burglary (11-13%). More serious crimes comprised a much smaller proportion of responses.

The number and percent of personal crimes, including homicide, assault and sexual offences, increased in both number and percent from 2007-2008 to the four years of interest, 2016-2020. Fraud also increased, while other property crimes, notably burglary, decreased, compared with 2007-2008 (Table 7).

The majority of reported offences took place in a house, public place (including street, path, bicycle path) or a car park (Table 8). The distribution of offences from largest to smallest proportion are the same categories as in 2007-2008 (McGregor et al., 2013).

Table 8: Number of Victims in the ACT, by Location, 2016-20 FYs, Aggregated

Location of Offence	Total	
	N	%
House	5062	24.7
Public place (inc street/ path/bicycle path)	4395	21.5
Car park	2526	12.3
Shop	2512	12.3
Driveway	1624	7.9
Other	1187	5.8
Service station	701	3.4
Garage (attached to residence)	448	2.2
School (inc all educational and surrounds)	426	2.1
Licensed premises	411	2.0
Garage (not attached to residence)	253	1.2
Building site	235	1.2
Office	161	0.8
Recreational centre	110	0.5
Hotel/motel	99	0.5
Hospital (inc all health except chemist/surgery)	94	0.5
Bank (inc building society/credit union)	57	0.3
Other	170	0.8
Total	20471	100

Source: PROMIS as at 4 September 2020 and from AIC data request April 2009

NOTE: list re-ordered to most frequent location of offence (top) to least frequent (bottom).

In 2007-08, there were 26,018 individual victims (including organisations or the Crown), but this fell to 20,471 in 2019-20 (see Table 8). The distribution of victims by gender also reflects 2007-08 data, when men comprised 42% of all victims (McGregor et al., 2013), compared with 46% in 2019-20 (Table 9). The number of individual victims (by gender and excluding organisations or the Crown) for 2019-20 (where known) is nearly 15,000.

Table 9: Number of Victims in the ACT, by Gender, 2007-08 and 2016-20 FYs, by FY and Aggregated

Gender of Victim	2007-08		2016-17		2017-18		2018-19		2019-20		2016-2020 (aggregated)	
	N	%	N	%	N	%	N	%	N	%	N	%
Male	10972	42.2	8939	43.7	8850	44.3	8633	44.2	8506	46.3	34928	44.6
Female	8530	32.8	7038	34.4	6680	33.4	6755	34.6	6227	33.9	26700	34.1
Organisation	5966	22.9	3795	18.5	3799	19.0	3482	17.8	2976	16.2	14052	17.9
Regina (Crown)	421	1.6	476	2.3	444	2.2	402	2.1	423	2.3	1745	2.2
Unknown	129	0.5	223	1.1	208	1.0	247	1.3	226	1.2	904	1.2
Total	26018	100	20471	100	19981	99.9	19519	100	18358	99.9	78329	100

Source: PROMIS as at 4 September 2020

As in 2007-08 (McGregor et al., 2013), and across all years, males comprised the largest number and proportion of those experiencing homicide and assault offences, while females overwhelmingly predominated in numbers of sexual related offences, as well as other offences against the person (Table 10).

Table 10: Number of Victims in the ACT, by Crime Type and Gender, 2016-20 FYs, Aggregated

Crime type by victim gender	Unknown		Female		Male		Organisation		Regina		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Homicide and related offences	0	0	5	0.0	18	0.0	0	0	5	0.3	28	0.0
Assault	373	39.9	4771	15.6	5280	13.2	95	0.6	353	19.3	10872	12.2
Sexual related offence	12	1.3	1480	4.9	278	0.7	4	0.0	46	2.5	1820	2.1
Other offences against the person	8	0.9	673	2.2	288	0.7	49	0.3	73	4.0	1091	1.2
Robbery	3	0.3	221	0.7	594	1.5	154	1.0	18	1.0	990	1.1
Blackmail and Extortion	0	0	19	0.1	23	0.1	0	0	1	0.1	43	0.1
Burglary	58	6.2	3197	10.5	4600	11.5	2189	14.1	93	5.1	10137	11.4
Fraud and Misappropriation	27	2.9	1210	4.0	1564	3.9	518	3.3	223	12.2	3542	4.0
Stolen Motor Vehicle	22	2.4	1527	5.0	3325	8.3	358	2.3	282	15.4	5514	6.2
Theft other than motor vehicle	116	12.4	10594	34.7	16282	40.7	9079	58.4	326	17.8	36397	41.0
Property damage	317	33.9	6805	22.3	7798	19.5	3109	20.0	409	22.4	18438	20.8
Total	936	100	30502	100	40050	100	15555	100	1829	100	88872	100

Source: PROMIS as at 4 September 2020

Only looking at a single year, 2019-20 and adding all offences against the person (homicide, assault, sexual-related offences, other personal offences, robbery), there were just 3,344 personal offences reported to police (Table 11). Interestingly, 53% (N=1784) were female and most of these related to other offences against the person. Males remained predominant as victims of homicide and assault.

Table 11: Number of Victims in the ACT, by Crime Type and Gender, 2019-20

Crime type by victim gender	Unknown		Female		Male		Organisation		Crown		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Homicide and related offences	0	0	2	0.03	6	0.06	0	0	2	0.46	10	0.05
Assault	84	35.9	1189	17.02	1247	12.92	22	0.67	78	17.93	2620	12.73
Sexual related offence	3	1.28	357	5.11	66	0.68	2	0.06	17	3.91	445	2.16
Other offences against the person	3	1.28	178	2.55	77	0.8	7	0.21	16	3.68	281	1.36
Robbery	2	0.85	58	0.83	164	1.7	21	0.64	0	0	245	1.19
Blackmail and Extortion	0	0	4	0.06	2	0.02	0	0	0	0	6	0.03
Burglary	14	5.98	697	9.98	1133	11.74	520	15.86	18	4.14	2382	11.57
Fraud and Misappropriation	5	2.14	271	3.88	425	4.4	106	3.23	39	8.97	846	4.11
Stolen Motor Vehicle	6	2.56	373	5.34	792	8.2	97	2.96	75	17.24	1343	6.52
Theft other than motor vehicle	24	10.26	2363	33.82	3984	41.27	1835	55.96	87	20	8293	40.28
Property damage	93	39.74	1494	21.39	1758	18.21	669	20.4	103	23.68	4117	20
Total	234	100	6986	100	9654	100	3279	100	435	100	20588	100

Source: PROMIS as at 4 September 2020

Where the victim was an individual, victims aged between 21 and 30 years comprised the largest age group, followed by victims in their thirties (see Table 12). This distribution does not vary over each of the four years, nor from 2007-08 (McGregor et al., 2013).

Table 12: Number of Victims in the ACT, by Age Category, 2016-20 FYs, Aggregated

Age of Victim	Total	
	N	%
Unknown	1157	1.48
0-10 yrs	659	0.84
11-20 yrs	6464	8.26
21-30 yrs	16043	20.48
31-40 yrs	13625	17.39
41-50 yrs	10800	13.79
51-60 yrs	7307	9.33
61-70 yrs	4018	5.13
71-80 yrs	1783	2.27
81+ yrs	676	0.87
Organisation	14052	17.94
Regina	1745	2.23
Total	78329	100

Source: PROMIS as at 4 September 2020

Table 13: Number of Victims in the ACT, by Relationship of Offender to Victim, 2016-20 FYs, Aggregated

Relationship of Offender to Victim	Total	
	N	%
Relationship is not known	26277	33.55
Person not known to victim	23689	30.24
Known non-family—other	5042	6.44
Family – partner – spouse, etc	2133	2.72
Known non-family – ex-partner	1517	1.94
Family – parent	1009	1.29
Unknown	904	1.15
Family – child	869	1.11
Family – sibling	394	0.5
No offender involved	331	0.42
Relative – not immediate family	314	0.4
Family – LGBTI relationship	25	0.03
Known non-family – LGBTI ex-partner	26	0.03
Family – immediate	1	0
Known non-family – not ex-partner	1	0
Organisation	14052	17.94
Regina	1745	2.23
Total	78329	100

Source: PROMIS as at 4 September 2020

By and large, the offender was usually unknown to the victim or the relationship was not known to police (Table 13).²⁵ Where the nature of the relationship was known, the largest category of offender relationship was a known non-family person, followed by a spouse or partner.

According to the police records, around 30% of victims of crime were victimised on more than one occasion during the period 2016-2020 (see Table 14). This is a similar proportion as in 2007-08 (McGregor et al., 2013). Between 2016-2020, just 0.52% of people (N=1885) were victimised on four or more occasions.

Table 14: Number of Victims in the ACT, by Number of Times Victimised, 2016-20 FYs, Aggregated

Number of times people have been victims	People	
	N	%
1	35384	69.82
2	10687	21.09
3	2726	5.38
4	964	1.9
5	461	0.91
6	188	0.37
7+	272	0.52
Total	50682	100

Source: PROMIS as at 4 September 2020

Table 15: Number of Victims in the ACT, by How Incident Cleared, 2016-20 FYs, Aggregated

Cleared by	N	%
Not cleared	60936	77.79
Arrest	4225	5.39
Complaint withdrawn by victim	4011	5.12
Unfounded	2445	3.12
FV – not enough evidence to proceed	1379	1.76
Assault – inadequate evidence to support allegation	1131	1.44
Summons	1119	1.43
Civil reconciliation between offender/ victim	619	0.79
Charged before court	556	0.71
Assault – unable to differentiate victim/offender	584	0.75
Caution	361	0.46
Offence passed to another agency	307	0.39
Diversionary conference	214	0.27
Charge withdrawn	173	0.22
Other	269	0.34
Total	78329	100

Source: PROMIS as at 4 September 2020

²⁵ These data were not reported in McGregor et al., 2013.

Offences can be cleared from the ACT Policing system in a number of ways. How offences that were linked to a specific victim were cleared over the four years 2016-2020 is presented in Table 15. Overall, over three-quarters of offences were not cleared (78%), compared with 82% in 2007-08 (McGregor et al., 2013).

Summary

Although the data sources are not directly comparable and we extrapolate to any given 12-month period, in broad terms, about 7,000 people disclose having experienced actual physical assault in the ACT each year. Taking 2019-20 as an indicative year, about 3,344 personal offences were reported to police. In addition,

- most homicides and assaults offences involve male victims;
- most sexual-related offences and other personal offences involve females;
- most people who report to police have only reported being a victim once;
- most victims are aged in their 20s; and
- 5% of victims are offended against by a partner or ex-partner (where known), with 3% offended against by other family.

Given that the terms of this review asked about the sustainability of the programs, it is important to note the overall reduction in numbers of offences reported to ACT Policing from 2007-08 to 2019-20 (Table 7). The overall number of individual victims also fell over the period (Table 9). The ABS victimisation data also show declines in self-disclosed victimisation since 2008-09. These data become relevant to consideration of the projected costs of the programs under review into the future.

The relevance of these broad figures becomes apparent in the next chapter, when we consider the numbers that contact or are referred to Victim Support ACT.

CHAPTER 6: VSACT'S RESPONSE TO CRIME VICTIMS IN THE ACT

This chapter describes the evolution of services to victims of crime in the ACT with a focus on Victim Support ACT (VSACT), which was established in 2007. VSACT is the government agency responsible for administering the Victims Services Scheme (VSS) and the Financial Assistance Scheme (FAS) and is headed by the Victims of Crime Commissioner (VOCC). The chapter draws on annual reports and other material supplied by the VOCC for this review and includes data from focus groups, staff interviews and a survey, as described in Chapter 3. It also discusses some key concepts and approaches to human service delivery that are relevant to VSACT responses to crime victims.

VSACT is pre-dated and supplemented by other community-based services in the ACT. These are notable for their victim survivor and activist organisation origins. Specifically, in 1976, activists established the Canberra Rape Crisis Centre (CRCC). Later, in 1988, activists created the Domestic Violence Crisis Service (DVCS) (Putt, Holder and O'Leary, 2016) and, from the traumatic experiences of eight survivors, the Victims of Crime Assistance League ACT (VOCAL) was formed in the same year (see VOCAL ACT, 2021).

Victim Support ACT

In 2007, the ACT Government established VSACT, with the intention that it be a 'one-stop shop' for victims of crime in the ACT (VOCC, 2010: 32-36). The new agency comprised the Office of the Victims of Crime Coordinator (now Commissioner) and the VSS which was previously part of ACT Health. In July 2016, in a further consolidation of the one-stop shop approach, the operation of the FAS moved to the VOCC. Over recent years, VSACT has assumed direct responsibility for a volunteer program previously sourced with VOCAL and then with Communities@Work. The VOCC also has direct responsibility for a Witness Intermediary Program (ACT Human Rights Commission, 2019).

Since its establishment, VSACT has made a number of internal changes. A Justice Advocacy Unit, designed to support the VOCC duties promoting and protecting victims' rights and entitlements in the administration of justice, later changed to a Victims Rights and Reform team in 2019. In January 2020, a new Rights and Reform Program began, with carriage of the Charter of Victims Rights, which commenced in January 2021. A specialist Aboriginal and Torres Strait Islander Program and a Multicultural Program have also been developed. Presently VSACT supports 24 permanent staff and 12 temporary staff. Although the Witness Intermediary Program is not formally a part of VSACT (Interview, G1),²⁶ its staff are included in these numbers. The program commenced in January 2020 and provides intermediaries to assist police and courts' engagement with vulnerable witnesses in criminal matters.

²⁶ As mentioned in Chapter 3, when quoting from interviews or focus groups we provide an ID number for Group 1 (e.g. 'G1') participants (professional and/or community stakeholders) and no identification for Group 2 participants (service users).

VSACT is premised on the research evidence (Appendix B) which suggests that a large body of victims of crime have an intense, but short-lived, negative reaction to their victimisation. Reflecting this, the VSS has been a core and consistent component of VSACT. Its regulatory framework (discussed in the next chapter) sets out levels of service, specifically contact hours that are focused on the individual primary victim, with two hours for victims of any crime, progressing up to 12 hours, with further support in 'exceptional circumstances'. The framework presumes the victimisation arises from a single incident. This chapter later discusses the challenges that arise from these foundational assumptions.

VSACT has undergone further major shifts in recent years. From being a standalone agency within the Justice and Community Safety portfolio, it was merged within the Human Rights Commission (HRC) in 2015-16. In July 2020, the organisation adapted to a new whole-of-Commission database, followed by another office move, in October 2020.

In essence, VSACT is an organisation constructed over time and in layers. Successive reviews (see Chapter 7) have examined one or other program or activity, with limited consideration of either what members of the public victimised by crime seek, how they use it or what they find useful; or of the wider literature on delivering human services. In order to address these issues systemically, we first briefly describe current processes within VSACT and outline debates in related services that are relevant to victim support. We describe some data management problems that have hindered VSACT understanding its client base and provide a recent snapshot of service use drawn from the new database, Resolve. The adaptation of VSACT work within this new HRC database presents an opportunity for the VSACT to think anew about its client-focus and how to streamline its operations.

Referral and Intake

Approximately 15,000 individuals report crime victimisation to ACT Policing annually (see Chapter 5). Victims of domestic and family violence are likely referred by police to the DVCS and many people, especially adults, who report sexual victimisation to police, are mostly referred to the CRCC.²⁷ Therefore, victims of crime may be referred to or engage with a number of different services. VSACT reports just over 2,600 people used its services in 2019-20 (Human Rights Commission (HRC), 2020). As discussed in more detail in Chapter 7, most are adult females and most have experienced some form of domestic and family violence.

Clients come to VSACT from a range of sources. The latest annual report on the VSS shows that most (36%) located the service by themselves, with the next largest category (26%) coming via ACT Policing (HRC, 2020).

The reasons why people make contact with a help service after victimisation by crime ranges from a desire for information to needing improved security. In large part, the

²⁷ Notes from a phone conversation with OIC Family Violence Operations, ACT Policing (13 November 2020).

differing emphases on the reasons for seeking help arise from differing research methods and study populations (Appendix B). Survey research conducted in the ACT in 2009 drawing respondents from the general population showed that the majority of people who reported the crime to the police and who identified a victim support issue for which they wanted police to refer them, were post-burglary victims seeking information and assistance on home security. A smaller proportion of all the police referrals sought 'victim counselling' (McGregor et al., 2013: 24-25). However, the online survey conducted for the present review drew from people who were or had been clients of VSACT. In this survey sample, most victims did want 'someone to talk to' (see Chapter 8). Both studies draw their information from different starting populations: one from victims in the general community and the present one from clients of VSAT. Nonetheless, a key challenge is community knowledge about what is available. One interviewee commented that 'it's rare that people come to [VSACT] knowing the breadth of what's on offer' (Interview, G1). Another stakeholder agreed and said:

it seems to us to be a bit ad hoc. So if you know it's there, or if you have an advocate who knows about it, and you are a victim of domestic and family violence, then you may hear about it, and you may know that you can get support of assistance there, but it is very based on – it's a bit of luck. It seems to me that we're still basing this on luck (Interview, G3).

Relevant also is the impact that an unsupported crime victim has on other agencies. A stakeholder focus group commented that:

Victims there, I'm finding, will rarely have had support agencies contact them. Sometimes the first support they will get is our office and witness assistance unit. And I have had victims come all the way through the process, up to trial, who haven't had contact from a support agency (Focus Group, F2).

The puzzle about how and when to offer victim support and of what type is, in part, influenced by who gets to know it exists and, in part, how the concerns and needs of the victim population in all its diversity are understood. These issues are explored in this and subsequent chapters. The next sections describe how VSACT manages people once they do make contact.

Intake, Allocation and Assessment

At commencement, in 2007, VSACT offered a single reception and registration point with clients offered an intake session within 10 working days of reception, either over the phone or face-to-face. An electronic appointment system allowed the first available case manager/intake worker to be identified (VOCC, 2008). Due to increasing demand and high caseloads, an early intervention initiative was added in 2011 and later waiting lists for face-to-face intake appointments were introduced (VOCC, 2012).

Over these years, the process involved individuals having contact with an Early Intervention Team, then placed on a wait list to be allocated to attend with a case manager for a face-to-face assessment. The staff member was then required to write up the assessment for consideration, and *then* the client may have been linked with a counsellor if assessed as appropriate (with a further wait for access due to limited provider availability). One outcome was that a proportion of people did not stay engaged with VSACT whilst waiting.²⁸

From mid-2018, VSACT began offering clients a choice to either attend the office for a face-to-face assessment or to stay linked with the staff member with whom they had first spoken. The latter option allowed the staff member to action a referral to a counsellor (with options regarding geographic location, gender, specialisation etc), to facilitate rapid access to court support and justice advocacy, and referrals to other services as required. The new approach resulted in more rapid connection of clients with brokered services, eliminated long waiting periods and gave people the service they wanted when they wanted it. In addition, VSACT prioritised their key performance indicator (KPI) of contacting new clients within five working days.²⁹ As a result of these changes, VSACT reported a 43% reduction in the number of clients who declined support upon initial contact.³⁰

In essence, the current approach assumes an individual has an entitlement to services as set out in the Victims of Crime (VOC) Regulation 2000 rather than arising from a health professional assessment. The approach thus broadens the expertise of staff in a Client Service Team to ‘churn through’ cases and maximises the use of the levels of service provision as ‘brokerage’ (Interview, G1). The VSACT staff member ‘brokers’ a client’s access to external services in the form of Approved Providers (Div 3.4 of the Regulation), who may provide counselling, physical therapies and other professional services. In addition, we were advised during an interview with G18 that the Client Services Team may also assist a client to apply for financial assistance (FA) as part of an overall response or, if the person only wants to apply for FA, will pass the client directly to the team implementing the FAS (Interview, G18). In other consultations, we were advised that the Client Services Team may assist with completing the form or provide basic guidance on the form or may arrange an appointment with a volunteer to assist with the form. The same approach applies to supporting the client in relation to their involvement with the administration of justice. The brokerage and other case models are discussed further in this chapter.

Currently, a roster of VSS staff receive calls and police referrals (conducted via Supportlink).³¹ A daily meeting of staff discuss capacity, commitments and caseloads regarding these incoming cases, as well as continuing cases. The morning meeting may also triage cases where suicide or safety risks have been identified. Allocation takes place in two

²⁸ Email communication with VOCC (16 February 2021).

²⁹ Email communication with VSACT Acting Team Leader (16 February 2021).

³⁰ Email communication with VOCC (16 February 2021).

³¹ Notes from a meeting with senior VSACT staff (12 December 2020).

main ways: either the rostered staff person who responds to a phone contact will adopt the person into their caseload or the senior manager will allocate emailed or referred cases amongst staff. Previously, intake and case coordination/management were run as two separate teams, but are now managed as a single large team (Interview, G16). Senior managers state that, with a single team, the client would experience a seamless transition between the first point of contact through to getting what they need.³²

Service Provision and Coordination

VSACT's service is guided by legislation and regulations (as described in Chapter 7). A standard operating procedure document setting out case management requirements is due for updating, following the introduction of the new database in July 2020, Resolve.

The scope of VSACT's services is wide. VSACT describes their services as availability of support, information, practical assistance, justice advocacy, counselling and financial assistance. For an individual client, these translate into specific activities undertaken by the support worker and may range from, for example, help organising pet respite to participating in a Child and Youth Protection Services (CYPS) case conference (case study supplied in HRC, 2020: 47). Nonetheless, the default emphasis in documentation and staff discussions is on the provision of counselling. This feature was noted as far back as 2002 in a statutory review (Dare, 2002 and discussed further in Chapter 7). The dominance of counselling within VSACT's service model is shared across the sector (Shapland and Hall, 2007). Knowing whether this is what crime victims in all their diversity need and want becomes a bit circular when counselling is the main thing on offer. Many stakeholders were positive. One said 'we've always received really good feedback about [the counselling services]' (Interview, G3). Others noted the benefit of different activities: 'a lot of them ... feel comfortable around [a] yarnning circle' (Interview C8); or of a different perspective 'that trauma work can only be done in a team' (Interview, C2).

Other stakeholder comments acknowledged the importance of flexible and responsive allocations. A positive observation was that 'they do try to fit people with specific people who specialise in certain areas (Interview, G7). A less positive observation was that:

Because you get - 'assess, intake, talk to the client' – and sometimes the client doesn't necessarily understand [...] And so the person goes, 'oh, you need a counsellor', okay, and just give them a counsellor (Focus Group, F3).

The stakeholder reflection may indicate that the client wanted or needed something in particular; but equally it may suggest that more careful exploration of the effects of the victimisation by VSACT staff are desirable. Over the course of the co-design activities of this review, VSACT staff indicated a strong desire to be able to offer a greater range of services

³² Ibid.

than are currently offered. Some of the reasons for this include a lack of practitioners and suppliers registered to provide therapeutic or rehabilitation services as well as competition for them from other schemes such as the National Disability Insurance Scheme (NDIS) (G10). The notion of an Individual Support Package to which staff referred had developed by monetising the nominal dollar value of the VSS levels of service (VOCC, 2010). Packaging the value in this manner allowed VSACT staff to pay for items such as gym membership where this formed part of the person's recovery plan (Interview, G1). However, the advice received on interpreting the VOC Regulation was that the VOCC (the responsible decision-maker) had no authority to pay for the provision of 'any' service but only those supplied by a 'approved service provider'. For the PAVER Review, staff placed a strong priority on being able to restore the capability to 'package' as, in their previous experience, it facilitated a broader range of supports relevant to the circumstances of individuals. Feedback from clients for this review also supports this position (see Chapter 8). Restoring the capability to 'package' support would require an approach to the development of a support plan (currently a 'care plan' in the Regulations) that did not require the 'support', 'service' or 'assistance' to be provided as 'contact hours' (r 34(6) and r 35(4)).

Other regulatory review and reporting requirements regarding client plans are discussed later in the section on Approved Service Providers. However, relevant here is *how* VSACT staff interact with clients while undertaking the activities of brokering and support. Requirements such as client collaboration, review, and closure and evaluation reports are case management best practice; but whether these should be specified in regulation or contained in Procedural Guidance is arguable. Nonetheless, while the Regulations currently specify that client plans are subject to review, there are differing views among VSACT staff about the value of or need for them. One staff member (Interview, G15) said that these steps are 'vitally important' not only for service review and check-in but, because 'trauma is relational', a review provides opportunities for a person's story to unfold. Another observed, however, that, VSACT is a 'voluntary service' (Interview, G16) meaning that the initiation of contact rests with the client. Either perspective makes some assumptions about the client, their silence or their actions. The issue also arose in workshops with VSACT staff in comments about workload and paperwork. Aside from the KPI of contact within five days upon referral, it is unclear what other service standards are in place. The staff managing the FAS do prioritise decisions on applications for an immediate needs payment (Interview, G18) which some stakeholders noted:

the response to the immediate needs has been good, the longer needs and recognition payments has been – that's going to be part of my feedback today is the delay in those, we've got a few which are problematic there (Interview, C6).

In other areas, staff may respond to concerns that are 'urgent' or 'high risk' (Interview, G16). While any service for victims of crime must be able to respond to these concerns, the absence of structured contact has knock-on effects on workload, workflow and client

support (see client feedback in Chapter 8). The question of client contact is in part on of resourcing but is also about implementing an organisational approach (see Chapter 10).

The client survey and client interviews conducted for this review mostly acknowledge the *quality* of VSACT staff practices and communications. Stakeholder interviews and focus groups highlighted high regard for the work of VSACT staff. However, client feedback indicated that they may experience different ‘case managers’ if they are using VSS, FAS and /or the program specialisations. Staff interpret the legislated requirements of the FAS in particular as affecting information gathering and information sharing between staff in different programs. While there may be good reasons for specifying who has access to ‘protected information’ and for what purpose (s 89, *Victims of Crime (Financial Assistance) Act*), clients can be confused by the duplications and differences: ‘They don’t see us as the one organisation’ (Interview, G18). Staff in focus groups observed that, while there is a high degree of mutual assistance between the programs, communication processes could be streamlined (Focus Group, F1). A tendency to ‘draw lines’ between programs further complicates decision-making about individual clients and can undermine holistic client-centred work (Interview, G1).

In summary, one result of VSACT’s evolution from different stages of law reform and service change is that *programs* drive how staff are structured and work, as opposed to a client’s needs. This is not to say that staff disregard client needs. The legislated objects of the VSS and FAS are broadly consistent with the VOCC’s duty to ensure programs ‘beneficial’ to victims (s 11 VOCA). However, client-centred legislation and efficiency of client case management, argue for cohesion and simplicity of purpose with like entitlements across forms of support, assistance and advocacy.

Specialist Victim Support Programs

VSACT has invested in research and consultation designed to better understand its interactions with particular communities. In particular, research examined access to justice and access to support services of Aboriginal and Torres Strait Islander victims of domestic and family violence (Holder, Arabena, Taylor and Koeman, 2009) and the importance of trust to Indigenous victims of crime (Whetnall and Payne, 2011). As a result, an Aboriginal and Torres Strait Islander program provides outreach, yarning, justice advocacy, and practical and emotional support to the Aboriginal and Torres Strait Islander community, families and children (HRC, 2020). ‘I can’t fault them at all’, commented one stakeholder (Interview, C8) and a focus group member commented they were ‘really good’ (C10). A Multicultural Outreach Program similarly works to strengthen relationships with key stakeholders across Canberra’s diverse cultural communities and to consolidate referral pathways for clients. It also works to build the capacities and skills of VSACT staff to offer culturally responsive services (HRC, 2020). Both programs emphasise building and sustaining

trust with respective communities, a point emphasised in interviews and focus group discussions with other services.

Consultation activities with Indigenous stakeholders who specialise with Indigenous victims of crime were conducted first to inform the approach of the PAVER Review and to gather suggestions for improvements to the research instruments. In addition to one-to-one interviews, individuals were invited to two focus groups, one mid-way through the consultation and a concluding one, to communicate the proposed findings and recommendations.

Focus groups and interviews with VSACT staff were strongly supportive of these programs and, in suggestions for service improvement (see later), argued for strengthening these programs and developing activities to outreach to LGBTQI communities and to people with disabilities victimised by crime. Finally, VSACT also accommodates a Victims Rights and Reform (VRR) Program that focuses on strengthening victims' access to their rights in the administration of justice and elsewhere. In particular, the VRR Program promotes the Charter of Rights which came into force in January 2021 following a review of the *Victims of Crime Act*. The Charter provides further legislative underpinning to people's access to services. The referral pathways from community-based services through the outreach programs recognise, however, that many victims with particular needs and circumstances do not engage with police or other formal authorities (Focus groups, C10, F7, F10).

It is clear from the increase in clients from the relevant communities (see data, Chapter 7), that the outreach approach is a good one. One stakeholder (C10) did observe, however, that both community contacts and individual clients need to be followed up by VSACT. A generalist service such as VSACT may, as is common for most public services, be designed for universal relevance but it nonetheless must recognise and respond to diversity. The specialist programs represent one way of doing this. The organisational reform proposed by this review (Chapter 10) assumes ongoing government commitment to the specialisations.

Volunteer Program

As mentioned earlier in this chapter, VSACT has assumed direct responsibility for a volunteer program where trained volunteers provide court support to victims engaged with the criminal justice system and help people to fill out the paperwork for financial assistance applications (HRC, 2020). The program is provided pursuant to r 22(j) VOC Regulations 2000 and the volunteers are managed and supported by the volunteer coordinator who is part of the Client Services Team.

Since coming within VSACT, volunteers experience themselves as part of the organisation and its mission (Focus group, F1). Volunteers experience a stronger connection with VSACT staff, are able to build sustainable relationships with personnel in other organisations and help 'hold it together' for clients (Interview, G13). The program can offer continuity of

person to support a victim through the court process. Focus groups and interviews with VSACT staff consistently recognised how well the volunteer program worked within the organisation.

Although it was outside of the terms of this review to consider the volunteer program specifically, the staff and client feedback suggest that volunteers bring a sense of human connection with clients as well as contributing to efficient and effective case management.

Approved Service Providers

The services provided by VSACT may be offered by in-house staff or by external Approved Service Providers commonly known as “Approved Providers”. Under the VOC Regulation, the VOCC recruits, selects and engages ‘professional services’ (r 22(b)), being a ‘person’, whether as employees of VSS and as private external Approved Providers (r 23). Although one stakeholder commented that ‘outsourcing’ these services was ‘a really expensive way of doing business’ (Interview, C2), it has become, as discussed later, a common approach of governments to providing direct and diverse services to a range of client groups.

VSACT Approved Providers become so through an ACT Government procurement process. Regulation 41 specifies ‘the person’ must be qualified, experienced and indemnified (amongst other criteria). The services offered by VSACT Approved Providers may range across psychological, physical, educational and/or other services. However, the present register of Approved Providers is dominated by those providing psychological services.

VSACT staff focus groups commented positively about their ability to connect clients quickly to counselling and to be flexible in helping ‘match’ different client needs with the ‘right’ counsellor. Others observed the lack of providers working with specific groups such as children and young people (Focus group, F12) or who are prepared to work outside of their practice settings (Focus group, F11). While two stakeholders (F3, C6) observed that providers were ‘uneven in quality’, another commented that they had received good feedback about the counselling services and:

some of those other associated things, whether it was the massages, and those other bits that tipped into the self-care, and that recognition that different people need different things for recovery has always been really good (Interview, G3).

Approved Providers’ Feedback

Currently there are 116 VSACT Approved Providers. An invitation to contribute to an online survey was circulated to providers by VSACT on behalf of the ANU review team on 2 December 2020, with two further reminders issued in December and in January. The weblink to the survey took respondents to a Qualtrics survey site independently hosted by the ANU. The invitation yielded responses from 24 individuals (21%). Of these, 14 (12%) answered all questions and 10 answered only introductory questions about the nature of the practice broadly. Although we are unable to draw significant inferences about the poor

engagement rate with the survey especially given the time of year at which the survey was conducted (ie, over the summer shutdown), we acknowledge both the absence of input from 88% of Approved Providers. Therefore, only tentative conclusions should be drawn from the responses provided by the 12% who did answer all questions, as these may not be representative of the whole pool of Approved Providers.

Analysing responses from all 24 returned surveys, the vast majority (79%) are sole traders and most (75%) conduct counselling as their primary practice. Most (38%) practise solely in the ACT, while 33% practise in both the ACT and NSW. Three respondents (13%) indicated their practice was national. Most (45%) had been in practice for more than 10 years, with 21% in practice for 5-10 years.

Of the 24 providers answering the question, most (63%) indicated that their practice was mainly with a general population and 8% indicated their main practice was with women. No one indicated a practice with children and young people. Of those who answered the question (N=21), 62% indicated that there were no particular person characteristics that they specialised with. In the 12 months before the COVID-19 pandemic, providers estimated that they saw an average of 17 clients per week (range: 3-35).

For this and subsequent paragraphs, we analyse only the 14 survey responses that answered all questions about practices with VSACT and its clients. Of these 14 provider respondents, over half (57%) indicated that they had worked with VSACT clients for 2-5 years and 67% indicated that they provided counselling to those clients. None indicated providing a natural or physical therapy. Providers estimated that they saw an average of four VSACT clients per week (range: 1-15) and most (71%) of these clients were women. Asked what types of victimisation experience their VSS clients mostly had, 50% of respondents said this was mainly intimate partner violence.

Responding to a series of statements, providers indicated that the highest priority for their service with VSS clients was to 'treat the client's trauma from the violence'. The next highest priority was to 'do something or provide something that helps make the client safer'. Providers indicated that they never or hardly ever conducted outreach with clients, although a small number indicated that 'sometimes' they 'can speak with a client on the phone outside of 9-5 work hours' or 'talk with a client's family or friends about their support needs'. Providers indicated that they almost never provided any assistance to the client to support them getting better help from justice agencies, though a handful (N=5) would 'sometimes' advocate, eg 'try to get Victim Support/other victim service to respond to the client better'.

Providers responding to an open-ended question in the online survey offered some positive feedback. One commented that:

VSS does a very good job of trauma informed practice with clients. They understand the complexities of clients maintaining current safety and the extensive level of support that can be needed into these situations (eg current work with client [who

has experienced] S[exual] A[ssault]). They are sensitive when doing intakes with clients, and available and supportive of me as a provider. I have received NO client complaints or even grumbles about VSS or interactions with VSS staff.

Others made suggestions for improvements and expressed frustration with issues, such as the following:

Responses have felt less client focused and more bureaucratic. I hope that going forward, VSACT can remain client focused, flexible and responsive to client need.

I love the service but I have considered withdrawing my services many times because of the time it takes to do paperwork and my concerns about confidentiality.³³

The survey asked respondents for suggestions for improvements in the interface between VSS and the Approved Provider in their shared work for clients. The responses encompassed three main themes:

- (a) *Communication*, especially more and regular client check-ins from VSS with clients;
- (b) *Information* for Approved Providers, including about the client, and for the client about systems, such the various legal systems and support available; and
- (c) *Connection*, especially being proactive with clients and offering liaison assistance to clients with other services, such as housing.

Other suggestions made for improvements in the interface between VSS and the provider related to:

- (a) *Transparency*, including a desire for information about staff and their expertise; and about the client, their assessment and services already provided; and
- (b) *Processes*, especially for reduced paperwork; and faster responses to Approved Provider queries and invoices.

Financial Assistance Scheme (FAS)

At one level, the FAS is an integral part of service delivery of VSACT. Staff focus groups and interviews certainly observed clients' increased access to the scheme and the practical support that the funds provided. A stakeholder commented that:

I think financial assistance is a positive thing that can be used in so many different ways. It's not just about counselling, although it can provide counselling once the

³³ The concern about confidentiality referred to the VSACT practice of email communication with providers about client matters such as invoicing.

victim services hours run out, which is in part how it was designed to work. It can also provide a sense of security (Interview, G15)

Stakeholders also identified the present arrangements as less stressful to applicants, more user-friendly and more accessible than the previous court-based scheme. Comment from a stakeholder focus group described the current model as:

the best thing they ever did with the scheme in terms of making it more accessible for people to access because the process by which victims used to have to make application to the court to get assistance was quite traumatising (Focus group, F7).

Nonetheless, others observed that the forms remained complex and confronting, and that some groups and clients required significant assistance to complete requirements. One interviewee observed that:

when you put that piece of paper in front of [the client], and the questions are confronting, it's triggering, so being able to walk them through each step, and even writing [it] yourself, so they don't need to do it, and they just need to re-tell their story. Just kind of being their hand for them in getting it down on paper (Interview, C8).

VSACT staff themselves identified that the forms and communications needed simplifying, whether provided in hard copy or downloaded from the website. The staff groups and some interviewees also urged a review of the website to make information clearer and more accessible. Most staff and stakeholder comments about FAS revolved around two key related issues: timeliness and evidentiary burdens. While assessors put a lot of effort into assisting clients with the detail of the applications and sourcing information to determine eligibility and verify the assistance clients are claiming (Interview, G18), there is a relationship between the amount of proof that clients and those assisting them believed was required and the time taken to assess and decide (Interview, C2). Evidence is used to demonstrate eligibility, the nature of the offence, the injury and its relationship to the victimisation, the nature of the expenses and their relationship to the victimisation. VSACT staff focus groups acknowledged that, while immediate needs payment applications may be decided in a couple of months (F1), other stakeholders observed that taking 3-5 days to assess expenses for a lock change was unacceptable, especially in domestic violence circumstances (Interview, G3). Further, there is an apparent need for services working on these issues to come to some broad agreement about the various sources of funds for urgent security and re-settlement matters (G3, F3, F11). Stakeholders and clients alike observed that decisions on recognition payments and other expenses is taking over a year. The data on FAS administration (Chapter 7) endorses the problem is real.

The evidentiary requirements and time also impact on stakeholders, as they work to understand the logic to information requested by assessors:

there's a question in my mind about why all that [client] information is necessary (Focus Group, F3).

there's a lot of inconsistency [in decisions and timeframes] (Interview, C6).

Information received by the review team from scheme administrators in other jurisdictions show that the problem of timeliness is a widespread challenge. Chapter 4 briefly describes how some other jurisdictions have responded to the challenge of getting money quickly to applicants.

Client Communications

Document templates used by VSACT for client communication were examined as part of the PAVER Review. VSACT receives and fields a very wide range of contacts every year. We would expect the key principles of trauma-informed practice (such as creating safety, trust, and choice) to inform communications with the public. The templates ask for a lot of personal information, as well as information about the victimisation. This information may be relevant at some stage in the client engagement, or for decisions about what services may be appropriate. However, this is not clear. The review questions did not seek this level of detail, but it is also not clear what information is recorded and reported, or which information could be used for evaluation or quality control. The proposals for organisation change made in Chapter 10 will require a complete revision of documentation.

It emerges from the discussion in this chapter that VSACT is in some flux on a number of fronts. Its continued evolution and the recommendations made in this report should encourage a thorough revision of client documentation and communications. These need to be drafted in understandable terms and plain English.

Further questions for VSACT to address may include whether the new database, Resolve, has the capacity to provide continuity of client information and enable coordination of support. For example, the review team was unable to ascertain whether VSACT staff could track highly individualised services, as well as capturing complex data and metrics. This would be of significant utility in streamlining workloads and ensuring clients do not 'fall through the cracks' of the system.

We note that one of the functions of the VOCC is to 'ensure the provision of efficient and effective services for victims' (s 11 VOCA) and further has regulatory responsibility to assess and evaluate services (r 22). However, it is not clear to the PAVER Review team that there are measures in place to enable these functions nor the resources to do so.

Resourcing and Caseloads

Due to both the nature of the work and the significant variation in client profiles, VSACT staff are dealing with different levels of complexity all the time. This may be due to pre-existing conditions, participation in multiple legal processes, clients with multiple social problems (Interview, G18) and/or for other reasons. The complexity also arises because of different systems with which individuals and their families may be engaged either prior to

the victimisation or because of the victimisation. Finally, the sheer volume of individuals seeking assistance appears to be becoming overwhelming (see Chapter 7 for data). The level of demand affects every part of VSACT's service, from the timeliness of decisions, to being able to keep in touch with and update clients, to the quality of interactions, and to liaison with other services for and with clients. The VOCC expressed grave concern about the impact of the growing caseloads on both clients and staff (Written submission, 13 Nov 2020). We share that concern.

The question of caseloads is complicated. There is a wide cross-section of what is deemed an 'acceptable load' across different areas of human service and depending on case coordination and case management approaches and practices. From caseloads of, for example, 14 in child welfare (Yamatani, Engel and Spjeldnes, 2009), 20 in mental health (King, 2009) to 95 in community nursing (Kane, 2008), the question of what is appropriate is beset with challenges. The question also relates to the types of activities a worker does, the characteristics of the client group, legislative and regulatory requirements, disciplinary preferences, service standards, administrative and reporting obligations, amongst other factors. VSACT staff reported that some case coordinators had caseloads of more than 100 (Focus group, F1).

