

17 July 2020

Ms Michelle Vaughan  
Commissioner Victims Rights

By email: [Michelle.Vaughan@justice.nsw.gov.au](mailto:Michelle.Vaughan@justice.nsw.gov.au)

Dear Commissioner,

### **Victims Support data requirements**

1. Women's Legal Service NSW and Community Legal Centres NSW are writing to you regarding the publishing of baseline data and ongoing collection and publishing of data that will help measure the impact of the significant changes to Victims Support.
2. On 1 July 2020 a Joint Statement by over 40 organisations called on the NSW Government for the release of baseline data.
3. We note Victims Services has released some data in its data profiles from 2013-14 to 2017-18. We note no data profiles have yet been published for 2018-19. Below we outline the data we believe must be published.
4. A key element of good governance is transparency and accountability. The publishing of the data outlined below is necessary to measure the impact of recent changes and ensure the accessibility of the Victims Support Scheme, consistent with the Charter of Victims Rights. It is also important for public confidence in the Victims Support Scheme.

### **Baseline data**

5. We expect data would already be collected on the below. Where it has not been collected we recommend the immediate collection of such data. Data must be published on the below.

### **General data requirements**

6. Data must include the number of applications received, awarded, pending, lapsed and dismissed and their outcome for each category of Victims Support:
  - 6.1 counselling
  - 6.2 financial assistance – immediate needs
  - 6.3 financial support – economic loss
  - 6.4 recognition payments

7. All data must be provided annually by gender and age.
8. Number of claims received, awarded, pending, lapsed and dismissed by category by Aboriginal and/or Torres Strait Islander people over the last 5 years, including by gender and age must be included.
9. Each annual report/data profile must include data over a 5-year period of the Victims Support Scheme. This was the practice in the annual Victims Compensation Tribunal Chairperson's report. We note the Victims Services Data Profile 2017-18 included some data over a 5-year period.
10. Average payment for immediate needs, economic loss, recognition payments must be included.
11. Shortest, longest and average time to determine applications for financial assistance for immediate needs, financial support for economic loss, recognition payment and counselling must be included.
12. Number of responses to the client satisfaction survey and a summary of responses must be included.

### ***Counselling***

13. Data on counselling must include the:
  - 13.1 number of applications made, number of applications approved and number of applicants who actually attend counselling,
  - 13.2 number of applicants who actually accessed counselling by phone, video and in person appointments,
  - 13.3 number of counsellors in each regional, rural and remote area in which they are located, together with how many new Victims Support clients they assist each financial year,
  - 13.4 average waiting time between the counsellor being contacted and their first available appointment,
  - 13.5 number of applications for counselling where the victim-survivor is located in a closed institution, for example, Correctional Centre, Youth Detention, including the number approved and the number of applicants who receive counselling in a closed institution,
  - 13.6 number and percentage of applications for counselling made more than 10 years after the act of violence and the number and percentage of these relating to domestic violence, sexual assault, child abuse and child sexual abuse.

### ***Domestic violence, sexual assault, child abuse and child sexual abuse***

14. Data must include the below:

- 14.1 Number and percentage of applications for counselling, financial assistance for immediate needs, financial support for economic loss – including a breakdown of actual loss of wages - recognition payments that were received, awarded, pending, lapsed and dismissed as a result of domestic violence, sexual assault, child abuse and child sexual abuse including a breakdown (number and percentage) of recognition payment categories A-D.
- 14.2 Number and percentage of assaults resulting in grievous bodily harm (**GBH**) claims where the GBH is a psychological injury have been awarded. Of these the number and percentage assisted by Victims Services alone in each financial year since the commencement of the new scheme; where the applicant has been assisted by an advocate; where the applicant has been legally represented.
- 14.3 Average payments for immediate needs, economic loss and recognition payments as a result of domestic violence, sexual assault, child abuse and child sexual abuse.
- 14.4 Number and percentage of claims involving domestic violence, sexual assault, child abuse and child sexual abuse which were refused, or assistance was reduced due to s 44 factors with a breakdown by number and percentage of each of the s 44 factors.
- 14.5 Number of applications lodged out of time and the number and percentage of these relating to domestic violence, sexual assault, child abuse and child sexual abuse.

#### *Family members*

15. Data must include number of applications from family members and number of claims received, awarded, refused, lapsed and dismissed.

#### *Legal representative / advocate / support person*

16. Data must include the below:
  - 16.1 Total number of financial assistance, financial support and recognition payment applications where the applicant was legally represented; where the applicant was assisted by an advocate.
  - 16.2 Dismissal rates for represented and unrepresented claimants for financial assistance for immediate needs, financial support for economic loss and recognition payments by number and percentage.

#### *Reviews and appeals*

17. Data must include the below:
  - 17.1 Number of internal and external reviews lodged, determined, pending and settled before a decision is made and the grounds for appeal.
  - 17.2 Status of appeals to the Supreme Court and Court of Appeal.

- 17.3 Number and percentage of unsuccessful claimants who sought internal review, the number and percentage who were legally represented in this process and the number and percentage of both represented and unrepresented claimants who were successful in their review.

#### **Part 6 Compensation awarded by the court**

18. Data must be included on the number of Part 6 of the *Victims Rights Support Act* compensation awards made each financial year by the court.

#### **Restitution**

19. Once matters are finalised:

19.1 Amount recovered through restitution

19.2 Number of restitution hearings

#### **Collecting and publishing of additional data**

20. In addition to the data outlined above, further data required to be collected and published as part of the monitoring and evaluation of the Victims Support Scheme, including the impact of the recent changes to Victims Support, includes:

20.1 the number of applications attempted to be lodged with Victims Services that are not accepted for any reason and the reason why the application was not accepted.

20.2 the number of contacts to the Victims Access Line (**VAL**) and Aboriginal Contact Line (**ACL**), the number of applicants contacting VAL and ACL, the nature of the request and the response by VAL and ACL.

21. To ensure accessibility of the Victims Support Scheme it would also be helpful to capture data on the number of applications received, awarded, pending, lapsed and dismissed for each of the components of Victims Support relating to people living in regional, rural and remote areas; people who are homeless/risk of homelessness; and people currently in prison/detention/closed setting.

We look forward to your urgent response to this important issue.

Should you have any questions, please do not hesitate to contact Liz Snell on ph 8745 6900 or [liz.snell@wlsnsw.org.au](mailto:liz.snell@wlsnsw.org.au) or Kathy Keat on ph 4704 0202.

Yours faithfully,

**Women's Legal Service NSW**

**Philippa Davis**  
**Principal Solicitor**

**Community Legal Centres NSW**

**Arlia Fleming**  
**Chair**

CC: The Hon Mark Speakman SC, Attorney General, and Minister for Prevention of Domestic Violence  
Mr Michael Coutts-Trotter, Secretary DCJ