

Statement of Catherine Edwards

RFS-TAS-077

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1. This statement is made by me in response to RFS-TAS-077 ('RFS'), issued on 23 June 2022 by the President of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (the Commission), the Honourable Marcia Neave AO.
2. My name is Catherine Edwards, and I am employed by the Department of Justice (DoJ) to work as the Manager of Victim Support Services (VSS).

Q1. Describe:

(a) Your relevant educational qualifications

3. I graduated from the University of Tasmania in 1991 with a combined degree of Bachelor of Arts/Bachelor of Laws. I have a Graduate Certificate in Legal Practice from the University of Tasmania and was admitted as a practitioner to the Supreme Court of Tasmania on 4 September 1992.

(b) Your relevant professional history

4. From September 1992 until October 1995, I was employed as a solicitor at a law firm in Devonport. In October 1995 I commenced employment at the Legal Aid Commission of Tasmania in Launceston as a legal practitioner, working primarily in the area of family law.
5. In July 2000, I commenced at the Office of the Anti-Discrimination Commissioner in Hobart where I held a number of roles including Investigation and Conciliation Officer and Complaints Manager. I acted for short periods as Acting Anti-Discrimination Commissioner on two occasions. I was Acting Anti-Discrimination Commissioner in 2004 for around 4 weeks and again in 2010, for a period of six months.
6. In December 2014, I commenced as Manager of VSS. I am also currently a Criminal Injuries Compensation Commissioner.

(c) Your current role and responsibilities, including relevant reporting lines, and

7. In my role as Manager, I am responsible for undertaking the day to day management of the VSS across the four services, the Victims of Crime Service, the Court Support and Liaison Service, the Eligible Persons Register and the Victims Assistance Unit.
8. I am responsible for managing the State-wide teams comprising twenty (20) staff across three offices and ensuring the physical, and financial management of the services delivered by VSS. Other responsibilities include:
 - (i) the development and maintenance of systems, procedures, policies and record management;
 - (ii) managing staffing, including recruitment; and
 - (iii) administrative support in relation to the Victims of Crime Assistance (VoCA) scheme, including liaison with the Commissioners, and managing record keeping and systems, and providing advice to the public about the scheme.
9. In addition to my role as Manager, I also undertake the responsibilities of a sessional Criminal Injuries Compensation Commissioner.
10. I report to Mr Ross Smith, Deputy Secretary, Service Delivery and Regulation.

(d) Any training you have received that is relevant to your current role.

11. While occupying the role of Manager, I have undertaken a number of online training courses delivered by the Department of Justice, including:
 - (i) About Disability;
 - (ii) Creating Enabling Environments;
 - (iii) Dealing with Client Aggression;
 - (iv) Disability and Communication;
 - (v) Family Violence Manager/Supervisor;
 - (vi) Mental Health and Wellbeing;
 - (vii) Unconscious bias; and
 - (viii) Writing in plain English (26 TEN).

Q2. State when VSS was established.

12. VSS was established on 1 July 2001.

Q3. Describe the key functions and services of VSS, including the Victims of Crime Service, Court Support and Liaison Service, Eligible Persons Register and Victims Assistance Unit.

13. The key functions and services of the VSS are outlined in the following paragraphs.

Victims of Crime Service

14. The Victims of Crime Service (VoCS) provides a counselling, support and referral service to victims of serious interpersonal violence and sexual offences.
15. The VoCS also provides assistance with the provision of Victim Impact Statements, completing Victims of Crime Assistance applications, referral to other service providers and information regarding the criminal justice system.

Court Support and Liaison Service

16. The Court Support and Liaison Service (CSLS) is funded through Safe at Home. The role of the CSLS is to provide support to victims of family violence through the justice system, before, during and after court appearances.
17. The CSLS provides information about the court system and processes, as well as personal support such as attending court with the victims and keeping them fully informed as their case progresses.
18. The CSLS has a dedicated Aboriginal Court Support Officer and provides support to the Family Violence Offender Intervention Programme by conducting victim interviews where the offender is attending the program.

Eligible Persons Register

19. VSS is responsible for the production and maintenance of the Eligible Persons Register (EPR) and the provision of information to victims on that Register. Statutory responsibilities are outlined within the *Corrections Act 1997*.
20. Victims on the EPR are entitled to be provided with certain information about the offender while serving a custodial sentence, including their location, security classification, parole hearing dates, as well as possible release dates.
21. Where relevant, the registered victim is also given the opportunity to supply the Parole Board with a Victim Impact Statement.

Victims Assistance Unit

22. The Victims Assistance Unit (VAU) administers the *Victims of Crime Assistance Act 1976* and supports the Criminal Injuries Compensation Commissioners in finalising awards. It allows for the payment of costs of medical, counselling and support services, as well as compensation for pain and suffering to victims of violent crime or certain sexual offences where the victim has suffered an injury or death.
23. The role of the VAU is to administer and process Victims of Crime Assistance (VoCA) applications. To support the administration of VoCA, the VAU also:
 - (a) provides information for victims of crime and their families;

- (b) liaises with solicitors to provide consistent information on the VoCA process; and
- (c) keeps applicants or their solicitors regularly informed of the progress of their applications.

Q4. Outline the full time equivalent, key personnel and annual budget of the VSS, including a breakdown for each of the following:

Key Personnel

- 24. Victims Support Services currently have 17.45 FTE's. There are twenty (20) employees and a total of twenty (20) positions: thirteen (13) positions are full time, and seven (7) positions are part time. Sixteen (16) positions are under the general administrative classification, one (1) legal practitioner's award, three (3) professional stream.
- 25. In September 2018, a full time Criminal Injuries Compensation Commissioner was appointed on a fixed term basis for 12 months. The Department has met the shortfall in funding to ensure that a full time fixed term Commissioner has been acting in the role since September 2018.
- 26. In addition to myself, there are six sessional Criminal Injuries Compensation Commissioners including:
 - (a) two (2) Commissioners based in Burnie;
 - (b) one (1) Commissioner based in Launceston; and
 - (c) three (3) Commissioners based in Hobart.
- 27. The funding for the current number of Criminal Injuries Compensation Commissioners is not fully funded and accordingly, the VSS budget is in structural deficit which provides challenges for forward planning and recruitment of Commissioners.