One issue is that there are differing views within VSACT (and the wider human services field) about the functions and scope of a case manager or case coordinator. As discussed later in this chapter and further in Chapter 10, it is our view that the recommended changes to legislation, service structure and service processes made in this report will require that the re-designed job description of a Victim Support Officer (VSO) will do *both* case management and case coordination. As an organisation, VSACT implements a hybrid of the approaches. A responsive, skilled and well-supported worker will undertake both forms of activity at different times and with different objectives with a single client and with the client group as a whole. We urge the core functions of the VSO are deliberated and specified, with a focus on the client and the types of activities and engagements that clients prioritise and value, and which a wide reading of the literature considers important and necessary in good quality human service work. We further recommend that a separate project examine the issues of caseload in more detail and in conjunction with implementation of the service and procedural changes and service standards recommended later in this report.

None of this will be a particularly easy task and is likely one that will follow decisions made upon this review. It is outside the scope of the review to assess what is appropriate and reasonable in respect of VSACT caseloads. However, we do make some relevant observations:

- VSACT staff at all levels are consistent in describing workload stress, exacerbated by the trauma content of the work and the high levels of system engagement;
- stakeholders offered unprompted comment on the excessively long time taken to decide aspects of financial assistance applications and on the occasions where client contact and updates had deteriorated;

- timeliness is a casualty of high workloads, amongst other factors; and
- clients are critical of the conduct and/or timeliness of service updates and key decisions (see next chapter).

Notwithstanding the earlier caveats, we strongly recommend an increase to VSACT staffing levels, as a matter of some urgency. First there is the problem of the backlog in decisions, and second the need to invest in service reform. Current staffing levels cannot do both. While the conclusions and recommendations of this review may have a positive influence on *how* the organisation can better manage client demand and consequent workload, the review team were provided with no information that suggests the *fact* of increasing demand will plateau or decrease in the current or future years. The urgent increase in staff resources is required both to ensure the occupational workplace health and safety of the VSACT staff as well as to support the attraction and retention of highly qualified and experienced staff. Workforce duties are one imperative; peoples' right to services is another.

Integration of Service Activities

Victims' rights to services, assistance and advocacy give effect (in part) to their human rights and, in chapter 10, this review recommends these are integrated into a single instrument. This central recommendation is supported by focus group discussions conducted with VSACT staff as co-design activities. These identified a strong desire for 'more integration for victim support between FAS and VSS'.

As noted in Chapter 2, however, there are many definitions of, and approaches to, the notion of *integration*. For this review, we urge adoption of the WHO's user-led definition of service integration (with some replacement of terminology): 'My [support] is planned with people who work together to understand me and my [support network], put me in control, coordinate and deliver services to achieve my best outcomes' (2015: 4).

The definition raises a number of conceptual issues for the way in which human services design positions the user of services. In this next section, we explore these issues with particular regard to the Royal Commission into Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (hereafter 'the Disability Royal Commission') and Royal Commission into Aged Care Quality and Safety (hereafter 'the Aged Care Royal Commission'). Both Royal Commissions are currently addressing challenges in providing support services including packages of 'care' to clients. While these sectors and associated literature more commonly use the language of 'care package', this review prefers 'support package' or 'package of support' as these carry less paternalistic overtones.

Similar Challenges in Other Service Sectors

Packages and Markets

Providing packages of support to enable people to exercise choice and to deliver tailored services is an increasingly common way of delivering government funded services and

supports (such as VSACT) both in Australia and internationally. The most well-known Australian initiatives are the Commonwealth aged care packages and the National Disability Insurance Scheme (NDIS) support packages. Both sectors are the subject of current reviews.

The Aged Care Royal Commission delivered an Interim Report on 31 October 2019 and the final report is due in February 2021. The Disability Royal Commission has released two progress reports and an Interim Report (on 30 October 2020). It is very much in the working stage, with hearings continuing in February 2021 and delivery of the final report planned for April 2022.

These reviews have highlighted that the packaging of support (as in the case of VSACT) by the NDIS and the Commonwealth aged care program work on a presumption that these are empowering and that empowerment of the client (or service user or consumer) occurs through enabling their choice and control. The presumption rests on a perspective of a universal consumer freely choosing the relevant services, in a context with no pre-existing inequalities between persons, groups or localities. However, major concerns have been raised that:

- personalised packages create or exacerbate inequities among and within client groups;
- disadvantaged groups, including women and those living outside metropolitan areas, are less likely to access quality packages;
- inadequate education, training and knowledge in both advocates and support workers affect both choices and access; and
- services' availability and administration processes impact the length of time to receive packages and thus services (Malbon, Carey and Meltzer, 2019).

The Disability Royal Commission Interim Report noted that:

Exercising choice and control and being independent is sometimes confused with being entirely self-reliant and needing no external support. In the aged care space problems included: the difficulty people have in understanding and navigating the aged care system, the need for improved advocacy services for older people, the lack of coordination in care and services provided to older people, whether this involves different levels of government or different types of services, poor access to care, especially for people with chronic conditions or complex needs, and long waiting times for access to services for many people, especially those who are still living at home and finally poor quality of care (2020: 366).

Researchers have argued that 'individualised funding packages did not automatically result in more choice and greater opportunities. People needed information to make informed decisions; supportive and creative support from social workers and other professionals; and welcoming communities' (Laragy, Fisher, Purcal and Jenkinson, 2015: 282). The point was affirmed in an evaluation of the NDIS trial sites. These found that participants with 'intellectual disability and/or complex needs; from CALD [culturally and linguistically diverse

background] communities; those experiencing mental health, substance abuse, or forensic issues' tended to receive less funded supports (Mavromaras, Moskos, Mahuteau and Isherwood, 2018: 199). They also found that 'male participants and those with a higher household income were ... less likely to experience unmet demand for supports' (2018: 23).

Client Choice and Control

Reviewing the existing empirical research and evaluation of the trial/pilot NDIS sites, Malbon, Carey and Meltzer noted:

we might hypothesise that with their emphasis on choice, control and empowerment, personalisation schemes have the potential to address individual differences in social determinants to health, leading to greater equity. However, such schemes put unprecedented emphasis on individuals to advocate for their own rights and navigate burdensome administrative systems (2019: 11).

In summarising the research, they argued that:

while personalisation schemes are characterised by a range of different mechanisms and administrative structures, the central tenant revolves around enabling citizens to 'purchase' services that best meet their needs from a service market. While the concept of personalization is simple, the systems through which such policies are administered are hugely complex (2019: 2).

They concluded that their research 'supports the argument that the structure of administration systems within personalisation schemes favour those already equipped to deal with complex bureaucracy (counter to the claims of choice, control and empowerment)' (Malbon et al., 2019: 10). Thus, the idea of 'warm referrals' conducted *by* the broker *with* the client and *to* a provider becomes a critical practice.

A 'market' that presumes choice and control rest with users is based on an assumption of easy access to package information, regardless of characteristics or circumstances of the client; for example, if the person is in crisis. A 'market' may also widen service provision to a diversity of clients, which may inadvertently result in providers picking and choosing who they service (eg, not those who are 'difficult' or who have behavioural and/or other social problems). This reflection draws attention to the fact that 'quasi-markets require more careful management and stewardship than regular markets, both because of the unique rules that govern quasi-markets and the reliance of the end users—often welfare recipients or other citizens—upon quasi-market success' (Meagher and Goodwin, 2015: 26). In order for clients to exercise *real* choice and control in the selection of the services they need, there also need 'to be multiple and good quality suppliers in the market, and participants also have to be empowered to make choices and change when providers are inadequate or undesirable' (Malbon et al., 2019: 7). Thus, markets can be 'thin' as well as fragile in what is

available, to whom, when and how. Put simply, a healthy service ecology (or ‘thick’ market) is necessary to support and enable individuals to realise their capabilities and functionings in attaining well-being (Sen, 1993).

Drawing on the research, the Disability Royal Commission recommended support for client decision-making, including: ‘guided choices with appropriate supports to build decision-making skills, advocacy, including self-advocacy, advocacy on behalf of others, and systemic advocacy, peer support, peer education or awareness raising’ (2020: 367), as well as improvements to workforce capability, ‘support, oversight and management’ (2020: 379).

This idea of ‘guided choices’ requires simple tools, such as plain language websites and information sheets on the systems and availability of support and packages, plus more principle-based rules that are coherent, transparent and do not constantly change. A key area of complaint regarding the NDIS has been the lack of easily accessible and transparent information about the detail of support plans and expenditure. VSACT may need to create a robust online system that enables clients to view and access this level of detail.³⁴ However, consideration must also be given to the issue of digital literacy, access to the internet, mobile plans etc for those who are socially isolated and/or lack the skills and resources to navigate complex service systems.

An automated system could also include client information relevant to and accessible by Approved Providers, as well as facilitating their payment and the tracking of administrative reports. An example is the NSW Victims Services Portal for Counselling Providers. This portal allows providers to verify a client’s approval for counselling and acts as a gateway for administrative matters. It is supported by an online register of counselling providers that clients can access and select, according to area of expertise, postcode location and availability.³⁵

Another important issue identified in the deliberations of both the Disability and Aged Care Royal Commissions is the availability of good quality suppliers and providers in a given area. If there are insufficient or inadequate services and an inadequate range of service types (a thin market), then neither the traditional case management nor case coordination models will work. Without this ecology of services, the substantive provider – NDIS, Commonwealth aged care or, in the present context, VSACT – would have to *be* or *become* the provider. Without this grounded responsibility, then claims for empowered clients through the exercise of choice and control are meaningless.

³⁴ The online capacity developed in NSW and Qld for clients warrant further investigation.

³⁵ Notes from a telephone conversation with the Principal Policy Manager, NSW Victims Services (11 February 2021).

Models and Cases

As raised earlier in this chapter, there are different perspectives within VSACT about case management and case coordination. The terms are often used interchangeably. A synthesis of research on case management reminds us that case management 'is known by various names such as casework, care coordination and case coordination' (Sartore, Macvean, Albers and Mildon, 2015). The Case Management Society of Australia and New Zealand (2021) helpfully defines case management as 'a process', specifically 'a *collaborative* process of assessment, planning, facilitation and advocacy for options and services to meet an individual's holistic needs through communication and available resources to promote quality cost effective outcomes' (emphasis added).

Case management (or case coordination) is a social service intervention that works in different ways in different service models. Three basic models are brokerage, clinical and strengths-based (Social Solutions, 2021), as follows:

- *Brokerage Case Management* is a very brief approach to case management, in which case workers attempt to help clients identify their needs and broker supportive services in one or two contacts. This model assumes that a client will voluntarily use needed services, once they know they are available, and learn how to access them. This model works best when a client's biggest challenge is access to services, rather than availability of services. It involves a case manager/social worker providing very little direct service to the client. Instead, they serve as a link between a client and community resources. The focus is on assessing needs, planning a service strategy, and connecting clients.
- *Clinical Case Management* involves a clinical care provider serving as the case manager. Frequently, the case manager is a counsellor or therapist. As a clinician, the case manager in this model provides direct counselling for a client's individual concerns. That might include mental health services, addiction recovery support, or treatment for serious or chronic health conditions. When the case manager is also providing clinical services, they may have unique insight into the client's needs. That increased level of understanding improves the case manager's ability to identify needed services and connect the client with formal resources in the form of community service providers.
- *Strengths-Based Clinical Case Management* recognises that the ultimate goal of a case manager goes beyond just accessing services. In this model, case managers focus on empowering clients and their families. Case management and clinical services focus on creating client opportunities for growth, education, and skill development. It involves outreach, clinical services, advocacy, and robust coordination between case managers and clients.

The description of VSACT's services and activities provided earlier in this chapter suggest that all three models are in operation. As a service, it need not choose one or other to be

dominant. Various aspects of the VSACT's programs will draw on each model and individual workers employ one or other at particular moments with individual clients, depending on dynamic circumstances and identified needs. When and how the approaches are employed will be influenced by capacity, skills and other factors. In consequence, the approaches also influence workloads and worker fatigue. However, a flexible service and staff who are nimble, well-trained and trusted can make deliberate and transparent choices about the best approaches at different times. Each of the approaches carries values that VSACT espouse. These are not in competition.

To support this hybrid modelling, the WHO *Framework on Integrated People-centred Health Services* (2018) identifies seven best practice elements:

- Continuity with a primary care professional;
- Collaborative planning of care and shared decision-making;
- Case management for people with complex needs;
- Co-located services or a single point of access;
- Transitional or intermediate care;
- Comprehensive care along the entire pathway;
- Technology to support continuity and care coordination; and
- Building workforce capability.

The one-stop shop concept for VSACT pre-dates the WHO framework. The PAVER Review recommendations set out in Chapter 10 seek to make the hybrid approach more explicit and robust. That chapter recommends the integration of services, assistance, advocacy and support packages within a transparent and structured timeline of staff-client engagement.

VSACT is well placed to implement the proposals. It has well-qualified and knowledgeable staff who are equipped across a range of expertise. These workforce capabilities can be strengthened in legal procedural knowledge, the principles of natural justice with respect to the FAS and VRR, and cultural competencies. The shrinkage of related services available to clients of VSACT, such as mental health and support services for children, is a matter of concern (Interview, G16 and Focus group, F12). A hybrid model of case management should be sufficiently flexible to respond in a dynamic manner to variation in the right services being available at the right time when clients need them.

Co-designing an Integrated Service

This review has benefitted from the active involvement of VSACT staff at all levels. A series of four workshops, as well as interviews and observations, were conducted for the review and formed the basis of co-design of service improvements. The workshops asked what was working well for clients and for staff/the organisation and what could be improved. Twenty staff including some volunteers participated across the four focus groups. The anonymised

outcomes from the workshops have been provided to the VOCC in a separate document (for a summary of some of these, see Appendix F).

The staff workshops identified a long list of things that could be improved. At the conclusion of deliberations, each staff person present in the workshop was given five stickers and told that each was worth \$1 million. They were then asked to place a sticker on an item. Many pressed a sticker on 'better resourcing' or 'capacity'. Facilitators observed that 'more resources' does not say what these should be spent on. Staff were asked not to place their sticker on 'resources'. Nonetheless, the emphasis on more resources remained pronounced. While Table 16 sets out the staff priorities for improvements, these should not be taken as priorities for VSACT as a whole, as the activity was conducted in four separate groups.

Table 16: VSACT Staff-Identified (N=20) Priorities for Improvement, Listed per Item

Top five priorities	Issue/concern
Priority #1	Better resourcing
Priority #2	Packages to be used in a trauma-informed way to assist in moving towards recovery
Priority #3	Volume of work is too high
Priority #4	More integration for victim support between FAS and VSS
Priority #5	Outreach programs – no specialist workers (eg, LGBTQI+, disability)
Priority #6	Timelines for FAS decisions
Other priorities equally ranked	Issue/concern
	<p>Better timeframes for assessing applications</p> <p>One-off payments for immediate needs</p> <p>Expand scope of FAS for clients who have experienced DFV (not necessarily physical)</p> <p>More dedicated positions/funding – disability, CALD, Aboriginal, LGBTQI</p> <p>Professional development – trauma-informed, up-skilling on law advocacy</p> <p>Technology, IT for payments, website improvements</p> <p>Broader range of services</p>

Chapter Summary

This chapter has considered the evolution of services to victims of crime in the ACT, with a focus on VSACT, as the government agency responsible for administering the Victims Services Scheme (VSS) and the Financial Assistance Scheme (FAS). The chapter drew on data from annual reports, material supplied by the VOCC, focus groups, staff interviews and a survey. It concludes with a discussion of VSACT's key concepts and approaches to human service delivery, provides an overview of staff qualities, qualifications and knowledge, and provides observations on other service sectors that are relevant for VSACT service improvement.

The chapter explicates the process and results of stakeholder engagement through their feedback on the workings of VSACT. The chapter highlights that the high level of demand impacts on every part of VSACT service, from timeliness of decisions, to being able to keep in touch with and update clients, and the quality of interactions. The chapter acknowledges that the case management model or approach to service delivery taken by VSACT will impact and determine the workloads and workflow management. Unless these are tackled systematically, the service will be unable to achieve or maintain the goal of being a high-quality client-centred service that is delivered in a way that is timely and prevents worker fatigue.

We identified potential issues and solutions when delivering support packages, particularly those to do with ensuring equity in outcomes in thin markets. A robust, diverse and 'thick' market needs to be fostered and VSACT should invest more in communicating with and professional development for its provider network. It should also invest in discovering non-traditional providers of goods and services that clients themselves identify as needed and helpful. A healthy brokerage system can grow with active brokers. Without a robust and responsive 'market', VSACT has a statutory and regulatory responsibility to be a direct provider.

The chapter also observes strong preference for more integration between FAS and VSS in the provision of victim support, assistance and advocacy. We note issues with and concerns about communication and information provision. The blueprint for reform outlined in Chapter 10 includes support for reviewing all client communications including information sheets and the website. We urge attention to the capacity of the client management system, Resolve, to better capture complex data and metrics. The intention is to better track highly individualised services, assist in streamlining workloads and ensuring clients do not 'fall through the cracks' of the system. We encourage VSACT to examine existing online models that enable clients to view and access support plans and expenditure and ones that provide Approved Providers with access to appropriate client information as well facilitating their payment and the tracking of administrative reports. In combination, these

developments will require attention to the information and digital literacy of staff as well as clients. These all affect the equity of delivery to a wide and diverse population.

We find that staff levels within VSACT have not kept pace with either increasing demand or the nature of the activities that legislation and regulation require. We recommend an increase to VSACT staffing levels as a matter of some urgency. The blueprint for reform developed in Chapter 10 recommends, amongst others, that a separate project examine questions of caseload, case flow and case system management in more detail and designed to support the re-designed organisation.

CHAPTER 7: OVERVIEW AND ANALYSIS OF VSACT'S FINANCIAL ASSISTANCE AND VICTIMS SERVICES SCHEMES

This chapter describes the operation of the Financial Assistance Scheme (FAS) and the Victims Services Scheme (VSS) and reflects on the original policy intention for a one-stop shop, namely, improved accessibility, as well as the review questions about the **effective** and **efficient** operation of the schemes (RFQ A.A.3: 19) and whether they offer **best practice** to victims of crime.

The chapter uses two separate datasets to describe the use that Victims Support ACT (VSACT) clients make of the two schemes. The two sets of data reflect the different implementation timelines and histories of the programs. From these it is not possible to know those clients who use both or one. However, a new database, Resolve, has been used by the Human Rights Commission, since July 2020. This has enabled a six-month capture of how clients access and use these and other of VSACT support programs. The first section of the chapter discusses the FAS and the second discusses the VSS.

The Victims of Crime (Financial Assistance) Act 1983 (ACT)

The *Criminal Injuries Compensation Act* had been in operation in the ACT since 1983. Applications for compensation were lodged in the ACT Magistrates' Court, with the ACT represented by the ACT Government Solicitor's Office. In the main, applicants were self-represented. The number of applications lodged for CIC had increased from 125 in 1991-92 (with \$1.2M awarded) to 651 in 1998-99 (\$6.7M awarded) (Dare, 2002: 17).

The CIC scheme was reformed and re-named on the commencement in 2000 of the *Victims of Crime (Financial Assistance) Act 1983* (herein described as the 'old' FAS). Lodgement, administration and decision-making remained largely the same as under the CIC model. That is, both the CIC and the 'old' FAS were administered within the ACT Magistrates Court and the applications for which the ACT Government Solicitor's Office responded on behalf of the Territory.

From 2004 to 2012, information about the operation of the 'old' FAS was reported in the VOCC annual reports (Table 17). It is important to note that the counting rules for this data are different to those for the PAVER Review of the 'new' FAS.

Table 17: 'Old' FAS: Applications Lodged, Awards Made and \$ Value of Awards, by FY

Financial year	N applications lodged	N awards made	Total \$ awarded
2004-05	105	105	1,329,489.63
2005-06	111	87	1,442,520.77
2006-07	84	106	1,413,385.52
2007-08	114	79	1,158,134.59
2008-09	72	79	845,235
2009-10	101	58	722,981.51
2010-11	119	70	736,376.36
2011-12	99	99	1,404,631.98

Source: VOCC, 2005; 2006; 2007; 2008; 2009; 2010; 2011; 2012.

Then, in April 2013, JACS consulted stakeholders and the broader ACT community about possible changes to the scheme (JACS, 2013). A year later, a proposed model for a new scheme was issued by JACS for consultation (JACS, 2014).

Implementing the New FAS

On 8 March 2016, the Victims of Crime (Financial Assistance) Bill 2016 (ACT) (VOVFA) passed unanimously in the ACT Legislative Assembly. The Bill transferred decision-making on financial assistance applications to the Victims of Crime Commissioner. Administration of applications was to be implemented by a small new team within VSACT.

Shortly after the passage of this legislation, the VOCC (2016) reported that the new FAS would:

- enhance access to the scheme for victims of crime through improved case management procedures;
- reduce barriers for victims of crime accessing the scheme by separating the scheme from the court system and reducing reliance on legal representation;
- improve transparency of decision-making; and
- respond to concerns about potential conflict arising from the previous dual responsibilities of the ACT Government Solicitor (see ACT Ombudsman (2012) to progress applications and represent the Territory as a party in litigation with the applicant.

The new scheme, designed to be 'user friendly' (ACT Human Rights Commission, 2017: 64), commenced on 1 July 2016.

Staffing the New FAS

In her written submission to this review, the VOCC (2020) reported that three full-time equivalent (FTE) positions comprised base funding for the commencement of FAS within VSACT. Over time and in response to increasing demand, temporary funding has been secured for a further three temporary staff. The staffing is represented in the following table. The VSACT comprises 36 staff (mixed FTE, part-time equivalent (PTE) and a mix of continuing and temporary). Thus, the current FAS positions represent 17% of total VSACT staffing. However, only counting continuing staff, then the FAS represent 12.5% of VSACT permanent staffing levels.

Table 18: FAS Staff Resourcing Since Scheme Commencement

	2016-17	2018-19	2020-21
	Initial Permanent Funding	Mid-Cycle Review 18 Months funding for additional 1.5 FTE- expired June 2020	Interim budget decision in June 2020 (noting delay of budget due to COVID-19) continued funding for the additional 1.5FTE provided in the 2018-19 Mid-cycle. Funding expires June 2021
	0.5 SOGC 2 ASO6 0.5 ASO4	+ 0.5 SOGC + 1 ASO6	
Total FAS FTE	3 FTE	4.5 FTE	4.5 FTE

Statistical Information on Scheme's Operation

For the purpose of this review, the VOCC provided raw (anonymised) and aggregated data on the operation of the FAS and VSS. The review team cleaned the data and merged these into single datasets for each scheme. In the process, variables were re-ordered and re-classified. Appendix D describes the data decisions taken in relation to this. In consequence, there are very slight differences from the data reported elsewhere by the VOCC in its annual reports. To avoid confusion, we only report on the review datasets. If it is necessary to use data from another source, the report specifies this.

The PAVER Review dataset comprises four full years, from 1 July 2016 to 30 June 2020 (and part of 2020-21). However, for this report, only full financial year data are shown. The Review Dataset is analysed according to the financial year of the application. Thus,

numerically more awards will have been decided in a financial year, but the tables in this report show applications lodged in a financial year and matched awards made in that same financial year.³⁶ It is also important to note that the counting rules for these data are different to those for this review of the 'old' FAS (Table 17). The data from different schemes are not directly comparable.

Applications

From 1 July 2016 to 30 June 2020, 1463 applications for financial assistance were received and 785 awards made (52% of applications).

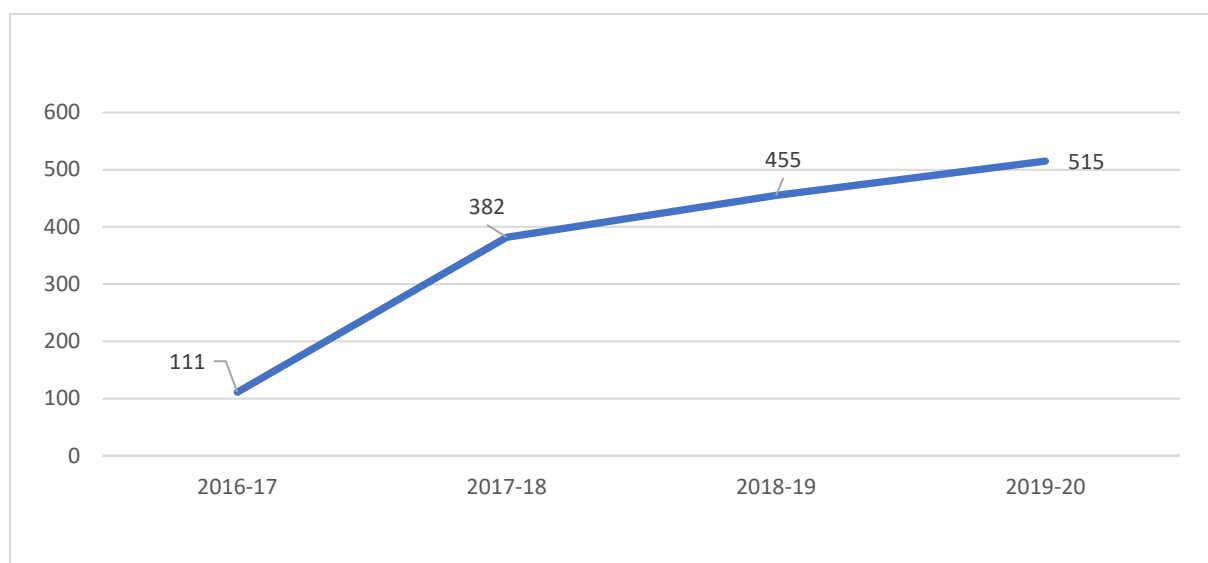
Table 19: Number of FAS Applications and Awards, by FY of Application

	Applications	Awards, by Year of Application	% awards by Year of Application
2016-17	111	81	73%
2017-18	382	275	72%
2018-19	455	269	59%
2019-20	515	160	31%
Total 2016-2020	1463	785	54%

Only using data from full financial years, 1 July 2016 to 30 June 2020, the number of applications increased 364% from the first year of the FAS operation as an administrative scheme to the last full financial year (Figure 1). The VOCC submission to this review anticipates that there will be a further 12% increase in demand in the current year (VOCC, 2020: 11).

³⁶ To illustrate the difference in datasets, the VOCC Annual Report states that 513 applications were 'received' in 2019-20, representing a 375% increase in applications since July 2016. The annual report also states that payments of \$3,371,851 were made in 2019-20 (HRC, 2020: 49).

Figure 1: Number of FAS Applications, by FY

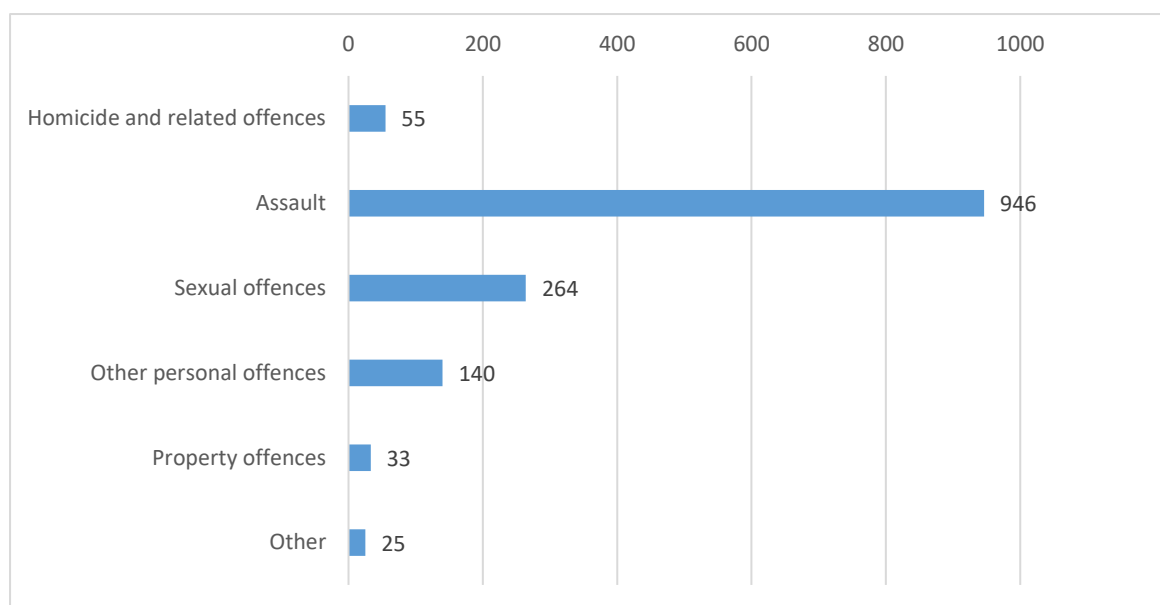


The VOCFA seeks to aid the recovery of victims of violence (s 6) and specifies that applicants must have experienced an act of violence (s 7). It is not surprising, therefore, that the overwhelming majority of applications relate to assault. In the data supplied by VSACT, there were a large number of victimisation categories. We consolidated these (see Appendix D, data decisions). As set out in Table 7 above, this is the most common form of violent offence reported to the police in the ACT.

Table 20: Total Applications, by Offence Category, 2016-20 FYs, Aggregated

Offence	N apps	% of apps
Homicide and related offences	55	3.8
Assault	946	64.7
Sexual offences	264	18.0
Other personal offences	81	5.5
Robbery	58	4.0
Blackmail /extortion	1	0.0
Burglary	12	0.8
Theft	5	0.3
Property damage	16	1.1
Other	25	1.7
Total FY 2016-2020	1463	99.9

Figure 2: Total FAS Applications, by Offence Category, 2016-20 FYs, Aggregated



To increase simplicity, victimisation categories were further reduced by combining property offences.³⁷ The dominance of assault victimisation for applicants is represented in Figure 2.

By excluding assault, the next highest category of applications was from those who experienced sexual victimisation (Table 21).

Table 21: Total Applications, by Offence Category (Excl. Assault), 2016-20 FYs, Aggregated

Offence	N apps	% of apps
Homicide and related offences	55	10.6
Sexual offences	264	51.1
Other personal offences	81	15.7
Robbery	58	11.2
Blackmail /extortion	1	0.0
Burglary	12	2.3
Theft	5	1.0
Property damage	16	3.1
Other	25	4.8
Total	517	99.8

³⁷ The FAS provides access to payments in relation to acts of violence. However, the VOCCA Act recognises a broader range of offences that may fall under the category for domestic and family violence, including offences that would ordinarily be classified as property offences: ACT VOCCA, 2016.

Applicants' Personal Characteristics

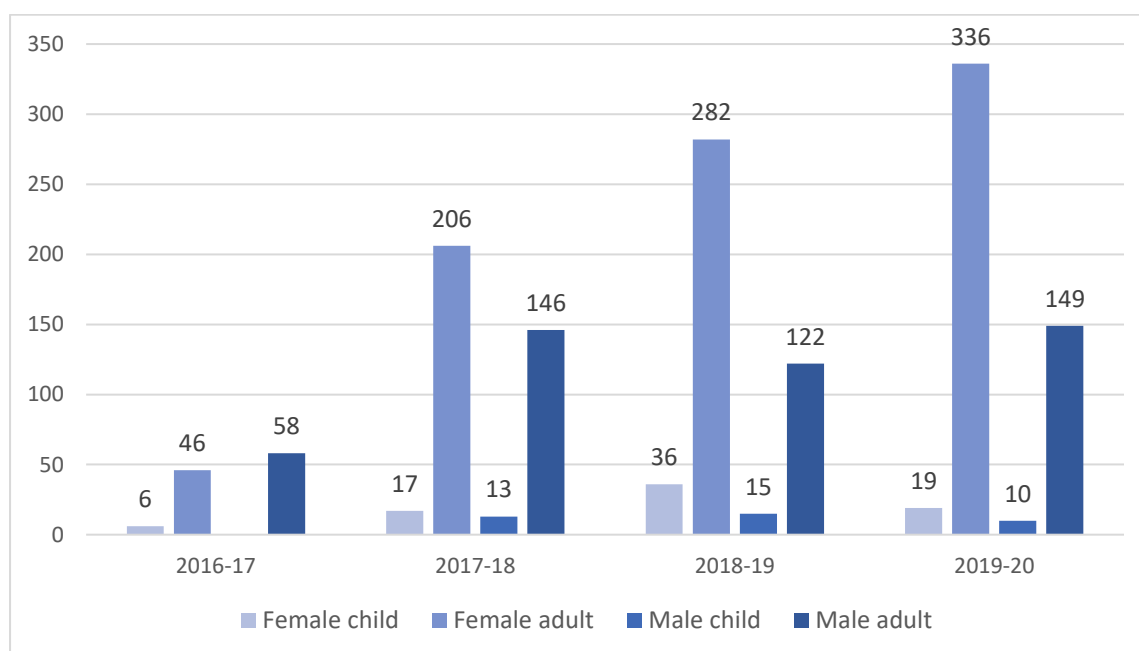
The majority (65%) of applicants since 2016 were female. It is noticeable that the proportion of female over male applicants has increased significantly over this period, with males accounting for 52% of applicants in 2016-17 and 42% in 2017-18, compared with 30% in 2018-19 and 31% in 2019-20 (Table 22). The majority of applicants are adult and primarily are adult females (Figure 3).

Table 22: Total Applications, by Gender, 2016-20 FYs, Aggregated

Gender	2016-17 (%)	2017-18 (%)	2018-19 (%)	2019-20 (%)	Total (%)
Female	53 (48)	223 (58)	318 (70)	355 (69)	949 (65)
Male	58 (52)	159 (42)	137 (30)	159 (31)	513 (35)
Total	111	382	455	514	1462

*1 unknown gender excluded from table

Figure 3: FAS Applications Lodged, by Gender, Age and FY

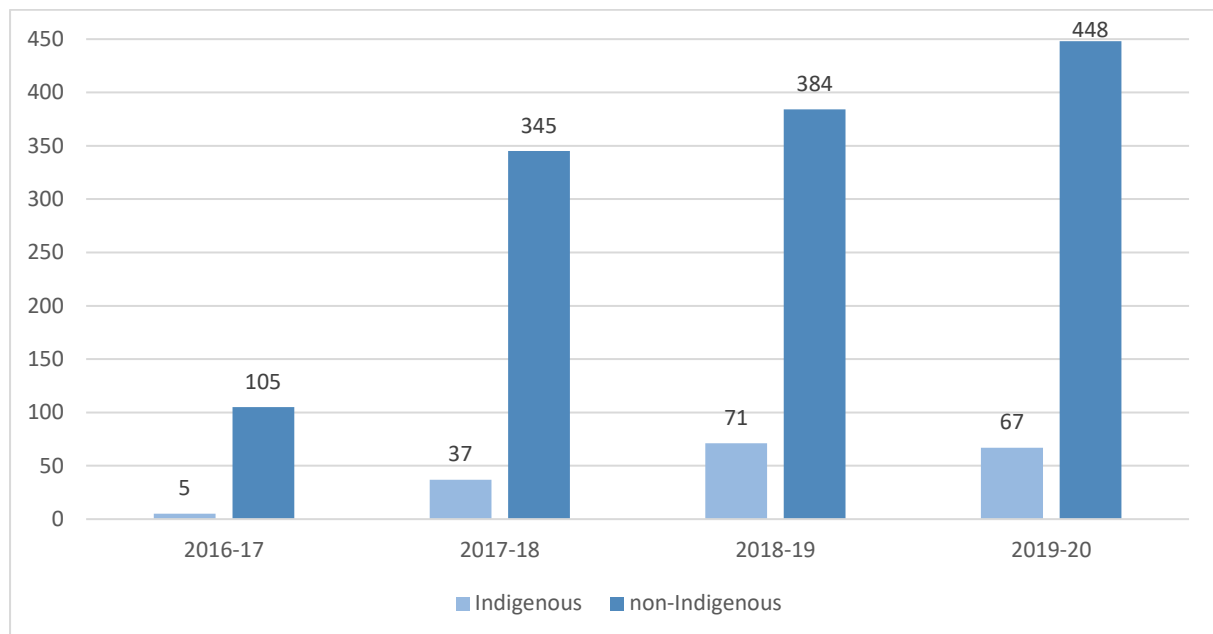


Applicants who identify as First Nations, culturally and linguistically diverse (CALD)³⁸ people and/or as people with a disability are proportionately a small number of the overall total applicants. However, each category shows an increase per year in the number and proportion of applications and over the four years.

³⁸ This include people from migrant, refugee and asylum seeker backgrounds: Email communication with Director, VSACT (11 November 2020).

First Nations applicants represented 5% (N=5) of all applications in 2016-2017 and 15% (N=67) in 2019-20 (Figure 4). Applicants from culturally linguistic and diverse backgrounds comprised 8% (N=8) of all applicants in 2016-2017 and 17% (N=73) in 2019-2020. People with a disability were 0.9% (N=2) of all applicants in 2016-2017 and 9% (N=45) in 2019-2020.

Figure 4: Applications, by Indigenous Status and FY



Summary on scheme accessibility: establishing the FAS as an administrative scheme within VSACT has achieved the policy purpose that it be made more accessible to more people in the ACT. This conclusion is made, with regard to the overall number of applications for FAS lodged over the four years, the 364% increase since 1 July 2016, and the yearly increase in the number and percent of applicants from applicants who identify as First Nations, CALD and/or as people with a disability.

Applications Disqualified

The original data provided by VSACT had a number of reasons why an application may have been assessed as not eligible (disqualified). In the review dataset, all applications were simply coded 1=yes disqualified and 2=all others.

Overall, the number of applications assessed as ineligible was small over all four years (N=99) (Table 23). In the first two years of operation, the proportion was 19% and 13% respectively before dropping significantly year-on-year, with only 1% of applications disqualified in 2019-20.

Table 23: Number of Applications Disqualified, by FY

Disqualified Applications	N disqualified (%)	N other	Total
2016-17	21 (19)	90	111
2017-18	51 (13)	331	382
2018-19	21 (5)	434	455
2019-20	6 (1)	509	515
Total	99	1364	1463

In examining whether there were any patterns for decisions on disqualification, more detailed analysis was done in relation to the applications arising from victimisation by assault. Total numbers disqualified in this category were small. However, analysis revealed that, especially in the first two years of the FAS' operation within VSACT, the applications disqualified were mostly those lodged by males and mostly applications for which the victimisation involved non-domestic assault (Figures 5 and 6). These issues appeared to be a particular problem in 2017-18 but had reduced in 2018-19 and abated in 2019-20.

