



Review of the Financial Assistance Scheme

Prepared for Victim Assist Queensland,
Department of Justice and Attorney-General

Final Report



2 February 2024

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Important notice

Inherent Limitations

This report has been prepared as agreed with the Department of Justice and Attorney-General in line with the contract dated 11 August 2023.

The services provided in connection with this engagement comprise an advisory engagement, which is not subject to assurance or other standards issued by the Australian Auditing and Assurance Standards Board and, consequently, no opinions or conclusions intended to convey assurance have been expressed.

The materials outlined in this report are based on a range of sources, including information provided by Victim Assist Queensland (VAQ), feedback from stakeholders identified by VAQ, the review of publicly available information about other similar financial assistance schemes operating in selected Australian jurisdictions, and other qualitative sources.

Given the material is based on a range of inputs, the reported results reflect a perception of VAQ but only to the extent of the information reviewed and sample of stakeholders engaged. These include comparisons with other Australian jurisdictions, the various information and data sources provided by VAQ and the opinions of stakeholder groups selected by VAQ as an approved representative sample of stakeholders.

In addition, it is important to note that during the course of preparing this report a range of subsequent announcements were made by the Queensland Government in relation to victims of crime. These are outlined in the report. A number of these announcements directly related to the scope of the review, while others were indirectly related to the activities being conducted.

As a result, the review, working with VAQ and the broader Steering Committee, has augmented its approach to ensure duplicate consideration of these elements has not occurred and to focus on aspects of the Scheme that were not impacted by the announced reforms. This approach helped account for the dynamic and fluid operating environment that was present during the conduct of the review and development of this report.

No warranty of completeness, accuracy or reliability is given in relation to the statements and representations made by, and the information and documentation provided by, the Department of Justice and Attorney-General nor stakeholders consulted as part of the process.

KPMG has indicated at various points within this report the sources of the information provided. We have not sought to independently verify those sources unless otherwise noted within the report.

KPMG is under no obligation in any circumstance to update this report, in either oral or written form, for events occurring after the report has been issued in final form.

Notice to Third Parties

This report is solely for the purpose set out in the contract with the Department of Justice and Attorney-General, and is not to be used for any purpose not contemplated in the contract or to be distributed to any third party without KPMG's prior written consent.

This report has been prepared at the request of the Department of Justice and Attorney-General in accordance with the terms of KPMG's contract dated 11 August 2023. Other than our responsibility to the Department of Justice and Attorney-General, neither KPMG nor any member or employee of KPMG undertakes responsibility arising in any way from reliance placed by a third party on this report. Any reliance placed is that party's sole responsibility.

Executive summary

Context and scope of this review

The Queensland Government's Financial Assistance Scheme (the Scheme) is a long-standing commitment by the State to support victims of crime and, in certain instances, related parties through the provision of financial assistance to recover from, and provide recognition of, trauma they have suffered, as well as to enhance the broader services made available to victims of crime by the State.

In response to a number of Government announcements in 2023 regarding the State's response to crime and support provided to victims, the Department of Justice and the Attorney-General (DJAG) had commenced a process to review the Scheme. Subsequently, the Queensland Parliament's Legal Affairs and Safety Committee's Report (No. 48, 57th Parliament), entitled *Inquiry into Support Provided to Victims of Crime*, also recommended a review of the Scheme (Recommendation 14).

In light of these circumstances, KPMG has been asked to:

1. consider whether the original intent and objectives of the Scheme are being met as defined in the *Victims of Crime Assistance Act 2009* (VOCAA);
2. assess the effectiveness of the Scheme for victims of crime; and
3. consider alternative Scheme options.

Background and overall view

Administered by DJAG through Victim Assist Queensland (VAQ), the Scheme is established by the VOCAA which commenced on 1 December 2009. The objectives of the Scheme in VOCAA are to:

- help victims of acts of violence to recover by giving them financial assistance;
- provide financial assistance to primary victims that represents a symbolic expression of the community's recognition of the injuries suffered by them;
- provide financial assistance to related victims who have suffered distress that represents a symbolic expression of the community's recognition of the distress suffered; and
- add to the other services provided by government to victims of acts of violence.

It is clear from this review that the objectives and intent of the legislation are being broadly achieved. However, there are a range of factors – including increasing demand for services, the changing profile of applications to the Scheme, evolving stakeholder and community expectations, as well as legislative amendments that have expanded the remit of the Scheme – that have impacted its effectiveness. There are therefore opportunities for enhancements to increase support to victims.

The current Financial Assistance Scheme

Since the Scheme's inception in 2009, a total of 45,197 applications have been received by the Scheme from 40,032 unique victims of acts of violence. In response, 28,023 individuals have received financial assistance – totalling \$198 million – to 30 June 2023. VAQ has experienced a significant increase in the number of new financial assistance applications received each year over the life of the Scheme. In the first full year of its operation (FY 2010-11), the Scheme received 1,690 applications. This has increased to 4,243 in FY 2016-17, and 2,633 in the first quarter of FY 2023-24 alone. With an average of 878 applications received per month in first quarter of FY 2023-24, it is possible in excess of 10,000 applications will be received in the full FY 2023-24 period.

In 2017, amendments were made to the VOCAA after a statutory review of the legislation. Those amendments extended the Scheme to victims of all types of Domestic and Family Violence (DFV) as defined under the *Domestic and Family Violence Protection Act 2012*. Previously, the Scheme only applied to DFV where there was a physical act of violence or a threat of physical harm.

These amendments to the VOCAA set in motion changes that, over-time, have had a pronounced effect on the Scheme. Since the extension of the Scheme in 2017, DFV-related applications have risen by more than 340 per cent since (representing 56 per cent of the total applications in FY2022-23). While the extension of the Scheme to make support available for those affected by DFV is clearly warranted, it has – in addition to a range of other factors such as increased awareness, changing crime profiles and enhanced responsiveness to victims' needs – altered the profile of applications, impacted the administration of, and changed victims' expectations about, the Scheme.

Stakeholder engagement and recent Queensland Government announcements

Over the course of this review, KPMG conducted formal consultations with more than 35 representatives from in excess of 20 stakeholder organisations across Queensland Government departments, inter-jurisdictional agencies and the victim support sector. Detailed themes from those consultation activities are set out within this report.

Broadly, stakeholders indicated a view that the objectives and intent of the Scheme – as legislatively defined – are being achieved; however, they were also almost universally in agreement that enhancements to the Scheme could be made to improve its effectiveness for victims. These were noted across areas such as improving the accessibility of the Scheme by reducing complexity of application processes, enhancing the administration of the Scheme to support more timely and equitable access to funds, and adopting changes that would support more trauma-informed and victim-centric service delivery. It is important to note that the majority of stakeholders were also quick to recognise the enhancements that VAQ has made to administration of the Scheme over time in light of increasing applications.

It is also important to recognise that during the course of this review the Queensland Government made a number of major announcements to further enhance support for victims of crime. These included a package of reforms committing more than \$200 million to provide greater support for victims of crime and communities, increased payment thresholds for various recognition and funeral payments, and a significant increase in the total cap of funds available under the Scheme (from \$75,000 to \$120,000). The review, working with VAQ and the broader Steering Committee, has augmented its approach to ensure duplicate consideration of these elements has not occurred and to focus on aspects of the Scheme that were not impacted by announced reforms.

Recommendations and options for the future

This report sets out ten recommendations and three options for consideration that could be adopted to enhance the effectiveness of the Scheme. The recommendations are set out overleaf.

The recommendations and options were considered by the review's Steering Committee (and the VAQ executive), and for the purposes of the review's analysis, a preferred option was selected. Subsequently, further, more detailed analysis of the costs, implications and high level operational impacts of the selected option were undertaken.

The recommendations made are applicable irrespective of the option that has been selected, and seek to enhance aspects of the Scheme regardless of the extent of additional change to be made.

The options seek to provide VAQ with a number of potential ways in which further enhancements to the Scheme could be made, depending on the level of impact to existing legislative and operational processes that is considered warranted. The options are to:

1. **Simplify the Scheme** – which includes introducing automatic eligibility for 12 hours of counselling and eligibility for counselling for victims of a limited range of property crimes;
2. **Expand the Scheme** – which includes expanding eligibility for automatic counselling to 24 hours and expansion of access to counselling for victims of a significant range of property crimes, as well as removing the requirement for victims to demonstrate their relationship to the primary victim; or
3. **Pathway Scheme** – to establish a new pathway to access proactive 'immediate assistance support' for victims that require more rapid assistance, whilst maintaining the existing Scheme as a 'recovery pathway'. This option also includes the ability to include elements of property crime and a risk-based approach to relevant payments tests.

KPMG acknowledges and recognises the valuable contributions of, and active involvement in this review by, a diverse range of stakeholders including VAQ's executive, key stakeholder organisations within the victim support sector, a number of Queensland Government agencies that provide support to or which facilitate services for victims of crime, and representatives of other Australian jurisdictions. These contributions have shaped the thinking regarding of the review and preparation of recommendations, options and conclusions presented in this report. This work has been a genuinely collaborative effort to seek to achieve better outcomes for those members of the community impacted by crime who seek access to the Scheme.

Recommendations

Table 1: Recommendations

| | |
|----|--|
| 1 | It is recommended that an immediate payment of \$3,000 is paid to all eligible primary victims under the Financial Assistance Scheme (on the delivery of reduced evidentiary requirements, see Recommendation 3). This will support more rapid provision of payments to, and reduce the burden on, victims of crime. |
| 2 | To reduce the time associated with processing applications and increase access to the timely provision of support, it is recommended that all eligible victims be deemed automatically able to access counselling support, without the need to evidence a provisional diagnosis of psychological injury or adverse impacts. |
| 3 | It is recommended that information requirements in relation to the \$3,000 immediate payment and the automatic access to counselling be simplified and reduced. |
| 4 | To reduce wait-times and improve the experience of victims, it is recommended that a victim's eligibility for support through WorkCover and/or other Queensland Government mechanisms does not preclude the victim from receiving financial assistance through the Financial Assistance Scheme. This does not extend to Compulsory Third Party arrangements where the existing process should still apply. |
| 5 | It is recommended that the eligibility criteria underpinning Other Expenses Exceptional Circumstances (OEEC) payments be better defined to improve consistency and certainty for victims of crime, improve payment timeframes, and reduce confusion for stakeholders. In consideration of Recommendation 2 and 6, the scope of OEEC payments can be reduced to focus on recovery expenses that are not otherwise covered by the proposed recommendations relating to funeral expenses and counselling. |
| 6 | To better meet the needs of victims and the broader community, it is recommended that claimable funeral expenses under funeral assistance payments be expanded. Funeral payments should encompass all reasonable funeral-related expenses (including travel) within the maximum cap, in order to simplify the process. |
| 7 | To provide a greater sense of control, flexibility and empowerment for victims, it is recommended that claimable counselling expenses be expanded to include alternative therapies. |
| 8 | It is recommended that an approved providers list be introduced and utilised by Victim Assist Queensland (VAQ) when organising the reimbursement of expenses under the OEEC category of financial assistance, as well as for counselling, in order to support the more timely provision of support for victims. |
| 9 | It is recommended that statutory timeframes underpinning the application for financial assistance for child victims of domestic and family violence or child abuse be extended so that these victims can apply for support within 10 years of turning 18. This will support the Financial Assistance Scheme in meeting the needs of victims through the provision of a more trauma-informed approach. |
| 10 | In light of the low rate of recovery, it is recommended that the offender debt recovery function currently being undertaken by VAQ cease. It is suggested that through removal of this function, the Scheme may promote the recovery and safety of victims |

Acknowledgement

In accordance with the approach outlined by the Department of Justice and Attorney-General when establishing this review, KPMG has worked in partnership with VAQ (in particular the organisation's executive), stakeholders identified by VAQ and the project's Steering Committee, to develop this report.

It is important to recognise therefore that this is not an 'independent' review. In line with the scope, the review has been undertaken in a collaborative manner utilising a co-design approach, allowing for input, guidance and views to be taken into account and to influence the recommendations the reports sets out, the high level options presented, and the preferred option that has been selected and subsequently further analysed in greater detail within this report.

KPMG recognises the active involvement and contribution of the VAQ executive and particular individual staff, representatives of key stakeholder organisations operating within the victim support sector and various Queensland Government agencies that either provide or which support services for victims of crime. We also acknowledge the involvement of representatives from organisations that administer similar schemes in New South Wales (NSW), Victoria, Western Australia (WA) and Tasmania for their contributions and willing sharing of information.

Each of these organisations have provided valuable input into this review which has shaped the thinking regarding, and preparation of, recommendations, options and conclusions formed throughout the review process and presented within this report. The outcomes are inherently better given their willing and active support of the process, which has been a genuinely collaborative effort to seek to achieve better outcomes for those members of the community impacted by crime.

KPMG would like to specifically acknowledge the contributions of the following organisations:

- the Executive Leadership Team of VAQ, in particular the Director and A/Project Manager, and other staff of the organisation and supported the view, such as the VAQ Data Specialist;
- the A/Executive Director, Victim Assist Queensland;
- the A/Executive Director, Community Justice Services, Department of Justice and Attorney-General;
- other members of the Steering Committee for the project, including representatives from the Department of Justice and Attorney-General, the Department of the Premier and Cabinet and Queensland Treasury;
- representatives from the victim support sector, including 54 Reasons, Protect all Children Today, Queensland Homicide Victim Support Group, WWILD and Victim Connect, as well as representatives from Queensland's legal service sector, including Queensland Indigenous Family Violence Legal Service, Women's Legal Service; and
- representatives from Queensland Government agencies that contributed time to consultation activities.

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Glossary

| Term | Description |
|---------|--|
| ACT | Australian Capital Territory |
| CALD | Culturally and Linguistically Diverse |
| COVA | <i>Criminal Offence Victims Act 1995 (Qld)</i> |
| DFV | Domestic and Family Violence |
| DV | Domestic Violence |
| DYJESBT | Department of Youth Justice, Employment, Small Business and Training |
| DJAG | Department of Justice and Attorney-General |
| HRT | High Risk Team |
| IDWG | Inter-Departmental Working Group |
| NSW | New South Wales |
| ODPP | Office of the Director of Public Prosecution |
| QCS | Queensland Corrective Services |
| QIFVLS | Queensland Indigenous Family Violence Legal Service |
| QH | Queensland Health |
| QPS | Queensland Police Service |
| SA | South Australia |
| Scheme | Financial Assistance Scheme (Queensland) |
| SPER | State Penalties Enforcement Registry |
| VOCAT | Victims of Crime Assistance Tribunal |
| VAU | Victim Assistance Unit |
| VAQ | Victim Assist Queensland |
| VOCAA | <i>Victims of Crime Assistance Act 2009 (Qld)</i> |
| WA | Western Australia |

Key Definitions

Act of Violence

An act of violence is a crime or a series of related crimes, whether committed by one or more persons, that are committed in Queensland and directly result(s) in the death of, or injury to, one or more persons, irrespective of where the death or injury happened.

Also, an act of violence is domestic violence, or a series of related acts of domestic violence, that is committed in Queensland; and directly results in the death of, or injury to, one or more persons, irrespective of where the death or injury happened; and is not an act of violence under the above. A reference to an act of violence in relation to an application for assistance includes a reference to an alleged act of violence.¹

Crime

A crime is an act or omission constituting a prescribed offence – disregarding any justification, excuse or defence that a person may have for doing the act or making the omission; and whether or not the person who did the act or made the omission has been identified, arrested, prosecuted or convicted in relation to the act or omission. However, a reference to a justification, excuse or defence (as above) does not include a matter mentioned in the Criminal Code (section 31(1)(a) or (b)) or an authorisation to do an act or make an omission that is provided for under an Act. A prescribed offence means an offence committed against the person of someone or an offence of attempting to commit, or conspiring to commit, an offence.²

Victim

A victim is a person who has suffered harm because a crime is committed against the person; or because the person is a family member or dependant of a person who has died or suffered harm because a crime is committed against that person; or as a direct result of intervening to help a person who has died or suffered harm because a crime is committed against that person.³ As per the VOCAA, a victim can be a primary, secondary (parent secondary or witness secondary) or related victim.

Series of related crimes

A series of related crimes is two or more crimes that are related because the crimes are committed against the same person and (are committed at about the same time; or are committed over a period by the same person or group of persons; or share another common factor); or all contribute to the death of or injury to a person; or having regard to the circumstances of the crimes, are related in some other way. However, a crime (later crime) is not related to a previous crime (earlier crime) if the later crime is committed after assistance is granted in relation to the earlier crime.

A series of related acts of domestic violence is two or more acts or omissions constituting domestic violence that are related because the acts or omissions are committed in relation to the same person and (are committed at about the same time; or are committed over a period by the same person; or share another common factor); or all contribute to the death of or injury to a person; or having regard to the circumstances, are related in some other way.

However, an act or omission constituting domestic violence (later domestic violence) is not related to a previous act or omission constituting domestic violence (earlier domestic violence) if the later domestic violence is committed after assistance is granted in relation to the earlier domestic violence. To remove any doubt, it is declared that, for this chapter a series of related crimes, or a series of related acts of domestic violence, is taken to be a single act of violence; and assistance may be granted only for the single act of violence.⁴

Scheme

When referring to the Financial Assistance Scheme established under the VOCAA, this report will generally use the term ‘the Scheme’ in order to improve readability.

¹ *Victims of Crime Assistance Act 2009* (Qld) s25

² *Victims of Crime Assistance Act 2009* (Qld) s25a

³ *Victims of Crime Assistance Act 2009* (Qld) s5

⁴ *Victims of Crime Assistance Act 2009* (Qld) s25b



1. Review Context

1 Review context

1.1 Financial Assistance Scheme

Queensland's Financial Assistance Scheme (the Scheme) was established under the *Victims of Crime Assistance Act 2009* (VOCAA) to help victims recover, to symbolically express the State's recognition of the injuries suffered to primary and related victims, and to add to other services available through the Queensland Government. Depending on the type of victim and the act of violence committed, financial assistance is provided in the form of a lump sum or through the reimbursement of expenses (or both). Financial assistance can support victims to recover through counselling, medical and travel expenses, address loss of earnings, support relocation or security expenses, as well as assisting with funeral or crime scene clean-up costs. The Scheme is administered by the DJAG through VAQ. In line with the VOCAA, the onus is on the victim to apply for financial assistance, with VAQ assessing eligibility for financial assistance and the amount and type of assistance.

The Scheme was established under the VOCAA on 1 December 2009, replacing the repealed Criminal Injury Compensation Scheme under the *Criminal Offence Victims Act 1995* (COVA) and the *Criminal Code Act 1899*. The VOCAA was introduced in response to various criticisms that earlier schemes were overly complex and required costly legal processes to complete, that many victims were left without recourse for compensation, and that assistance was often slow in its provision.⁵

The aim of the Scheme was described as being to provide more streamlined and simplified processes to support victims recover from an act of violence in a timely manner. The Scheme also broadened the eligibility of those who could access financial assistance. VAQ was established to administer the Scheme and improve access to services and supports for victims of violent crime.⁶ Over the life of the Scheme, VAQ has experienced significant increases in applications and 'demand' for services. This has resulted in the adoption of a number of operational initiatives to seek to respond to that demand and address (where they exist) application backlogs that have developed over time.

