

**6 May 2020**

Ms Michelle Vaughan  
Commissioner of Victims Rights  
Victims Services  
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Dear Commissioner

### **Proposed Changes to Victims Support Scheme**

I am writing on behalf of People with Disability Australia (PWDA) about the proposed changes to the NSW Victims Support Scheme, that were due to commence on 27 April 2020. We believe that an extended period of consultation is necessary to achieve more comprehensive service delivery improvements for victims of crime under the scheme. While you have proposed pausing implementation for two weeks to engage in further consultation, we are concerned that this amount of time will not allow for respectful dialogue that is led by survivors.

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 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.

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PWDA is a member of the Justice NSW Victims of Crime Interagency, and in this capacity we urge you not to proceed with implementing the proposed changes. PWDA signed an open letter to the Attorney General and Minister for the Prevention of Domestic Violence dated 22 April 2020 to express concerns about the proposed changes as a member of the Community Legal Centres NSW Domestic Violence & Victims Support Subcommittee. We appreciate that you met with representatives of the Subcommittee on 30 April 2020. We thank you for listening to the sector's concerns and agreeing to engage in further discussion about ways forward.

We are now writing to you to highlight specific challenges the proposed changes will create for people with disability to assist with demonstrating the need for further consultation.

Based on our experience of the significant barriers people with disability confront in accessing justice through the child sexual abuse National Redress Scheme, we fear that /less people with disability will be able access the NSW Victim Support Scheme's benefits if the proposal proceeds. Requiring survivors to collect all necessary evidence as part of the application process and to access an approved counsellor on their own is likely to create significant barriers for people with disability. People with disability often experience difficulties accessing the internet and cost barriers that will make navigating these processes especially burdensome. People with intellectual and cognitive disability are likely to be especially disadvantaged if there is no guarantee of assistance to meet the new requirements.

People with disability are more likely to require support to access justice through a complex and costly application process, and a strong independent disability advocacy sector operating to advance the human rights of people with disability should be viewed as a crucial part of this. Currently independent advocacy is under increasing pressure to meet demand and we would welcome the opportunity to discuss with you how to strengthen access to independent advocacy when people with disability are seeking to make a claim through the Victims Support Scheme.

PWDA is particularly concerned about the proposed changes requiring survivors to collect their own evidence and submit a complete application attaching all necessary documentary evidence. This process is intended to operate without legal or other assistance. What safeguards will be in place to ensure that people with disability are not disproportionately excluded from the scheme's benefits? Will survivors be provided with an opportunity to gather additional evidence where an application is considered incomplete? How will they know how to respond if their application is not accepted due to lack of evidence? We believe that the application process should involve two pathways, with the first requiring submission of a complete application attaching all necessary evidence in line with the proposed changes. We propose that the second pathway would involve support for survivors to complete and submit their application form, preserving the role for Victims Services to gather and pursue sources of evidence.



PWDA does not support the proposed change to require survivors to choose an approved counsellor from a list on the Victims Services website. This change will shift responsibility to survivors to *access* an approved counsellor but does not allow survivors to choose a counsellor who will best meet their needs. We believe that further consultation is needed to ensure that people with disability can make a genuine choice about their counsellor and access counselling in a timely manner. The following experience from our individual advocacy work reflects issues with timely allocation of approved counsellors under the existing arrangements:

*Victims Services did speak to my client in an attempt to find someone suitable in his locality, but the first person they referred him to was uncontactable and we eventually discovered was not taking any new clients.*

We are concerned that the proposed new approved counsellor arrangements may prevent people with disability from accessing vital counselling services if there are no safeguards in place or supports available to assist survivors to access a counsellor.

Currently approved counselling through Victims Services is available for people who are in the process of applying to the National Redress Scheme, although this is not widely known even amongst redress services. Our experience advocating for people in this position indicates that there are accessibility issues people with disability experience in their dealings with Victims Services, as reflected in the following case study.

*One of my Redress clients (who is still in the process of making an application) has accessed [the approved counselling] service. I was not involved from the very beginning however there were some issues. When I became involved, my client wanted me to be able to communicate with Victim Services directly on his behalf. This was an issue because they have a form they wanted filled out and signed by the client, and my client is blind. It took several phone calls and a few weeks to get this sorted out.*

We fear that the new approach will intensify existing accessibility issues and barriers to receiving timely and appropriate counselling services. There are also significant gaps in the existing arrangements for approved counsellors that should be considered as part of the consultation process, particularly around training for counsellors and the lack of practice standards for working with people with disability and people who have been impacted by violence generally. Further consultation may also uncover unintended impacts of the proposed changes. It is unclear, for example, whether National Redress Scheme applicants, who have not yet been granted redress, will still be able to access an approved counsellor through Victims Services if the current proposal is implemented.



We are concerned that the proposed changes will exacerbate trauma for survivors and disproportionately prevent people with disability from accessing justice and needed supports and compensation.

PWDA urges you to cease the implementation plan and instead enter into a meaningful process of consultation to identify solutions that are survivor led.

We would be happy to meet with you to discuss any of these matters further with you. To arrange a meeting, please contact me on 0431 998 273 or [romolah@pwd.org.au](mailto:romolah@pwd.org.au).

Yours sincerely

*Romola Hollywood*

**Romola Hollywood**  
**Director Policy and Advocacy**

PS: Please note that this letter was drafted, prior to the conversation on the phone with your officer, Annette Farrell today. We still seek a meeting with you to discuss the proposed changes as our experience working as advocates with people with disability suggests that a number of barriers to accessing compensation and supports need to be considered and addressed. We hope that you will postpone the start date of the proposed changes so that we can engage in a consultation process with your office.