Figure 5: Number of Applications for Assault Disqualified, by Gender and FY

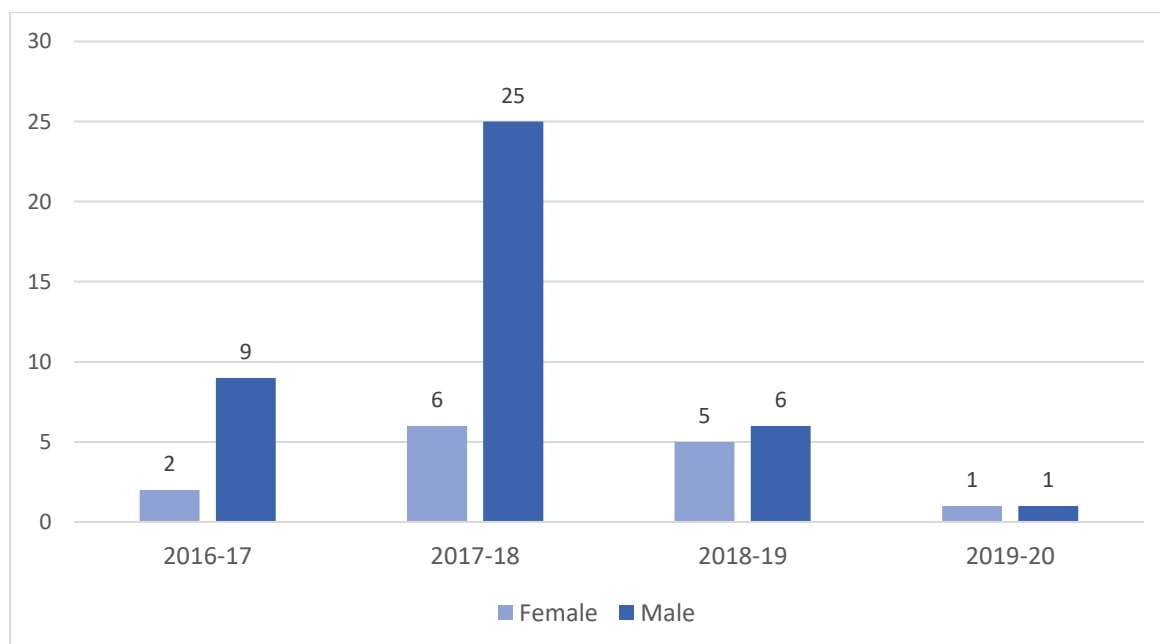
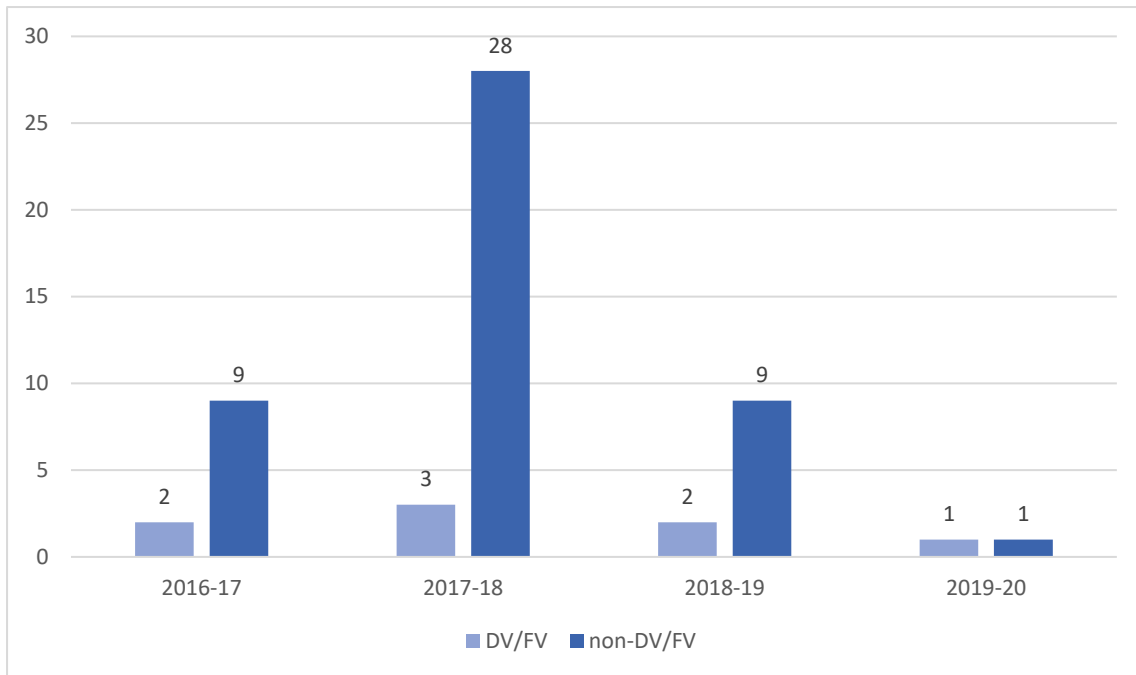


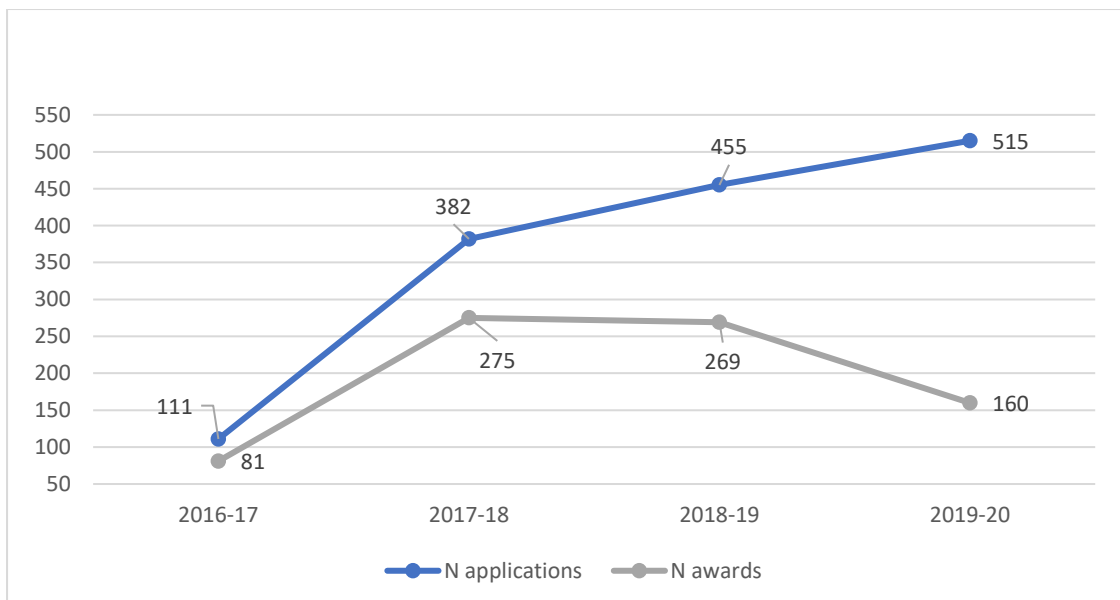
Figure 6: Number of Applications for Assault Disqualified, by DV Status and FY



Payments Made, Number and Amounts

Number of Payments Made

Figure 7: Number of Applications and Awards, by FY



The number of applications lodged and the number of awarded payments has increased. The increase in awards decided from 1 July 2016 to 30 June 2020 was 98% (Figure 7). Again,

it is important to note that numerically more awards will have been decided in a financial year but the tables in this chapter show applications lodged in a financial year and matched awards made in that same financial year.

However, the proportion of awards made to the total applications lodged has declined. In Year 1 (2016-17) and year 2 (2017-18), awards made were 73% and 72% respectively of total applications. In year 3 (2018-19), awards made were 59% of total applications and in year 4 (2019-20) awards made were 31% of total applications.

It is important to note that the data disguises the fact that applications made in one year are not necessarily decided in that same year. Also, in 2019-20, COVID-19 created significant disruptions. It may therefore be that this is an anomalous finding and the proportion of applications lodged and awarded in the current financial year increases to account for this.

Different payment categories are legislated. The Review Dataset re-coded these as Recognition Payment (RP), Immediate Needs (IN) and Economic Loss (EL). Applicants victimised by assault comprised the largest category for which payments were made, comprising 69% (N=545) of the four-year total of awards made (N=785) (Table 24).

Table 24: Number of Applicants Receiving Payment, by Offence Category, 2016-20 FYs, Aggregated

	N RP	N IN	N EL	Successful N
Homicide and related offences	20	4	7	22
Assault	493	149	149	545
Sexual offences	135	10	34	143
Other personal offences	61	16	17	67
Property offences	5	2	1	6
Other	2	2		2
Total	716	183	208	785

Amounts Awarded in Applications

Since 1 July 2016, the FAS has made awards totalling \$8,202,455. Averaging across the four years, the per year amounts awarded averaged \$2,050,611. The largest component of awards made were for recognition payments and totalled \$7,314,601 (89% of total awards).

*Table 25: Applications Awarded: Total Amounts paid (\$), by FY**

	Total RP	Total IN	Total EL	Total payment
2016-17	278,901	17,888	110,293	407,083
2017-18	3,851,339	98,189	215,737	4,165,265
2018-19	2,366,087	145,497	124,032	2,635,616
2019-20	818,274	127,470	48,737	994,481
Total	7,314,601	389,045	498,800	8,202,445

* averages received by people who applied in this year

There are significant variations in payment per applicant. Average payments are therefore a blunt descriptor. However, in 2016-2017, the average total payment made was \$5,026 and in 2019-2020, the average total payment was \$6,216.

Examining the average payments by type of payment also shows the predominance of the recognition payment compared with immediate needs (IN) payment or economic loss (EL) payments (Table 26).

*Table 26: Applications Awarded: Average Amounts paid (\$), by FY**

	Avg RP	Avg IN	Avg EL	Avg total payment
2016-17	3,530	1,118	3,064	5,026
2017-18	14,813	2,232	2,631	15,146
2018-19	9,777	2,238	1,879	9,798
2019-20	6,061	2,198	2,031	6,216
Average payment received	10,216	2,126	2,398	10,449

*averages received by people who applied in this year

The recognition payment comprises the largest component within averages by all offence categories (Table 27). The recognition payment is most significant for applicants who experienced sexual victimisation. The difference between the recognition payment and other types of payment is less for 'other personal offences'.

Table 27: Average Amounts (\$), by Offence Category, 2016-20 FYs, Aggregated

	Avg RP	Avg IN	Avg EL	Avg all payments
Homicide and related offences	12,907	2,336	1,258	12,559
Assault	4,058	2,138	2,871	5,040
Sexual offences	36,070	1,757	671	34,335
Other personal offences	2,756	2,483	2,292	3,683
Property offences	2,750	1,427	376	2,830
Other	2,327	465	-	2,792
Average totals	10,216	2,126	2,398	10,449

In her written submission (13 Nov, 2020), the VOCC noted that s203 VOCFA transitional provisions provided for persons victimised prior to 1 July 2016 may apply for financial assistance under the 'old FAS'. She observed that this had the consequence of creating significant inequality of outcomes for persons similarly situated and that, in aggregate, the payments distorted the principle of equity underpinning the distribution of social goods. The preponderance of psychological harm that sexual victimisation causes is born out in higher payments for non-economic loss in earlier schemes. The tort logic, however, is at odds with the current scheme. We would similarly observe that persons victimised prior to 1983 are

also disadvantaged (the 'old CIC'). We note, however, that pre-1983 as well as pre-2016 victims are eligible for non-financial services. We agree with the VOCC that transition provisions should expire but that both pre-1983 and pre-2016 victims should be eligible for the support, assistance and advocacy proposed in Chapter 10.

Summary on payments and payment distributions (*NOTE: this summary references three monetary schemes for crime victims and three different data sources. Therefore, the data between schemes is not directly comparable and can only be considered illustrative*).

In the last year of operation of the ACT CIC scheme in 1996-1997, a total of \$4.7M was distributed. Under the previous FAS and over the financial years 2004 to 2012, the average total funds paid per year was \$1.1 million (see ACT VOCC 2005; 2006; 2007; 2008; 2009; 2010; 2011; 2012). In the most recent year of the operation of the 'new' FAS, a total of \$994,481 was distributed for applications lodged and decided in 2019-2020. The total cost to the ACT of awards for financial assistance to victims of crime lodged and decided in a financial year under the current scheme is therefore less in total than under the previous two schemes.³⁹

In the last year of the operation of the ACT CIC scheme in 1996-1997, awards were made to 339 individuals. Under the old FAS and over the financial years 2004-2012, the average number of individuals awarded payments per year was 85. In 2019-2020, the current FAS awarded payments to 160 individuals. The number of individuals receiving financial assistance under the current scheme is more than the previous court-based scheme but less than the earlier CIC scheme.

In the last year of operation of the ACT CIC scheme, the average award made was \$13,864. Under the previous FAS and over the financial years 2004-2012, the average award made was \$13,254. Over 2016-2020, the average award under the current FAS was \$10,449. Average payments made to individuals under the earlier CIC scheme and the 'old' FAS were therefore similar. Average payments under the current FAS are 21% less than its immediate predecessor.

Time Taken in Making Payments

The time taken between the date of lodgement of the application and the date of the first payment decision is an indicator of timeliness. Applicant payments may be made in a single

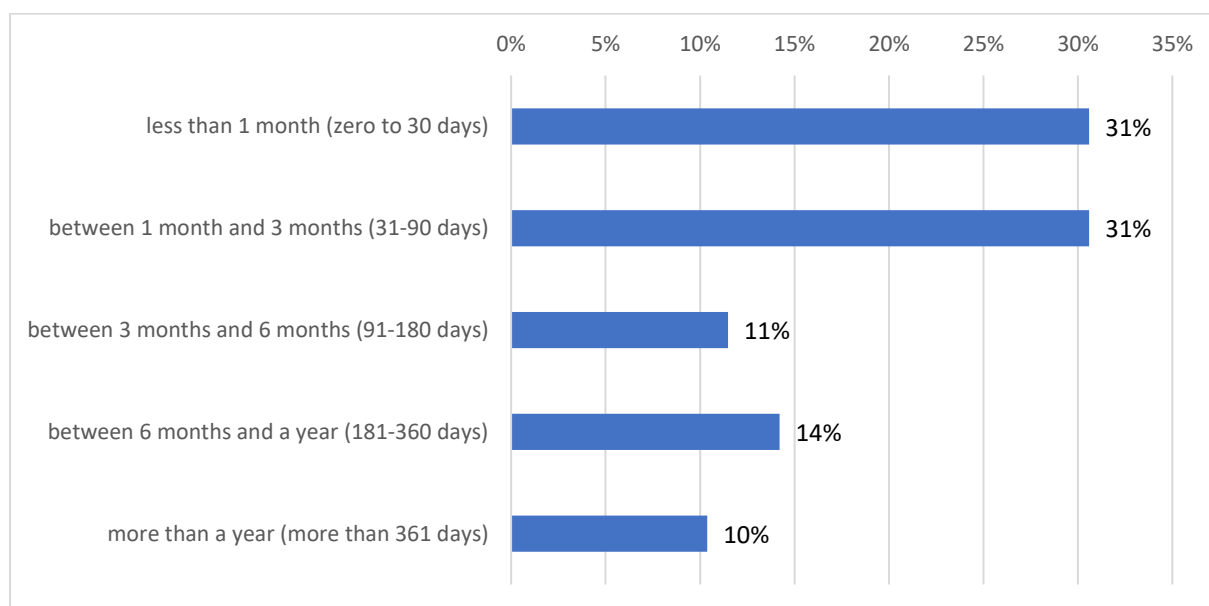
³⁹ This statement is a clear reflection of the different counting rules described in Chapter 3. The Review Dataset counts decisions made in the relevant financial year of application lodgement. The VOCC reports aggregated expenditure in a financial year. In 2019-20, the VOCC reported annual FAS expenditure of \$3.3M (ACT Human Rights Commission, 2020: 45).

decision. However, in the main, each application comprises multiple decisions about different of the payments, IN, EL and RP. In particular, s 42(2) of the VOCFA states that:

If an application for financial assistance includes a claim for an immediate need payment, the commissioner must give priority to a decision about the claim (the ***expedited decision***) before deciding any other claim in the application.

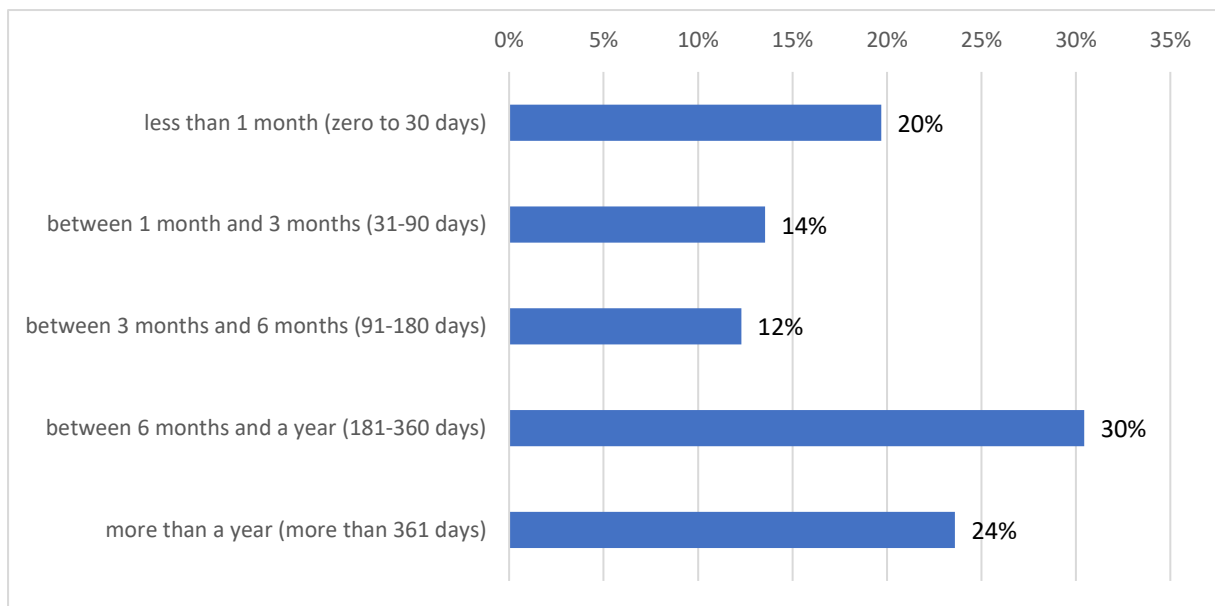
Figure 8 shows that the majority of IN payment decisions are made in under 90 days, with a third of decisions made in 30 days or less.

Figure 8: Time Taken to Process IN payment, From Application to First Payment



The time taken between lodgement of the application and the date of the first decision for RPs is longer (Figure 9). Only 20% were determined in under 30 days, while a third of these took between six months and a year. Nearly a quarter (24%) took more than a year to be determined.

Figure 9: Time Taken to Process RP Payments, From Application to First Payment



Another way of looking at timeliness is the proportion of applications (cases) where the status of the application is recorded as 'active'. This means that the assessors are actively working on the application and/or the application is not ready to be 'lapsed'. An 'inactive' application is one where the application is finalised or lapsed or where most payments have been made and assessors are waiting for the application to lapse.⁴⁰ Figure 10 shows active and inactive cases. Figure 11 shows active and inactive cases by offence category. However, caution must be exercised in considering these data, due to data entry challenges and because recording is unlikely to have been up-to-date due, to work demands.

The new database, Resolve, has several different 'status' options that may better capture the status of decision-making. Having a quick, transparent and ready way of showing what stage an application is at in the decision-making process is of obvious interest to applicants.

⁴⁰ Definitions provided by Manager, FAS in telephone conversation (28 October 2020).

Figure 10: Proportion of Cases Active, by FY of Application

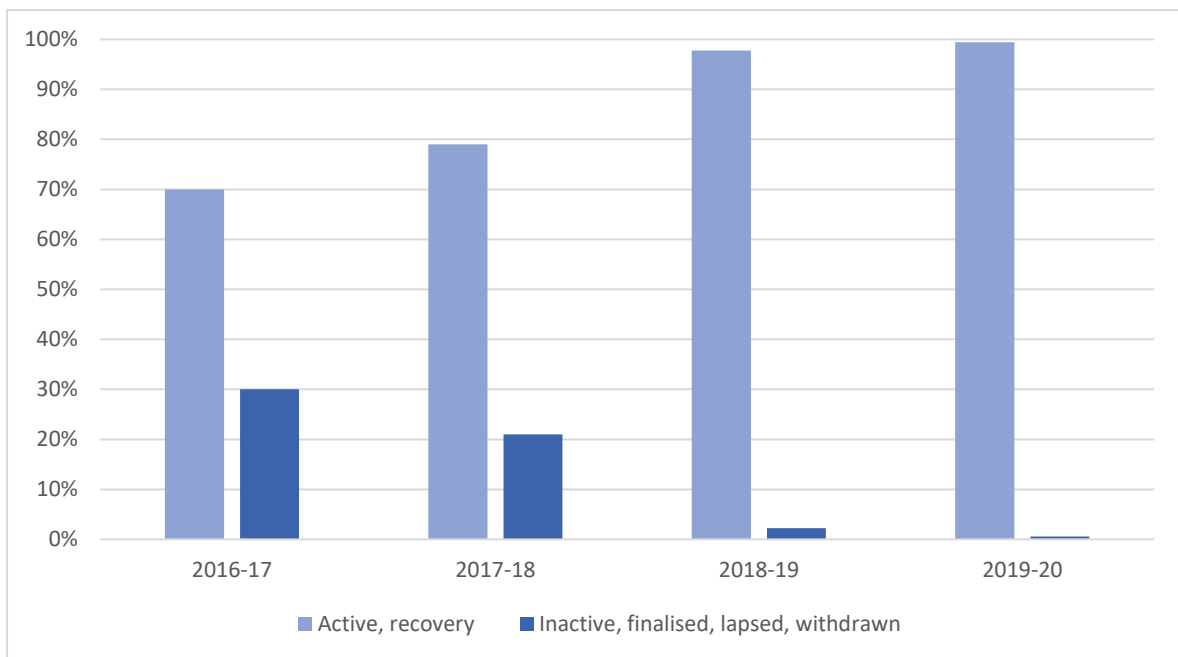
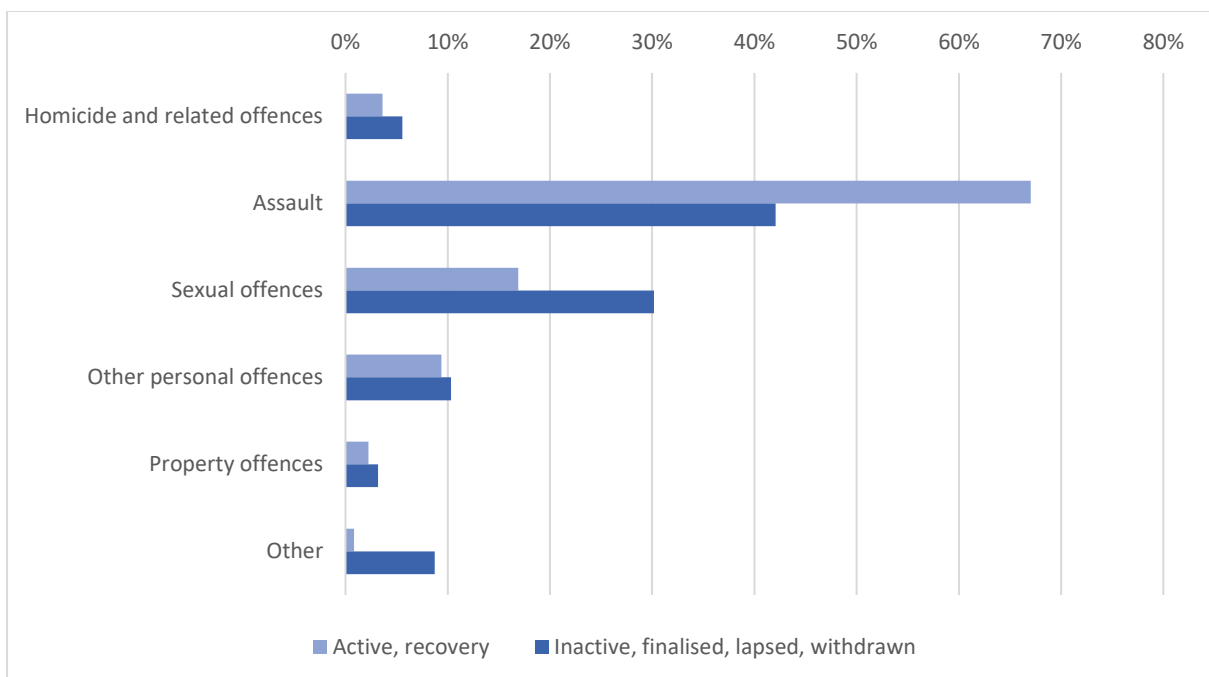


Figure 11: Proportion of Active Cases, by Offence Category, 2016-20 FYs Aggregated



Summary on timeliness: The number of permanent staff assessing applications has remained the same over the four years of the FAS operation since 1 July 2016, despite the 364% increase in number of applications.

Under the 'old' CIC scheme, the average time taken to finalise applications was three months for the ACT Magistrates Court and 1.5 months for the Supreme Court. The 2002 review of the 'old' FAS assessed that financial assistance was being provided in a timely manner (Dare, 2002: 33-34). Under the current FAS, the majority of applications, including claims for IN payments, receive a first payment in under one month. The majority of first RPs are made more than six months after the application is lodged, with 30% receiving the payment 6-12 months and 24% receiving it more than a year after lodgement.

The proportion of awards made in relation to applications lodged per year has declined in the four years of operation of the 'new' FAS, from 73% in the first year to 31% in 2019-20.

Overall, the FAS does not appear to be operating in a timely manner, with the exception of the IN payments.

ACT Victims Services Scheme

This section describes the VSS and presents basic data on its operations.

Policy Intentions for VSS

As discussed in Chapter 2, part of the policy debates about government responses to victims of crime revolved around how to help people better deal with the consequences of the victimisation. From the early 1960s, one significant response was to provide financial compensation for the harm and injuries (damage) caused by violent crime, especially psychological injury (sometimes called pain and suffering or mental or nervous shock). By the 1990s, criticisms of this approach began to emerge.

The 1997 ACT Government Discussion Paper, which canvassed the potential for reform, commented that developments in Victoria and in NSW were based, in part, on the argument that counselling could better assist a victim of violence to recover from the psychological effects of the victimisation than could a monetary payment (AGD, 1997: 27). A new Victims of Crime (Financial Assistance) Amendment Bill 1998 (ACT) was to be accompanied by a 'comprehensive victims services scheme', which would provide a range of rehabilitation services and case management. The scheme would provide information to victims about their rights and responsibilities in the criminal justice system, coordinate services for victims, and refer them to other community agencies (Dare, 2002: 10-11).

The VSS was established under the *Victims of Crime Act 1994* (VOCA) and came into effect in December 1999. One of the objects of the VOCA was to ‘help victims deal with the effects of criminal offences’ (s 3B(c)). The operations of the VSS were set out in Victims of Crime Regulations 2000 (ACT). Regulation 20 provides the objects of the scheme, namely, to:

- (a) provide assistance to victims of crime that will—
 - (i) promote their recovery from the harm suffered because of crime; and
 - (ii) (allow them to take part in the social, economic and cultural life of their community; and
- (b) provide the assistance to victims of crime using a multidisciplinary approach; and
- (c) provide the assistance to victims of crime in ways that are—
 - (i) timely; and
 - (ii) accessible; and
 - (iii) solution-focused; and
 - (iv) professional; and
 - (v) individualised; and
 - (vi) appropriate to the victim.

The Regulations stipulated that services may be provided or arranged by the VSS. As administrator of the scheme, the Victims of Crime Commissioner (VOCC) recruits, selects and engages ‘professional services’ (r 22(b)), being a ‘person’, both as employees of VSS and as private external Approved Providers (r 23).

The services to eligible victims are provided at different levels:

Level 1 – two contact hours of service for all eligible crime victims (r 33);

Level 2 – a further six contact hours for a narrower category of eligible victims, taken in practice to be victims of violent crime (r 34);

Level 3 – a further 12 contact hours, if the person’s case coordinator decides these would be of ‘therapeutic benefit’ to the victim (r 35); and

Exceptional circumstances – further contact hours may be approved, if these would provide ‘substantial therapeutic benefit’ to the victim (r 36).

Establishment of VSS

VSS was initially established as a program within the ACT Department of Health, which was funded by the (then) Attorney-General’s Department (AGD) to do so. From 2007, VSS was brought within the Justice and Community Safety Directorate (JACS) to comprise part of the new one-stop shop for crime victims, VSACT.

Previous Reviews

In the 10 years since the VSS commenced, it has been reviewed on three occasions. The main findings, relevant to the current review, are presented below.

Dare Review (2002)

The VSS was subject of a statutory review in 2001-2002 by an independent consultant, Dr Anthony Dare. The Dare review found that the VSS 'provides assistance using a multi-disciplinary approach, although the preponderance of assistance is based on psychology and counselling' (2002: 46). The review also found that, out of approximately 500 clients since the inception of the VSS, there had been only five requests for further contact hours after Level 3.

The review estimated that the VSS would receive 450 new clients over 2001-02 and that the scheme costs would be approximately \$600,000 in a single year.

The Dare Review reported that VSS had been subject of three previous evaluations, comprising two externally-commissioned surveys and a student-led telephone survey. Clients who responded to these activities rated aspects of the VSS highly. Discussing the ACT Government's intention for a service that would provide a range of rehabilitation services, Dare commented that:

the scheme to date has been primarily counselling. My impression is that the VSS finds it a struggle to go beyond the client-therapist paradigm, and in any case, is constrained by the regulations that are themselves a product of that paradigm (2002: 46).

Dare also commented that evaluating the schemes required a frame of reference, but that this was absent. He recommended 'each scheme needs an evaluation framework, including goals, key indicators, measures and minimum acceptable performance criteria for each indicator' (2002: 48).

AGD Review (2005)

This review was requested by the ACT Government, as the three-year contract with ACT Health was expiring. The review noted that VSS was assisting 912 'active' clients in 2005-06. A survey of VSS clients, conducted as part of the review, found high levels of satisfaction with the services with suggestions from clients, including:

- more follow-up by case coordinators;
- more advice about justice processes; and
- more promotion of the scheme's availability.

The Review Reference Group made a number of findings, including that:

- consistent, coordinated, seamless and personalised service delivery was insufficient;
- the desired mix of formal and informal supports had not been achieved; and
- there was insufficient knowledge within VSS of other services and supports.

The review discussed options for the consolidation of services, including that the VSS be brought within JACS and delivered under the statutory functions of the VOCC.

Garnett Review (2019)

The Garnett Review was commissioned by the VOCC and recommended changes to the VSS Regulations to better enable delivery of ‘flexible self-directed packages to support to victims’ (2019: 4).

A previous Early Intervention Team designed to manage increased demand (VOCC, 2012: 39) had been replaced by service delivery at the ‘front end’, also ostensibly to manage demand and reduce delays in accessing support (2019: 10). The review recommended ongoing assessment of this ‘triage process’ (2019: 14) and flexibility in the VOCC’s authority to monetise the levels of service, in order to maximise client choice (2019: 21).

Garnett reviewed the ‘hours provided to clients’ (2019: 22) from 2014 to 2019 and found:

- 68% used between 1 and 10 hours;
- 25% used between 11 and 20 hours; and
- 7% used between 21 and 58 hours.

Garnett also observed that, in the absence of definitions for key terms, future evaluations would be hampered.

Summarising past reviews:

Findings from the three previous reviews suggest that the policy intention of a ‘comprehensive’ service offering a range of rehabilitation services has been difficult to achieve and deliver. The two earliest reviews suggest that ‘the counselling paradigm’ predominates.

The reviews also suggest that the range of interactions that victims have with different sectors, especially the justice sector, are challenging to coordinate.

While referral numbers to VSS have increased, the proportion of clients who are ‘active’ in any given year has increased less and most use half their entitlement to VSS services.

Both the Dare and Garnett reviews commented on the need for an evaluation framework for the scheme and measurable outcomes.

The VSS Data

VSACT reports on its client activities in different ways. Anonymised raw data was provided to the review team (the Review Dataset). Where relevant, this is supplemented by data from VOCC annual reports.

Number of Clients

Table 28 shows service data from the VOCC annual reports. The table reveals a 60% increase in the total number of victims provided with assistance over these four years. In addition, the table shows that, during the same period, there was a 59% increase in the total number of clients being provided with substantive services (i.e. case coordination) [increase from 933 to 1487].

Table 28: Victims of Crime Provided with Assistance under VSS

	2015-16	2016-17	2017-18	2018-19	2019-20	% change
Clients provided with case coordination services						
New clients registered for case coordination	374	327	404	524	689	
Existing clients with new episodes of victimisation	51	24	6	6	107	
Existing registered clients with ongoing service needs	508	413	630	521	691	
TOTAL Case Coordination	933	764	1040	1051	1487	59%+
Clients provided with information and/or referred to other services						
Advice, information or referral	239	479	429	544	613	
Referral received; client declined service	160	151	140	80	44	
Out of scope/inappropriate referral	45	19	25	23	15	
Clients unable to be contacted	138	193	207	186	270	
Total	1515	1606	1841	1884	2429	60%+

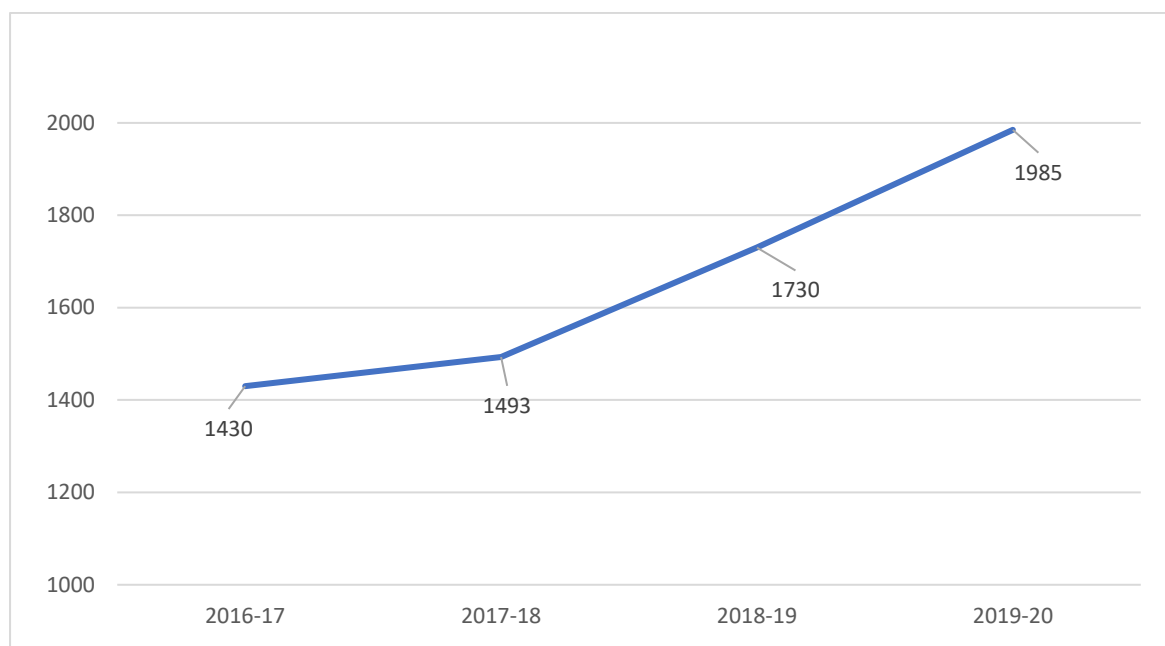
Source: ACT Human Rights Commission, 2019, 2020.

Referrals to VSACT

Counting the number of referrals provides another way to assess demand. Raw data supplied for the Review Dataset is for different years to that in Table 28, whereas the latter is for financial year annual reporting. The Review Dataset has been cleaned into cases in any given year rather than aggregated. The number of referrals also does not necessarily mean individuals as a person can be referred on more than one occasion. However, these reveal a

39% increase in the number of referrals to VSACT over four years, from 2016-17 to 2019-20 (Figure 12).

Figure 12: Number of Referrals to VSACT, by FY



In the main, individuals are referred to (or make contact with) VSACT by self or family (43%) or from non-government sources (35%) (Table 29). Referrals from criminal justice agencies account for a further 10%, while the source of the referral is 'other' or not recorded in 11% of cases.

Table 29: Source of Client Referral to VSACT, 2016-20 FYs, Aggregated

	N (all referrals)	%
Self/family	2881	43.4%
Internal HRC	19	0.3%
Non-government ACT source	2309	34.8%
ACT criminal justice/legal agency/police	660	9.9%
ACT government agency, other	17	0.3%
Other/Not recorded	752	11.3%
Total	6638	100%

Table 30: Total Referrals to VSACT, Clients With and Without Unique Identifier

Year	Total Referrals	Without UI	Unique UI
2016-17	1430	813	540
2017-18	1493	811	604
2018-19	1730	821	792
2019-20	1985	930	894
Total	6638	3375*	2830*

*Missing data N=433

These referrals are categorised by VSS as discrete individuals with a Unique Identifier (UI) and those without (Table 30). The clients without a UI could include multiple referrals for the same individual or where, upon contact with the person, the service is declined.⁴¹

Client Characteristics

In registering a person as a client, the VSACT staff collect personal and victimisation information. Calculating proportions from Table 28 shows that information is collected for 54% of people referred to VSACT, while no information is recorded for 46%. The reasons for the distinction are historical and create a big information gap. The new database, Resolve, has since eliminated the distinction.

The PAVER Review dataset thus comprises demographic and victimisation data on 2830 individuals with a UI. However, many variables have missing information. Therefore, only percentages are provided here. Over the four years, 77% of referrals were female and 23% male; 12% were First Nations. First Nations referrals were 6% in Year 1, 9% in Year 2, 14% in Year 3, and 11% in Year 4.

Victimisation and Victim Type

The majority of people referred to VSACT had been victimised by assault (52%) and a further 2% of referrals related to other non-sexual personal violence offences. The next largest category of people were those victimised by sexual offences (19%); 9% were property-related offences, 2% were homicide and related offences and 17% were other or not recorded. The majority of people referred to VSACT were categorised as the primary victim (85%, N=1923 (Table 31).

Where such information is known or recorded, 30% of people were victimised by a partner/ex-partner, 19% by a family member, and 22% by a known other. In over a quarter of referrals (27%), the offender was not known to the victim.

Table 31: Type of Victim, Whether Primary, Related or Witness, 2017-20, Aggregated

Date opened	Unrecorded	Primary	Related	Witness	Total
2017	6 (2%)	304 (83%)	36 (10%)	20 (5%)	366
2018	9 (7%)	369 (79%)	58 (12%)	32 (7%)	468
2019	13 (2%)	547 (88%)	35 (6%)	25 (4%)	620
2020	38 (5%)	703 (86%)	53 (6%)	27 (3%)	821
Total	66 (3%)	1923 (85%)	182 (8%)	104 (5%)	2275

⁴¹ Memo from ICT Manager, Human Rights Commission (12 Nov, 2020).

Summary on client numbers and recording: there has been a 60% increase in the number of victims provided with assistance since 2015-16. In the three years from 2016-17 to 2019-20, there has been a 39% increase in the number of referrals to VSACT.

People mostly find their way to victim support themselves, or through assistance by community-based and private providers.

Not recording a person's contact with a UI undermined the VSACT capacity to fully know and understand the people who reach out for assistance. The situation has now been resolved with the new database, Resolve.

It is mostly primary victims who make contact with VSACT and their diversity is expanding. The majority of clients of VSACT know the offender in some way.

Types of Assistance

The types of assistance that people who are referred to VSACT most commonly request are not recorded. However, the manager of the VSS volunteered service types and estimates.⁴²

Table 32: Types of Support Most Requested by Clients

Counselling	4
Financial assistance	3
Housing assistance	3
Attend meetings with the DPP and police.	2
Coordinated responses from other agencies	2
Help to report to police	1
Short term child care	1

5=most requested and 1=least requested

The types of services undertaken in-house by support staff were provided as estimates by the VSS manager (Table 33).

⁴² Memo from ICT Manager, Human Rights Commission (12 November 2020).

Table 33: Types of Services Most Undertaken by VSACT Staff

Coordinate brokered therapeutic services	5
Case coordination	5
Risk assessments and safety planning	5
Information about services	5
Psycho-education about trauma	5
Advocacy within the criminal justice system	4
Assist with FAS applications	4
Assist with/refer to Court Support (Including family violence orders)	4
Victim Impact statements	2
In-house counselling	1

5=most requested and 1=least requested

The types of service provided by episode of assistance is broadly equally distributed between in-house support and those provided by external Approved Providers (Table 34).

Table 34: Types of Service Provided, 2017-20, Aggregated

	2017	2018	2019	2020	Total
In-house services only*	215	267	291	474	1247
External Counselling	148	197	325	331	1001
Massage	2	3	2	10	17
Educational Assessment		1	2	0	3
Physical therapy other	1	0	0	0	1
Total	366	468	620	815	2269

*Such as court support, FAS assistance, assistance with legal processes

The level of service that victims' access or that is approved (by episode of assistance) concentrates substantively at Level 2 (Table 35). Level 2 is for victims of violent crime and, combined with Level 1, means eight contact hours.

Table 35: Level of Service Accessed/Approved, Aggregated

Service level	Distinct Count of Episode id
Level 1	32
Level 2	1307
Level 3	481
Except. Circumstance	30
Redress 10	5
Redress 30	1
Not recorded	419
Total	2275

(Note: Redress 10/20/30 are part of the National Redress Scheme for people who have experienced institutional child sexual abuse. The number [count] is the maximum number of sessions approved for that client).

Integrated Service Use

As noted earlier, the PAVER Review was supplied with two datasets by VOCC – one for the FAS and one for VSS. It was not possible to know the proportion of all clients who used which (or other) of the programs. However, from 1 July 2020, all client data was entered into the single case management system, Resolve.

Consequently, and following the PAVER Interim Report (December 2020), we requested service use data for all VSACT clients (Table 36).

Table 36: Service Use, All VSACT Clients (New and Continuing) Accessing any Service, 1 July-31 Dec 2020

	Services	What this means	Client Numbers (%)
1	Accessed Victim Support (VSS/VRR only)	Clients assisted by VSS incl VRR	1270 (45%)
2	Accessed Victim Support (FAS only)	Clients were a FAS client only	873 (31%)
3	Accessed Victim Support (both FAS/VSS)	Clients assisted by VSS and FAS	150 (5%)
4	Accessed Victim Support	Referred, not registered for ongoing support	551 (19%)
	Total		2844

SOURCE: HRC Resolve, tabulation confirmed 16 February 2021.

