

Victims of Crime reforms

Preamble

The following submission represents the views of a range of domestic, family and sexual violence services and networks in the Northern Territory (NT). The following organisations and networks contributed to this submission and endorse its contents:

- Catholic Care Northern Territory
- Central Australian Family Violence and Sexual Assault Network
- Central Australian Women's Legal Service
- Darwin Aboriginal and Torres Strait Islander Women's Shelter Inc.
- Domestic and Family Violence Network
- Katherine Women's Crisis Centre
- Tennant Creek Women's Refuge

This submission was drafted by the Northern Territory Council of Social Service (NTCOSS).

Domestic, family and sexual violence in the NT

Domestic, family and sexual violence is a pressing issue in the NT. As documented in the NT Government's *Domestic, Family and Sexual Violence Reduction Framework 2018-2028*, on average there are 61 domestic and family violence incidents on a typical day and 4 domestic and family violence related homicides per 100,000 people per year (NT Government, 2018). In 2015, there were 164 sexual assaults per 100,000 people in the Northern Territory, which was almost 50% higher than the next highest jurisdiction (NTG, 2018). Aboriginal women are particularly impacted by domestic, family and sexual violence with rates of victimisation 18 times higher than non-Aboriginal peoples (NTG, 2018).

Children are significantly impacted by and exposed to domestic, family and sexual violence. As reported by the Australian Institute of Health and Welfare (2018), found that 1 in 6 girls and 1 in 9 boys have been sexually abused. National data documented in ANROW's (2018) research summary of the impacts of domestic and family violence on children found that children are most likely to be affected by parental conflict and domestic and family violence after separation. Furthermore, domestic violence was present in 16% of all reports of child maltreatment between 2013-2014 in New South Wales, Victoria and Western Australia (ANROWS, 2018). The Australian Bureau of Statistics (2017) reported that 68% of mothers who had children in their care at the time they experienced violence, said their children saw or heard the violence. Exploratory research conducted by (Campo, 2015) found that children exposed to domestic, family and sexual may experience long-term effects of the abuse.

A Victims of Crime scheme that is effective and appropriate should predominately engage with victims of domestic, family and/or sexual violence. While it is encouraging that 38% of applications for financial assistance are related to domestic and family violence and 19% of applications are related to sexual assault, compared to data from other jurisdictions and the disproportionately high rates of domestic, family and sexual violence in the Northern Territory it is evident that victims of domestic, family and sexual violence are missing out on critical support. This finding accords with consultations with the domestic, family and sexual violence services who reported underutilisation of the scheme. There is therefore a pressing need for the barriers to accessing support to be addressed in this reform.

Summary of recommendations

There is a need for further consultation to occur with domestic, family and sexual violence support services and victims of domestic, family and sexual violence regarding the reduction of lump sum payments and provision of payments to third party providers.

1.0 Women and children's safety is at the centre

1.1 Minimise and, where possible prevent, opportunities for systems abuse by perpetrators of domestic and family violence.

1.2 Staged inclusion of domestic, family and sexual violence into restorative justice options

1.3 Provision of informed and recent consent by victims prior to the making of reparation orders. Risk assessment must be completed to ensure victims safety prior to making reparation orders.

1.4 Retain and reform the Victim's Register to ensure the provision of accurate, timely information to inform victims safety plans and risk assessments.

1.5 Categories of claimable expenses are broad enough to ensure that payments cover, or recoup cost, associated with promoting victims' safety.

1.6 A greater consideration of the impact of 'offender pays' on victims is required

2.0 Evidence and needs based service system that understands the complexity of domestic, family and sexual violence

2.1 Skilled provision of case management and other services.

2.2 Provision of specialist domestic and family violence counselling and sexual violence counselling.

2.3 Provision of supports when lump sum payments are provided to empower victims and ensure agency.

2.4 Extending limitation periods and in some cases removing limitation periods to enable greater access to Victims of Crime.

2.5 Removal of reporting requirements.

2.6 Victims of Crime has an obligation to improve their accessibility to all victims of domestic, family and sexual violence.

