

INQUIRY INTO SUPPORT PROVIDED TO VICTIMS OF CRIME

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Submitted by: Gold Coast Centre Against Sexual Violence Inc.
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See attached:



Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane QLD 4000
Via email lasc@parliament.qld.gov.au

12 April 2023

Dear Secretary

Re: Inquiry to support provided to victims of crime.

The Gold Coast Centre Against Sexual Violence Inc. welcomes the opportunity to make a submission to the Legal Affairs and Safety Committee in relation to the *Inquiry to support provided to victims of crime*.

GCCASV (formerly Gold Coast Sexual Assault Support Service) was founded in 1990 to deliver specialist sexual violence intervention and prevention programs to the Gold Coast community. It is a feminist, community based, community controlled charitable organisation funded by Department of Justice. Run by women for women, the agency services the geographic area from Coolangatta to Pimpama. The organisation provides a safe, supportive, woman-centred environment in which sexual assault survivors can become aware of their own strengths and gain confidence and control of their lives.

For decades, women have identified a lack of faith in the systems, fear of not being believed and fear of secondary victimisation as key reasons for not seeking support and reporting sexual crimes committed against them.

The GCCASV response is related to our experience in supporting women and specifically amplifying the voices of victim/survivors of sexual violence in their quest for support and justice and is outlined below.

1. Coordination of state-wide services to ensure there is trauma informed, victim centric and timely support for victims, from the time of the incident and throughout the subsequent investigation and any prosecution, including:

Increased funding

Adequate funding of specialist front line sexual violence services is the key to increasing the safety of victim/survivors. As long as services struggle to meet demand and have waiting lists for counselling and support, no amount of co-ordination will make a difference. This is a resourcing issue NOT a co-ordination issue.

GCCASV believes that there is a significant gap between theory and practice. In recent years terms such as “trauma informed and “victim centric” have become buzzwords in the health and justice arena, often used to describe practice with little trauma awareness demonstrated and without full consideration of what it actually means. Imbedding in practice an understanding of trauma and its impacts is a much more difficult achievement that must take into account mythology and unconscious bias. Whilst it is generally accepted that improved collaboration, co-ordination and integration of services and supports will better meet the needs of victim/survivors of sexual violence, there is no point “co-ordinating state-wide services” unless they have all received appropriate training on these issues first.

Training

Regular training by specialist external providers is needed across government services to ensure a consistency of understanding and practice response. We cannot continue to have government systems train their own workers unless we want to end up with the same result.

a) How the criminal justice system, including the Queensland Police Service, the Office of the Director of Public Prosecutions, and court services currently support victims;

The short answer is “not well”. There is a lack of consistency across the State and the response often depends on the individual person rather than the institution.

Court support

GCCASV recommends that dedicated funding is allocated to specialist sexual assault services for trained sexual violence counsellor/advocates with an in depth understanding of law and legal processes to support complainants through the criminal justice system and beyond.

Special Witness measures

There needs to be better support for victim/survivors within the court special witness measures. GCCASV supports the Women’s Safety & Justice Taskforce (WSJT)

Recommendation 54 which states that amendments to the special witness measures “to give the victim-survivor choice about how they will give their evidence would significantly improve their experience of the court process. This would remove the need for the court to determine what measures should be put in place. Victim/survivors would not need to provide material in support of their preferred witness measures, such as an affidavit about the impact that giving evidence would have on them. This would reduce victim-survivor re-traumatisation.”

In further addressing this consultation point, GCCASV supports all the relevant recommendations of the WSJT in “Hear Her Voice Report Two, Volume One - Women and girls’ experiences across the criminal justice system”.

b) How restorative justice conferences and processes may be improved upon.

Although Adult Restorative Justice (ARJ) in theory is victim centred it is most commonly offender driven. GCCASV acknowledges that some victim/survivors are interested in this process often for less serious offences and that where possible they should be supported to pursue this option. The WSJT has already consulted and addressed this issue in “Hear Her Voice Report Two, Volume One - Women and girls’ experiences across the criminal justice system”. In relation to ARJ, GCCASV agrees with Recommendations 90, 91, 92 and 125.

c) How to ensure victims are kept informed and included in an appropriate and timely way throughout the investigation, prosecution and parole period.

Communication, or lack of communication between police, ODPP and the victim/survivor remains the most common complaint that GCCASV hears from clients. Clear, respectful and timely communication between QPS, ODPP and victim/survivors is an entry level requirement to a trauma informed, victim centred response.