NOTES

- 1) *Referral* is a contact made with VSACT. Referral can be made directly by client or from third party (police/Supportlink, other service).
- 2) *Event* may be both the registering of the client and an incident experienced by a person.
- 3) *VRR* is Victims Rights and Reform. VRR could be assisting a client with a complaint or a problem they encountered in their dealings with us or another agency.

The integrated data shows that the majority of clients were recorded as accessing victims services and rights advocacy with a third accessing financial assistance only. Nearly one fifth of clients were yet to be assigned for ongoing support, a figure which is disturbing.

Summary observations on service use: Most occasions of service are provided by in-house staff. The next highest type of service provided to clients is counselling by external providers. The vast majority of clients (71%)⁴³ access up to Level 2 (8 hours).

An integrated perspective of client service use shows that a majority of clients accessed VSS/VRR services, followed by a third accessing FAS.

⁴³ This excludes RCIRCSA redress clients and those not recorded.

CHAPTER 8: CLIENT EXPERIENCES WITH VICTIM SUPPORT AND ASSISTANCE IN THE ACT

This chapter provides information about Victim Support ACT (VSACT) clients' experiences with and assessments of the responses they received from agencies and support programs in the ACT. Nearly 300 current and past clients of VSACT provided feedback in an online survey. Twenty-four people also participated in a one-to-one interview.

Gathering Client Feedback: Methodology and Analysis

Methodology

As described in detail in Chapter 3, the review sought feedback from members of the ACT community who were aged over 18 years, had experienced violent victimisation in the ACT, and had accessed the Financial Assistance Scheme (FAS), Victims Services Scheme (VSS) or another relevant ACT victim service.⁴⁴ Only those who had been in contact with VSACT after 1 July 2016 were invited to participate. VSACT compiled a list of potential respondents (from 1676 client records) for whom they had an email address. The list was then reviewed by a senior staff member to check for any current high risks and one person was removed from the list as a result. Then, individuals with a unique email address were emailed by VSACT, with an invitation to participate in the review, including a weblink to a Qualtrics survey site hosted by the Australian National University (ANU). They could participate by way of completing the anonymous online survey. At the end of the survey, they were invited to provide their contact details if they wanted to participate in a one-on-one interview and/or a focus group. As no VSACT clients volunteered for a focus group, this chapter reports on the survey and interview feedback.

The invitation to access the online survey was circulated by VSACT on three occasions: 4 and 14 December 2020 and 15 January 2021. The first invitation was circulated to and received by 1403 individuals. Following the first invitation, VSACT staff removed from the circulation list any emails that had 'bounced' or where a return email indicated that the client declined to participate.⁴⁵ By the third distribution, the invitation went to 1376 individuals. Twenty five percent of those invited did submit a response to the survey (N=342). After data cleaning, N=296 (ie, 22% of the sample VSACT client base) responses were retained. The analysis section further discusses different respondent numbers for different of sub-sets in the survey population.

⁴⁴ The research team prepared and implemented different strategies to support respondents. In addition to the standard ethical requirements, researchers implemented a safety protocol, a trauma-informed research plan including the availability of independent and direct psychologist support, and a COVID-19 safety plan (ANU Human Research Ethics Committee Protocol 2020/393).

⁴⁵ At the first distribution, 48 emails 'bounced'.

No individual identifying information was disclosed by VSACT to the review team. Neither could VSACT receive information from the review team about which clients had or had not completed the online survey. Individual results from the online survey were submitted anonymously. Upon completion of the survey, individuals could identify themselves to the review team, by volunteering to receive information about an additional interview or focus group. Answers from the online survey could not be matched to any individual interviewee. A minimum of two attempts to contact volunteer interviewees were made by researchers, commonly three attempts. Upon receiving information about the interviews, individuals could choose to proceed with an interview (informed consent to participate) or decline to proceed further.

Of those who completed the online survey, 21 individuals, plus eight others who made contact by other means, indicated an interest in a one-on-one interview. Ultimately, 24 interviews were conducted. Nearly all client interviewees were drawn from the survey sample. In reporting the findings, therefore, it should be born in mind that these are a subset. The interviews were conducted face-to-face, by phone and/or Zoom. On average, interviews took approximately 60 minutes.

The online survey comprised four sections and a total of 50 questions, the majority of which were closed questions. The interview schedule was more extensive, with eight sections and 90 questions, being a mix of closed- and open-ended questions. However, the interviewers exercised considerable discretion and, as a result, the interview was directed by the interviewee's narrative. As far as possible, the interviewer consistently canvassed core questions directly relevant to the review.

Data Analysis

Once the online survey was closed to further respondents, the results were downloaded into an excel file and cleaned. Those with a majority of blank responses were removed. A descriptive analysis of demographic and victimisation variables was conducted (N=296). Some open-ended demographic questions (country of birth and type of disability) and the approximate date of the victimisation were coded. A set of procedural justice questions were asked, with regard to respondents' experience with police, VSACT and the two programs, FAS and VSS. A number of questions (eg, Likert scaled questions on overall satisfaction, relative importance of item, and whether the participant applied for FAS, whether a payment had been received) were coded dichotomously, to enable simple comparisons between sub-samples.

Two self-assessment questions were asked at different points in the survey, for the purpose of later comparison: how seriously did the incident affect different areas of the person's life and how active was the person in the social, economic and cultural life of the community.

All 296 of the survey respondents answered the demographic questions and those on the first crime type and its effect on them. However, not all 296 answered every question in the survey. For example, 240 answered questions about reporting to police. Additionally, the survey design included a number of skips that removed certain questions that were not applicable, depending on earlier answers. As an example, 141 respondents indicated that they had made applications for financial assistance. Thus, the survey analysis of different key questions will refer to different sub-sample sizes.

Where relevant, we compare the present review survey findings with those from similar research conducted in the ACT in 2009 by the Australian Institute of Criminology (AIC) (McGregor, et al., 2013). There are differences, as well as some similarities between the two populations surveyed (Table 1). The present review recruited participants from those who had sought help from VSACT, whereas the AIC respondents were recruited from the general population, as persons who had experienced any type of crime victimisation and may or may not have or sought help. However, both the survey populations may or may not have reported their victimisation to police.

Table 37: Comparison Between AIC and PAVER Surveys

	AIC 2009	PAVER Review 2020-21
Survey population	General ACT	VSACT service users
Final survey sample	N=145	N=296
Demographics	56% female, 1% Indigenous	80% female, 5% Indigenous
Victimisation experience	Majority break and enter	Majority physical assault
Report to police	86%	80%
Satisfaction with police	48%	55%
What wanted from victim services	Information about being a victim of crime	Counselling/someone to talk to for support

To analyse the 24 interviews, a data dictionary and codebook were prepared. Notes and recordings from each interviewee were then used to code responses in excel. Additionally, thematic analysis of narratives was conducted, with specific regard to the purposes of the

review. To protect confidentiality, no identifying information is provided for the source of interviewee quotes. The following sections combine survey and interview findings.

Findings: Survey and Interview Respondents

Personal Characteristics and Victimization Experiences

Of the 296 respondents to the online survey, the majority (80%) were female, reflecting the current client profile at VSACT (Human Rights Commission, 2020). A minority were Indigenous (5%), were born outside Australia (17%) or spoke a language other than English (LOTE) (6%). A higher proportion of people disclosed a physical or other disability (30%) than is reflected in the current VSACT client profile.

An introduction in the survey stated: ‘At some time in the past four (4) years since July 2016, you were in contact with Victim Support ACT (VSACT) in relation to a crime of violence that happened to you in the ACT.’ Following this statement, individuals could type in what that victimisation was. The responses of the 269 respondents who answered were then coded to reflect the categories supplied by ACT Police and as developed in the Review Database (Chapter 7).

Table 38: Online Survey Respondents – Type of Victimization⁴⁶ (N=269)

Crime type	N number	%
Homicide and related offences	5	2
Assault	57	21
Assault DV	87	32
Sexual offences	68	25
Other personal offences	30	11
Robbery	11	4
Burglary	5	2
Property damage	3	1
Theft	1	0
Other	2	1
Total	269	100%

⁴⁶ Survey responses to the type of victimisation were coded to those categories used in the ACT Policing data and in the Review Dataset (see chapters 5 and 7).

The overwhelming majority indicated they had experienced assault or attempted assault, with most being ‘assault – DV’. Sexual victimisation comprised the next highest category of crime type victimisation (Table 38).

When asked about the nature of the relationship with the person who had used violence, a majority (55%, N=163) indicated that the perpetrator was a family member. Of these, three-quarters (N=121) indicated it was a partner or ex-partner. A quarter (24%) indicated that the offender was a stranger, with 20% indicating it was a person known to them in other ways.

Table 39: Survey Respondents – Personal Characteristics and Type of Victimisation (N=269)

Crime type (N respondents)	% Female (N=212)	% Disability (N=85)	% Indigenous (N=16)	% not AU born (N=48)	% LOTE* (N=16)	% Total Crime type (N=269)
Homicide and related offences (N=5)	60	0	20	40	20	2
Assault (N=57)	51	28	5	19	5	21
Assault DV (N=87)	94	23	6	20	9	33
Sexual offences (N=68)	85	47	6	16	4	25
Other personal offences (N=30)	77	40	7	20	0	11
Robbery (N=11)	73	9	9	0	0	4
Burglary (N=5)	80	1	0	0	0	2
Property damage (N=3)	100	33	0	0	0	1
Theft (N=1)	0	20	0	100	100	0
Other (N=2)	100	50	0	0	0	1
Total % (N=269)	79	32	6	18	6	100
Multiple crimes (N=187)	82	40	6	16	5	70

*LOTE=language other than English spoken at home

Table 39 sets out the respondents’ personal characteristics, disaggregated by the type of crime experienced. This reveals that 94% of ‘assault – DV’ was experienced by females, while 40% of ‘homicide and related offences’ were experienced by persons not born in Australia and 20% by Indigenous persons. Of those who had experienced sexual offences,

47% indicated that they had a disability. Over a third of survey respondents (N=109, 37%) indicated that they had experienced a single crime type victimisation, with most (N=200, 63%) experiencing two or more. Over two-thirds (N=206, 70%) indicated that they had experienced the victimisation after 1 July 2016. Seven respondents (2%) indicated that their victimisation had occurred before 1983.

Like the survey sample and the VSACT's client base more generally, the interview sample was mainly female (79%, N=19). Four people were born outside Australia (17%) and two (8%) spoke a language (Mandarin) other than English (LOTE). Over half (57%) disclosed a physical and/or other disability. No interviewee indicated they were Indigenous.⁴⁷ We recognise that there is a need to hear directly from Indigenous people with lived experience of government services under review and acknowledge the lack of Indigenous interviewees as a limitation of the research. We greatly appreciated the contributions of a number of Indigenous stakeholders working in community-based services and inside government who gave interviews, participated in focus group discussions and offered their experiences to the PAVER Review.

Most interviewees had experienced physical assault (46%, N=11). The next most common experience was homicide (25%, N=6), followed by sexual assault (17%, N=4). Half (50%) indicated that they were unrelated (N=12) or related (46%, N=11) to the offender with one saying the offender group comprised both related and unrelated persons. Related offenders included partner, ex-partner, foster brother and multiple other family members. For over half of the interviewees, the victimisation involved multiple incidents (58%, N=14), with the remainder (N=10) experiencing a single incident.

Impact of the Victimisation

Interviewees indicated short- and longer-term impact on them as a result of the victimisation. They were 'shocked', 'shaken', 'scared', 'horrified' and 'devastated'. They were 'isolated from friends', 'couldn't eat or sleep', or 'couldn't work'. They were affected 'psychologically, physically, sexually, spiritually, socially', with the effects 'compounded by poor justice processes'.

All interviewees indicated that they were affected physically and/or emotionally as a result of the victimisation. They described injuries, including permanent eye damage, bruising, a dislocated shoulder and broken ribs, stomach pains and depression amongst others. Some required hospitalisation, while others managed minor injuries themselves.

Victimisation affected all parts of life: it had an impact on the 'the whole family', placed a strain on family and friendships, and later affected intimate relations with others. People 'struggled at work', had a 'business collapse' or 'lost [their] job'. Some 'dropped out of

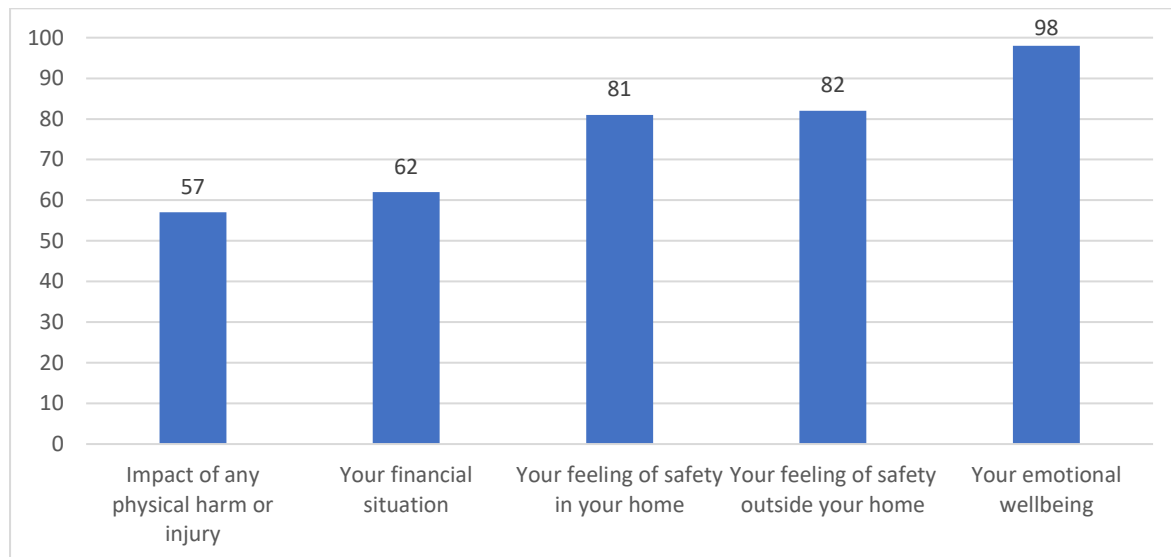
⁴⁷ We had arranged for an Indigenous researcher to conduct any interviews with Indigenous participants.

school' or experienced negative effects on their tertiary education. Most felt unsafe in many ways ('I turned into a hermit', said one), with some relocating or moving interstate.

For online survey respondents, a majority (66%, N=194) indicated that, prior to becoming a victim of crime, they were 'able to take part in the social, economic and cultural life of their community' 'a great deal/a lot'. Just 5% (N=15) indicated that they took part in 'none at all'.

Nearly all (98%) of the respondents indicated that the most significant impact ('very/quite serious') of the victimisation was on their emotional well-being. A significant majority indicated that the impact was 'very/quite serious' on their feeling of safety inside (81%) or outside (82%) their home. In addition, 62% indicated that effect of the victimisation on their financial situation was 'very/quite serious' and 57% said the impact of the physical harm or injury was 'very/quite serious' (Figure 13).

Figure 13: Impact of Victimisation on Areas of Individual's Life, % Very/Quite Seriously (N=296)



Clients' General Experiences with Victim Support ACT

Most interviewees who could recall said that they found out about VSACT from the police (N=13), from other services (N=5) or from family and friends (N=2). The time between the incident and contact with VSACT varied greatly. Most of the online survey respondents, found out about VSACT from the police (41%) or another service (35%) (Table 40). Just under half (49%) indicated that they made contact with VSACT within four weeks of the incident, with a third (35%) indicating it was more than six months after the incident (Table 41). Two-thirds (66%) indicated that, prior to their contact with VSACT, they did not know this service existed (Table 42). Most survey respondents (52%) indicated that VSACT initiated contact with them (Table 43).

Table 40: Who Told About VSACT (N=269)

Police	111	41%
Another service	94	35%
Self	21	8%
Lawyer	19	7%
Family/friends	18	7%
Work colleague	6	2%
Total	269	100%

Table 41: Time Between Most Recent Incident and Contact with VSACT (N=269)

Within 2 days	21	8%
Within 7 days (1 week)	46	17%
Within about 1 month (4 weeks)	64	24%
Within 6 months	44	16%
More than 6 months	94	35%
Total	269	100%

Table 42: Knowledge About VSACT's Existence Prior to Contact (N=269)

Yes	67	25%
No	177	66%
Don't know/can't recall	25	9%
Total	269	100%

Table 43: How Contact with VSACT Happened (N=269)

VS telephoned	105	39%
I phoned VS	85	32%
I emailed VS	20	7%
VS emailed	17	6%
Letter from VS	13	5%
VS home	5	2%
Other	24	9%
Total	269	100%

When contacting VSACT, just under half of the interviewees (48%) said that they did not really know what they wanted or what the service provided. Some wanted ‘any support’, ‘information’ or ‘someone to talk to’. They also indicated that, in their engagements with VSACT, they applied for both financial assistance and used VSS external help (46%, N=11), only used the external services (33%, N=8) or only accessed financial assistance (21%, N=5).

Those answering the online survey could select more than one item from a list of the type of help or service they were seeking from their first contact with VSACT. A majority (78%) indicated that they wanted counselling/someone to talk to for support. The next most common needs were for information about being a person affected by violence and help with making a compensation/financial assistance claim (Table 44). The emphasis on these services, rather than on practical concerns, as in the AIC survey (McGregor et al., 2013) is likely a reflection of the higher proportion of assault and sexual assault in this sample, as opposed to break and enter victimisation in McGregor et al.’s sample. Table 45 also shows which services survey respondents indicated they actually took up once in contact with VSACT. Of the top three items respondents indicated they had wanted, slightly fewer proportionately actually took these up. This decline in take-up is the same across nearly all items of service.

Table 44: Help Wanted from VSACT and Help Taken up (N=269)

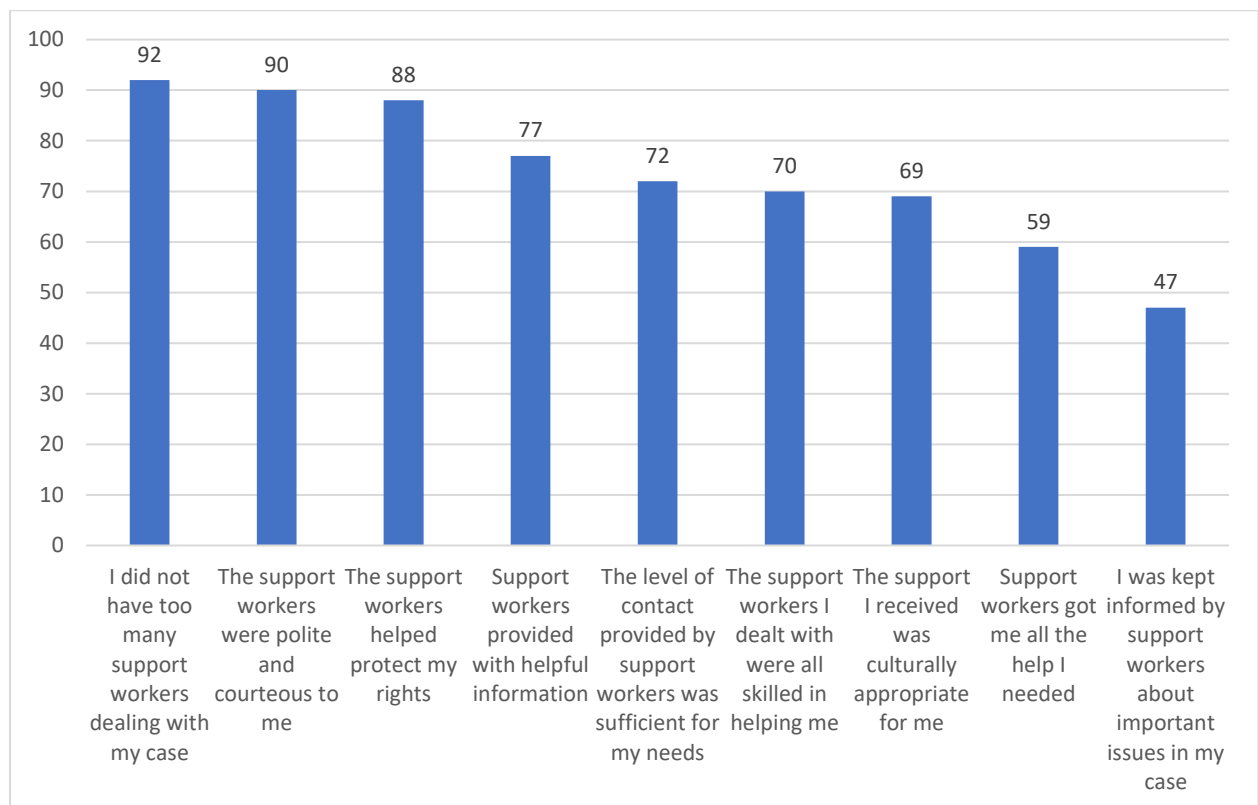
	Help wanted N (%)	Help taken up N (%)
Counselling/someone to talk to for support	211 (78)	198 (74)
Information about being a person affected by violence	109 (41)	80 (30)
Help with making a compensation/financial assistance claim	107 (40)	100 (37)
Help and guidance with the justice system	84 (31)	53 (20)
Protection from further victimisation/ harassment	78 (29)	46 (17)
Help with my rights in the justice system	62 (23)	45 (17)
Information about security/crime prevention	59 (22)	44 (16)
Help in reporting the incident/ dealing with police	39 (14)	26 (10)
Physical therapies	29 (11)	25 (9)
Practical help (eg with cleaning up or making a list of what was stolen)	11 (4)	6 (2)
Help with making an insurance claim (not making a list)	0 (0)	1 (0)
Something else	25 (9)	27 (10)
None of these/did not want support	N/A	9 (3)

The assessments made by interviewees of their engagements with VSACT were varied and reflected their involvements with the different programs. Some said the processes were confusing and they ‘needed [a] clear mental map of what I could do’ and that ‘people in trauma don’t remember’. For those who spoke of the FAS, there were a number of negative comments: it was ‘unnecessarily protracted, inefficient ... very frustrating’, ‘demanding’ and ‘overwhelming’. For those reflecting on the internal and external services they received, it was ‘pretty smooth’ for some and less so for others. One person said: ‘it takes a lot to reach out and then hear nothing for two weeks. Put me off’. For both FAS and VSS, a number of interviewees indicated frustration with the limited scope of assistance available. One indicated that she wanted financial assistance for home security, but had not received a decision some 12 months since applying; another was isolated at home and had food delivery costs and another said that ‘no other services were explained [by VSS], [it was] mainly counselling’. For both programs, interviewees were mostly positive about staff courtesy and politeness, but there was significant variation in interviewees feeling included in decision-making or in staff being prompt in communications. Waiting for financial

assistance decisions, for example, is clearly a problem. One woman said that the waiting was ‘like the [criminal] trial’ for her sexual assault. Another simply ‘gave up’.

Procedural justice questions were asked in the online survey as well as with interviewees and results were similar. Survey respondents were asked to respond to a series of statements about how they were treated by VSACT on a 5-point Likert scale.⁴⁸ As set out in Figure 14, nearly all (92%) indicated that they did not have ‘too many’ workers assisting them. An overwhelming majority (90%) agreed that the support workers were polite and courteous and helped protect their rights (88%). Three-quarters (77%) agreed that the support workers provided them with helpful information and 72% agreed that the level of contact was sufficient for their needs. A majority also agreed that support workers were skilled in helping the person (70%) and that the support received was culturally appropriate for them (69%) (Figure 14). Over half (59%) agreed that the support workers were able to get them the help that they needed, though under half (47%) agreed that support workers were able to keep them informed of important issues to do with their case.

Figure 14: Experience of VSACT Response, % Strongly Agree/Agree (N=269)



The differences between clients’ assessments of sufficient contact and being kept informed is especially relevant for VSACT as a service with limited resources trying to get the balance

⁴⁸ The agreement scale used throughout was: strongly agree, agree, no opinion/not sure, disagree, strongly disagree.

of contact. It is relevant here to note that feedback from many interviewees revealed varying experiences. Some commented that they spoke with a number of staff and settling on one person took time. A few also commented that, after connecting them with an Approved Provider, they ‘heard nothing more’ from VSACT and that, while the ‘initial contact was good, very supportive and helpful ... afterwards was pretty bad’, that ‘contact dropped away’ or ‘just stopped’. Another said, however, that staff were ‘very patient ... and didn’t give up’.

Following these statements, survey respondents were asked to rank from a list of options the **type of contact** they preferred from VSACT. The most preferred type of contact was for ‘mix of contact from me and from my worker’ (41%), followed by ‘contact initiated by me when I chose’ (32%). (Table 45). Respondents were also asked to rank **how they would prefer the service to be delivered** and most strongly ranked a preference for ‘a single worker who knows my situation and helps me’ (70%) (Table 46).

Table 45: First Preference for Type of Contact from VSACT Staff (N=269)

A mix of contact from me and from my worker	109	41%
Contact initiated by me when I chose	86	32%
Regular contact initiated by my support worker	74	28%
Total	269	100%

Table 46: First Preference for How Service to be Delivered by VSACT Staff (N=269)

A single worker who knows my situation and helps me	187	70%
A number of workers who plan and coordinate support for me	43	16%
Workers who organise for me to get support from others	39	14%
Total	269	100%

Survey respondents were asked whether they had applied for financial assistance (FA) (23%), registered for victim support services (VSS) (31%), had applied/registered for both (46%) or neither of these (12%) (see Table 47).⁴⁹

⁴⁹ Depending on a respondent’s answer, the survey design skipped the person to the next relevant section. It is apparent from the data that this was not successful in every survey response. The analysis manually separated responses as ‘correctly’ as possible.

Table 47: VSACT Programs Engaged with, Number of Individuals (N=269)

VSACT program	N number	%
Applied for financial assistance	46	23
Registered for victim support services	95	31
Applied for financial assistance/Registered for victim support services (both)	95	46
Neither of these	33	12
Total	269	100

Removing those 33 respondents who had not applied for either of the programs yields a total of 236 who applied or registered for one or both of the support programs offered by VSACT. As individuals could engage with more than one option, we count *applications/registrations*, as opposed to *individuals*. The difference in this unit of analysis becomes relevant to understanding respondents' evaluations of the programs offered by VSACT. Table 48 indicates that, of the total number of applications/registrations, 43% related to financial assistance, while the larger proportion (57%) related to VSS.

Table 48: VSACT Programs Applied for, Number of Applications/Registrations

VSACT program	N number	%
Applied for financial assistance (only/both)	141	43
Registered for victim support services (only/both)	190	57
Total	331	100

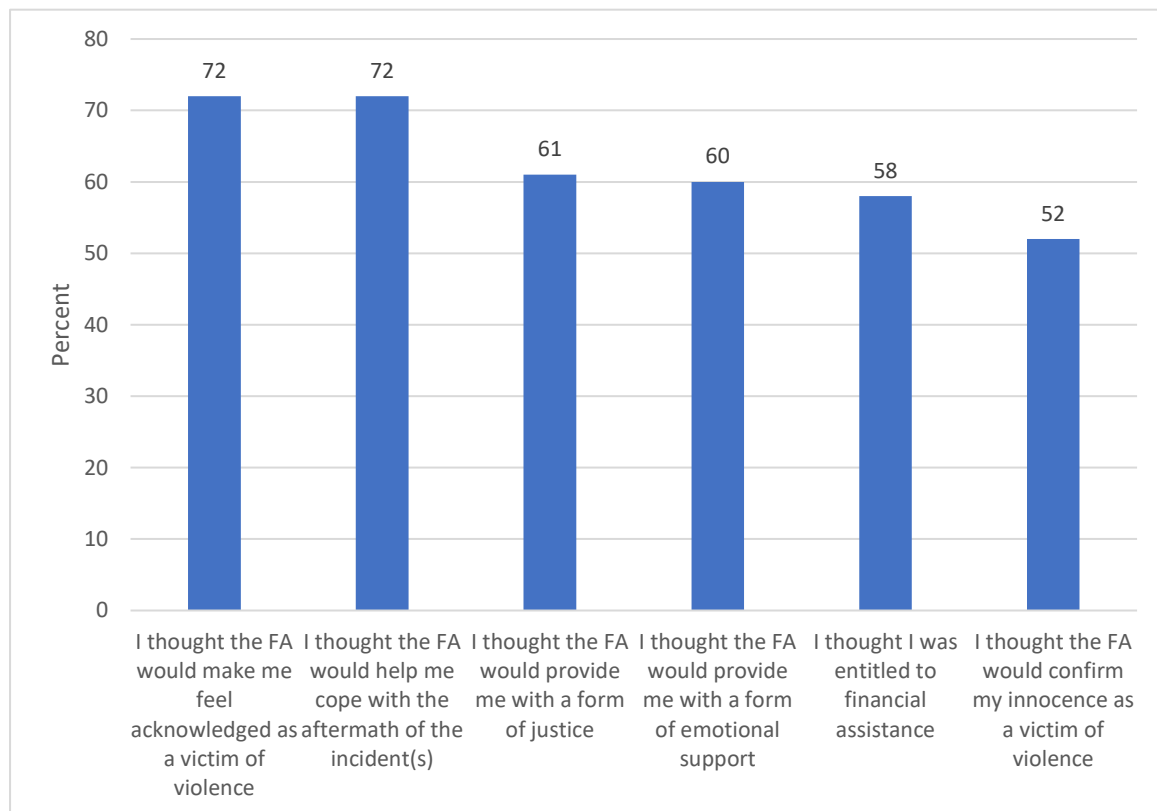
VSACT Clients' Experiences with Financial Assistance Scheme (FAS)

This section describes survey respondents' experiences with and assessments of the FAS. We discuss the assessments made by interviewees at the end of this section. We focus on those respondents who applied, who indicated that they had received a decision on their application and, later, on those who indicated that they had received some form of payment. The description notes when individuals are the unit of analysis and when applications are being discussed.

This next analysis *mostly* uses only those survey respondents who indicated that they had made applications for FAS (N=141). However, of that sub-set, not every respondent answered every relevant question. Of 141 applications, most respondents indicated that they found out about the FAS from police (43%) or another service (30%). Over half (53%) of the respondents indicated that they had found out about the scheme within six months of the incident, with under a quarter (23%) indicating that it was more than two years after the incident. Most (84%) indicated they had made only one application.

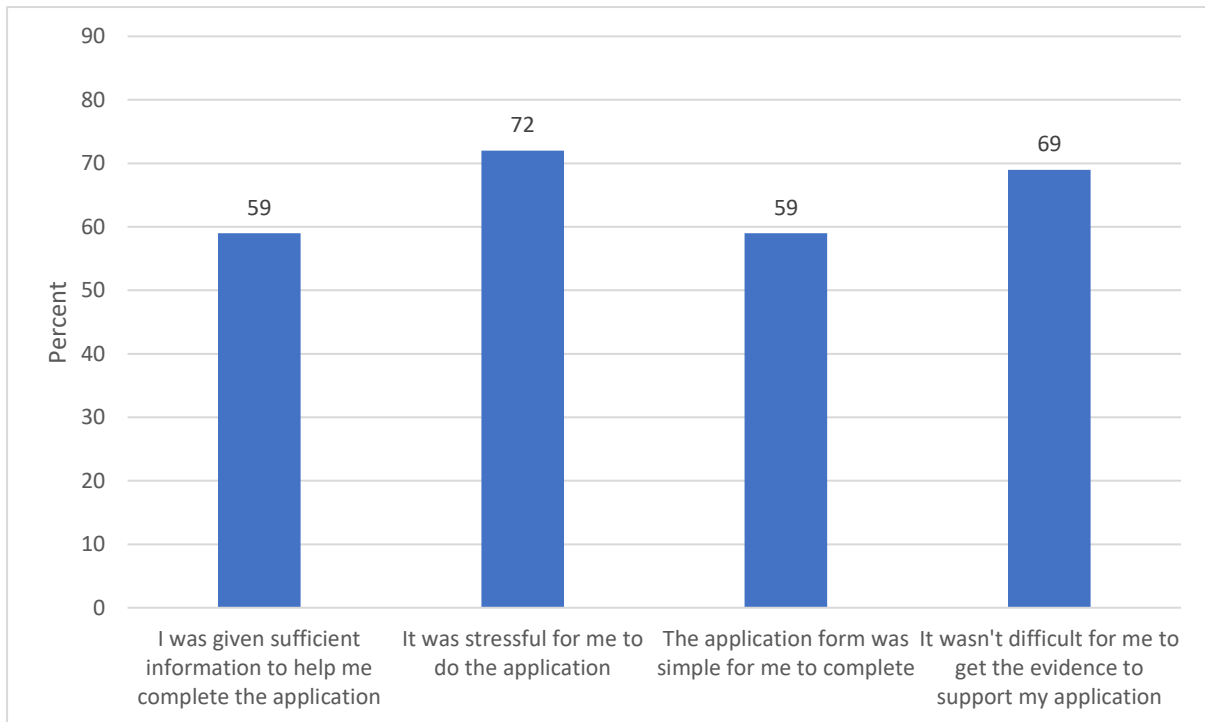
Survey respondents were asked to respond to a series of statements about their reasons or motivations for making their FA application on a 5-point Likert scale. Equal proportions indicated that they were motivated to apply because they thought it would make them feel acknowledged as a victim or help them cope with the aftermath of the incident(s) (both 72%) (Figure 15). Less common reasons included that the assistance would provide a form of justice (61%) or emotional support (60%).

Figure 15: Motivations to Apply for Financial Assistance, % Strongly Agree/Agree (N=141)



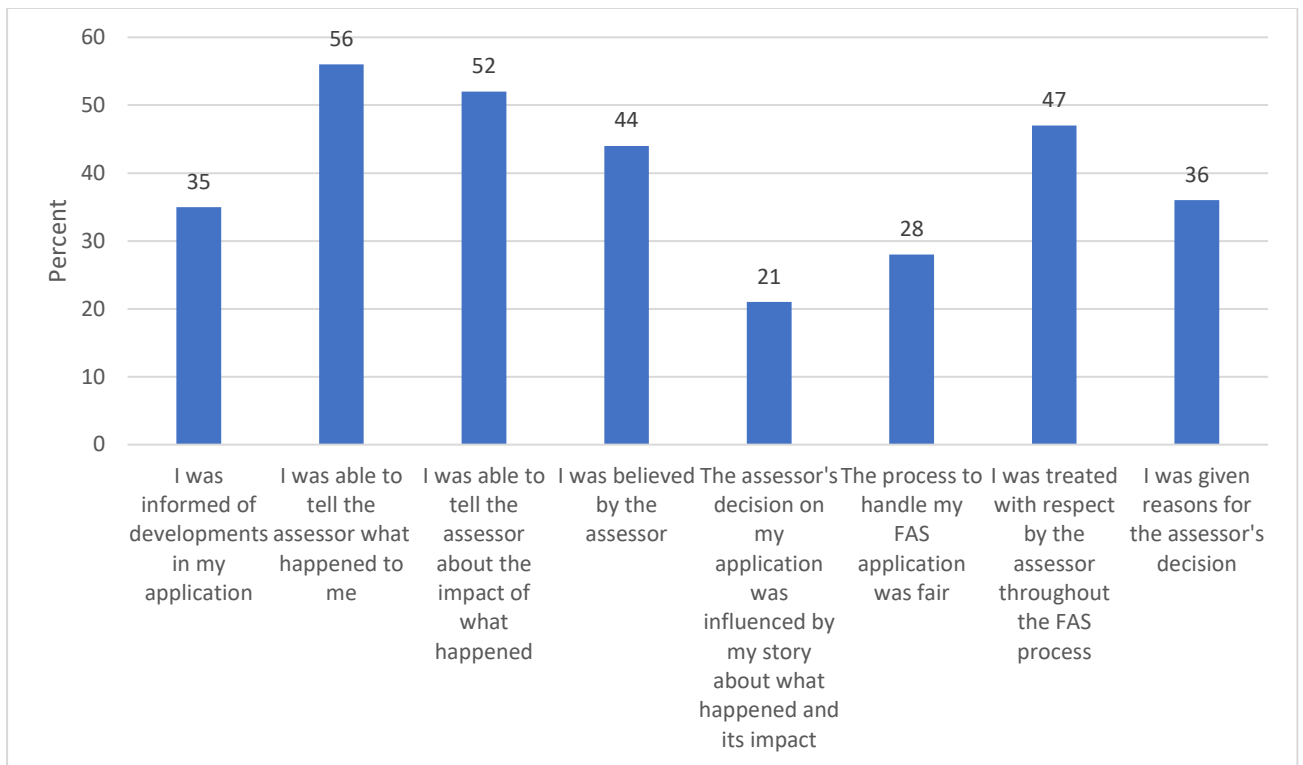
In making the application, nearly half (45%) indicated that they did all the paperwork themselves and a quarter (26%) said it was their victim support worker who helped them. Survey respondents were asked to respond to a further series of statements about making the FA application on a 5-point Likert scale. A majority (72%) found making the application stressful, although 69% indicated that it was not difficult getting the evidence to support the application. Equal proportions (59%) indicated that they were given sufficient information to help them complete the application and that the form was simple to complete (Figure 16).

Figure 16: Experience of Applying for Financial Assistance, % Strongly Agree/Agree (N=138)



Survey respondents were also asked to respond to a series of statements about their experience of procedural justice in applying for FA. Of those who had applied for FA, their procedural justice rating of their treatment by assessors was variable (Figure 17). Over half (56%) agreed that were able to tell the assessor about what happened to them and the impact of what had happened (52%). However, under half agreed that they were treated with respect (47%) or believed by the assessor (44%). Just one fifth (21%) felt their story had influenced the assessor's decision.

Figure 17: Assessment of Treatment by Assessors, Clients Applying for FA Application, % Strongly Agree/Agree (N=141)



Of the 141 applications for FA, 71 (50%) indicated that they had received a decision. Of those respondents, Table 49 shows that three-quarters (N=54, 76%) had received a payment of some kind, as a result of the decision.

Table 49: FA Application with Decision Received and Payment (N=71)

Applied for FA and:	N number	%
Received any payment	54	76
Have not receive a payment	17	24
Total applied for FA with decision	71	100

Of the 54 people who had received a payment, just over half received an amount under \$5,000, with a third receiving over \$10,000 (Table 50).

Table 50: FA Application with Payment, Amounts Received (N=54)

Applied for FA and:	N number	%
I received an amount over \$10,000	16	30
I received an amount between \$5,000 and \$10,000	9	17
I received an amount under \$5,000	29	53
Total FA payments received	54	100

As discussed above, at the beginning of the survey, respondents were asked to indicate the most significant impact ('very/quite serious') of the victimisation. Table 51 compares the impact of the victimisation for the total survey sample (N=296) alongside the importance of the payments received: the sub-set who had received a payment (any kind) (N=54) and a further sub-set who had received a recognition payment (RP) (N=39).

This shows interesting variation between the sub-sets. In particular, those who had received any payment and those who had received a recognition payment had experienced a higher financial impact as a result of the victimisation than the survey sample as a whole. Respondents who had received a payment had experienced greater impacts on their financial situation than the total sample (80% and 62% of respondents respectively indicated the impact of this was 'very'/'quite' serious).

Table 51: Importance of Payments in Helping Deal with Victimisation Impacts

Applied for FA and...	All survey respondents % (N=269)	All received a payment % (N=54)	All received RP % (N=39)
Impact of any physical harm or injury	77	56	74
Your financial situation	62	80	74
Your feeling of safety in your home	81	63	62
Your feeling of safety outside your home	82	61	59
Your emotional wellbeing	98	83	85

The self-assessment impact of victimisation is high across all areas of respondents' life. The importance of receiving any payment is pronounced on peoples' financial situation (80%). The payment is important on emotional wellbeing (83%) and the recognition payment especially so (85%). As a cautionary note, these data are not meant to imply that the receipt of certain payments causes a particular assessment by the respondent. In observing the different assessments of the same question by sub-sets of the overall sample, we suggest that the relationship between receiving money from an assistance scheme and important

areas of life needs further research. A literature review found that studies showed no relationship (Holder and Daly, 2018). That research did find, however, that sexual assault survivors who received payments valued the acknowledgement that the recognition payment provided and valued the assistance towards practical matters that arose in consequence of the victimisation.

Interviewees' Assessments of FAS

As mentioned earlier, a majority of interviewees (67%, N=16) indicated that, in their engagements with VSACT, they applied FA alone or with other support services. About equal numbers indicated they were motivated to apply for recognition or validation, and for funds to pay for expenses and costs associated with the impact.

