

Submission: The Statutory Review of the Victims Rights and Support Act 2013

By: Joanne Cotterill. Approved Victims of Crime Counsellor

To: [REDACTED]
Cc: [REDACTED]

Thank you for the opportunity to provide a submission for the Statutory Review of the Victims Rights and Support Act 2013 and for granting me of the additional time available for submissions

My submission would like to highlight how the implementation of the Victims Rights and Support Act 2013 in many ways violates the Charter of Victims Rights. In particular, I would like to highlight how it systematically:

- Limits Access to Services
- Does not treat Victims with courtesy, compassion and respect

As an Approved Victim of Crime counsellor in a rural NSW I have found that myself and my colleagues are forced to exclude victims of crime from counselling for the following reasons:

- A) *The scheme offers counsellors compensation that is so inadequate it is almost unviable to practice.* The scheme offers a payment which is less than half of the recommended rate for Psychologists and Social Workers. This recommended rate is necessary to have properly resourced, insured, trained and supervised clinicians. It costs approximately \$50,000 a year to maintain a private practice (not including the payment of wages). In real terms this means that each clinician must offer over 365 counselling sessions for victims just to pay for insurance, rent and for the maintenance of qualifications (including mandatory supervision and training) before they can even receive a wage. The victims of crime counselling scheme payment rate compares badly to other state and federal counselling schemes including SIRA, Open Arms and the NDIS. This means that clients eligible for these other schemes will be given priority over victims of crime clients seeking counselling. Even Medicare allows for a gap payment which Victims Services does not permit. In small rural towns where services are limited this effectively means that victims of crime are refused a face-to-face service. While Victims Services does permit for clients to have counselling via tele-link and video these are often not appropriate, especially for victims of DV and sexual assault where the perpetrator or their supporters are still in the victim's home.

Recommendation 1: I would recommend that the Victims Rights and Support Act 2013 legislate that the rate that approved counsellors should be paid should be in parity with the recommended rates set by the AASW and APS for private practice.

- B) *The implementation of the victims of crime counselling scheme is not trauma informed (and therefore not treating victims with courtesy, compassion and respect) in a number of ways.*

This counselling scheme also does not allow for common scenarios that could be expected as a part of the trauma experience when developing practice standards for counselling victims of crime. This includes:

- a. *Not allowing for appropriate numbers of missed sessions.* Missing large numbers of sessions is common for people with PTSD. It is also not appropriate for persons who are still trying to stay safe from the accused or who are responsible to care for children who are also often invariable care between the victim and the perpetrator and also victims of the crime. Victims' services only pays a half-rate for missed counselling sessions twice in such occurrences. This practice compares unfavourably to other government counselling schemes making the service non-competitive. To make matters worse it is not even permitted for the counsellor to charge the victim of crime counselling client for other missed sessions. Instead, counsellors are forced to either wear the cost of the no-shows themselves or terminate the counselling service. Termination is therefore something which often happens leaving the victim even more traumatised and with even less services than before. Even victims who regularly attend sessions are impacted by this rule when additional counselling sessions are approved. When this happens no permission is given for more than two missed sessions. This means that although the number of sessions available to as a victim of childhood sexual assault is technically unlimited it is in fact limited to two missed sessions only.

Recommendation 2: I would recommend that the Victims Rights and Support Act 2013 legislate that the rate of missed sessions be made proportionate to 1/10 of sessions approved for them.

Recommendation 3: I would recommend that the Victims Rights and Support Act 2013 legislate that Approved Counsellors may charge the client for any costs the counsellor might incur when clients missing greater than 1/10 missed sessions. This cost can be limited to the value of a full session for each missed occurrence.

- b. *Not facilitating the connection of victims with each other.* Although plenty of research demonstrates that connection to others with shared experiences assists victims in their recovery, Victims Services does not often support this process through funding group programs. Given that Dialectical Behavioural Therapy, for example, requires group sessions for people with Borderline Personality Disorders (a common diagnosis for victims of childhood abuse) this means that clinicians are not able to provide evidence-based care. Not only does victims services not fund such groups, but it also does not permit victims to use their approved counselling hours to fund attendance at such groups or permit approved counsellors to charge victims for attendance at such groups.

Recommendation 4: I would recommend that the Victims Rights and Support Act 2013 legislate that Victims Services should work to enable support groups for Victims Services and fund them appropriately (including by permitting Victims of Crime to use approved counselling hours to attend such groups and/or allowing Approved Counsellors to charge for such groups).

- c. *Not allowing appropriate numbers of case management support.* Often people who are receiving counselling as Victims of Crime continue to be victimised by the accused. Many times the accused actually escalates and becoming more insidious in their abuse when a victim seeks support. This escalation often leads to other social issues such as homelessness, mental health conditions, family conflict and employment and educational problems for victims. In addition to this there are many times where victims of crime experience not been appropriately supported by other government departments including legal aid, family court, child protection

agencies and the police. Victims are often terribly frightened by this; not only because of the escalation of violence by the accused but because it becomes evident to them that the authorities are unable to protect them when they report the crimes they have experienced. As a result, many are reticent to report further crimes or complain appropriately about their treatment from government departments. Approved Counsellors are therefore often left in a situation where they feel that these events should be reported and addressed, however they are not approved for case management hours and therefore do not have the necessary time available to address these issues. This leaves approved counsellors in a situation where they choose to no longer support victims of crime because of the stress that these situations place on them in terms of time, professional safety, finances and emotional impact.

Recommendation 5: I would recommend that the Victims Rights and Support Act 2013 legislate that case management hours (equivalent in number the number of counselling hours) should be made available to victims of crime in all cases where the accused is not currently incarcerated or is due to be released within the next six months.

Recommendation 6: I would recommend that the Victims Rights and Support Act 2013 legislate that three hours per client should automatically be available for referral to other services if required for other pressing issues which impact safety or wellbeing to an extent that they will compromise counselling. (E.g. housing, access to education, acute mental health or physical health needs, financial counselling, family/parenting support.)

- d. *Expecting Victims of Crime to complete Victims of Crime Application forms and/or get evidence from state government departments for counselling and compensation payments.* Recently the service provided by Victims Services of assisting people to complete application forms by calling Victims Services has been ceased. This had led to a number of clients choosing to no longer apply for Victims of Crime support as they are either educationally or emotionally unable to complete the applications on their own. Despite the fact that Victims Services is a State Government Department they expect victims of crime to get their own evidence that they were a victim of crime from other state government departments. In my experience of supporting victims this is often a traumatising process. Some victims are forced to grapple with their lack of literacy and skills in dealing with government departments. Some are traumatised by responses from state government records departments which are often unhelpful and more interested in protecting the privacy of the accused or avoiding the release of notes that could result in other liability for them than they are in releasing evidence for clients. Costs of procuring such records are also a factor and there have been times where I have been forced to pay for the GIPPA application myself when clients have been unable to.

Recommendation 7: I would recommend that the Victims Rights and Support Act 2013 legislate that Victims Services should be resourced to facilitate and pay for the costs relating to the collection of evidence from other state government departments.

Recommendation 8: I would recommend that the Victims Rights and Support Act 2013 legislate for the provision for telephone support clients used to have access to, when completing their application for counselling hours, should be reinstated, or alternatively formal training resourcing and support provided to another agency for designated persons to provide this assistance.