The increase in applications to the Scheme was compounded by amendments made to the VOCAA in 2017, following a statutory review of the legislation. Those amendments extended the Scheme to all types of DFV as defined under the *Domestic and Family Violence Protection Act 2012*. This has seen applications under the Scheme increase rapidly year-on-year, impacting VAQ's ability to support victims in a timely manner. At its peak, the average wait time from the date VAQ received the application under the Scheme until a first decision was made reached 15.9 months in 2022.

To address these backlogs, over time the Queensland Government has provided various additional resources to VAQ. Concurrently, VAQ has progressed various operational changes to improve efficiency and responsiveness of the Scheme, including implementation of a trauma-informed framework across the organisation. These additional resources and improvement initiatives have contributed to (in recent times) reductions in backlogs and wait times. However, with the increasing numbers of applications continuing to be submitted to the Scheme, and growing awareness of its operations, it is likely backlogs will continue to grow unless further changes are considered.

In March 2023, the Queensland Government requested the Legal Affairs and Safety Committee (LASC) to inquire and report on the support provided to victims of crime. This inquiry included reviewing the operation and effectiveness of the VOCAA. In May 2023, the LASC issued the *Inquiry into Support Provided to Victims of Crime* report, making 18 recommendations aimed to provide improved, trauma-informed and more timely assistance and support to victims. The report also recommended that the Queensland Government urgently review the Scheme, with consideration as to whether it is meeting its original intent and objectives as defined in the VOCAA.⁷

⁵ Queensland Government, Department of Justice and Attorney-general. (2015). Final report on the review of the *Victims of Crime Assistance Act 2009*. Available at: 5515T1894.pdf (parliament.qld.gov.au)

⁶ Queensland Government, Department of Justice and Attorney-General. (2015). Final report on the review of the *Victims of Crime Assistance Act 2009*. Available at: 5515T1894.pdf (parliament.qld.gov.au)

⁷ Parliamentary Committees. (2023). Inquiry into Support provided to Victims of Crime. Available at: <https://documents.parliament.qld.gov.au/tp/2023/5723T648-B045.pdf>

1.2 Review Scope

In line with Government announcements, DJAG's review and recommendations posed by the *Inquiry into Support Provided to Victims of Crime*, DJAG engaged KPMG to undertake a review of the Scheme. The review was undertaken between August and December 2023, and this report is the result of the review process.

The scope of the review is to consider whether the original intent and objectives of the Scheme are being met as defined in the VOCAA, and the effectiveness of the Scheme for victims of crime.

In line with the VOCAA, the objectives of the Scheme are to:

- help victims of acts of violence to recover by providing financial assistance; and
- provide financial assistance to primary victims that represents a symbolic expression by the State of the community's recognition of the injuries suffered by them; and
- provide financial assistance to related victims who have suffered distress that represents a symbolic expression by the State of the community's recognition of the distress suffered; and
- add to other services provided by or for government to victims of acts of violence.⁸

In examining the effectiveness of the current Scheme, the review investigated areas including the timeliness of application outcomes, stakeholder awareness of the Scheme and views about its support for victims, and accessibility of the Scheme.

The scope of the review also extended to providing recommendations to enhance the Scheme and options for alternate approaches to the Scheme that are trauma-informed, victim-centric and provide timely outcomes for victims of crime.

As part of the review, KPMG undertook the following activities:

- identified and validated data and information, including more than 70 documents and data files that ranged in size from 3,000 to over 45,000 lines of data, provided by VAQ, DJAG and other stakeholders covering historical reviews, legislation, policies, processes, procedures and outcomes relating to the Scheme (Appendix E: Data and Document List);
- conducted formal consultations with over 35 representatives from in excess of 20 stakeholder organisations (Appendix C: Stakeholder Consultation) across government and the victim support sector. This included representatives of VAQ, DJAG, the Queensland Police Service (QPS), Queensland Corrective Services (QCS), Queensland Courts, Queensland Health, Department of Youth Justice, Employment, Small Business and Training and the Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts. It also included representatives from the victim support sector including 54 Reasons, Protect all Children Today, Queensland Homicide Victim Support Group, WWILD and Victim Connect. Consultation was also held with other service providers from across Queensland, including the Queensland Indigenous Family Violence Legal Service, Micah Projects and YFS;
- considered the barriers to financial assistance for victims of crime in Queensland and alternative models of financial assistance in other Australian jurisdictions, through desktop research and consultation with four jurisdictions (Australian Capital Territory (ACT), New South Wales (NSW), Tasmania and Western Australia (WA));
- identified opportunities for greater collaboration with the broader victim support sector to provide better access to services and financial assistance through consultation with those representatives listed above, which were considered in the co-design of recommendations and future state options for the Scheme;
- analysed the potential impacts of models for delivering improved outcomes under the Scheme for victims of crime, considering the operational implications of implementing the preferred option identified in this report by conducting a number of workshops and co-design sessions with the VAQ executives to consider, test and validate the initial options and subsequently agreed preferred option;

⁸ *Victims of Crime Assistance Act 2009* (Qld) s3

- met with the Steering Committee established to oversee this review, comprising members from VAQ, DJAG and Queensland Government central agencies. During these meetings, key observations drawn from data and consultation were presented, impacts of Queensland Government announcements that occurred throughout the course of the review were discussed, and future state options and recommendations were outlined; and
- attended weekly status update meetings with VAQ, where the progress against key project milestones was discussed.

Throughout the review VAQ, DJAG, and other key stakeholders were responsive, collaborative and professional. All parties demonstrated commitment and willingness to provide insights, data and perspectives to co-design improvements to better support the effectiveness of the Scheme and deliver improved outcomes for victims.

1.3 Queensland Government Reforms

During the period of the review, the Queensland Government made a number of announcements relating to reforms and enhancements to better support victims of crime. A number of these announcements directly related to the scope of the review, while others were indirectly related to the activities being conducted.

As a result, the review, working with VAQ and the broader Steering Committee, has augmented its approach to ensure duplicate consideration of these elements has not occurred and to focus on aspects of the Scheme that were not impacted by the announced reforms. This was considered a pragmatic approach to account for the dynamic operating environment that was present during the conduct of the review and development of this report.

The Queensland Government's announced reforms, and the approach adopted by the review to accommodate the announcements while work was already underway, are discussed in detail in Section 2.

1.4 Report structure

This document is the draft Final Report and comprise the following sections:

Section 1 – Review Context (this section): Overview of the review background, scope and recent Queensland Government reforms. This chapter also provides an outline of the report's structure, assumptions and limitations.

Section 2 – Scheme History and Background: Detailed explanation of the way in which the legislative and funding arrangements have evolved and been formally considered since introduction of the VOCAA.

Section 3 – Current Financial Assistance Scheme: Overview of the intent and objectives of the Scheme as set out in the VOCAA. This chapter also provides detail regarding relevant chapters of the VOCAA and provides an overview of how the Scheme is administered to allow further assessment of the effectiveness of the Scheme and determine whether it is meeting its intent and objectives.

Section 4 – Quantitative Analysis: Quantitative assessment of the Scheme in line with the scope of this review, including: whether the intent of the Scheme as defined in the VOCAA is being met; the objectives of the Scheme as defined in VOCAA are being met; and the effectiveness of the Scheme for victims of crime (in relation to timeliness of application outcomes, awareness of, and access to, the Scheme).

Section 5 – Stakeholder Insights: Overview of the key stakeholder themes drawn from consultations. These themes are used (in concert with other available information) to support analysis regarding whether the intent of the Scheme as defined in the VOCAA is being met; whether the objectives of the Scheme as defined in VOCAA are being met; and most significantly to determine the effectiveness of the Scheme for victims of crime.

Section 6 – Key Observations and Recommendations: Compilation of the evidence presented throughout the report in preceding sections (namely Sections 2 – 5) to draw key observations and problem statements that inform the design principles and development of future state options. This section also provides a list of recommendations (including a rationale to explain their basis) that should be considered for implementation irrespective of the selected future state option.

Section 7 – High-level Future State Options: Detailed methodology underpinning the development of the design principles and future state options, providing a summary of each future state option including the high-level benefits and challenges associated with each option.

Section 8 – Future State Design: Analysis of the preferred option selected by VAQ, with a high-level financial assessment of the impact on the Scheme's expenditure where data is available and implementation considerations of the recommendations and preferred option.

Appendix A: Inter-jurisdictional Analysis: This analysis provides an overview of similar Schemes across Australia and details the commonalities and differences between jurisdictions. The Appendix also uses interstate stakeholder insights, where available, to draw out commentary regarding the strengths and challenges posed by interstate models.

Appendix B: Detailed Process Analysis: This Appendix provides additional detail regarding the processes undertaken by VAQ in the administration of the Scheme. This includes information pertaining to eligibility, application processes, assessment processes and payment processes. Although operational reform elements are beyond the scope of this review, it is imperative that an understanding of current arrangements are understood when taking into consideration the operational implications of future state design recommendations (Section 7).

Appendix C: Stakeholder Consultation: This Appendix details the stakeholder groups consulted as part of this review.

Appendix D: Data Analysis: This Appendix includes additional data analysis undertaken as part of the review. Given the extensive, detailed analysis undertaken as part of this engagement, the most integral components that directly link to the purpose of the review have been included in Section 4, whereas additional detail is set out in (Appendix D: Quantitative Assessment).

Appendix E: Documentation and Data: This Appendix lists the data and documentation that informed the review.

Appendix F: Consultation Guides: This appendix contains the consultation guides utilised during stakeholder consultation.

Appendix G: Expenditure Assumptions: The appendix contains the expenditure impact calculation method, assumptions and inputs.

1.6 Limitations of this report

This report is intended to be a comprehensive review of the Scheme. In considering the recommendations and options presented by this report, the following limitations should be noted:

- the review's scope did not include the conduct of a line-by-line review of legislation; rather, sought the consideration the Scheme's effectiveness and its current performance in achieving the intent and objectives set out in the VOCAA. Accordingly, while references to legislation (particularly the VOCAA) are made throughout the report, detailed impacts on current legislative arrangements would/will need to be considered as part of any implementation planning and do not fall within the scope of this review. Any commentary as to the legal remit is the opinion of the authors and does not constitute legal advice;
- the quantitative analysis contained within the report is based on the available data provided by VAQ, DJAG and other stakeholders identified in the report. The analysis has been informed, where necessary, by assumptions where data is not available. Where assumptions have been used, these are articulated in the report;
- the analysis of VAQ's policies and procedures has been informed by documentation provided to KPMG by VAQ at a point in time;
- the review and recommendations have been informed by stakeholder consultation, with the stakeholders chosen to engage in this review identified by VAQ working in concert with KPMG. In line with the scope of the work that was provided to KPMG, no victims or their relatives were engaged as part of the consultation stage of this review – key service providers and organisations that deal directly with victims were consulted in that regard;

- analysis of comparator agencies is based upon publicly available information, or information provided by those agencies as a result of consultation with their representatives;
- during the period of the review (August-December 2023), a number of announcements were made by the Queensland Government, and some operational changes were introduced by VAQ, to further support victims of crime. These reforms included increases to recognition payment thresholds under the Scheme, increases to total funding caps available under the Scheme, amendments to legislation to give effect to these and other changes, and revised delivery approaches to certain service delivery arrangements, including the introduction of online application forms for victims. Further reflecting these changes, certain guidelines that are available online have also been updated. At time of initial drafting of this report, some of these reforms were yet to be formalised (such as legislative amendments to the Scheme). It is noted that, subsequent to completion of the significant work associated with the report, on the 8th December 2023 the legislation – the *Victims of Crime Assistance and Other Legislation Amendment Act 2023* – was proclaimed, giving effect to these changes;
- Some of these reforms directly relate to the Scheme, while others have tangential impacts. In light of these various initiatives, KPMG worked with the review's Steering Committee to ensure duplicate consideration of these elements did not occur and to focus on aspects of the Scheme that were not impacted by announcements or operational changes. In this regard, KPMG has:
 - excluded consideration of changes to recognition payment amounts/thresholds and options for either increased amounts and/or potential partial payment or actuarial approaches to these payments. Accordingly, cost-benefit analysis of potential funding changes relating to payments has not been conducted;
 - excluded consideration of changes to total funding caps under the Scheme. Accordingly, cost-benefit analysis of potential changes relating to payments has not been conducted;
 - not given consideration to the total quantum of funding available, noting the significance and recency of the Queensland Government's additional funding of more than \$200 million;
 - noted in relevant parts of the report potential changes (i.e., when referring to the maximum amounts payable to victims for recognition under special assistance categories. the report seeks to identify the current arrangements subject to the review and also acknowledges the proposed higher amount that will come into effect subject to the passage of amendments to the VOCAA); and
 - identified within the report, where appropriate, either that the impact of the changes is unable to be gauged or, in certain instances, noted the potential/possible impact of the changes.

A photograph of a wooden staircase with a white overlay box containing text. The staircase is made of dark wood and has a white railing. The background is a bright, overexposed area, possibly a window or a light source. The text is in a bold, blue, sans-serif font.

2. Scheme History and Background

2 Scheme History and Background

2.1 Section Overview

To determine whether the Scheme is meeting its original intent and objectives, and additionally the effectiveness of the Scheme in addressing the needs of victims of crime, it is important to understand the legislative context and evolution of the Scheme. The legislative arrangements have changed (amendments in 2017), and the administration of the Scheme has adapted, in response to changing community expectations across the victim support sector over the past two decades.

The catalysts for change to the Scheme over time include:

- the review of the original Criminal Injury Compensation Scheme in 2008 and corresponding recommendations to repeal the COVA, introduce the VOCAA and establish VAQ to administer the Scheme;
- the 2015 statutory review of the VOCA, and the subsequent amendments made to the Act in 2017 and their impact on application profiles and numbers since that time;
- the increased focus on victims of crime and changing community expectations regarding support provided was earmarked by the *Hear her Voice Report One and Report Two* and the *Independent Commission of Inquiry into Police Service responses to domestic and family violence*; and
- the March 2023 LASC inquiry into the support provided to victims of crime.

2.2 Key Observations



Providing support to victims of crime is an important initiative that has been adopted by various governments for nearly 30 years in Queensland.

Over the years, various compensatory schemes have existed and have been subject to a number of reviews and subsequent changes. The key recommendations from each review have guided updates and amendments to financial arrangements and supports available to victims and certain related parties.

The review of the Criminal Injury Compensation Scheme in 2008 facilitated the establishment of the current Scheme, noting that changes have been made since that time. The 2008 review led to the repeal of the COVA and establishment of the VOCAA. Under this legislation, VAQ was established as the agency to administer the Scheme.

The 2015 review of the VOCAA recommended substantial expansion of scope in the Scheme. The subsequent 2017 amendments to the VOCAA led to increased eligibility, such that victims of DFV as defined under the *Domestic and Family Violence Act 2012* can access assistance.

This change has seen a significant growth in the number of applications made under the Scheme, challenging timeframes associated with the provision of assistance. This change was also the catalyst for gradual change in the nature of applications made under the Scheme which – when comparing types of payments and requirements of applicants now relative to those attributes prior to the 2017 amendments, or even more so relative to earlier periods – has dramatically changed the profile of payment types made by the Scheme. In particular, recognition (special assistance) payments are now much more common than was originally the case.

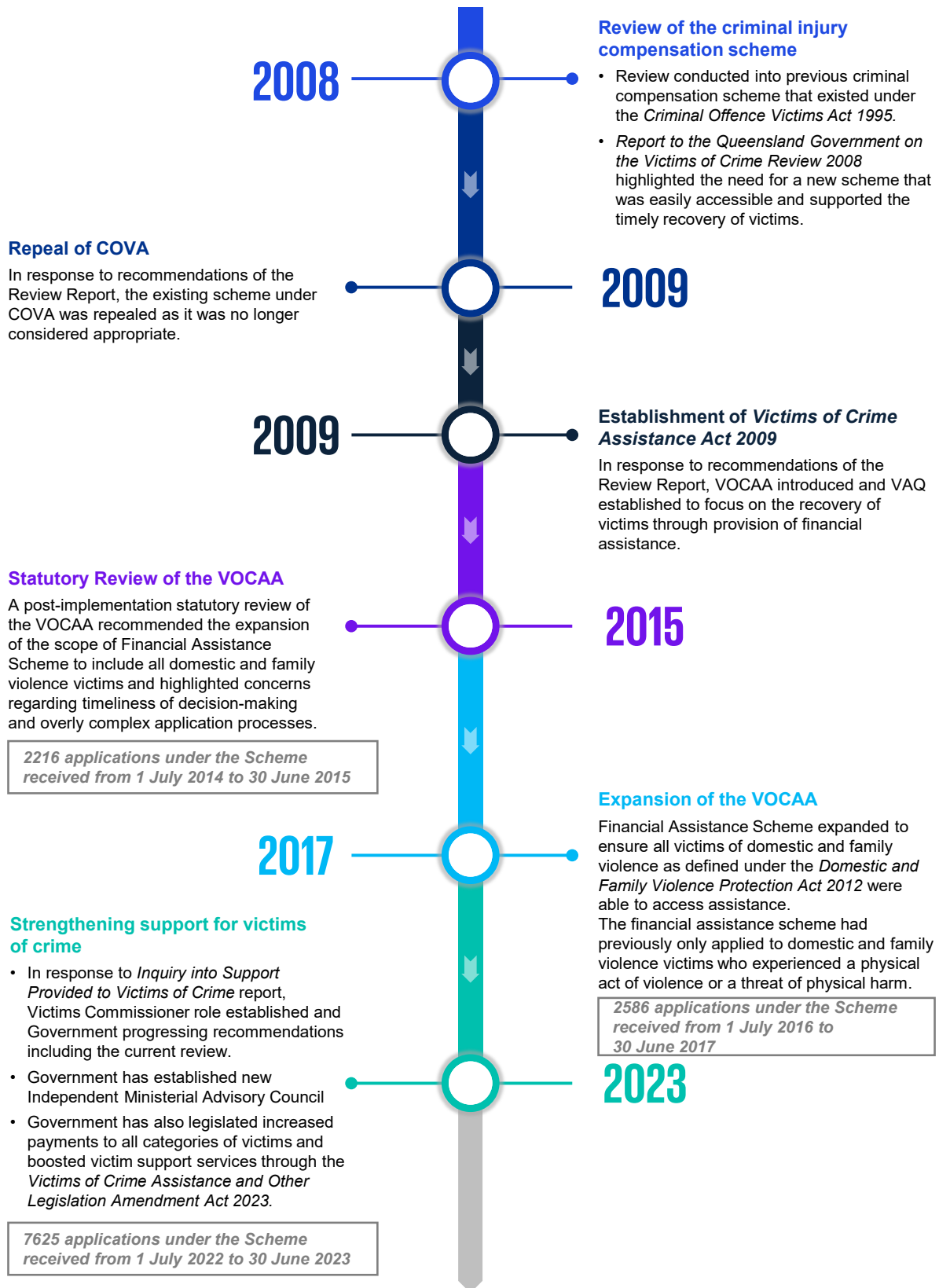
In 2023, the Queensland Government continues to demonstrate strong commitment to the Scheme. In response to the *Inquiry into Support Provided to Victims of Crime* report and the clearly changing community expectations in relation to the support offerings for victims of crime more broadly, an Interim Victim Commissioner has been appointed with a permanent Victim Commissioner to be appointed in 2024. The creation of the Victim Commissioner role was also requested in the Women's Safety and Justice Taskforce (WSJT) Report *Hear her voice Report Two* and the 2022 QPS inquiry.