Most said that they found the process of applying daunting in some way. Comments included that it was unclear what they could apply for, the questions were ambiguous and repetitive, and that the form itself was onerous and complex. A few people worried for others who might not 'handle the paperwork' and give up. One person said he was asked for a psychologist's assessment, but that this would cost more than he was actually claiming. He went on to say: 'You need a lot of heart to apply. You need to keep going'.

Two interviewees in fact indicated that they did give up. One person who was the victim of a street robbery said that she was asked to supply a medical report. She was 'insulted', as she thought this was irrelevant to the expenses she was claiming and did not continue with the application. Another who sought relocation expenses also gave up.

Interviewees found variable support from the assessors. One said they were 'really communicative, easy to be in touch with assessor. Quite prompt'. However, others had poor experiences. One said, 'I think there needs to be more communication with the victim and the assessor following up with the victims, rather than, while the victim's going through so much emotional stress and everything, them following up with someone who's meant to be helping you'. Another observed that the process was 'dragged out and quite stressful ... not good communication with the assessor', while one of the other interviewees said:

they're bamboozling people with irrelevance. They should not be quoting the Act in great volume. They should be assisting people with their pipelines.

This person had encountered barriers and hindrances in relation to eligibility decisions and expense items and found the process for review was lacking in both transparency and clarity. He said: 'they don't say what they've reviewed. They don't say what they've looked at. So, it's an absolute absurdity'.

Actually receiving a payment was mostly a positive for interviewees. One person said that the process was 'emotional and difficult, but I did it. [It was] one more step in putting myself

first'. She observed that the payment and reasons given indicated that 'they believed me and believed those people had assaulted me. The money was great, but this [was] the main thing'. Another said the amount she received was fair and that it 'helped me find my footing'. However, another person said that they 'really needed security cameras and I didn't get them. That would have changed my life'.

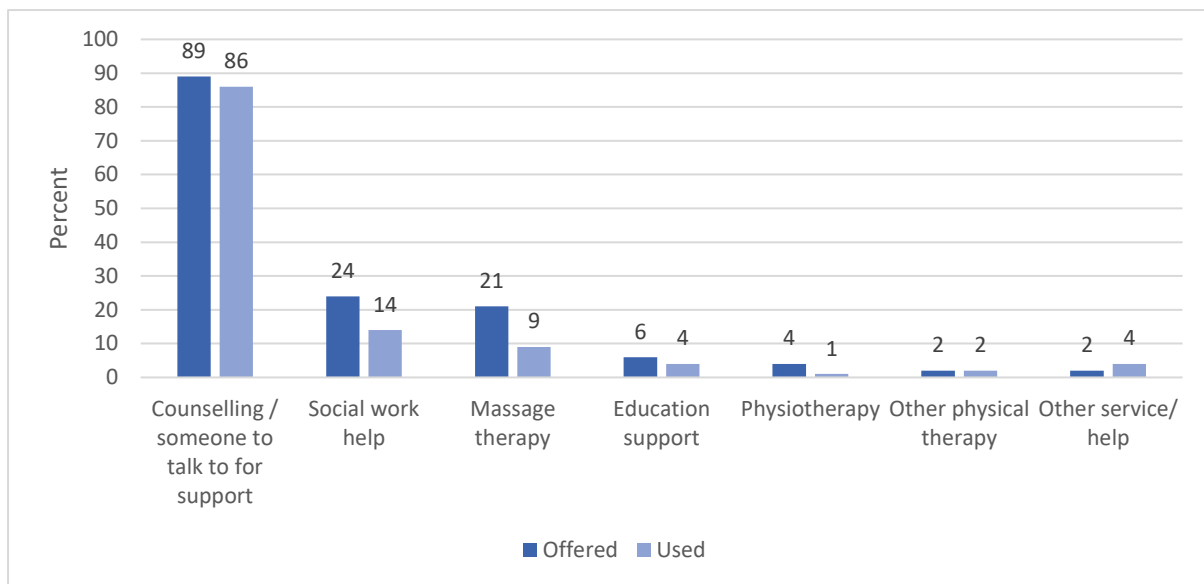
Interviewees 'struggled' with aspects of the recognition payment and the 'thought of financial gain from a crappy situation'. Nonetheless, this respondent also said that payment for the loss of income felt 'just and right'. She was able to repay costs, to pay for surgery and extensive rehabilitation, which 'felt good', and able to get back to work. Another person, however, said she did not feel 'the best' about the recognition payment and it was 'not enough'.

VSACT Clients' Experiences with Victims Services Scheme (VSS)

The Victims Services Scheme (VSS) is the second program reviewed. Services under this scheme can be provided to clients internally by VSACT staff or can be provided externally by Approved Providers (see Chapter 7). The research team was mindful that clients may neither understand nor recall the distinction. It was also important to keep the online survey brief, in order to encourage completion. Consequently, the survey specifically asked respondents to answer with regard to the externally provided services.

Of 269 survey respondents, there were 190 registrations for victim support services (Table 49) and 140 indicated that they had been offered or used external services. Respondents were asked to select from a list of external services those that they were offered, and those they had taken up or used. Respondents indicated overwhelmingly that 'counselling/ someone to talk to' was the service offered to them and used by them (Figure 18). Although there was a drop in the take-up rate, the difference is slight.

Figure 18: VSS External Services Offered and Used, % (N=140)



Interviewees' Assessments of VSS

Interviewees had mainly positive assessments of the external providers – once they got to them. One commented that the process ‘took a while, but it was worth it. The counsellor is wonderful’; another said that their counsellor was ‘a miracle’; and another said that the process was ‘seamless’. Nonetheless, a few people reflected that getting to the right person was a process and took time. This also took persistence and some struggled to find sufficient helpful information. One said VS staff ‘didn’t get back to’ her and she located a counsellor in a different town and another said it was ‘a problem for them to get my counsellor on their books. I was treated like I was an idiot’.

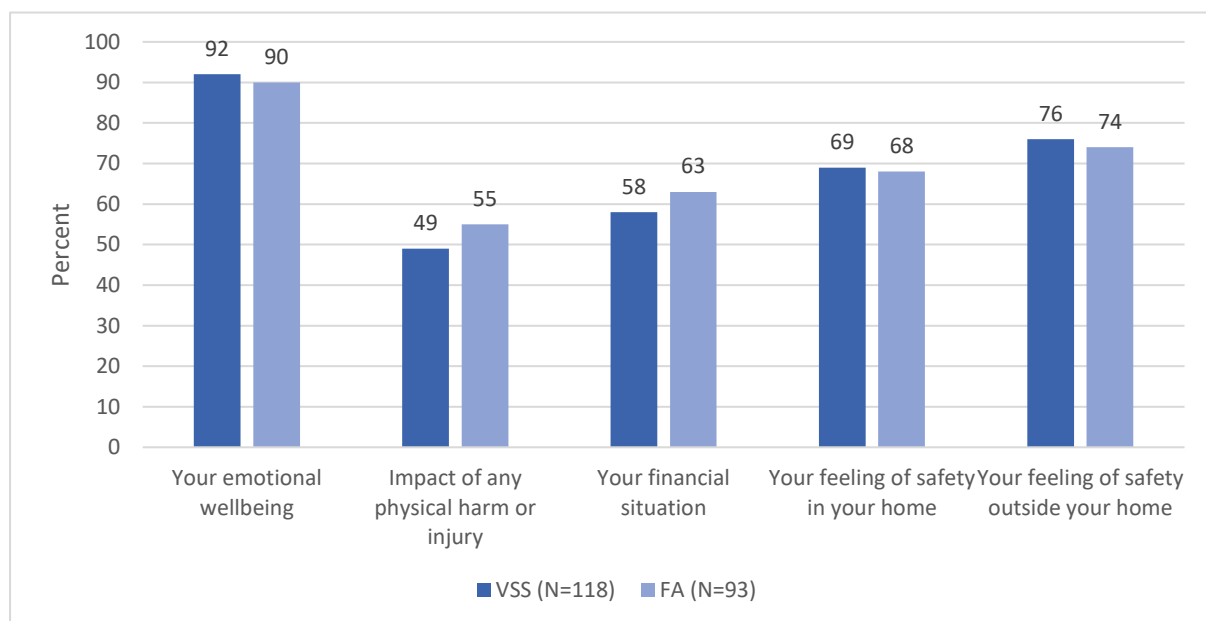
Nonetheless, when asked what was most helpful, a number said that it was the counselling and support. One person said it was a ‘perfect amount of support’, while another said he felt ‘cared for and recognised’ and that staff ‘knew their stuff’. Asked what else would have been helpful, a number reflected they were only offered counselling. One respondent said that massage had been mentioned once, but was not followed up. Another said relaxation techniques would have helped; and others mentioned educational support for lost schooling, help with the legal process, transport costs to get to counselling, and a panel of security experts.

VSACT Clients' Comparative Evaluations of Programs and their Effects

Survey respondents were asked a series of questions about the programs under review. Their answers allow for some comparison of the respective assessments they made. Figure 19 shows the proportion of respondents who indicated how important (‘very/quite’) the

two victim programs were in helping them deal with the effects of the violence in various areas of life. The strongest positive rating for the effect of both programs was on the person’s emotional wellbeing. Overall, there was little variation to clients’ assessments of the two programs. We suggest caution in interpreting the table as we have no base from which to assess ‘real’ relevance. For example, while people assessed the importance of the programs on helping them deal with the physical impact of the victimisation, this may be because they did not experience a physical effect. More research is necessary.

Figure 19: How Important Victim Programs Were in Helping Deal with Impact of Violence, % Very/Quite



A further comparison was made of the same question of the importance of the programs, but the analysis was restricted to the 54 respondents who had actually received a payment. This second analysis showed a stronger positive assessment of the importance of the payment on people’s financial situation. However, the same caveat mentioned above applies.

Respondents were asked to indicate how satisfied they were with the services received from VSACT overall, as well as the FAS, the VSS and the external providers (Table 52). These data refer to those respondents who answered the question *and* who answered the final question on satisfaction. Thus, the numbers vary. That a majority expressed overall satisfaction with VSACT overall and with external providers but not with FAS is logical, unsurprising and accords with interviewee feedback. Assessors have a difficult task. The challenge is to apply this task fairly and with a keen eye to *benefit* in the *interest* of victims.

Table 52: Satisfaction with Victim Support Programs, 'Very/Quite' N and %

Program (N number applied/registered)	Number (answered 'satisfaction')	%
Victim Support ACT overall (N=140)	105	75
FAS (N=93)	38	41
VSS external providers (N=118)	81	69

At the beginning of the survey, respondents were asked: 'Before becoming a victim of crime, can you indicate how much you were able to take part in the social, economic and cultural life of your community'. At the end of the survey, they were asked: 'Since you have received help from Victim Support ACT after becoming a victim of crime, can you indicate how much you have been able to take part in the social, economic and cultural life of your community?' The impact of the violence victimisation is dramatic, with a 39% decline in those saying they were active in community life 'a great deal/a lot' (Table 53). Those answering this question were also those who had engaged with the victim programs. Examining the data as a whole shows that people's community participation shifted from strong participation downward to moderate participation.

Table 53: How Active in Community Life Before and After Being a Victim of Crime (N=180)

	Before N (%)	After N (%)
A great deal/a lot	121 (67%)	53 (29%)
Moderate amount/a little	49 (27%)	100 (56%)
None at all	10 (6%)	27 (15%)

While the data show a negative effect on people's capacity or willingness to be involved in the community, it raises a question about what is driving that effect: the victimisation and its consequences or 'receiving help' from victim support (its scope, quality and application). It is unfortunately beyond the scope of the present research to determine this.

Clients' Reasons for Satisfaction and Dissatisfaction

The online survey provided open space for respondents to reflect on their satisfaction or dissatisfaction with VSACT and/or the external services. In this section, we group reflections on *satisfaction* into three main areas: staff, services, and communication, and offer a selection of relevant quotes for that theme.

Staff-relevant comments emphasise the quality of the inter-personal communication and the sense of 'fit' that clients experience.

I am really grateful for the time they have put into helping me and supporting my situation. It's been really important to me to have the right people and services to fall back on during this tough time, I would not have done it alone.

Victims Support was amazing. My caseworker helped me through the hardest time of my life.

Services-relevant reflections emphasise the relationship between the range of negative effects that victims experience from crime and how they see different aspects of service helping the across this range.

Victims Support ACT provided me with the emotional & financial stability and support that I attribute to aiding my recovery today. I am extremely happy that VSACT linked me with the trauma psychologist that I had. She helped me put my life back on the right course. The financial assistance helped me remove myself from a bad situation and continues to provide financial stability for me today.

The VS services seem to have changed for the better. I was first a victim in 2003 and received a pamphlet from the Police which was useless as I was too seriously traumatized to follow through with seeking help. My recent experiences have been 100% better. It is true that I am more receptive now but I feel the issue of domestic violence is taken more seriously now. When you are a victim and in shock you can't function and make sense of the Help business. No-one can reach you inside your brain and get your co-operation easily. Help workers sometimes get frustrated and you feel even more blamed. The last thing you want to do is cause trouble. It is easy to give up. So the worker has to be a little pro-active and gently encouraging with the victim.

Communication can relate to written or verbal information and to transactions between a person seeking help and the helper. However, as the following quotes show, communication means so much more to victims when being assisted in emotionally difficult circumstances. One person commented:

Even now I get emotional about how supportive [XX] from Victims Support ACT was, and how hard she worked. She rang me on a regular basis to let me know how the process was going. [She] gave me information on what I was able to formally apply for, and what my expectations would be.

Reflections on people's assessments of *dissatisfaction* range across similar areas, although there was more pronounced negative comment about the range of services available and

the time taken for financial assistance decisions. Examples in relation to the services and time are:

The VSS external providers are decent, but too few types of support are available. Traditional therapies don't work for trauma; I've found hypnotherapy, Bowen therapy, qigong and Eastern or spiritual practices far more effective. These are expensive and not acknowledged by the scheme.

Not knowing what was available. This survey is the first time that I have become aware of some of the services that were available. I would have accessed both physiotherapy and massage therapy if I had been aware.

Delays, lack of support for young children.

It has been about 3 years since I submitted my application without a resolution. I have had a number of workers during this time and I believe that I get shunted to the bottom of the pile. As each day goes I am affirmed that I am the guilty party. I am continually traumatised by this with no resolution in sight.

Upon lodging my application for a recognition payment, the first thing the assessor advised was that they did not have enough staff and all claims would take a significant period of time to process. This is totally unacceptable and an incredibly unprofessional manner in which to deal with victims of crime.

Other negative reflections concentrated on the accessibility of services, as well as aspects of process and procedure. Comments included:

travel to the places to access help- I was panicked and too anxious to benefit fully from counselling. I feared the offender saw me or was following me there.

having to go through a sort of assessment process on the first call was dismal. It is not helpful when you are distraught to keep having to tell the story.

The Financial Assistance Scheme forms were difficult to understand and impossible to fill out online – and I have a lot of experience with bureaucracy.

Summarising Clients' Feedback

The victims of crime who responded to the online survey (N=296) and who provided a one-to-one interview (N=24) revealed that the victimisation affected all areas of their life and that these effects were both short- and longer-term. The victimisation affected people's capacities to work and study, to be a parent and a friend; for some, these effects were devastating and, for others, it was less so, but would remain with them. Many of the effects

raised by people had very practical solutions while, for others, there was not solution to devastating loss or ongoing trauma.

The feedback generally rated the responses of the police and VSACT staff to be courteous and polite. Respondents valued the information they received from both agencies, but assessed these agencies' follow-up, communication and updates to be variable and less positive. Those contacting VSACT mostly wanted and took up counselling/someone to talk to for support. When they received it, their assessments were largely positive.

Experiences with VSACT staff, those administering the FAS and services from external providers were mostly positive, but interviewees' feedback showed considerable variation that suggest they were not listened to as well as they hoped, that what they needed was not available or proved too difficult to locate. Or simply that the depth of negative effects and their unfolding through aspects of the person's life were just not acknowledged or followed up. At the same time, interviewees made powerful comment about how important to them and their recovery was the combination of practical, psychological, material, inter-personal and other help that they were able to secure.

CHAPTER 9: OVERVIEW AND ANALYSIS OF VICTIMS OF CRIME LEVIES

This chapter provides an overview of the levies imposed on convicted offenders in the ACT. Levies were introduced in Australia and elsewhere by governments, as a source of revenue to help fund services and financial assistance for victims of crime. The chapter first examines this in comparative context, examining levies across all Australian jurisdictions. It then provides statistical analyses of the victims' levies applied and collected in the ACT and the implications for both victims and offenders. We also provide feedback from stakeholder consultations on the process of collecting the levies, albeit limited as few outside the courts had any significant knowledge of the relevant levies administration. Finally, and in light of the analyses, the chapter highlights the complex system for administering the levies and puts forward some preliminary recommendations for reform of the system.

Comparison with Other Jurisdictions

Four jurisdictions (ACT, NSW, NT, SA) contain specific provisions within their respective legislation for the collection of a victims' levy from offenders, ranging from \$50 in the ACT to \$260 in South Australia. The remaining four jurisdictions (Qld, Tas, Vic, WA)⁵⁰ contain provisions within other pieces of legislation for compensation orders (Vic, WA) or compensation levies (Tas) to be collected. In Queensland, this is known as the Offender Levy and the funds from this are used to help pay for law enforcement and administrative costs, rather than as a source revenue to support victims. The amount of the levy may be reduced for juvenile offenders (NT, SA) or exemptions made if the offender is under the age of 18 (ACT, NSW, SA, Tas). In the Northern Territory, the levy only applies to those who are found guilty of an offence, but not imprisoned for the offence (s61(2)(a)). However, only the ACT applies two separate victims' levies—the Victims Financial Assistance Levy (VFAL) and the Victims Services Levy (VSL). With the exception of Queensland, all levies are imposed to generate revenue to support victims of crime and have the potential to contribute significantly towards this end. In NSW, for example, the Victims Support Levy contributed \$10.09M in 2017-18 towards the Victims Support Fund (NSW Department of Justice, 2018b).

Victims' Levies in the ACT

The VFAL is a levy of \$50, imposed on a person convicted of an offence to provide a source of revenue to contribute to the cost of providing *financial assistance* to victims of crime. The levy is recoverable under the *Crimes (Sentence Administration) Act 2005* (ACT). The VSL is a levy of \$60 imposed to provide a source of revenue to improve *services* for victims of crime. It is applied to adults convicted of an offence in the ACT and is also recoverable under the *Crimes (Sentence Administration) Act 2005*. Both levies are in addition to any fines imposed

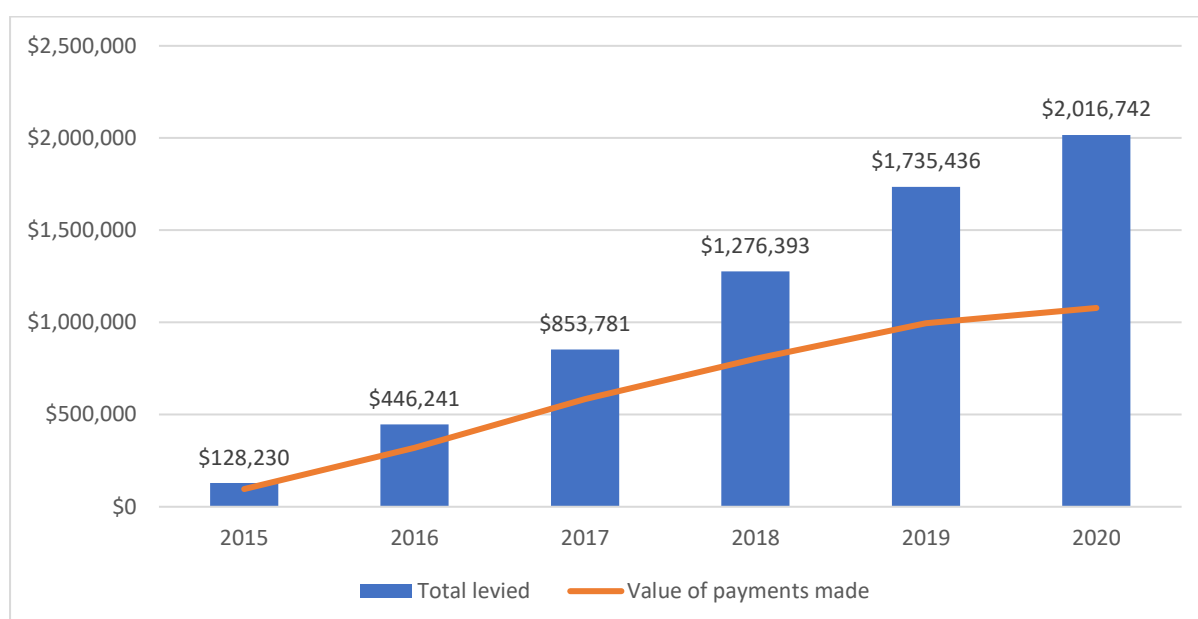
⁵⁰ Victoria and Western Australia have recently been subject to reviews of their respective legislation, with recommendations to introduce a victims' levy (see VLRC, 2018; Western Australia Department of Justice, 2019).

on the offender. Recovering levies utilises the same process as fines under the *Crimes (Sentence Administration) Act 2005* (ACT) (see definition of fines under s 116A; fine enforcement generally is governed by Ch 6A of that Act).

Statistical Analyses of the VFAL and VSL

The ACT Courts provided the review team with data showing the total amounts levied for both the VFAL and VSL during each quarter since Quarter 2 of 2015, through to Quarter 3 of 2020. Also indicated are the total amounts of debt paid for each quarter. The figures are accumulated on an annual basis, to examine the change over time of accumulated debts relative to accumulated payments. This is shown in Figure 20.

Figure 20: Accumulated Levies and Payments 2015-2020*



*2015 is based on Quarters 3 and 4 and 2020 is based on Quarters 1-3.

Clearly, there is a growing lag over time between the accumulation of total debts levied and payments made; over the approximately six-year period, almost half (47%) of all debts have remained unpaid.⁵¹ Unless otherwise ordered, an offender is given 28 days in which to pay the levy. However, under the *Crimes (Sentence Administration) Act 2005*, there are exceptions to this. For example, a judge or magistrate may specify a time to pay, including ‘no time to pay’, in cases where an offender is sentenced to a term of imprisonment and the time served in custody counts in lieu of payment of the levy (s 116ZP). In other instances, offenders are given more than 28 days to pay.⁵²

⁵¹ Enforcement generally was put on hold for much of 2020 due to the COVID-19 pandemic (email correspondence from ACT Courts and Tribunal).

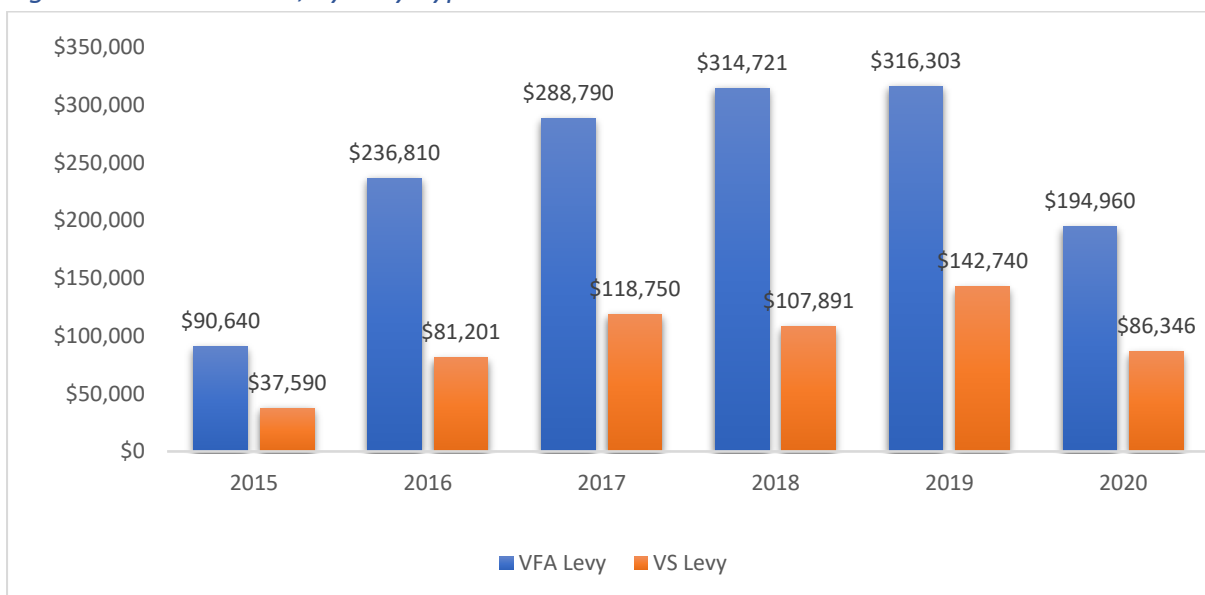
⁵² Email correspondence from ACT Courts and Tribunal. See also s 116ZU.

This raises questions around what constitutes a reasonable period of time within which to expect debtors to pay and what the actual practice is, in terms of length of time taken to pay. What is needed to answer these questions is data on the date of payments made, to be analysed alongside existing data on the date that levies were imposed. This would go some way to ensuring greater transparency in relation to the amounts being collected.

Unfortunately, the review team does not have access to data of this nature. Further research is therefore required to determine the time taken for levies to be paid.

The total amount levied for the VFAL is substantially higher than the VSL (Figure 21).

Figure 21: Total Levied, by Levy Type 2015-2020*



*2015 is based on Quarters 3 and 4 and 2020 is based on Quarters 1 to 3.

From the data provided, there are 85 separate pieces of legislation against which levies are raised. The distribution of amounts levied across these categories is highly skewed, with as much as 95% of the total amount levied arising from just 20 pieces of legislation (Table 54). Even among these leading categories, there is considerable concentration, with offences related to road traffic legislation accounting for \$1.1 million, or 59% of the top 20 categories. This is likely due to the fact that a greater actual number of road and crime matters come through the courts than other types of crime.

Table 54: Top 20 Legislative Instruments, Ranked by Amount Levied, 2015-2020, *
Aggregated

Legislation	Total Levied (\$)
<i>Road Transport (Alcohol and Drugs) Act 1977 (ACT)</i>	501,526
<i>Crimes Act 1900 (ACT)</i>	302,010
<i>Criminal Code 2002 (ACT)</i>	248,366
<i>Road Transport (Driver Licensing) Act 1999 (ACT)</i>	240,850
<i>Road Transport (Vehicle Registration) Act 1999 (ACT)</i>	128,470
<i>Road Transport (Third-Party Insurance) Act 2008 (ACT)</i>	89,480
<i>Australian Road Rules</i>	62,820
<i>Drugs of Dependence Act 1989 (ACT)</i>	54,730
<i>Bail Act 1992 (ACT)</i>	44,790
<i>Road Transport (Safety and Traffic Management) Act 1999 (ACT)</i>	41,710
<i>Taxation Administration Act 1953 (Cth)</i>	33,140
<i>Electoral Act 1992 (ACT)</i>	32,570
<i>Road Transport (Road Rules) Regulation 2017 (ACT)</i>	29,270
<i>Family Violence Act 2016 (ACT)</i>	24,690
<i>Public Order (Protection of Persons and Property) Act 1971 (Cth)</i>	24,510
<i>Criminal Code 1995 (Cth)</i>	20,410
<i>Road Transport (Driver Licensing) Regulation 2000 (ACT)</i>	18,560
<i>Road Transport (General) Act 1999 (ACT)</i>	17,170
<i>Firearms Act 1996 (ACT)</i>	10,390
Total	1,925,462

*2015 is based on Quarters 3 and 4 and 2020 is based on Quarters 1-3.

Table 55 shows that the legislation with the highest proportion of payments pending (94.8%) is the *Taxation and Administration Act 1953 (Cth)*. However, the total amount of outstanding payments against this legislation is relatively small, at just \$31,420. By contrast, payments outstanding against the *Road Transport (Alcohol and Drugs) Act 1977 (ACT)* represent only 37% of total levies due against that legislation, but these amount to as

\$185,411. With this variability in mind, Table 55 provides some measure of the effectiveness of levy retrieval, by ranking the legislation according to the proportion of payments pending.

Table 55: Top 20 Legislative Instruments, Ranked by Percent of Payments Pending, 2015-2020, Aggregated*

Legislation	Total levied (\$)	Total pending (\$)	% of payments pending
<i>Taxation Administration Act 1953 (Cth)</i>	33,140	31,420	94.8
<i>Bail Act 1992 (ACT)</i>	44,790	29,010	64.8
<i>Australian Road Rules</i>	62,820	19,840	62.8
<i>Road Transport (Third-Party Insurance) Act 2008 (ACT)</i>	89,480	50,857	56.8
<i>Road Transport (Road Rules) Regulation 2017 (ACT)</i>	29,270	16,370	55.9
<i>Road Transport (Vehicle Registration) Act 1999 (ACT)</i>	128,470	71,490	55.6
<i>Road Transport (Driver Licensing) Act 1999 (ACT)</i>	240,850	133,099	55.3
<i>Family Violence Act 2016 (ACT)</i>	24,690	12,865	52.1
<i>Road Transport (Driver Licensing) Regulation 2000 (ACT)</i>	18,560	9,550	51.5
<i>Criminal Code 2002 (ACT)</i>	248,366	125,525	50.5
<i>Road Transport (General) Act 1999 (ACT)</i>	17,170	8,645	50.3
<i>Road Transport (Safety and Traffic Management) Act 1999 (ACT)</i>	41,710	18,950	45.4
<i>Public Order (Protection of Persons and Property) Act 1971 (Cth)</i>	24,510	10,650	43.4
<i>Drugs of Dependence Act 1989 (ACT)</i>	54,730	23,320	42.6
<i>Crimes Act 1900 (ACT)</i>	302,010	127,256	42.1
<i>Firearms Act 1996 (ACT)</i>	10,390	4,070	39.2
<i>Electoral Act 1992 (ACT)</i>	32,570	12,620	38.7

<i>Criminal Code 1995 (Cth)</i>	20,410	7,560	37.0
<i>Road Transport (Alcohol and Drugs) Act 1977 (ACT)</i>	501,526	185,411	37.0
Total	1,925, 462	898,508	

*2015 is based on Quarters 3 and 4 and 2020 is based on Quarters 1-3.

Given that outstanding payments across the top 20 categories average 46% of total amounts levied, it is not surprising to find that the absolute dollar amounts outstanding are due against those categories of legislation with the highest amounts levied. Furthermore, these dominated by various forms of transport legislation as well as the *Crimes Act 1900 (ACT)* and *Criminal Code 2002 (ACT)*, as shown in Table 56.

Table 56: Top 20 Legislative Instruments, Ranked by Payment Amounts Pending, 2015-2020, Aggregated*

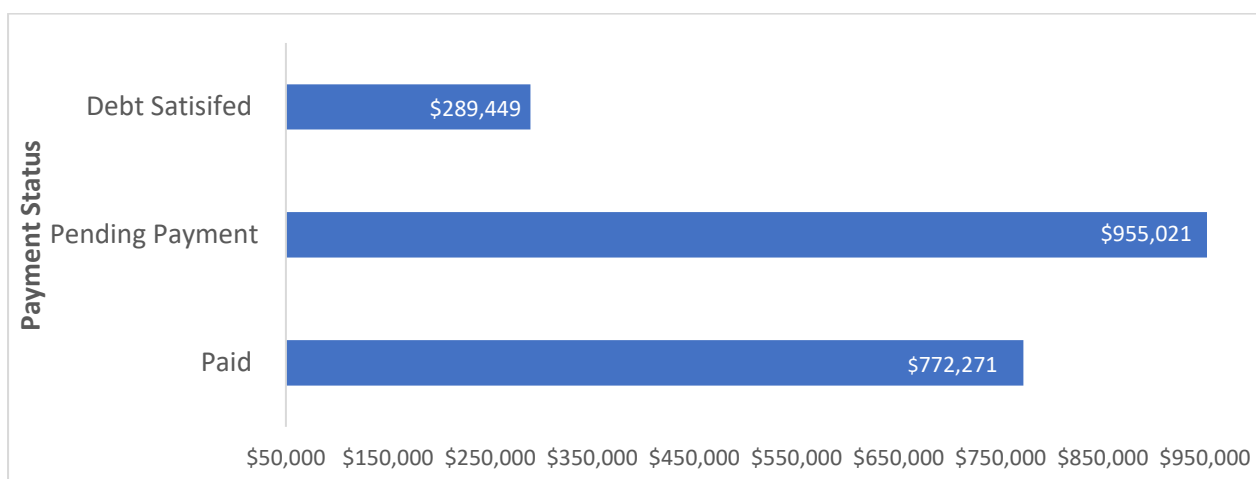
Legislation	Amount pending (\$)	Total levied (\$)	% pending
<i>Road Transport (Alcohol and Drugs) Act 1977 (ACT)</i>	185,411	501,526	37.0
<i>Road Transport (Driver Licensing) Act 1999 (ACT)</i>	133,099	240,850	55.3
<i>Crimes Act 1900 (ACT)</i>	127,256	302,010	42.1
<i>Criminal Code 2002 (ACT)</i>	125,525	248,366	50.5
<i>Road Transport (Vehicle Registration) Act 1999 (ACT)</i>	71,490	128,470	55.6
<i>Road Transport (Third-Party Insurance) Act 2008 (ACT)</i>	50,857	89,480	56.8
<i>Taxation Administration Act 1953 (Cth)</i>	31,420	33,140	94.8
<i>Bail Act 1992 (ACT)</i>	29,010	44,790	64.8
<i>Drugs of Dependence Act 1989 (ACT)</i>	23,320	54,730	42.6
<i>Australian Road Rules</i>	19,840	62,820	62.8
<i>Road Transport (Safety and Traffic Management) Act 1999 (ACT)</i>	18,950	41,710	45.4
<i>Road Transport (Road Rules) Regulation 2017 (ACT)</i>	16,370	29,270	55.9

<i>Family Violence Act 2016 (ACT)</i>	12,865	24,690	52.1
<i>Electoral Act 1992 (ACT)</i>	12,620	32,570	38.7
<i>Public Order (Protection of Persons and Property) Act 1971 (Cth)</i>	10,650	24,510	43.4
<i>Road Transport (Driver Licensing) Regulation 2000 (ACT)</i>	9,550	18,560	51.5
<i>Road Transport (General) Act 1999 (ACT)</i>	8,645	17,170	50.3
<i>Criminal Code 1995 (Cth)</i>	7,560	20,410	37.0
<i>Firearms Act 1996 (ACT)</i>	4,070	10,390	39.2
Total	898,508	1,925,462	

*2015 is based on Quarters 3 and 4 and 2020 is based on Quarters 1 to 3.

Levy debts can be satisfied by means other than monetary payment. Figure 22 below shows the amounts of those levies paid as monetary payments and those satisfied by other means, as well as payments still pending.

Figure 22: Payment Status of VS and VFA Levies, 2015-2020, Aggregated*



*2015 is based on Quarters 3 and 4 and 2020 is based on Quarters 1-3.

Table 57 provides a breakdown of the different categories for which a debt may be considered satisfied for reasons other than monetary payment, with time served being by far the most common.

Table 57: Debts Satisfied for Reasons Other Than Monetary Payment

Payment type	(\$)	%
Time served	280510	96.4
Entered in error	3899	1.3
Section 23 write-off ⁵³	2530	0.9
Remit by court – Non-reversible	1720	0.6
Debt over 7 years old	1050	0.4
Accused deceased	960	0.3
Other ⁵⁴	410	0.1
Total	291,169	100

Table 58: Payments Still Pending

Payment pending type	(\$)	%
Open	397081	41.7
Migrated/On hold	143790	15.1
Reminder notice issued	136848	14.4
Examination notice issued	132192	13.9
Default notice issued	58990	6.2
Time to pay	39390	4.1
Enforcement on hold	19190	2.0
Matched by RTA	11980	1.3
Sanction lifted	6520	0.7
Other	5320	0.6
Total	953,301	100

As shown in Table 58, payments remain pending for multiple reasons. The highest amount of pending payments is due to debts that remain ‘open’. This refers to payments pending

⁵³ A ‘Section 23 Write Off’ refers to s23 and s23(AA) of the *Magistrate Court Act (1999)* in which an ex parte order may be set aside (s23) or an ex parte conviction may be set aside on application by informant (s23(AA)).

⁵⁴ This includes adjustments, transfers, debts written off and convictions set aside.

that have not progressed to another stage, which may include a reminder or default notice issued. Interestingly, while 98% of open payments fall within the years 2019 and 2020, there remain a small portion of 'open' payments in earlier years. It is not clear from the data why these payments from earlier years remain open.

Table 59: Financial Assistance Expended (aggregated), Compared to Financial Assistance Levies Paid (\$m): 2015-2019, by FY

Financial Year	Financial Assistance Expended ⁵⁵ (\$m)	Calendar Year	Financial Assistance Levy Paid (\$m)
2016-17	0.183	2016	0.128
2017-18	0.6	2017	0.139
2018-19	2.56	2018	0.119
2019-20	3.3	2019	0.071
Average	1.66		0.114

Finally, data from VOCC annual reports, as represented in Table 59, shows that the scale of expenditure on financial assistance is an order of magnitude way above the actual levies paid. As highlighted, between the 2015-16 and 2019-20 financial years, an average of \$1.66 million was spent on financial assistance. This compares to an average of just \$114,000 in levies paid over the calendar year equivalent. This demonstrates the significant gap between expenditure and revenue collected and begs the question as to why this gap is so large.

Administering the Levies

The process of administering the levies is complex and costly to administer. There are a number of reasons for this. First, there are two separate levies with two different rates. Second, the levies apply to each proven charge which means that a defendant may be liable for multiple levies, depending on how many offences they have been convicted of. Due to the complexity of the legislation, the levies are individually determined for each defendant after court and a notice is sent out within a couple of days of the offender being convicted, although there may be instances where the offender does not receive this notification, due

⁵⁵ The data on financial assistance expended is aggregated by financial year and as reported by the scheme administrator, VOCC (*HRC Annual Reports 2016-17, 2017-18, 2018-19, 2019-20*). As the PAVER Review report has stressed, different counting rules apply to annual report data than those relevant to the Review Database. Therefore, data in Table 59 are different from the data presented in Table 25.

to a defendant providing incorrect or updated address details. Finally, there are different criteria for exemption, depending on the levy imposed. Regarding the VSL, a court may exempt an offender from liability to pay, if the court is satisfied that paying the levy is likely to cause undue hardship. However, no such hardship clause applies to the VFAL. Conversely, exceptions may be made in applying the VFAL to matters where an infringement notice has been served, including an 'offence notice' under s171A(1) of the *Drugs of Dependence Act 1989* (ACT). However, different offence types and their corresponding legislation are identified as exemptions when applying the VSL, such as offences mentioned in Schedule 2 (these are predominantly traffic and parking offences) and most offences under the *Heavy Vehicle National Law* (ACT).

Stakeholder Feedback

Very few stakeholders had information or insight into decisions about, and the administration of, the victims' levies. Of the five written submissions received, only two felt that they were able to comment substantially on the imposition of the levies on offenders. Similarly, in interviews with professional stakeholders, the majority knew little about the levies, other than that they were part of 'a list of payments that happen at the end of every offence', while other stakeholders noted that they 'don't know anything about [the levies]' (DPP) and 'don't have too much input on that at all'.

In their written submission, the ACT Courts and Tribunal (ACTCT) described the current system as 'extremely complex and thus difficult and more costly to administer'. The ACTCT provided the research team with their internal 'Quick Reference Guide' to the levies and a flowchart, which shows the complexities of each levy and the differences between the levies. These complexities were succinctly summarised during stakeholder interviews, during which it was explained that: 'the problem is, you could have someone who's been charged with multiple things, convicted of multiple things, the levy does or doesn't apply depending on the circumstances of each of those things' (Interview, G11). This point was also highlighted during another stakeholder interview, during which one participant stated:

If we are genuinely seeking to offset the costs of victim supports with those levies, then we need transparency about how much is being collected. We need to consider whether a broader or narrower set of offences should be relevant, who should the levy apply to, and that may assist government (Interview, G1).

The ACTCT written submission also noted that the categories 'should be streamlined to ensure that the same categories for inclusion and exclusion apply to each levy type or that there is only one levy type'. Determination of the levies was also highlighted to be time-consuming and complex. Furthermore, it can take registry office staff 'between 1, 5 and 10 minutes per charge to calculate the levies, noting that many defendants have more than one charge. Therefore, it could, for instance, take 1, 5, 10 or 50 minutes to calculate'.