(a) Victims of Crime Service

- 28. Victims of Crime Service has:
 - (a) Team Leader (1 FTE) - South
 - (b) Counsellor (0.89 FTE) - North
 - (c) Counsellor (0.4 FTE) - North West

(b) Court Support and Liaison Service

- 29. Court Support and Liaison Service has:
 - (a) Coordinator of Policies and Procedures (1 FTE) - South
 - (b) Court Support Officer (2 FTE) - South

- (c) Team Leader (1 FTE) - North
- (d) Court Support Officer (1.6 FTE) - North
- (e) Court Support Officer (1.4 FTE) - North-West
- (f) Administration Officer (0.48 FTE) - North West

(c) Eligible Persons Register

30. The Eligible Persons Register has:
- (a) Administration and Liaison Officer (1 FTE) - South
 - (b) Administration and Liaison Support Officer (1 FTE) - South

(d) Victims Assistance Unit

31. The Victims Assistance Unit has:
- (a) Manager (1 FTE) - South
 - (b) Administration and Public Enquiries Officer (1 FTE) - South
 - (c) Coordinator and Systems Administration (1 FTE) - South
 - (d) Assessment Officer (1 FTE) - South
32. The Family Violence Administration and Liaison Support Officer attached to the Eligible Person Register is undertaking duties with the VAU due to high levels of demand on that Unit.

Annual Budget

33. The operational budget for Victims Support Services in 2022-2023 is \$1,342,786. This funds operations for the Victims of Crime Service, the Eligible Persons Register and the Victims Assistance Unit.
34. In 2022-23, appropriation funding of \$3.738 million (including overheads) and includes \$2 million from the consolidated fund for compensation for victims of crime. There is also reserved-by-law funding of \$4.0 million for compensation for victims of crime.
35. The operational budget for the Court Support and Liaison Service in 2022-2023 is \$1,005,160.

Q5. Describe what changes, if any, VSS has made following the Royal Commission

36. As Manager of the VSS during the National Royal Commission, I closely monitored the work and learnings about the nature, case and impact of child sexual abuse. During the National Royal Commission, I identified that many Applicants for VoCA were struggling to

access evidence in relation to the psychological impacts of the crimes, such as medical reports. This was evidenced by a number of applications not progressing for hearing.

37. As a consequence, I implemented an active case management process to support applicants to access VoCA. This function is undertaken by VAU. While this has increased the demand on the VSS and has had a resourcing consequence, I believe it is critical to providing an appropriate and trauma-informed practice for victims.
38. VSS implemented a new Victims of Crime Assistance Database which went live in October 2016. There were significant limitations with the previous case management (CiCA) systems for example there was limited case note functionality and it did not support the tracking of payments under the award.

Q6. Describe what training is undertaken by VSS Officials and Commissioners engaging with victims of crime, and specifically in the areas of:

(a) Child sexual abuse (dynamics, impacts etc.)

(b) Impacts of trauma (or providing trauma-informed care)

(c) Engaging with children and young people

(d) Supporting people with diverse needs and backgrounds – particularly those with who are Aboriginal and/or Torres Strait Islanders, come from culturally and linguistically diverse backgrounds, identify as LGBTIQ+, have disability, experience socio-economic disadvantage or lack protective parental figures, and

(e) Mandatory notification requirements.

39. Budget constraints limit my ability to implement comprehensive recurring training and professional development package for VSS staff and Criminal Injuries Compensation Commissioners on an annual basis. I support VSS staff to identify their training needs through their performance development agreements and fund those needs resources permitting. For example, VSS staff have accessed the training outlined below over the last five years. Please note that this a non-exhaustive list of the training delivered over the period.
40. In September and October 2021, Court Support and Liaison Officers (North and North West) completed the following training:
 - (a) Online Masterclass-Breaking the Trap-Working with Clients Experiencing Coercive Control.
 - (b) Victims of Crime Counsellor July 2021- Attended Online training Schema Therapy workshop.
41. In August 2021, I attempted to arrange specialist trauma-informed training for all VSS staff. However, due to COVID related issues, the Blue Knot Foundation was unable to provide face to face training during that year.

42. In 2020, all staff completed the following:
- (a) Disability Confident Workplaces-e-learning program;
 - (b) Ethics and Behaviour;
 - (c) Violence against Women; and
 - (d) Department of Justice WHS refresher.
43. In 2019, the Manager and Team Leaders completed:
- (a) White Ribbon Training for Managers and Supervisors;
 - (b) Seminar: Developing Safe and Supportive Workplaces; and
 - (c) Unconscious Bias Training.
44. In 2018, the Manager and Team Leaders:
- (a) Health and Safety Training Managers and Supervisors.
45. In April 2016, the counsellors with the Victims of Crime Service attended Blue Knot Foundation's 2-day professional development training on 'Working Therapeutically with People who have Complex Trauma Histories'.

Commissioners

46. There is no specific training budget for Criminal Injuries Compensation Commissioners. As Manager, I am limited in my ability to direct to Commissioners' to undertake training even in response to complaints.

Q7. Explain how people generally find out about or access VSS. In doing so, please describe any key formal or informal referral relationships.

Victims Assistance Unit

47. Generally, victims are referred to our service by police or the Office of the Director of Public Prosecutions. Some informal referrals are made by medical professionals including psychologists, counsellors and general practitioners.
48. The Victims Support Service has an online presence through a dedicated website.

Court Support and Liaison Service

49. Incidents recorded on the Family Violence Management System (FVMS), which is maintained by Tasmania Police, are discussed at Integrated Case Coordination Meetings (ICCM). Most of Court Support and Liaison Service clients are referred through the ICCM process but referrals can be made through other means, such as, the courts, police, shelters and self-referrals.

Q8. Describe eligibility and requirements for:**(a) Access to counselling**

50. The Victims of Crime Service provides a counselling, support and referral service to victims of serious interpersonal violence and sexual offences. Counselling is available to primary victims, secondary victims (witnesses) and related victims as defined under section 2 of the *Victims of Crime Assistance Act 1976*.
51. While this is not legislative requirement, in my view this is an essential function of VSS.

