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Issues Paper 7 – Statutory Victims of Crime Compensation Schemes

The ACT Government welcomes consideration of statutory victims of crime compensation schemes by the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).

In response to Issues Paper 7, this letter sets out the reform process underway for the ACT Victims of Crime Financial Assistance Scheme. I have not directly addressed each of the policy questions set out in Issues Paper 7.

The information in this letter is complemented by ACT responses to the Royal Commission's first, third and fourth issues papers and responses to notices to produce information issued to ACT Government Directorates.

The current ACT Victims of Crime Financial Assistance Scheme

The ACT Victims of Crime Financial Assistance (VOCFA) Scheme is the ACT's statutory scheme that allows victims of crime to apply for and receive financial assistance, counselling and other services from the ACT Government, under the *Victims of Crime (Financial Assistance) Act 1983*. The current VOCFA scheme was introduced in 1999 by the *Victims of Crime (Financial Assistance) (Amendment) Act 1999*. Payments made under the VOCFA scheme are drawn from consolidated revenue. The ACT has not established a separate redress scheme specifically for those who experienced abuse in particular institutions.

The VOCFA Scheme is complemented by the Victims Services Scheme. The Victims Services Scheme is administered by the ACT Victims of Crime Commissioner and provides assistance to victims of crime to promote their recovery, including information, practical assistance and counselling services (*Victims of Crime Regulation 2000*). Victim Support ACT, a government agency in my directorate, is the ACT Government's one-stop shop for victims of crime and their families in the ACT. It administers a wide range of services and programs for victims of crime and their families.

ACT LEGISLATIVE ASSEMBLY

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Under the VOCFA scheme, the Magistrates Court determines applications for financial assistance. The Registrar forwards a copy of applications received to the ACT Government Solicitor (ACTGS). The ACTGS assesses the applicant's entitlements and efforts are made to reach agreement on the terms of an award, which are submitted to the court. The court then determines whether or not an award in those terms should be made, typically in a conference with the Registrar.

Review of the VOCFA Scheme in progress

The current VOCFA scheme has been the subject of criticism or concern, in particular that:

- the structure of the current court-based scheme can be difficult to navigate and fails to meet the needs of applicants in a timely way; and
- the limited access to special assistance, or "recognition" payments, excludes many victims.

A working group comprising officers of the Justice and Community Safety Directorate, the Victims of Crime Commissioner, Victim Support ACT, ACT Courts, ACTGS and ACT Treasury has developed a proposed model for amendment of the VOCFA scheme. This was done having regard to submissions received to a 2013 issues paper and recent victims' assistance reforms interstate. More information about the review is available online at: www.justice.act.gov.au/review/view/23/title/review-of-the-act-victims

The key changes proposed are to:

- move from a court-based scheme to an administrative scheme to make the process of accessing the scheme more user friendly, timely and predictable; and
- take a fairer approach to eligibility for recognition payments which would broaden the range and number of victims eligible for these payments.

My directorate is currently considering public submissions made by stakeholders in response to the proposed model. It is also obtaining analysis on the financial viability of the proposal from an independent consultant and consulting further with individual stakeholders and the ACT Victims Advisory Board to inform a final proposal for government consideration.

In particular, my directorate is examining the effect of the proposed model on victims of sexual assault. Stakeholders have also raised specific issues that have a unique impact on victims who are children or where there is a significant delay between a sexual offence occurring and it being reported. These issues include the impact of reporting requirements, the purpose of lump-sum payments and relevance of payments for expenses such as loss of earnings. My directorate will continue to examine appropriate responses to these issues, in consultation with the ACT Victims Advisory Board and stakeholders including the Canberra Rape Crisis Centre, Women's Legal Centre and Legal Aid ACT.


Timing of the review

Significant work and progress has been made on the review to date. Ideally, the ACT would be able consider any recommendations made by the Royal Commission in relation to statutory victims of crime compensation schemes as part of the current review. However, I understand that recommendations are not expected to be released until mid 2015. I do not believe that it is in the interests of victims of crime in the ACT to delay Legislative Assembly consideration of the proposed model until after recommendations are released by the Royal Commission.

I therefore propose continuing with the ACT's review, recognising that issues relating to institutional child sexual abuse may need to be re-considered in light of any relevant recommendations released by the Royal Commission. Depending on timing, this may occur after the ACT has established a new Victims of Crime Financial Assistance Scheme based on consultation currently being undertaken.

I look forward to receiving the Royal Commission's recommendations when they are released.

Yours sincerely



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