3.0 Victims of Crime must promote the agency of victims

3.1 Inclusion of a Victims of Crime Charter, which promotes the rights of victims in legislation.

3.2 Renaming 'immediate payments', 'interim payments'

3.3 Flexibility in funding which acknowledges the divergent needs of victims

3.4 Provision of supports to assist victims navigating systems and increasing literacy especially for CALD and ATSI communities including, Victims of Crime

4.0 Accessibility and equity

4.1 Victims of Crime must provide equitable access to victims who are not currently engaged in paid work.

4.2 Victims of Crime must provide equitable access to the scheme for victims and their families who live in regional and remote locations.

4.3 Victims of Crime must be accessible for those with limited English language and literacy skills.

5.0 Victims of Crime must provide culturally competent, safe and sensitive service system for Aboriginal and Torres Strait Islander women

5.1 Skilled provision of case management and other services

5.2 Recognition of culturally appropriate supports for healing and provision of funding to enable access to these supports.

Need for further consultation with specialist domestic, family and sexual violence support services and victims of domestic, family and sexual violence

We call for further, in-depth consultations to occur with the domestic, family and sexual violence sector. During consultations for this submission, a broad range of views were expressed concerning the proposed amendments, particularly the move away from lump sum payments and use of third-party payments. This reflects the divergent experiences of victims/survivors of domestic, family and sexual violence across the NT. We request that specialist domestic, family and sexual violence services, including legal services and relevant networks, be consulted regarding the reforms to Victims of Crime. Given the disproportionate impact of the reforms on victims of domestic, family and/or sexual violence full consideration of the perspectives of specialist services is of paramount importance.

We also call for consultations regarding Victims of Crime to proactively engage with victims of domestic, family and sexual violence who have had previous engagements with the current scheme. We recommend a small explorative, qualitative study be conducted to hear victims' perspectives on the challenges and strengths of the scheme, current design and service provision. This is in accordance with Kulkarni's (2018) recommendation that in order to develop survivor informed systems and services survivors' input should be sought in planning, delivery and evaluation (p. 61).

Principles

This submission draws from principles enshrined in the General Assembly' (1985) 'Declaration of Basic Principles of Justice for Victims of Crime and Abuses of Power' and the NT Government's (2018) *Domestic, Family and Sexual Violence Reduction Framework 2018- 2028*.

1.0 Women and children's safety is at the centre

All reforms to the Victims of Crime scheme must promote the safety of victims of domestic, family and sexual violence:

1.1 Minimise and, where possible prevent, opportunities for systems abuse by perpetrators of domestic and family violence.

1.2 Staged inclusion of domestic, family and sexual violence into restorative justice options

1.3 Provision of informed and recent consent by victims prior to the making of reparation orders. Risk assessment must be completed to ensure victims safety prior to making reparation orders. Alternatives to offender pays are available in where notification is unsafe or use of 'offender-pays' mechanisms are unsafe.

1.4 Retain and reform the Victim's Register to ensure the provision of accurate, timely information to inform victims safety plans and risk assessments.

1.5 Categories of claimable expenses are broad enough to ensure that payments cover, or recoup cost, associated with promoting victims' safety.

1.6 A greater consideration of the impact of 'offender pays' on victims is required

1.1 Minimise and, where possible, prevent opportunities for systems abuse by perpetrators of domestic and family violence.

When engaging with victims and perpetrators of domestic and family violence, the risk of systems abuse must be actively managed. Systems abuse, as defined by Douglas, Fitz-Gibbon, Walkate, Mcculloch (2018), is the ongoing use of child protection, legal and other

systems by perpetrators to exercise power and control over victims of domestic and family violence, most commonly after separation. Anecdotally, organisations consulted in the writing of this submission reported that systems abuse is a common occurrence, including where the primary perpetrator is successful in making restitution and compensation claims against the victims. As Douglas et al (2018) concludes, systems can minimise the impact of systems abuse through the provision of ongoing domestic, and family violence training which assists participants to recognise and respond to systems abuse. We propose that the Department of Attorney General and Justice seeks to consider and manage the risk of systems abuse before reforms are progressed. We also support the provision of regular and detailed training for all individuals who work with and for the Victims of Crime scheme including judges responsible for making reparation orders.

