



ACT
Government

Justice and Community Safety



VICTIMS OF CRIME SUPPORT PROGRAM

Annual Report 2012-13



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Abbreviations & acronyms

AFP	Australian Federal Police (ACT Policing)
AIC	Australian Institute of Criminology
ANU	Australian National University
CRCC	Canberra Rape Crisis Centre
DPP	Director of Public Prosecutions
DVCS	Domestic Violence Crisis Service
DVPC	Domestic Violence Prevention Council
FVIP	Family Violence Intervention Program
JACS	Department of Justice & Community Safety
VoCC	Victims of Crime Commissioner
VSACT	Victim Support ACT



PART 1: VICTIMS OF CRIME COMMISSIONER

PART 2: VICTIM SUPPORT ACT



ACT
Government

Justice and Community Safety

16 September 2013
Mr Simon Corbell MLA
Attorney General
ACT Legislative Assembly
London Circuit
Canberra ACT 2601

Dear Mr Corbell,

I am pleased to submit to you the Annual Report for the Victims of Crime Commissioner for 2012-13, pursuant to section 6(1) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements referred to in the Chief Minister's Annual Reports Directions. It has been prepared in conformity with the *Victims of Crime Act 1994*.

I hereby certify that the attached report is an honest and accurate account and that all material information on the operations of the Victims of Crime Commissioner during the period 1 July 2012 to 30 June 2013 has been included and that it complies with the Chief Minister's Annual Report Directions.

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you cause a copy of the Report to be laid before the Legislative Assembly within three months of the end of the financial year.

Yours sincerely,

John Hinchey
Victims of Crime Commissioner



PART 1: **THE VICTIMS OF CRIME** **COMMISSIONER**

SECTION A: PERFORMANCE AND FINANCIAL MANAGEMENT REPORTING

A.1 Organisation

The Victims of Crime Commissioner is an independent statutory appointment of the ACT Attorney-General. The position is established pursuant to section 7 of the *Victims of Crime Act 1994*.

By separate appointment, the Victims of Crime Commissioner also performs the statutory functions of the Domestic Violence Project Coordinator under the *Domestic Violence Agencies Act 1986*.

The primary clients of the Victims of Crime Commissioner are residents and visitors to the ACT who have become victims of crime. Principal stakeholders are the ACT Attorney-General, the ACT Government and the ACT Legislative Assembly. Other stakeholders include agencies engaged in the administration of justice including ACT Policing, the Director of Public Prosecutions, the ACT Law Courts and Tribunal, ACT Corrective Services, Legal Aid ACT, the Office for Children Youth and Family Support and the Office for Women. Non-government services assisting victims of crime are also critical stakeholders, particularly the Domestic Violence Crisis Service, Canberra Rape Crisis Centre, the Women's Legal Centre and Communities@Work. Key boards and committees for the Victims of Crime Commissioner include the Victims Advisory Board, the Domestic Violence Prevention Council, the Family Violence Intervention Program Coordinating Committee, the Sexual Assault Reform Program Reference Group and the Throughcare Advisory Group.

A.2 Overview

Financial Assistance Scheme review

The current financial assistance scheme was introduced in 1998 by the Victims of Crime (Financial Assistance) (Amendment) Bill 1998. The scheme has been the subject of commentary and scrutiny on a number of occasions, including the 2002 Dare Review; a 2004 public inquiry by the Standing Committee on Legal Affairs; and a 2012 ACT Ombudsman's Report.

In last year's Annual Report I discussed the Ombudsman's report and the difficulties that victims of crime were experiencing in accessing the scheme. The Ombudsman's report recommended that the Justice and Community Safety Directorate, in consultation with the Victims of Crime Commissioner, ACT Government Solicitor's Office and Magistrates Court, review the administrative arrangements for progressing applications for financial assistance under the *Victims of Crime (Financial Assistance) Act 1983*.

It was pleasing to see the Government interpret that recommendation broadly and in April 2013, released an issues paper on the ACT victims of crime financial assistance scheme indicating that the Government was interested in conducting a complete review of the scheme.

Victim Support ACT staff has for many years assisted victims of crime to make applications for financial assistance. Their years of experience were captured in the response I provided to the issues paper. Underpinning my submission were the principles that the victims of crime

financial assistance scheme is intended to be interpreted in a beneficial manner, applied within an appropriate timeframe, accessible, cost effective, sensitive and fair. I supported adopting an administrative scheme as opposed to the current court based scheme. In addition to potential changes to eligibility, I addressed the delay in applications being assessed and finalised, the possible detriment for those victims without legal representation, the daunting nature of the process and the benefit of a scheme that uses independent decision makers.

In preparing my submission two Victim Support ACT staff members visited Queensland and New South Wales to gain a better understanding of their schemes as jurisdictions had recently reviewed and introduced new schemes (Queensland in 2009 and New South Wales in 2013). The information gained from these visits was invaluable and I would like to thank both Victim Services NSW and Victim Assist QLD for their time and support in hosting our officers.

Victim Support staff continue to assist and support victims in submitting applications under the current scheme. This year a senior officer position was established solely to case manage the more complex cases involving financial assistance applications. The exercise of assisting clients to access their rights and entitlements under the scheme continues to be a resource intensive exercise for the agency, however, it is in keeping with the Victims of Crime Commissioner's function to ensure that victims receive information and assistance they need in connection with their involvement in the administration of justice.

With the establishment of the *Side by Side* volunteer program, two volunteers have undergone training in order to assist Victim Support caseworkers to support victims of crime who are applying for financial assistance.

As Victim Support staff are unable to provide legal advice in assisting victims accessing the financial assistance scheme, we have continued to utilise the legal expertise of both the Women's Legal Centre and Legal Aid ACT to assist our clients. Despite the high workload of both of these services they continue to provide information, advice and support to our clients as requested. They are to be commended for the service they have provided to clients of Victim Support in recent years. With their assistance, clients with some complex applications for financial assistance were able to have their applications settled more favourably.

Some examples of their assistance are given below.

Case 1. The Territory offered a victim of a sexual assault an amount of special assistance that was not acceptable to her. Victim Support referred the client to the Women's Legal Centre who advocated for our client by highlighting similar cases and the offers that were made in those cases. The Territory agreed to increase the offer to our client, which was accepted.

Case 2. Victim Support referred a client of sexual assault to the Women's Legal Centre when the Territory refused the client's claim for financial assistance. Although the perpetrator was not convicted of a sexual offence, the Women's Legal Centre successfully argued that:

- the victim reported the assault to the Police as required by s12(1)(c) of the *Victims of Crime (Financial Assistance) Act 1983* ("the Act");
- it was clear from the legislation that a conviction is not required in order to make a claim for Financial Assistance as s29 of the Act requires the Court to decide on the balance of probabilities that an offence has occurred "if no conviction has been recorded"; and,

- the circumstances of the assault made it inconceivable that the victim consented to any sexual activity.

The Women's Legal Centre also argued that there was sufficient evidence that the psychological injury that was sustained during the assault is permanent. The Territory subsequently reviewed its decision and awarded the client the maximum level of assistance.

Case 3. The Territory offered to pay financial assistance to a victim of an assault in which he sustained serious injuries. However, this offer of financial assistance was reduced by 30% under s37 (1) of the Act, which provides for a set-off of financial assistance due to intoxication of the applicant.

Victim Support referred this client to Legal Aid ACT, who wrote to the Territory on behalf of our client, outlining that:

- the effect of section 37(1) is that any set-off be in proportion to the extent to which if any the applicant's intoxication contributed to his injury;
- there is no presumption of contribution; and,
- the onus of proof lies with the Territory.

The Territory subsequently agreed to increase the offer to our client by 10%.

Case 4. A client approached Victim Support asking for assistance to lodge an out of time application for a stab wound injury he sustained some years beforehand. Victim Support referred the client to Legal Aid ACT to receive advice about whether it was worthwhile to make an application for the special assistance component of financial assistance for a permanent and serious injury. Victim Support was then able to assist the client to lodge his application based on the advice he received from Legal Aid ACT.

Victims Advisory Board

The Victims Advisory Board (the Board) is established by the *Victims of Crime Act 1994*. The Board advises the Minister on policies, priorities and strategies for the acknowledgement, protection and promotion of the interests of victims in the administration of justice; and if asked by the Minister, helps develop and maintain protocols and procedures for the treatment of victims by agencies involved in the administration of justice; and any other function given to the board under the Act or another territory law.

The Board is made up of:

- the Director of Public Prosecutions;
- Australian Federal Police;
- ACT Courts;
- Corrective Services;
- Youth Justice;
- Restorative Justice Unit;
- three people who represent the interests of victims services groups;
- one person from the Indigenous community; and
- one person who is a lawyer.

The Board met for the first time on 3 August 2011 and commenced work on a range of issues to further the interests of victims of crime. Importantly, this year the Board has endorsed the development of protocols between Victim Support ACT and other agencies involved in the administration of justice, recommended to Government a full review of the victims of crime financial assistance scheme and commenced consideration of the effectiveness of the two victims of crime registers in the ACT.

The Board plays an important role in protecting the interests of victims of crime in the administration of justice. I look forward to continuing to work with the Board in 2013-14.

Volunteer Program, Side by Side

One of the Victims of Crime Commissioner's functions is to develop and maintain a volunteer program to provide practical assistance and support to victims and to train and supervise volunteers for the program. Communities@Work is contracted by the Victims of Crime Commissioner to deliver the volunteer program titled *Side by Side: volunteers assisting victims of crime*. The volunteer program is contracted to:

- a) provide court support to victims of crime who are registered clients of Victim Support ACT;
- b) assist eligible victims of crime, who are clients of Victim Support ACT, to apply for financial assistance through the ACT Government's financial assistance scheme;
- c) provide practical assistance to victims of crime and administrative assistance to the Victims of Crime Commissioner as agreed in writing between the parties; and,
- d) conduct a community awareness program to promote the interests of victims of crime.

Seven new volunteers underwent two days of extensive training in May/June 2013. Training included information about the work of Victim Support ACT and the role of the Victims of Crime Commissioner; awareness of the impact of crime on victims; the justice system including the criminal process and the victims of crime financial assistance scheme. In addition volunteers heard from Legal Aid ACT, staff from the Director of Public Prosecutions, a staff member from the Protection Orders Unit at the ACT Magistrates Court and attended a court tour.

Volunteers have provided assistance in the form of court support and with applications under the financial assistance scheme. This includes assisting with paperwork and attending conferences at court.

In addition the program has undertaken general promotional activities to raise community awareness of the interests of victims. In the last reporting period Side by Side attended and/or celebrated Law Week, NAIDOC Week, the Gugan Gulwan Youth Aboriginal Services open day, Seniors Week and White Ribbon Day. Volunteers also assisted at the Participatory Justice and Victims conference in September 2012.

The Side by Side program also distributed victims of crime pamphlets and information sheets to over 1200 people.

I would like to acknowledge the time and effort that has been put in to this program by the volunteers and Communities@Work and am confident that the program will continue to be of great assistance to victims of crime.

Court Delays

This year I raised the issue of court delays in the ACT with the Attorney-General. One of my functions under the *Victims of Crime Act 1994* is to advocate for the interests of victims and to advise the Minister on matters relating to the interests of victims. While the “Blitz” aimed to clear some of the backlog of cases in the Supreme Court, I am still being made aware of cases that are failing to proceed as scheduled creating significant delays. I brought two examples to the Minister’s attention that demonstrate the impact that last minute delays can have on a victim of crime, particularly for children. These delays include late applications to the court that result in the vacating of trial dates. Such delays are extremely costly, restrict access to the courts for others and cause undue stress to victims.

To address the issue of late applications I have proposed that there should be disincentives and penalties for such late applications. Victoria has adopted legislation that assists the court in determining questions of law and fact well in advance of the trial, therefore reducing the number dates being vacated at the last minute. Other jurisdictions have introduced time limits to combat delay. The introduction of time limits in which trials must be held would ensure that the most vulnerable victims would be able to give their evidence at the earliest possible opportunity. I am hopeful that some thought is given to possible law reform and that the issue of trial delays can be improved, particularly for those that are most vulnerable.