(b) Financial assistance/compensation, and

52. Criminal Injuries Compensation was introduced on 4 August 1976 and does not apply to offences committed before that time.
53. The eligibility requirements for compensation and financial assistance are provided under the *Victims of Crime Assistance Act 1976* as follows:
- (a) a person must have suffered an injury (physical or psychological) caused by a violent offence;
 - (b) an eligible 'offence' is an offence that involves violence by one person against another and includes a crime under section 127, 127A, 185, 186, 191A or 192 of the *Criminal Code*; and
 - (c) the offence or offences need to have occurred in Tasmania.
54. While an offence needs to be established to invoke the Act, awards of compensation are not tied to outcomes of criminal proceedings and there does not need to have been any criminal proceedings held establishing guilt, whether by verdict or plea.
55. In addition, an application must be received within 3 years of the offence, otherwise an extension of time is required. An application from a child victim must be lodged within three years of attaining the age of 18, otherwise an extension of time is required.
56. Children under the age of 18 can also apply for Victims of Crime Assistance, but their application must be lodged by an adult such as a parent, guardian, or close family member.

(c) Any other services provided by VSSCourt Support and Liaison Service

57. Any identified family violence victim is entitled to access services with the Court Support and Liaison Service. The Service provides assistance on how to take out a family violence order, or lodge and application to vary or revoke an order. The Court Support and Liaison Service does not provide legal advice, counselling, or services for offenders. The Court Support and Liaison Service refer offenders to the relevant service, such as the Defendant Health Liaison Service.

Q9. Describe the average wait/resolution times for:**(a) Trauma counselling**

58. There are three counsellors state-wide (1 FTE southern region, 1 FTE northern region, 0.4 FTE north western region). As of June 2022, the average wait time for a client to see a counsellor is approximately one to two weeks. This period may be longer during periods when a counsellor is on leave.

(b) Financial assistance/compensation, and

59. Applications on the average take approximately 12 months to finalise. This timeframe can be impacted by whether the matter has been finalised in court, how long medical reports take to obtain, how long police files take to obtain, and the availability of sessional Commissioners.
60. The recruitment of a full time Commissioner has enabled the VAU to increase the throughput and finalisation of decisions. The full time Commissioner has a hearing list on a weekly, sometimes bi-weekly basis in the South and North of the State.

(c) Any other services provided by VSS. In your response, confirm whether there is a 'backlog' of matters.

61. As at 29 June 2022, there are 147 matters that are waiting on the allocation of a date for hearing or decision on the papers.

Q10. Provide any available data from at least 1 June 2017 on the number and nature of services provided by VSS that relate to child sexual abuse. If available, include data on those who applied to access VSS services but were denied or otherwise considered ineligible and applications withdrawn.

62. Due to system limitations, the Eligible Persons Register is unable to separate registrations into offence categories. Likewise, the Victims of Crime Service database is unable to generate a system report recording the number of VoCS clients seeking counselling in relation to child sexual abuse.
63. These system limitations will be addressed by the development of a new case management solution for VSS as part of the Justice Connect Program. The proposed timeline for the role out of the new solution (Astria) for VSS is for December 2023.
64. Since 1 June 2017, seven applications relating to child sexual abuse for Victims of Crime Assistance (VoCA) have been identified where no concessions were granted. Included among the seven matters were two applications for an extension of time refused by a Commissioner.

Q11. Explain what consideration is given to ensuring the process of engaging with VSS is respectful and trauma-informed and identify what measures are taken to avoid re-traumatising victims and/or requiring them to repeat their stories. Does VSS seek consent

from applicants to obtain other information (for example, from Tasmania Police) to avoid victims having to re-tell their story?

65. The hearing process is at the discretion of the Commissioner. As Manager, I regularly liaise with the Commissioners to ensure that the wellbeing of the Applicants through the hearing process is a paramount consideration.
66. In respect of matters that have been heard in the Supreme Court, Commissioners may rely on a range of sources for decision, including a transcript of proceedings, the Comments on Passing Sentence (COPS), the Applicant's Victim Impact Statement (VIS) and medical material, including psychological/counselling reports. Any one of those sources can assist in avoiding to re-traumatise a victim.
67. An Applicant is given an opportunity to provide 'their voice' or account of events. If they choose not to, the Commissioner can focus on the injury and impacts as a result of the crime. Commissioners can also outline that they have read what the Applicant has provided and if they are content, the decision will rely on the contents of the explanation and documentation.

Assessment and case management processes

68. As manager, I expect that VSS staff engage with all victims with the utmost respect and empathy. VSS obtains consent from victims to obtain information. Once the application has been completed by the victim, VSS obtain all required supporting documentation such as police and any medical reports on behalf of the victim.
69. The VAU has an agreement with Tasmania Police which allows VAU to obtain their files in relation to the VoCA applications. Police will send the file to the VAU at the conclusion of court proceedings.

Q12. Describe the role of VSS in assisting with Victim Impact Statements.

70. Supporting victims of crime in writing Victim Impact Statements (VIS) for criminal courts and the Parole Board is a core function of counsellors. Statements also frequently form the basis of VoCA submissions. An estimated 85% of all VSS clients are supported in completing a Victim Impact Statement.
71. All VoC counsellors provide support in writing and submitting VIS based on victim's capacity and their request (for example: proof reading a victim's draft version, interviewing the victim, working in collaboration with the victim).

Q13. Explain how VSS services relate to and/or interact with support provided by the Office of the Director of Public Prosecutions' Witness Assistance Service, including in relation to victim impact statements.

72. All VoC counsellors maintain strong relationships with the Witness Assistance Service (WAS) regionally and across regions. Counsellors and the WAS Team meet formally and informally throughout each year to protect and promote the significant inter-collegial relationship and gateway to ensure warm and supported referral pathways for victims.

73. If a victim is police referred, the VoC team will explain the criminal justice process and provide court updates (by looking at relevant databases or speaking to the police prosecutor or WAS). If a client is having difficulties with managing the court processes, VoC may contact the WAS worker to arrange a debriefing for the victim. In this instance, the VoC counsellor would accompany the victim to the initial debriefing as a 'warm' referral.
74. Sometimes very vulnerable victims who have a strong relationship with the VoC counsellor might request that the VoC counsellor attends court while they give evidence.
75. Key WAS workers communicate with VoC counsellors frequently throughout the week in person, via phone and email for case overviews. This communication is to ensure that either a WAS worker or a VoC counsellor updates clients relating to court outcomes.