The Queensland Government has implemented an increase to the amount of financial assistance provided through the Scheme by allowing victims to apply for larger amounts. The proposed reform package also includes funding for additional VAQ staff to ensure more applications are assessed sooner. It is noted that since the drafting of this review, the *Victims of Crime Assistance and Other Legislation Amendment Act 2023*, which included the aforementioned reforms, was proclaimed, and came into effect on December 8, 2023.

It is important the Scheme continues to evolve and respond to the changing victim support sector so that it continues to provide appropriate and accessible support to victims. Ongoing regular review is important to ensure the Scheme is iteratively adapting and able to assist recovery and provide financial assistance for victims of crime through appropriate means.

2.1 History of the current Financial Assistance Scheme

Figure 1: Timeline of Financial Assistance Scheme in Queensland



Source: KPMG

2.1.1 Review of the Criminal Injury Compensation Scheme

Previous legislation

Prior to 1 December 2009, a Criminal Injury Compensation Scheme existed under the (now repealed) COVA for injuries sustained after 1995 and repealed provisions of the *Criminal Code Act 1899* (Criminal Code) for injuries sustained between 1969 and 1995.

The purpose of the Criminal Injury Compensation Scheme was to help victims manage the impact of injuries sustained by crime, through a lump sum payment of compensation.⁹ Applications to the State for compensation were made to the Minister and decided by the Governor-in-Council. As stated in the COVA, a court order for compensation for injury could only be made when an offender was convicted on indictment of a personal offence (s.24(1) and s.21). The criminal compensation Scheme could award compensation to a victim of crime in the following circumstances:

- where the offender was acquitted or considered not fit for trial by reason of insanity, or was not criminally responsible by reason of age (s.33);
- where the person causing injury could not be identified or found (s.33);¹⁰
- where the person was injured when helping a police officer (s.34).¹¹

The compensation amount provided in these circumstances was able to be the amount that could have been awarded by way of a compensation order.

The Criminal Injury Compensation Scheme had a time limitation of three years from the end of the convicted persons trial or from the incident.¹² If the applicant was a child at the time of the offence, there was a time limit of three years after the child became an adult. The COVA did not offer an avenue for appeal or review of compensation decisions delivered by the State.¹³ On 26 November 2007, the Queensland Government announced the Victims of Crime Review examining how to make the Criminal Injury Compensation Scheme simpler and more accessible for victims. The internal review was conducted in response to criticisms regarding the former Scheme's complexity, inequality, costs and delays.

Victims of Crime Review

The overarching goal of the Victims of Crime Review was to ensure the Queensland Government was appropriately meeting the needs of victims. To do so, an Inter-Departmental Working Group (IDWG) and Stakeholder Reference Group was established and comprehensive research into better practice was conducted.¹⁴

Extensive community consultation was also undertaken through the *Issues Paper for the review of the Criminal Offence Victims Act 1995 and the delivery of services to victims of crime*. The Issues Paper was released in December 2007 and provided numerous questions for public consideration. It was issued to key stakeholders involved with victims' services.

Over a three-month period, various submissions from individuals, community groups and government agencies were received. In summary, analysis of submissions identified: poor coordination and knowledge of existing services for victims; the need to reduce legal and medical costs to victims; the importance of timely assistance for victims; the desire for simpler and more transparent administration of the Scheme; and the narrow eligibility criteria used to determine financial compensation.¹⁵

⁹ Queensland Government, Department of Justice and Attorney-General. (2008). Victims of Crime Review Report 2008. Available at: <https://www.publications.qld.gov.au/dataset/886d5d77-fb03-4df4-bfa4-992f51524847/resource/d1ba2775-72a2-45f0-8226-b4854477b360/download/victims-of-crime-review-report.pdf>

¹⁰ *Criminal Offence Victims Act 1995* (Qld) s33

¹¹ *Criminal Offence Victims Act 1995* (Qld) s34

¹² *Criminal Offence Victims Act 1995* (Qld) s40(1)

¹³ *Criminal Offence Victims Act 1995* (Qld)

¹⁴ Queensland Government, Department of Justice and Attorney-General. (2008). Victims of Crime Review Report 2008. Available at: <https://www.publications.qld.gov.au/dataset/886d5d77-fb03-4df4-bfa4-992f51524847/resource/d1ba2775-72a2-45f0-8226-b4854477b360/download/victims-of-crime-review-report.pdf>

¹⁵ Ibid.

Review Report recommendations

The IDWG and Stakeholder Reference Group provided insight and developed recommendations. The *Victims of Crime Review Report* was published in 2008 and included 27 recommendations. The key findings were:

- the Criminal Injury Compensation Scheme should provide financial assistance to a wider range of victims through interim and final payments for specific needs related to their recovery from the effects of the crime;
- the Criminal Injury Compensation Scheme should be simpler and easier to access and reduce victims' costs and contact with the court and offender; and
- services available to victims should be more coordinated to provide a continuum of care that will assist victims to recover and get on with their lives sooner.¹⁶

Ultimately, the *Victims of Crime Review Report* recommended the COVA (and the Criminal Injury Compensation Scheme which it established) be repealed and replaced with new legislation and a new Scheme to create a simplified system for the provision of financial assistance to victims of crime.

A 'Government Assessment Model' was recommended to administer the new Scheme through an administrative application process, which was to involve assessment of applications by a team of Government Assessors.

Specifically, the *Victims of Crime Review Report* recommended implementation of a Financial Assistance Scheme to recognise the impact on the victim, focus on victim recovery and provide a more tailored, needs-based response. It was to allow for earlier intervention in the victim's recovery than pure compensation Schemes, allowing victims to get on with their lives more quickly.¹⁷

This assessment model was recommended with consideration towards addressing widespread criticism particularly regarding re-victimisation through the previous court process. The new approach was recommended to apply a more trauma-informed approach and reduce contact with the court system for victims. The recommended Financial Assistance Scheme was intended to ensure efficient use of government resources and to be quicker and less legalistic than the previous court process.

The *Victims of Crime Review Report* recommended provision of financial assistance through interim and final awards to primary, secondary and related victims through payment for goods, services and out-of-pocket expenses related to recovery from the act of violence. These recommendations sought to improve accessibility, and correspondingly, the *Victims of Crime Review Report* highlighted an expected increase in the number of victims that would be supported by the new Scheme.

The *Victims of Crime Review Report* also recommended "that eligibility be linked to an act of violence, injuries sustained and the impact of the crime rather than on the conviction of the offender."¹⁸ If eligibility no longer depended on a conviction, the volume of eligible victims was expected to expand and the number of victims assisted through the Scheme was expected to increase three-fold compared to those who were assisted under the previous compensation Scheme.¹⁹

Additionally, the recommended change to a Government Assessment Model looked to streamline the provision of services to victims. Stakeholder consultation noted in the *Victims of Crime Review Report* highlighted the need for greater coordination of government and non-government services. As such, the *Victims of Crime Review Report* recommended establishing a unit to both assess applications and be a central point of information for victims.

¹⁶ Queensland Government, Department of Justice and Attorney-General. (2008). *Victims of Crime Review Report 2008*. Available at: <https://www.publications.qld.gov.au/dataset/886d5d77-fb03-4df4-bfa4-992f51524847/resource/d1ba2775-72a2-45f0-8226-b4854477b360/download/victims-of-crime-review-report.pdf>

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

2.2.2 Establishment of the *Victims of Crime Assistance Act 2009*

Repeal of the *Criminal Offence Victims Act 1995*

In response to recommendations of the *Victims of Crime Review Report*, the COVA was repealed (including provisions establishing the Criminal Injury Compensation Scheme) and replaced with the VOCAA which commenced (in full) on 1 December 2009. The VOCAA replaced the compensation-based Scheme of a lump sum payment with an administrative Financial Assistance Scheme.

Introduction of the *Victims of Crime Assistance Act 2009*

The VOCAA received assent on 17 September 2009, with some provisions commencing immediately and the remainder commencing on 1 December 2009. The VOCAA was designed to provide a simpler and easier process for victims to access support. The purpose of the VOCAA is to:

- declare that the fundamental principles of justice underlie the treatment of victims;
- implement the principles of justice and provide a mechanism for making complaints; and
- provide financial assistance to victims of acts of violence.²⁰

The objectives of the Financial Assistance Scheme established under the VOCAA are to help victims recover, to symbolically express the State's recognition of the injuries suffered to primary and related victims, and to add to the other services available through the Queensland Government. The assistance was not intended to reflect the level of compensation entitled at common law or otherwise.

Under the new Scheme outlined in the VOCAA, victims could apply for financial assistance through a Victim Assistance Unit (VAU) within the Department of Justice and Attorney-General and were no longer required to apply for compensation through a court process. The shift from a judicial model of assistance to an administratively based Scheme sought to address concerns about complexity, costs, and delays for victims in receiving compensation.

The Scheme focused on victim recovery and providing a needs-based response. It aimed to facilitate earlier intervention through assisting with payment for, or reimbursement of, the costs of goods and services required to help a victim recover, without the need to wait for a conviction of the offender. Under the VOCAA originally, three types of victims were introduced including primary, secondary and related victims (these definitions were expanded to four victim classifications with the 2017 amendments). Originally, these victims were entitled to maximum amounts of financial assistance, up to \$75,000. Changes also enabled a broader range of victims to seek assistance than eligible under the COVA by expanding the definition of primary victim.²¹

Establishment of Victims Assist Queensland

The commencement of VOCAA saw the establishment of VAQ as the VAU to administer the Scheme. As well as administering the Scheme, VAQ was to provide an important central point of coordination for victims. The purpose of VAQ is to support victims and the provision of properly integrated justice and human services in response to their needs.²²

VAQ was designed to serve as a central point of information and guidance for victims to access support services, resolve complaints and receive information regarding other available services. Additionally, VAQ is a point for government coordination of support services, information, training and policy development, which was noted as an urgent need by stakeholders in the *Victims of Crime Review Report*. VAQ was to encourage linkages across the judicial system and ensure the efficient and effective use of government resources available to victims. The establishment of VAQ was a crucial step to facilitate the VOCAA's objective to provide a simpler and easier process to access victim support and deliver safe and timely financial assistance to victims.²³

²⁰ Queensland Parliament. Victims of Crime Assistance Bill 2009 Explanatory Notes. Available at: Victims of Crime Assistance Bill 2009 Explanatory Note (parliament.qld.gov.au)

²¹ Ibid.

²² Queensland Government, Department of Justice and Attorney-General. (2008). Victims of Crime Review Report 2008. Available at: <https://www.publications.qld.gov.au/dataset/886d5d77-fb03-4df4-bfa4-992f51524847/resource/d1ba2775-72a2-45f0-8226-b4854477b360/download/victims-of-crime-review-report.pdf>

²³ Queensland Government, Department of Justice and Attorney-General. (2015). Final Report on the review of the Victims of Crime Assistance Act 2009. Available at: 5515T1894.pdf (parliament.qld.gov.au)

2.2.3 Statutory Review of the VOCAA

Context and Approach

Between 2013 and 2015, the VOCAA was subject to a statutory review, in line with section 144 of the legislation which outlines the requirement for a review of the Act and its appropriateness within five years of commencement. The statutory review considered:

1. the effectiveness of the Scheme, specifically:
 - a. whether it achieved its goal to assist victims to recover from acts of violence;
 - b. whether the levels of financial assistance provided were appropriate and sustainable; and
 - c. the interaction between the Financial Assistance Scheme and other compensation Schemes to determine which Scheme was best placed to assist the victim.
2. the effectiveness of the State in recovering grants of assistance from convicted offenders and the consideration of alternate models;
3. whether the fundamental principles of justice for victims of crime were adequately implemented across relevant government agencies and whether they were appropriate to advance the interests of victims;
4. the legislated role of the Victim Services Coordinator and whether its functions were appropriate, effective and advanced the interests of victims of crime and the services provided to them; and
5. whether there were any areas to improve partnerships or service delivery with non-government and private organisations and opportunities to reduce the regulatory burden on business and the community.²⁴

DJAG conducted the review in a staged and targeted approach. Firstly, a reference group was established to provide expert advice to the review team. The statutory review then involved initial consultation and the release of a consultation paper to the public for comment. Workshops and focus groups were then conducted to seek specific feedback about possible options for reform. The key themes discussed in consultation informed the recommendations proposed by the statutory review.

Statutory Review Outcomes

The statutory review found that the Scheme was effective and integral in supporting victims of crime to recover from acts of violence, particularly in comparison to the previous court-based process underpinned by the COVA.

The Final Report included 15 recommendations to achieve the following key changes:

- make the application for financial assistance process easier for victims;
- enhance the rights of victims and how they are treated;
- simplify the amounts of financial assistance paid to victims, including an increase to the maximum payments for some categories of financial assistance;
- expand the scope of the Financial Assistance Scheme to ensure all victims of domestic and family violence, including elder abuse, are able to access assistance;
- improve the decision-making process by allowing VAQ greater flexibility and access to information; and the ability to impose certain requirements on applicants when other financial assistance may be available;
- expand the role of the Victim Services Coordinator to help victims resolve complaints; and
- limit when actions for the recovery of financial assistance from an offender may be initiated to six years to ensure timely debt recovery action.²⁵

²⁴ Queensland Government, Department of Justice and Attorney-General. (2015). Final Report on the review of the Victims of Crime Assistance Act 2009. Available at: 5515T1894.pdf (parliament.qld.gov.au)

²⁵ Ibid.

The implementation of one of the key recommendations – an expansion to the definition of ‘act of violence’ to include an act of ‘domestic and family violence’ as defined in the *Domestic and Family Violence Protection Act 2012* – has resulted in considerable change to the profile of applications received by the Scheme. This change has allowed a significantly increased number of victims of domestic and family violence to seek financial assistance. Stakeholders had raised the lack of synergy between the VOCAA and the relevant DFV legislation (this issue was further raised by the Queensland Special Taskforce on Domestic Violence in the *Not now, Not ever: Putting an end to Domestic and Family Violence in Queensland* (DV Report) published on 28 February 2015).

Other recommendations centred on increasing the amount of funeral assistance available and developing fixed amounts of categories of special assistance. Additionally, the statutory review recommended the removal of certain evidentiary requirements, as well as the inclusion and application of the Charter of Victims’ Rights.²⁶

The Queensland Government recognised the need to act on recommendations posted by the statutory review, to ensure victims could access financial assistance and support when needed. As such, all 15 recommendations in the Final Report were accepted by Government, leading to the expansion of the VOCAA in March 2017.²⁷

2.2.4 Expansion of the VOCAA

Legislative Amendments

Amendments to the VOCAA arising from the statutory review came into force in July 2017. The Scheme in operation under the updated VOCAA was described as ‘a scheme of last resort’.²⁸ This ‘intent’ remains apparent to current day, with various operational documentation supporting administration of the Scheme using similar language.

Broadly, the legislative amendments to the VOCAA addressed the 15 recommendations in the statutory review and sought to establish a more streamlined process with improved operational efficiency. The amendments aimed to simplify the application process by removing the need for applications to include statutory declarations, removing ‘grouped pools’ of financial assistance so that all applications are considered on their own merit and introducing a Charter of Victims’ Rights to guide communication with victims.²⁹

The amendments also expanded the definition of an ‘act of violence’ to include ‘domestic and family violence’ as defined in the *Domestic and Family Violence Protection Act 2012*. This includes acts that are not physical in nature, such as psychological, emotional and economic abuse. Additionally, this definition includes behaviour that is threatening, coercive or in any other way dominates a person; causing them to fear for their safety or wellbeing or the safety and wellbeing of someone else. Notably, Queensland was the first State to align its victims of crime legislation with DFV legislation and provide financial assistance for non-physical forms of family violence.³⁰

Additionally, the amendments also extended the eligibility associated with the Scheme in that injuries were expanded to incorporate a sense of violation; reduced self-worth or perception; lost or reduced physical immunity; lost or reduced physical capacity; increased fear or feelings of insecurity; the adverse effect of others reacting adversely; the adverse impact on lawful sexual relations; and the adverse impact on feelings.

Finally, the amendments introduced the ‘Charter of victims’ rights’ (the Charter) in Schedule 1AA, outlining the rights of victims in general. It also provided guidance on the rights of victims in relation to the criminal justice system and complaints. The Charter seeks to enhance the rights of victims and how they are treated, ensuring consistency with other legislation. It outlines that victims have the right to be informed of the offender’s period of imprisonment, transfer to another facility, and (in the event it occurs) escape from detention. Additionally, the Charter expands the role of the Victim Services Coordinator in the VOCAA to help victims resolve complaints.

²⁶ Queensland Government, Department of Justice and Attorney-General. (2015). Final Report on the review of the Victims of Crime Assistance Act 2009. Available at: [5515T1894.pdf](https://www.parliament.qld.gov.au/5515T1894.pdf) (parliament.qld.gov.au)

²⁷ Queensland Government. (2016). Victims of Crime Assistance and Other Legislation Amendment Bill 2016 Explanatory Notes. Available at: <https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2016-096>

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

Operationally, VAQ's activities to address the amendments to the VOCAA were made in the context of seeking to deliver a more trauma-informed service. This included expanding the range of services that could be supported under the Scheme, including domestic violence services. Additionally, Queensland was the first State to include domestic and family violence as an explicit consideration when assessing an application made by a victim who had not assisted police, providing the opportunity for victims in these circumstances to still receive support through the Scheme.

Implications of the legislative amendments

Expansions to the Scheme in 2017 resulted in an increase in the number of applications received by VAQ, with a 64 per cent rise in applications between FY 2016-2017 and FY 2017-2018³¹, and further significant growth since that time. These increases have been primarily driven by DFV applications (which rose 200 per cent in that year – from 512 applications in FY 2016-17 to 1,538 applications in FY 2017-18). As would be reasonably anticipated, expansion of the Scheme to include effectively all victims of DFV and the associated increase in applications has impacted wait times for payments, which has continued through to present day. There are challenges for VAQ to process the increased volume of applications, leading to prolonged wait times. These wait times and other implications are detailed further in Section 4.

2.2.5 Strengthening support for victims of crime

On 16 March 2023, the Queensland Government requested that the LASC inquire and report on support provided to victims of crime. The *Inquiry into Support Provided to Victims of Crime* (LASC Report No. 48, 57th Parliament) notes several complementary reports have been developed that relate to victims of crime in Queensland and include recommendations that address issues raised by the LASC. These include:

- *Hear her voice – Report One: Addressing coercive control and domestic and family violence in Queensland* (Report One);
- *Hear her voice – Report Two: Women's and Girls' experience of the criminal justice system* (Report Two); and
- *A Call for Change, Commission of Inquiry into Police Service responses to domestic and family violence*.

These reports provide context and areas of overlap with the Inquiry. These reports also highlight priority areas that should be addressed through coordinated whole-of-government action.