Sexual Assault Reform Program

The Sexual Assault Reform Program continues to oversee the legislative reform and systematic response to the *Responding to Sexual Assault: the challenge of change* report. This reporting period has seen both the *Evaluation of the ACT Sexual Assault Reform Program (SARP): Final Report* released and the Legislative Assembly passing the Crimes Legislation Amendment Bill 2012.

As I mentioned in my last annual report, Government funding for the sexual assault reform program also provided for a preliminary evaluation of the reforms to assess whether the program was meeting its objectives. This report was conducted in two stages and involved a mixed-methods approach. Stage one saw key indicators for the evaluation developed with stakeholders, and stage two included the collection of quantitative data from stakeholders and qualitative interviews with service providers and a small number of victims. The report was released in February of 2013 and it concluded that overall, the SARP reforms appear to have been successful in improving the criminal justice process for victims of sexual offences in the ACT. The key findings included:

- agencies have moved from an arrangement of simple coordination to one of proactive collaboration;
- the upgrading of technology and equipment has made the criminal justice process less prone to equipment failure;
- the remote witness room has had positive consequences for victims allowing them to give evidence away from the accused and the courtroom;
- evidence-in-chief provisions have had positive consequences for certain victims allowing them to have their interview with police recorded and used as their evidence-in-chief in court;

- the introduction of pre-trial hearings has allowed some victims to give evidence substantially earlier in the process than was previously the case;
- victims who were interviewed for the report made positive comments about elements of the SARP reforms; and,
- the SARP reforms have not yet had an impact on reducing the time it takes for sexual offences to progress through the court system.

As well as the key findings, some improvements/recommendations included:

- adolescent victims could be better supported with more appropriate measures;
- the ACT may consider introducing a time limit for sexual offence cases;
- an increased focus on supporting the 'forgotten victims' of sexual offences, primarily family members who support victims through the criminal justice process; and,
- ACT Policing could consider allowing SACAT (Sexual Assault and Child Abuse Team) officers to remain involved in sexual offence cases even after they have been rotated out of SACAT.

One recommendation, which was providing a more comprehensive explanation of the Wraparound process to victims of sexual offences, has been addressed with the creation of a Wraparound pamphlet that is to be published by the AFP. This will be provided to all sexual assault victims to better explain the program so that they may make an informed decision as to whether or not they would like to be included in the Wraparound program. An explanation of the Wraparound program can be found in part 2 section A.3 of this report.

Crimes Legislation Amendment Act 2013

The *Crimes Legislation Amendment Act 2013* (CLAA) became effective in April 2013. This Act amended legislation in many areas including legislation relevant to sexual offences. The amendments created new offences relating to sexual intercourse and acts of indecency with a young person under care. This addition makes it an offence if a person engages in sexual intercourse or commits an act of indecency on a young person (aged 16 or 17) and the young person is under the person's care. This includes teachers, employers, sporting coaches, step-parents, foster carers and custodial officers. This aims to limit the ability for adults to use their position of power or to abuse their authority to engage in sexual relations with young people.

In my view the amendment did not go far enough. I had recommended the prohibition of sexual intercourse or other sexual activity between stepparents and stepchildren no matter the age of the stepchild, in line with Victorian legislation. A uniform prohibition, which is not limited to the age of the stepchild, would be an effective counter to the subtle power imbalances that are at play in abusive relationships.

The CLAA 2013 has also amended legislation relating to the use of victim impact statements. The amendment addressed the issue of whether or not the court can refuse to allow a victim impact statement to be read aloud to the court as the law was unclear. A new section in the *Crimes (Sentencing) Act 2005* provides that the court must allow a victim impact statement to be read aloud in court where the maker of the statement wishes it to be read aloud.

It will be important for victims to exercise their right to choose to read aloud their victim impact statement. Participation in justice processes is very important to victims and beneficial for their recovery. Having the right to read aloud their victim impact statement will give people a sense of

empowerment and it will assist them to more effectively communicate to the court the impact an offence has had upon them.

The CLAA 2013 has also broadened the category of people able to use an audiovisual recording of a police interview as their evidence in chief. Legislation previously allowed for complainants of a sexual or violent offence who are children to have the audiovisual recording of their police interview admissible as their evidence in chief. The amendment now allows for child witnesses as well as child complainants to use this provision. This section has also clarified that this provision relates to people who were children at the time the audiovisual recording was made, even if they turn 18 before the recording is admitted into evidence for the proceeding. The legislation also clarifies that pre-trial hearings, for those who are otherwise eligible, apply to people who are under 18 on the day proceedings commenced in the Magistrates Court.

The CLAA 2013 has allowed for the recording of evidence given by audiovisual link in sexual offence proceedings to be recorded and admitted as the person's evidence in related proceedings, such as a retrial, so that evidence may not have to be given on more than one occasion where it can be avoided.

Historical sexual offence limitations

The ACT has some anomalies regarding the prosecution of certain historical sexual offences that came into force in 1976 (the *Law Reform (Sexual Behaviour) Ordinance 1976*). The ordinance, whilst decriminalising homosexuality, placed a statute of limitation of 12 months to bring a proceeding against section 79 (buggery and bestiality), 80 (attempt to commit buggery) or 81 (indecent assault on a male) of the *Crimes Act 1900* (NSW) (which at that time applied to the ACT).

The ordinance was repealed in 1985, meaning that if an offence under one of these provisions occurred in the ACT between 1976 and 1985 it cannot now be prosecuted.

In early 2012, the ACT Office of the Director of Public Prosecutions had to discontinue a matter on the basis of this statutory limitation. This was an extremely disappointing outcome for the complainant in the matter, who had reported the offences to police after years of consideration of what this action would mean for him personally. After the accused had made admissions, the complainant had a reasonable expectation that a successful prosecution would result. It was only when the matter reached Court that the effect of the 1976 ordinance was recognised. The Court has permanently stayed proceedings against the accused as result of the ordinance, leaving the complainant traumatised and re-victimised by his experience of the ACT criminal justice system.

Furthermore there also exists a statutory limitation on sexual offences against females. On 14 December 1951 section 6 of Ordinance No 14 brought into effect section 78 of the *Crimes Act 1900* (the *Crimes Act 1900* of NSW in its application to the Territory). Section 78 provides that any prosecution for offences under sections 71, 72 and 76 of the *Crimes Act 1900* occurring before or after 14 December 1951 are statute barred after 12 months from the time of the alleged offence.

Section 78 also provides that the statute bar only applies where the victims are aged 14 but under the age of 16 at the time of the offence (in other words, girls of 14 or 15). Ordinance No 14 of 1951 was repealed on 28 November 1985 by Act No 62 of 1985.

The 1951 Ordinance did not affect the prosecution of incest crimes (which were then defined to relate only to sexual acts committed by males against certain female relatives). However, it does prevent the prosecution of certain sexual offences that were committed on girls aged 14 or 15 years of age between the years 1951 and 1985. Those offences are: carnal knowledge of a girl aged between 10 and 16; attempt to carnally know or assault with intent to carnally know a girl aged between 10 and 16 and indecent assault of a female.

In August 2012 I wrote to the Attorney General, supporting some consideration of retrospective amendments to remove historical limitation periods for these sexual offences. I am concerned that there are people in our community who hope one day to bring to light the injustices done to them as children and for justice to be denied them because of these statutory bars.

I accept that delays in bringing cases to trial may not be fair to an accused person, (or victim), and every effort should be made to conduct prosecutions in a timely manner to protect the human rights of an accused and to rely on recent and reliable evidence. These interests rightly support policies and laws that uphold statute of limitations. However, sexual assault offences bring particular challenges to this policy position. More so than any other form of crime, sexual assault causes long term harm, particularly to children, and the associated trauma has a significant debilitating affect on people. It takes great energy and courage for sexual assault victims to disclose sexual abuse, particularly historical abuse so often associated with interfamilial sexual assault. It is likely that there were others in our community whose victimisation occurred within the ACT statute barred periods due to the delay in reporting offences.

The Australian and NSW Law Reform Commissions Report Family Violence – A National Legal Response, the Commissions recognised that delay in complaint is a typical feature of reporting sexual assault and that the mere passage of time ought not to ‘count against’ a complainant in sexual offence proceedings, and recommended that federal, state and territory legislation make certain provisions to take account of delays in reporting sexual offences.

Tasmania’s Law Reform Institute heard submissions that delays in reporting sexual offences may occur for a number reasons. These reasons include:

- Shame and/or embarrassment
- Not wanting family or others to know
- Fear of reprisal by assailant
- Self blame or blamed by others for the attack
- Desire to protect offender, relationship or children
- Fear of not being believed
- Fear of being treated hostilely by police or other parts of the justice system
- Lack of proof that the incident happened
- Not knowing how to report the incident (particularly in the case of victims with cognitive impairment).

In the case of child victims of sexual assault substantial delays in reporting may, and often do, occur. The Report of the Task Force on Sexual Assault and Rape in Tasmania noted that in child sexual assault cases the child is often the victim of abuse by a family member and it is hard for them to ‘tell on’ a trusted adult on whom they may be dependent.

The Tasmanian Ombudsman investigated large scale delayed reporting of sexual assault crimes, which resulted in the report, *Review of claims of abuse from adults in state care as children, 2004*. This report revealed 192 allegations of sexual assault, 24% of the total of claims. The Ombudsman noted that in most cases it is recorded that no charges were laid as a result of the complaints at the time they were initially reported. At the time of the review eight cases, previously reported and dismissed, had been referred to police for prosecution.

Western Australia's Standing Committee on Constitutional Affairs and Statutes Revision, in relation to a petition seeking legislation on various aspects of substantive law and procedural law relating to sex offences against children was told that it was of the utmost importance that survivors of child sexual abuse should have the right to press criminal charges against the perpetrators of that abuse no matter when the abuse occurred. The pressing of charges is seen as a way of validating that the victim was not to blame for the abuse or for not disclosing that the abuse was occurring.

It was indicated to the Committee that the imposition of a statute of limitations would mean that victims would have no avenue of recourse open to them and no way of legitimising empowerment, which legal proceedings can offer.

The argument presented to the Committee was that if the victim of abuse was to have removed from them a legitimate right of empowerment by a statute of limitations then the experience of the abuse may be minimised and the psychological implications of this could be long-standing. The question of victims suffering from traumatic amnesia or occluded memories was also raised with the Committee as a reason for not introducing a statute of limitations.

Denying the victims of sexual assault and abuse the opportunity for justice because they have not reported the offences in a timely manner indicates a misinformed understanding of the dynamics of sexual assault. I have asked the Government to review the statutory limitations in relation to sexual assault and abuse and for that review to take into account the multi-layered impacts of sexual trauma and how this trauma impacts on an individual's capacity to report their abuse to authorities within defined timelines.

Victims of crime levy

In May 2013 I wrote to the Attorney-General recommending an increase in the 'victims of crime service levy' (the levy) contained in the *Victims of Crime Act 1994*. The levy is applied to court-imposed fines in the ACT, except for parking offences, and administered by the ACT Courts.

In addition, the *Road Transport (Offences) Regulation 2005* also includes a \$10 levy on traffic infringement notices. The levy was set at \$10 in December 2007 and had not been increased since 2007. It was introduced to offset recurrent funding to enhance services to victims of crime in the ACT. I believe that an increase is justified in light of the ACT levy being considerably smaller than levies in other jurisdictions and there being no increase since 2007.

The Government's announcement on 4 June 2013 that the 2013-14 budget will include an increase in the levy from \$10 to \$30 will help ensure that victims support services are cost recovered. I have asked that the Government commit to establishing a victims of crime trust fund to ensure that monies collected from the levy will be directed toward the intended purpose.