Q14. Describe the Eligible Persons Register and how this can be used by victims of child sexual abuse.

76. A registrant on the Eligible Persons Register (EPR) is eligible to receive information relating to an inmate being granted leave from prison. Victims are also notified when an offender applies for parole. Generally victims are not registered until completion of court matters. The EPR is an opt-in service.
77. As stated above, registrants must be the victims of a violent crime, sexual offence or family violence offence. Direct victims are eligible to apply, as well as parents, guardians, partners, siblings and/or children of deceased victims. Child sexual abuse victims are eligible to apply.
78. For victims that are under the age of 18 years of age, a proxy registers on behalf of the victim. This may take the form of a parent or guardian, or in the case of a child victim who is under the care of a Child Protection Officer a Case Worker from that Service may register and receive information on the child's behalf. Once the child reaches the age of 18, they may register.
79. Depending on the registration category, some victims are given an opportunity to provide a Victim Impact Statement which is submitted to the Parole Board for consideration when determining whether to grant parole or not and what, if any condition should apply to the parolee.
80. Those victims have the opportunity to request the following be included in the offender's Parole Order:
 - (a) a non-contact clause, called a non-molestation clause;
 - (b) an exclusion order for a geographical location, eg. a town, a part of a town including a school, sportsground etc; and
 - (c) consideration the offender be fitted with an EM (electronic monitoring device).
81. Information the Register can provide to a victim includes:

- (a) the location of the offender at the time of the registration, and any subsequent transfers;
 - (b) the offender's security classification;
 - (c) the offender's release eligibility dates;
 - (d) approved leave schedules, for example work releases, re-integration and education leave, medical leave;
 - (e) when the offender makes application to the Parole Board;
 - (f) if the offender escapes from custody;
 - (g) if the offender dies in custody; and
 - (h) when the offender is released from custody sentence served.
82. On the day of the parole hearing, the Unit contacts victims by phone to advise them of the outcomes. The Unit will also send written notification to the victim. In the case of a child, contact is made with the nominated parent or guardian.

Q15. Explain how VSS manages confidentiality, including specifically in the context of smaller communities where there may be personal connections to parties connected to a claim.

83. VSS staff maintain strict practices in relation to privacy and confidentiality and are bound by the *State Service Act 2000*. We actively manage conflicts of interest within VSS when they arise. This can be difficult for a small team.
84. Information about an offender can be released to a victim of crime who is on the Eligible Persons Register (formerly the Victims Register), under the *Corrections Act 1997*. Any information released is to be for the purpose of helping to give the victim peace of mind and security by knowing where the offender is located in the prison system and where, when and under what conditions they will be released.
85. The only individuals who have access to information of the Eligible Persons Register are the staff of the Victims Support Service working with the Register. Staff are bound by the *State Service Act 2000*, which ensures strict confidentiality of information.

Q16. Describe any information-sharing arrangements (formal or informal) that relate to VSS's functions, including how any notifications are made to, amongst others, Tasmania Police, the Registrar under the Registration to Work with Vulnerable People Act 2013 (Tas). Are there any barriers to information-sharing?

86. The VSS service that is most likely to engage with victim-survivors of child sexual abuse is the Victims of Crime Service. Information sharing is also relevant to the Court Support and Liaison Service in relation to support provided to victims of family violence.

87. The Victims Assistance Unit interacts with victims/survivors in the context of processing their VoCA applications. With the exception of the Court Support and Liaison Service (referred to below), should a disclosure be made to any VSS staff member is referred to the Victims of Crime Service Team Leader for action and notified to the Manager.

Victims of Crime Service

88. The Victims of Crime Service operates through a counselling model and has strict processes around confidentiality for victim-survivor's information. However, counsellors have a duty of care and inform clients that if there are risks disclosed concerning child safety, that they are obliged to report these as mandatory reporters.
89. The Victims of Crime Service primarily receives applications relating to crimes that have already been prosecuted or that Tasmania Police have been notified of. As such, notifications from VSS to bodies such as Tasmania Police or Registration to Work with Vulnerable People (RWVP) are not a regular occurrence.

Agreed information exchange

90. Relevant information can be exchanged within the VSS while considering the best interests of the client. Externally, information can be shared with the consent of the client, and only information agreed by the client.

Court Support and Liaison Service

91. At ICC meetings, Safe at Home partners have access to FVMS (Family Violence Management System) and SIMS systems and participate in open discussions around who is working with the client, identify any gaps and create actions for agency response. This means that there is a high level of open communication about which service is doing what, formally and informally.
92. Outside of ICC meetings, the Court Support and Liaison Service contact Safe at Home partners (mostly police prosecution services and Family Violence Unit) to share information or refer clients. Information may involve feedback from clients, enquiring on the status of order service, contact details for clients and to discuss court matters.
93. The Court Support and Liaison Service share information with non-Safe at Home providers such as women shelters, Safe Choices, doctors with the consent of the client. We also advise the Family Violence Unit (FVU) at Tasmania Police of anything we may believe is identified as a risk to the client or children.

Barriers to information sharing

94. A consideration for information-sharing for VSS, as opposed to a barrier, is the prohibition on the publication of proceedings for Victims of Crime Assistance (VoCA) hearings under section 8 of the *Victims of Crime Assistance Act 1976*. The intent of Section 8 of the Act is to protect the confidentiality of victims due to the nature of highly sensitive and personal information that is contained in their files, such as medical information. However, if a risk to the health and safety of an adult or a child were to arise in the context of a hearing, my

expectation is that the Commissioner would make an appropriate report to me as Manager, while protecting the confidentiality of the victim. As Manager, I would then make an assessment as to whether the information relating to the risk needed to be reported to Child Safety Services and/or Tasmania Police, recognising that the majority of information that is heard in a VoCA context has already been reported to police.

Q17. Explain how people can make complaints about the VSS.

95. People can raise complaints/concerns by writing to or emailing the Manager. People can also ring VSS and ask to speak with the Manager.