Hear her voice – Report One: Addressing coercive control and domestic and family violence in Queensland

Report One examines and reviews coercive control and the need for it to be recognised as a specific offence of domestic violence. It was published in 2021 and provides a four-phase plan to prepare for and implement legislation to address coercive control in Queensland.³² Report One presents 89 recommendations for change, all of which have been accepted, or accepted in principle, by the Queensland Government.

As of August 2023, in the first year of implementation, 24 recommendations have been delivered, a further 56 recommendations commenced, and 9 are scheduled to commence at a later phase of implementation.³³ As part of these reforms, the Queensland Government has provided \$363 million in funding.³⁴ Since then, the *Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023* was passed and the first tranche of legislative amendments took effect in August 2023.³⁵

³¹ Victim Assist Queensland

³² Women's Safety and Justice Taskforce. (2021). *Hear her voice Report one*. Available at: [volume-1-executive-summary-and-introduction.pdf](https://www.womenstaskforce.qld.gov.au/volume-1-executive-summary-and-introduction.pdf) (womenstaskforce.qld.gov.au)

³³ Queensland Government. (2023). *Strong progress made in first year of women's safety and justice reforms*. Available at: <https://statements.qld.gov.au/statements/98399>

³⁴ Queensland Cabinet and Ministerial Directory. (2022). *Women's voices heard*. Available at: *Women's voices heard: Historic overhaul in addressing Domestic and Family Violence - Ministerial Media Statements*

³⁵ Queensland Government, Queensland Legislation. (2023). *Domestic and Family Violence Protection (Combating Coercive Control) and Legislation Amendment Act 2023*. Available at: <https://www.legislation.qld.gov.au/view/html/asmade/act-2023-001>

The Act also includes amendments to the Criminal Code and the *Domestic and Family Violence Protection Act 2012*, focusing on key definitions of domestic violence, emotional, economic and psychological abuse.³⁶ These amendments expand the definition of DFV and better capture the broad range of tactics used by perpetrators. The amendments relating to the criminalisation of coercive control are expected to come into effect in 2025.³⁷

Hear her Voice – Report Two – Women’s and Girls’ experience of the criminal justice system

Report Two reviews the experiences of women and girls across the criminal justice system in Queensland. The report examines the barriers to justice experienced by victim-survivors of sexual violence, including beliefs and attitudes that lean to victim-blaming and/or retraumatising victims. There are 188 recommendations proposed in Report two to improve the criminal justice system for women and girls who are victim-survivors of sexual violence, or who are accused persons or offenders. Implementation of the recommendations is underway, with most to be commenced in 2023-24. The Queensland Government announced an additional \$225 million in funding over five years to support reform.³⁸ A key achievement to date in response to Report two is the establishment of a Victims’ Commissioner, which has been actioned by the Queensland Government.³⁹ An Interim Victims’ Commissioner was appointed in September 2023. The appointment of a permanent Victims’ Commission is expected to occur in 2024.⁴⁰ There is ongoing work to continue implementing recommendations from Report Two.

The Independent Commission of Inquiry into Police Service responses to domestic and family violence

The Commission of Inquiry into the QPS’s responses to domestic and family violence was established as part of the Queensland Government’s response to recommendations from Report One.⁴¹ The Inquiry published *A Call for Change, Commission of Inquiry into Police Service responses to domestic and family violence* in 2022. It focused on cultural issues that may influence the investigation of DFV and how they can contribute to the over-representation of certain cohorts within the criminal justice system. The report proposed 78 recommendations, including the establishment of mechanisms to measure DFV demand and the effectiveness of police responses. It also recommended a review of recruitment strategies and improvement in training in relation to DFV.⁴²

The Government accepted all 78 recommendations in principle and committed an initial \$100 million investment.⁴³ The Biannual Progress Report in May 2023 provided by the Office of the Interim Implementation Supervisor (OIS) reports 10 recommendations were due for completion between 1 January 2023 and 31 March 2023.⁴⁴ The OIS reported that, of the recommendations due for completion: three recommendations are ‘fulfilled and closed’; two are ‘fulfilled and not yet closed’; and five recommendations are ‘in progress and delayed’. The OIS provides biannual progress reports.

³⁶ Queensland Government, Queensland Legislation. (2023). Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2023. Available at: Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2023

³⁷ Queensland Government, Queensland Legislation. (2023). Briefing for the Legal Affairs and Safety Committee. Available at: <https://documents.parliament.qld.gov.au/com/LASC-C96E/CLCCACOLAB-C4F6/DJAG%20Briefing%20note.pdf>

³⁸ Queensland Cabinet and Ministerial Directory. (2022). Action for victim-survivors of sexual violence. Available at: Action for victim-survivors of sexual violence - Ministerial Media Statements

³⁹ Parliamentary Committees. (2023). Inquiry into Support provided to Victims of Crime. Available at: Report No. 48, 57th Parliament - Inquiry into Support provided to Victims of Crime 2023

⁴⁰ Queensland Government. (2023). Interim Victims’ Commissioner appointed – Joint statement. Available at: Interim Victims’ Commissioner appointed - Ministerial Media Statements

⁴¹ Commission of Inquiry into Queensland Police Service responses to domestic and family violence 2022

⁴² Commission of Inquiry into Queensland Police Service responses to domestic and family violence 2022

⁴³ Queensland Government. (2022). Watershed investment to support victims of Domestic Violence. Available at: <https://statements.qld.gov.au/statements/96624>

⁴⁴ The Office of the Independent Implementation Supervisor. (2023). Biannual Progress Report 2 May 2023. Available at: <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/f208dc13-fb2d-403d-804c-ac2005ca182e/the-office-of-the-independent-implementation-supervisor-progress-report-05-2023.pdf?ETag=6a483c2eaf7c9ec00fcdf634606ee63a>

Legal Affairs and Safety Committee Inquiry

In May 2023, the LASC issued the *Inquiry into Support Provided to Victims of Crime* report. The inquiry was to consider:

- better coordination of the service system to ensure trauma-informed, victim-centric and timely support for victims;
- the operation and effectiveness of the VOCAA; and
- the benefits, disadvantages and resourcing impacts of any recommendations.⁴⁵

The report provided 18 recommendations aimed to improve the support provided to victims of crime and their experience in accessing support. Four of these recommendations have a direct correlation with this review. The Committee invited written submissions on the inquiry from stakeholders and 58 submissions were received. Public hearings were held across Queensland and attended by representatives from key sector stakeholders as well as the community in an open forum. Public departmental briefings were also held and attended by DJAG, the Office of the Director of Public Prosecutions (ODPP), the QPS and QCS. The Committee contacted 360 key stakeholders, over 1,000 organisations and members of the public and approximately 90 regional not-for-profit organisations to develop a victim-led approach and victim-informed recommendations.

Submissions to the Inquiry

Analysis was undertaken of the 58 written submissions and the eight public hearings to identify the key themes among community and stakeholder perspectives. This identified four key themes explored below, many of which reflect key insights garnered through stakeholder consultation in the completion of this review, which are discussed in section 5.

Table 2: Key themes identified in submissions to the inquiry

| | |
|---|--|
| <p>Complexity of the Scheme and the application process</p> | <p>Many submissions noted the burdensome process to apply for the Scheme. Submissions from individuals and organisations commonly noted the paperwork requirements, a lack of a streamlined process and the need for self-advocacy throughout the process as creating barriers for victims of crime to access the Scheme. An individual submission explains, “The strange and labyrinthine course... was mind bendingly confusing, and so impossibly stressful”.⁴⁶ It was suggested across numerous submissions that the complicated process may impact a victim’s decision to complete an application.</p> |
| <p>Timeliness for processing applications and receiving financial assistance</p> | <p>Numerous submissions described extensive timeframes for processing applications, potentially up to two to three years. In one submission, a clinician noted that had “add[ed] to the stress and trauma for my clients”.⁴⁷ Submissions from victim support services recognised the delays in processing can prevent timely access to supports and impact recovery, as well as place victims in positions of added financial hardship. A victim support organisation stated the extended timeframes have “a large impact on the victim-survivor not only financially but also in their healing process as it delays getting the recognition of being “wronged” and they cannot get closure.”⁴⁸</p> <p>The current extensive wait times were suggested by some to be due to the expansion of the eligibility following the 2017 amendments to the VOCAA.</p> |

⁴⁵ Record of Proceedings. First Session of the Fifty-Seventh Parliament - Thursday, 16 March 2023. (2023). Available at: [2023_03_16_WEEKLY](https://www.parliament.qld.gov.au/2023_03_16_WEEKLY) (parliament.qld.gov.au)

⁴⁶ Parliamentary Committees. (2023). Inquiry into Support provided to Victims of Crime – Submission 16. Available at: <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=0&id=4246#:~:text=About%20the%20Inquiry,victims%20of%20crime%20in%20Queensland.>

⁴⁷ Parliamentary Committees. (2023). Inquiry into Support provided to Victims of Crime – Submission 35. Available at: <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=0&id=4246#:~:text=About%20the%20Inquiry,victims%20of%20crime%20in%20Queensland.>

⁴⁸ Parliamentary Committees. (2023). Inquiry into Support provided to Victims of Crime – Submission 20. Available at: <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=0&id=4246#:~:text=About%20the%20Inquiry,victims%20of%20crime%20in%20Queensland.>

| | |
|---|--|
| <p>Funding not adequately covering the costs incurred by victims of crime</p> | <p>Many submissions acknowledged appreciation for the financial assistance provided by the Scheme. The Scheme was recognised in many submissions as an important support structure for victims of crime. However, various submissions highlighted the view victims of crime are not receiving adequate amounts of financial assistance to cover the direct and indirect costs of being a victim of crime. Numerous examples of costs not covered by the Scheme were given, such as up-front costs to repair damaged property; costs to increase security to address safety concerns; and the penalty of a higher insurance premium due to making a claim that is through no fault of their own but is due to an act of violence.^{49,50} Numerous submissions highlighted the (then) financial assistance amounts left victims of crime having to bear costs, even with insurance.</p> |
| <p>Inadequately trauma-informed approach for working with victims of crime</p> | <p>Submissions raised concerns about a range of processes embedded in the Scheme as not being underpinned by a trauma-informed approach. The inappropriateness of the following in the context of lacking trauma-informed consideration were raised:</p> <ul style="list-style-type: none"> • Statutory time limits for applications; and • Current victim categories and their definitions, which exclude some victim groups deserving of eligibility. <p>Many submissions suggested the time limit for applications should be removed for victims and survivors of child abuse.⁵¹ Across submissions and discussions at public hearings, it was raised that the experience of each victim is different, and everyone processes trauma in their own way, at their own time. As such, a set timeframe was deemed by some submissions as being inappropriate.</p> <p>Numerous submissions also raised additional categories of victims who should be eligible for financial assistance. These included grandparents of a victim of crime; victims in ‘cold case investigations’; victims of stolen vehicles; and victims of fraud.⁵² However, it is noted that concerns were raised about the ability of VAQ to manage an increase in applications.</p> |

The LASC recommended acting with a focus on the following priority areas:

- reviewing victims’ rights;
- improving coordination of services;
- increasing access to information;
- providing trauma-informed training;
- investing in victim support services; and
- improving access to restorative justice and youth justice conferencing.⁵³

Additional recommendations from the LASC included reviewing options to: reduce administrative burden; considering expanding the definition of an act of violence to include victims of property crime; and reviewing the three-year time limit for making an application. The Inquiry also supported the

⁴⁹ Parliamentary Committees. (2023). Inquiry into Support provided to Victims of Crime – Submission 30. Available at: <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=0&id=4246#:~:text=About%20the%20Inquiry,victims%20of%20crime%20in%20Queensland.>

⁵⁰ Parliamentary Committees. (2023). Inquiry into Support provided to Victims of Crime, Public hearing transcript - Brisbane, 17 April 2023. (2023). Available at: <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=0&id=4246#:~:text=About%20the%20Inquiry,victims%20of%20crime%20in%20Queensland.>

⁵¹ Parliamentary Committees. (2023). Inquiry into Support provided to Victims of Crime – Submission 28. Available at: <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=0&id=4246#:~:text=About%20the%20Inquiry,victims%20of%20crime%20in%20Queensland.>

⁵² Parliamentary Committees. (2023). Inquiry into Support provided to Victims of Crime – Submission 12, 23, 30 & 48. Available at: <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=0&id=4246#:~:text=About%20the%20Inquiry,victims%20of%20crime%20in%20Queensland.>

⁵³ Parliamentary Committees. (2023). Inquiry into Support provided to Victims of Crime. Available at: Report No. 48, 57th Parliament - Inquiry into Support provided to Victims of Crime 2023

establishment of a Victims' Commissioner, with an interim appointment made in September 2023. There are four specific recommendations arising from *Inquiry into Support Provided to Victims of Crime* report that are directly relevant to this review. These recommendations, and the approach adopted to each of them, is set out in the table below.

Table 3: Key Recommendations from Inquiry into Support Provided to Victims of Crime

| |
|---|
| <p>Recommendation 14: That the Queensland Government urgently review the Financial Assistance Scheme including whether the original intent and objective of the Scheme are being met as defined in the <i>Victims of Crime Assistance Act 2009</i>.</p> |
| <p>DJAG commissioned KPMG to conduct a review of the original intent and objectives, and effectiveness, of the Scheme established by the VOCAA, between August and December 2023.</p> |
| <p>Recommendation 15: That the Queensland Government, in its review of the Financial Assistance Scheme under recommendation 14 of this report, look at options to reduce the administrative burden on victims of crime in submitting application for financial assistance and the requirements around supporting documentation.</p> |
| <p>This report proposes three future state options, along with a number of recommendations, that would reduce the administrative burden on victims in submitting applications for assistance. Recommendations 1, 2, 3 and 8 specifically propose mechanisms to expedite payments, increase accessibility of services and simplify the supporting documentation requirements of the Scheme.</p> |
| <p>Recommendation 16: That the Queensland Government, in its review of the Financial Assistance Scheme under recommendation 14 of this report, consider expanding the definition of an act of violence to include victims of property crime.</p> |
| <p>This review has considered the expansion of the Scheme to include property-related crime, and options are provided in this report that could see the Scheme expand to victims of such crime.</p> |
| <p>Recommendation 17: That the Queensland Government, in its review of the Financial Assistance Scheme under recommendation 14 of this report, review the 3-year time limit for making an application for financial assistance and the 6-year time limit for victims to seek amendments to their application.</p> |
| <p>This review considered the extension to timeframes regarding applications for assistance. As detailed in Section 6, the <i>Inquiry into Support Provided to Victims of Crime</i> highlighted victims can experience trauma differently and in their 'own ways'. Recommendation nine of this report proposes that statutory timeframes underpinning the application for financial assistance for child victims of domestic and family violence or child abuse be extended so that these victims can apply for support within ten years of turning 18. This review makes no further amendments to Scheme requirements pertaining to Recommendation 17, including the 6-year time limit for making amendments to their application.</p> |

Queensland Government commitments

The Queensland Government has publicly committed to ensuring greater support for victims of crime and communities. In September 2023, over \$200 million was pledged to enhance support for victims of crime in Queensland. This was characterised as a landmark reform package to boost victim support services and the provision of financial assistance to victims of crime. Additionally, the funding will support additional VAQ staff to improve application processing time and provide more rapid and appropriate responses to victims of crime. The funding has been attributed in the following ways:

- \$185 million for increasing financial assistance limits payable to victims, with an increase across a range of payments under the VOCAA and an accompanying increase of the upper cap for financial assistance for victims to reset from \$75,000 to \$120,000; and
- \$18 million to establish the Victims' Commissioner's Office, with \$6 million of this for non-government organisations that support victims.

In October 2023, proposed changes were introduced to the Queensland Parliament through the *Victims of Crime Assistance and Other Legislation Amendment Bill 2023*. The Bill proposed greater financial assistance be made available to DFV victims and posited increases to financial support as per the following:

- Category A – increase from \$10,000 to \$15,000;
- Category B – increase from \$3,500 to \$9,000;
- Category C – increase from \$2,000 to \$6,000;
- Category D – increase from \$1,000 to \$3,000;
- increase in funeral expenses from \$8,000 to \$15,000; and
- increase in distress payments from \$10,000 to \$15,000.

Additional amendments proposed included:

- upgrading the category of support for DFV victims from a Category D classification to a Category B classification to better reflect the seriousness of the crimes;
- increasing the maximum financial assistance for primary victims from \$75,000 to \$120,000;
- increasing the maximum financial assistance for other victims, including parent secondary victims and related victims, to \$75,000; and
- expanding membership of the Queensland Sentencing Advisory Council (QSAC) from 12 to 14 members, including the appointment of a member with lived experience as a victim of crime, to ensure greater representation of victims of crime.

These legislative amendments were proclaimed and came into effect on 8 December 2023.

The Queensland Government has also formed a new Independent Ministerial Advisory Council (IMAC). The IMAC will examine crime related issues and provide advice about criminal justice reforms and support services for victims of crime. The IMAC will be supported by a new, permanent Justice Reform Office which has been tasked with the reform of the criminal justice system.

In October 2023, the Queensland Government opened applications to the DFV Rent Assist Brokerage Grants to provide financial resources to support service providers to assist victim-survivors to secure and maintain housing.⁵⁴ This grant program will provide up to \$50,000 to each successful DFV service. These funds will be used in conjunction with other housing products available to support victim-survivors with accommodation.


This review recognises the announcements made during the review period in regard to the Scheme's payment thresholds, funding, legislative amendments and delivery approach. The review acknowledges that these announcements have promoted and therefore raised awareness of the Scheme. The review activity has made the following considerations of the announcements;

- Scheme payment thresholds – amended Scheme payment thresholds were excluded as a focus area and the review makes no findings or recommendations in this regard;
- funding – the review does not talk to the quantum of funding available;
- legislative announcements – the review notes the announced legislative amendments; and
- delivery approach – the review includes commentary of potential impacts on service delivery where there is data available to do so.

It is important to note the changes were announced and progressed whilst this review was underway but, as noted above, have since come into effect.

The operational impacts of the changes, and data that supports their impact, is obviously therefore limited. Accordingly, the effects of the changes are yet to be realised and have generally been unable to be taken into account as part of the review process, other than limited instances where some commentary about anticipated impacts has been able to be made.

⁵⁴ Queensland Government, Department of Justice and Attorney-General. (2023). DFV Rent Assist Brokerage Grants. Available at: <https://www.justice.qld.gov.au/initiatives/dfv-rent-assist-brokerage-grants>

The image features a wooden staircase with a white rectangular overlay on the right side. The text is centered within this overlay. The background is a photograph of a wooden staircase, with the railing and steps visible. The lighting is somewhat dim, and the overall color palette is dominated by the natural wood tones and the white of the overlay.

3. The current Financial Assistance Scheme

3 The current Financial Assistance Scheme

3.1 Section Overview

This section provides an overview of the VOCAA and details the intent and objectives of the Scheme, as well as providing an outline of key process steps used in the Scheme's administration.