Mental health review

The review of the *Mental Health (Treatment and Care) Act 1994* has been undertaken by the ACT Health Directorate and the Justice and Community Safety Directorate over several years. The second exposure draft of the Mental Health Amendment Bill was released in April 2013 for public consultation.

Most relevant to victims of crime is the proposed introduction of forensic mental health provisions and provisions for affected people (victims of crime). Provisions for forensic mental health clients (mental health clients involved with the justice system) are created, that seek to:

- ensure the safety of members of the community from risk of serious harm, including through information sharing when care is shared between corrections and health providers;
- identify and protect the treatment and care needs of people subject to criminal proceedings who are living with a mental illness or mental dysfunction;
- better meet the needs of people seriously affected by the actions of forensic mental health clients; and,
- provide for voluntary mental health patients transferred from a correctional setting to mental health care.

In conjunction with the recommendation to adopt forensic mental health provisions is the inclusion of provisions for affected people. In the second exposure draft of the Mental Health Bill the definition of affected person in relation to a forensic mental health patient aligns with the definition of victim in the Victims of Crime Act. The second exposure draft also provides mechanisms for affected people to find out certain information if the offender is subject to a forensic mental health order.

The proposed amendments provide for the Director-General responsible for the *Corrections Management Act 2007*, to maintain a register (the affected person register) of affected people in relation to offences committed by forensic patients.

If the Director-General registers an affected person they must disclose certain information to the affected person. This includes information when:

- a) an application for a forensic mental health order has been made;
- b) a forensic mental health order is in force;
- c) the patient absconds from a mental health facility or community care facility or fails to return from leave;
- d) the patient is transferred to or from another jurisdiction; and
- e) the patient is released from a mental health facility or community care facility.

The Director-General may disclose any other information about the forensic patient to a registered affected person in relation to the patient to the extent that the Director-General considers necessary to maintain the registered affected person's safety and wellbeing.

The proposed amendments to the *Mental Health (Treatment and Care) Act 1994* in relation to affected people will be significant for victims of crime. Literature on victimology strongly indicates that the early provision of support and accurate information to victims is fundamental to the prevention of re-traumatisation and the promotion of recovery.

Family Violence Intervention Program

The ACT Family Violence Intervention Program (FVIP) has been running since 1998. It is an integrated and coordinated criminal justice and community program designed to respond to family violence incidents that come to police attention and proceed to prosecution. The FVIP is a program that integrates the activities of the police, prosecution, courts and corrections in the criminal justice system, and coordinates externally with other key agencies such as domestic violence advocacy services.

This year the FVIP Coordinating Committee welcomed Ms Chrystina Stanford, the Chief Executive Officer of the Canberra Rape Crisis Centre, who accepted an invitation to join the FVIP Coordinating Committee. Participating agencies in the FVIP now include:

- The Justice and Community Safety Directorate;
- The Community Services Directorate;
- ACT Policing;
- Office of the Director of Public Prosecutions;
- ACT Magistrates Court;
- ACT Corrective Services;
- The Domestic Violence Crisis Service;
- The Canberra Rape Crisis Centre;
- The ACT Law Society; and,
- Legal Aid ACT.

The Australian Institute of Criminology had made a number of recommendations following its review of the FVIP to ensure that it continues to develop and maintain its status as a leading national program. These recommendations included the need to review its governance arrangements, the need to advocate for increased resources and better information sharing arrangements to increase the capacity of the program to respond to victims and offenders involved in family violence incidents.

In light of the review and revitalisation of the program the Attorney-General wrote to member agencies of the FVIP asking them to recommit to the program. The FVIP Coordinating Committee also held a planning day in May to plan the future strategic direction of the program. Ms Heidi Yates, solicitor, victims advocate and Chair of the Domestic Violence Crisis Service Board, was our expert facilitator.

At the planning day partner agencies confirmed that the purpose of the FVIP Coordinating Committee (FVIPCC) was to promote collaboration between agencies to implement a best-practice response to family violence to:

- ensure the best possible outcomes for all those affected by family violence, including the victim, offender and their families; and,
- reduce the incidence of family violence in our community.

Governance decisions made at the planning day were that:

- members elected the Victims of Crime Commissioner to continue in his role as chair of the FVIPCC;

- members agreed that Victim Support ACT should continue providing secretariat support to the FVIPCC; and,
- the FVIPCC will continue to meet bi-monthly.

Other strategic areas for possible future work include:

- further analysis of evaluation report recommendations;
- post sentence tracking of offenders;
- co-ordination of training and education around family violence;
- further research and evaluation activities relating to offender rehabilitation;
- engagement with persons subjected to violence who aren't choosing to engage with services; and,
- experiences, support and participation of children and young people.

A strategic plan for 2013-14 was drafted following the planning day. The seven main strategic activities that the program will be focussing on over the following year include:

- review and renewal of case tracking;
- review of data collection and use;
- advocacy for a specialist family violence magistrate;
- re-engagement of all member agencies;
- review of protection order processes, including service and enforcement;
- respond to the Australian Law Reform Commission's report on family violence; and
- develop a formal relationship with the Domestic Violence Prevention Council.

Aboriginal and Torres Strait Islander victims of crime

In last year's annual report I highlighted my commitment in the JACS Reconciliation Action Plan to increase referrals of Aboriginal and Torres Strait Islander clients to Victim Support ACT by 60% over a three year period.

This year we strengthened our Aboriginal & Torres Strait Islander outreach program by engaging an Aboriginal and Torres Strait Islander outreach worker to promote our services in the community. Our outreach worker's primary role will be to increase the number of Aboriginal and Torres Strait Islander clients accessing Victim Support ACT and to help develop the capacity of Victim Support staff to engage successfully with Aboriginal and Torres Strait Islander clients.

Other functions of the position will be to:

- organise regular outreach visits;
- provide cultural supervision for staff;
- attend relevant community events as a Victim Support representative; and,
- develop a survey guide to facilitate client feedback.

The agency also supported the placement of an Aboriginal and Torres Strait Islander trainee for seven months as part of the JACS Aboriginal and Torres Strait Islander Traineeship Program. The traineeship program provides employment and training for one year. During this period the trainee is required to complete a Certificate III in Government with the Canberra Institute of Technology.

As this is an entry level position, the trainee's duties included:

- attending to phone and email enquiries;
- provide general administrative support;
- maintain office supplies, assist with purchasing and assist in maintaining the assets register;
- prepare routine correspondence;
- maintain records in accordance with the *Territory Records Act 2002*; and,
- provide general assistance to staff members and management to ensure unit objectives are achieved.

In February we participated in the 2013 Centenary Celebrations by conducting an information stall at the Burrunjy Aboriginal Corporation Indigenous Events Day at the picturesque Burrunjy Art Gallery, 245 Lady Denman Drive, Yarramundi Reach. Through the medium of art, and as part of reconciliation between Indigenous Australians and the broader community, activities included:

- entertainment by Aboriginal Band Riverbank and supporting artist;
- dot painting, face painting for the kids;
- boomerang throwing–Didj performance;
- art stalls;
- corporate stalls; and
- Indigenous games.

Figure 1: David Witham and Michele Abel representing the Restorative Justice Unit and the Galambany (Circle Sentencing) Court with Alanna Britten and Liz Layard from Victim Support at the Indigenous expo



Victim Support also participated in the 2013 ACT and Region Indigenous Expo at the Convention Centre on 29 April 2013. The exhibition was a good opportunity to provide information about our service and to meet other businesses providing employment and training to Aboriginal and Torres Strait Islander people in the ACT. We look forward to attending more of these events in the coming year, the first of which will be a celebration of NAIDOC on the Peninsula in July 2013.

In May I hosted a Galambany Court victim participation community discussion with members of the Aboriginal and Torres Strait Islander community to discuss the re-introduction of victim participation in circle sentencing. The organising committee for the event included Ms Traci Harris from the Women's Legal Centre, Ms Rachelle Kelly, Circle Court Co-ordinator and Ms Tracey Blundell, Manager of the ACT Restorative Justice Unit. The Women's Legal Centre kindly provided a venue for the event, which was facilitated by Mr Benny Hodges, Principal of Benny Hodges Consultancy.

The event provided an opportunity for me to respond to questions from the community about how victims would participate in the Galambany Circle Sentencing Court and how the Circle Court could best protect their interests and safety while maintaining a restorative focus on offenders who appear before the Circle Court for sentencing.

The discussion was positive and constructive. It demonstrated to me the importance of genuine consultation and community inclusion in decisions that directly affect community. As a result I have decided to continue these meetings throughout 2013-14 to allow opportunities for the community to raise issues with me in relation to victims of crime. I anticipate the next forum to be held in September 2013.

Figure 2: Anna Weatherly and Holly Pither from Victim Support ACT



Two of our staff attended the National Sorry Day Bridge Walk on the 24th May. Sorry Day is commemorated nationally each year, with thousands of Australians from all walks of life participating in memorial services, commemorative meetings, survival celebrations and community gatherings, in honour of the Stolen Generations. The Bridge Walk represents the journey of healing and justice for Stolen Generations members and the broader Aboriginal and Torres Strait Islander community. It is an event that holds great significance for Aboriginal and Torres Strait Islander people. We were proud to be represented on the Bridge Walk by Anna Weatherly and Holly Pither who added their own emphasis to the message of sorrow that was carried that day.

Domestic Violence Project Coordinator

The Domestic Violence Project Coordinator is an independent statutory appointment of the ACT Attorney-General. The position is established pursuant to section 11 of the *Domestic Violence Agencies Act 1986*.

The Domestic Violence Project Coordinator has the following functions in relation to domestic violence:

- a) to monitor and promote compliance with the policies of the ACT and Commonwealth governments;
- b) to assist government agencies and non-government organisations involved in —
 - (i) law enforcement;
 - (ii) the provision of health, education, crisis or welfare; or
 - (iii) services to victims or perpetrators of domestic violence or otherwise relating to the incidence or prevention of domestic violence;
- c) to assist and encourage the agencies and organisations referred to in paragraph (b) to provide appropriate educational programs;
- d) to facilitate cooperation among the agencies and organisations referred to in paragraph (b);
- e) to assist in the development and implementation of policies and programs as directed by the council; and,
- f) to carry out any other functions the council directs.

Since 2000, the Victims of Crime Coordinator and now the Victims of Crime Commissioner has been appointed as Domestic Violence Project Coordinator. I discharge these responsibilities in a number of ways, in particular through the servicing and strategic management of the Family Violence Interagency Program Coordinating Committee, and as an ex-officio member of the Domestic Violence Prevention Council.

One of the main activities the role performed this year was to assist the Domestic Violence Prevention Council with the delivery of the ACT Prevention of Violence against Women and Children Strategy 2011-17, *Our Responsibility: Ending Violence against Women and Children*. The Strategy outlines a whole of government and community approach to preventing and responding to violence against women and children.

The Strategy is a joint responsibility of the Community Services Directorate and Justice Community Safety Directorate and the first of its kind in the ACT. It drives service and legal reform to better service victims, and increase accountability. The Strategy also hopes to increase the focus on violence against women with disabilities and mental illness.

As part of the Strategy a 'Partners in Prevention' function was held at the National Press Club this year, bringing together business and industry leaders from across the Canberra Region to consider initiatives to address violence against women. Ms Virginia Haussegger (ABC Journalist) served as master of ceremonies with key note speeches from Mr Andrew O'Keefe (Ambassador for the White Ribbon Foundation) and Ms Maree O'Neale (ACT Barnardo's Mother of the Year).

The event highlighted the commitment people have to addressing domestic violence in the ACT. Since the event, work is progressing to help people meet the commitments made at the luncheon to address domestic violence.