96. The Victims Support Services website includes a statement:

Should you wish to give feedback or make a complaint regarding the service that has been provided to you by the Victims Support Service you can call 03 6165 7524 and request to speak to the Manager, or alternatively you can email us.

97. Victims Support Services (VSS) have an internal policy where complaints about the service may be made to the service. In the first instance, the complainant is encouraged to discuss the complaint with the relevant staff member with the aim of resolving informally and at the local level. If this is not possible or appropriate, then the complainant is advised to direct their complaint in writing or via telephone to the Manager who will investigate the complaint. If the complaint cannot be resolved by VSS it will be referred to the Deputy Secretary of the Department of Justice.

Q18. Does the Ombudsman have jurisdiction to receive and respond to complaints about the VSS?

98. Yes. The Ombudsman is able to investigate the administrative actions of public authorities such as VSS to ensure their actions are lawful, reasonable and fair.

99. However, certain actions are outside the Ombudsman's jurisdiction such as 'actions taken by a tribunal or members in the performance of its decision making functions'. VSS understands that this means the Ombudsman does not have jurisdiction in relation to actions taken by a Criminal Injuries Compensation Commissioner in making their decision.

Q19. How is satisfaction with the performance of the VSS measured? Please identify and describe any data collection or surveys on this topic and provide the outcome of any such surveys or data collection.

100. The Court Support and Liaison Service (CSLS) has a client feedback form that is used to measure the performance of their service. However, this feedback form has not been widely utilised by clients. This may be due to either a lack of awareness of the forms existence, or that clients choose not to use the feedback form.

101. The CSLS also has access to the Safe at Home Information Management System (SIMS), which includes comprehensive notes taken about client interactions. It is the established practice that an employee will raise any issues regarding feedback with their team leader, who will escalate it to me as Manager.

102. The Victims of Crime Service (VoC) regularly checks in with clients both when they are having counselling and after the court process, which provides clients with an opportunity to provide feedback on the services they are receiving. This feedback can either be positive or negative, and it is the current practice of the VoC leader to regularly copy me in as Manager of VSS to this feedback from clients.
103. Regarding the EPR, there is no specific database that stores this data. However, file notes are made by staff and any issues raised by clients regarding the satisfaction with the performance of the EPR will be escalated to me as Manager.
104. Data collection capabilities are currently limited, this will be addressed by the Justice Connect Program in late 2023 where there will be a new case management functionality available for CSLS, EPR and VoCS. I have been actively engaged in this process and I am very supportive of the advantages that those systems can bring to strengthen service delivery.

Q20. Explain how VSS matters are supervised, audited or otherwise monitored for quality assurance and to ensure compliance with relevant policies and procedures.

105. As part of the Department's internal audit process, a review of payments made by Victim Support Services in accordance with the *Victims of Crime Assistance Act 1976* was undertaken by the Department's internal audit contractor in 2013. The audit identified a number of issues including:
- (a) enhancement to the VoCA policy guide;
 - (b) improvement to systems and process for tracking future payments; and
 - (c) consideration of the current and future system needs in light of the limitation with the (CICA) database.
106. The audit provided a number of recommendations to the Department to improve the processes that had been reviewed. The new VoCA data base went live in October 2016 which allows for tracking of future payments.
107. At a 2018 follow up of this audit, the internal audit contractor found that all but one of the process improvement recommendations had been successfully implemented. The one outstanding process improvement related to the development of a system report which was completed in early 2021.

Q21. Explain whether, and if so, how, the VSS has engaged directly with victims in the design of its services.

108. The Victims of Crime Counselling Service is the only non-legislated function that VSS offers and employs 2.4 FTE.
109. The Victims Assistance Unit administered the *Victims of Crime Assistance Act 1976* and the design of the service is operationalised in accordance with the legislation. Likewise, eligibility for the Eligible Persons Register is determined by the *Corrections Act 1997*.

110. The Court Support and Liaison Service operates within the framework of the Safe at Home Program. Victims Support Services continues to be informed by the Safe Homes, Families, Communities Action Plan for family and sexual violence 2019-2022 and its successor (due second half 2022).

Q22. Describe the Charter of Rights for Victims of Crime and how this is applied in the work of VSS. What avenues are available if this is breached in any way, including by Criminal Injuries Compensation Commissioners?

111. The Victims Charter sets out the standard of service victims can expect from criminal justice agencies such as the police and the courts, and what they can do in cases where they do not feel that they have not been provided with information or treated appropriately. The Charter underpins the service delivery of VSS and all of our systems.
112. The Victims Charter includes:
- (a) How a victim of crime should be treated in the justice system e.g. with respect and dignity;
 - (b) Information to be provided to victims of crime;
 - (c) Information about the investigation of the crime;
 - (d) Information on prosecution of the accused;
 - (e) Information on any bail applications;
 - (f) Information about the court process;
 - (g) Protection from the accused when attending court;
 - (h) The right to provide a Victim Impact Statements to the court;
 - (i) The right to privacy for the victim;
 - (j) Storage and return of victims' property;
 - (k) Financial assistance; and
 - (l) Information on an offender held in custody i.e. information from the Victims Register.
113. If there is a breach of the Charter, options include raising a grievance with me as Manager, the Commissioner of Police, the Ombudsman, or the Integrity Commission. My understanding is that the Charter is only enforceable in relation to VSS staff, not Criminal Injuries Compensation Commissioners.

Victims of Crime Assistance Applications

Q23. Describe the skills, experience and selection process for Criminal Injuries Compensation Commissioners (including sessional Commissioners).

- I 14. In summary, the Criminal Injuries Compensation Commissioners are appointed by the Minister for Justice following an expression of interest process, interview with a selection panel, reviewed and submitted to the Minister with recommendations for appointment.
- I 15. The specific requirements for the appointment of Commissioners are set out in Section 2A of the *Victims of Crime Assistance Act 1976*.
- I 16. In short, it is necessary for a person to have at least five years' experience in legal practice to be eligible for appointment as a Commissioner. However, it is not necessary for that person currently to be in legal practice, provided they can demonstrate the requisite years of experience at some stage.
- I 17. Expressions of interest are sought from persons who are Australian lawyers of at least 5 years' standing as an Australian legal practitioner. The EOI process is advertised on the Department of Justice website and major regional newspapers. An Information package is available on request from the Manager, Victims Support Services, and on the Department of Justice website.
- I 18. The attached information package outlines the selection criteria for the role of Commissioner (see Attachment 1).
- I 19. Appointment of Commissioners is by the Minister for Justice. The Manager of Victims Support Services is responsible for convening the panel and chairing the panel. Following interviews of shortlisted candidates, the Manager provides a Selection Report to the Statutory Appointments Officer, Department of Justice. The Statutory Appointments Officer briefs the Minister for Justice in respect to the Expression of Interest Process. The Statutory Appointments Officer will notify the Manager when the Minister has made a decision in relation to the appointments process. The Minister signs instruments of appointments in the exercise of powers confirmed on her by Section 2 A of the *Victims of Crime Assistance Act 1976*.

