

**4 March 2021**

Kelly Roberts  
Principal Policy Manager  
Victims Services  
Locked Bag 5118  
PARRAMATTA NSW 2124

Via email: [VS@dcj.nsw.gov.au](mailto:VS@dcj.nsw.gov.au)

Dear Ms Roberts

**RE: Ref AF/24739#027 - Consultation on Victims Services service changes**

Thank you for the letter (Ref AF/24739#027) from the Commissioner of Victim Rights, inviting People with Disability Australia (PWDA) to provide feedback on changes to Victims Services processes implemented on 1 July 2020.

Our feedback focuses on the revised application requirements and processes for choosing a counsellor, as well as the relationship between this review and the statutory review process under section 119 of the *Victims Rights and Supports Act 2013* (NSW) (VRSA).

PWDA is a leading disability rights advocacy and representative organisation and the only national cross-disability organisation representing the interests of people with all kinds of disability. We are a not-for-profit and non-government organisation and our membership is comprised of people with disability and organisations primarily constituted by people with disability.

PWDA is funded both as a national peak disability representative organisation to undertake individual advocacy and as a NSW peak body to undertake systemic advocacy. We have extensive experience in providing advocacy and outreach to people with

**Postal Address:**

PO Box 666  
Strawberry Hills NSW 2012

**Street Address:**

Level 8  
418a Elizabeth Street  
Surry Hills NSW 2010

**Phone:** 02 9370 3100

**Fax:** 02 9316 1372

**Toll Free:** 1800 422 015

**Email:** [pwd@pwd.org.au](mailto:pwd@pwd.org.au)

**ACN:** 621 720 143



disability, including people living in closed or hard to reach settings and deliver advocacy support through the National Disability Advocacy Program across New South Wales and parts of Queensland.

PWDA is a member of the Justice NSW Victims of Crime Interagency, and in this capacity we urge you to consider making the current review a transparent one, with all submissions and the findings and outcome published. The changes implemented in July 2020, while intended to make the Victims Support Scheme (the Scheme) more efficient, have far-reaching consequences for people with disability seeking to access financial and counselling assistance through the Scheme. They were implemented following a hasty consultation process. We believe that transparency is essential to ensure accountability in the current review.

We would also like to see this review incorporated into the statutory review process under section 119 of the VRSA, due to take place by June 2021. The outcome of each statutory review is tabled in Parliament, ensuring accountability to the Parliament and the public. We recommend that material considered by the current review be provided to the statutory review committee so that this issue can be addressed in the context of the statutory review's wider mandate.

We are concerned that the full impact of the changes will only be apparent by the time the statutory review commences, once a full year has passed since their implementation.

## **Disproportionate impact on people with disability due to lack of assistance to navigate the Scheme**

PWDA is concerned that the service delivery changes have had a disproportionate negative impact on people with disability, especially because people with disability are more likely to require support to access and navigate the Scheme. We fear that even if the changes result in more overall efficiency, people with disability in particular are being left behind in terms of accessing much needed assistance from the Scheme due to additional hurdles created.

This is because the changes place more of a burden on survivors to independently undertake necessary steps when interacting with all aspects of the Scheme, from the application process to allocation of counsellors. Previously more assistance was provided by Victims Services staff throughout different stages of the application and outcome processes.



Based on our experience of the significant barriers people with disability confront in accessing justice through a range of processes, we are deeply concerned that *less* people with disability are accessing the Scheme's benefits since the changes were implemented.

People with disability may be more likely not to pursue an application due to some of these changes. For example, the requirement to provide government issued-identification, and bank account details for applications for financial support and recognition payments, may prove onerous for some people with disability if they do not have an advocate or support person to assist them to gather together this information. Some people with disability often experience difficulties accessing the internet and cost barriers that will make navigating the Scheme especially burdensome with the new processes in place.

People with intellectual and cognitive disability are particularly disadvantaged in being expected to source necessary evidence and submit this evidence through online processes, and to choose their own counsellor from the list on the Victims Services website without assistance. We believe there should continue to be a role for Victims Services to assist with gathering and pursuing sources of evidence over the 12 month period for recognition payment applications in cases where survivors require support to complete the application process.