3.2 Key Observations



Legislative objectives and intent

The objectives of the Scheme detailed in the VOCAA are to:

- help victims of acts of violence to recover by providing financial assistance; and
- provide financial assistance to primary victims that represents a symbolic expression of the community's recognition of the injuries suffered by them; and
- provide financial assistance to related victims who have suffered distress that represents a symbolic expression of the community's recognition of the distress suffered; and
- add to the other services provided by government to victims of acts of violence.

Stakeholder feedback, analysis of VAQ data and assessment of VAQ's policy and procedural documentation for the administration of the Scheme all broadly indicate that the objectives and intent of the Scheme are being met.

Helping victims of crime to recover by providing financial assistance – The Scheme is delivering on the first objective through providing payment to support the recovery of victims following a crime.

Primary and Related Victim Recognition – The Scheme is delivering on the second and third objectives in the same manner – through providing recognition and other payments to primary and related victims outlined in the VOCAA in response to act of violence as representation of symbolic expression of the community's recognition of the distress suffered.

Adds to other services – In order to meet this objective, VAQ also administers the Victim Services Funding Program in addition to the Scheme. Through the Victim Services Funding Program, VAQ provides \$3.4 million in annual funding to five service streams to deliver state-wide support to victims of crime. The five service streams provide support for victims throughout the criminal justice process, in addition to counselling and therapeutic first aid, form filling assistance and preparation of victim impact statements.⁵⁵

Effectiveness of the Scheme

While it is evident that the Scheme is being administered broadly in alignment with the intent and objectives of the VOCAA, there are elements of the Scheme where enhancements to its effectiveness may be made.

⁵⁵ Queensland Parliament. (2023). DJAG Parliamentary Committee Briefing Note. Available at: <https://documents.parliament.qld.gov.au/com/LASC-C96E/ISVC-98C6/DJAG%20Written%20Brief.pdf>

The Explanatory Notes for the *Victims of Crime Assistance and Other Legislation Amendment Bill 2016* (and carried forward through various operational materials used by VAQ staff in the administration of the Scheme) note that the Scheme is intended as a ‘scheme of last resort’. That is, it was to operate in many parts similar to an insurance arrangement to reimburse expenses (not all instances though; it is acknowledged that recognition payments occur) and, where victims receive payments from other sources, financial assistance is not be provided to the same extent that other payments are received. This is in an effort to, rightly, avoid duplication.

Many stakeholders have posited a view that a more proactive support arrangement, that is more victim-centric and which supports more timely, more readily available and less complex access to financial assistance, would be beneficial to victims. Others have noted that increasing backlogs arising due to increasing applications have an impact on the Scheme’s ability to facilitate the payment of funds (details of which are outlined in Section 5).

It is important to acknowledge, however, that VAQ has taken various steps to seek to address these issues. In response specifically to DFV matters, VAQ has established a High Risk Team (HRT) within its operations to fast-track applications requiring more immediate financial assistance. These applications are expedited through a specialised pathway with VAQ (and other) government representatives able to support more rapid decision-making. The VAQ HRT – relative to other applications through the Scheme – has direct access to more timely, up to date information to verify the eligibility requirements because of the immediate access to other government representatives who are supporting victims of DFV.

More broadly though, data analysis, stakeholder feedback and inter-jurisdictional comparators suggest that effectiveness of the Scheme may be improved by facilitating more timely access to funds and certain services (counselling), reducing evidentiary requirements of the administration process, expanding and better defining certain expense categories and improving access to service providers through streamlined processes.

3.3 The Victims of Crime Assistance Act 2009

3.3.1 Purpose and Intent

The original purpose of the VOCAA is to:

- declare that the fundamental principles of justice underlie the treatment of victims;
- implement the principles of justice and provide a mechanism for making complaints; and
- provide financial assistance to victims of acts of violence.⁵⁶

Subsequent amendments have expanded the purpose to declare a Charter of Rights for victims and provide a mechanism for victims to make complaints about conduct inconsistent with their rights.⁵⁷

3.3.2 Objectives of the Financial Assistance Scheme

The objectives of the Financial Assistance Scheme established under the VOCAA are to provide victims with timely financial assistance to support recovery from an act of violence through the Scheme.⁵⁸

As indicated in the *Victims of Crime Assistance and Other Legislation Amendment Bill 2016* Explanatory Notes, the Scheme is intended to be administered as a Scheme of last resort under the VOCAA,⁵⁹ and where victims receive payments from other sources, financial assistance will not be provided to the same extent that other payments are received.⁶⁰

⁵⁶ Queensland Parliament. (2009). *Victims of Crime Assistance Bill 2009 Explanatory Notes*. Available at: [Victims of Crime Assistance Bill 2009 Explanatory Note \(parliament.qld.gov.au\)](http://www.parliament.qld.gov.au/victimsofcrimeassistance/bill-2009-explanatory-note)

⁵⁷ *Victims of Crime Assistance Act 2009* (Qld) s3

⁵⁸ Queensland Government (2016). *Victims of Crime Assistance and Other Legislation Amendment Bill 2016 Explanatory Notes*. Available at: <https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2016-096>

⁵⁹ Queensland Government (2016). *Victims of Crime Assistance and Other Legislation Amendment Bill 2016 Explanatory Notes*. Available at: <https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2016-096>

⁶⁰ *Victims of Crime Assistance Act 2009* (Qld) s21

The explicit objectives of the Scheme mentioned in the Act are:

- to help victims of acts of violence to recover from the acts by giving them financial assistance; and
- for primary victims, to give the victims amounts representing a symbolic expression by the State of the community's recognition of the injuries suffered by them; and
- for related victims who have suffered distress, to give the victims amounts representing a symbolic expression by the State of the community's recognition of the distress suffered by them; and
- to add to other services provided by or for government to victims of acts of violence.⁶¹

3.3.3 Victims

A victim is a person who has suffered harm because a crime is committed against the person; or because the person is a family member or dependant of a person who has died or suffered harm because a crime is committed against that person; or as a direct result of intervening to help a person who has died or suffered harm because a crime is committed against that person.⁶²

As per the VOCAA, a victim can be a primary, secondary, parent secondary, witness secondary or related victim:

- A 'primary victim' is defined in the VOCAA as a person who dies or is injured as a direct result of the violent crime committed against them.
- A secondary victim may be a 'parent secondary victim' or 'witness secondary victim' of the crime. A 'parent secondary victim' is a parent of a child who is injured as a direct result of the crime committed against their child. A 'witness secondary victim' is a person who is injured due to witnessing the offence.
- A 'related victim' is a close family member, or dependant of a primary victim who has died due to the offence.⁶³

The VOCAA also provides for a 'primary victim' to be defined as a 'special primary victim'. A 'special primary victim' includes victims of a sexual offence, and those who have been victim to an offence perpetrated by a person in a position of power, influence, or trust. Additionally, a 'special primary victim' also includes victims of DFV, children, victims with impaired capacity, and those victims who were threatened or intimidated by the perpetrator of the offence.⁶⁴

3.3.4 Act of violence

An act of violence is a crime or a series of related crimes, whether committed by one or more persons, that are committed in Queensland and directly results in the death of, or injury to, one or more persons, irrespective of where the death or injury happened.

Also, an act of violence is domestic violence, or a series of related acts of domestic violence, that is committed in Queensland; and directly results in the death of, or injury to, 1 or more persons, irrespective of where the death or injury happened; and is not an act of violence under the above. A reference to an act of violence in relation to an application for assistance includes a reference to an alleged act of violence.⁶⁵

A crime is an act or omission constituting a prescribed offence - disregarding any justification, excuse or defence that a person may have for doing the act or making the omission; and whether or not the person who did the act or made the omission has been identified, arrested, prosecuted or convicted in relation to the act or omission. However, a reference to a justification, excuse or defence (as above) does not include a matter mentioned in the Criminal Code (section 31(1)(a) or (b) or an authorisation to do an act or make an omission that is provided for under an Act. A prescribed offence means an offence committed against the person of someone or an offence of attempting to commit, or conspiring to commit, an offence.⁶⁶

⁶¹ *Victims of Crime Assistance Act 2009* (Qld) s3

⁶² *Victims of Crime Assistance Act 2009* (Qld) s5

⁶³ *Victims of Crime Assistance Act 2009* (Qld) s26

⁶⁴ *Victims of Crime Assistance Act 2009* (Qld) s81

⁶⁵ *Victims of Crime Assistance Act 2009* (Qld) s25

⁶⁶ *Victims of Crime Assistance Act 2009* (Qld) s25a

A series of related crimes is two or more crimes that are related because the crimes are committed against the same person and (are committed at about the same time; or are committed over a period by the same person or group of persons; or share another common factor); or all contribute to the death of or injury to a person; or having regard to the circumstances of the crimes, are related in some other way. However, a crime (later crime) is not related to a previous crime (earlier crime) if the later crime is committed after assistance is granted in relation to the earlier crime. A series of related acts of domestic violence is two or more acts or omissions constituting domestic violence that are related because the acts or omissions are committed in relation to the same person and (are committed at about the same time; or are committed over a period by the same person; or share another common factor); or all contribute to the death of or injury to a person; or having regard to the circumstances, are related in some other way. However, an act or omission constituting domestic violence (later domestic violence) is not related to a previous act or omission constituting domestic violence (earlier domestic violence) if the later domestic violence is committed after assistance is granted in relation to the earlier domestic violence. To remove any doubt, it is declared that, for related crimes, or a series of related acts of domestic violence, it is taken to be a single act of violence; and assistance may be granted only for the single act of violence.⁶⁷

3.3.5 Eligibility

Victims of crime seeking financial assistance under the Scheme are required to fulfil and meet numerous eligibility requirements as defined in the VOCAA (outlined in Appendix B). Key requirements include reporting the act of violence prior to applying to the Scheme⁶⁸ and applying to the Scheme within three years after the act of violence or death of the victim occurring.⁶⁹ Additionally, an application for amendment of the grant of assistance, once provided, can only be made within six years after the assistance was originally granted, or for children, before the child turns 24.⁷⁰

3.3.6 Financial Assistance

There are two main payment types of financial assistance available under the Scheme, being a recognition (lump sum payment special assistance or distress) or recovery (expenses) payment. These payment types can vary across victim type and can cover a range of costs, which can both support victims in a more immediate sense and as a longer-term, recovery-based mechanism.

In October 2023, proposed changes were introduced to the Queensland Parliament through the *Victims of Crime Assistance and Other Legislation Amendment Bill 2023*. The Bill proposed greater financial assistance be made available to DFV victims and posited increases to financial support as per the following:

- Category A – increase from \$10,000 to \$15,000;
- Category B – increase from \$3,500 to \$9,000;
- Category C – increase from \$2,000 to \$6,000;
- Category D – increase from \$1,000 to \$3,000;
- increase in funeral expenses from \$8,000 to \$15,000; and
- increase in distress payments from \$10,000 to \$15,000.

Additional amendments proposed included:

- upgrade the category of support for DFV victims from a Category D classification to a Category B classification to better reflect the seriousness of the crimes;
- increase the maximum financial assistance for primary victims from \$75,000 to \$120,000;
- increase the maximum financial assistance for other victims, including parent secondary victims and related victims, to \$75,000; and
- expand membership of the QSAC from 12 to 14 members, including the appointment of a member with lived experience as a victim of crime, to ensure greater representation of victims of crime.

These legislative amendments to the VOCAA were proclaimed and came into effect on 8 December 2023.

⁶⁷ *Victims of Crime Assistance Act 2009* (Qld) s25b

⁶⁸ *Victims of Crime Assistance Act 2009* (Qld) s81

⁶⁹ *Victims of Crime Assistance Act 2009* (Qld) s54.

⁷⁰ *Victims of Crime Assistance Act 2009* (Qld) s101

3.3.7 Financial Assistance – Application Types

Interim assistance

Under the VOCAA, interim assistance (the term ‘urgent and immediate expenses’ is used to categorise this payment on VAQ forms) is a grant of financial assistance of up to \$6,000 that can be provided to any victim for urgent or immediate expenses that have been incurred or are reasonably likely to be incurred before a general application is decided.⁷¹ A claim for interim assistance is made as a part of the General Application.

A number of conditions are included in the granting of interim assistance including establishing that the urgent assessment of the expense must be recent, urgent, relevant and evidenced. According to VAQ, interim assistance is ordinarily only to be approved where the application is made within 6 months from the act of violence or within 6 months from the applicant incurring the expense unless there are circumstances indicating an urgent need for the service/s. Further, financial hardship is not to be considered in assessing claims for interim assistance. According to VAQ’s policy manual, the Scheme is one of last resort and not equipped to handle crisis payments.⁷²

In applying for interim assistance, victims are still required to meet the base requirements of the Scheme including identification, establishment and reporting of the act of violence and injury, proof of expenses or invoices and relevant payment assessments. Further, they are required to provide an explanation of the request and why it is urgent and immediate.

If applicants receive a payment of interim assistance prior to the general application being decided, the amount paid in interim assistance is required to be deducted from the assistance payable to the person in relation to their general application. Interim assistance acts as an advance from existing recovery expense payment categories. It is important to note that recognition (special assistance) payments cannot be granted as an interim application because it is a recognition payment, not an expense connected with the act of violence.

Additionally, if the amount paid as interim assistance is more than the assistance payable in relation to a person’s general application, the person will be required to refund the excess amount. In cases where a person has received interim assistance yet the general application for assistance has been refused, the person must refund the amount that was previously received as interim assistance.⁷³

General Application – Special Assistance

Only primary victims are eligible to receive recognition (special assistance) payments.⁷⁴

Special assistance is calculated on the basis of the act of violence and is a one-off lump-sum recognition payment. The impact on the victim establishes which circumstance category is applicable (A, B, C or D).

Category A is the most serious (including acts of violence such as attempted murder and rape), through to Category D which is the least serious (including assault or unlawful stalking).

The maximum amount of special assistance currently payable is \$10,000 for a Category A act of violence (proposed to increase to \$15,000), \$3,500 for a Category B act of violence (proposed to increase to \$9,000), \$2,000 for a Category C act of violence (proposed to increase to \$6,000) and \$1,000 for a Category D act of violence (proposed to increase to \$3,000).⁷⁵

General Application – Distress Payment

Financial assistance of up to \$10,000 may be granted to related victims as recognition (distress) payments in acknowledgment of the trauma suffered as a direct result of the death of a primary victim. Distress payments are non-expense related grants of assistance and are provided based on the applicant’s circumstances.⁷⁶

⁷¹ *Victims of Crime Assistance Act 2009* (Qld) s98

⁷² Department of Justice and Attorney-General. Chapter 9a - VAQ Financial Assistance Policy

⁷³ *Victims of Crime Assistance Act 2009* (Qld) s100

⁷⁴ *Victims of Crime Assistance Act 2009* (Qld) s39

⁷⁵ *Victims of Crime Assistance Act 2009* (Qld) Schedule 2

⁷⁶ *Victims of Crime Assistance Act 2009* (Qld) s49

General Application – Recovery expenses

Each victim category has a maximum amount of financial assistance available, with specified expenses (the term 'recovery expenses' is used to categorise these payments on VAQ forms) and types of assistance that can be granted to a victim as outlined in the VOCAA. Costs for a range of expenses can be incurred and reimbursed, including counselling, medical expenses, incidental travel expenses, damage to clothing, loss of earnings, report expenses and legal expenses.

Another category of recovery expenses, known as Other Expenses Exceptional Circumstances (OEEC), has been legislated for in the VOCAA. The expenses included in this category are determined using VAQ developed policy. This category includes a range of special expenses that can be claimed due to the nature of the crime, and whether the violence has had an unusual, special or out of the ordinary impact. These expenses can include emergency accommodation relocation, security, travel and school expenses as well as essential furniture and household items and forensic cleaning. The recovery expenses that each victim category is eligible for has been outlined in Appendix B.

General Application – Funeral assistance

A person who incurs expenses for the funeral of a primary victim who has died as a direct result of an act of violence may be eligible to receive financial assistance of up to \$8,000 under the Scheme to assist with funeral expenses (as noted, it is proposed that this amount increase to \$15,000). However, in circumstances where more than one person is eligible in relation to an act of violence, only a combined total of \$8,000 can be granted to eligible applicants for funeral expenses (again, proposed to be increased to \$15,000).⁷⁷ Generally, an application for funeral expense assistance is required to be made within a three year time period of the death of the primary victim; however, an extension of time can be granted in some cases due to considerations such as a person's age when the death occurred or whether the person has impaired capacity.⁷⁸

General Application – Dependency Payment

Financial assistance of up to \$20,000 may be granted for money that a related victim would have likely received from the primary victim within two years following the act of violence.⁷⁹ This expense is often claimed by children and or spouses of the deceased primary victim.

3.4 Administration of the Scheme

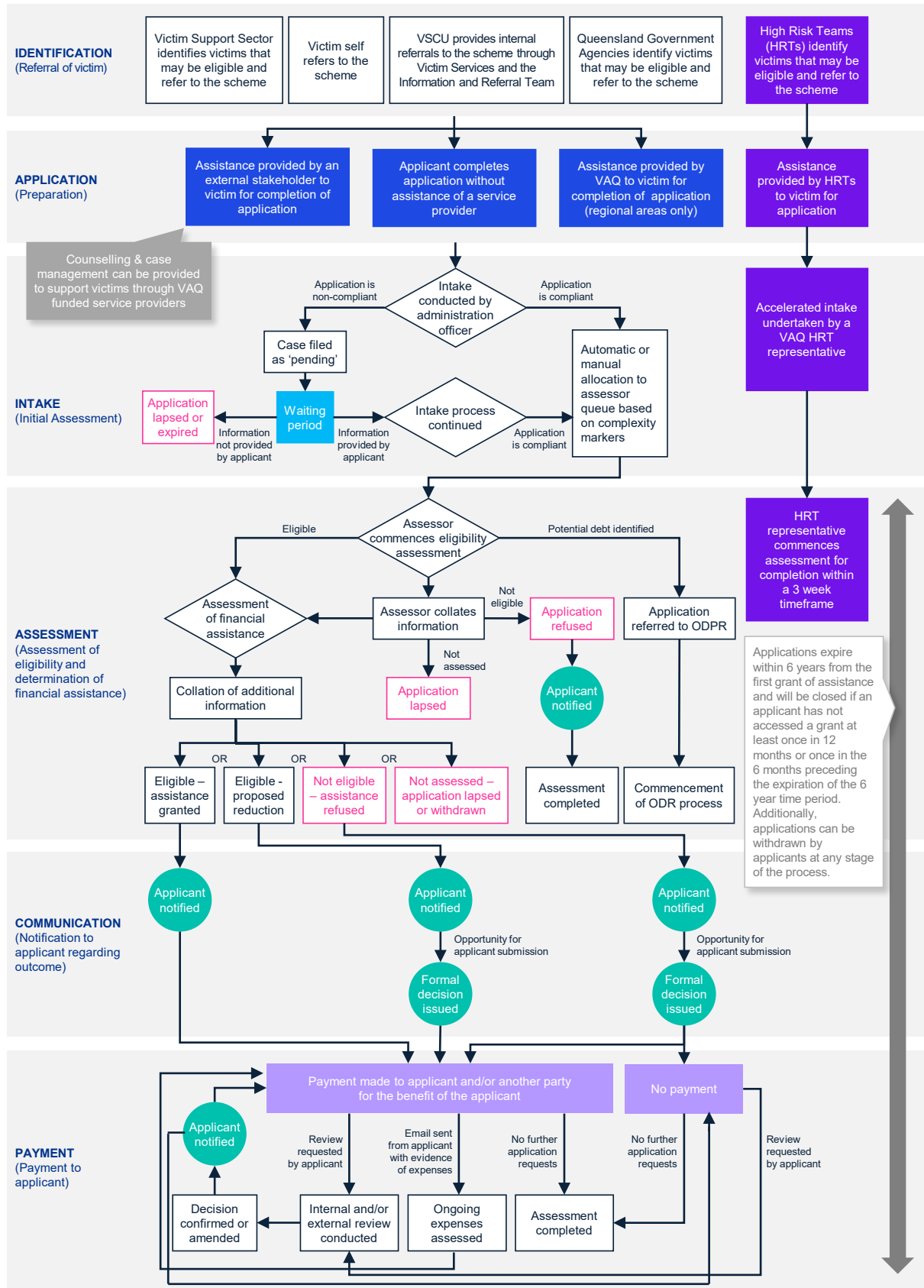
In order to administer the Scheme, a number of processes and policies, informed by the VOCAA, have been developed. The current processes to support victims to access the Scheme are grounded in various criteria and thresholds that VAQ utilise to provide victims with financial assistance. A high-level overview of the service delivery model, and key processes to administer the Scheme has been presented in Figure 2 overleaf.