1.2 Staged inclusion of domestic, family and sexual violence into restorative justice options

We agree that perpetrators of domestic, family and sexual violence should be excluded from restorative justice in the first iteration of this scheme. We recommend that a review period of two years be set regarding the exclusion of these offences. The staged introduction of domestic, family and sexual violence offences will ensure when program models and practices are embedded as evident in ACT's phased approach. It is crucial that the review consult relevant stakeholders, including domestic, family and sexual violence services when making a finding on this matter.

We acknowledge and advocate for the inclusion of restorative options once the scheme is established, however as Natalie, a victim of domestic and family violence reflected, "I've seen community members put in jail, put out of jail, it doesn't do anything, and I don't think that it would help [me]. The idea is that some sort of change occurs, so that [the violence] doesn't occur again" (p. 13). These calls have been echoed in scholarly research. Mackay, Gibson, Lam, Beecham's (2015) literature review of family/domestic violence perpetrator interventions found, there is a growing interest and body of evidence both internationally and nationally in support of the use of restorative justice options where there has been domestic and family violence, with this approach favoured in Aboriginal and Torres Strait Islander communities. Similarly, Julich and Thornburn's (2017) review of evidence found that there is

an emerging body of evidence that suggests that restorative justice can be therapeutic to victims of sexual violence.

1.3 Provision of informed and recent consent by victims prior to the making of reparation orders. Risk assessment must be completed to ensure victims' safety prior to making reparation orders.

Risk assessments must be made, and victims consent provided prior to making of reparation orders for victims of domestic and family violence. As the Victorian Law Reform Commission (2017) found, there are risks associated with the offender notification of victims claims in cases of domestic and family violence such as traumatising the applicant and serving as a deterrent to the claims (see Phillips & Guthrie, 2018). These concerns are shared by Philips and Guthrie (2018). While there has been little research on how the risks associated with notification can be managed to ensure the safety of victims who have experienced domestic and family violence in relation to Victims of Crime, there is a developed body of evidence in relation to family law (see Family Law Court of Australia & Federal Circuit Court of Australia, 2016; Johnston & Ver Steegh, 2013). In accordance with Philips and Guthrie's (2018) conclusion we recommend that notification to offenders is only made after a fully informed risk analysis and that government cover restitution and compensation payment when it is unsafe for notifications to be made and/or for the offender to pay.

Furthermore, informed and recent client consent to the making of reparation orders is required to ensure the safety of victims of domestic, family and sexual violence survivors. As documented in the 'National Risk Assessment Principles for Family and Domestic Violence' "a survivor's knowledge of their own risk is central to any risk assessment" (ANROWS, 2018, p. 1). We call for client consent to be provided prior to the making of a reparation orders. A failure to do so would be in discordant with the National Risk Assessment Principles.

More broadly, risk assessments must be embedded within the Victims of Crime scheme to ensure the safety of all applicants who may be experiencing domestic, family and sexual violence regardless of whether or not their claims identify if their injuries relate to domestic

and family violence in accordance with Domestic and Family Violence Action Plan 1 Outcome 2 that “Territorians at risk of experiencing violence are identified early and provided with effective interventions” (NTG, 2018, p. 6).

1.4 Retain and reform the Victim’s Register to ensure the provision of accurate, timely information to inform victims safety plans and risk assessments

The Victims Register is a mechanism for ensuring women’s safety and should be retained under the new scheme.

The Register should be reformed, however, to ensure its relevance and accessibility to all survivors of domestic, family and sexual violence. Survivors of domestic and family violence interviewed by Richmond (2019) reflected that in its present iteration the scheme was either not adequately promoted or, as one woman voiced: irrelevant. “I couldn’t really see the point of the Victim’s Register because I’d get these letters...it would tell you stuff I didn’t find relevant” (p. 39). Furthermore, the service is not meeting the needs of those it is supposed to support as it is only administered during office hours, as a victim reflected “this Monday to Friday business [the Victims Register] doesn’t service DV victims” (Richmond, 2019, p. 39). These experiences highlight the need for the Victims of Crime register to be reformed. We argue that Victims of Crime has an obligation to ensure that relevant information, including regarding supervised persons, is provided to victims quickly and in an accessible manner to promote their and their family’s safety.