Ms Dennise Simpson OAM

The reporting year also saw the retirement of Ms Dennise Simpson as Chair of the ACT Domestic Violence Prevention Council and as manager of the Domestic Violence Crisis Service. Dennise Simpson was a founding member of the Council, serving continuously since 1997 and as Chair during her final term. Dennise is a passionate and active advocate for women's issues and has been instrumental in the development of world leading service responses to violence against women. She has made an outstanding contribution to the work of keeping women and children safe from domestic violence in the ACT, both as a Council member, and as manager of the Domestic Violence Crisis Service for over 20 years. It was an honour to work with Dennise and I wish to express my sincere appreciation to her for the legacy she leaves us in the form of justice responses and services to those affected by domestic violence.

Figure 3: Ms Dennise Simpson OAM, outgoing chair of the Domestic Violence Prevention Council with Mr Andrew O'Keefe, Chair of the Australian White Ribbon Foundation at the 2012 Partners in Prevention Function



Property Crime Reduction Strategy 2012-15

The ACT Property Crime Reduction Strategy was launched in May 2012. The strategy aims to make Canberra a safer place to live through a whole of government effort to produce a sustainable reduction in burglaries and motor vehicle thefts. To achieve this vision the strategy has set a target to reduce ACT burglary crime by 10% and motor vehicle theft by 20% by 31 December 2015.

As part of the action plan to achieve the targets in the strategy, Victim Support ACT has committed to the following:

- a) Undertake research to enhance services and support provided to victims of property crime – Victim Support does not have the necessary resources to undertake new research in this field. However, we intend to support a literature review once we identify a suitable university student to undertake this project.

- b) Provide prevention advice about risk indicators and target hardening strategies to victims and repeat victims – Victim Support ACT has updated and reprinted a victim information guide titled *Protecting Your Home*. The information guide is sent to relevant new clients of the service, depending on the offence type and their circumstances. At present the number of new clients who receive this information cannot be recorded on the Victim Support ACT database.

Communities@Work, who is contracted to deliver the *Side by Side volunteers assisting victims of crime* program, is assisting Victim Support to meet its requirement to distribute the information guide on “*Protecting Your Home*” to 500 people per annum.

The Australian Law Reform Commission and the NSW Law Reform Commission’s Report, Family Violence – A National Legal Response

A key national level initiative to improve government responses to domestic violence and sexual assault is the National Plan to Reduce Violence Against Women and their Children. The National Plan also promotes change in the attitudes and behaviours that lead to violence.

At a local level, the ACT Prevention of Violence against Women and Children Strategy was developed to confirm the ACT Government’s commitment to the National Plan. This key piece of work informs how the ACT can most effectively protect women and children in our community, and sends a clear message that domestic and family violence will not be tolerated in the ACT.

Related to this strategy is the Australian Law Reform Commission (ALRC) and the NSW Law Reform Commission’s Report, Family Violence – A National Legal Response, which contains 186 recommendations, 131 specific to States and Territories, for proposed legislative and administrative changes to family violence and sexual assault frameworks.

This year the JACS Directorate hosted a series of roundtables with ACT Government agencies and community sector organisations to consider the recommendations and to identify areas of reform that could be achieved in the ACT to improve the responses to domestic and family violence. It is expected that work will continue throughout 2013/14.

Generally the recommendations present a significant opportunity to take a national step towards enabling a more appropriate response to the protection of children and women who have been living with domestic and family violence. It is clear that the Commissions’ intent and rationale is to recommend a more consistent, appropriate, justice focussed and compassionate response to women and children who have been living with domestic violence.

The ALRC report has highlighted how effectively the ACT generally responds to domestic violence and family violence compared to other States and Territories. Some of the Commissions’ recommendations have encouraged us to reflect on our current operations alongside operations nationally and consider how much has been achieved in the ACT in terms of prioritising the safety of women. However, an ACT response to the Commissions must support the existing legislation, processes, policy, practice and procedure that operate effectively in the ACT in their current form.

National Developments

Defence Abuse Response Taskforce

As a response to the DLA Piper review into allegations of sexual and other abuse in the Australian Defence Force (ADF), the Federal Government announced the establishment of an independent Taskforce among other initiatives. I welcome the Federal Government's response and the introduction of the Taskforce.

The DLA Piper review gathered information and evidence in order to make recommendations for change, and the Taskforce is about actioning that change. This includes assessing, managing and assisting to resolve complaints of abuse in the ADF.

The types of alleged abuse that fall within the scope of the Taskforce's work are allegations of sexual abuse, physical abuse, sexual harassment and workplace bullying and harassment by ADF personnel. The Taskforce will seek to determine an appropriate response for individual cases, which may include:

- a referral to counselling;
- a reparation payment of up to \$50,000;
- referral of appropriate matters to police or military justice authorities for formal criminal investigation and assessment for prosecution;
- referral to the Chief of the Defence Force for administrative action; and
- restorative engagement, possibly including apologies from appropriate senior Defence officers.

Royal Commission into Institutional Responses to Child Sexual Abuse

In January 2013 the Governor-General appointed a Royal Commission to investigate institutional responses to child sexual abuse. The Royal Commission will hear from the people affected by the sexual abuse, investigate where systems have failed to protect children and make recommendations on how to improve laws, policies and practices. The scope of the Royal Commission includes government agencies, schools, sporting clubs, orphanages, foster care and religious organisations.

The terms of reference for the Royal Commission state that six commissioners will examine past and current child sexual abuse in organisations. They will look at:

- how organisations have managed and responded to claims of sexual abuse and other associated forms of abuse and neglect;
- whether the response was enough;
- what can be done to better protect children under their care;
- what should be done to identify child sexual abuse and encourage people to report it;
- how organisations should respond when they find out information that suggests that sexual abuse of children under their responsibility has occurred;
- barriers and failures to reporting, investigating and dealing with cases of child sexual abuse in organisations;
- how these barriers can be removed;

- how to support survivors; and,
- how to ensure victims receive justice.

Victims of crime commend the Commonwealth Government for establishing this Royal Commission. It has come at a time when the issue was running the risk of slipping off the national agenda, despite the fact that the prevalence rates of childhood sexual assault are higher than any other form of violence in our communities, with reports that one in three girls and one in six boys will be sexually assaulted by the age of 18. The true extent of child sexual assault rates are very difficult to measure, due to the secrecy, low conviction and low incarceration rates that surround this crime. Furthermore, victims of child sexual assault often do not feel safe enough to disclose the assaults that have been perpetrated against them, thereby preventing them from disclosing abuse for many years after the abuse has stopped. The average length of time for men to disclose is 30 years post the abuse, and for women, 15 years. Many disclosures occur when or after a perpetrator dies, when survivors feel safe enough to report the abuse.

I welcome the Government's resolve that the Royal Commission should provide an opportunity for those affected by child sexual abuse to share their experiences. Access to the Royal Commission for victims will be critical and many will want the choice to appear before the Royal Commission to deliver their submission in person. I am confident that the Royal Commission will ensure that victims are supported to participate in this process.

National Framework for rights and services for victims of crime

The *Standing Council on Law and Justice* has developed a National Framework of Rights and Services for Victims of Crime 2013-16, which aims to support a coordinated and collaborative approach between jurisdictions to provide services to victims of crime in Australia.

All Australian jurisdictions have comprehensive support services for victims of crime comprising financial assistance, counselling, information and referral. Services are administered based on where the crime occurred and/or the jurisdiction in which a victim may live, however gaps in service delivery may arise due to issues such as victim mobility and geographical distances from services.

In November 2009 states and territories agreed to develop a national approach to victim's rights. A Victims Working Group, comprising of representatives from each Australian jurisdiction, was convened and identified a number of primary issues:

- complexities of cross-jurisdictional cooperation and collaboration;
- implications of victims' mobility for victim assistance;
- information sharing within approved guidelines between agencies at different levels;
- consistent service provision and development of minimum standards; and,
- identification of any gaps in service provision or policy to ensure victims' rights and interests appropriately addressed through the criminal justice process.

The National Framework of Rights and Services for Victims of Crime 2013-16 focuses on operational service delivery issues and contains guiding principles, consistent with existing victim rights charters. This Framework represents a further commitment by Australian jurisdictions to improve the nationwide coordination of services to victims of crime, to assist their recovery from the impact of crime and minimise re-victimisation in navigating the criminal justice system.

A copy of the Framework has been placed on Victim Support ACT's website.

Financial assistance for Australian victims of overseas terrorism

In December 2012 the Australian Government passed the *Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Act 2012*. The Act enables the Prime Minister to declare that a relevant overseas terrorist act is one to which the Australian Victim of Terrorism Overseas Payment applies. Australians harmed and Australians who are close family members of a person who dies as a direct result of a declared terrorist act will be able to claim payments of up to \$75,000. I welcome this new scheme as a significant development in the compensation available to victims of a federal crime.

Concerns, issues and complaints regarding the administration of justice

The Victims of Crime Commissioner (VoCC) responded to a number of specific concerns raised by victims over the reporting period. Examples are presented below.

1. Matter of an assault

A victim of a glassing assault in a licensed premises expressed dissatisfaction with the police investigation and the absence of any charges laid against those responsible. The VoCC assisted the client to liaise and negotiate with police. The client was not satisfied with that outcome and the VoCC lodged a formal complaint to the ACT Ombudsman in accordance with the requirement to do so under the *Victims of Crime Act 1994*. The Ombudsman's inquiry found that there was no any administrative deficiency in the actions or possible inaction of ACT Police in relation to this matter.

2. Matter of identity theft.

A female client complained that police had failed to charge her ex-partner with offences related to the misuse of her identity. Advocacy workers from Victim Support were instrumental in having the case referred by ACT Policing for legal advice. Following that advice being received, police resumed criminal investigations with a view to prosecute the individual concerned.

3. Matters involving victims and the mental health jurisdiction

The VoCC has had a long-standing involvement with two matters where the offender was subject to the mental health jurisdiction of the ACT Administrative and Civil Tribunal. Over the reporting period, the VoCC made submissions to *Mental Health (Treatment and Care) Act 1994* review, incorporating the issues that were identified in these cases.

4. Trial delay

The VoCC brought to the Legislative Assembly and the Minister's attention the affect that trial delays were having on victims of crime.

A.3 Highlights for 2012-2013

Collaborative Agreement between the Australian Federal Police and the Victims of Crime Commissioner

This year saw the development of a Collaborative Agreement between the Australian Federal Police and the Victims of Crime Commissioner relating to victims of crime. The Agreement confirms both agencies commitment to work collaboratively to ensure that victims of crime are appropriately acknowledged, protected, informed and supported in accordance with the *Victims of Crime Act 1994*.

The Agreement will underpin the development of a more detailed Memorandum of Understanding in 2013-14.

Sexual Assault Reform Program website

In November 2007 the ACT Government announced substantial reforms to criminal justice responses to sexual offences. These funded initiatives included a multi-media victim information package that provides victims with information about the investigation, prosecution and court process and sources of victim support.

This multi-media information pack was developed by ACT Policing, the Office of the Director of Public Prosecutions, the Canberra Rape Crisis Centre, Victim Support ACT and Forensic and Medical Sexual Assault Care. It included an information booklet, fact sheets and a website.

The website was externally hosted and was unfortunately subjected to several defacements. Therefore, it was decided under a new web hosting governance framework to migrate the website to a new secure environment. In May 2013 the website was re-launched, with improvements, including some interactive capabilities to encourage children to use the website and become familiar with the criminal justice system. The website is live at **www.victimsandjustice.act.gov.au**

Victim Support Conference—Participatory Justice and Victims: Achieving justice for victims in local, national & international settings

The Australian National University's Manning Clarke Theatres was the venue this year for the annual victims of crime conference, which was conducted in partnership between Victim Support ACT, the ANU College of Law and Victim Support Australia. The conference explored the practices and politics of participation in justice processes by individuals and communities victimised by violence. It sought to challenge the boundaries between local, national and international spheres of justice and brought together practitioners, reformers and researchers working at local, national and international levels.

I am grateful to the ANU for providing support for the conference by providing the venue and the excellent organising services of the ANU College of Law's College Outreach & Administrative Support Team.

I would also like to express my appreciation to the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FAHCSIA) who generously provided funding through Victim Support Australia to support the conference.