Q24. Describe the process by which an application is made under the *Victims of Crime Assistance Act 1976 (Tas)* including:

(a) Who reviews the application

- I 20. All Victims of Crime Assistance (VoCA) applications are assessed by the Assessment Officer. The Assessment Officer prepares a review summary and the application is reviewed by a Commissioner.
- I 21. The Manager's role as a part time Commissioner is very broad and includes all of the file reviews, authorisations of medical reports and preliminary matters that need to be addressed prior to the listing for hearing. The Manager contributes to the role of Commissioner in managing the assessment process for all files, except where there is a conflict of interest. In the small number of cases where the Manager has a conflict, the application will be referred to another Commissioner to complete the file review.

122. The Commissioner reviews recommendation of reports to be requested by the VAU to assist the applicant obtaining supporting documents, without the need for the applicant to source these reports. When an application is submitted by a solicitor, the solicitor is responsible for providing and seeking the reports. The Commissioner at review will authorise the payment of these reports to enable these to be released to the VAU and are considered at finalisation as part of the award.
123. The Assessments Officer collates all information, arranges for police files to be requested and medical reports (with the applicant's consent) and any other pertinent information that may be required for the Commissioner to make a decision.

(b) How the application is determined

124. The application will be determined by a Commissioner, who will base their decision on the information provided by the Applicant, the police, the medical reports and other sources of information, such as court outcomes, and comments on passing sentence.
125. The applications are finalised by any of the 3 options:
- (a) Hearing attendance – informal setting with a single Commissioner;
 - (b) Telephone hearing with the applicant and in some cases via Microsoft teams; or
 - (c) Decision based on the papers on file.

(c) How the victim is engaged during the process, and

126. The victim may be asked to provide certain information if it is required i.e. medical providers etc., the victim is generally contacted by letter, email or phone. When the application is ready to be finalised, the victim can attend a hearing with the Commissioner if they would like or they can have the decision based on the papers if they do not wish to speak to the Commissioner.
127. The VAU provides advice to all applicants as needed, via emails, mail, telephone. The applications go through stages of review and these are conveyed to the applicants in writing. These are as follows:
- (a) Acknowledgement letter advising timeframes and process;
 - (b) Review letter advising – reports as noted on application have been requested after review;
 - (c) Update letter provided when delays of moving claims forward due to reports not received and/or police file and court outcomes not completed;
 - (d) Once all documents collated and reviewed by the Co-ordinator, a letter to applicant advising they are on a list for finalisation with a Commissioner;
 - (e) Hearing/Telephone or Decision on Paper letter sent with the scheduled time and date of hearing with a Commissioner; and

- (f) When Decision is received back from Commissioners it is processed and conveyed to the applicant in written form with accompanying VAU letter.
128. Victims Support Services, through the Victim Assistance Unit and Victims of Crime Service will also provide support and accommodations to ensure that clients living with a disability are able to participate in the process.
- (d) Any steps taken to ensure that this process is trauma-informed and minimises re-traumatisation.**
129. The VAU takes steps to ensure the process is seamless, minimizes re-traumatisation for victims seeking assistance and support. For applicants who make a claim directly to the VAU, the service will seek all reports, police, court outcomes rather than the applicant gaining these details and re-traumatising them.
130. Conversations with victims by the VAU team are generally process focused and are not about discussing the offence with them. The focus of interactions with the victim is the support they require to deal with the impacts of the crime. Great care is taken to ensure that victims do not have to re-tell their traumatic experiences.
131. Final hearings are dealt with by Compensation Commissioners, who may need to go over different aspects of the crime if it is unclear in the application and or supporting documentation.
132. Victims who need assistance to engage with the process are referred to the Victims of Crime Service. The VoCS counsellor assist applicants to lodge applications for victims of crime assistance.

Q25. Confirm whether the requirement for the offence in question to be reported to police is a mandatory pre-requisite for a victim of crime application matter.

133. While the Applicant is not required to report the matter to police as a pre-requisite for an application, I note the provisions of Section 5(3A) of the *Victims of Crime Assistance Act 1976* ("the Act"), which is a consideration for a Commissioner.
134. Section 5(3A) of the Act precludes an award of compensation if the applicant failed to do any act or thing which, in the opinion of the Commissioner they should reasonably have done to assist in the identification, apprehension, or prosecution of any person alleged to have committed the criminal conduct for which compensation is claimed.
135. If an applicant has not reported the crime to police, the question is whether such a report should reasonably have been made. If there is a valid explanation for the failure to make the report, for example due to illness, threats of violence or duress, or other relevant circumstances, then section 5(3A) is not engaged and the Commissioner may make an award.
136. A Commissioner, in the exercise of their discretion, is required to consider the relevant circumstances including the applicant's personal circumstances in determining whether an

applicant has provided a satisfactory explanation for not making a report, or delays in making a report.

137. In my experience as Manager and Commissioner, the principles and approaches that have been expressed in decisions, include:
- (a) if a child victim of sexual abuse made disclosures to persons in authority, such as a family member, or to a school and was not believed, and has suffered significant psychological impacts, they may be adversely affected by a requirement to report to Police. In these sorts of circumstances, a Commissioner may find that a victim is not reasonably required to report the conduct to police; and
 - (b) if a victim of child sexual abuse has suffered significant psychological injury, which impairs their capacity to make a complaint or deal with the pressures of making a complaint, this may be relevant factor for a Commissioner to decide that it is reasonable for the applicant not to report the offence.
138. These provisions are also highly relevant in matters of family violence and sexual violence and require extensive consideration by Commissioners for example victims reporting threats of violence/reprisals, duress or coercive control if they report the offence.