In addition to the complexities associated with administering and determining the levies is the issue of enforcement. As demonstrated earlier in the chapter, there is a significant gap between levies issued and levies collected. Stakeholder consultations revealed that enforcement of levies often rests on a small number of personnel within ACT Courts and Tribunal. This was highlighted on a number of occasions to be an issue in need of addressing. For example, one stakeholder commented that:

there's also a question in the ACT about the fact that we don't have a debt recovery office. So, the court has a single person who plays a role in fine enforcement, who brings in powers, such as the ability to revoke someone's licence if they don't pay a fine, etc, but it's ad hoc, and it's inefficient. So, in the absence of being able to hand a levy debt over to a debt enforcement office, debt recovery office, we don't have a coherent way of in fact enforcing and collecting those amounts anyway (Interview, G1).

The absence of a debt recovery office in the ACT raises a similar issue for the VOCC as was pointed out in her written submission, as the authorised officer responsible for decisions on the recovery from convicted offenders of financial assistance payments made to victims (see Appendix E).

In making the following recommendations, we note the Victorian Sentencing Advisory Council's (2014) report, *The Imposition and Enforcement of Court Fines and Infringement Penalties in Victoria*. A key recommendation of that report was that a centralised administrative body should be established, to manage the payment and enforcement of court fines and infringement penalties. The Council argued that centralised management, 'allows early identification and resolution of matters where the person 'can't pay' and targeted measures and intervention where a person 'won't pay'' (2014: xxxvi). The Council also recommended that the proposed administrative body should allow court fines to be paid through a wide variety of methods and make payment simple, to ensure people are not discouraged from paying fines due to 'system complexities' (2014: xxxvi). Similar issues should be addressed in the ACT context.

Summary and Recommendations

With these complexities in mind, we recommend **(Recommendation 7)**:⁵⁶

- (a) First, and most importantly, we recommend combining the levies into one single 'Victims of Crime' (VoC) levy on a 'flat rate/per person basis', rather than on a per charge/offence basis. The 'flat rate' could be more than the amount of the current levy, based on the fact that, on average, many offenders are charged with and convicted of multiple offences.

⁵⁶ Derived from ACT Courts and Tribunal (2020), Written Submission to PAVER Review.

- (b) In order to avoid the potential for disadvantaging impecunious offenders who commit a single offence, we recommend that the rate of the new levy and the potential application of a discounts for early payment be developed in consultation with key stakeholders, such as ACT Council of Social Services, Canberra Community Law, CARE and Aboriginal and Torres Strait Islander Elected Body.
- (d) In addition, exemptions on hardship criteria should be available in exceptional circumstances. Exemptions should also be considered in cases where a victim, or the Victims of Crime Commissioner, has made a submission for exemption based on the potential negative impact of a levy imposition on the victim.⁵⁷
- (e) We note that a single flat rate levy per person would be simpler to administer. Subject to any exemptions applying, individual assessment of each charge would be eliminated. A single levy could apply to adults only (namely, a person who is 18 years or over and convicted of an offence committed as an adult). This would be in line with other jurisdictions that have only one levy.
- (f) Increases to the levy amount should be aligned with increases to other types of penalties, or in line with annual Consumer Price Index increases, whichever is most simple and transparent.
- (g) In the event that the current two-levy model is retained, we suggest adopting a hardship exemption in respect of the VFAL, so that there is a safeguard and/or consistency between the VFAL and the VSL.

⁵⁷ This recommendation is based on the concerns raised by relevant stakeholders working with vulnerable victims.

CHAPTER 10: REVIEW CONCLUSIONS AND A BLUEPRINT FOR REFORM

This chapter sets out the main findings and conclusions of the PAVER Review. The terms of the review and its key questions effectively called for both a legislative and service review. In conducting this review, we have found that it has not been possible to disentangle how one works without also examining the other. This final chapter describes a blueprint for reform, including:

- urgent immediate human resourcing (**Recommendation 1**), plus new additional and ongoing human resources to deliver support, assistance and advocacy; (**Recommendation 13**), plus additional resources for implementing the proposed reforms (**Recommendation 14**);
- develop a single legislative instrument providing for victims' rights and entitlements to support, assistance and advocacy (**Recommendation 8**);
- simplification of the proposed statutory instruments and of procedures, which firmly keeps the client as the main focus, maximises transparency and emphasises a greater range of possible responses provided in a timelier manner (**Recommendations 2, 3, 5, 6, 9, 10 and 11**);
- a re-structure of Victim Support ACT (VSACT) as a client-centred organisation and internal re-design of VSACT's provision of services, job functions and job descriptions (**Recommendation 12**);
- an implementation plan, with immediate additional resourcing requirements, (**Recommendation 14**);
- establishing service standards monitoring, service evaluation framework and review (**Recommendation 15**);
- improvements to referral pathways from police (**Recommendation 16**); and
- significant reforms to streamline the victims services levies (**Recommendation 7**).

The current and projected client demand on VSACT for support, assistance and advocacy demands an urgent and substantial increase in human resources. Further, resourcing the blueprint for reform requires ongoing budget commitment to people's legislative entitlement to both victim services and financial assistance.

Even if the recommendations of this review are not adopted by ACT Government, the substantial drop in the proportion of financial assistance (FA) applications made and decided within 12 months completely undermines the intention of the 2016 reforms. That is, to establish an administrative scheme capable of responding to the practical consequences of victimisation in a timely and equitable manner. The backlog of applications can only be addressed by an urgent injection of human resources. A similar resourcing problem exists for the delivery of recovery and support services. It is simply not possible to ignore these exigencies, especially in the context of increased demand for services responding to family violence (see eg Meddeman, 2020).

There are important differences to the history and parameters of similar schemes in other jurisdictions, although these similarly face huge demand. Nonetheless, as described in Chapter 4, 80% of applications to the Queensland Victims of Crime Financial Assistance Scheme are finalised within three months. Applications by domestic violence applicants for an Immediate Needs Payment in NSW are cleared within approximately two days of lodgement by NSW Victims Services. The recommendations of this review draw from the learning of these jurisdictions, the feedback of ACT victims of crime, the active involvement of VSACT staff and information from government and community stakeholders.

Right to Services

A number of statutory instruments frame the PAVER Review's approach to improving the responses to and entitlements of crime victims. First and foremost, meeting client demand and responding in a manner and at a level that enables individuals and their families to 'live lives of dignity and value', as per the Preamble to *Human Rights Act 2004* (ACT) (HRA), is an over-riding duty on a public authority such as VSACT.

Further, members of the ACT community hold human rights, including 'economic, social and cultural rights' (Part 3A, HRA); these are provisions which give at least partial effect to international obligations under the *International Covenant on Economic, Social and Cultural Rights* (1966).

Giving these human rights effect is a new Division in the *Victims of Crime Act 1994* (ACT) (VOCA), which commenced on 1 January 2021, following amendments introduced by the *Victims Rights Legislation Amendment Act 2020* (ACT), which stipulates that victims have a right to 'access to support, services, legal and financial assistance' (Division 3A.3). The *Victims of Crime Regulation 2000* (ACT) (VOC) in fact offers an early example of respecting the ACT's wide interpretation of human rights. The Regulation specifies that the objects of the Victims Services Scheme (VSS) are (amongst others):

- (r 20) (a) to provide assistance to victims of crime that will—
 - (i) promote their recovery from the harm suffered because of crime; and
 - (ii) allow them to take part in the social, economic and cultural life of their community...

The PAVER Review recommends strengthening this substantive right to services, assistance and advocacy, by incorporating provisions for VSS, the Financial Assistance Scheme (FAS) and other beneficial programs for victims under these objects in a single instrument (see further below).

Finally, under the VOCA, the statutory duties of the Victims of Crime Commissioner (VOCC) include that the position-holder *must*:

- manage support programs that are of ‘benefit’ to victims (s 11(1)(a));
- advocate for victims ‘interests’ (s 11(1)(b));
- promote compliance with victims’ rights (s 11(1)(d));
- ensure the provision of efficient and effective services for victims (s 11(1)(g)); and
- ensure that victims receive information and assistance they need in connection with their involvement in the administration of justice (s 11(1)(k)).

The PAVER Review’s blueprint for legislative reform rests on these key existing duties and obligations.

To remove any doubt, ‘victims’ rights’ are conceptualised in two primary domains. The first are victims’ rights in the administration of justice. These are currently provided for in the VOCA and encompass the recently enacted Victims Charter. These justice rights for victims relate to the *International Covenant on Civil and Political Rights* (1966). The second are victims’ right to services that, as mentioned earlier, relate to the *International Covenant on Economic, Social and Cultural Rights*. The later UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) recognises both domains of rights. The recommendations of this review separate these two sets of rights, by retaining the right to access support, services, legal and financial assistance within the VOCA (see Div 3A.3), but propose to shift Part 4 of the VOCA to new legislation that specifies *how* those rights are to be provided.

The Review Findings and Recommendations

Putting People at the Centre of Victim Support, Assistance and Advocacy

The one-stop shop model of services that gave rise to VSACT in 2007 maximises accessibility to the members of the ACT community who need it and to those other stakeholders – community, government and professional – who benefit from a centre of expertise, capability, skill and authority, in relation to shared duties. As a one-stop shop, VSACT maximises accessibility, without compromising other community-based specialisations that respond to people victimised by specific crime areas, such as domestic and family violence and sexual victimisation (eg, Domestic Violence Crisis Service (DVCS) and Canberra Rape Crisis Centre (CRCC)).

However, the evolution of legislation and programs designed to benefit members of the ACT community victimised by crime and violence has inadvertently resulted in program-driven processes and conceptualising within VSACT. Those working in each of the programs work with a high degree of passion, commitment and skill, but the default is managing and reporting on the programs. This problem was exemplified in the client use data supplied to

this review (see Chapter 7). In essence, program-based record-keeping and data management prevented this review from understanding clients *as a whole group* and how they used services. **Recommendations 2, 3, 5, 6, 9, 10 and 11** are intended to drive the desired aim for client-centred services.

‘Putting people first’ is often described as being ‘client-centred’. Each VSACT staff member may rightly claim this approach is at the centre of their practice. However, VSACT must change to better enable *the organisation and its processes* to be consistently and robustly client-centred. Being client-centred begins from service design, through to first reception and a person completing their entitlements and/or engagement with justice processes; and it encompasses how the organisation captures information that is important to the objects of the reforms proposed in this report. The very significant increases in service demands experienced by VSACT staff work to undermine staff capacity to be client-centred.

The findings from the online survey and interviews with current and former clients of VSACT indicate that they generally experienced positive early encounters with the programs under review (through the staff responsible), but that these are significantly less positive for people:

- finding the help and support they need in the short, medium and longer term;
- understanding the help that is available to them and being heard and understood in getting that help;
- getting the help they need, as opposed to the help that is available;
- being kept informed and responded to in a timely manner; and
- experiencing processes, decisions and reviews that are transparent, procedurally fair and uphold respect for individual dignity and natural justice.

Support, Assistance and Advocacy

The present program-driven organisation arranges its thinking and day-to-day resources around the VSS, the FAS and the Victims Rights and Reform program (VRR). The PAVER Review instead conceptualises the activities that these programs enable VSACT staff to deliver: all persons victimised by crime and violence in the ACT have legislative entitlements to *support, assistance and advocacy* (**Recommendation 6**). In addition, and relatedly, these persons are clients of VSACT, rather than clients of specific programs.

Creating a Single Coherent Legislative Response Enabling Support, Assistance and Advocacy

The present system is driven by two statutes and two regulatory instruments, along with other VSACT operating procedures. This review strongly recommends a single statute that merges (though also changes) the current legislative objects and standardises core definitions, such as who is a victim (**Recommendation 8**). We suggest two approaches to developing legislative coherence: a new single legislative instrument and reform of the

VOCFA Act. Each approach aims to simplify victims' entitlement to support (presently described as the Victims Services Scheme), assistance (described as the Financial Assistance Scheme) and advocacy (broadly described in the Victims' Charter), to standardise definitions and core concepts, to retain the core distinct entitlements to support and to financial assistance, and to be drafted from a client-centred perspective and as simply as possible.

Our preferred approach is for a single legislative instrument, indicatively titled the *Victims' Support Assistance and Advocacy Act (VSAAA)*, to replace the *Victims of Crime (Financial Assistance) Act 2016 (ACT)*, the *Victims of Crime Regulation 2000 (ACT)* and Part 4 of the *Victims of Crime Act 1994 (ACT)*.

A second approach is to amend the VOCFA Act by incorporating in it Part 4 of the VOCA, which establishes the Victims Services Scheme. This approach would still require legislative change, to standardise definitions and concepts, and make plain the composition of assistance to different victim groups. The approach also requires merging and amending the two regulatory instruments currently in operation.

The blueprint for legislative reform for crime victims draws some inspiration from aspects of the approach in the *Mental Health Act 2015 (ACT)*, which similarly seeks to respond to a specific, though diverse, client group with a range of needs and requirements, some of which are short-term interventions and some of which are longer term.

Over-riding Duties of Victims of Crime Commissioner (VOCC)

The VOCC, like other public entities, is a duty-bearer with respect to the *ACT Human Rights Act 2004*. Upholding the dignity and privacy (amongst others) of members of the ACT community as rights-holders is central to the performance of her functions and those of the staff she directly oversees within the Human Rights Commission.

In addition, the VOCC is duty-bound to manage programs for the *benefit* of persons as crime victims and to advocate in their *interests* (*Victims of Crime Act 1994 (ACT)* ss 11(1)(a), (b)). The VOCC gives effect to these duties, by ensuring that the delivery of the programs under review, the VSS and the FAS, are done as entitlements of people who have been victimised by crime in the ACT, as opposed to services at her discretion. This review **recommends** that the proposed new statute expressly recognise the beneficial intent of the proposed single program and its status as an entitlement. Further, **Recommendations 2, 3, 5, 6, 9, 10 and 11** go to the principle of victim benefit.

Further, that notion of *benefit* should predominate, when the VOCC determines individual access to these entitlements, whether in first instance or during any subsequent review. The recommendation relates to the requirement for a transparent and procedurally fair process for internal review, whether of decisions on financial assistance or on access to services generally. On this point, and in recognition of the very wide statutory functions of the VOCC,

we recommend the single statute provides a specified public servant role for Director of Victims Support (or Director of Services). A model is contained within Part 12.1 of the *Mental Health Act 2015* (ACT). The recommendation provides a clearer distinction between the statutory functions and oversight of the VOCC and service delivery.

The Director's functions would combine those functions currently contained in Victims of Crime Regulation 2000 (ACT) r 22 (albeit revised in line with this substantive proposal) and incorporate regulations necessary to assist victims to apply for financial assistance, to provide for the determination of financial assistance applications and provide for advocacy services to victims accessing their rights in the administration of justice.

Re-Designing a Client-Centred Organisation

VSACT staff are burdened with considerable regulatory paperwork across both programs under review. They have regulatory requirements to assess, review and determine if, how and when support, assistance and/or advocacy are provided. This has a significant negative impact on staff capacity to develop and implement support plans *with and for clients* and to also maintain follow-up with them, as clients' needs and priorities change, their involvement with other systems evolve, and as they build their own capabilities to flourish. All the data analysed for this review – administrative, interviews and surveys – clearly show problems with timeliness and responsiveness to the range of needs.

There are a number of aspects to this problem. First, rr 22(b) and (c) of the Victims of Crime Regulation 2000 (ACT) is interpreted as allowing 'professional services' to be provided by either VSACT staff or external Approved Providers or both. There may be good reasons in some circumstances for the possibility of 'both'. However, a beginning assumption should be that only VSACT staff have authority to facilitate and coordinate all the clients' service engagements, help them to apply for financial assistance, liaise with justice agencies on their behalf, and advocate for the client with justice and other agencies. This function (the hybrid case management/case coordination) should drive who does what and should be the job description of the proposed Victim Support Officer (VSO). These proposed core positions will perform this function and which may then 'broker' support, rehabilitation and therapeutic goods and services for the client. While all VSACT staff must work with a trauma-informed lens and use skills that draw on trauma-informed practice, this assertion necessarily places less emphasis on a VSO actually being a therapeutic provider.

Second, getting support and assistance to the client as quickly as possible is currently hampered by the separation of client support planning and implementation from financial assistance. Setting aside the recognition payment, these components should be conducted together by those victim support staff who are working to respond to different effects on the individual's life that the victimisation has made.

Third, aside from the key performance indicator (KPI) for a referral to be actioned within five working days (HRC, 2020), there are few other work targets in place with VSACT. Work KPIs may seem bureaucratic, but are essential for workload management and workflow. The proposed re-design of the service structure is premised on the findings of the literature (Appendix B) that the majority of victims of violence have an intense reaction to the incident that reduces quickly over time. However, we acknowledge that this broad finding is not true of all people in all circumstances. The organisational re-design in **Recommendation 12** stipulates first an intense period of rapid problem identification, sorting, prioritising, and solving (during reception and early intervention); this would then be followed by a second phase of assessment, allocation and intake for medium-term support planning. For those with longer-term therapeutic needs, the proposal envisages that nearly all of their direct service is provided externally and paid for by VSACT.

Finally, this review recommends (**Recommendations 6, 8, 9 and 10**) extending victims' entitlement to services and making this available quickly at the point of reception. Analysis of the administrative data in Chapter 7 and the previous Garnett (2019) review reveals a concentration of use at 6-10 sessions of service. There is no substantive gain to victims or to the service to offer two hours and then require closure reports. Rather, it only adds to the regulatory burden. Therefore, the 'amount' of service per level should extend, from the present two, six and 12 hours, to six, 20 and 20 hours (or the nominal value of those hours, as discussed later regarding levels of service). Again, the primary interest is to quickly get people the assistance they need, with minimum attrition and paperwork. With the extension of service entitlement, we also recommend removing provisions for services in exceptional circumstances.

Access to Support, Assistance and Advocacy

The demand for support, assistance and advocacy since VSACT was established and over the period of review from 1 July 2016 has increased exponentially. Community outreach and other activities are clearly improving knowledge of VSACT and its services. However, there remain people who are entitled to services, but either do not know what exists or do not know the extent and breadth of what it offers. The research conducted for this review sought feedback from people who were already clients of VSACT. Therefore, we can make no comment on the level and types of unmet needs of victims in the general ACT population.

Community outreach to the Aboriginal and Torres Strait Islander and multicultural communities is highly valued within VSACT. The proportional and numeric increase in clients from these communities since 2016 is testament to the skills and experience of these staff. While we did not examine these programs in any detail, the blueprint for reform conceives these as 'specialisations' that provide depth, cultural guidance and advice, backup to staff as

a whole and support to clients, as necessary and appropriate. The outreach programs should be supported to continue (**Recommendation 12**).

Although the extent of victimisation by crime and violence is under-reported to authorities (ABS, 2020), over 20,000 victims reported the victimisation to police in the ACT. Excluding organisations, this represents nearly 15,000 individuals (or nearly 3,500 if only accounting for violence offences and fewer still, if only accounting for those violence offences that proceed to a criminal charge) (see Chapter 5). However, just under 2,000 referrals (from any source) were received by VSACT in 2019-20 (Table 30). While the latter represents a 39% increase in numbers of people referred to VSACT, the difference between this figure and those reporting to police is a very large service gap.

Research into the referral of victims was commissioned by ACT Policing and VSACT and conducted by the Australian Institute of Criminology in 2009 (McGregor et al., 2013). That research identified weaknesses and strengths in the system of referral from police to support services and surveyed crime victims' preferences on the key question of consent. A majority (67%) of respondents indicated that they had not been provided with information about victim services by police. The survey conducted by the PAVER Review found that, of victims who answered the questions (N=240), 63% said that they had received verbal or written information from police about services for victims of crime, and just over half (53%) indicated that the police had put them into direct contact with a victim service. While the sample population for the two surveys is different (see Chapter 8), the difference suggests improvement.

Nonetheless, the service gap remains. The current referral system between ACT Policing and VSACT was informed by the 2013 research, which found that 80% of respondents preferred that police ask them before making the referral (McGregor et al., 2013). This consent-based *opt-in* approach relies on a range of factors, such as the quality of information provided, the context of the victimisation and circumstances of the individual victim. On the basis that information about individuals' rights and entitlements is critical to their informed consent and authentic choice, this review **recommends (Recommendation 16)** an *opt-out* referral. An *opt-out* approach specifies that police officers advise people that it is ACT Policing policy to refer to support services and that, upon contact with that service, the individual may choose to pause or opt out of on-going engagement.

The recommendation is a big shift for both ACT Policing and VSACT and should be planned for carefully and resourced properly. The approach may be supported by **Recommendation 14(a)** that VSACT should have restricted access to ACT Policing's PROMIS for read-only information about the victim and their allegation, as is the case between the relevant victim service and police in NSW and Queensland. As it is anticipated that this will take time to negotiate, it is recommended that an ACT Police officer is seconded to or placed within VSACT. This placement may also assist with the flow of information that the current FAS

requires for determining applications. The review recommends that the extent of evidence currently sought by FAS from the police and other services is markedly reduced but, until that happens, a secondment with real-time access to PROMIS can also actively contribute to the development and implementation of the new approach. Better information flow from justice entities is in any event required under the new Victims Charter.

Finally, and given the substantive other proposals of this review, it is recommended **(Recommendation 14)** that implementation of the new opt-out referral system be delayed 12-18 months, depending on recommendations adopted by this review, particularly on the urgency of a budget increase for VSACT.

Notably, an opt-out referral of victims of crime between ACT Policing and VSACT must accommodate existing protocols between ACT Policing and other essential providers, including the DVCS and CRCC.

A Blueprint for Reform: Core Components

Single Legislative Instrument

It is recommended **(Recommendation 8)** that a single legislative instrument, indicatively titled the *Victims' Support Assistance and Advocacy Act (VSAAA)*, replace the *Victims of Crime (Financial Assistance) Act 2016 (ACT)*, the *Victims of Crime Regulation 2000 (ACT)* and Part 4 of the *Victims of Crime Act 1994 (ACT)*.

The proposed **objects** of the new legislation would be to:

- (a) provide support, assistance and advocacy to victims of crime that will—
 - (i) help victims deal with the effects of and assist their recovery from the harms suffered because of crime;
 - (ii) provide recognition of the wrong done to the victim because of the crime;
 - (iii) contribute to upholding the safety, privacy and dignity of people adversely affected by crime;
 - (iv) acknowledge, promote and uphold the rights and interests of victims to their human rights and rights in the administration of justice;
 - (v) allow them to take part in the social, economic and cultural life of their community; and
 - (vi) establish requirements for monitoring and reviewing victims support assistance and advocacy.

Core **parts** of the legislative reforms should provide for a statutory authority and responsible agency, as follows:

Under the *Victims of Crime Act 1994*:

1. recognise the VOCC is responsible for administering the single legislative instrument, as well as the responsible agency. The VOCC is the reporting authority;
2. amend s 11(1)(a) to provide a function of the VOCC to: ‘manage Victim Support ACT, its programs and any other program for the benefit of victims’;
3. provide for delegation of the VOCC duties and authority; and
4. specify VSACT as the responsible agency to provide support, assistance and advocacy for victims.

Under the proposed new statute:

1. provide that victim support, assistance and advocacy services be established (transferring and amending Part 4 from the VOCA);
2. retain wide eligibility for victims to access support, assistance and advocacy (as currently contained in s 20 of the VOCA), subject to regulation;
3. specify amended legislative objects for support, assistance and advocacy (as above);
4. in providing support, assistance and advocacy, provide that VSACT may also cause to have services provided, whether through registered Approved Providers and/or non-registered other entities;
5. specify that a Code of Practice for the delivery of services be produced within 12 months of enactment and guidelines (notifiable instruments) established for any person or entity exercising functions under the new instrument. All instruments are to be consistent with the Act’s functions and both the *Victims of Crime Act* and the *Human Rights Act*. [Note *Mental Health Act 2015 (ACT)* ss 198, 198A for comparable relevant provisions; this would in essence also incorporate *Victims of Crime (Financial Assistance) Act 2016 (ACT)* s 87];
6. provide for a Director of Victims Support (or Director of Services) within VSACT [Note *Mental Health Act 2015 (ACT)* Pt 12.2 for comparable relevant provisions].
7. specify information sharing provisions relevant to VSACT, as information-holder [Note *Mental Health Act 2015 (ACT)* Pt 12.5 for comparable relevant provisions; VSS designation as a health service for the purpose of health records; and relevant provisions allowing information sharing under *VOCA* and *Victims of Crime (Financial Assistance) Act 2016 (ACT)* Div 3.5];
8. provide for regulations to detail the provision of support, assistance and advocacy; and
9. stipulate in the Regulations that Victim Support Officers are to provide, coordinate and manage the support, assistance and advocacy.

Core **elements** of the single legislative instrument and associated regulatory instruments are:

- the *definition of 'victim of crime'* is to be consistent across this and other relevant statutes and instruments;
- *eligibility* for support, assistance and advocacy is to be available to those defined persons, except as further specified (see below). Both eligibility and the levels of service (see also below) are based on *the person*, as opposed to events or incidents;
- *levels of support* are designed to commence with wide entitlement to persons victimised by crime, whether personal or property (Level 1) and to elevate expanded entitlement, but for narrower categories and circumstances (Levels 2 and 3);
- *client-centred rights and principles of service* are to be specified, with particular reference to core human rights, as well as the importance of timeliness; and
- *referral of victims* from ACT Policing is to be provided for (as per *Victims of Crime Act 1994 (ACT) Div 3A.3*), with appropriate information access to and sharing provisions necessary to facilitate victims' access to their entitlements to support, assistance and advocacy.

The regulatory instrument (**Recommendation 6**) should detail the **services** as support, assistance and advocacy and should hold the client as the centre of focus. The provisions draw on existing the programs and victims' rights, but are conceived both as entitlements and service activities.

Services eligibility should be allowed for in broad terms within the statute, but specified in detail within the regulations and in the proposed new Code of Practice and guidelines.

It is important to note, however, that while 'advocacy' is a service that protects victims' rights, human rights and victims' engagements with other authorities, eg, ACT Housing and Child and Youth Protection Services, it cannot be time limited (see example below). Nevertheless, the proposed *structure of engagements* (see below) between client and victim support officer/victim advocate may be *paced across time* through various justice processes.

Example: a person may experience a property crime that may be subject to lengthy justice processes, including restorative justice and/or Sentence Administration Board (eg, parole) hearings and/or be involved with proceedings under the *Mental Health Act 2015 (ACT)*. Support and rights advocacy in such circumstances should not be time limited.

Service entitlements are targeted and phased across 'levels of service'. While the proposals borrow from the current VSS terminology, levels of service refer here to how VSACT structures its services, in order that these may be transparent to clients and can facilitate workflow and workload management. Provision should be made for the VOCC and/or Director's discretion in determining levels and methods of provision. The levels of service should be described so as not to imply that the value can only be made good as hourly

service, but may take the form of ‘goods or services’. The VOCC/Director should also be authorised to cause payment of such ‘goods or services’ at their discretion.

Levels of Service

To be clear, a ‘level of service’ describes both the phase of case management *and* the ‘value’ (in goods and services) of the support, assistance and advocacy to be provided.

Level 1 – all individuals victimised by crime (personal and/or property crime) in the ACT are entitled to access VSACT. At this minimal level, individuals are entitled to information, as well as support and advocacy for their rights (only limited by VSACT policy and procedure, in line with the proposed new Code and guidelines). No report to police is required.

Within Level 1, all individuals are further entitled to up to six hours (or equivalent) goods and services (as currently specified in VSS), as an *Individual Support Package*. The value of the support package may also be delivered as an *Immediate Support Package*, if required, as rapid assistance for priority concerns/needs (see below).

Level 2 – all individuals victimised by violence (personal crime) are entitled to up to 20 hours (or equivalent) goods and services (currently specified in VSS) as *Individual Support Package*.

In addition, all individuals victimised by violence (personal crime) are entitled to apply for *financial assistance* (expenses reasonably incurred in consequence of the violence (see *Victims of Crime (Financial Assistance) Act 2016* (ACT) 26(2)), loss of income (s 27) and recognition payment (RP)). The amounts for each are specified in the *Victims of Crime Regulation 2000* (ACT). Under s 26(2),

an expense is a reasonable expense if payment of the expense, at the time the application is made, is likely to—

- (a) meet the objects of the statute (as above); or
- (b) prevent further harm to the person; or
- (c) limit further threats to the safety of the person.

For financial assistance, eligibility for and access to reimbursement and payment of expenses reasonably incurred (including funeral costs) and income loss should be conceived as part of the tools that a victim support officer may draw on in supporting a client. The financial assistance for expenses may be understood as linked to the harm and injury caused by the victimisation.

The purpose of the *recognition payment* is to recognise the wrong done to the victim because of the crime. Categories of payment are linked to the seriousness of the crime (the specified offences) and not to any specific harm, trauma or injury. The recognition payment

is a form of symbolic recognition from the community to the victim that a wrong has been done to them.

The present list of 14 offence categories for the recognition payment should be radically simplified. The categories provided in the Queensland and NSW schemes should provide a guide. A single flat payment should replace the present scale that slides according to circumstances of aggravation. The trade-off here is for faster decision-making times and less evidentiary burden, against the potential for a larger recognition payment within a specific offence category. A single payment is also more transparent and minimises the agitation that can arise from applicants comparing their payments against known payments made to other persons of similar facts (but where unknown additional circumstances may have been taken into account).

Level 3 – all individuals victimised by violence (personal crime) are entitled to a further 20 hours of *service* (not transferrable into goods, but a ‘service’ may be aggregated).

To remove doubt, the PAVER Review recommends up to 46 hours’ service, as opposed to the current 20 hours in the VOC Regulation. Therefore, we envisage that Regulation 36, which provides for approval of further hours in ‘exceptional circumstances’, would be abolished if the proposed model were adopted.

The Assumption of ‘Benefit’ and Evidence

The support, assistance and advocacy provided are *beneficial* for the client victim (**Recommendations 2, 3, 5, 6, 9, 10 and 11**). There is an assumption that the basis of the person’s request for services is believed. Therefore, evidence for all levels of *support and advocacy* is not required. Individuals narrate the impact of the victimisation to a VSO to develop a support plan together.

In summary, the evidence to access support, assistance and advocacy are:

Level 1 – no evidentiary requirements or report to police. *Prima facie*, the victim’s account of what they experienced will be believed.

Level 2 – no police report for Individual Support Package (goods and services) or for expenses reasonably incurred (amounts limited in Regulation). Evidence required in the form of quotations or receipts for costs. Evidence for a recognition payment is a report from police or special reporting authority, plus options for evidence of harm or injury.

Level 3 – no evidentiary requirements and no report to police required, as essentially an extension of current VSS. Services paid directly by VSACT.

The evidence required to support an application for *financial assistance* varies according to the assistance sought. For expenses and loss of income, the evidence supplied may include

quotes, invoices, receipts and/or statements, in addition to information about the crime and how the expenses relate to any or all of the information supplied. No police report is required as the primary purpose of this assistance is to, as quickly as possible, help the person deal with the effects on their life.

To remove any doubt, an eligible victim may apply for financial assistance at any time during their engagement with VSACT. They may also apply for financial assistance and not use any other service. Help and support with their application will still be facilitated by a VSO. Assessors will only assess and determine the application.

The evidence required for a *recognition payment*, given its focus on the wrong, is that the victim will have reported the matter to police or, in line with the current provisions, another special reporting authority. With a focus on getting the payment to the person as rapidly as possible, there are two options for further evidence. Option 1 (*the wrong-focused recognition*) may not require evidence of any harm or injury, other than that which the applicant specifies in narrating the victimisation and its effects. Option 2 (*the wrong- and harm-focused recognition*) may require evidence such as a medical/psychologist report or other assessment from a special reporting authority.

Victim Registration

Victim registration to facilitate their access to certain rights in the administration of justice is in the process of being transferred to VSACT from relevant sentence administration authorities (youth justice, corrective services and forensic mental health). The past practice has been to register a person upon request and at the end of the relevant justice proceeding (ie, retrospectively). The proposals in this review encourage reconsideration of this approach. If the opt-out referral with police is adopted (**Recommendation 16**), then, should they agree at contact with VSACT, individuals should be registered in the new database, Resolve. This means that VSACT will potentially already have persons registered (and supported) when the stage later arrives that may trigger their entitlement to certain justice information (such as information about the sentence administration of a particular offender) or a certain justice process (such as a submission to the Sentence Administration Board).

Thus, early and prospective registration for short- and longer-term engagement is open to all persons victimised by crime who report to police *and* whose matter proceeds to court (in order to facilitate the participatory rights set out in Division 3A of the *Victims of Crime Act 1994* (ACT)). Any person registered with VSACT is eligible to be provided with information, case updates and advocacy (consistent with VSACT policies/procedure).

A Client-Centred Structure and Process for VSACT

In order to deliver support, assistance and advocacy that is client-centred and timely, VSACT needs some structural and procedural re-organisation. To understand this organisational proposal, it is important to recall the recommendations for creating new positions, namely, Victim Support Officer, Victim Advocate and Assessor. The job descriptions and classifications will need to go through the required public service process. However, a key suggestion is that there be core capabilities for each of the positions, in order to maximise transferability of staff within VSACT and thereby promote skills development and prevent staff burnout.

Table 60 sets out the following recommended new structure and process. The key to understanding the proposed client process is the indicative timing for each step (or KPI). These drive the *delivery* of services, not the *level* of service.

Table 60: A Client-centred Service Delivery Structure and Process, VSACT

CONTACT AND ENTRY POINTS	
TYPE	METHOD
Direct contact (self, family, friend)	By phone, email or walk-in
Third-party referral (police, other services/justice organisations)	Automated or by phone, email
Outreach contact (VSACT staff active in different community settings)	Community events, home visits, organised activities
RECEPTION, EARLY INTERVENTION AND RESOLUTION	
ACTIVITIES	INDICATIVE TIMING (KPI)
Reception of contact	Immediate
Responding to contact	Within five working days (if third-party)
Resolve entry	(current KPI)
Rapid problem/issue/request identification (with client)	Immediate
Rapid problem sorting (with client)	Within five working days of contact
Rapid problem prioritisation (with client - what needs to be done first and within five days)	(current KPI)
Resolution actions for priority concern (eg, personal/home security, relocation, urgent)	Immediate

<p>medical/dental assistance, investigation/case update, information, application forms)</p> <p>Possible Level 1 (L1) allocation as <i>Immediate Support Package</i> (no police report required)</p> <ul style="list-style-type: none"> - full or partial L1 allocation (up to six hours' value goods or services (nominal estimate \$200/hr=\$1200 pp)⁵⁸ - direct to client bank account (as 'grant') or payment to service (direct or on invoice) 	<p>Within five working days of contact (current KPI)</p>
<p>Resolution for service:</p> <ul style="list-style-type: none"> a) describe how VS works beyond early intervention <i>and</i> b) agreement to re-contact client for next steps (possible intake) <i>or</i> c) agreement to pass to VS Intake and Allocation <i>or</i> d) agreement to pass to VS specialists,⁵⁹ <i>and</i> e) Resolve update 	<p>Within five [or 10] working days of contact (to be determined in implementation planning)</p>
ALLOCATION, INTAKE AND PLAN DEVELOPMENT	
ACTIVITIES	INDICATIVE TIMING
<p>Allocation to VSO</p> <p>VSO contacts client for intake</p>	<p>Within five working days from early resolution</p>
<p>Intake</p> <ul style="list-style-type: none"> - review how early intervention has dealt with priorities - update problem ID, sorting and prioritisation - expand personal/case information for recording - undertake needs assessment - conduct pre-test/evaluation 	<p>Within 5-10 working days of intake contact (to be determined in implementation planning)</p>

⁵⁸ These amounts are estimates for illustrative purposes only. A way of estimating the value of a package (whether immediate support or individual support) is to calculate from the top hourly rate currently paid by VSACT to Approved Providers.

⁵⁹ Current VS specialists are Aboriginal and Torres Strait Islander Program, CALD program, VRR, and Witness Intermediaries. VSOs are also assisted by a Volunteer Program.

Advise client how VS client schedule ⁶⁰ works	
Agree (with client) on Victim Support Plan priorities	
Update Resolve	
SUPPORT, ASSISTANCE AND ADVOCACY SERVICES	
ACTIVITIES	INDICATIVE TIMING
Finalise (with client) Victim Support Plan (includes rights assistance and advocacy, planning service supports and financial assistance [<i>from needs assessment</i>], implementation plan for services and assistance, coordination (and management if necessary) of services and assistance)	Within 5-10 working days of intake (to be determined in implementation planning)
Initiate (or continue) L 1 <i>Immediate Support Package</i> – up to six hours’ value goods or services	A client contact schedule should be determined in implementation planning. An indicative schedule is: L1 contact is once per week for first month, then once per fortnight for months 2-4, then once per month for months 5-6 (contact frequency may be increased depending on assessment but shall not be decreased without consultation)
Initiate Level 2 (L2), including preliminary assessment of eligibility	
Liaise/coordinate with VS specialists, as necessary	Where lead person, VS specialists adapt client contact schedule as appropriate (but not to be decreased without consultation)
Close L1 - client self-directed plan for future - provide information (self-care, social supports, other services) - post-test/evaluation - update Resolve	Close at six months (to be determined in implementation planning)
Justice advocacy continues for duration of case through legal system	As per regular schedule (to be determined in implementation planning)

⁶⁰ Client schedule sets out KPIs for scheduling contact with clients as “standard”: early intervention within five days, allocation and intake within 5-10 days, support plan within 5-10 days.

<p>Initiate L2 (violent crime only) – update Victim Support Plan</p> <p>Specialist liaison and coordination continues (Indigenous, CALD, VRR and/or other as required)</p> <p>Involvement of volunteer if necessary/required</p> <p><i>Individual Support Package</i> – up to 20 hrs value goods or services (nominal approx. \$4000 pp) (no police report)</p> <p><i>Financial Assistance Package (FAP)</i></p> <ul style="list-style-type: none"> a) Expenses reasonably incurred and loss of income (no police report) - capped, quotes/invoices b) Recognition payment (police or other report required, as current) – single payment, no injury report 	<p>Client contact schedule to be developed but indicative L2 contact is once per week for first fortnight or once per fortnight (depending on client/package demands) for months 1-2, then once per month for months 3-12 (contact frequency may be increased depending on assessment, but is not to be decreased without consultation)</p> <p>Review at mid-point</p>
<p>Determine FAP</p> <ul style="list-style-type: none"> - assistance to apply conducted by VSO - assessment and determination conducted by Assessor 	<p>Time schedule for determination (to be determined in implementation planning)</p> <ul style="list-style-type: none"> - RP made on report requirement (not injury) - expenses determination on invoice/receipt
<p>CASE REVIEW: CLOSURE OR CONTINUATION</p>	
<p>ACTIVITIES</p>	<p>INDICATIVE TIMING</p>
<p>Review L2 and justice advocacy</p>	<p>At 12 months from first Victim Support Plan (to be determined in implementation planning)</p>
<p>Close L2</p> <ul style="list-style-type: none"> - client self-directed plan for future - provide information (self-care, social supports, other services) - post-test/evaluation - update Resolve 	

Justice advocacy continues for duration of case through legal system	As per regular schedule Possibly increased contact with intermediaries or volunteers
<p>Initiate Level 3 (violent crime only) - update Victim Support Plan</p> <p>Specialist liaison and coordination continues (Indigenous, CALD, VRR and/or other as required)</p> <p>Involvement of volunteer if necessary/ required</p> <p><i>Individual Support Package</i> – up to 20 hrs services only (approx. \$4000 pp) (no police report)</p>	<p>Client contact schedule to be developed at implementation, but indicative L3 contact is once per week for first fortnight or once per fortnight (depending on client/package demands) for months 1-2, then once per month for months 3-12 (contact frequency may be increased depending on assessment but shall not be decreased without consultation)</p> <p>Review at mid-point</p>
Review L3 and justice advocacy	At 12 months from updated Victim Support Plan (to be determined in implementation planning)

References

ACT Attorney-General's Department (1997). *Discussion Paper – Reform of the ACT Criminal Injuries Compensation Scheme*. Canberra.

ACT Government (1999). *Submission to the ACT Standing Committee on Justice and Community Safety on the Bill Reforming the Criminal Injuries Compensation Act 1983 (ACT)*.

ACT Human Rights Commission (2017). *Victims of Crime Commissioner Annual Report 2016-17*. Canberra.

ACT Human Rights Commission (2019). *Annual Report 2018-19*. Canberra.

ACT Human Rights Commission (2020). *Annual Report 2019-20*. Canberra.

ACT Justice and Community Safety Directorate (2005). *Final Report of the Reference Group for the Review of the Victims Services Scheme (VSS)*. Canberra.

ACT Justice and Community Safety Directorate (2013). *The ACT Victims of Crime Financial Assistance Scheme: An Issues Paper Prepared by the JACS Directorate*. Canberra.

ACT Justice and Community Safety Directorate (2014). *The ACT Victims of Crime Financial Assistance Scheme: Proposed Model*. Canberra.