The ANU Gender Institute, Victim Support Australia and the World Society of Victimology, a not-for-profit, nongovernmental organisation with Special Category consultative status with the Economic and Social Council (ECOSOC) of the United Nations and the Council of Europe, also provided financial support for the conference.

Figure 4: Senior Prof John Braithwaite (speaking) and Professor Michael Coper at the 2012 conference



Vietnam-Australia Human Rights Technical Cooperation Program

This year Victim Support ACT was pleased to assist the Australian Human Rights Commission (the Commission) to host a study visit by an eight-member delegation from the Supreme People's Prosecution Service of Vietnam (SPP).

The SPP has a far-reaching and important role in Vietnam's legal and justice system. In addition to being responsible for criminal prosecutions, the SPP undertakes broad oversight of observance of the law by ministries, government organisations, judicial bodies, local authorities, officials and citizens.

The SPP is currently engaged in research and preparations towards drafting a revision of their *Criminal Procedure Code 2003* in line with international human rights obligations, including the right to a fair trial, due process and procedural fairness. This is significant as currently the Code contains relatively broad exceptions (categorised as 'national security' exceptions) to due process and protections.

The eight member delegation was led by Mr Nguyen Hai Phong, a Deputy Prosecutor General, one of the most senior positions within the SPP, directly appointed by the National Assembly of Vietnam.

During the study visit the SPP examined in detail the rights and obligations of persons participating in criminal proceedings. This included the role and obligations of judges, prosecutors and defence counsel and protections surrounding defendants, witnesses and victims.

The delegation expressed particular interest in hearing about the role and functions of Victim Support ACT, the role of the Victims of Crime Commissioner, the experience of victims in the criminal justice system, the operation of the ACT *Human Rights Act 2004*, and how victims in the ACT can participate in face to face meetings with their accused through restorative justice processes.

Twitter

In May 2013 an officer from Victim Support ACT attended the “Social Media for the Public Sector” conference in Sydney. The conference highlighted the value of public sector organisations using social media to share information with stakeholders and increase accessibility for, and engagement with, the public. The Victims of Crime Commissioner is now active on twitter at @act_vocc.

St Vincent de Paul CEO Winter Sleepout

On Thursday 20 June I participated in the CEO Winter Sleepout for the St Vincent de Paul Society. The sleepout was hosted in Civic Square to increase awareness and raise funds for homelessness. I was overwhelmed with the support I received from many good people in the Justice and Community Safety Directorate and the Community Services Directorate, which resulted in me raising over \$3000 for this important cause. I was also fortunate to share the experience with Ms Chrystina Stanford, the Chief Executive Officer of the Canberra Rape Crisis Centre, who also raised a significant amount of money for the cause.

Figure 5: John Hinchey with Chrystina Stanford, Chief Executive Officer, Canberra Rape Crisis Centre



A.4 Outlook for 2013-2014

Working with culturally and linguistically diverse victims of crime

Data from the Australian Bureau of Statistics indicate that people from culturally and linguistically diverse (CALD) backgrounds were just over half as likely as the Australian-born population to be victims of physical or threatened violence. Approximately 17% of clients accessing our agency are from a CALD background.

The Family Violence Intervention Program review looked at data on family violence collected during the 2007-08 financial year by a range of ACT justice agencies. During that period 19% of victims in a family violence incident identified as having a CALD background. The review identified that women who experience family violence from CALD backgrounds have unique challenges when it comes to addressing domestic violence. This includes not being able to confide in someone else, being ostracised by family members and an increased sense of shame, isolation and pressure to stay in the relationship.

Research also suggests that there is likely to be under reporting amongst the CALD community. There are a number of cultural, social and legal barriers that contribute to people from CALD backgrounds not reporting crime. These include:

- a lack of understanding of, or confidence in, the criminal justice system, as well as fear of police and concern about the stigma and shame associated with criminal justice system contact;
- difficulties accessing culturally appropriate services (e.g. legal assistance, domestic violence support and substance abuse treatment); and,
- language and cultural norms, as well as traditional gender roles.

Victim Support ACT aims to increase the number of people from CALD backgrounds accessing our service. We hope to do this through:

- engaging service providers from CALD backgrounds or who have specialist knowledge/experience with people from a CALD background;
- increase staff awareness and understanding of issues facing people from a CALD background including possible mentoring or information sessions run by professionals working closely with the CALD community; and,
- engage with other services in the ACT that work with people from a CALD background.

Research into public opinion on sentencing in sex offence trials

In 2012 I became a partner in a research proposal being developed by Professor Kate Warner, from the University of Tasmania, which plans to use jurors as a means of gauging informed public opinion on sentencing in sexual offence trials. The method was previously used in Tasmania and the study attracted a good deal of interest because it suggested that jurors, as informed members of the public, do not consider that sentences generally are too lenient. Publications from the study have been cited by a number of Judges around the country, including the Chief Justices of New South Wales and Victoria.

The Australian Research Council (ARC) has provided funding over four years for Professor Warner and her team to research public opinion on sentencing sex offenders. The research will include jurors who have served on criminal trials in the ACT.

While the precise scope and nature of the proposed research in the ACT is yet to be finalised, the underlying proposal is to draw on the views of jurors who have served in criminal trials in sexual assault matters. Researchers will undertake two broad activities. As a control group, all jurors will be surveyed about their views on the appropriateness of sentencing. Secondly and as the core research activity, jurors who have served on a trial involving a sexual offence charge that results in a conviction will be surveyed about their views on the outcome of the sentence imposed by the court.

Research will occur between 2013 and 2016 in Tasmania, Victoria and the ACT and possibly in other jurisdictions where research partners can be identified. This study will result in significant benefits for the ACT as it will inform the way that future criminal law policy in the area of sexual assault is developed.

Financial Assistance Scheme working group

A working group has been established to oversee the Financial Assistance Scheme review. This working group consists of representatives from Legislation, Policy and Programs (ACT Justice and Community Safety Directorate), Victim Support ACT, the ACT Government Solicitor's office, the ACT Courts and ACT Treasury. The purpose of the working group is to:

- consider and advise on the policy and practical implications of the outcomes of the responses to the issues paper; and,
- contribute to a report to the Attorney-General about options for reform of the current scheme, having regard to the responses to the issues paper, and any other relevant information.

The financial assistance scheme review will be a major activity for 2013-14.

A.5 Management Discussion and Analysis

The agency head of Victim Support ACT is the ACT Victims of Crime Commissioner, a statutory independent appointment of the ACT Attorney-General, established under the *Victims of Crime Act 1994*. The Victims of Crime Commissioner also performs the statutory position of Domestic Violence Project Coordinator.

These statutory roles include ensuring the delivery of client services and access to justice (both at the individual and systemic level), resolving complaints, promoting reforms (including inter-agency reform) and providing advice to the Attorney-General.

Victim Support supports the Commissioner's statutory role, both indirectly and through direct service provision, including the provision of a range of services and functions.

Victim Support has been through and continues to experience changes and stresses which are impacting its capacity to effectively deliver services and respond to emerging needs and imperatives. The key elements of these changes and stresses include:

- continuing to implement legislative reform and the expectations flowing from this, particularly in relation to the Commissioner's role in advocating for victims of crime;
- system-level and inter-agency reform;
- responding to increasing demand for client services;
- impacts of increased demands on staff, including higher caseloads, more complex cases, multiple processes for each client and increased length of engagement with clients;
- inadequate information systems for effective management of caseloads and information management; and,
- implementation of practice redesign initiatives intended to better prioritise, target, allocate and manage cases.

A review was completed this year to address these issues and identify an appropriate structure and resourcing model for the organisation and the following observations have been drawn from that review process.

Structural challenges and issues

The review of the current structure of Victim Support ACT revealed a number of challenges and issues for the agency which will need to be addressed in the organisation's future structure. The agency is required to attend to a range of priorities with both internal and external imperatives, including (though not limited to):

- leadership and management of the agency and its resources and staffing;
- alignment with strategic and operational requirements of the ACT Justice and Community Safety Directorate;
- fulfilment of two separate statutory responsibilities;
- systemic and interagency reform;
- stakeholder relationship management, particularly with key agencies in the ACT justice system; and,
- advocacy as the public voice of victims of crime.

Together, these roles create significant challenges for the agency in the context of current resources, meeting (increasing) client service needs and requirements for development of policies and practices to meet emerging needs and client and public expectations.

Casework practices

The effective management of caseloads is an on-going priority for a number of reasons, including;

- the ACT public sector is facing a challenging budgetary environment, and there will be little appetite or capacity for increased scope or escalation of service delivery;
- while staff are often motivated by their sense of commitment, professionalism and goodwill to absorb increasing caseloads, this is not sustainable under current trends of increasing numbers of referrals and will ultimately be counterproductive in terms of staff retention, productivity and Work Health and Safety; and,
- there are strategic and practice development tasks which Victim Support staff need to attend to ensure the future development and sustainability of the organisation and its programs.

Victim Support has placed some significant effort into addressing these needs, including the implementation of an Early Intervention Model. There will be a continuing focus on this and other strategies to manage further increases in caseloads, as past trends indicated will eventuate in 2014.

System and Inter-agency Reform

While Victim Support has a strong focus on service delivery, as reflected in its resourcing profile, there is a clear need and expectation that the Commissioner and the agency will play a strong role in system-level advocacy and reform within the justice system and in partnering with agencies in interagency initiatives and programs to develop new, innovative and more effective approaches.

The function of the Commissioner to advocate for victims of crime is a significant role for Victim Support and an important one that, done well, will help to shape (optimise) demand. The Commissioner has an 'outreach' function to engage victims who are not receiving any services, and in this sense to promote services to the community and to address current unmet needs. This role should see an expansion of Victim Support's service delivery in the future (which will heighten its resourcing and capability challenges).

A key component of this role is ensuring that advocacy for victims and access to justice and restorative support is embedded across the system. This has implications for Victim Support's resources as it will necessitate capacity and capability for stakeholder advocacy and influence, partnering, program design and development, policy development and stakeholder relationship management and engagement.

A.6 Financial Report

Discussion and details of financial results and audit is contained within the Annual Report of the ACT Justice and Community Safety Directorate.

A.7 Statement of Performance

Discussion on the performance of the Victims of Crime Commissioner is contained in section A.2 of this report.

A.8 Strategic Indicators

The strategic indicator of the Victims of Crime Commissioner is the number of community members made aware of their rights. The target was exceeded with 547 information sheets provided by the Side by Side volunteer program in addition to those provided by Victim Support.

A.9 Agency Performance

Discussion on the performance of the agency, Victim Support ACT, is contained in part two, section A.2 of this report.

A.10 Triple Bottom Line Report

Discussion on the development of a sustainable ACT through the activities of the Victims of Crime Commissioner as hosted within Victim Support ACT is contained within the Annual Report of the ACT Justice and Community Safety Directorate.

SECTION B: CONSULTATION AND SCRUTINY REPORTING

B.1 Community Engagement and Education

The Victims of Crime Commissioner and Victim Support ACT conducted information sessions and presentations about issues facing victims of crime and the work of the agency. Audiences included Judges and Magistrates attending the National Judicial Conference in Canberra, ACT Policing recruits, university students and panel members of the Galambany Circle Sentencing Court.

The Side by Side volunteer program has been contracted to expand our community education and awareness activities. More information on the activities Side by Side has been involved in can be seen in Section A.2 of the Victims of Crime Commissioner report.

B.2 Internal and External Scrutiny

There was no external scrutiny to report on over the period 2012-2013. Internal scrutiny continued in the form of a review of the organisational structure and a consideration of the classifications of positions and the role of those positions in the agency. The issues identified in that review are discussed in section A.5, Management Discussion and Analysis.

B.3 Legislative Assembly Committee Inquiries and Reports

There are no commenced or completed inquiries by the Legislative Assembly Committees that relate to the operations of the Victims of Crime Commissioner to report on over the period of 2012-2013.