Community languages

In cases where English is not the victim/survivors first language, they will need to request an interpreter as access to an interpreter is not an automatic right for a complainant whereas it is for the accused. Most complainants from culturally and linguistically diverse (CALD) backgrounds are not afforded an interpreter when reporting to the police. Sometimes the Telephone Interpreter Service (TIS) is utilised, on other occasions a sworn police officer with a basic knowledge of the language or even Google translate is deemed appropriate.

Over the course of time the victim/survivor may have numerous people translate on their behalf. This becomes problematic as the chances of different English words

being used by the different interpreters increases and this can be perceived as inconsistencies in the victim's account.

GCCASV recommends that access to a free qualified interpreter is available when a victim is reporting a sexual crime to the police and where possible to retain the same interpreter throughout the criminal justice process.

Who should lead communication

The investigating officer with the oversight of the Sexual Violence Liaison Officer (SVLO) should take ownership of communicating with the victim/survivor in the police process, and the VLO in ODPP through the court process.

Promising practice

A positive strategy developed by GCCASV and QPS in the South East Region is "Project Engage". This involves a female police detective based at GCCASV one day a week. Victim/survivors can access this officer in a safe space without having to ring or enter a police station to report a crime, to seek information or check on the status of an investigation. Victim/survivors highly rate the project in relation to safety, support and access to justice.

2. The operation and effectiveness of the Victims of Crime Assistance Act 2009 (the Act) for victims of violence, including:

The general public is unaware of the Act and the Charter of Victim Rights is invisible which means that victim/survivors are unaware of how they should be treated and/or limits complaints where victim/survivors know they have been treated badly. Furthermore, there is no power to ensure compliance.

- a) Expanding the eligible victim's category to include home invasion; and enhancements to provide better, trauma informed and timely assistance and support to victims.**

The history of resultant problems when extending the VAQ scheme in 2017 should serve as a lesson as lengthy delays in responding to victims in the current primary victim categories are still occurring.

GCCASV does not support any increase in the potential pool of applicants before allocation of adequate funding and resources to address the already unacceptable wait time occurs.

Then additional funding and resources must be allocated to manage any potential increase in applicant pool.

b) Mapping victims' experiences through the financial assistance application process to identify the ways to reduce the burden on applicants

Issues that continue to be raised by survivors include the following:

Wait time for payments

On 1 July 2017, the VAQ scheme was extended to all victims of domestic and family violence (DFV), including non-physical DFV. This immediately resulted in a huge increase in applications severely impacting the already lengthy wait time for payments. In a statement to Guardian Australia in April, 2022, Attorney General Shannon Fentimann stated that "This has led to a 78% increase in applications since 2016-17."

Despite additional funding and resources, the wait time for payments is still too long for traumatised victim/survivors, especially of historical crimes, which is unacceptable and impacts victim/survivor health and safety.

GCCASV supports building additional pathways to take into account the unique issues of trauma related specifically to sexual violence.

GCCASV recommends that the criteria to meet the threshold for fast tracking be made publicly available and the consideration of an automatic release of an agreed funding amount while processing occurs to assist with immediate out of pocket expenses. Clients do not always meet the criteria for a crisis payment from Centrelink if not within seven days of extreme circumstances arising, or if they have already been granted two payments in the preceding 12 months.

Streamline the process from first point of contact

Police referring victims to VAQ at the point where they report is not trauma informed. Victim/survivors don't know what Victims Assist does but it sounds helpful and less triggering than referral to a specialist Sexual Assault service.

GCCASV often experiences victim/survivors going to VAQ as the first port of call then becoming overwhelmed with that process before turning to a specialist sexual assault service for support. The specialist sexual assault services then provide counselling but also assistance with advocacy and form filling for which they do not get paid unlike legal practitioners who assist.

Burden on victims - paperwork

Some of the paperwork required to enter the VAQ scheme seems unnecessary. For example, the requirement to obtain a medical certificate from a Doctor. Although VAQ states that this form is optional when lodging an application, it often becomes a requirement during the process.

Some find doctors unwilling to fill out the form or questioning the impact with the victim/survivor particularly when it is about an historical complaint or they have had not previous contact with the patient. This process further traumatises victim/survivors. The cost of accessing a doctor, as so few now bulk bill patients, also delays obtaining this certificate and therefore delays the payment process.

GCCASV recommends that consideration be given to increasing the group of practitioners who can provide this certificate to include social workers, counsellors, and specialist sexual assault workers.

Travel is only approved when there is significant and comprehensive logbook as evidence. The burden of this compliance is overwhelming for many victim/survivors who don't complete this paperwork therefore missing out on financial assistance to which they are entitled.

Burden on victims – navigation and advocacy

Vulnerable and traumatised victim/survivors are expected to navigate the system and advocate for themselves which they often don't have the strength or capacity to do.