⁷⁷ *Victims of Crime Assistance Act 2009* (Qld) s50

⁷⁸ *Victims of Crime Assistance Act 2009* (Qld) s58

⁷⁹ *Victims of Crime Assistance Act 2009* (Qld) s49

Figure 2: High level process map of Scheme administration



Source: KPMG

Awareness of, and Application to, the Scheme

Victims of crime may become aware of the Scheme through a range of mechanisms, including through referral by the QPS or the ODPP, by connections made via service providers that operate across the victim support sector, through other government agencies or via their own research.

There are various ways that victims may receive support to submit an application for financial assistance, which may occur through self-completion, with the assistance of family and/or friends, with the support of victim support or health service providers, through other legal support services or volunteer associations. VAQ funds, through the Victim Services Funding Program, five organisations (Victim Connect, WWILD, 54 Reasons, Queensland Homicide Victims Support Group (QWHVSG) and Protect All Children Today (PACT)) that provide support to victims (which can include support (or at least referral) to access the Scheme).

Application

Making an application

A person seeking financial assistance from VAQ is required to submit an application through completion of an approved form, inclusion of appropriate identification and written consent for the assessor to obtain additional information if required from other agencies, providers and individuals.⁸⁰

An application can be made by a victim of crime or another party on behalf of a victim who is under the age of 18, has impaired capacity or requires assistance in completion of an application, and is approved by the Scheme manager to apply on behalf of the victim. Examples include a parent or legal guardian acting on behalf of a victim who is under the age of 18 or an administrator acting on behalf of an adult with impaired capacity. Attachment of identity documentation, an authority to act form or a consent form is typically required alongside an application in circumstances where another party is completing and submitting an application on behalf of a person.

Previously, applicants were required to complete a downloadable form to be sent to VAQ by email or post; however, changes to the application process have recently been implemented by VAQ to improve user experience and support efficiencies. At present, all applicants can submit an application for financial assistance by completing a revised downloadable form available on the VAQ website to be posted or emailed to VAQ. Alternatively, an applicant can complete an integrated online application form through the VAQ website. As the introduction of a new integrated online application form and revised application forms have occurred during the period of this review, reliable data about the use, completion and impact of these changes is not readily available at this point in time.

Currently, completion of a downloadable form will involve filling out the relevant form (either on paper or digitally) and attaching supporting documentation to be sent via email or post to VAQ. The new downloadable application forms were introduced in September 2023 with the inclusion of instructions, alongside a number of questions within each form. Forms for victim assistance vary between 24 to 26 pages in length with up to 25 questions included in each form. Applicants seeking funeral assistance need to complete a funeral assistance application form comprised of 11 pages and 14 questions.

The integrated online application form uses an iterative question format that provides relevant questions based on the applicant's answers. Applicants can upload identity details without a written signature and no longer need to scan forms for online submission. The application form is comprised of two parts including Part A: Financial assistance and Part B: Recovery expenses (optional). Each part is to be completed in one session. However, they do not need to be completed at the same time; Part B can be completed and submitted later. Following submission of an application form, additional recovery expenses can be claimed through filling out the online claim form through the VAQ website.

As noted, the integrated application form and revised downloadable forms have been implemented in efforts to improve the application process. Although the new downloadable forms provide informative instructions to assist victims to complete an application, the comprehensiveness of these forms may be a barrier for victims wishing to access the Scheme, particularly for cohorts with lower literacy levels, from First Nations or Culturally and Linguistically Diverse (CALD) backgrounds, or those who have challenges accessing support to complete the application (i.e. victims who live in rural or remote areas). The separate application required for funeral assistance also adds further complexities for victims who are seeking assistance. Due to the trauma and impacts that victims are experiencing following a crime, it is critical that the Scheme promotes ease of use and navigation to enable all victims, regardless of the support locally available, to receive assistance.

⁸⁰ *Victims of Crime Assistance Act 2009* (Qld) s52

Evidentiary requirements

Each application form requests specific information and supporting documentation pertaining to the category and needs of the victim seeking financial assistance under the Scheme. Prior to commencing, applicants must report the crime to police, and include a Queensland Police Reference number (QP) or other information as required in their application. Only those under the 'special primary victim' category can report the crime to others (doctor, counsellor, psychologist, DFV service) and, therefore, do not need to include a QP number in their application.

Application forms also request evidence of injuries (such as a medical certificate/report), identification documentation, payment details, information relating to any other monies received, photocopies of receipts and other documents relating to expenses (such as counselling or medical costs) as well as information relating to loss of earnings. Evidence may not be required at the time of application for certain expenses and claims; however, inclusion of supporting documentation can assist an assessor to process an application more efficiently (refer Appendix B for further information).⁸¹

Intake

Both manual and automated intake processes are utilised at VAQ, dependant on the method used to submit an application. In order for an application to be received and accepted for further investigation by VAQ it must have three key points of information to make it compliant. The form must be signed, dated and include identification. For online forms, an automated intake process has been established which involves 14 process stop-points. This is a new process implemented in 2023 in response to the development of the online form.

Once received / accepted, applications may be allocated directly by a Team Leader or, automatically by the Case Management System (CMS). Applications are allocated to assessors based on complexity / priority markers that are entered during intake. Depending on this score, the application will be assigned to assessor of different levels of seniority. Complexity markets can include victim type, demographic detail, or urgency of application. Appendix B presents allocation markers that can be entered during intake to categorise and allocate applications appropriately.

Assessment

Assessors are responsible for determining whether the applicant has applied under the correct victim type and corresponding form. The assessor can contact the victim to confirm details of the incident. As part of both the intake and assessment processes, personal details are also required to be checked and confirmed to verify the applicant's identity.⁸² Assessors must take certain instances into consideration in this intake stage. For example, administration staff are required to conduct searches to determine whether an applicant has an actual or potential debt to the State due to being an offender and will note findings in the CMS of either 'nil results' or 'possible result' to prompt the assessor to conduct further searches of the status of the debt.⁸³ Additionally, assessors must investigate whether the applicant is detained and must put the application on hold until the applicant is released or discharged, or when five years passes from the date of the application.

In response to the increasing complexity of applications, the changing legislative environment and the need to streamline processes in response to demand, there have been various enhancements and changes made by VAQ to internal procedural and policy documentation over many years.

Assessment – eligibility

At the time of assessment, each application must be set as a victim type which may be considered Not eligible, Primary Victim, Related Victim, Parent Secondary Victim, Witness Secondary Victim (more or less serious act of violence) or Funeral expense only. An assessor will determine and set in the CMS. In order to assess the eligibility of an application, an assessor may request information from the applicant, contact relevant agencies and services such as a health service provider or counsellor, or seek consent to obtain further information about the applicant that is required to decide the application. Under Part 12 of the VOCAA, an assessor may exercise powers to contact a number of agencies such as QPS, ODPP, Queensland Courts, the State Penalties Enforcement Registry (SPER) and QCS to obtain additional information about the act of violence to assist in assessment of an application (refer Appendix B for further information).⁸⁴

⁸¹ Victim Assist Queensland. (2023). Financial Assistance application forms – victims of crime. Available at: Financial assistance application forms - victims of crime - Dataset - Publications | Queensland Government

⁸² Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.10.3

⁸³ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.3.4

⁸⁴ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.4

Further to this, there must be evidence that the victim has suffered an injury as a direct result of an incident. Each crime must be matched to a corresponding injury suffered by the applicant. An assessor must also undertake a criminal history check under certain circumstances.

If eligibility has been established for an applicant, the assessor will proceed with assessment of financial assistance to determine the amount and types of assistance that the applicant may be eligible to receive.

It is also noted that applications for acts of violence that occurred prior to 1 December 2009 are determined in accordance with Chapter 6 of the VOCAA, in contrast with applications for acts of violence post 1 December 2009 which are assessed under Chapter 3.⁸⁵

Assessment – financial assistance

Relevant expenses

VAQ policy outlines a range of evidence that is required in order for financial assistance to be granted. Assessment of financial assistance requires collation of information such as invoices, receipts, treatment plans and other records, and can involve contacting an applicant to obtain additional information for a decision.

In circumstances where an assessor has attempted to obtain further information required for assessment of an expense and a victim has not responded within a one week timeframe, an expense cannot be considered and will be recorded as 'matters not considered'.⁸⁶ The VOCAA also provides VAQ with a lapsing provision, which states that if the applicant does not make any contact with a government assessor within six months after a notice is given the application will lapse.⁸⁷

Relevant payments

Assessors are required to ask all applicants whether they have received any relevant payments (financial assistance or rebates that the applicant has applied for, claimed or received in relation to the act of violence), which is a benefit or payment that has been received or will be received in relation to the act of violence, and gather evidence of this to ensure that financial assistance from VAQ has considered and deducted relevant payments.

Applications related to motor vehicle accidents or for work related acts of violence, require that a Compulsory Third Party (CTP) claim or workers' compensation claim has been lodged and dealt with prior to assessment of an application under the Scheme. In cases where the relevant claim has not been lodged or dealt with, an assessor is required to defer an application until this has occurred.⁸⁸

Recoverable Debts

Further, in cases where a potential debt to the State has been identified during the assessment processes, the assessor is required to notify the Offender Debt Recovery Program (ODRP) which will commence the Offender Debt Recovery (ODR) process.⁸⁹ Offender Debt Recovery is conducted by VAQ as part of the Scheme, in accordance with the VOCAA.

Following completion of an assessment, an assessor will determine whether assistance will be granted (component/expense or possible future expenses grant), refused or proposed to be reduced. Assessors are required to make a decision based on the balance of probabilities under the VOCAA's section 78 (eligibility), section 79 (conspiring to commit an act of violence), section 80 (actions caused violence), section 82 (assistance provided) and section 85 (deciding the amount of assistance generally).

Once these considerations have been analysed by an assessor, a decision can be made. A Notice of Decision and any conditions is then provided to be applicant. Assessment decisions made by staff not on self-approval (typically new staff) are required to send draft decisions and notices to either a Team Leader or Manager for review throughout the assessment process.⁹⁰ Assessors who are on self-approval only need to send adverse decisions to a Team Leader for approval.

⁸⁵ Department of Justice and Attorney-General. Chapter 9a - Financial Assistance Policy. S9.11.3

⁸⁶ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.8.1

⁸⁷ *Victims of Crime Assistance Act 2009* (Qld) S61

⁸⁸ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.3

⁸⁹ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.3

⁹⁰ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.10

High Risk Team process for Domestic and Family Violence victims

A streamlined process is applied for financial assistance applications submitted for DFV victims referred to the HRT. HRTs are coordinated, multi-agency teams that collaborate to help to improve the safety of DFV victims, with representatives from a range of agencies including VAQ being involved in a coordinated process to more rapidly share information and support expedited decision making.⁹¹ The aim of the HRT model is to facilitate time-critical information sharing and safety management for DFV victims through delivery of seamless, wrap-around support to help keep women and their children safe. VAQ is a core member of the Queensland HRTs. Following submission to VAQ, the application will be prioritised and allocated directly to a VAQ HRT Officer, who will aim to process the application within a three week timeframe.

Communication and payment

Communication

Applicants will receive the final decision in writing through a Notice of Decision. A Notice of Decision will outline the amount payable to the applicant (including amount payable for each component of assistance), in addition to any conditions imposed on the grant, the reasoning for the decision and details for internal review if an applicant is dissatisfied with the application outcome.⁹²

In circumstances where an assessor has proposed to refuse or reduce a grant of assistance, an applicant will be able to make a submission to be considered. If a submission is provided by the applicant, the assessor must consider the submission and prepare a formal decision to be sent to the applicant.⁹³

Payment

Financial assistance can be paid either entirely to an applicant, partly to an applicant, partly to another party for the benefit of the applicant, or entirely to another party for the benefit of an applicant. Payment can be made in the form of a lump sum or via reimbursement of expenses. In cases where an applicant is satisfied with the application outcome and no further assistance is required, the process of assessment is complete.

If an applicant has been approved for a future expense grant (a grant for possible future expenses that have not yet been incurred) and is seeking financial assistance for ongoing counselling and/or medical treatment, the applicant is required to provide evidence of quotations or treatment plans, goods and/or services.⁹⁴ Additionally, a number of progress reports will be required at certain milestones to gain approval of ongoing counselling and/or medical expenses (refer Appendix B for additional information).⁹⁵

Extensive evidentiary requirements have been implemented to ensure that additional and ongoing treatment is reasonable, attributed directly to the act of violence and contributing towards the victim's recovery.

In cases where an applicant is unsatisfied with assistance that has been granted, the applicant has the right to apply for an internal review of the assessor's decision within a 28 day timeframe of receiving the Notice of Decision. An assessor is required to decide an application for review within 42 days of the application being made through either confirmation or amendment of the decision.⁹⁶ An application can also be made to the Queensland Civil and Administrative Tribunal (QCAT) within 28 days after the applicant has received the Notice of Decision for internal review.⁹⁷

⁹¹ Queensland Government. (2023). High Risk Teams. Available at: <https://www.justice.qld.gov.au/about-us/services/women-violence-prevention/violence-prevention/service-providers/integrated-service-responses/high-risk-teams>

⁹² Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.10.4

⁹³ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.7

⁹⁴ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.8.12

⁹⁵ Department of Justice and Attorney-General. Chapter 9a - Financial Assistance Policy. S9.9

⁹⁶ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.10.5

⁹⁷ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.10.6

3.5 Changes to the administration of the Scheme

As outlined in Figure 3 overleaf, VAQ has undertaken a number of changes to further improve and support administration of the Scheme since its establishment in 2009.

VAQ representatives have indicated that there have been challenges in meeting demand since commencement of the Scheme, particularly with continual increases in applications resulting in a growing backlog. In efforts to meet continuing increases in demand, additional permanent and temporary staff have been engaged over the last four years to support the Scheme's administration.

During 2019-2020, ten temporary Full-Time Equivalent (FTE) staff were converted to permanent positions, followed by an additional five temporary FTEs being allocated to assist in reducing application backlogs from September 2022 to June 2023. In addition, six new FTEs were allocated for HRTs between 2022 to 2023, following the introduction of multi-agency HRTs across the State and to facilitate VAQ's participation in those processes. Further, an additional seven temporary FTEs have been employed since July 2023 to support provision of more timely assistance to victims of property crime with violence.

A change in organisational structure was adopted in 2020 to help reduce the increasing backlog of applications and service demand, with the introduction of multidisciplinary teams under the Financial Assistance Unit to improve effectiveness of the Scheme and more timely delivery of financial assistance to victims.

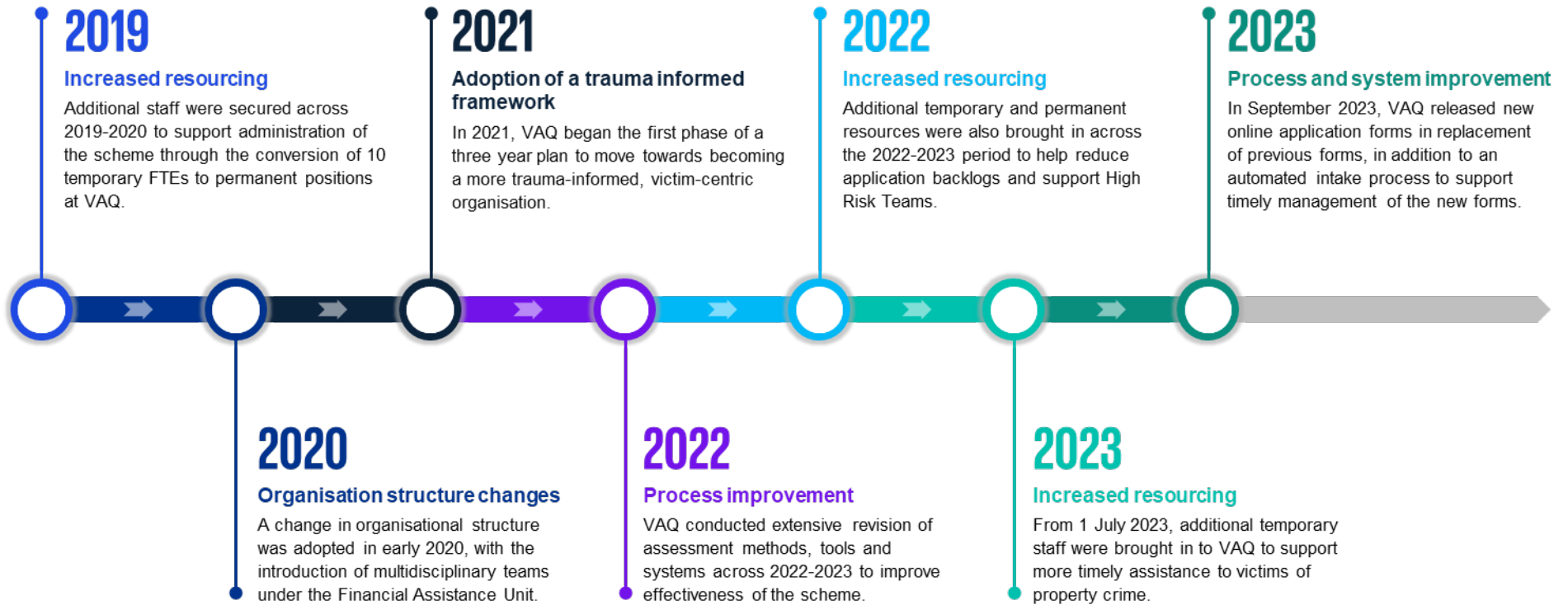
Extensive revision of assessment methods, tools and systems was also conducted across 2022 and 2023 to streamline processes and improve efficiency of the Scheme, subsequently strengthening alignment with objectives of the Scheme to deliver financial assistance in a more timely manner. In conjunction with improvement of efficiencies in processes related to the Scheme, VAQ has also been exploring ways to improve the experience of victims through embedding a trauma-informed approach. Identifying the need for trauma-informed practice was a key initiative as part of the organisation's 2021-2022 Business Plan and there has been a strong focus on embedding this approach across the organisation.