B.4 Legislation Report

The Victims of Crime Commissioner has the following statutory functions under section 11 of the *Victims of Crime Act 1994*. These are:

- a) to manage the victims services scheme and any other program for the benefit of victims;
- b) to advocate for the interests of victims;
- c) to monitor and promote compliance with the governing principles;
- d) to ensure concerns and formal complaints about non-compliance with the governing principles are dealt with promptly and effectively;
- e) to ensure the provision of efficient and effective services for victims;
- f) to consult on and promote reforms to meet the interests of victims;
- g) to develop educations and other programs to promote awareness of the interests of victims;
- h) to distribute information about the operation of this Act and the commissioner's function;

- i) to ensure that victims receive information and assistance they need in connection with their involvement in the administration of justice;
- j) to encourage and facilitate cooperation between agencies involved in the administration of justice with respect to victims; and,
- k) to advise the Minister on matters relating to the interests of victims.

Section 11(a) is a daily function.

The function at section 11(b) is conducted as a normal and integral feature of the day to day business of both the Commissioner and staff of Victim Support ACT.

The requirement at section 11(c) to monitor and promote compliance with the governing principles is conducted on a case by case basis as matters are brought to my attention. In order to further promote compliance, Victim Support ACT commissioned the design of four posters (see Figure 6) to be placed in agencies involved in the administration of justice to inform and remind them of their obligations to victim of crime.

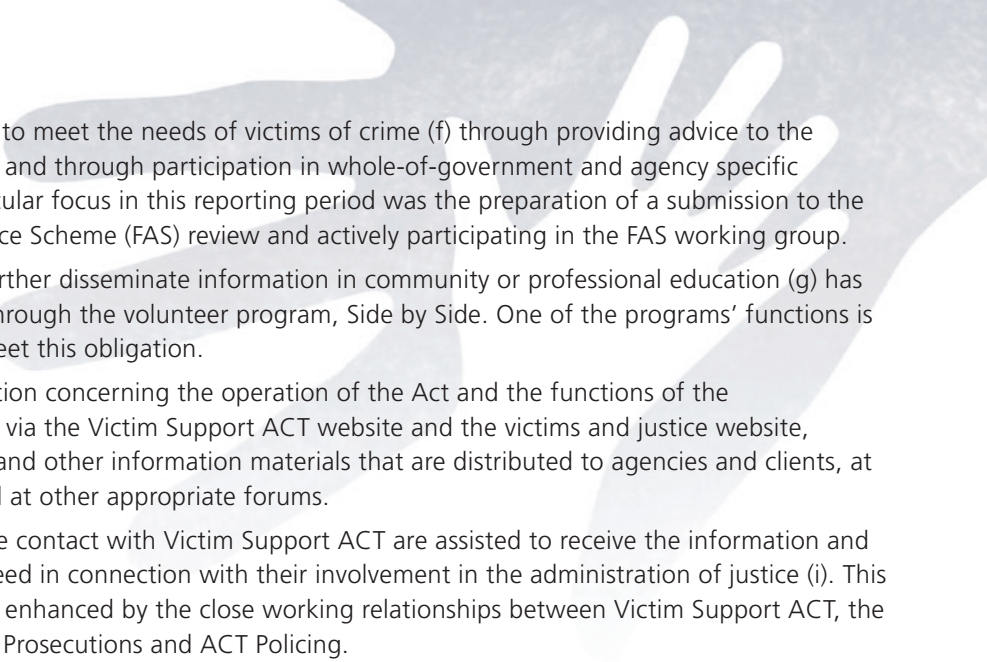
Figure 6: Posters to promote compliance with the governing principles



The posters have been placed in offices at the Australian Federal Police, the Director of Public Prosecutions, ACT Corrective Services, the Alexander Maconochie Centre, Youth Justice and Legislation, Policy and Programs. These posters address four of the governing principles as outlined in section 4 of the *Victims of Crime Act 1994*.

This financial year has seen the creation of an internal policy and an easy to use form in order for victims to outline their concerns to assist with my functions in (c) and (d). Section 12(1) of the *Victims of Crime Act 1994* requires me to resolve any concern raised by a victim about non-compliance with the governing principles by an agency involved in the administration of justice. This form has been created to assist a victim to easily raise a concern and to provide me with the information needed to resolve the concern. This will also assist in capturing data in order to determine the amount and types of concerns raised and the outcome of each concern.

The provision of efficient and effective services (e) to victims is discharged through my functions in respect of the victims services scheme and management of Victim Support ACT and the Side by Side volunteer program.



I promote reform to meet the needs of victims of crime (f) through providing advice to the Attorney-General and through participation in whole-of-government and agency specific reforms. Of particular focus in this reporting period was the preparation of a submission to the Financial Assistance Scheme (FAS) review and actively participating in the FAS working group.

My capacity to further disseminate information in community or professional education (g) has been enhanced through the volunteer program, Side by Side. One of the programs' functions is to assist me to meet this obligation.

I provide information concerning the operation of the Act and the functions of the Commissioner (h) via the Victim Support ACT website and the victims and justice website, using pamphlets and other information materials that are distributed to agencies and clients, at presentations and at other appropriate forums.

Victims who make contact with Victim Support ACT are assisted to receive the information and assistance they need in connection with their involvement in the administration of justice (i). This support is further enhanced by the close working relationships between Victim Support ACT, the Director of Public Prosecutions and ACT Policing.

I work closely with other agencies on a daily basis to encourage and facilitate cooperation between agencies involved in the administration of justice with respect to victims (j).

I advise the Minister on matters relating to victims as issues arise and in the form of consultation papers, letters, committees and submissions (k).

SECTION C: LEGISLATIVE & POLICY BASED PREPORTING

Information (where relevant) regarding the following areas are contained in the Annual Report of the ACT Justice and Community Safety Directorate:

- Risk Management And Internal Audit
- Fraud Prevention
- Public Interest Disclosure
- Freedom of Information
- Internal Accountability
- Human Resource Performance
- Workplace Health and Safety
- Workplace Relations
- Strategic Asset Management
- Capital Works
- Ecologically Sustainable Development
- Model Litigant Guidelines

Information regarding the following areas is contained in the Annual Report of Victim Support ACT as the host organisation for the Victims of Crime Commissioner.

- Staffing Profile (Section C.7)
- Learning & Development (Section C.8)
- Government Contracting (C.14)
- Community Grants/Assistance/Sponsorship (C.15)
- Territory Records (C.16)
- *Human Rights Act 2004* (C.17)
- ACT Multi-Cultural Strategy 2010-2013 (C.19)
- ACT Women's Plan 2010-2015 (C.22)



PART 2: **VICTIM SUPPORT ACT**

SECTION A: PERFORMANCE AND FINANCIAL MANAGEMENT REPORTING

A.1 Organisation

Victim Support ACT is designated as the ACT Government’s one-stop shop for victims of crime and their families in the ACT. Victim Support seeks to promote and support the rights and interests of victims of crime and their families in the ACT. We do this by:

- working in partnership with clients to enable them to access their rights and recovery services;
- delivering quality, targeted and specialised services; and
- advocating for the rights of victims to participate in justice processes.

The agency sits within the Justice and Community Safety Directorate and administers a wide range of services and programs for victims of crime and their families. It comprises an inter-disciplinary team of psychologists, social workers, counsellors, justice advocates, policy officers and administrative staff.

The agency supports the independent statutory positions of Victims of Crime Commissioner and Domestic Violence Project Coordinator.

Figure 7: Functions of Victims Support ACT



The services that Victim Support ACT provides include:

- victims services scheme;
- justice advocacy program;
- homicide families support program;
- programs for children and young people (Mulberry Street program);

- group work program;
- community education; and
- statutory support to the Victims of Crime Commissioner.

Guiding principles for Victim Support ACT are that service delivery will:

- be holistic, comprehensive and client-centred;
- support recovery for victims and their reconnection to family, friends & community;
- use an inter-disciplinary and team-based approach that respects the individual, their capacities and privacy;
- be timely, accessible, solution-focussed, professional, individualised and appropriate to the victim;
- promote choice, engagement and voice for victims; and
- uphold the governing principles of the *Victims of Crime Act 1994* and the *Human Rights Act 2004*.

A.2 Overview

The reporting period of 2012-2013 saw new demand for our services increase by almost 10% on the previous year. The majority of clients presented with complex needs and issues arising from their experience of victimisation. Case management for these clients is intense and is conducted over a long period of time.

Client Service Delivery

A total of 1466 clients were assisted in 2012-2013. This comprised of 672 new registered referrals, 653 existing registered clients and a further 141 unregistered clients receiving assistance in the form of advice or information only. In 66 instances Victim Support ACT was unable to make contact with people who were referred to the Service.

Table 1: Total number of clients who were assisted in 2012-2013

Number of clients assisted	
New clients	782
Existing clients from previous years	653
Existing clients with new episodes of victimisation	31
Total	1466

Note: 66 clients who were referred were unable to be contacted.

Chart 1: New referrals over the past four financial reporting periods

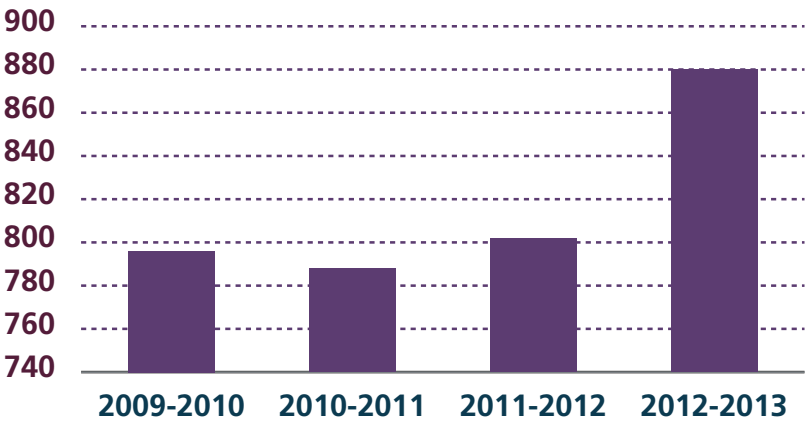


Table 2: Referral sources

Referral Source	
Police (through SupportLink referral system)	47.2%
Self	25.0%
Other	9.2%
DVCS	7.4%
Police (direct referrals)	4.4%
Wraparound	3.4%
DDP	2.9%
Private Counsellor	0.5%

Table 3: Days from incident to first contact with Victim Support following referral

Time from incident to first contact with Victim Support	
Contact within 1 month	53%
Contact within 6 months	15%
Contact within one year	15%
Contact within two years	2%
Contact two years or more after incident	15%

