

Statutory Review of Victims Rights and Support Act 2013
Submitted by
Fighters against child abuse Australia [FACAA]



20th of July 2022

This submission was prepared by Fighters against child abuse
Australia FACAA.

[REDACTED]

[REDACTED]

[REDACTED]

Web : www.facaaus.org / www.facebook.com/facaaus



About Fighters Against Child Abuse Australia

Our mission is to end child abuse once and for all within
Australia.

Our vision is to make Australia the only nation on the planet that
does not suffer from the scourge that is child abuse.

Our guiding principles are to remain completely non-
denominational and non-political to achieve our mission of
ending child abuse once and for all by whatever means are
necessary (within the laws of the land).

FACAA has been working actively for the past 11 years to end
child abuse within Australia. We are currently running a several
programs with this one goal in mind.



Introduction

To come up with our responses for this submission FACAA once again put the call out to our membership in the form of social media posts across all platforms. The response was overwhelming, we have never received such an avalanche of responses to a call for information before.

With such an overwhelming response to the call for information and opinions on this review we did have to sift through those respondents from NSW, once we did that there were a few key themes from our members which we have listed with suggestions on how they can be achieved within a legislative space.



Themes of Transparency and Fairness

The two main themes the FACAA members thought were most important to the NSW Charter of victim's rights were transparency and fairness. Below are an explanation of these themes and suggested ways to assure the charter utilizes both of these in a practical manner that is both fair on the department's monetary constraints and fair to the needs of victim-survivors.

Transparency: The main theme that our members wanted to ensure we discussed is transparency. Division 2 Section 6.1 of the charter states *6.1 Courtesy, compassion, and respect*

referring to how victims of crime will be treated under the charter.

With that in mind we at FACAA feel that transparency needs to be a central theme in the charter if you are to show courtesy, compassion, and respect towards victims of crime. Victims can feel re-victimised if they feel they are not involved in decision making processes that involve them and as such transparency is an absolute must at all stages of decision making. We at FACAA would like to see clear and concise reasoning for every choice made about a victim survivor included in the decision at a legislative level. Division 7 speaks to the review process being transparent, however we would like to see that same transparency being extended to all decisions made in regard to victim survivors.

In Part 3 Administration Division 1 Commissioner of Victims rights subsection 10, FACAA would like to see a number 3 added to the charter which should state *“The final function of the commissioner is to make a regular (yearly) report on the victims rights department to the NSW State government. This report should include expenditure, complaints, future plans and goals as well as decision making transparency in relation to any complaints lodged including reasoning for decision making processes, a full list of mistakes made and responsibility for those mistakes as well as any ramifications made as a result of those mistakes.*

We at FACAA would like this report made public after 14 days of its submission to the NSW state parliament with any sensitive information redacted. We believe regular reporting to the NSW state parliament and subsequently the NSW people will go a long way to restore the public’s faith in the transparency of the department of Victim’s services.

Recently FACAA have seen some wholesale changes made to the Victims of crime interagency meetings. These meetings

were set up nearly 20 years ago and were a worldwide leader in co-operation and transparency for departments that looked after victims of crime. The changes made both progressively and very recently have been flying directly against the concept of transparency. Firstly, the commissioner of victim's rights just stopped attending the meetings citing the legislation not requiring her to in her reasoning. Then the terms of reference were changed moving the purpose of the meeting from a consultative mechanism to simply a networking one. The department cited a "survey" they sent out which firstly very few members of the VOCi received and secondly the questions asked were done so in a very loaded way that could only achieve one outcome, changes to the VOCi that no members agreed with.

The changes made to the VOCi happened without consultation and without transparency and were responsible for lowering the level of transparency for the department itself. When the VOCi was running correctly there was a great transparent exchange of ideas and accountability between the department and the agencies who assist their clients.

FACAA would like the to see the VOCi protected on a legislative level and including protecting the fact that the VOCi is to remain a consultative mechanism between the department and the members of the VOCi. This will go a long way to restoring the faith of the members of the VOCi that the department wants to be transparent and accountable.

The final suggestion that FACAA are suggesting to improve transparency, is to separate the roles of Director of Victim's services and the Commissioner of Victim's rights. We at FACAA strongly believe that this is an outright conflict of interest as the role of the director is to tighten the purse strings of the department and the role of Commissioner is to speak for and implement necessary spending on behalf of victims of

crime. The 2 roles are literally diametrically opposed so how can 1 person possibly hope to effectively fulfill both roles ?

In Part 3 Administration, Division 1 Commissioner of Victim's Rights Section 8 FACAA would like to see a part 3 written *"Due to the importance of the role of Commissioner of Victim's rights, the Commissioner who is chosen must not hold any other roles in the department or any other government department to allow the Commissioner to focus their efforts on the victims of crime entirely."*

Fairness: A lot of our members spoke of fairness being a key theme they would like to see within the charter of victim's rights. Several recent changes to approved counselling for example have left many victim survivors feeling very hard done by. Group counselling was suddenly dumped from the approved activities and over a year later no reason has been given for this decision. This lack of reason shows a distinct unfairness and a total lack of transparency.

In the interest of fairness FACAA would like to see Division 4 Approved counselling services section 31 FACAA would like to see group counselling added back to the approved counselling section along with non-traditional counselling methods such as movement-based trauma healing (like that provided by the FACAA Phoenix survivor's healing program) also added to the legislation on approved counselling. We believe it to be unfair to only offer victim-survivors a so-called traditional approach to counselling which simply does not work for all victim-survivors. Those it does not work for (through no fault of their own) are given no alternative under the charter. FACAA would like this amended by including group counselling and movement-based trauma healing added to the legislation of the charter of victim's rights.

In the interest of both transparency and fairness, FACAA would

like to suggest that wherever possible and appropriate, the word victim is replaced with the word's victim-survivor. We would even go so far as to suggest that the charter itself be re-named the Charter of Rights for Victim-Survivors and their support act 2022. As well as seeing the word victim being replaced with victim-survivor wherever appropriate and possible. It seems like a very small gesture but a lot of FAAAA clients who are victim-survivors take great offence to being labelled as victims, as to do so implies that they are forever under the power of their abuser and will always be labelled as a victim. Whereas to call them the appropriate term of victim-survivor implies that they can and will and possibly have moved past what their perpetrator has done to them and will not spend the rest of their lives living under the rule and control of their abuser.



Conclusion

FAAAA would like to thank the department for undertaking this statutory review and for the extension of time being granted to FAAAA to hand in our submission due to illness and flooding. We believe the charter of victim's rights and support act is an integral part of the NSW legal framework. We also believe in reviews like this one to further strengthen and shore up what is a very strong piece of legislation which we believe is the most victim-centric of any of it's kind out there. We at FAAAA are quite proud that we have contributed our small part to this act and took great pride in submitting this review to help further improve the act and bring it further forward ahead of other legislations of it's type. NSW is a world leader when it comes to victims of crime and the way in which they are treated with fairness and protected from harm. We can only hope it continues to head in this appropriate direction and that this review helps guide that future direction.

If you have any questions regarding this review or you would like redacted member submissions, [REDACTED]

[REDACTED]

[REDACTED]

A very big thank you and reference needs to go to the volunteers of the FACAA social media awareness campaign. TC Robinson, Genevieve Elliot, Kellie Roche, Chris Riddett. Without whom this submission would have never occurred.