A three-year roadmap has been used to guide implementation of this approach with priorities to develop the trauma-informed framework in year one (2021-2022), implement trauma-informed responses across key organisational domains in year two (2022-23) and conduct a self audit in year three (2023 -2024). Implementing a trauma-informed approach across organisational domains of governance, policies and procedures, direct services to victims and workforce will help to further support the Scheme to be administered in ways that maximise safety and minimise trauma or the risk of traumatisation for victims and to better support victim recovery.⁹⁸

In September 2023, new printable application forms were introduced online to replace previous forms, in addition to an online form that allows applicants to complete and submit a primary or related victim application virtually. The new printable application forms include a range of instructions to assist victims with navigation and filling out documentation whilst the online form has also been introduced to improve accessibility for victims, in addition to improving process efficiency for VAQ staff due to the automated intake process that can be used for applications submitted through this method.

⁹⁸ Victim Assist Queensland. Trauma Informed Framework.

Figure 3: Timeline of key changes to administration of the scheme



Source: KPMG



4. Quantitative Assessment

4 Quantitative Assessment

4.1 Section Overview

This section provides an analysis of the key quantitative indicators that evidence the effectiveness of the Scheme and the alignment of its administration relative to the intent and objectives of the VOCAA.

The following sections provide a quantitative assessment drawing on application and payment data provided by VAQ, current up to September and October 2023 (depending on data set). Appendix D provides full detail of applications and payment information per financial year up until October 2023.

4.2 Key Observations



Legislative Objectives and Intent

The quantitative assessment identifies that applications under the Scheme are evolving to require a more rapid response than was originally anticipated by the Scheme. This change started to gain momentum after the 2017 amendments to the VOCAA, and has become more pronounced each year since. Increased awareness, the growing number of applications received and the changing nature of applications received by the Scheme (in particular, the increasing share of DFV applications) are likely all factors that are contributing to these changes.

This view is evidenced by challenges faced by the Scheme, such as:

- **Rising number of applications requesting interim assistance** – The number of applications requesting interim assistance have risen from 645 requests in FY 2017-18 (15 per cent of total applications received) to 2,414 in FY 2022-23 (32 per cent of total applications received). Notably, there has been a rapid increase the number of interim assistance requests accepted and paid by VAQ, increasing from 485 to 1,468 between FY 2021-22 to FY 2022-23. The majority of these requests are from primary victims experiencing or having experienced DFV. These are for urgent expenses which meet specific criteria. Access to interim recognition payments is currently not an option under the Scheme. While considered urgent, timeframes from application to first payment for interim assistance requests are still lengthy. For FY2022-23, the average timeframe to first payment was 70 days.
- **Growing number of primary victim applications received where there are ongoing acts of violence** – These applications have increased from 2 per cent in FY 2016-17 to 17 per cent in FY 2022-23 of total applications received by VAQ per annum. On average, 89 per cent of these applications are for primary victims experiencing or having experienced DFV. Further to this, in FY 2022-23, 69 per cent of total applications received within three years of an act of violence ending (3,484 applications) were received within 6 months (2,613 applications).
- **Growing number of applications involving a first decision from a VAQ HRT representative** – The number of applications which receive a first decision made by a VAQ HRT representative have increased from 149 in FY 2019-20 to 1,079 in FY 2022-23. Overall, 96 per cent of these applications have been submitted by primary victims experiencing or having experienced DFV.

While there is clearly a changing nature to the applications made to the Scheme, the actions of VAQ are achieving the objectives and intent of the Scheme as set out in the VOCAA.

Helping victims of acts of violence to recover from the acts by giving them financial assistance – Since the Scheme's inception in 2009 through to 30 June 2023, a total of 45,197 applications have been received by the Scheme from 40,032 unique victims of acts of violence. In response, 28,023 unique victims have received financial assistance totalling \$198 million.

Primary and Related Victim Recognition – A total of 28,618 applications were received from 26,051 unique primary victims, with 24,207 unique primary victims receiving financial assistance from the Scheme’s inception until 30 June 2023. A total of \$159 million was paid over this period to primary victims, including \$54 million for expenses and \$105 million for special assistance. A similar percentage of applications from related victims resulted in payments – in the period since the Scheme’s commencement to 30 June 2023, a total of 3,351 applications have been received from 3,294 unique related victims, with 3,211 unique related victims receiving financial assistance (totalling \$35 million). Of the 3,211 related victims who have received financial assistance, 98 per cent received a recognition payment (a distress payment).

Adding to other services provided by or for government to victims of acts of violence – Over the period since the inception of the Scheme to 30 June 2023, of the \$63.4 million paid for recovery expenses from the Scheme to all victims, VAQ has reimbursed \$37.3 million directly to applicants and \$26.1 million to third party service providers and others to support victims.

Effectiveness of the Scheme

While it is reasonable to suggest that the legislative objectives and intent of the Scheme are being achieved, the quantitative assessment provides a number of key points of analysis that indicate that the effectiveness of the Scheme for victims of crime may be enhanced.

Substantial number of applications awaiting processing (backlog) – The increasing volume of applications received by the Scheme since its commencement in 2009 (and in particular in recent years, following the 2017 amendments to the VOCAA) has resulted in application processing backlogs. This peaked at just over 4,900 applications in August 2022. With improvements made by VAQ to its administration of the Scheme, data indicates that the backlog has since reduced and stabilised which would appear to effectively to be a return to a ‘baseline’ of around 2,500 applications. Proposed changes and promotion of the Scheme are, however, likely to see applications numbers further increase, which may result in growth in application queues and continuing (and possibly increasing) wait times for decisions.

Substantial delays in assessing applications once received (assessment wait times) – The annual average number of days (per application) from application received to first decision (wait time) has increased year on year since the Scheme’s inception (other than FY 2022-23), peaking in FY 2021-22 at 453 days. It is noted that this has decreased in the past year, with the current monthly average sitting at 161 days (as at 30 September 2023) reflecting efficiencies and changes made by VAQ. Nonetheless, almost six months remains a significant wait time.

Substantial wait times for payment of recognition payments (distress and special assistance) – Distress payment wait times (from date application is received to date payment is made) have recently improved (down to a monthly average of 37 days in September 2023). In comparison, the average number of days for special assistance payments, while decreasing from a peak in July 2022, has remained stubbornly high (a monthly average of 185 days in September 2023) across all categories of special assistance.

Substantial wait times for payment of recovery expenses – Like recognition payments, the average number of days from application received to payment of a recovery expense has continued to grow. Nevertheless, there is a wide variability in the time taken from application received to payment made across recovery expense payments. This variability reflects the range of factors in receiving, reconciling and paying expenses, some of which are outside of VAQ’s control. For example, in FY 2022-23 funeral expenses averaged 45 days to payment from the date the application was received, whereas ‘report expenses’ (another category of recovery expenses) averaged 947 days to payment from the date the application was received. Further to this, VAQ retains a backlog of expense payments that are yet to be processed (that is, where VAQ is waiting further information from an applicant or provider to process and finalise the payment). As of 30 September 2023, VAQ retained 838 recovery expenses to be processed.

Long application life span of ‘closed’ applications – For this quantitative analysis, KPMG used a proxy for ‘closed’ applications, in the absence of specific VAQ data, which included applications that were not lapsed, refused or withdrawn and where the last payment date is greater than one year old. This provides an approximate measure of time across the full application lifecycle. Using this proxy, the average age of a ‘closed’ application has continued to increase. In FY 2009-10, 82 per cent of applications had a lifespan within 90 days, contrasting with FY 2022-23 where over 50 per cent of ‘closed’ applications were older than 12 months.

Growing increase in recognition payments (special assistance and distress) – The share of recognition payments (special assistance and distress) of total financial assistance paid by VAQ has increased from \$9.4 million (62 per cent of total paid) in FY 2017-18 to \$32.3 million (82 per cent of total paid) in FY 2022-23. This clearly shows a marked change in the nature of support being sought under the Scheme, with more than three quarters of the total funds distributed by the Scheme now relating to recognition (a generally swifter pathway for payment) than recovery.

Substantial increase in special assistance paid in past financial year – Special assistance payments have increased by 188 per cent between FY2021-22 to FY 2022-23, from \$10.1 million to \$29.1 million. This reflects an increase in the number of primary victim applications and applicants seeking financial assistance. Across all categories of special assistance, DFV is increasingly the largest act of violence type recorded.

4.3 Legislative Objectives and Intent

As previously noted, the objectives of the Scheme detailed in the VOCAA are to:

- help victims of acts of violence to recover by providing financial assistance; and
- provide financial assistance to primary victims that represents a symbolic expression of the community's recognition of the injuries suffered by them; and
- provide financial assistance to related victims who have suffered distress that represents a symbolic expression of the community's recognition of the distress suffered; and
- add to the other services provided by government to victims of acts of violence.

The quantitative assessment identifies that, overall, the Scheme is meeting these objectives and the intent of the VOCAA, in terms of total applications received, applicants assisted, and payments made.

4.3.1 Providing Financial Assistance

The first key objective of the Scheme as defined under the VOCAA is 'to help victims of acts of violence to recover from acts by giving them financial assistance'.

The quantitative assessment evidences:

- growth in the number of applications received under the Scheme;
- changes made by VAQ in administering the Scheme, with emphasis on increasing the number of first decisions in FY 2022-23 and reducing the backlog of applications; and
- the evolving profile of applications red by the Scheme, which is driving more of a focus on more immediate support requirements rather than the historic approach of the Scheme being a 'recovery' scheme or a 'scheme of last resort'.

From the commencement of the Scheme on 1 December 2009 to 30 June 2023, a total of 45,197 applications have been received by the Scheme from 40,032 unique victims of acts of violence.

Over that same time period, a total of \$198M has been paid to 28,023 victims.

In the nearer term (between FY 2017-18 and FY 2022-23) since the amendments to expand the eligibility of DFV victims to receive financial assistance from the Scheme have been in place, a total of 29,775 applications have been received from 26,202 victims, with 18,603 victims receiving financial assistance (a total of \$116 million). Of these 29,775 applications, 13,300 – representing 45 per cent of total applications over that time window – have been from 11,964 victims of DFV.

As noted in Figure 4, in FY 2022-23 DFV applications made up over 50 per cent of all applications received by VAQ under the Scheme.

Number of applications received by the Scheme

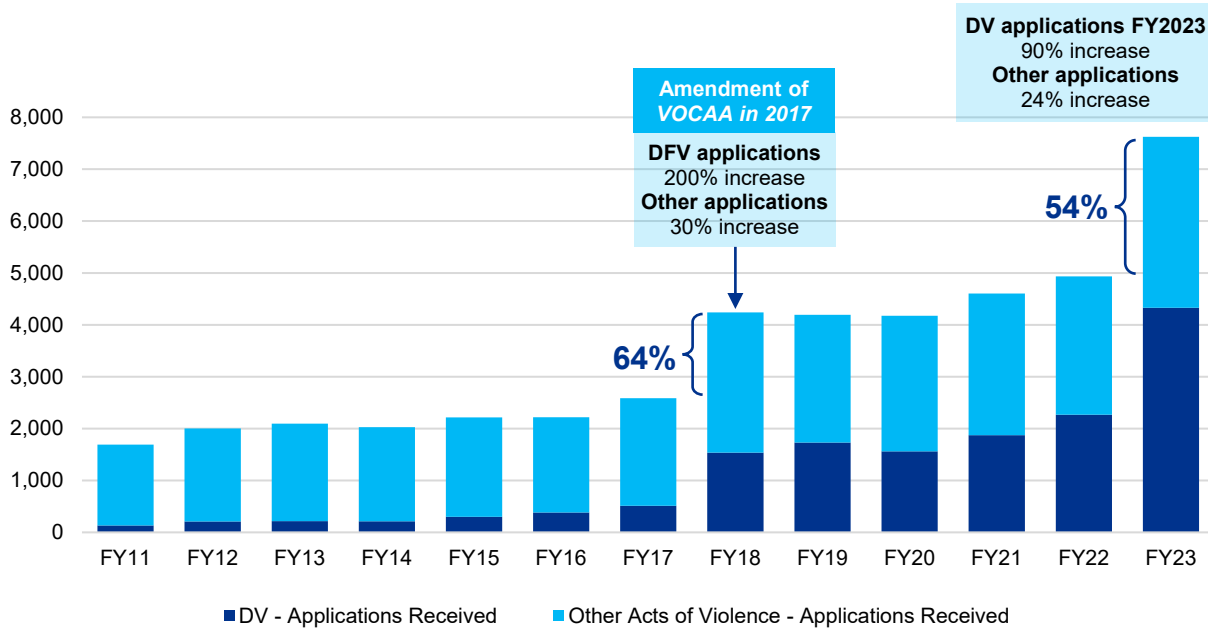
As noted previously, the amendments to the VOCAA in 2017 included expanding the scope of the Scheme to ensure victims of DFV were able to access financial assistance.

Figure 4 shows that in the period immediately following legislative amendments to the VOCAA there was a 64 per cent increase in applications between FY 2016-17 and FY 2017-18. This increase in the number of applications was primarily driven by DFV applications, which increased 200 per cent in that year, from 512 applications in FY 2016-17 to 1,538 applications in FY 2017-18.

Figure 4 also shows a 54 per cent increase in applications between FY 2021-22 and FY 2022-23. This was again primarily driven by DFV applications which alone increased by 90 per cent from the previous year and made up 56 per cent of total applications received by the Scheme in FY2022-23.

VAQ attributes the rapid influx in applications received in FY 2022-23 to greater awareness of the Scheme within the victim support sector, education and awareness campaigns related to DFV, and additional media attention on DFV supports available to victims.

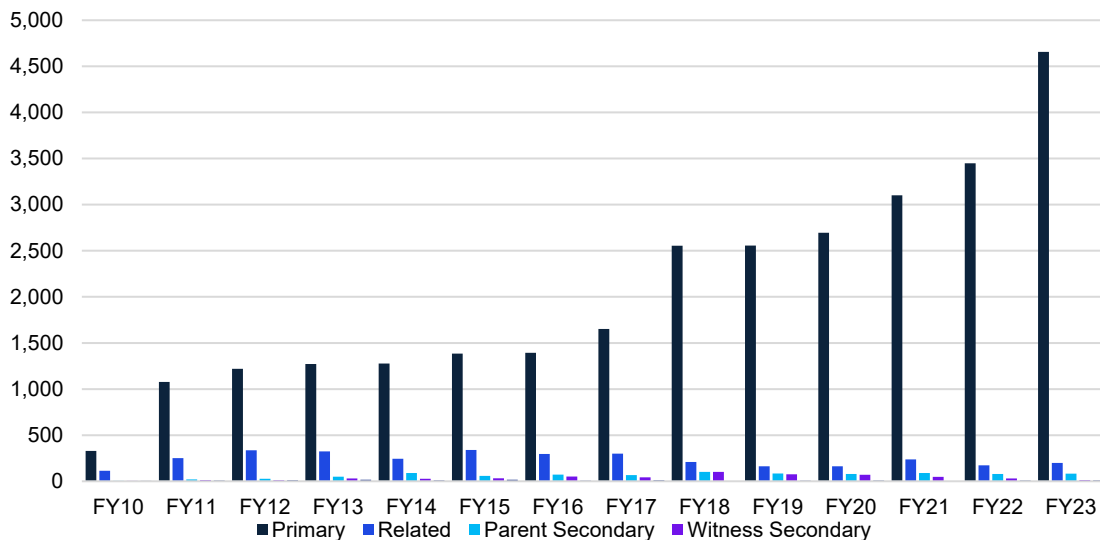
Figure 4: Number of Scheme applications per annum (financial year, volume)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Figure 5 provides the number of applications received per annum by victim type.⁹⁹ It highlights that primary victim applications received by VAQ for financial assistance per annum are the largest victim cohort, on average 63 per cent of total applications received. Related victim is the second largest victim type followed by parent secondary and witness secondary.

Figure 5: Number of Scheme applications received per annum by victim type (financial year, volume)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

99 This data presented excludes applications received and deemed as 'Not Eligible' or 'Yet to be determined'. 'Yet to be determined' is where an application has not been formally assessed by a VAQ assessor.

The table below provides a snapshot of the number of applications received by the victim type and act of violence. A total of 4,950 applications were received across primary parent secondary, witness secondary and related victim types. The table excludes applications received designated as 'Not Eligible', 'Yet to be determined'¹⁰⁰ or 'Funeral Only'.

Table 4: FY 2022-23 snapshot of number of applications received by victim type and act of violence¹⁰¹

| | Primary Victim | Parent Secondary Victim | Witness Secondary Victim | Related Victim |
|-------------------------------------|----------------|-------------------------|--------------------------|----------------|
| <i>Assault</i> | 736 | 8 | 6 | - |
| <i>Burglary</i> | 27 | - | 1 | - |
| <i>Domestic and Family Violence</i> | 3,225 | 4 | 4 | - |
| <i>Homicide (DV, MVA and other)</i> | 9 | 1 | 1 | 197 |
| <i>Motor Vehicle Accident</i> | 1 | - | - | - |
| <i>Robbery</i> | 42 | - | - | - |
| <i>Sexual Offences</i> | 514 | 66 | 1 | - |
| <i>Stalking/Threats</i> | 26 | - | - | - |
| <i>Other</i> | 76 | 3 | - | 2 |
| Total | 4,656 | 82 | 13 | 199 |

Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Total number of payments made by the Scheme

Figure 6 demonstrates that the number of financial assistance payments processed by VAQ has gradually increased since FY 2010-11, peaking at 8,472 payments in FY 2017-18 before stabilising until FY 2022-23.

During this period, the bulk of payments processed by VAQ were for expenses, rather than recognition.

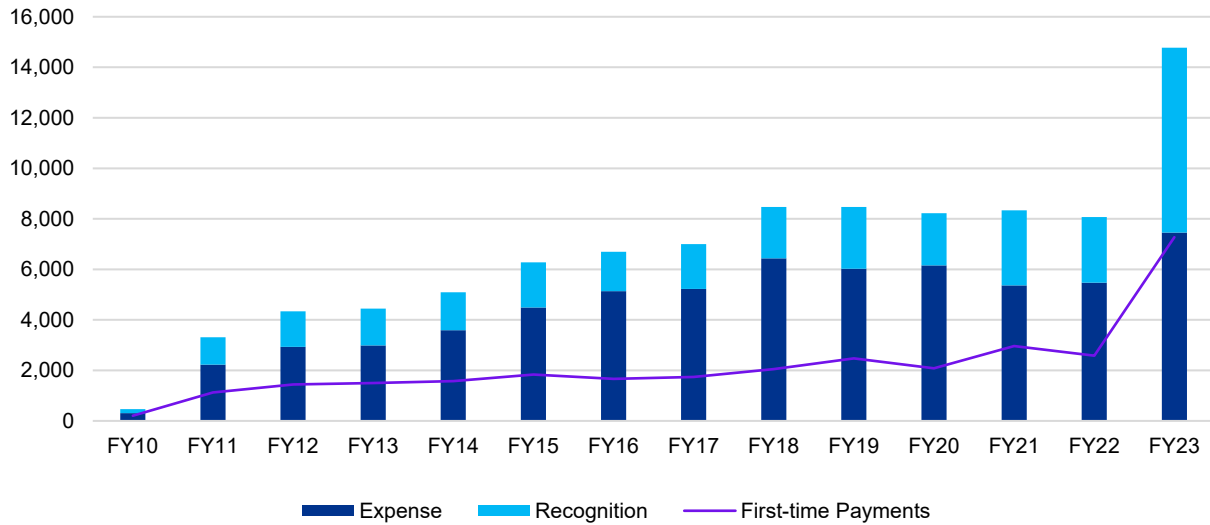
The number of payments under the Scheme processed for FY 2022-23 increased significantly to 14,733, with 50 per cent for recognition, in comparison to 32 per cent of payments being for recognition in the previous year.