1.5 Categories of claimable expenses are broad to ensure that payments cover, or recoup costs associated with promoting victims’ safety

In order for Victims of Crime scheme to meet its stated goal to ensure the safety of victims, immediate payments must cover, or allow victims, to recoup a broad range of costs. The immediate needs for victims who have experienced sexual assault identified by specialist sexual violence organisations consulted for this submission include access to funding for:

- Home security installations;
- Relocation;

- Mobile phones and other technology which may be unsafe to use due to technology assisted stalking (Woodlock, 2016);
- Costs to assist with getting a support animal;
- Immediate medical and allied health costs to address physical and psychological injuries caused by the violence
- Replacing household items and personal possession which may be retriggering;
- Legal assistance; and/or
- Buying/ repairing a car.

Similarly, the specialist domestic and family violence services consulted identified above as key costs which victims and victim support services currently shoulder to promote the safety of victims who are experiencing or have recently escaped domestic and family violence.

Victims support needs vary greatly. This reflects the divergent means of power and control exercised by perpetrators. Payments for the purposes of restitution should cover a wide range of costs such as;

- Assistance with bond and rent to support access to safe and secure housing and domestic and family violence is the most common cause of homelessness in Australia (see Australian Institute of Health and Welfare, 2016).
- Paying outstanding bills that would prevent access to safe and secure housing;
- Buying furniture, clothing and other items due to damage to possession or safety risks associated with recouping personal possessions; and
- Pet care (including veterinary bills, boarding where victim unable to live at home with pet (i.e. woman in refuge) and transportation/relocation of pet (i.e. with victim relocating to escape domestic violence).

It is important to highlight that damage to property is commonly experienced by victims of domestic and family violence. It is therefore critical that it be included as a claimable expense. As J Mouzos and T Makkai (2004) found, survivors of domestic violence whose partners damaged property or possessions reported levels of physical violence eight times higher than survivors of domestic violence who did not experience physical violence. This suggests that victims who are most likely to be engaged with Victims of Crime are more

likely to have experienced damage to property and possessions. We recommend a broadening of the categories of claimable expenses.

1.6 A greater consideration of the impact of 'offender pays' on victims is required

Several specialist domestic and family violence services reported concerns regarding the current provision of awards.

Many of the themes reported by stakeholders are evident in the following de-identified case study. Mary * (not her real name) was in an abusive relationship with Robert*(not his real name). Mary was awarded a compensation payment due to the injuries she received from Robert. Mary receives a lump sum payment of \$10 000 and bought a car. Mary subsequently resumes a relationship with Robert and several month later Robert receives \$10 000 restitution order, with Mary then experiencing an escalation in violence from Robert. This case study highlights the following issues;

- A lack of consideration of the financial means of perpetrator.
- An absence of process to protect victims when victim and perpetrator reunite.
- A lack of support, such as provision of financial counselling, following the award of the lump sum payment, to support victims to make informed decisions regarding the spending of the money.
- A lack of communication to victim as to how the costs for the award will be recouped and the possible implication it may have if the victim is in a relationship with the perpetrator.

We would strongly reject any amendments which would disadvantage victims who reunited or remained in relationships with perpetrators. We call for alternatives to offender-pay be made available, where it unsafe for the offender to provide payment in accordance with Philips and Guthrie's (2018) research. To do so would be a failure of Victims of Crime scheme to understand the nature of domestic and family violence and would unfairly disadvantage Aboriginal and Torres Strait Islander women who may, for many complex and cultural reasons, be unable to meet externally set expectations of 'escaping domestic and family violence'.

Note, this submission does not present a position on the reduction of lump sum payments. It calls for further consultation with relevant services regarding this matter as there are divergent views within the sector regarding this.

2.0 Evidence and needs based service system that understands the complexity of domestic, family and sexual violence

As identified in the discussion paper, the current Victims of Crime scheme has limitations in the response and recognition of domestic, family and sexual violence. The following reforms would assist any reforms made to the Victims of Crime scheme to better recognise and respond to multifaceted experiences of domestic, family and sexual violence:

- 2.1 Skilled provision of case management and other services.
- 2.2 Provision of specialist domestic and family violence counselling and sexual violence counselling.
- 2.3 Provision of supports when lump sum payments are provided to empower victims and ensure agency.