Q26. Describe any timing limitations for applications applicable to victim-survivors of child sexual abuse, including any information about any consideration given to changing or abolishing time limits.

139. Section 7(1A) of the *Victims of Crime Assistance Act 1976* provides that an application for an award is to be made within 3 years after the date of the relevant offence.
140. Section 7(1B) provides that if a victim is less than 18 years old at the time of the relevant offence, their application for an award must be made no later than 3 years after they turns 18.
141. Section 7(1C) of the Act provides that the Commissioner may extend the three year period if they are satisfied that there are special circumstances which justify the extension.
142. The Department of Justice is progressing an amendment to the Act to remove the requirement to seek an extension of time for child sexual abuse application in relation to victims of crime assistance matters by the end of the year.

Q27. Describe the extension of time application process, including what constitutes 'special circumstances' in the context of an extension of time request and any barriers victim-survivors of child sexual abuse may experience in satisfying this test.

143. An extension of time application requires victims to explain why an application was not submitted within the 3 year time frame.
144. In the context of child sexual abuse, these factors are directly relevant to assessing the special circumstances test when determining requests for extension of time. In respect of applications lodged for an extension of time with the Victims Assistance Unit since

December 2014 (when I commenced as Manager) it is rare for an extension of time from a victim of child sexual abuse to be rejected.

Q28. Describe how it is determined whether a hearing is held, particularly how the wishes of applicants are factored into such a decision.

145. An Applicant has three options for the final decision of their matter – to be decided on the papers, secondly for a hearing by telephone, or thirdly for a hearing in person. In the past 12 months, hearings have been conducted by Microsoft Teams.
146. Whether a hearing is heard, is in a majority of cases, determined by an Applicant. There are matters, where an Applicant requests a decision on the papers, but a Commissioner cannot make a final decision due to conflicting material or limited material. In that situation, a Commissioner may invite an Applicant to attend a hearing (in a manner suitable to them) at a time suitable to the Applicant.

How applicant's wishes are factored into the decision

147. As noted above, applicants have the choice of attending a hearing with a Commissioner, a telephone hearing or a Decision on the Papers (DOP). Significant weight is given to the applicant's wishes about the options to deal with their application. On occasions, if the applicant has selected a DOP and there is very limited information on the application and in the file, the Commissioner may want to speak to the victim before determining the application.
148. Decisions on papers are sometimes difficult for Commissioners to finalise when the documents on file are very limited, especially in the area of reporting under the Act, along with lack of medical/psychological reports. The VAU will sensitively approach the subject with the applicant and discuss the option and whether they would like a hearing to assist their claim.
149. Section 7(5) of the Act provides that the Commissioner may give directions requiring a person to appear before them, although this provision is rarely used. Since I have been with Victims Support Services (December 2014) I can't recall a Commissioner formally directing a victim to attend a hearing.

Q29. Describe the hearing process and any accommodations to ensure the process is not re-traumatising and what supports are offered to applicants before, during and after the hearing process.

150. Each Commissioners conducts their own hearings. Victims are advised that they may have support persons with them while they wait for the Commissioner. Ultimately it is up to the Commissioner to determine if the support person can go into the hearing. It would be my expectation as Manager that a victim should be able to bring an appropriate support person with them. The VSS Counsellor has attended numerous hearings with victims as a support, she is available for victims if they would like an appointment before or after their hearing.

Q30. Confirm whether state-funded legal support is available during the hearing process to applicants.

- 151. Yes. An Applicant may attend a hearing with a solicitor or advocate. Applicants who are legally represented can seek an award to cover their legal costs in making the application, and legal costs in being represented at the hearing.
- 152. Legal representation is not generally required for the process. The difficulty with costs of legal representation is that an award for legal costs may be deducted from a final award particularly when the maximum cap is reached.
- 153. For this reason, the Victims Assistance Unit will proactively refer any person who needs help to lodge an application to the Victims of Crime Service. In addition, there are a number of government funded services who provide counselling, support and assistance, free of charge, including the Victims of Crime Service, the Family Violence Counselling and Support Service, Community Legal Centres, Engender Equality, the Sexual Assault Support Service, and Laurel House.

Q31. Identify what resources or strategies are used to help applicants understand their eligibility and the process.

- 154. Victims Support Services had a review of its website in 2020-2021. The new website has a modern design, simple layout and focuses on making it as easy as possible for people to find the information they need. The website is often the first point of contact people have with VSS and we wanted to make sure it was a positive, user friendly helpful resource for them. In developing the site VSS teams were constantly thinking of the user and what information or assistance they want or need when they come to our website.
- 155. The VSS website is informative, most victims will call the VAU to make enquiry whether they are eligible or not. There are cross referrals between the Victims of Crime Service and Victims Assistance Unit to provide information to clients about their eligibility for victims of crime assistance.

Q32. Explain how the monetary values for compensation are arrived at (including the maximum payment figures) in respect of a Victims of Crime Assistance application. Are they indexed? Are they adequate? How do they compare with other jurisdictions?

- 156. Compensation may be awarded under the *Victims of Crime Assistance Act 1976* where a person suffers injury as a result of the act of another person that constitutes an offence, or in assisting a police officer to arrest a person or prevent the commission of a crime. An injury includes any impairment of bodily or mental health. An offence is defined under Section 2 of the Act as an act of violence by one person against another.
- 157. The Act sets out the basis of awards of compensation, differentiating between primary victims, secondary victims and related victims. Those terms are defined in section 2 of the Act. Primary victim means a person against whom an offence is committed. Secondary victim means a witness or, if a primary victim is a child, then the child's parents or guardian. Related victim means a primary victim's spouse, child, sibling, or parent (if the primary

victim is an adult). There can, and often will be, more than one primary, secondary and related victims of particular criminal conduct.

158. Compensation under the *Victims of Crime Assistance Act 1976* is assessed in the same way as common law damages for personal injuries, subject to the jurisdictional limit.
159. The Commissioner is required to be aware of and give weight to current general ideas of fairness and moderation in relation to the assessment of damages.