ACT Legislative Assembly (1998). *Victims of Crime (Financial Assistance) Amendment Bill 1998: Explanatory Memorandum*.

ACT Ombudsman (2012). *Administration of Applications for Financial Assistance under the Victims of Crime (Financial Assistance) Act 1983*. Canberra.

ACT Victim Support Working Party (1998). *Report of the Working Party: Victim Support in the ACT – Options for a Comprehensive Response*. Canberra: Victims of Crime Coordinator.

ACT Victims of Crime Commissioner (2011). *Annual Report 2010-11*. Canberra.

ACT Victims of Crime Commissioner (2012). *Annual Report 2011-12*. Canberra.

ACT Victims of Crime Commissioner (2016). *Annual Report 2015-16*. Canberra.

ACT Victims of Crime Commissioner (2017). *Annual Report 2016-17*. Canberra.

ACT Victims of Crime Commissioner (2018). *Annual Report 2017-18*. Canberra.

ACT Victims of Crime Commissioner (2019). *Annual Report 2018-19*. Canberra.

ACT Victims of Crime Coordinator (2005). *Annual Report 2004-05*. Canberra.

ACT Victims of Crime Coordinator (2006). *Annual Report 2005-06*. Canberra.

ACT Victims of Crime Coordinator (2007). *Annual Report 2006-07*. Canberra.

ACT Victims of Crime Coordinator (2008). *Annual Report 2007-08*. Canberra.

ACT Victims of Crime Coordinator (2009). *Annual Report 2008-09*. Canberra.

- ACT Victims of Crime Coordinator (2010). *Annual Report 2009-10*. Canberra.
- Aeffect, Inc. (2017). *2016 Victim Needs Assessment*. Chicago: Illinois Criminal Justice Information Authority.
- Ansara, D., and Hindin, M. (2011). Psychosocial consequences of intimate partner violence for women and men in Canada. *Journal of Interpersonal Violence*, 26, 1628-1645.
- Atiyah, P. (1970). *Accidents, Compensation and the Law*. London: Weidenfeld and Nicholson.
- Australian Bureau of Statistics (2020). *Crime Victimization, Australia, 2018-19*. Canberra.
- Australian Institute of Health and Welfare (2019). *Family, Domestic and Sexual Violence in Australia: Continuing the National Story 2019*. Canberra.
- Baril, M. (1984). *L'envers du Crime*. Les Cahiers de Recherches Criminologiques No. 2. Montreal: International Centre for Comparative Criminology.
- Blakemore, T., Herbert, J. Arney, F. and Parkinson, S. (2017). The impacts of institutional child sexual abuse: A rapid review of the evidence. *Child Abuse and Neglect*, 74, 35-48.
- Borzycki, M. (2007). *Pilot Study on Sexual Assault and Related Offences in the ACT: Stage 3*. Research and Public Policy Series No. 79. Canberra: Australian Institute of Criminology.
- Bradford, B. (2011). Voice, neutrality and respect: Use of victim support services, procedural fairness and confidence in the criminal justice system. *Criminology and Criminal Justice*, 11(4), 345-366.
- Brahe, C. (1993). *The Review of the Victims Compensation Act*. Sydney: NSW Attorney-General's Department.
- Breckenridge, J., Rees, S., Valentine, K., and Murray, S. (2016). *Meta-evaluation of Existing Interagency Partnerships, Collaboration, Coordination and/or Integrated Interventions and Service Responses to Violence Against Women: Final Report*. Sydney: ANROWS.
- Bricknell, S., Boxall, H., and Andrevski, H. (2014). *Male Victims of Non-sexual and Non-Domestic Violence: Service Needs and Experiences in Court*. Research and Public Policy Series No. 126. Canberra: Australian Institute of Criminology.
- Brooks, O., and Burman, M. (2017). Reporting rape: Victim perspectives on advocacy support in the criminal justice process. *Criminology and Criminal Justice*, 17(2), 209-225.
- Brzozowski, J. (2007). Victim Services in Canada, 2005/2006. *Juristat*, 27(7). Ottawa: Statistics Canada.
- Bybee, D., and Sullivan, C. M. (2005) Predicting re-victimization of battered women 3 years after exiting a shelter program. *American Journal of Community Psychology*, 36(1/2), 85-96.
- Case Management Society of Australia and New Zealand (2021). *Case Management Definition/s*. <https://www.cmsa.org.au/about-us/definitions-of-case-management>

Chan, B., Edwards, B., Hardy, P., and Ngai, A. (2013). *Support and Compensation: Lessons from Crime Victims*. Presentation to the Actuaries Institute Injury Schemes Seminar, Gold Coast, November.

<https://www.actuaries.asn.au/Library/Events/ACS/2013/NgaiEtAlVictims.pdf>

Chappell, D. (1971). Providing for the victim of crime: Political placebos or progressive programs? *Adelaide Law Review*, 4, 294-306.

Connolly, J. and Gordon, R. (2015). Co-victims of Homicide: A systematic review of the literature. *Trauma, Violence and Abuse*, 16, 494-505.

Cussen, T., and Lyneham, M. (2012). *ACT Family Violence Intervention Program Review*. Technical and Background Paper No. 52. Canberra: Australian Institute of Criminology.

Daly, K., and Holder, R. (2019). State payments to victims of violent crime: Discretion and bias in awards for sexual offences. *British Journal of Criminology*, 59, 1099-1118.

Daly, K., Holder, R., and Meyer, V. (2019a). *The FAVE Project: Financial Assistance and Victims' Experiences*. Technical Report No. 6. Brisbane: Griffith University.

Daly, K., Holder, R., and Meyer, V. (2019b). *The FAVE Project: Financial Assistance and Victims' Experiences*. Technical Report No. 7. Brisbane: Griffith University.

Dare, A. (2002). *Assistance for Victims of Crime in the ACT: A Review of the Operation of the Victims of Crime (Financial Assistance) Act 1983 and the Victims Services Scheme*. Canberra: Dare Consulting.

Davies, I. (1991). Compensation for criminal injuries in Australia: A proposal for change in Queensland. *Bond Law Review*, 3(1), 1-24.

De Lint, W., Marmo, M., Groves, A., and Pocrnic, A. (2017). Crime victims' self-medication: Findings from a South Australian study. *International Review of Victimology*, 23, 159-177.

Denkers, A., and Winkel, F.W. (1998). Crime victims' well-being and fear in a prospective longitudinal study. *International Review of Victimology*, 5, 141-163.

Downes J., Kelly L., and Westmoreland, N. (2014). Ethics in violence and abuse research – A positive empowerment approach. *Sociological Research Online*, 19 (1/2), 1-13.

Duff, P. (1998). The measure of criminal injuries compensation: Political pragmatism or dog's dinner? *Oxford Journal of Legal Studies*, 18(1), 105-142.

Egan, S. (2019). Excavating feminist knowledges and practices in the field of sexual assault service provision: An Australian case study. *Women's Studies International Forum*, 74, 169-178.

Elbers, N., Meijer, S., Becx, I. M., Schijns, A., and Akkermans, A. (2020). The role of victims' lawyers in criminal proceedings in the Netherlands. *European Journal of Criminology*, <https://doi.org/10.1177/1477370820931851>.

- Erez, E., Roeger, L., and Morgan, F. (1997). Victim harm, impact statements and victim satisfaction with justice: An Australian experience. *International Review of Victimology*, 5, 37-60.
- European Union Fundamental Rights Agency (2014). *Victims of Crime in the EU: The Extent and Nature of Support for Victims*. Vienna: European Union Fundamental Rights Agency.
- Freckelton, I. (2004). Compensation for victims of crime. In H. Kaptein and M. Malsch (Eds), *Crime, Victims and Justice: Essays on Principles and Practice*. Farnham: Ashgate.
- Fry, M. (1951). *Arms of the Law*. London: Victor Gollancz.
- Garnett Solutions (2019). *Review of the Victims Services Scheme*. Acton: Garnett Solutions.
- Goodey, J. (2005). *Victims and Victimology: Research, Policy and Practice*. Harlow: Pearson Education.
- Heap, V. (2020). Exploring the effects of long-term anti-social behaviour victimisation. *International Review of Victimology*. <https://doi.org/10.1177/0269758020961979>.
- Helmersson, S., and Jonson, H. (2015) The use of 'empowerment' among organisations supporting victims of domestic violence in Sweden. *European Journal of Social Work*, 18(1), 51-64.
- Holder, R. (2009). *A Rollercoaster Ride: Victims of Sexual Assault, Their Experiences with and Views about the Criminal Justice Process in the ACT*. Canberra: ACT Government.
- Holder, R. (2015). Satisfied? Exploring victims' justice judgements. In D. Wilson and S. Ross (Eds.), *Crime, Victims and Policy: International Contexts, Local Experience*. London: Palgrave.
- Holder, R., and Daly, K. (2018). Recognition, reconnection, and renewal: The meaning of money to sexual assault survivors. *International Review of Victimology*, 24, 25-46.
- Holder, R., and Kirchengast, T. (2020). Victims' rights commissioners: Public interest entities in a regulatory regime. *International Journal of Comparative and Applied Criminal Justice*. <https://doi.org/10.1080/01924036.2020.1719527>.
- Holder, R., Arabena, K., Taylor, N., and Koeman, A. (2009). *'We Don't Shoot our Wounded': What Aboriginal Victims of Family Violence Say About Access to Justice and Access to Services in the ACT*. Canberra: ACT Government.
- Homicide Victims' Support Group NSW (2021). *About Us*. <http://www.hvsgnsw.org.au/about>
- Kane, K. (2008). Caseload analysis in district nursing: The impact on practice. *British Journal of Community Nursing*, 13, 567-573.
- Kilpatrick, D., Saunders, B., Vernon, L., Best, C., and Von, J. (1987). Criminal victimization: Lifetime prevalence, reporting to police, and psychological impact. *Crime and Delinquency*, 33, 479-489.

- King, R. (2009). Caseload management, work-related stress and case manager self-efficacy among Victorian mental health case managers. *Australian and New Zealand Journal of Psychiatry*, 43, 453-459
- Kirchengast, T. (2017). *Victimology and Victim Rights: International Comparative Perspectives*. Abingdon: Routledge.
- Kunst, M., Koster, N., and Van Heugten, J. (2017). Performance evaluations and victim satisfaction with state compensation for violent crime: A prospective study. *Journal of Interpersonal Violence*, 32, 3027-3044.
- Laragy, C., Fisher, K., Purcal, C. and Jenkinson, S. (2015). Australia's individualised disability funding packages: When do they provide greater choice and opportunity? *Asian Social Work Policy Review*, 9, 282-292.
- Laxminarayan, M., Bosmans, M., Porter, R. and Sosa, L. (2013). Victim satisfaction with criminal justice: A systematic review. *Victims and Offenders*, 8, 119-147.
- Leclerc, M-E., Delisle, C., Wemmers, J-A., and Brunet, A. (2017). *Assessing and Treating Traumatic Stress in Crime Victims*. Ottawa: Department of Justice Canada.
- Löfstrand, C. (2009). Supporting young crime victims: Discursive environments and formula narratives. *Journal of Youth Studies*, 12, 711-729.
- Lorenz, K., Kirkner, A. and Ullman, S. (2019). A qualitative study of sexual assault survivors' post-assault legal system experiences. *Journal of Trauma and Dissociation*, 20, 263-287.
- Lucas, D., and Holder, R. (2000). For the benefit of all: Relationships between feminist and generic crime victim services in Australia. *Women Against Violence: An Australian Feminist Journal*, 8, 65-69.
- Lurigio, A. (1987). Are all victims alike? The adverse, generalized, and differential impact of crime. *Crime and Delinquency*, 33, 452-467.
- Maguire, M., and Kynch, J. (2000). *Public Perceptions and Victims' Experiences of Victim Support: Findings From the 1998 British Crime Survey*. London: Home Office.
- Mahuteau, S., and Zhu, R. (2016). Crime victimisation and subjective well-being: Panel evidence from Australia. *Health Economics*, 25, 1448-1463.
- Malbon, E., Carey, G. and Meltzer, A. (2019). Personalisation schemes in social care: Are they growing social and health inequalities? *BMC Public Health*, 19, 805.
- Manning, F., and Griffith, G. (1997). *Victims Rights and Compensation: Commentary on the Legislative Reform Package 1996*. Briefing Paper No. 12/96. Sydney: NSW Parliamentary Library Research Service.
- Mavromaras, K., Moskos, M., Mahuteau, S. and Isherwood, L. (2018). *Evaluation of the NDIS: Final Report*. National Institute of Labour Studies, Flinders University.

- Mawby R. (2016). Victim support in England and Wales: The end of an era? *International Review of Victimology*, 22, 203-221.
- Mawby, R. (2007). Public sector services and the victim of crime. In S. Walklate (Ed.), *Handbook of Victims and Victimology*. Cullompton: Willan.
- Mayhew, P., and Reilly, J. (2007). *New Zealand Crime and Safety Survey 2006: Key Findings*. Wellington: Ministry of Justice
- McCart, M., Smith, D., and Sawyer, G. (2010). Help seeking among victims of crime: A review of the empirical literature. *Journal of Traumatic Stress*, 23, 198-206.
- McGregor, K., Renshaw, L., and Andrevski, H. (2013). *ACT Victims of Crime Referral Project*. Technical and Background Paper Series No. 55. Canberra: Australian Institute of Criminology.
- Meagher, G., and Goodwin, S. (2015). Capturing marketisation in Australian social policy. In G. Meagher and S. Goodwin (Eds.), *Markets, Rights and Power in Australian Social Policy*. Sydney: Sydney University Press.
- Medderman, D. (2020, September 25). Legal services in high demand as domestic violence calls double. *Canberra Weekly*. <https://canberraweekly.com.au/legal-services-in-high-demand-as-domestic-violence-calls-double/>.
- Meuleners, L., Hendrie, D., Lee, A. (2008). *Measuring the Burden of Interpersonal Violence Victimization in Western Australia*. Trends & Issues in Crime and Criminal Justice No. 352. Canberra: Australian Institute of Criminology.
- Miers, D. (2014). State compensation for victims of violent crime. In I. Vanfraechemn, A. Pemberton and F. Ndahinda (Eds.), *Justice for Victims: Perspectives on Rights, Transition and Reconciliation*. Abingdon: Routledge.
- Mulder, J. (2013). *Compensation: The Victim's Perspective*. Oisterwijk: Wolf Legal Publishers.
- Murray, S. (2006). The origins and development of the Australian women's refuge movement. *Parity*, 19(10), 11.
- New Zealand Law Reform Commission (2008). *Compensating Crime Victims*. Issues Paper No. 11. Wellington.
- Newman, E., and Kaloupek, D.G. (2004). The risks and benefits of participating in trauma focused research studies. *Journal of Traumatic Stress*, 17, 383-394.
- Newmark, L., Bonderman, J., Smith, B., and Liner, B. (2003). *The National Evaluation of State Victims of Crime Act Assistance and Compensation Programs: Trends and Strategies for the Future*. Washington, DC: Urban Institute, Justice Policy Center.
- Norris, F. H., Kaniasty, K., and Thompson, M. P. (1997). The psychological consequences of crime: Findings from a longitudinal population-based study. In R. Davis, A. Lurigio and W. G. Skogan (Eds.), *Victims of Crime*. New York: Sage Publications, Inc.

Norris, F., and Kaniasty, K. (1994). Psychological distress following criminal victimization in the general population: Cross-sectional, longitudinal, and prospective analyses. *Journal of Consulting and Clinical Psychology*, 62, 111-123.

NSW Department of Justice (2018). *Statutory Review: Victim Rights and Support Act 2013*. Sydney.

NSW Department of Justice (2018). *Victims Services Data Profiles: Restitution and Revenue 2017/18 – Information Sheet*. Sydney.

https://www.victimsservices.justice.nsw.gov.au/Documents/profile_2017-18_restitution_revenue.pdf

NSW Government Task Force. (1986). *Criminal Injuries Compensation in New South Wales: Task Force on Services for Victims of Crime*. Sydney.

NSW Joint Select Committee on Victims Compensation (1997). *Second Interim Report: The Long Term Financial Viability of the Victims Compensation Fund*. Sydney.

NSW Joint Select Committee on Victims Compensation (1998). *Inquiry into Psychological Injury Shock*. Sydney.

NSW Taskforce on Services for Victims of Crime (1986). *Report and Recommendations*. Sydney.

O'Connell, M. (2015). The evolution of victims' rights and services in Australia. In D. Wilson and S. Ross (Eds.), *Crime, Victims and Policy: International Contexts, Local Experiences*. London: Palgrave.

O'Connor Marsden and Associates (2019). *Internal Audit of Collection of Statutory Levies and Charges*. Sydney.

Oudekerk, B., Warnken, H. and Langton, L. (2019). *Victim Service Providers in the United States, 2017 – Statistical Brief*. Washington, DC: US Department of Justice.

Paterson, A. (2006). *In the Aftermath. The Support Needs of People Bereaved by Homicide: A Research Report*. London: Victim Support UK.

Postmus, J., Severeson, M., Berry, M., and Ah Yoo, J. (2009). Women's experiences of violence and seeking help. *Violence Against Women*, 15, 852-868.

PricewaterhouseCoopers. (2012). *Review of the Victims Compensation Fund (NSW)*. Sydney: NSW Department of Attorney-General and Justice.

Putt, J., Holder, R. and O'Leary, C. (2016). *Domestic Violence Crisis Service (ACT): A History and Overview – Fact Sheet*. Melbourne: ANROWS.

Queensland Department of Justice and Attorney-General (2007). *Victims of Crime Review. Issues Paper for the Review of the Criminal Offence Victims Act 1995 (COVA) and the Delivery of Services to Victims of Crime*. Brisbane.

Queensland Department of Justice and Attorney-General (2008). *Victims of Crime Review Report*. Brisbane: Queensland Government.

Queensland Department of Justice and Attorney-General (2014). *Review of the Victims of Crime Assistance Act 2009: Consultation Paper*. Brisbane: Queensland Government.

Queensland Department of Justice and Attorney-General (2015). *Final Report on the Review of the Victims of Crime Assistance Act 2009*. Brisbane: Queensland Government.

Ringham, L., and Salisbury, H. (2004). *Support for Victims of Crime: Findings from the 2002/2003 British Crime Survey*. London: Home Office.

RMIT Centre for Innovative Justice (2020). *Strengthening Victoria's Victim Support System: Victim Services Review – Final Report*. Melbourne.

Rock, P. (2006). Aspects of the social construction of crime victims in Australia. *Victims and Offenders*, 1, 289-321.

Rosenbaum, A., and Langhinrichsen-Rohling, J. (2006). Meta-research on violence and victims: The impact of data collection methods on findings and participants. *Violence and Victims*, 21, 404-409.

Royal Commission into Aged Care Quality and Safety (2019). *Interim Report: Neglect – Volume 1*. Commonwealth of Australia.

<https://agedcare.royalcommission.gov.au/sites/default/files/2020-02/interim-report-volume-1.pdf>

Royal Commission into Institutional Responses to Child Sexual Abuse (2017). *Final Report*. Barton: Commonwealth of Australia.

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (2020). *Interim Report*. Barton: Commonwealth of Australia.

Sampson, R. (1985). Neighborhood and crime: the structural determinants of personal victimization. *Journal of Research in Crime and Delinquency*, 22, 7-40.

Schafer, S. (1970). Victim compensation and responsibility. *California Law Review*, 43, 55-67.

Sen, A. (1993). Capability and well-being. In M. Nussbaum and A. Sen (Eds.), *The Quality of Life*. Oxford: Clarendon Press.

Shapland, J., Willmore, J., and Duff, P. (1985). *Victims in the Criminal Justice System*. Aldershot: Gower Publishing.

Shapland, J., and Hall, M. (2007). What do we know about the effects of crime on victims? *International Review of Victimology*, 14, 175-217.

Sims, B., Yost, C. and Abbott, C. (2006). The efficacy of victim services programs: Alleviating the psychological suffering of crime victims? *Criminal Justice Policy Review*, 17(4), 387-406.

Sims, B., Yost, C. and Abbott, C. (2005). The use and non-use of victim services programs: Implications from a state-wide survey of crime victims. *Criminology and Public Policy*, 4(2), 361-384.

Smale, G. (1984). Psychological effects and behavioural changes in the case of victims of serious crimes. In R. Block (Ed.), *Victimization and Fear of Crime: World Perspectives*. Washington, DC: US Department of Justice.

Social Solutions (2021). *3 Unique Case Management Models*.

<https://www.socialsolutions.com/blog/unique-case-management-models/>

Svensson, K., and Gallo, C. (2020). Saying or doing human rights? A study of victim support Sweden. *International Journal of Comparative and Applied Criminal Justice*. DOI: 10.1080/01924036.2020.1719526.

Ten Boom, A. and Kuijpers, K. (2012). Victims' needs as basic human needs. *International Review of Victimology*, 18, 155-179.

United Nations (1985). *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.

United Nations Office for Drug Control and Crime Prevention. (1999). *Handbook on Justice for Victims: On the Use and Application of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. New York: Centre for International Crime Prevention.

Van Dijk, J., van Kesteren, J., and Smit, P. (2007). *Criminal Victimization in International Perspective: Key Findings from the 2004-05 International Crime Victim Survey and European Survey on Crime and Safety*. Den Haag: WOD.

Vasquez, A., and Houston-Kolnik, J. (2017). *Victim Need Report: Service Providers' Perspectives on the Needs of Crime Victims and Service Gaps*. Chicago: Illinois Criminal Justice Information Authority.

Velamuri, M., and Stillman, S. (2008). *The Impact of Crime Victimization on Individual Well-being: Evidence from Australia*. Wellington: Victoria University of Wellington.

Victims of Crime Assistance League ACT (2021). *About Us*.

<https://vocalact.webs.com/aboutus.htm>

Victims Support Australasia (1997). *Position Paper No. 1: Recommended Minimum Levels of Service for Jurisdictions*.

Victims Support Australasia (1998). *Position Paper No. 2: Recommended Framework for Victim Support Services in Jurisdictions*.

Victorian Community Council Against Violence (1994). *Victims of Crime: Inquiry into Services*. Melbourne.

- Victorian Department of Justice (2009). *Discussion Paper: Reviewing Victims of Crime Compensation*. Melbourne.
- Victorian Department of Justice. (2009). *Reviewing Victims of Crime Compensation: Sentencing Orders and State-funded Awards – Summary Paper*. Melbourne.
- Victorian Law Reform Commission (2017a). *Family Violence and the Victims of Crime Assistance Act 1996 – Consultation Paper*. Melbourne.
- Victorian Law Reform Commission (2017b). *Review of the Victims of Crime Assistance Act 1996: Supplementary Consultation Paper*. Melbourne.
- Victorian Law Reform Commission (2018). *Review of the Victims of Crime Assistance Act 1996: Report*. Melbourne.
- Victorian Royal Commission into Family Violence (2016). *Summary and Recommendations*. Melbourne.
- Victorian Sentencing Advisory Council (2014). *The Imposition and Enforcement of Court Fines and Infringement Penalties in Victoria*. Melbourne.
- Vos, T., Astbury, J., Piers, L., Magnus, A., Heenan, M. Stanley, L. Walker, L. and Webster, K. (2006). Measuring the impact of intimate partner violence on the health of women in Victoria, Australia. *Bulletin of the World Health Organization*, 84, 739-744.
- Walklate, S. (2007). *Imagining the Victim of Crime*. Maidenhead: Open University Press.
- Waller, I. (1984). Victim-oriented social indicators, knowledge to reduce crime and its Effects and improved use of victimisation techniques. In R. Block (Ed.), *Victimization and Fear of Crime: World Perspectives*. Washington, DC: United States Department of Justice.
- Wedlock, E., and Tapley, J. (2016). *What Works in Supporting Victims of crime: A Rapid Evidence Assessment*. Portsmouth: University of Portsmouth and Victims' Commissioner.
- Wemmers, J. (2007). Manual on the implementation of the UN Declaration of basic principles of justice for victims of crime and abuse of power. *European Journal on Criminal Policy and Research*, 5, 89-91.
- Western Australian Department of Justice (2019). *Report on the Findings of the Review of the Criminal Injuries Compensation Scheme in Western Australia*. Perth: Western Australian Department of Justice.
- Whetnall, T. and Payne, S. (2011). It's about trust: Supporting Aboriginal and Torres Strait Islander victims of crime in the ACT. Report for Victim support ACT, Canberra.
- Wilson, D., and Ross, S. (2015) (Eds.), *Crime, Victims and Policy: International Contexts, Local Experiences*. London: Palgrave.
- Wolfgang, M. (1965). Victim compensation in crimes of personal violence. *Minnesota Law Review*, 50, 223-241.

World Health Organization (2016). *Integrated Care models: An Overview*. Geneva: World Health Organization.

Yamatani, H., Engel, R. and Spjeldnes, S. (2009). Child welfare worker caseload: What's just right? *Social Work*, 54, 361-368.

Legislation

Australian Road Rules

Bail Act 1992 (ACT)

Crimes Act 1900 (ACT)

Criminal Code 1995 (Cth)

Criminal Code 2002 (ACT)

Criminal Injuries Compensation Act 2003 (WA)

Drugs of Dependence Act 1989 (ACT)

Electoral Act 1992 (ACT)

Family Violence Act 2016 (ACT)

Firearms Act 1996 (ACT)

Heavy Vehicle National Law (ACT)

Public Order (Protection of Persons and Property) Act 1971 (Cth)

Road Transport (Alcohol and Drugs) Act 1977 (ACT)

Road Transport (Driver Licensing) Act 1999 (ACT)

Road Transport (Driver Licensing) Regulation 2000 (ACT)

Road Transport (General) Act 1999 (ACT)

Road Transport (Road Rules) Regulation 2017 (ACT)

Road Transport (Safety and Traffic Management) Act 1999 (ACT)

Road Transport (Third-Party Insurance) Act 2008 (ACT)

Road Transport (Vehicle Registration) Act 1999 (ACT)

Taxation Administration Act 1953 (Cth)

Victims of Crime (Financial Assistance) Act 2016 (ACT)

Victims of Crime Act 1994 (ACT)

Victims of Crime Act 2001 (SA)

Victims of Crime Assistance Act 1976 (Tas)

Victims of Crime Assistance Act 2006 (NT)

Victims of Crime Assistance Act 2009 (Qld)

Victims of Crime Compensation Act 1994 (Tas)

Victims Rights and Support Act 2013 (NSW)

APPENDIX A: PAVER Research Activities

The PAVER Review was conducted in two phases. **Phase I** concentrated on government and stakeholder consultation (Group 1 participants), analysis of administrative data and comparison of the ACT programs with similar schemes in other Australian jurisdictions. Phase II concentrated on VSACT client feedback (Group 2 participants), feedback from Approved Providers and co-design activities with VSACT staff.

Group 1 written submissions and interviews were invited from professional stakeholders from government, non-government and private agencies (in alphabetical order):

- Aboriginal Legal Service (NSW/ACT)
- ACT Bar Association
- ACT Community and Safety Directorate (Youth Services and Child Protection)
- ACT Corrective Services
- ACT Courts and Tribunals
- ACT Director of Public Prosecutions
- ACT Human Rights Commission (incl VOCC/VSACT)
- ACT JACS (Legislation, Policy and Programs Unit)
- ACT Law Society
- ACT Policing
- Beryl Women's Refuge
- Canberra Rape Crisis Centre (CRCC)
- Domestic Violence Crisis Service (DVCS)
- Everyman Australia
- Legal Aid ACT
- OASIS Youth Services
- Office for the Coordinator-General for Family Safety
- Victims' Advisory Board
- Women's Legal Centre ACT
- Women's Centre for Health Matters

In **Phase II**, review activities concentrated on those Group 1 stakeholders with direct responsibilities for the operation of the FAS and the VSS and/or for directly assisting victims to access the schemes. Group 1 participants also include Approved Providers who are registered with VSACT under the VOC Regulations 2000. These are qualified specialists in varying therapeutic disciplines. These were invited to contribute feedback via an online survey.

Group 2 participants are members of the ACT community who had been victims of crime. They were invited to contribute via an online survey and interview their experience of the programs under review.

The following table summarises the PAVER Review research activities.

ITEM	PROJECTED	INVITED	COMPLETED	COMMENTS
INDIGENOUS PRE-CONSULT		10	10	Focus group and one-to-one discussion also conducted
WRITTEN SUBMISSIONS (WS)	19	19	5	Some stakeholders requested either interview or group discussion instead of WS
GROUP 1 INTERVIEWS	26	18	18	Some interviews conducted as replacement for WS
GROUP 1 FOCUS GROUPS	1-13 gps	19	9	Some preferred interviews to focus group
PROVIDER SURVEY (GROUP 1)	100	116	24	Three invitations issued to providers via VSACT.
CLIENT SURVEY (GROUP 2)	750	1494	296	Three invitations issued to clients by VSACT. Original est. N=750, based on initial advice of 5000 client base. However, invitation delivered to those engaged with service after 1 July 2016. A higher response rate than anticipated (21% vs projected rate of 15%).
GROUP 2 INTERVIEWS	15-30	29 offers	24	Contact initiated three times and, if nil response, offer lapsed.
GROUP 2 FOCUS GROUP (FG)	2 gps			VS clients declined FG for reasons of privacy.

ADMIN DATA	4	4	4	Four datasets received and analysed
JURISDICTIONCONTACTS		6	3	Tasmania not contacted, as CIC jurisdiction

APPENDIX B: Assessing the Research Literature

A rapid assessment of both Australian and international literature examined the contexts for victimisation, the consequences and impact of crime, and the treatment and support needs of victims of crime. This chapter describes the findings.

NOTE: Full citations of literature are listed in the Interim Report reference list.

Costs of Crime

It is a truism that crime is a varied social phenomenon, ranging from everyday instances of theft to major events, such as homicide and sexual assault. Crime generates an estimated \$47.5 billion cost per year (or 3.4% of Gross Domestic Product) to Australia, including medical costs, lost output and intangible costs. Included in this overall cost of crime is \$1.9 billion per year estimated for victim assistance, plus criminal justice costs of \$16.3 billion per year. From 2001 to 2011, the cost of victim assistance and criminal justice increased by 113% and 154% respectively (Smith et al., 2014).

Included in the cost of victim assistance are estimates of payments to victims from compensation or financial assistance schemes. In 2011–12, the total amount spent by states and territories was just over \$177 million for victim compensation/financial assistance. After the cost of child protection (\$1.5 billion), it is the next highest component in the total for victim assistance (Smith et al., 2014).

Impact of Crime

Studies focused on particular types of victimisation or particular populations have added further insight to understanding the variable impact of crime and violence. These have shown that violence victimisation affects people across physical, psychological, social, and material domains. However, a key problem with the research in this area is that different methods generate different information about impact. Specifically, large-scale population studies tend to reveal less harm than self-selected samples, which tend to amplify effects.

Social Impacts of Crime

Population-based surveys of crime victimisation have revealed that crime generates a high emotional toll. For both violent crime and property crimes such as burglary, over half of victims in Britain say they were affected by the incident 'very much/quite a lot' (Shapland and Hall, 2007). Moreover, the shock, anger and distress of victimisation spills over into other areas of life and affects concerns about other crimes (for an overview, see Shapland and Hall, 2007). The impact of personal crime is stronger and more wide-ranging than those of property crime (Erez, Roeger, and Morgan, 1997; Mayhew and Reilly, 2007; Sampson, 1985). The physical, social and psychological effects of violent crime are persistent and consistent, compared to the financial effects (discussed below) (Shapland et al., 1985).

These effects are not uniform, but vary, depending on the offence, with little relationship to other demographics, such as gender, age and ethnicity (Erez et al., 1997; Maguire and Kynch, 2000; Mayhew and Reilly, 2007). Social harm is highest for sexual victimisation (Erez et al., 1997). Evidence from Australia and the UK also suggests, however, that the *extent* of the effects is higher for people from lower socio-economic and ethnic minority backgrounds and who live in poorer neighbourhoods (Erez et al., 1997; Maguire and Kynch, 2000; Sampson, 1985). These factors create structural vulnerability for certain individuals and groups (Walklate, 2007).

Labour and Wellbeing Impacts

Longitudinal and household-based research has confirmed a causal and negative effect of crime victimisation on labour market outcomes and general well-being in Australia (Velamuri and Stillman, 2008); this result was foreshadowed in earlier longitudinal research in the US (Norris and Kaniasty, 1994; Sampson, 1985), Netherlands (Denkers and Winkel, 1998) and UK (Shapland, Willmore and Duff, 1985). Of those in employment at the time of their victimisation, over a third (39%) lost time off work and 30% lost earnings (Shapland et al., 1985). More recently, using the Household Income and Labour Dynamics in Australia Survey, Mahuteau and Zhu (2016) confirmed this negative effect. Indeed, they found that the impact of physical violence is well over that of losing one's job, and that social functioning is more negatively affected by physical crimes than mental health issues. Clearly, reactions to victimisation 'extend beyond thoughts and feelings to affect every day behaviour' (Lurigio, 1987: 453).

Financial Harms

Financial harm to victims in South Australia was found to be highest as a result of theft (Erez et al., 1997). Identity crime involving the theft and misuse of personal details involves over \$500 million in direct costs to individual Australians (Smith and Franks, 2020), plus extensive losses to small business (Smith, 2018). One UK-based study confirmed the wide-ranging effects of fraud, especially that of financial hardship and stress (Button, Lewis and Tapley, 2014).

Personal and Physical Consequences of Crime

Assessments of the personal effects of crime can depend very much on the data source. One analysis of assessors' reports to the NSW Victims of Crime Tribunal found substantial physical and psychological effects of violence (Fuller, 2015). A health-based study found that violence victimisation increased the use of alcohol and other drugs, at least for some time afterwards (de Lint, Marmo, Groves and Porcnic, 2017). Hospitalisation as a result of interpersonal violence is infrequent, but readmissions are most likely for women, Indigenous people and those with mental illness (Meuleners et al., 2008). Reviewing the limited research on male violence victims, Bricknell, Boxall and Andrevski (2014) argued that they

can be just as affected emotionally, physically and financially by their victimisation as their female counterparts.

Reviewing the evidence about the impact of institutional child sexual abuse, Blakemore and colleagues (2017) observed the longer-term educational and economic impact of such violence. Both Australian and Canadian studies have confirmed the long-term health effect of domestic and family violence on women, especially those for whom the violence is chronic or severe (Vos et al, 2006; Ansara and Hindin, 2011). The disease and injury burden falls most heavily on domestic violence victims' mental health and in relation to substance abuse (Vos et al., 2006). Furthermore, recent data shows that domestic violence is the main driver of people's use of homelessness services (Australian Institute of Health and Welfare, 2019). Just under a third of women surveyed in the US who had experienced property, sexual or physical violence offence developed post-traumatic stress disorder (PTSD). Rates were highest for victims of completed rape, aggravated assault, completed molestation and burglary (Kilpatrick et al., 1987).

Longer-term Effects

The longer-term impacts of the effects described above are not uniform. Population-based studies reveal that, for most people, the negative effects of crime victimisation are intense, but short-lived. A longitudinal UK study found that most people suffered little or no physical injury, with a small proportion of victims requiring medical treatment or hospital care (Shapland and Hall, 2007). In the US, Sampson (1985) found that there was strong evidence of a negative impact of victimisation on life satisfaction measures, but these effects did not persist.

More recently, Australian researchers (Mahuteau and Zhu, 2016) found that the negative effect of victimisation is transitory; there is a significant decline in self-identified well-being in the first year, which then restores to pre-victimisation level after 12 months.

Nonetheless, the long-term effects on specific populations arising from particular types of victimisation can be profound. Many studies of the long-term effects of sexual victimisation, for example, bear this out (Blakemore et al., 2017). A recent UK study of the long-term effects on victims of long-term anti-social behaviour victimisation also pinpoint the issue of 'cumulative harms' (Heap, 2020: 1).

Needs and Service Responses

The heterogeneous nature of crime victimisation and its wide-ranging, but varied, impacts on individuals means that victims' needs are equally diverse. It is a universal challenge for any human service to have capacity to respond to a wide range of people, as well as to those for whom victimisation has deep and long-lasting effects.

An issue underpinning the challenge is the nature of 'need', described as an 'elastic and problematic concept' (Maguire and Kynch, 2000: 3). Nonetheless, in their review of the literature, ten Boom and Kuijpers (2012) mapped victims' needs across basic human needs theories and identified consistency across crime type; particularly true for the need for information and for financial needs. Research with victim service providers in the US categorised needs in three ways: fundamental needs, presenting needs, and accompanying needs. The research defined these as follows:

Fundamental needs correspond to victims' basic needs, and include shelter, food, and utility services, as well as assistance with life skills, such as education, employment, or housing assistance. Victim services that address victims' *presenting needs* include mental health care and counseling, medical care, longer term housing and relocation assistance, legal assistance, and substance use disorder treatment. Lastly, *accompanying needs*, or the need for translation services, transportation assistance, child care, and case management, impact a victim's ability to access services to meet fundamental and presenting needs. Accompanying needs facilitate access to services that seek to satisfy either fundamental or presenting needs, and, thus, are necessary support services (Vasquez and Houston-Kolnik, 2017: 1; emphasis added).

Vasquez and Houston-Kolnik (2017) identified gaps in services that were programmatic, where need exceeded a provider's ability to serve victims, or geographic, for example, a lack of services in a particular area.

An examination of public perceptions and victims' experiences of Victim Support in the UK found that the majority of 'expressed needs' were for someone to talk to/moral support, information from police, and protection from further victimisation (Maguire and Kynch, 2000). These needs varied, depending on the type of victimisation: those who experienced threats wanted protection and someone to talk to, while those who experienced burglary wanted security. These expressed needs were broadly similar to those identified in a New Zealand victimisation survey; although that study identified an emphasis on receiving information and feedback from police (Mayhew and Reilly, 2007). A 2009 survey of 149 victims of crime in the ACT also found that people emphasised the importance of them receiving practical help, as well as information about being a crime victim and help with processing a compensation claim through the criminal justice system (McGregor et al., 2013).

The support needs of different groups of victims and for different types of victimisation also defy simple prescriptions. Family and friends surviving the homicide of a loved one, for example, include coping with media interest, financial concerns, employment, domestic matters, and the provision of information and advocacy. These are all compounded by aspects of the criminal justice process. Further, the different and fluctuating emotional

needs of homicide survivors (Paterson, 2006) influenced their reception of the types of help offered (Connolly and Gordon, 2015). Sexual assault survivors are similarly found to benefit from the informal support of family and friends (Kirkner, Lorenz and Ullman, 2017). Young people, a demographic most at risk of victimisation, suggest that narratives of 'good victims' can undermine their access to support (Löfstrand, 2009).

The connection between victims' information needs and the authorities that hold that information is one reason behind the assessment from the EU Fundamental Rights Agency that 'support services to victims of crime are essential to victims' rights' (2014: 3). Access to information is essential to the oft-acknowledged claim that support enables victims to re-establish a sense of control over their lives (Herman, 2003). Indeed, this emphasis on victims' practical needs is often overlooked in a service focus on psychological harms. As the researchers conducting the ACT survey on behalf of the ACT Government observed, 'preconceptions of victim support services are often premised on a belief that such services are limited to counseling' (McGregor et al., 2013: 30). However, consistent with the literature, victims as a group ask for practical assistance. While emotional support is clearly not unhelpful, the provision of child support, housing, education, food and job training is often most helpful (Postmus et al., 2009). In their review of the impact of crime and victim needs, Shapland and Hall (2007) went so far as to suggest mental health professionals had come to dominate the field, a point echoed in a US review (Newmark, 2004). However, other US research, which used a self-reporting sample, found that the needs most mentioned by victims were for counselling and mental health support (Aeffect, Inc., 2017).

What emerges from the foregoing discussion is that comparing research results is almost impossible, given the diverse populations, self-selected samples and absence of shared definitions and meaningful assessment tools, other than those targeting PTSD (Hill 2003; Maguire and Kynch, 2000).

Access to Support Services

The available literature suggests that the proportion of crime victims who receive support for their needs is low. A population-based analysis of victims' access to support in the UK found that most (including the poorest and most vulnerable) received it from friends and family (Maguire and Kynch, 2000; see also Ringham and Salisbury, 2004). Nearly 40% of respondents expressed needs for support but did not receive it from any source; notably, these needs were mostly for information and advice, and for practical help and protection. By contrast, those with an expressed need for someone to talk to mostly received it. Most of the victims who recalled contact with Victim Support UK were victims of burglary. This finding reflects the referral agreement between police and the service in place at the time of the survey, which identified police as key 'gatekeepers' in victims' access to support (Maguire and Kynch, 2000). Indeed, earlier British research found that police automatically referring victims to Victim Support was more effective than a selective approach (Maguire

and Corbett, 1987). This may be because the exercise of police discretion to refer can result in 'deserving' victims receiving support (Goodey, 2005). This is especially a concern when, as discussed above, crime impacts most heavily on disadvantaged and vulnerable people. These victim groups are found to have specific needs beyond those basic to people after adverse events (ten Boom and Kuijpers, 2012).