Many victim/survivors are also strangled, not only are they affected by trauma, but they may have sustained a partner inflicted brain injury. This injury may or may not have been diagnosed but may impact cognition and memory as well as capacity to engage effectively with the system.

This result for many victim/survivors may be a payment less than what they might have been entitled to which is unfair and not in the spirit of the legislation.

Circumstances - homelessness

Sexual Violence is both a cause and consequence of homelessness. The imminent and ongoing safety and very real hardship victim/survivors face when trying to put the violence behind them needs to be a primary consideration as they often end up homeless or at risk of homelessness. There is currently a very tight rental market so accommodation is very hard to find. The resultant reality is victim/survivors are then more vulnerable to experiencing further sexual violence. Timely processing and payments are trauma informed and actually increase victim/survivor safety.

Inconsistent decision making/inconsistent payments

Inconsistent decision-making results in inconsistencies in approved payments. VAQ states on their website that financial assistance is to pay for or reimburse the costs of goods and services needed to recover from physical or psychological injuries.

Despite this statement, it is not about what victim/survivors deem necessary or optimal for their own recovery, it's about what individual assessors deem necessary, which is

clearly not trauma informed nor victim centric. GCCASV workers are often required to advocate for victim/survivors with individual assessors in each case to try and determine why an inconsistent response was received. GCCASV clients have been further traumatised by a range of goods and services not being approved for payment including:

- The reimbursement of the cost of a termination where pregnancy was the result of rape
- Devices such as laptops, smart phones, and safety watches are mostly being refused despite linkage to individual's safety and recovery
- One victim/survivor was approved for self defence lessons and one told that this is not something that can be approved
- A number of recent victim/survivors not being approved for replacement clothing even when the destroyed clothing was retained by QPS. Replacement clothing previously seemed to be routinely approved

GCCASV recognises that no two assaults are the same, but often similar crimes have attracted different decisions and differing amounts paid out.

Communication

GCCASV supports the need for effective communication regarding information, advice of status and possible timeframes be developed. This should be easy to understand, written in plain English and translated into community languages.

GCCASV believes that trauma informed templates need to be developed for communicating with victim/survivors. There is inconsistency in the way that information is currently conveyed and the communication concerning refusal of payment/s is blunt and traumatising for victims.

Recovery from offender

The process of recovery of funds from offender is problematic for many victims who fear repercussions from the offender may impact their psychological and physical safety. This has stopped many of our clients applying initially and has required significant reassurance from our staff that the client can request that recovery does not occur.

GCCASV supports a trauma informed process of choice and control where victim/survivors are made aware up front that this is part of the process unless they actively advocate against recovery from the offender.

c) Reviewing the Charter of Victims' Rights to identify common complaint themes from victims to inform future sector training needs

Currently complaints and responses to complaints are fragmented as they are made to different agencies and there is no consistency or transparency in process or

outcome. GCCASV supports the WSJT Recommendation 21 that would require all agencies to outline the number of complaints received in relation to the Charter and how those complaints were dealt with in their annual reports.

Identification of common complaint themes should not only inform training needs but should inform the restructuring of trauma informed responses that better meet victim/survivor needs, therefore reducing complaints.

d) Revising the existing government initiatives in relation to the Act's operation and effectiveness.

GCCASV supports Recommendations 19, 20 and 21 of the WSJT in "Hear Her Voice Report Two, Volume One - Women and girls' experiences across the criminal justice system" which includes a specific focus on victim rights in the next statutory review of the Human Rights Act 2019, and consideration whether recognition of victims' rights or the Charter of victims' rights in the Victims of Crime Assistance Act 2009 should be expanded and incorporated into the Human Rights Act 2019.

GCCASV supports WSJT in "Hear Her Voice Report Two, Volume One - Women and girls' experiences across the criminal justice system" Recommendation 18 that the Queensland Government establish a victims' commission as an independent statutory office to promote and protect the needs of victims of all violent offences. Additionally, for a victims commissioner who will have a specific and dedicated focus on victims of domestic, family and sexual violence and First Nations victim-survivors.

3. The benefits, disadvantages and resourcing impacts of any recommendations.

Most recommendations will have funding and resource implications. However, if the State government really wants to effectively address the issues raised in this inquiry a significant sustained investment is required. GCCASV believes these issues raised above need to be addressed and that the strategies suggested will enhance the quality and capacity of timely, ethical, trauma informed, victim centric support to victim/survivors of sexual violence through community and system responses.

Thank you again for the opportunity to make a submission to the inquiry. Please do not hesitate to contact the writer if further information is required.

Yours sincerely

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