



THE GREENS NSW SUBMISSION TO THE REVIEW OF NSW'S VICTIMS COMPENSATION SCHEME

This submission is in response to the "Issues Paper: Review of NSW'S Victims Compensation Scheme". In my work as an MP and the NSW Greens Justice spokesperson I have met and spoken with many victims of crime about their experience in the police and justice system in NSW. Many victims have spoken to me about the Victims Compensation Scheme and the important role that it has played in their lives.

The Greens NSW believe that the support and rehabilitation of victims of crime is an issue of fundamental human rights. I strongly support the principles behind the Victims Compensation Scheme and overall recommend that it be retained and enhanced.

The scheme is administered through the *Victims Support and Rehabilitation Act 1996*. The objectives of the Act include that they be given effect by "an approved counselling scheme and a statutory compensation scheme". These strategies must remain a core part of any scheme designed to provide victims support and rehabilitation.

Consultation

At the outset, I note our serious concerns about the short timeframe allowed for consultation on this issue. Changes to the Scheme were made in 2010-2011 with very little consultation and have had a detrimental impact on victims of crime claiming Victims Compensation.

It must be remembered that victims of crime have already been let down by society and any changes to the scheme must include all possible attempts to hear their voices and value their experience.

Given the range of people potentially affected by these reforms is very substantial, the consultation period should be extended and include a strong community focus – indeed consideration should be given to public forums to discuss the proposed changes in city, regional and rural areas.

The issues paper contains 50 detailed questions about the operation of the scheme – a number most individuals and many organisations will be unable or unwilling (giving limited resources) to answer in the time provided.

I would like to be kept advised of the progress of this review and any proposed changes to the Victims Compensation System.



The importance of financial compensation

The issues paper appears to be pointing in the direction of removing or substantially reducing the ability to claim financial compensation as opposed to reimbursement of medical expenses and similar out of pocket costs.

Such an approach seriously fails to recognise the important role that financial compensation plays for victims of crime. The issues paper points to concerns about "non specific compensation" including that payments may not be used in the recovery and rehabilitation of victims.

This fails to recognise the incredibly important role that this scheme plays in empowering victims, people who have often gone through very traumatic and disempowering periods in their lives. To force such people to face further bureaucratic control of their lives in the form of only limited allocated payments made directly to providers or similar will likely only reduce the efficacy of the scheme and increase the cost of paperwork and appeals. It will do so at the cost of disempowering victims and reducing their financial resilience.

Further the needs of victims may be very different – while one person may need counselling and some medical expenses paid, another person may need a bond to be able to move to a rental property away from where the crime took place. The scheme has to allow victims of crime to make decisions about their own lives inasmuch as possible and adequate financial compensation is an essential part of this.

Previous changes to victims compensation

I note that per 1.2 of the issues paper submissions are invited on all aspects of the Scheme – to that end there are some brief points that should be made about previous changes made to the compensation scheme. As noted above, changes were made without substantial consultation with either the legal community or victims.

These changes drastically cut the compensation payable to some of the most vulnerable victims of crime. The changed provisions regarding "related acts" include all crimes that are committed by any one person or group against a victim.

This change seriously impacted victims of longstanding domestic or sexual assault who, sadly all too often, may have been the victims of a series of crimes stretching over 10, 20 or 30 years. These victims will now only have one claim for a single maximum amount of \$50,000 in compensation.

Previously these victims would have had the possibility of making a number of claims for the individual assaults and indignities inflicted on them over the years. As a result some victims have seen their entitlements to compensation cut from as much as \$160,000 down to the statutory maximum of just \$50,000 by these changes.



These changes fail to reflect the reality of the difference, for example, of a sexual assault at age 5 and the same crime committed when the victim is aged 12 and 15 for instance. It is grossly unjust to simply aggregate these individual criminal insults into effectively one incident. The changes also mean that victims of longstanding domestic abuse have had their compensation severely reduced.

Some women live through years, and even decades, of domestic violence at the hands of their partner. Compensation is an important way that these women are able to move beyond these experiences and get on with their lives. The scheme must be amended to recognise this fact.

Victims compensation levy

While this submission does not object to the operation of the Victims Compensation Levy as the way of partially financing the Victims Compensation Scheme, this office has been contacted by a number of individuals who have had the levy applied to their offences despite it being clearly inappropriate in the circumstances.

In particular I was contacted by a member of the public who had been fined for not wearing a helmet on a bike and was required to pay a fine plus the Victims Compensation Levy – in the circumstances the only person endangered by her actions was herself and the levy was clearly not an appropriate part of her punishment.

If the levy is to be reviewed it should be amended so that it is not applied to victimless crimes such as the above.

Thank you for considering the matters raised in this submission and I look forward to an extended consultation process to allow a more robust and balanced review of the Victims Compensation Scheme to be undertaken.

Kind regards,

A handwritten signature in black ink, appearing to read 'David Shoebridge', is written over a faint circular stamp.

David Shoebridge MLC,
Greens NSW Justice spokesperson