Table 4: Gender of clients

Gender	
Female	64 %
Male	36 %

Chart 2: Female clients–age and offence at referral

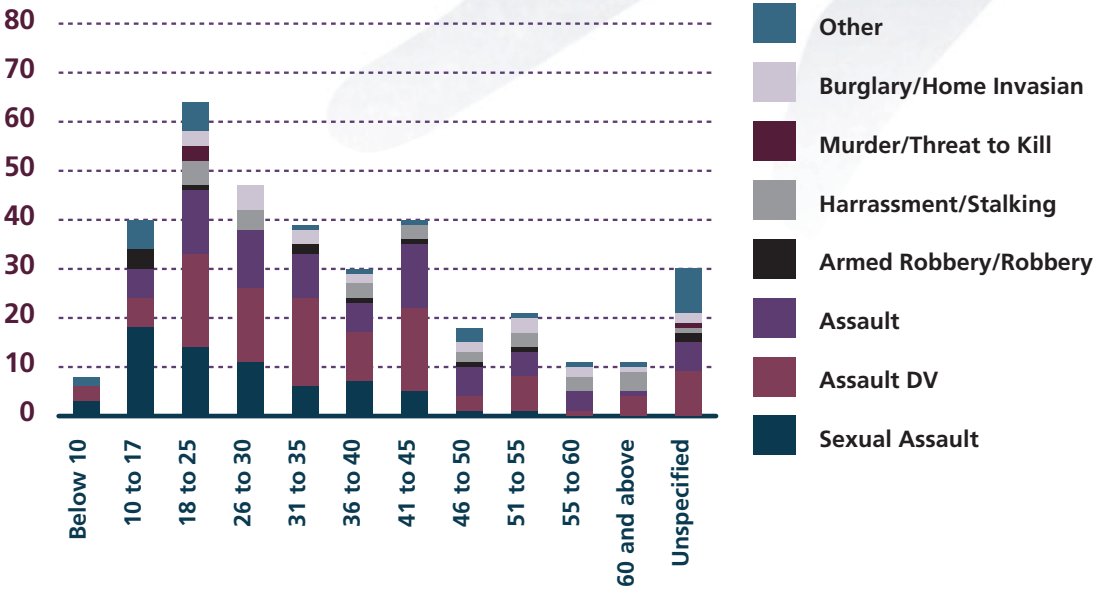


Chart 3: Male clients–age and offence at referral

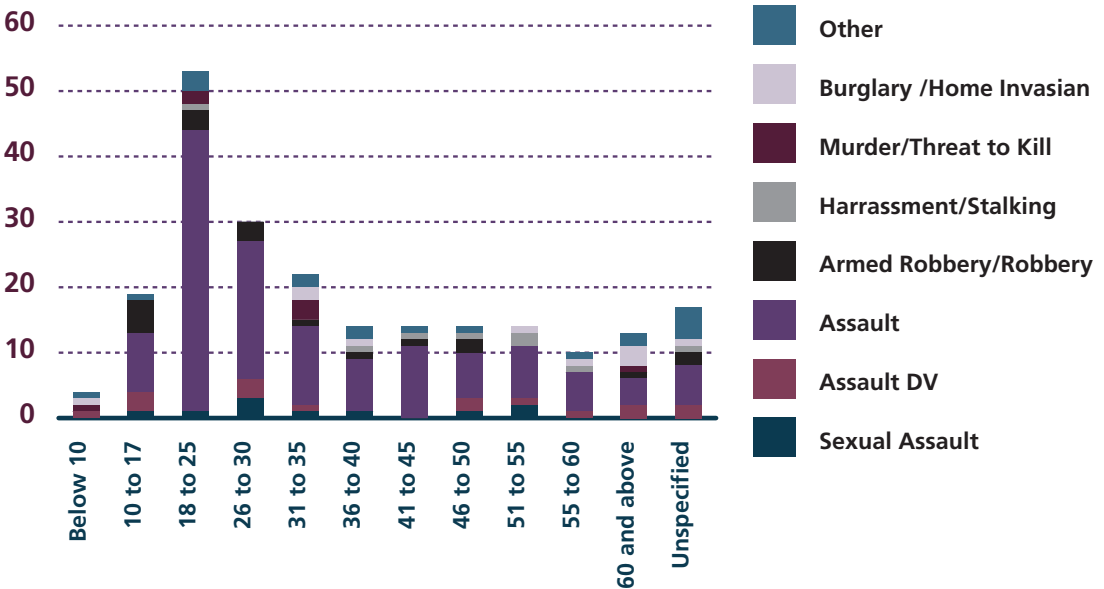


Table 5: Age distribution of clients at incident and referral

Age Group		
	Age at Incident	Age at Referral
Below 10 years	5.1 %	2.2%
10 to 17 years	10.3%	10.5%
18 to 25 years	17.7%	17.1%
26 to 30 years	10.7%	11.6%
31 to 35 years	9.5%	10.7%
36 to 40 years	6.9%	7.7%
41 to 45 years	9.5%	10.2%
46 to 50 years	5.1%	5.8%
51 to 55 years	5.2%	6.4%
56 to 60 years	3.1%	3.2%
Above 60 years	4.4%	4.7%
Not Stated	12%	10%

The predominant client group are those in the age groups 10 to 30 years of age. Noteworthy is the differentiation between age at incident and age at referral in the below 10 years of age group. This might be due to a range of factors such as the impact of crime not becoming evident until later in life, non-disclosure of event by child victim or parent, delay in reporting incident to police or other service provider due to the dynamics of power and control operating in domestic violence and familial sexual abuse.

Table 6: Ethnic identity of clients

Ethnic Identity	
Aboriginal or Torres Strait Islander	4.5 %
Culturally and Linguistically Diverse Background	17.0 %
Neither Aboriginal nor Torres Strait Islander or CALD	60.0 %
Unspecified	18.5 %

In 2013-14 the agency will improve its ability to record ethnicity to better inform policy and practice development.

Table 7: Type of victim

Type of Victim	
Primary	83 %
Witness	4 %
Related (family and friends of primary witness)	13 %

Offence Characteristics

The majority of people making contact with Victim Support ACT are victims of a personal crime, primarily assault, domestic violence and sexual offences.

Table 8: Type of crime

Type of Crime	
Assault and Other Acts	34.0%
Assault (Domestic Violence)	19.5%
Sexual Assault and Related Offences	17.0%
Abduction, Harassment and Other Offences	10.0%
Other	6.0%
Robbery, Extortion and Related Offences	5.0%
Burglary	4.0%
Homicide and Related Offences	2.1%
Dangerous and Negligent Act s	2.0%
Unspecified	0.4%

Table 9: Relationship to offender

Relationship to Offender	
Not known	33.0%
Known others	29.8%
Ex partner	15.2%
Family Member	12.2%
Partner	5.3%
Neighbour	3.0%
Unspecified	1.5%

The majority of victims presenting to Victim Support Act know their offender. Noteworthy, the percentage of offenders not known to victim (32.9%) in this reporting period has increased from 29% in 2011-2012 and from 19% in 2010-2011.

Relationships between tables

Table 10: Relationships for child sexual assault victims

Child Sexual Assault Primary Victims			
	% of total Sexual Assault	Average Age at Incident	Average Age at Referral
Below 10 years	8%	4.7	22.3
10 to 17 years	11.3%	12.7	17
Relationship to Offender			
	Family	Known	Unknown
Below 10 years	85%	15%	
10 to 17 years	13%	69%	18%

Almost 20% of all sexual assaults referred to Victim Support ACT were for children and young people under the age of 17. The majority of child victims of sexual assault presented for service to Victim Support ACT when they are adults.

Table 11: Impact of offence

Impact of Offence						
No. of Clients with impacts	No. of Clients with multiple impacts	Total Impacts	Psychological-emotional impacts	Physical Impact	Financial Impact	Social Impact
573	288	986	530	232	164	62

Victims of crime experience a wide range of impacts and consequences, which Victim Support ACT categorises as: psychological-emotional, physical, social, and financial. Table 11 indicates that of the total number of clients receiving service this year, approximately 90% identify the primary impact of the offence as being psychological-emotional.

A.3 Highlights for 2012-2013

Service Delivery Achievements

- The introduction of direct referrals from the Australian Federal Police (auto-routed through SupportLink) generated an increase in the number of clients.
- Information brochures have been updated.
- The Early Intervention Team (EIT) systems have been refined and an EIT policy has been drafted. All processes are now electronic, facilitating better client tracking and improved data management.
- The client allocation system has been streamlined and waiting lists have reduced from eight weeks to two weeks.
- Case managers' case loads have been reduced and capped.
- A vicarious trauma policy was implemented with training and assessment conducted by an external agency.
- The major matters program has been streamlined and developed and partnerships with agencies strengthened.
- The internal database is being updated to enhance the management of data, generate correspondence and forms and to facilitate the accuracy of data collection. Updates have increased the speed of access for case managers resulting in faster service delivery.

Victim Services Scheme

Approximately 1654 hours of private professional service was delivered to clients of the Victim Services Scheme at a cost of \$221,358, of which \$10,293 was expended on educational assessments and tutoring through the Mulberry Street Program and \$14,410 on Victim Support Packages.

A total of 331 clients accessed private professional services in the reporting year with 46 clients approved for Victim Support Packages.

Administrative arrangements for the recruitment, approval, contracting, management and regulation of Approved Service Providers continued over the reporting period. Currently 41

Approved Service Providers have been engaged under the tender process; 6 Social Work, 17 Psychology, 6 counselling, 8 Massage, 1 Educational, 3 Other.

During the current reporting year an additional 20 “authorised exception” providers were approved to deliver services to people victimised in the ACT but now reside elsewhere. The term “authorised exception” is used to identify a private health provider who is engaged by Victim Support to deliver a service to a client outside the ACT or who, at the specific request of a client, is engaged to deliver a service to that particular client. An “authorised exception” provider allows a victim to have some control over who they seek service from and also allows interstate victims to be provided with the same level of service as victims living in the ACT.

The fee schedule to Approved Services Providers was reviewed in 2012-2013 and fees were indexed in line with the CPI. Based on the rates supplied by Treasury, fees will be increased from 1 July 2013. Commitment has been given to index the fees at the beginning of each financial year.

The new rates paid to Approved Service Providers under the Victims Services Scheme are:

Table 12: Approved service provider fees from 1 July 2013

Approved Service Provider Fees from 1 July 2013			
Service Code	Discipline	Previous Hourly Fee	Rate per hour & per unit of service From 1 July 2013
1	Psychologist	\$126	\$129 per hour i.e. \$32.25 per 15 minute unit
2	Counsellor	\$126	\$129 per hour i.e. \$32.25 per 15 minute unit
3	Social Worker	\$126	\$129 per hour i.e. \$32.25 per 15 minute unit
4	Physiotherapy – GST free	\$115	\$118 per hour i.e. \$29.50 per 15 minutes unit
5	Massage Therapy	\$85	\$87 per hour i.e. \$21.75 per 15 minute unit
6	Occupational Therapy	\$115	\$118 per hour i.e. \$29.50 per 15 minutes unit
7	Acupuncture	\$85	\$87 per hour i.e. \$21.75 per 15 minute unit
8	Chiropractor		By negotiation on case by case basis
9	Naturopathy	\$115	\$118 per hour i.e. \$29.50 per 15 minutes unit
10	Educational Support Services – Educational Assessment	\$150.00	\$153.00
11	Tutoring	\$65	\$67 per hour

Wraparound Program

Victim Support ACT continues to be an active partner in the Sexual Assault Reform Program (SARP), one part of which involves the coordination of Victim Support services, otherwise known as the Wraparound program.

The objective of Wraparound is to ensure that each person who reports or is considering reporting a sexual assault to police is provided with the opportunity to:

- receive adequate information about the criminal justice process and the role of the various criminal justice agencies as well as their participation in it;
- receive adequate explanation of that information to aid their understanding of the criminal justice process, its implications for them and their rights, obligations and entitlements;
- be given access to support, counselling and assistance sufficient to enable effective engagement with the criminal justice system; and,
- seek accountability through the internal mechanism of an agency, the Victims of Crime Commissioner, the Ombudsman and/or Human Rights Commission.

Agencies involved in the Wraparound Program include the Canberra Rape Crisis Centre, ACT Policing, The Office of the Director of Public Prosecutions, Care and Protection Services, Forensic and Medical Sexual Assault Care, Child at Risk Health Unit and Victim Support ACT. These agencies provide coordinated support to victims of sexual assault who are engaged in the justice process.

In 2012-2013, Victim Support ACT received 44 referrals (approximately 25% of all referrals to Wraparound) through the Wraparound program. This is in addition to sexual offence referrals from other agencies or from victims themselves who are not referred through the Wraparound program. Not all victims referred to the Wraparound program go on to be involved in the justice system, however these victims are offered support and assistance from victim support agencies.

The Terms of Reference that govern the Wraparound Support meetings were reviewed in this reporting period. These have been drafted and are awaiting finalisation.

Service Development

Over 2012-2013 Victim Support ACT staff attended a number of training courses and conferences. The wide range and diversity of courses attended reflects the complexity of the work with victims of crime.