Similarly, we do not consider that the new 'streamlined' processes for choosing a counsellor are beneficial for many people with disability, who may need assistance both to access the Victims Services website and choose a counsellor from the approved list. We would like to see safeguards in place for people with disability to ensure we are sufficiently supported to complete the application process and organise a counsellor.

## **New processes for choosing a counsellor**

Based on our experience with clients applying to the National Redress Scheme seeking to access counselling through Victims Services, PWDA has found that a significant number of people with disability are choosing not to take up offers of counselling. There are many possible explanations for this; many survivors neither need nor want counselling. However, we are concerned that a low uptake of counselling support is in part due to ableist attitudes permeating services.

There are certainly a range of accessibility issues that prevent people with disability from receiving timely and appropriate access to counselling services through Victims Services. A process by which survivors can choose a counsellor from the list of approved counsellors on the website will not alleviate these existing barriers for people with disability. We are concerned that this change has in fact exacerbated the existing



accessibility issues with accessing counselling because of the requirement for survivors to organise counselling independently without any guarantee of assistance.

The approach using an approved list does not always facilitate a process whereby survivors can choose a suitably-qualified counsellor. We believe further consultation is needed to ensure that people with disability can make a genuine choice about accessing counsellors who will best meet their individual needs and provide services in a disability-aware and trauma-competent manner.

This is an issue of self-determination and choice in relation to service use, as well as service quality. In PWDA's view, the current criteria for becoming an approved counsellor do not incorporate adequate practice standards to ensure that counsellors can work effectively with people who have experienced violence and trauma, in a manner that does not inadvertently cause harm to survivors.

PWDA is particularly concerned about the limited availability of counsellors who are skilled in working specifically with people with disability, especially people with intellectual disability and cognitive disability and those who need supports and accommodations in order to communicate with others. This goes beyond 'disability awareness' in a generic sense. Counsellors need to be able meet the needs of individual clients with disability, making accommodations where needed and tailoring their practice consistent with the social model of disability.

PWDA recommends that Victims Services collaborate with PWDA to ensure that approved counsellors receive appropriate professional development to provide equitable access to survivors with disability.

PWDA understands that some of these issues go beyond the scope of the current review, another reason we encourage you to integrate this review into the statutory review process which can consider the need for service delivery improvements more comprehensively.

## **Reimbursing expenses associated with accessing medical evidence**

Of people aged 15-64, 38% (or 670,000) with disability, and 51% (or 219,000) with severe or profound disability, have a low level of personal income, compared with 27% (or 3.0 million) without disability.<sup>1</sup> Cost barriers experienced by a significant proportion of people with disability are especially likely to create difficulties when it comes to accessing

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<sup>1</sup> Australian Government, Australian Institute of Health and Welfare, *People with disability in Australia*, 2020, 299.



contemporaneous medical evidence following a successful determination if financial assistance is only provided by way of reimbursement.

Upfront costs of purchasing such evidence are likely to be prohibitive for some people with disability. We recommend that consideration be given to the need for an alternative pathway for people who are experiencing financial hardship.

PWDA is fearful that the recent changes to Victims Services processes, if not given further detailed consideration with the specific needs of people with disability in mind, will effectively deny too many survivors access to justice and needed supports and compensation.

As stated above, we urge you to refer the material gathered by this review to the pending statutory review so that the changes can be assessed against the policy objectives of the Act, as required by section 119(1) of the VRSA. We also believe this approach is needed to ensure that these changes are reviewed in a transparent manner that ensures accountability, following a sufficient period of time to allow their full implications to become clearer.

If you wish to discuss our comments and recommendations, please email our senior policy officer Fleur Lyamuya Beupert at [fleurb@pwd.org.au](mailto:fleurb@pwd.org.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sebastian Zagarella'.

**Sebastian Zagarella**  
Chief Executive Officer  
People with Disability Australia