US research comes to similar conclusions. One state-wide survey found that people had little knowledge of the services that were available, did not think services were relevant and mostly had help from family and friends (Sims, Yost and Abbott, 2005). Only the type of crime and age predicted the use of services with older victims of violent crimes more likely to report using services than younger victims of nonviolent crimes. The authors conclude that,

to increase the use of services by crime victims, a greater emphasis will need to be placed on educating the public about such services, adequately staffing programs with better trained individuals who can meet the needs of crime victims, and broadening the types of services provided to crime victims (Sims, Yost and Abbott, 2005: 361).

Developing that US study further, the researchers identified that it was the 'degree to which victims reported possessing adequate and sufficient coping skills in their day-to-day living that significantly predicted higher scores on victims' well-being' as opposed to the use or non-use of psychological services (Sims, Yost and Abbott, 2006: 401). A US-wide census of victim services found most were based in community or faith-based organisations and, those which were government funded, largely served justice agencies (Oudekerk, Warnken, and Langton, 2019). Other studies discussed in this review show that variables such the nature of the victimisation have a strong influence service use and efficacy. The question of access to services thus becomes a question, in part, of access to services *relevant* to the victim.

There is less information available on victims' access to services in Australia. The International Crime Victim Survey (ICVS), last conducted in 2004-2005, provides a country comparison (van Dijk, van Kesteren and Smit, 2007). Victim support was low overall, at 9%, for all the 78 countries participating in the ICVS.⁶¹ Those most likely to receive support were victims of sexual crimes (30%). The countries with the highest victim support coverage were New Zealand (24%), Scotland (22%), Northern Ireland (21%), England and Wales (17%) and the US (16%). Australia's victim support coverage was amongst the lowest, at 6%. Those who had *not* received support were asked if it would have been useful. On average, 43% agreed it would have been useful, with 68% of those experiencing sexual victimisation agreeing. However, only 26% of Australian victims who had not received support indicated

⁶¹ This aggregated victims of those incidents with the most serious consequences – threats and assaults, burglary with entry, robbery, and sexual incidents (van Dijk et al., 2007).

that it would have been useful. The highest rates of those expressing a need for victim support actually being offered it were in New Zealand (47%) and England and Wales (40%), while Australia was low, at 18%.

Access to Support for Victims in the ACT

People can choose to contact ACT support services themselves or be helped to do so by family and friends. Those who report their victimisation to police will experience different referral practices, in part depending the nature of the victimisation. Those who experience domestic and family violence will fall under a memorandum of understanding between ACT Policing and the Domestic Violence Crisis Service (DVCS). Those who experience sexual victimisation will be dealt with under a memorandum between ACT Policing and the Canberra Rape Crisis Centre (CRCC). For both memoranda, there is a strong mandate that police must contact these agencies for the victim.⁶² According to a survey conducted in 2009, those victimised by other crimes, from burglary to homicide, experience a referral process based on the attending officer asking the person if they wish assistance; that is, a consent-based approach (McGregor et al., 2013).

Although the AIC research was conducted 10 years ago, it remains the only Australian research that specifically examines victims' preferences for support. The survey found that, although people experienced their interactions with police as fair and polite, most did not receive updates about the progress of their case or information from police; nor were they told about charges being laid. Furthermore, just 19% (n=29) recalled being referred by police to support services. Of these 29, less than half indicated that they actually wanted help but, asked about the type of help they did accept, most emphasised practical assistance. All respondents were asked about the type of further support they might want, in the event of further contact. They could give multiple answers and the four most common answers were: practical help (45%); help with a compensation claim (45%); information about being a victim of crime (42%); and help with the criminal justice system (41%). In addition, 23% indicated that 'counselling/someone to talk to' was something they would like to be offered, if they were to access a victim service in the future (McGregor et al., 2013: 30).

The majority of people who responded to the ACT survey had experienced a property crime. Unfortunately, the researchers did not break down the victimisation type for those who were referred to support services. Only a small number of people (n=35) actually reported contact with support services. However, of those who did receive support, the overwhelming majority reported positively on interactions and the type of support they

⁶² The Memorandum of Understanding between the Victims of Crime Commissioner and ACT Policing (5 June 2019) is under revision. Email communication from VOCC, 11 Nov 2020.

received, with 66% saying that they would contact a victim service if they were again a victim of crime. A majority also agreed with the following statements:

- 'If I were the victim of crime again, I would want the police to contact a victim service on my behalf' (43%);
- 'If I were the victim of crime again, I would like to be contacted directly by victim service after being referred by police' (56%);
- 'If I was offered a referral to a victim support service by police, I would take it up' (57%);
- 'I would want the police to share information on my matter with the victim service so that they understood how to help me' (58%); and
- 'I would prefer to be asked by a police officer before I was referred to a victim service' (80%).

Interviews with police stakeholders in the ACT conducted for the research identified varying views and practices on access to support for crime victims. Police officers shared different views about their decision-making for referrals and used different referral mechanisms. In contrast with victims' strong preference to be asked before being referred to a victim service, they supported mandatory referral of certain victims; for example, they supported mandatory referral of domestic violence victims to DVCS, but did not support this in relation to victims in general to a service such as VSACT. Indeed, police interviewees commented that, as they did not receive feedback from services, they were unsure about their value to victims.

Other Findings on Victim Support

Variation in access to support, as well as uneven provision of the support most desired by people victimised by crime, can result in what has been called an 'injustice of geography' (Mawby, 2007: 232). As a jurisdiction that is small in size, the ACT has mitigated this problem with specialist and generic services mandated to assist victims across the ACT (Lucas and Holder, 2000). The provision of specialist and generic services demands a degree of collaboration. Most other Australian jurisdictions have similar arrangements (see Chapter 2, Interim Report).

Another finding, drawn from a multi-country European study, is that services for victims do not serve only personal needs. Rather, because victims often present with a range of issues and interests, a comprehensive range of support is required. The report noted:

The provision of victim support services – assistance available to victims before, during and after criminal proceedings, including emotional and psychological support and advice relating to legal, financial and practical issues as well as to risks of further victimisation – to victims of crime is fundamental to achieving justice for victims and ensuring victims can claim their rights (Fundamental Rights Agency, 2014: 11).

These findings are supported by Swedish research that found strong links between commitments to human rights protection with victim support practices and strategies (Svensson and Gallo, 2020).

Research also consistently finds that victims of all crime types mostly access support from family and friends. Furthermore, both formal and informal support networks decrease the negative psychological impact of victimisation (Norris, Kaniasty and Thompson, 1997). The UK Victim Support is derived from an ideology of 'neighbourly support' for household crimes such as burglary. Neighbourly support rests on the understanding that, when adverse events happen, people generally seek and receive support from family and friendship networks (Helmerson and Jonson, 2015), and these help facilitate access to formal services (McCart, Smith and Sawyer, 2010). In general, neighbourly support is said to 'normalise' the distress that a person may experience from the adverse event and provide immediate and direct support. It is this support that arguably restores social trust that the act of violence has shaken (Norris et al., 1997). This emphasis on community-based support in the UK has shifted in recent years towards more serious crimes requiring higher levels of resource management (Mawby, 2016).

Finally, there is some UK research that suggests victim support has flow-on effects to citizens' perspective on other agencies. Analysis of the British Crime Survey revealed that people victimised by crime and linked with Victim Support demonstrate more favourable views of how their case was handled by police, the fairness of the criminal justice system and have higher levels of confidence in its effectiveness (Bradford, 2011)

What Works for Crime Victims?

Debate about crime victims has tended to focus on the extent of their participation in justice processes (for an overview, see Kirchengast, 2017). There has been much less research, evaluation and monitoring of services (Wedlock and Tapley, 2016). One problem has to do with what is being measured. Scholars have criticised the use of *satisfaction* as a measure (Holder, 2015; Kunst, Koster, and Van Heugten, 2017; Laxminarayan, Bosmans, Porter and Sosa, 2013). Another is that researchers have tended to study the effectiveness of particular types of intervention, such as those responding to trauma, as well as the coping strategies of people following adverse events (Leclerc, Delisle, Wemmers, and Brunet, 2017). Nonetheless, these emphasise the importance of assessment in responding to both immediate and longer-term needs.

The literature on crime victims often argues that receiving money has therapeutic benefit. However, the evidence supporting this claim is slim. A study of victim evaluations of state-based payments in Queensland reviewed the empirical literature analysing victim-sourced data on common crime and state-funded schemes (Holder and Daly, 2018). The review concluded that the amounts of money awarded to victims were not related to reductions in PTSD or other measures of survivors' well-being. Also reviewing the effect of receiving

money after victimisation, Kunst, Koster, and Van Heugten (2017) found mixed results in relation to the extent to which victims are 'satisfied' or 'positive' with outcomes of decisions by scheme operators. Therefore, the basis for positive judgements may not be the actual amount received, but other factors, such as the timeliness of receiving an award or interactions with fund staff; or the judgment may reflect some other condition of the victim (Kunst, Koster, and Van Heugten, 2017; Mulder, 2013).

Holder and Daly's study of the Queensland financial assistance scheme produced two key findings. The first, based upon interviews with 20 adult male and female survivors of sexual victimisation who had been successful in their applications for financial assistance from the state-based scheme, found that survivors believed the money, specifically the recognition payment, meant acknowledgement of the wrong (the offence) done to them (Holder and Daly, 2018: 40). While survivors were less positive [than Mulder's 2013 Dutch study] on the impact of financial assistance, it had many practical uses. Second, that where financial assistance assessors had to determine a recognition payment within a range, they drew on stereotypes of the deserving victim. These stereotypes gave rise to gendered bias in the monetary outcomes (Daly and Holder, 2019).

Reviews of the victim support literature more generally reveal some interesting differences. The review of 33 empirical studies by ten Boom and Kuijpers (2012) found more commonalities than differences across victims' personal characteristics such as gender, ethnic origin and repeat victimisation. However, they did find that

More victims of violent crimes than victims of crimes against property report 'basic needs' (in terms of the human needs theories) in the 'safety' category. In this category there are also more people with a need for a court decision. For victims of crimes against property, the 'non-basic needs', such as practical needs and the need for financial restoration, play a role more frequently (ten Boom and Kuijpers, 2012: 155).

Another narrative literature review (Wedlock and Tapley, 2016) suggested a shared perspective on approaches, including:

1. information and communication that is timely and accurate;
2. procedurally just treatment including fairness and quality inter-personal engagement;
3. multi-agency collaboration that reduces duplication and maximises effective and timely support;
4. service professionalism that values client autonomy and is responsive to need;
5. the importance of skilled and knowledgeable advocacy (Brooks and Burman, 2017; Bybee and Sullivan, 2005; McCart, Smith and Sawyer, 2010).

Summary

The literature emphasises the heterogeneity of people who are victimised by crime and the commonalities shared between them in terms of impact and need. There are more specific and longer-term needs that arise for people experiencing crimes such as homicide and sexual victimisation. Even for these, however, the literature emphasises the importance of informal supports in combination with specialist support.

APPENDIX C: Jurisdiction Overview – Financial Assistance/Compensation Legislation

ACT <i>Victims of Crime (Financial Assistance) Act 2016</i>	NSW <i>Victims Rights and Support Act 2013</i>	NT <i>Victims of Crime Assistance Act 2006</i>	QLD <i>Victims of Crime Assistance Act 2009</i>	SA <i>Victims of Crime Act 2001</i>	TAS <i>Victims of Crime Assistance Act 1976</i>	VIC <i>Victims of Crime Assistance Act 1996</i>	WA <i>Criminal Injuries Compensation Act 2003</i>
Who is a victim? PV = Primary victim; IV = Immediate victim							
PV means a person who has been injured or dies as a direct result of an act of violence done by another person.	PV of an act of violence is a person who is injured, or dies as a direct result of that act.	Primary victim is a person who suffers a compensable injury or dies as a result of a violent act	PV , of an act of violence, is a person who dies or is injured as a direct result of the act being committed against the person	IV of violence offence	PV is a person against whom an offence is committed or injured/killed when assisting a police officer	Person who suffers injury or death as a direct result of an act of violence (or attempt to arrest, prevent commission of an act of violence or aid a victim)	Person who suffers injury, or who dies, as a consequence of the commission of an offence
Categories of victim PV; RV = Related victim; SV = Secondary victim							
PV RV (after death of PV) -Class A: dependent, close family, intimate partner -Class B: financially independent, close family with genuine personal relationship, intimate partner	PV SV - witness - parent/ guardian Family victim (immediate family of PV who has died)	PV SV - witness - parent/ guardian Family victim (of primary victim) RV (close family or intimate relationship)	PV SV - parent - witness RV (close family or dependent of primary victim who has died)	PV Family, if spouse, child or parent of deceased IV	PV SV - witness - parent/ guardian RV (child, parent, personal)	PV SV - witness - parent/ guardian RV (spouse, close family, dependent)	PV Secondary witness victim Secondary parent victim RV (living with primary victim before primary victim's death)

-Class C: financially independent, family member Homicide witness							
For what can a victim claim?							
<p>PV: Class A & B RV: Immediate need payment Economic loss payment Recognition payment</p> <p>Class C RV and Homicide witness: Immediate need payment; Economic loss payment; Funeral expenses Legal costs</p> <p>Must consider services available from VSS or other sources</p>	<p>PV: Recognition payment; Economic loss payment; Immediate needs payment; Counselling through approved scheme</p> <p>SV (parent/guardian of PV child): Economic loss payment</p> <p>SV (witness): Counselling through approved scheme</p> <p>Family victim (immediate family of PV who has died): Recognition payment; Funeral payment; Economic loss</p>	<p>PV and SV: Immediate payment; Economic loss payment; Compensable injury award; Counselling</p> <p>Family victim: Immediate payment (incl funeral); Economic loss payment; Counselling</p> <p>RV: Counselling</p>	<p>PV: Expenses incurred as a result of injury; Loss of earnings; Exceptional expenses* (where unusual, special or out of ordinary effect on victim); Special assistance (Categories A, B, C, D)</p> <p>SV: Expenses incurred as a result of injury; Exceptional expenses (where unusual, special or out of ordinary effect on victim)</p> <p>RV: Expenses incurred as a result of injury; Economic loss; Exceptional expenses (where unusual, special or</p>	<p>IV: Statutory compensation</p> <p>Family victim: Grief payment; Funeral cost; Financial loss; Counselling; Legal costs & disbursements; \$700-1400 plus counsel</p>	<p>PV: Expenses incurred as a result of injury; Medical, dental and psychological or counselling services which Commissioner is satisfied victim will require in the future; Loss of earnings; Pain and suffering; Application expenses</p> <p>SPV, RV: financial loss, if related victim was a dependent; Pain & suffering; Funeral expenses; Application expenses; Medical, and psychological or counselling costs</p>	<p>PV: Expenses (counselling, medical, damage to clothing, safety- related) incurred as a result of injury; Loss of earnings; Reasonable expenses in exceptional circumstances; Special financial assistance if significant adverse effects</p> <p>SV: Expenses (counselling, medical) incurred as a result of injury; Loss of income & further expenses if exceptional circumstances</p> <p>RV: Expenses (counselling,</p>	<p>Victim: Loss/ damage of personal item; Expenses incurred as a result of the injury & for treatment; Loss of earnings; Amount for mental and nervous shock (where bodily injury or death</p> <p>Close relative victim: Loss of financial support; Funeral expenses; Amount for mental and nervous shock (was living with PV)</p>

	<p>payment; Immediate needs payment; Counselling through approved scheme</p> <p>Recognition payments categorised A-D on offence seriousness</p>		<p>out of ordinary effect on victim); Distress payment; Funeral expenses; Legal costs</p>			<p>medical, funeral) incurred as a result of injury; Loss of income & further expenses if exceptional circumstances; an amount for distress suffered and loss of financial support (if PV death); Application expenses (in. legal costs)</p>	
What is the minimum threshold?							
Not specified	Not specified	Compensable injury: \$7,500 Financial loss: no threshold	Not specified	From 0-2 on scale where 1=\$1,000	Not specified	Special assistance: \$130	No scheduled amount
What is the maximum payable?							
\$54,174 (PV)	\$50,000	\$40,000 (PV, SV, FV)	\$75,000 (PV) \$50,000 (SV/1/2; RV)	\$100,000	PV: \$30,000 for one offence, \$50,000 for multiple SV: \$20,000 RV: \$10 000	\$60,000 RV pool where death of PV: \$100,000	\$75,000
What is the maximum recognition/non-economic payment?							
Range within categories \$28,441 (PV) \$21,669 (RV/A)	Specified amount/category: \$15,000 (homicide); \$10,000 (sexual assault)	Amounts set out in compensable injury schedule	Specified amount/ category: \$10,000	Scale 0-60, where 60=\$100,000 Specified amount/ category: \$20,000 (homicide)	Not specified	\$10,000	No scheduled amount, at discretion of assessor

What is the maximum immediate needs/interim assistance payment?							
\$10,000 (PV)	\$5,000 (PV)	\$5,000 (from economic loss sum)	\$6,000	Not specified	Not specified	Not specified	Interim payment of \$2,250, at discretion of Assessor
What is the maximum economic loss payment?							
\$36,500	\$30,000 (PV & SV/2)	\$10,000 (PV, SV, FV)	\$20,000 loss of earnings (PV, SV, RV); Legal costs \$500	Specified amount/category: \$14,000 (funeral); \$2,000 (other)	Not specified	\$20,000 (PV loss of earnings)	No scheduled amount, at discretion of Assessor

SOURCES: Adapted from Daly, Holder and Meyer, 2014; VLRC, 2018; WA DoJ, 2019 and relevant legislation.

NOTES: PV=primary victim; RV=related victim; SV=secondary victim; FV=family victim

APPENDIX D: Data Cleaning and Analysis Decisions, VSACT Data

FAS Data cleaning notes

Note 1: additional information on cases was received from VSACT after the initial cleaning, coding and analysis. These will be incorporated in data in the final report.

Note 2: the Review Datasets merged data from different sources received from VSACT to create anonymised cases. Analysis is done on the FINANCIAL YEAR in which an application is lodged. Payment analysis is done on those lodged and awarded in the same financial year. This is not the same as the total number of awards made in a financial year.

Application data

In the supplied data, two applications had their application numbers overwritten in 2016, 2017 and 2019 with application numbers from 2020. The rows for the earlier applications were removed from the application data, prior to allocating a unique Project ID to each application.

Payment data

Some payments had application numbers that did not relate to application numbers from the application list. These payment rows were removed.

Six applications received payments in more than one RP category, with differing payment amounts. We decided to keep the payment row with the highest RP payment.

Six applications received two recognition payments in the same RP category. We combined the amounts to total the RP paid and kept the earliest of the RP payment dates.

Re-coding FAS variables

ORIGINAL VAR	ORIGINAL CODE	NEW CODE
Date App Received		
Gender	F M X	1=F 2=M 3=x (other)
DoB	Actual date	
AFP	AMBO, direct, N, Yes	1=Yes 2=No

	NOTE: var records if applicant is member of police	3=Not recorded/not specified
INDIGENOUS	N, Yes, Blanks=3	1=Yes 2=No 3=Not recorded
CALD	Y, Yes, N, n/a=3	1=Yes 2=No 3=Not recorded
Disability	Yes, Yes? N, ?, n/a, DFV, blanks=3	1=Yes 2=No 3=Not recorded
AppPrimaryOff	multiple	See below
AppDVFV	Yes, N, n/a, ?, ???, blanks=3	1=Yes 2=No 3=Not recorded
Other comments	Misc range of input	
Active/Inactive	Input depicts status of application 1=active, recovery 2=inactive, finalised, lapsed, withdrawn 3=blanks, DFV,	1=Active 2=Inactive 3=Other/not recorded
Referral pathway	NOTE: pathway of client to FAS 1=Direct, VSACT, Vol, AVLO, CLO, HRC 2=WLC, CRCC, DVCS, ALS, Everyman 3=Other/blank	1=Internal 2=External 3=Other/not recorded
AoV before 1 Jul 2016	Yes, N, 3=?, blanks	1=Yes 2=No 3=Not recorded
Out of time	Yes, N, no, 3=na, NA, ?, blanks	1=Yes 2=No

		3=Not recorded
--	--	----------------

Re-coding for consistency across FAS and VSS

The datasets for VSS and FAS do not share the same variables or data definitions. However, some variables have been re-coded for approximate similarity as set out below:

ORIGINAL	FAS ORIGINAL CODE	VSS ORIGINAL CODE	NEW CODE
AppPrimaryOff	multiple		Re-categorised into ANCO categories. (See below)
Referral Pathway (see below)	Multiple, eg ALO, CVLO, CYPS	Multiple, eg ALO, CVLO, CYPS	1=External referral source 2=Internal referral source 3=Not specified/ recorded
Referral Sources (see below)		Multiple eg ALO, CVLO, CYPS	5 new codes: 1= Self/family 2= Internal HRC 3= Non-gov ACT source 4= ACT criminal justice/legal agency 5= Other ACT govt agency 6=Other

REFERRAL PATHWAYS (FAS and VSS)

PROGRAM	1=EXTERNAL	2=INTERNAL	3=Not specified/recorded
FAS	WLC, Clayton Utz, DVCS	Direct, VSACT, Volunteer, AVLO, CLO	Other

VSS	Aboriginal Community, ACT Corrective Services, ADACAS, Aboriginal MH Service, AMC, Barnardos, Beryl, Canberra Hospital, Catholic Care, Child Protection, Communities at Work, Court, DPP, DVCS, EveryMan, Falls Injury, Family, GP, GSO, HRC, Know More, Legal Aid, Life Line, Life Without Barriers, Mental Health, NSWVS, Office for Women, One Link, Private counsellor, Psychologist, Public Advocate, Rehabilitation Service, Relationships Australia, Self, Solicitor, Supportlink, Toora, Uniting, VOCAL, Woden, Womens Hea, Women's Leg, Wraparound, YWCA	FAS	Other
-----	---	-----	-------

VSS Referral Sources

VSS ORIGINAL CODE	NEW CODE
Family, Self	Self/family
FAS, Public Advocate, HRC	Internal HRC
Aboriginal Community, ADACAS, Aboriginal MH Service, Barnardos, Beryl, Catholic Care, Communities at Work, DVCS, EveryMan, Falls Injury, GP, Know More, Legal Aid, Life Line, Life Without Barriers, One Link, Private counsellor, Psychologist, Rehabilitation Service, Relationships Australia, Solicitor, Supportlink, Toora, Uniting, VOCAL, Woden, Womens Hea, Women's Leg, YWCA	Non-government ACT source
ACT Corrective Services, AMC, Court, DPP, GSO, Wraparound, VLO,	ACT criminal justice/legal agency
Canberra Hospital, Child Protection, Mental Health, Office for Women,	Other ACT govt agency
NSWVS, Other,	Other

ACT VICTIMS PROGRAMS REVIEW – CODING OFFENCES ACROSS DATASETS

ANZSOC CODES (2011)	ACTP OFFENCE TYPE (ANCO)	VSS OFFENCE CATEGORIES	FAS OFFENCE CATEGORIES
Homicide & related offences (murder, attempt murder, manslaughter & driving causing death)	Homicide and related offences	Attempted murder, Manslaughter, Murder, Suspicious death	Homicide, culpable drive cause death, App deceased, Attempt murder funeral assist, witness, homicide witness, CHECK re non-PV category]
Acts intended to cause injury (assault, other acts intended to cause injury)	Assault	Assault, Assault (DV), Child physical abuse	Assault – disqual, spitting, dated, amb, AMC, param, kidnap, other, DFV, rundown, common ass, road rage, historical (serious, FV), king hit, ass/SA/FV/robbery/oth, ass/kidnap, ass/oth, ass/robb, ass/unlawful confinement, DFV, historic, historic DV, historic serious ass, stab, stalking Resist official Road rage assault Affray Breach DVO, Contravene DVO Assault occasioning AOABH; Assault occasioning GBH – grievous, reckless, intentional, wounding, intentionally wound
Sexual assault and related offences (sexual assault, non-assaultive sexual offences)	Sexual related offence	Incest, Sexual assault, Sexual assault - Institution	Sexual assault, historical sexual assault, attempted, minor, DV, FV 3 rd degree, with YP, strangulation, harassment, without consent, ass/sexual ass, attempt, historic, incest,

			indecent assault YP; Act indecency without consent, third degree, with YP
Dangerous or negligent acts endangering persons (dangerous or negligent operation of a vehicle, other Dangerous or negligent acts endangering persons) Abduction, harassment and other offences against the person (abduction, kidnapping, deprivation of liberty/false imprisonment, harassment & threatening behaviour)	Other offences against the person	Breach order, Harassment, Harassment (cyber), Kidnapping, Stalking (cyber), Threat to kill, Unlawful confinement	Act endangering life/health, discharge firearm, drive-by shooting, exposure to virus, exposure to DV, shooting Threat to kill, threat GBH, threatening behaviour Other – stalking, threats, FV theft/trespass Issue with neighbour, neighbour dispute threat GBH threat to kill, forcible confinement
Robbery, extortion & related offences (robbery, blackmail & extortion)	Robbery	Robbery	Aggravated robbery, AR/assault unlawful confinement, armed robbery, attempt, fraud/theft/robb/bullying, robbery, robb/act endanger, robb/ass, robb/theft, robb/oth
	Blackmail and Extortion	Blackmail/Extortion	Extortion

Unlawful entry with intent/ burglary, break & enter	Burglary	Aggravated Burglary, Burglary	Aggravated burglary, Assault/home invasion, home invasion/robbery, agg burg/vandalism Home inv, other/home inv/property dam Burglary, burg/theft, burg?
Fraud, deception and related offences (obtain benefit by deception, forgery & counterfeiting, deceptive business/govt practices, other fraud & deception offences)	Fraud and Misappropriation	Fraud	N/A
Theft and related offences (MVT & related offences, theft [except MV], receive & handle proceeds of crime, illegal use of property [except MV])	Stolen Motor Vehicle	Car theft	N/A
	Theft other than motor vehicle		Theft
	Property damage	Criminal damage	Damage property, malicious damage, other trespass/dam, property dam
		<i>OTHER</i> : Culpable driving, Other, Unspecified	Other, running after suspect & fell, schoolyard accident,

			stolen car/extortion, workplace accident, YES (disqual, vehicle, car), Arson car, business, other arson
PLUS: drug offences, weapons offences, public order offences, traffic & regulatory offences, offences against justice procedures [incl breach DVO], misc offences			

APPENDIX E: Summary of Written Submissions to PAVER Review

Programs Assisting Victims' Experiences and Recovery (PAVER) REVIEW

STAKEHOLDER QUESTIONNAIRE SUMMARY RESPONSES December 2020

The review seeks to determine whether the FAS and VSS are:

- best practices that acknowledge the harmful effect of crime and assists victims to recover from acts of violence through financial assistance;
- operating effectively to provide access to therapeutic supports to victims of crime to promote their recovery and allow them to take part in the social, economic and cultural life of their community;
- aligned with best practice in the delivery of therapeutic services to victims of crime; and
- could be streamlined (especially the levies).

NOTE: The following tables provide a **summary** only of written submission from ACT stakeholders. For information: ACT Courts and Tribunals indicated that questions other than those dealing with the levies were policy questions and not a matter for it. Similarly, submissions from ACT Policing and ACT Corrective Services indicated that neither organisation had information with which to answer the questions about court levies, and the VOCC indicated “no comment” in her submission on these questions. The VOCC also provided “no comment” on questions about the integration of services.

1. VICTIMS OF CRIME FINANCIAL ASSISTANCE

AREA OF CONCERN	ACT Police	ACT Corrective Services (ACTCS)	ACT Legal Aid	Victims of Crime Commissioner (VOCC)
Does the FAS fulfil its purpose to:	ACT Policing (ACTP) agree that FAS achieves its	ACTCS VLO Victim Liaison Officer (VLO) provides	Agree FAS generally fulfils purpose. FAS	Summary only: Increased demand without

<ul style="list-style-type: none"> • assist victims of crime to recover from acts of violence; • contribute to the safety of victims of crime and the prevention of future acts of violence; • acknowledge the harmful effects of acts of violence; and • complement other services provided for victims of crime? 	<p>purpose. ACTP is a record holder for reporting information and has developed a strong working relationship with FAS team.</p> <p>ACTP has agreed to process normal claims within 14 days and immediate needs claims will be processed within 24 - 48 hours.</p> <p>ACTP has not received additional resources for this work.</p>	<p>information to registered victims. VLO to transition to VSACT.</p> <p>No victim feedback received</p>	<p>payments can have a substantial impact, particularly in recognising acts of violence that have severe mental health effects that can't be adequately acknowledged through courts and to assist domestic and family violence (DFV) clients to re-establish themselves safely.</p>	<p>commensurate increase in staffing is reducing timeliness and undermining purpose.</p> <p>Recommend changes to protection of records, similar to NSW.</p>
<p>Eligibility: Are definitions and offences appropriate?</p>	<p>Most victims of violent crime fall into specified categories to enable them to claim FAS. An identified gap exists for victims of crimes involving motor vehicles, where the offending driver is not identified.</p>	<p>Financial distress can occur with property offences. Potential eligibility where trauma but no physical violence.</p>	<p>Yes</p>	<p>Summary only: recommend changes to provisions on disqualifying circumstances, for related victims and child witnesses of DFV.</p>
<p>Types of payment: Are categories and definitions appropriate and sustainable?</p>	<p>There are sufficient categories and definitions</p>	<p>No victim feedback received</p>	<p>Yes</p>	<p>Summary only: increase economic loss and immediate needs payments</p>

	covered for violent offences.			in line with CPI, and review s 203 on equity grounds.
Categories of assistance: Are the types of payments appropriate and sustainable, and relevant to recovery, safety and harm?	ACTP are generally not informed on the amount of compensation received by victims or sufficiency.	No victim feedback received	Yes	Summary only: recommend implementing lump sum payment for DFV applicants, as per QLD and NSW.
Are the \$ amounts of financial assistance appropriate and sustainable and relevant to recovery, safety and harm?	ACTP advises a shortfall in certain payments; specifically the crime scene cleanup payment and funeral costs need to be revised.	No victim feedback received	Yes	See above.
Is the application process simple to do? Are any changes needed?	The application is simple and easy to follow. Police VLO's offer assistance as necessary.	No victim feedback received	The application process is quick, simple and client-focused, with good support offered. Legal Aid has assisted clients through reviews of FAS decisions, to secure access to FAS.	No feedback received
Accessibility: How well does the process provide for a diverse range of individuals? How well are people informed about FAS?	ACTP training on the Victims Charter is being jointly delivered by the VLO team and VSACT. This includes emphasis placed on Police to inform victims about	ACTCS VLO provides information to registered victims.	Our Cultural Liaison Unit has found FAS to be accessible to CALD clients, noting there are 2 CALD support workers within the FAS team	Summary only: recommend remove requirement to report to government agency for economic loss.

	financial assistance. It is anticipated that police and victims' knowledge base will grow substantially.		who are proactive in assisting this process.	
Recovery from offender: Are recovery proceedings against convicted offender(s) appropriate, fair and sustainable?	Convicted offenders should be held accountable both in the criminal justice proceeding as well as in reparation orders where appropriate. The ACT courts do not have capacity to enforce the reparation orders. This is not helpful to the victim and their recovery.	No victim feedback received	Yes. Legal Aid ACT has assisted convicted offenders with the recovery proceedings and have been able to negotiate fair repayment rates. However, clients who have been victims of crime have expressed concerns about the proceedings and their personal safety. Legal Aid notes the benefit of sections 72 and 73 of the <i>Victims of Crime (Financial Assistance) Act 2016</i> in protecting victims' safety in this regard.	Summary only: recommend resourcing VOCC to pursue recovery.

2. VICTIMS SERVICES SCHEME

AREA OF CONCERN	ACT Police	ACTCS	ACT Legal Aid	VOCC
<p>Objects: Are the objects of VSS appropriate and sustainable, and relevant to recovery, safety and harm?</p>	<p>Client feedback indicates that the services as appropriate and relevant. The VLO office regularly deals with victims of family violence. In many instances VSACT is able to provide upgrades on home security, removal costs and other associated payments in very short time frames. The Victims of Crime Team have not received negative feedback in relation to financial assistance.</p>	<p>Therapeutic services provided are all relevant to victims supported by ACTCS VLO.</p>	<p>Legal Aid ACT frequently refers clients to the VSS, but is unable to comment further.</p>	<p>Summary only: Increased demand without commensurate increase in staffing is reducing timeliness and undermining purpose. The function of case coordinators should be reviewed. Recommend inclusion of assistance in relation to justice system & change 'multi-disciplinary'. Recommend uncapping access to counselling hours for some client groups.</p>
<p>Eligibility: Is the eligibility to use VSS appropriate and sustainable, and relevant to recovery, safety and harm?</p>	<p>Yes, all victims of violent crime are eligible, and VSACT will offer support to some victims who may not fit the criteria where they can.</p>	<p>No victim feedback on eligibility received</p>	<p>As above.</p>	<p>Summary only: recommend amendments to FV definition, expanding access for victims of non-violent crime, those harmed by</p>

				MVA when criminal offence
Reviewable decisions: Can clients easily access a review of VSS decisions?	Unknown	No victim feedback received	As above	
Approved Providers: Are the providers used by VSS appropriate, relevant, and accessible?	Unknown	Victims confirmed access to counselling services, but no victim feedback on quality received	As above	Summary only: recommend authority to approve organisation as an Approved Provider and not only individual. Greater clarity on setting rate of remuneration required
Service delivery: Are the 3 levels of service available under VSS appropriate and sustainable, and relevant to recovery, safety and harm?	Yes, the three (3) levels of service cover emotional, physical and financial costs suffered by victims.	No victim feedback received	As above	Summary only: recommend 'packaging' levels as brokerage funds, rather than paying per contact hour, options to improve flexibility for client choice/ circumstance.
Privacy and confidentiality: is client privacy properly accounted for under the VSS?	ACTP adhere to all legislative requirements in relation to privacy and confidentiality. ACTP do not release documents without the	No victim feedback received	As above	

	<p>permission of the victim, information is redacted and goes through several levels of scrutiny before it is released. All documents contain the <i>“The information contained in this report is not to be disseminated to a third party or to be used in such a way as to prejudice an ongoing investigation by the AFP. Should any information provided in this report fall within the ambit of a freedom of information request, a subpoena, summons to produce or similar process, the AFP should be consulted before releasing information. ACTP and VSACT have an up-to-date MOU.</i></p>			
--	--	--	--	--

3. LEVIES FOR VICTIMS PROGRAMS

AREA OF CONCERN	ACT Legal Aid	ACT Courts and Tribunals
Is the application of a FAS and/or victim levy on adult convicted offenders appropriate?	Legal Aid ACT's General Practice and Domestic Violence Unit support the accountability of offenders for their use of violence against victims and considers the imposition of a levy on adult offenders appropriate.	This is a policy question and is not a matter for the ACT Courts and Tribunal. It should be noted that the Victims Financial Assistance Levy applies to the Children's Court as well, although there is a power to exempt persons under the age of 18 years.
Do judicial officers have sufficient discretion in applying the levies?	Legal Aid ACT has limited ability to comment on the imposition, management and process of recovering levies, but notes the discretions available under the legislation.	As above
Is the process of recovering levies from convicted offenders efficient and appropriate?	As above.	Summary only: The ACT CT administer the levies, from giving notice about the imposition of a levy to collection of the levies. The current system is extremely complex and thus difficult and more costly to administer. These apply differently, depending on jurisdiction, offence & infringement and applies to charges, rather than individual.
Are the categories for excluding the application of levies appropriate?	As above	The exclusion categories are overly complex and should be streamlined, to ensure that the same categories for inclusion and exclusion apply to each levy type or that there is only one levy type.

<p>Can the application and management of victims' levies be streamlined?</p>	<p>As above</p>	<p>Summary only: Legislative amendment would a make it easier to understand for those having levies imposed, as well as those imposing and collecting the levy. It should be noted that any changes to the system for imposition and collection of levies will require changes to the Court's case management system which will incur costs.</p>
---	-----------------	---

4. COMPLEMENTARY, HOLISTIC AND VICTIM-CENTRED SCHEMES

AREA OF CONCERN	ACTP	ACTCS	ACT Legal Aid
Is the integration of services and functions between the Victims of Crime Commissioner, the FAS and the VSS client-centred and effective?	The function is collaborative and collective. Instead of dealing with 3 separate entities we are dealing with a one point of contact. Agencies have built up trust and rapport with the different areas of the service. This is beneficial to victims being a one stop service instead of being directed from one agency to another.	Information provision is straightforward for victims to access services, although there are different contact numbers for FAS and VSS	Yes, we are easily able to refer clients to the one point, whilst recommending they receive multiple services, including counselling through VSS and assistance with making an application through FAS. Our clients can sometimes be overwhelmed, with too many avenues of support services involved, so having victim services integrated helps to minimise that overload.
Flexibility and choice: To what extent do the FAS/VSS work together to provide more/less choice of services to people from diverse backgrounds in order to support recovery, safety and harm of the victim, and to deliver these in an effective and stream-lined manner?	ACT policing are unaware of all services that can be offered, however, as VSS and FAS team work in the same office they are easily able to design and tailor financial assistance to suit individual needs of clients.	No victim feedback received	Legal Aid ACT has had very positive experiences with FAS/VSS supporting clients from CALD backgrounds. We have referred CALD clients for counselling and VSS has presented them with options for CALD-appropriate counsellors (similar backgrounds). Clients are able to receive greater support

			with appropriately skilled and diverse counsellors through FAS & VSS than through a mental health care plan, which better supports their recovery, safety and harm minimisation.
Are the referral pathways for victims efficient and do they promote access?	The referral pathways for ACTP are streamlined and effective. Operational members can make referrals out in the field via the supportlink application. These are directed when applicable to VSACT and actioned promptly.	Contact initiated by the ACTCS VLO to VSACT has been effective and responsive to victim needs	Yes
Do the information-sharing procedures protect victims' privacy as well as ensure efficient access to services?	ACTP are governed and strictly adhere to all aspects of the Privacy Act. Victim consent is required to release their information.	FVIP Case Tracking ensures coordination and efficient access to services for victims and information sharing	Yes, Legal Aid ACT can inform clients that information about their treatment and diagnosis, for example, can be accessed internally or through written consent alone rather than by subpoena or through the clients own efforts.

APPENDIX F: Summary of VSACT Staff Assessments of What is Working Well

This Appendix compiles staff contributions from four focus groups.

Working Well for Clients	Working Well for Staff/the Organisation
<p><i>Responsiveness</i> included being able to deal with presenting issues; being flexible and assisting ‘outside the square’; responding to immediate needs; helping people get what they need; and ‘going the extra mile’ as advocates.</p> <p><i>Delivering service quality</i> was identified as recognising diversity and supporting access; having people return for service; and that people feel that they and their stories are respected.</p> <p><i>Engagement</i> evidenced by outreach to communities; continuity of support and assistance worker; triage on crime types and asking ‘good’ questions.</p> <p><i>Financial assistance</i> was more accessible than the previous court-based scheme; with simpler forms and a lot of help to clients to get evidence (medical, expenses quote etc).</p> <p><i>Timeliness</i> in that referrals are responded to in five working days; clients can see a counsellor quickly and there are no waiting times.</p> <p><i>Volunteers</i> are more integrated within VSACT and with staff; have strong relationships with staff in other organisations; can provide court support with one person from the beginning of the court process and with FA applications.</p>	<p><i>Structured service</i> was getting the balance right between volume and timeliness, accessing more support, as sitting within the Human Rights Commission, more over-the-phone assessments, good working relations with police.</p> <p><i>Service values</i> evident in the work were culturally appropriate outreach, freedom and support to assist person as they want/need, desire to constantly improve experience/outcomes and genuine care for clients.</p> <p><i>Internal cohesion and collaboration</i>, with more connections between and cohesion of different specialist programs, volunteers and staff as a whole.</p> <p><i>Good leadership</i>, with management supportive of community outreach, staff feeling trusted to do the work, strong management who ‘have their back’, and acknowledgement of ‘small things’.</p> <p><i>Staff work cultures</i>: people pitching in to help others when needed; lots of debriefing support; diverse backgrounds bringing a lot of different ideas to team and thus to clients; knowledgeable and knowledge valued. Good leadership, strengths recognised, flexible, no boundary tightness, and staff have a lot of agency (can take risks to fix things, find solutions).</p>

Accessibility was the broad range of services offered; the generous hours for counselling; the Charter of Rights; and the ability to source their own support.

Work practices that supported clients were the good flow of information between VSACT teams, good communication with stakeholders, and minimising multiple questions of clients.