As Quadra (2015) found, research strongly documented that victims of domestic, family and/or sexual violence overwhelming experience complex trauma. It is therefore critical that Victims of Crime scheme acknowledges the impacts of trauma more fully and seeks to reduce the impact of trauma as a barrier to accessing Victims of Crime support. This can be achieved by;

- 2.4 Extending limitation periods and in some cases removing limitation periods to enable greater access to Victims of Crime.
- 2.5 Removal of reporting requirements.
- 2.6 Victims of Crime has an obligation to improve their accessibility to all victims of domestic, family and sexual violence.

2.1 Skilled provision of case management and other services

There is a need for all workers to be skilled in the provision of services and support to victims who have experienced domestic, family and sexual violence. Domestic, family and sexual

violence awareness training is readily available in the Northern Territory. Services consulted during the writing of this submission strongly stated there is a pressing need for all systems and frontline staff that engage with victims of domestic, family and sexual violence have a strong understanding of domestic, family and sexual violence and to be trauma informed. This accords with CAFVSAN and DfVN's long history of advocating for all frontline staff to be skilled in recognising and responding to domestic, family and sexual violence and the NT Domestic, Family and Sexual Violence Reduction Framework, Action Plan 1 (2018) outcome 3.4 to 'build a capable and response system and workforce' (p. 8).

We also support the establishment of specialist CVSU case workers but wish to reiterate that as most applicants to the scheme have experienced domestic, family and sexual violence there is a strong need for more than one funded specialist position. All case managers must be experts and resourced in the provision of case management of victims of domestic, family and sexual violence. We stress, however, the need for multiple funded positions as it is not appropriate for case managers of clients to be responsible for assessing applications for financial assistance.

Finally, with regards to the provision of services. We suggest that not-for-profit sector be considered as providers of CVSU case management services. The outsourcing of this responsibility may reduce the number of organisations involved with victims. As stakeholders and interviewees in Richmond (2019) research have consistently reiterated, at present victims are engaged with multiple services. This can be onerous and a barrier to accessing appropriate support and provisions. The outsourcing of CVSU case management to services who have established relationships in regional and remote communities may also improve the reach and accessibility of the CVSU.

2.2 Provision of specialist domestic and family violence counselling and sexual violence counselling

Victims of Crime facilitated access to counselling should not solely provide access to generalist counselling. Stakeholders consulted during the writing of this submission

highlighted that generalist counselling does not adequately address the unique needs of victims of domestic and family violence and sexual violence. The needs of the individual should be at the centre of service provision and should be culturally embedded and trauma informed.

Overall there is inadequate resourcing of specialist domestic and family violence and sexual violence counselling. The provision of further funding to increase the number and reach of specialist counselling is welcomed by the authors of this submission.

The needs of children who have been exposed to domestic violence must be at the centre of changes to the scheme. The impacts of exposure to domestic and family violence are well known. As such, specialist counselling for children exposed to domestic violence must be a key element. In addition, mothers of children who have been exposed to domestic violence face challenges in managing the behaviours and parenting children affected by domestic violence. These parents need access to specialist services to work to repair the harms done by exposure to domestic and family violence.

2.4 Extending and in some cases removing limitation periods

We strongly support the proposal that limitation periods for applications for adult victims of domestic or family violence be extended to 10 years after the violent act occurs. This is crucial, as the discussion paper notes victims of these offences reporting may be delayed due to “fear of retribution or feelings of guilt and shame” (Richmond, 2019, p. 41).

Limitation periods should be removed where the victims are applying due to sexual assault or being a child at the time that a violent crime, including sexual assault, occurred. Specialist sexual assault services consulted during the writing of this paper reported that many of their clients do not disclose or seek for support for sexual assault for many years after the violence ceased. Significantly, the more vulnerabilities a client experiences, the greater the delay in disclosure may be. Similarly, stakeholders consulted also noted that a limitation period of 10 years after turning 18 is inadequate for children who experienced violent crimes and may be experiencing complex trauma (also see Mcelvaney, R 2015). There is a need for the removal

of limitation periods in entirety where victims are applying due to sexual assault and/or were children at the time when violence crime occurred. The findings of the Royal Commission into Family Violence in Victoria would support this as most victims provided disclosures later in their lives (Victorian Government, 2016).