Core client service training for case managers included ACT Mindfully, Basic and Complex Trauma, Trauma and Childhood Development, Grief and Bereavement, Domestic Violence and Sexual Assault, Narrative Therapy and De-escalation Training. Administration staff are required to complete Accidental Counsellor Training which is conducted by Lifeline.

Victim Support ACT offers student placements to final year social work students at the Signadou Campus of the Australian Catholic University and to post graduate counselling students at the University of Canberra. Student placements enable in-house clinicians to mentor the new generation of practitioners in their development and to exchange up to date and best practice service processes.

Mulberry Street Program

The Mulberry Street Program provides assistance to children and their families whose lives have been affected by domestic violence. The aim of the program is to help traumatised children achieve mastery over a key skill or an area in their lives such as learning, school, sport or drama which they identify as important to them. Mastery promotes self confidence, improves communication skills, and fosters positive relationships and constructive participation in the community. This creates a context in which the child can develop and succeed in a supportive and safe environment.

Early Intervention Team

The Early Intervention Team (EIT) works as a triage model by determining the priority of a client's needs based on the severity of their situation. The aim of the EIT is to gather information from the client and to provide relevant information. This process may also include acknowledgement, validation and debriefing.

In addition, the EIT team attempts to identify other needs that the client may have such as legal, medical, social and financial so that appropriate referrals can be made early in the process. Clients requiring a case manager will be allocated following contact with the EIT.

Homicide Support Program

A dedicated position manages and coordinates major matters including homicide. This enables early intervention and support, a coordinated response when informing families about the progress of a case, justice advocacy and improved case tracking for court support. Close liaison and collaboration with ACT Policing, the DPP and other related agencies is facilitated to ensure related victims receive comprehensive services.

The homicide families support program offers an extensive range of services for related victims. The program provides immediate, intensive and long term support and assistance to families, individuals and significant others surviving the homicide death of a loved one.

Clients are allocated to senior case managers who are clinically trained in the areas of loss, grief, traumatic bereavement, sudden unexplained death, trauma and counselling. Support is tailored to the specific ongoing and emerging needs of each person. This includes the provision of therapeutic services to assist bereaved clients understand their grief and mourning and begin the adjustment to new life circumstances.

A.4 Outlook for 2013-2014

Victim Support ACT is committed to continual improvement. In the coming year, the service intends to:

- provide advanced training to clinical staff covering trauma focussed therapy, working with adult survivors of complex trauma and clinical supervision for clinicians working with trauma;
- continue ongoing vicarious trauma prevention including finalising an internal vicarious trauma policy and the implementation of in-house measures and interpretation;
- continue the publicity and promotion of the service;

- develop a focus of engaging and assisting Indigenous and culturally and linguistically diverse clients; and,
- continue running recruitment drives for external providers.

A.5 Management Discussion and Analysis

Management and discussion analysis is contained in part 1, section A.5 of this report.

A.6 Financial Report

Over 2012-2013, Victim Support ACT was allocated a budget of \$2,434,838 of which \$1,393,098 was allocated for employee expenses and \$797,322 for non-employee expenses. A further \$244,418 was allocated for fixed expenses. Rental costs absorbed \$151,310 in fixed expenses.

A.7 Statement of Performance

Statement of performance is contained in part 1, section A.2 and part 2, section A.2 of this report.

A.8 Strategic Indicators

Victim Support ACT supports the statutory functions of the Victims of Crime Commissioner to promote and protect victims' rights. The strategic indicator is the number of community members were made of aware of their rights.

This indicator is measured by the number of letters that are sent to victims providing information, including a brochure on victims' rights and a victims of crime help card. Victim Support ACT also provides victim agencies with the brochures for distribution to their clients. The numbers for 2012-13 are in the table below.

Table 13: Strategic indicator for awareness of rights

Success	Strategic Indicator	2011-2012
Outcome	2012-2013 Outcome	656
Increased Community Awareness of how to access and protect rights	Number of community members made aware of their rights	828

A.9 Agency Performance

Information on how well Victim Support ACT has performed in meeting its objectives is contained at section A.2 of this Annual Report

A.10 Triple Bottom Line Report

Discussion on triple bottom line reporting is contained within the Annual Report of the Justice and Community Safety Directorate.

SECTION B: CONSULTATION AND SCRUTINY REPORTING

Information on consultation and scrutiny reporting is contained in Part 1, Section B.2 of this report.

SECTION C: LEGISLATIVE & POLICY BASED PREPORTING

Information (where relevant) regarding the following areas are contained in the Annual Report of the Justice and Community Safety Directorate.

- Risk Management and Internal Audit
- Fraud Prevention
- Public Interest Disclosure
- Freedom of Information
- Internal Accountability
- Human Resource Performance
- Workplace Health and Safety
- Workplace Relations
- Strategic Bushfire Management Plan
- Strategic Asset Management
- Capital Works
- Commissioner for the Environment
- Ecology Sustainable Development
- Model Litigant Guidelines

C.7 Staffing Profile

Table 14: Employees by gender

	Female	Male
FTE by Gender	14.5	1.4
Headcount by Gender	18	2
% of Workforce	90%	10%

Table 15: Classification of Employees

Classification Group	Female	Male	Total
Administrative Officers	4	–	4
Health Professional Officers	12	–	12
Senior Officers	2	1	3
Statutory Office Holders		1	–
Total	18	2	20

Table 16: Employment Category by Gender

Employment Category	Female	Male	Total
Casual	2	1	3
Permanent Full-time	9	1	10
Permanent Part-time	3	–	3
Temporary Full-time		–	–
Temporary Part-time	3	–	3
Total	18	2	20

Table 17: Average Length of Service by age group by gender

Average Length of Service	Pre-Baby Boomers		Baby Boomers		Generation X		Generation Y		Total	
	F	M	F	M	F	M	F	M	F	M
0-2	–	–	5	1	2	–	3	–	10	1
2-4	–	–	–	–	–	–	1	–	1	–
4-6	–	–	2	–	1	–	3	–	6	–
6-8	–	–	–	–	–	–	–	–	–	–
8-10	–	–	–	–	–	–	–	–	–	–
10-12	–	–	–	–	–	–	–	–	–	–
12-14	–	–	–	–	–	–	–	–	–	–
14+ years	–	–	1	1	–	–	–	–	1	1

Table 18: Generation of employees

Generation	Year Span
Pre-Baby Boomers	Born prior to 1946
Baby Boomers	Born 1946 to 1964 inclusive
Generation X	Born 1965 to 1979 inclusive
Generation Y	Born 1980 and onwards

Table 19: Age Profile of Employees

Age Group	Female	Male	Total
<20	–	–	–
20-24	1	–	1
25-29	4	–	4
30-34	2	–	2
35-39	1	–	1
40-44	–	–	–
45-49	2	–	2
50-54	3	–	3
55-59	4	2	6
60-64	1	–	1
65-69	–	–	–
70+	–	–	–

Table 20: Ethnic Profile of Staff

	Aboriginal and/or Torres Strait Islander	Culturally & Linguistically Diverse	People with a Disability	Employee who identified in A, B or C
	A	B	C	–
Headcount	1	6	0	7
% of Total Staff	5%	28%	0%	33%

C.8 Learning and Development

Over 2012-2013 Victims Support ACT staff attended a number of training courses and conferences. The wide range and diversity of courses attended reflects the complexity of the work with victims of crime.

Table 21: Training courses attended

Client Service Training	Participants
ACT Mindfully Introduction	1
ACT Mindfully Workshop	3
Addressing Acute and Complex Trauma	3

Client Service Training	Participants
Complex Trauma and Mental Health	1
Don't Let Sleeping Dogs Lie	1
De-escalation Training	4
Identity and Meaning for Young People	1
Managing People in court	4
Mental Health and Wellbeing for Young People	1
Neurofeedback	2
Neurofeedback–tova	1
Psychological Trauma	1
Reporting Child Abuse and Neglect	1
Rewiring the Brain After Trauma	1
Safety Net Training	1
Self Harming Behaviours	1
Standing up Against Violence	1
Traumatic Loss	2
Treating PTSD	1
Working with Adults Anxiety and Depression	1
Management & Administration Training	–
Access Databases	1
Cultural Awareness Training	1
Ethics and Governance	1
Excel	1
Finance	1
First Aid	1
Fraud and Ethics Awareness	2

Client Service Training	Participants
Justice and Community Safety Induction	2
Personality in the Workplace	1
Respect, Equity and Diversity	1
Social Media for the Public Sector	1
Vicarious Trauma Psychometrics Training	2
Conferences	–
International Narrative Therapy	1
Participatory Justice	10

C.14 Government Contracting

Communities@Work

Communities@Work is contracted to deliver a volunteer program on behalf of the Victims of Crime Commissioner. Communities@Work received \$173,000 (exclusive of GST per annum) from 1 July 2012 to 30 June 2013.

Approved providers were contracted to deliver services to victims of crime as determined by Victim Support ACT case managers. Rates of remuneration for approved providers are listed in Table 12.

C.15 Community Grants/Assistance/Sponsorship

In early 2012, Women with Disabilities ACT (WWDACT) proposed a project to develop a contingency plan for crisis support services for women with disabilities in the ACT. The proposal addresses one important facet of many strategies that are needed to end violence against women with disabilities and their children.

Research shows that women with disabilities are subject to all forms of violence and that the incidence of this violence is at 2-10 times that experienced by non-disabled women. In the ACT during 2012/13, there were at least three crisis situations where women with disabilities needed to be accommodated at short notice by a specialist homelessness service. Lateral thinking and innovation enabled a solution to be found, but not without added strains on the service.

At present, the needs of women with disabilities to escape situations of violence are not being met. The proposal by WWDACT will foster much-needed cooperation between domestic violence, disability, crisis and accommodation services to establish a contingency plan which will enable women with disabilities to have the support services they need when escaping violence.

The Victims of Crime Commissioner committed \$7000 towards the development of the

Crisis Protocol for ACT Services Responding to Domestic Violence and Sexual Assault for Women with Disabilities. The project has an anticipated time frame of three and a half months. A part time officer has been appointed within WWDACT to undertake the project.

C.16 Territory Records

Over the reporting period, officers within Victim Support ACT continued to work with relevant officers within the Justice and Community Safety Directorate to implement records management and disposal. This year 842 files which had been closed for three years or more were archived.

C.17 Human Rights Act 2004

Victim Support ACT is committed to respect, protect and promote human rights in the ACT, and to the delivery of services that uphold Part 2 section 4(a) of the *Victims of Crime Act 1994*.

Consistent with this, Victim Support ACT provides a publication outlining client rights and responsibilities to all new clients that is consistent with the *Human Rights Act 2004*.

C.19 Multicultural Strategy 2010-2013

Victim Support ACT has clients from culturally and linguistically diverse backgrounds. These include recent refugees, migrants and those on visas. When required case managers liaise with community services and use the Translation and Interpreter Service (TIS), and/or consult with the Migrant and Refugee Service, NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) and Companion House.

Victim Support ACT is committed to ensuring its services are accessible to all in the community. Information pamphlets for victims of crime are available in Arabic, Cantonese, Greek, Italian and Vietnamese.

C.20 Aboriginal and Torres Strait Islander Reporting

Information relevant to this section is reported in Part 1, section A.2 of this report.

C.22 ACT Women's Plan 2004-2009 and 2010-2015

Victim Support ACT is committed to service delivery that promotes and supports women's access to service. Women constitute 64% of the clients to the agency. Staff within Victim Support ACT support the Victims of Crime Commissioner and the Domestic Violence Project Coordinator to promote safe, inclusive communities through involvement in the:

- Domestic Violence Prevention Council;
- Family Violence Intervention Program; and
- Sexual Assault Reform Program.

Victim Support ACT responds to traumatic events and incidents that affect women in their social environment, whether this is inside the home or in public spaces. The interventions that Victim Support ACT provide seek to support and/or restore the individual's ability to participate in the social, economic and cultural life of their community (section 20(a)(ii) Victims of Crime Regulation 2000).