Victims of Crime Assistance Regulations 2021

160. The *Victims of Crime Assistance Act 1976* provides for awards of compensation to victims of crime. The Victims of Crime Assistance Regulations provide for prescribed total awards. The regulations have been remade with the following key changes:
- (a) Remaking the current maximum award levels for the financial year ending 30 June 2022, with amounts for subsequent financial years indexed by CPI. This will provide for a regular increase in the caps without having to amend the Regulations each year.
 - (b) Removing the total maximum cap of \$50,000 for related victims of the same incident, so that related victims are not disadvantaged where there are more than 5 victims.
 - (c) The change in 2 above also has the positive effect of addressing the issue whereby related victims were not eligible for medical expenses if the group cap of \$50,000 had been expended. This now gives them the same eligibility to medical expenses, over the maximum award levels, as other categories of victim.

161. The following table shows the maximum award levels:

	30-Jun-22	30-Jun-23
Primary victim of a single offence	\$ 30,000	\$ 30,918
Primary victim of more than one offence	\$ 50,000	\$ 51,531
Secondary victim	\$ 20,000	\$ 20,612
Single related victim	\$ 10,000	\$ 10,306
Funeral expenses	\$ 10,000	\$ 10,306

162. The Commissioner may make an award for future medical and counselling expenses in addition to the prescribed maximum.

Types of losses covered

163. Awards of compensation for primary victims of crime may be made under a number of different heads of damage, as set out in section 4(2) of the *Victims of Crime Assistance Act 1976*.

(2) *In respect of the injury of a primary victim, compensation awarded under this Act may be awarded to a primary victim in respect of any one or more of the following matters:*

- (a) *Expenses actually and reasonably incurred by the primary victim as a result of the injury;*
- (b) *The cost of medical, dental, psychological or counselling services which the Commissioner is satisfied the primary victim will require in the future;*
- (c) *Loss of wages or salary by the primary victim as a result of his or her total or partial incapacity for work arising from the injury;*
- (d) *The pain and suffering of the primary victim arising from the injury;*
- (e) *Expenses reasonably incurred by the primary victim in claiming compensation.*

164. Awards for compensation for a secondary victim may be made under the heads of damage as set out in section 4 (3) of the Act.

(3) *In respect of the death or injury of a person, compensation awarded under this Act may be awarded to a secondary victim in respect of any one or more of the following matters:*

- (a) *expenses actually and reasonably incurred by the secondary victim as a result of his or her own injury;*
- (b) *if the secondary victim is a parent, step-parent or guardian of the primary victim, expenses (other than funeral expenses) actually and reasonably incurred by the secondary victim as a result of the death or injury of the primary victim;*
- (c) *the cost of medical, psychological or counselling services which the Commissioner is satisfied the secondary victim will require in the future;*
- (d) *loss of wages or salary by the secondary victim as a result of –*
 - (i) *his or her total or partial incapacity for work arising from his or her own injury;*

or

 - (ii) *his or her total or partial inability to work while providing care to the primary victim;*
- (e) *the pain and suffering of the secondary victim arising from his or her own injury;*
- (f) *expenses reasonably incurred by the secondary victim in claiming compensation.*

165. Awards for compensation for a related victim may be made under the heads of damage as set out in section 4(4) of the Act.

(4) *In respect of the death or injury of a person, compensation awarded under this Act may be awarded to a related victim in respect of any one or more of the following matters:*

- (a) expenses actually and reasonably incurred by the related victim as a result of his or her own injury;
- (b) expenses (other than funeral expenses) actually and reasonably incurred by the related victim as a result of the death or injury of the primary victim;
- (c) the cost of medical, psychological or counselling services which the Commissioner is satisfied the related victim will require in the future;
- (d) loss of wages or salary by the related victim as a result of –
 - (i) his or her total or partial incapacity for work arising from his or her own injury;
 or
 - (ii) his or her total or partial inability to work while providing care to the primary victim;
- (e) the pain and suffering of the related victim arising from his or her own injury;
- (f) if the primary victim dies, financial loss if the related victim was dependent on the primary victim;
- (g) expenses reasonably incurred by the related victim in claiming compensation.

Q33. Explain what review and/or appeal rights are available to applicants dissatisfied with a decision made by VSS (including by a Commissioner)?

- 166. Section 10 of the *Victims of Crime Assistance Act 1976* provides that ‘a decision of the Commissioner under this Act is final and no appeal lies therefrom’.
- 167. However, an applicant may make an application for a judicial review of a decision of a Commissioner in accordance with the *Judicial Review Act 2000*. Judicial review is not a merits review. The focus is on the process: was the decision a lawful decision, fair and reasonable. However if a decision was plainly wrong this will be relevant to a consideration of process.
- 168. The *Judicial Review Act* applies to decisions of an administrative character proposed to be made or required to be made under enactment (see section 4 (1)). This includes decisions made by a Commissioner under the *Victims of Crime Assistance Act 1976*. An applicant who is dissatisfied with an award can apply for the Commissioner’s decision to be reviewed under the *Judicial Review Act 2000*.

Q34. Explain whether there are any planned or proposed amendments to the *Victims of Crime Assistance Act 1976 (Tas)*.

- 169. In 2018, the Full Court of the Supreme Court confirmed that the inclusion of the specifically named crimes in the definition of ‘offence’ expanded on the narrower meaning of ‘violence by one person against another’ but did not extend to certain non-contact offences of family violence such as coercion, intimidation, emotional abuse or economic abuse.

170. The Department is preparing advice on options in relation to the Supreme Court finding that 'violence' in the definition of 'offence' in the Act is interpreted narrowly to cover physical force or the threat of physical force.
171. The advice will consider issues relating to 'victims of 'economic abuse' at section 8 of the *Family Violence Act 2004*, 'emotional abuse or intimidation' at section 9 of the Act, and the crime of 'persistent family violence' at section 170A of the *Criminal Code*.
172. As noted above in response to Question 26, the Department is progressing work to amend the Act to remove the requirement to seek an extension of time for child sexual abuse applications.

B REQUEST FOR DOCUMENTS

Q35. Produce a copy of your most recent resume or CV.

Q36. Produce a copy of your current position description.

Q37. Produce a copy of any document relevant to your response to paragraphs 1 to 34.