There is also a need for leniency in the consideration of the application. For example, where an applicant misses a deadline, the individual circumstances of the applicant must be considered. As highlighted during consultations, regionality is also an important consideration when considering the barriers which delayed application to the scheme.

2.5 Removal of reporting requirements

It is important that Victims of Crime acknowledge the significant barriers to reporting that domestic and family violence that victims experience and do not mandate victim's reporting in order to access the scheme. For example, as victims of domestic and family violence in a remote setting stated "when we call 000, they never understand. They do not know our street and people's names. We give up" (p. 21). Another victim, Fran, reported that when the police attended, and she was visibly injured from physical violence including strangulation "they took him around the corner at the front and they all stood around his motorbike and had a talk. I heard them laughing. Then they left. They never even spoke to me" (Richmond, 2019, p. 21). There is a strong body of research which confirms victims/survivors of domestic and family violence face many barriers to reporting their experiences to police (see Phillips & Vandenbroek, 2014). This is also strongly evident with regards to international research on the disclosure and report sexual violence (see Dworkin, & Allen, 2016).

Barriers to reporting domestic and family violence are most pronounced amongst Aboriginal and Torres Strait Islander women. As Richmond (2019) research found, Aboriginal victims of crime who often cite fears of child protection as a barrier to reporting domestic and family violence (Richmond, 2019). As a support worker noted, for women who have had engagements with the criminal justice system and who are fearful of the child protection system "they live in a constant fear they're breaking laws which makes

for a very dangerous situation when the DV inevitably occurs and they are the victim” (Richmond, 2019, p. 28). These experiences are echoed in research (see Willis, M 2011). It is unreasonable and discriminatory to punish victims, within a scheme designed to provide support, for failing to report when there is a strong body of evidence that women are unable or unlikely to report and doing so may endanger them. We strongly support the removal of all reporting requirements.

We propose that if victims are able to substantiate their claims as survivors of domestic, family and sexual violence, then there should be no requirement to report the offences to access the scheme.

2.6 Victims of Crime has an obligation to improve their accessibility to all victims of domestic, family and sexual violence

As previously stated, victims of domestic, family and sexual violence are significantly under-represented in the Victims of Crime claims in the NT. The figure of 38% of applications for financial assistance related to domestic and family violence and 19% related to sexual assault does not correspond with the high rates of domestic, family and sexual violence in the Northern Territory reported by NTG (2018) or the data from other jurisdictions where 60% of all victims of crime applications relate to domestic violence (Chief Assessor, 2017).

We strongly believe that a marker of an effective Victims of Crime scheme can be evidenced in the high representation of successful applications for claims made by victims of domestic, family and sexual violence. Furthermore, the applications for the claims should reflect other data relating to domestic and family violence, such as high rates of victimisation for Aboriginal and Torres Strait Islander peoples and for peoples in remote and regional areas (Australian Institute of Health and Welfare, 2006). We call for data to be made public following the implementation of any reforms regarding the domestic, family and sexual violence victims' access to the Victims of Crime scheme.

3.0 Victims of Crime must promote the agency of victims

As Kulkarni Bell & Rhodes (2012) states, all measures to address violence against violence must promote the autonomy and agency of victims. This can be facilitated through:

3.1 Inclusion of a Victims of Crime Charter, which promotes the rights of victims in legislation.

3.2 Renaming 'immediate payments', 'interim payments'

3.3 Flexibility in funding which acknowledges the divergent needs of victims

3.4 Provision of supports to assist victims navigating systems and increasing literacy especially for CALD and ATSI communities including, Victims of Crime

3.1 Inclusion of a Victims of Crime Charter that promotes the rights of victims in legislation.

Many domestic, family and sexual violence services including women's legal services provided submissions to the draft of the Victims of Crime Charter (Charter). Provided the Charter is in accordance with these submissions, we support the proposal outlined in the discussion paper regarding the incorporation of the Charter within new legislation and inclusion of a provision similar to section 7(2) of the Victims Rights and Support Act 2013 (NSW) for the purposes of requiring compliance with the Charter.

3.2 Rename 'immediate payments', 'interim payments'

Given the current delays, as reported in the discussion paper, there is a need for the payment to be renamed interim. This will better communicate the purpose and availability of these payments to victims to inform victim's decision making. We also note, our concern regarding the current delays and call for the timely review of all Victims of Crime applications.

3.3 Flexibility in funding which acknowledges the divergent needs of victims

Agency can be facilitated through recognition of the divergent needs of victims of domestic, family and sexual violence. Consultations conducted by NTCOSS with the domestic, family and sexual violence sector consistently identified that practical supports such as reallocation, medical, safety instalments to improve safety in the home, and other related practical expenses require to rebuild lives and establish safety are of benefit victims of domestic, family and sexual violence. Further as Newmark (2004) found, too often the concrete needs

of victims are overlooked with service provision and funding orientated towards emotional support. Similarly, Postmus, Severson, Berry & Ah Yoo (2009) found that female victims of crime indicate a strong preference for practical support, such as the provision of day-care, as being more helpful than emotional supports such as counselling. Research has informed us that safety is a crucial aspect for clients experiencing violence and complex trauma (Blue Knot Foundation, 2016). As stated previously, this submission calls for further specialist consultation with relevant services.

3.4 Provision of supports to assist victims navigating systems including, Victims of Crime

We support the adoption of a case management approach to provide support to victims of crime. Survivors and workers who support survivors navigating the NT justice system have consistently stated there is a need for more significant support for survivors within the system. As a lawyer interviewed as part of Richmond's (2019) journey mapping of victim/survivors reflected "women need support, beyond just WAS [Witness Assistance Scheme]; the system is hugely complex, and their needs are left out. They're just treated like a piece of evidence. They're not all in the centre of the process, they are sidelined and marginalised. They need wrap-around support and the ability to ask someone what's happening with their case, where it's up to and what is expected of them, what their rights are" (p. 39). This highlights a broader need for system reform to better meet the needs of survivors for greater support and fewer barriers.

CVSU has the capacity to be more therapeutic and accessible through the delivery of case management in order to reduce the burden on victims. As Holder and Daly (2017) state, "it is crucial...that scheme administrators see their role as more than that of assessors and managers of funds. By working collaboratively with other survivor services and survivors themselves, scheme administrators and the money they provide can become part of a survivor's sensitive process of reconstruction". Holder and Daly (2017) identify case management as being a tool in the provision of this support. Similarly, the Victorian Victims of Crime review (2017) identified that case management should be provided and that it is "an essential component of the scheme" (Richmond, 2019, p. 201).

4.0 Accessibility and equity

There is a need for Victims of Crime to ensure the scheme is equitable and accessible regardless of English language skills, geographical location, race, and/or socioeconomic status.

4.1 Victims of Crime must provide equitable access to victims who are not currently engaged in paid work.

4.2 Victims of Crime must provide equitable access to the scheme for victims and their families who live in regional and remote locations.

4.3 Victims of Crime must be accessible for those with limited English language and literacy skills.

4.1 Victims of Crime must provide equitable access to victims who are not currently engaged in paid work.

While we support recognition of economic loss, there is a need for the scheme to provide equitable access to women who are not currently or have never previously engaged in paid work. We do not support the provision of a greater sum of expenses to victims who are engaged in paid work. This is in accordance to the UN (1985) ‘Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power’ that victims' rights are “applicable without distinction of any kind” (p. 2) with ‘property’, ‘birth or family status’ and ‘social origin’.

4.2 Victims of Crime must provide equitable access to the scheme for victims and their families who live in regional and remote locations.

The proposal for case management and increased funding for counselling is limiting for victims who reside in regional and remote areas in the Northern Territory. As remote specialist domestic, family and sexual violence services, including legal services, highlighted, service provision as outlined in the paper would not readily translate into remote and regional setting. We believe it is not reasonable to expect that women should need to travel to apply for or access support through Victims of Crime. Access to technology assisted counselling

and case management is inadequate and not supported as an alternative to face-to-face service provision. All modifications to Victims of Crime must ensure that victims in remote and regional locations have equitable access to the scheme.

We endorse NTCOSS's submission regarding funeral expenses. As a stakeholder reported, funerals in Tennant Creek on average cost \$15 000 in addition to transport of body casts. As the stakeholder reported "this [the inaccessibility of funerals] can lead to ongoing conflict within the community and can worsen and fuel family violence".

4.3 Victims of Crime must be accessible for those with limited English language and literacy skills.

Victims of Crime can facilitate equitable access for peoples with limited English language and literacy skills by:

- supporting existing services to engage in outreach and provide case management with communities they already engage with
- using plain English on all forms
- ensuring information regarding Victims of Crime is available in the main languages reflective of the communities and on a range of platforms
- routine use of interpreters, when required, to provide information and to obtain informed consent
- CVSU must be made more physically assessible in both urban and remote locations.

The need for these reforms was previously highlighted by several specialist domestic, family and sexual violence services submissions to the drafter Charter of Victims' Rights.

5.0 Victims of Crime must provide culturally competent, safe and sensitive service system for Aboriginal and Torres Strait Islander women

Victims of Crime design and service delivery must be culturally safe. Aboriginal and Torres Strait Islander women are disproportionately impacted by domestic, family and sexual violence and thus Aboriginal and Torres Strait Islander women are over represented as victims of crime. We call for further in-depth consultation with Aboriginal Controlled

Community Organisations to ensure that the Victims of Crime reforms improve the accessibility and safety of the scheme for Aboriginal and Torres Strait Islander women. We also recommend the following reforms:

5.1 Skilled provision of case management and other services

5.2 Recognition of culturally appropriate supports for healing and provision of funding to enable access to these supports.

5.1 Skilled provision of case management and other services

As previously highlighted in 2.1, there is a need for all workers to be skilled in the provision of services to victims of domestic, family and sexual violence in addition to the funding of specialist positions. Similarly, we support the establishment of specialist CVSU case workers for Aboriginal and Torres Strait Islander victims and call for all CVSU to be skilled in working with clients who are Aboriginal and or Torres Strait Islander.

In addition, we strongly recommend that consideration be given to ensuring a high proportion of CVSU staff identify as Aboriginal and Torres Strait Islander. As stakeholders reported, cultural competency and safety is best practiced where there is a high proportion of Aboriginal and Torres Strait Islander staff who are supported and resourced to ‘call out’ culturally unsafe practices. This is a pressing matter given the high proportion of Aboriginal and Torres Strait Islander peoples impacted by domestic, family and sexual violence. We suggest the use of KPIs linked to the proportion of Aboriginal and Torres Strait Islander peoples on staff.

5.2 Recognition of culturally appropriate supports for healing and provision of funding to enable access to these supports.

The provision of counselling as the sole therapeutic support would be disadvantageous to Aboriginal and Torres Strait Islander women. Victims of Crime must expand counselling to include a diverse range of culturally appropriate therapeutic supports. This may include access to allied health professions such as art therapy and music therapy as well as appropriate funding for applicants to engage in healing on country. A number of Aboriginal

Controlled Organisation who provided specialist domestic, family and sexual assault services consulted during the writing of this submission stressed that counselling is not appropriate as the only therapeutic support and many Aboriginal and Torres Strait Islander seek healing in a community context. This accords with research conducted by Olson & Lovett (2016) who found that community healing and processes which let victims, as well as perpetrators, acknowledge and respond to suffering have consistently been identified by Aboriginal peoples. Furthermore, as Olson & Lovett (2016) stress “because Indigenous family violence is, in part, attributed to the breakdown of traditional culture and kinship practices, the rebuilding of these family and kinship ties is often seen as central to developing any kind of response to Indigenous family violence” (p.2). We call for the recognition of divergent support for healing, including on a community level, and the provision of funding to enable access to these supports and the prioritisation of these support for Aboriginal and Torres Strait Islander victims.

The diversification of therapeutic supports also ensures equitable access to the scheme to peoples who live in remote and regional areas or have other barriers, such as cultural and linguistic, to accessing counselling.

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