These increases highlight both the growth in demand for payments under the Scheme (i.e., total growth) as well as the impacts of VAQ targeting the processing of first decisions (and therefore first-time payments) at a higher rate as part of its operational improvements. For this review, a first-time payment is defined as the first payment granted to a victim. The type of payment made as a first-time payment to a victim depends on the victim type and their circumstances. For example, this may be an interim assistance payment to cover immediate expenses. In many cases, for primary and related victims, this may be their recognition payment (special assistance and distress).

¹⁰⁰ 'Yet to be determined' is where an application has not been formally assessed by a VAQ assessor

¹⁰¹ Nine applications were received in 2022-23 denoted in VAQ Financial Assistance Scheme application data under Victim Type as 'Funeral Only'. These have been excluded here.

Figure 6: Number of payments made (Expense, Recognition and First-time payments) per annum (financial year, volume)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Table 5 provides a snapshot of the number of first-time payments made by victim type and act of violence during FY 2022-23. A total of 7,263 first-time payments were made to primary, parent secondary, witness secondary and related victims. A further nine payments were made, one to an application where the victim type was deemed 'Not Eligible' and to eight applications designated as 'Funeral Only'. These nine payments have been excluded from the table below.

Table 5: FY 2022-23 snapshot of number of first-time payments by victim type and act of violence¹⁰²

| | Primary Victim | Parent Secondary Victim | Witness Secondary Victim | Related Victim |
|-------------------------------------|----------------|-------------------------|--------------------------|----------------|
| <i>Assault</i> | 1,651 | 4 | 6 | - |
| <i>Burglary</i> | 64 | - | - | - |
| <i>Domestic and Family Violence</i> | 4,017 | 1 | 1 | - |
| <i>Homicide (DV, MVA and other)</i> | 8 | - | 2 | 310 |
| <i>Motor Vehicle Accident</i> | 4 | - | - | 2 |
| <i>Robbery</i> | 74 | - | - | - |
| <i>Sexual Offences</i> | 940 | 38 | 2 | - |
| <i>Stalking/Threats</i> | 46 | - | - | - |
| <i>Other</i> | 90 | 1 | - | 2 |
| Total | 6,894 | 44 | 11 | 314 |

Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

¹⁰² The data presented excludes payments made to victim types denoted as 'Not Eligible', 'Yet to be determined' or 'Funeral Only'.

Total value of financial assistance paid

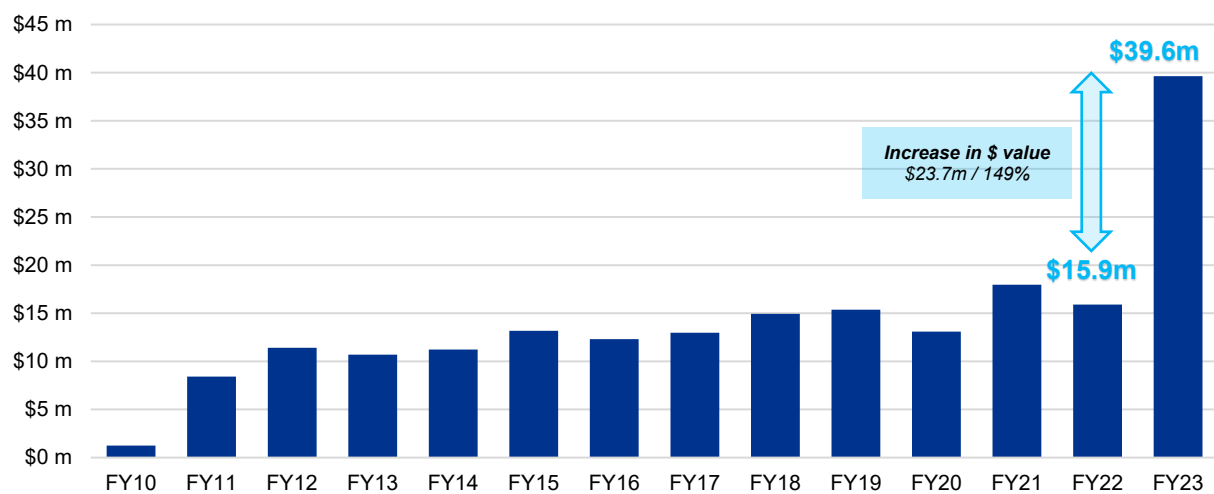
The increasing demand for the Scheme in terms of applications received is obviously resulting in an increasing total value of financial assistance paid by the Scheme.

Figure 7 demonstrates that since the commencement of the Scheme the total value of financial assistance has gradually increased, from \$8.4 million in FY 2010-11 to \$15.9 million in FY 2021-22. In the period from FY 2021-22 to FY 2022-23, total financial assistance paid by the Scheme increased by \$23.7 million or 149 per cent, to a total of \$39.6 million.

Unlike the rapid growth in the total number of applications received after the amendments to VOCAA in 2017, the total value in payments made by the Scheme in subsequent years did not significantly increase.

Inversely however, in line with the rapid escalation of the number of applications received under the Scheme by VAQ over the period FY2020-21 through FY2022-23, the total value of financial assistance paid under the Scheme also significantly increased over that window (particularly in FY2022-23, which represents both significant growth in applications and payment of significant backlog which peaked in August 2022).

Figure 7: Total value of financial assistance paid under the Scheme per annum (financial year, \$ millions)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

As demand from victims for financial assistance has increased over time, the Scheme has been able to increase the level of financial assistance to these victims. While it is clear that payments made by the Scheme as presented in Figure 7 demonstrate that the Scheme is meeting one of its key objectives to assist victims of acts of violence to recover by providing financial assistance, this has also created challenges in relation to effectiveness (particularly timeliness of payments).

The Queensland Government's recent announcements to increase the maximum thresholds for special assistance and distress under each category will likely further contribute to growth in payment amounts under the Scheme and potentially also to backlogs in processing of applications. Details of these backlogs and mechanisms to address them are evidenced further within this report.

Table 6 provides a snapshot of the total value of financial assistance paid by victim type and act of violence during FY 2022-23. A total of \$39.6 million was paid, with \$35.6 million (or 90 per cent) assisting primary victims and \$19.7 million (or just under 50 per cent) assisting DFV victims across Primary, Parent Secondary and Witness Secondary victim types.

Table 6: FY 2022-23 snapshot of value of financial assistance paid by victim type and act of violence

| | Primary Victim | Parent Secondary Victim | Witness Secondary Victim | Related Victim | Funeral Only |
|-------------------------------------|-----------------|-------------------------|--------------------------|----------------|-----------------|
| <i>Assault</i> | \$6.2 m | \$0.02 m | \$0.0 m | - | - |
| <i>Burglary</i> | \$0.3 m | - | - | - | - |
| <i>Domestic and Family Violence</i> | \$19.7 m | \$0.01 m | \$0.0 m | - | - |
| <i>Homicide</i> | \$0.04 m | - | \$0.0 m | \$3.7 m | \$0.05 m |
| <i>Motor Vehicle Accident</i> | \$0.02 m | - | - | \$0.02 m | - |
| <i>Robbery</i> | \$0.3 m | - | - | - | - |
| <i>Sexual Offences</i> | \$8.4 m | \$0.2 m | \$0.0 m | - | - |
| <i>Stalking/Threats</i> | \$0.2 m | - | - | - | - |
| <i>Other</i> | \$0.4 m | \$0.0 m | - | \$0.02 m | - |
| Total | \$35.6 m | \$0.2 m | \$0.02 m | \$3.7 m | \$0.05 m |

Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Total value of recognition payments

Recognition payments are a significant portion the financial assistance paid to primary and related victims. Since the inception of the Scheme in FY 2009-10, the share of recognition payments of the total value of financial assistance paid has gradually increased. This trend has accelerated over the past four financial years.

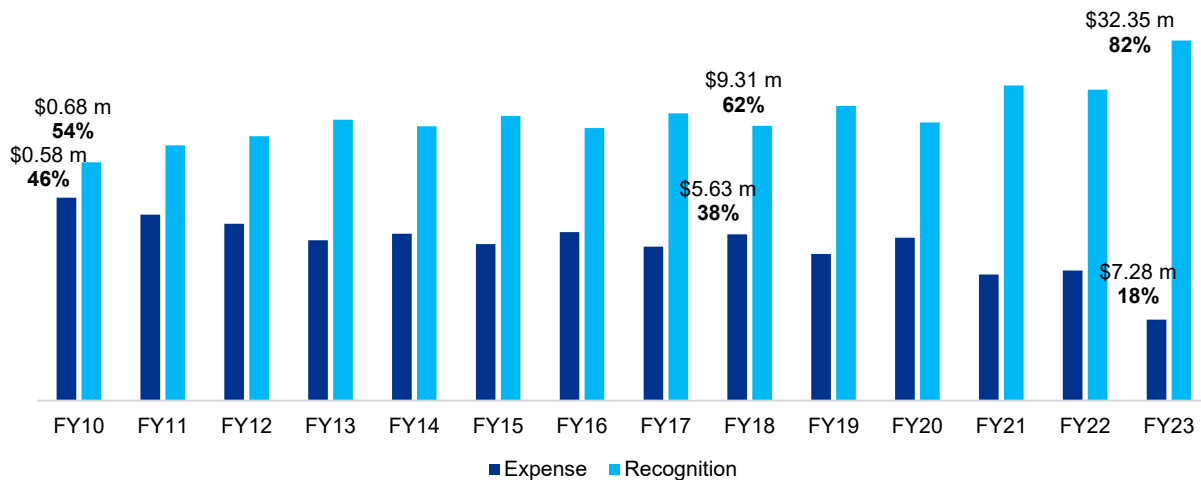
In terms of the value of financial assistance, as at 30 June 2023 the Scheme is primarily providing upfront, lump sum recognition payments in the form of special assistance and distress for primary and related victims, respectively. Concurrently, there has been a decline in the total value of recovery expenses paid to assist primary and related victims recover from injuries suffered due to an act of violence. This is detailed in Figure 8.

As previously outlined, recognition payments are where:

- a primary victim is eligible to receive special assistance payment of up to \$10,000 (proposed to increase to \$15,000) in relation to the act of violence; or
- a related victims is eligible for financial assistance of up to \$10,000 (proposed to increase to \$15,000) for distress suffered as a direct result of the primary victim's death.

Figure 8 shows that the share of recognition payments (special assistance and distress) has increased from 54 per cent of total financial assistance provided by the Scheme in FY 2009-10 to 82 per cent in FY 2022-23.

Figure 8: Share of total payment made by recognition (distress and special assistance combined) and expense payments (financial years, \$ millions)



Source: Victim Assist Queensland, FAS payment data FY 2009-10 to FY 2023-24 (as of 15 August 2023)

4.3.2 Primary Victim Recognition

The second key objective of the Scheme as defined under the VOCAA is that it 'provides financial assistance to primary victims that represents a symbolic expression by the State of the community's recognition of the injuries suffered by them'.

The quantitative assessment demonstrates that the Scheme is meeting this objective by:

- providing financial assistance to primary victims; and
- providing financial assistance that represents a symbolic expression by the State of the community's recognition of the injuries suffered by them.

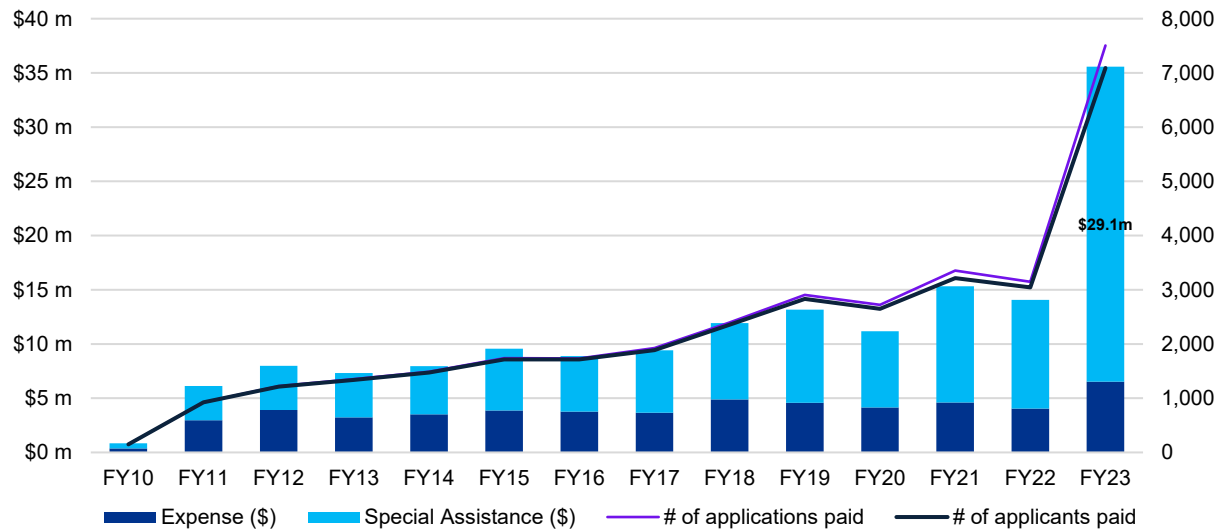
This can be demonstrated by the number of primary victim applications received, the number of primary victim payments processed, the type of payments made and the amount of financial assistance paid in terms of recognition (special assistance) and recovery expenses.

Primary victims are by far the Scheme's the largest applicant group and the largest recipient of financial assistance including recognition (special assistance) and payments for recovery expenses.

Between FY 2009-10 to FY 2022-23, a total of 28,618 applications were received from 26,051 unique primary victims, with 26,466 applications for 24,207 unique primary victims receiving financial assistance. A total of \$159 million was paid over this period to primary victims, including both expense and recognition payments.

Figure 9 shows the number of applications and applicants paid, total quantum paid and the breakdown of payment types (special assistance or recovery of expenses), for primary victims, since the Scheme's commencement to 30 June 2023.

Figure 9: Primary victim financial assistance paid - number of applications and applicants paid and total value across recovery expense and special assistance per annum (financial year, \$ millions, volume)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023) and FAS application data FY 2009-10 to FY 2023-24 (as of 17 October 2023)

Recognition Payment – Special Assistance

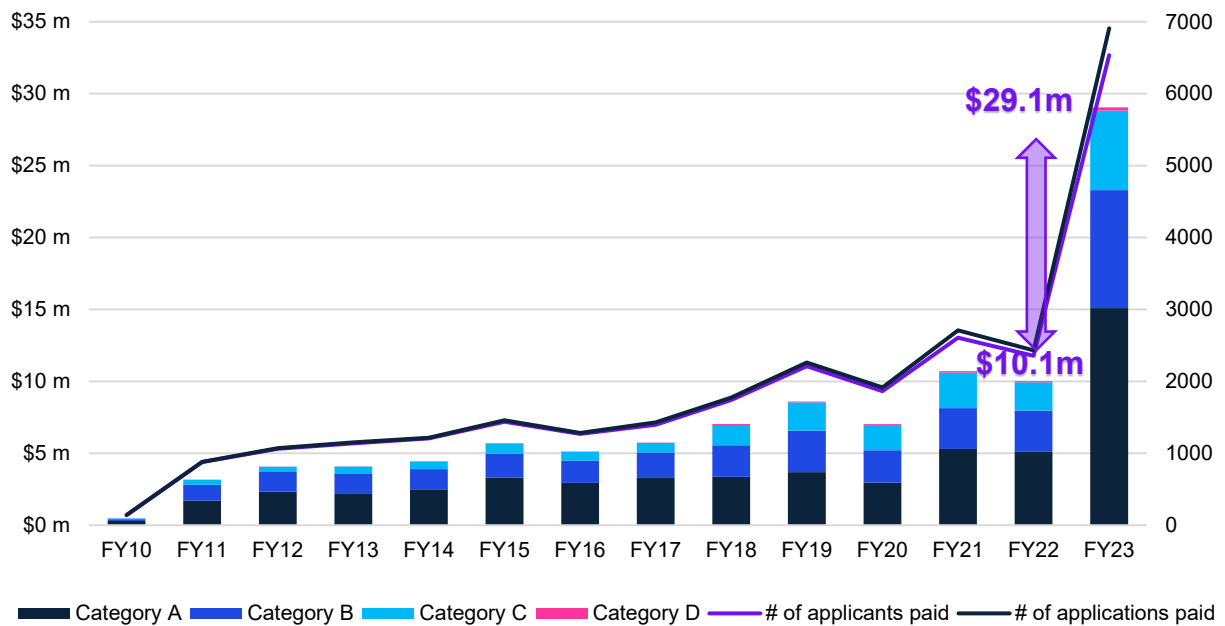
Of the 24,207 primary victims who have received financial assistance since FY 2009-10, 24,093 (99.5 per cent) of primary victim applicants received a recognition payment (referred to as special assistance) under the VOCAA. A total of \$105 million in special assistance for primary victims was provided over this period, making up 66 per cent of the total value of financial assistance provided to primary victims.

All primary victims who are deemed eligible will be granted a recognition payment. An assessor will determine the relevant category (Category A, Category B, Category C, and Category D), based on the available information, reflecting the severity of the act of violence committed against the victim. VAQ has indicated that in some circumstances these payments will be reduced due to a relevant payment. As noted in the section below on relevant payments, in 2022-23, 157 applications out of more than 7,000 across recognition and recovery payments were reduced by relevant payments.

Like in Figure 9, Figure 10 provides a visual depiction of the number of applications and applicants paid and total quantum paid for recognition (special assistance) payments. It also provides a further breakdown of category types for special assistance paid since the Scheme’s commencement to 30 June 2023. It highlights the significant growth, by 65 per cent, in total value of special assistance payments made between FY 2021-22 and FY 2022-23, from \$10.1 million to \$29.05 million.

As observed in above, the share of the Scheme paid as recognition (special assistance payments) to primary victims has continued to grow in line with the number of applications received. The spike in the share of special assistance in FY 2022-23 may be attributed to a combination of an increased number of applications, faster processing of applications by VAQ to achieve a first decision, addressing backlogs and the changing requirements of applicants to require more rapid response (especially with regard to DFV offences). As of 30 June 2023, special assistance accounted for 82 per cent of the total amount paid by the Scheme to primary victims.

Figure 10: Special Assistance - Number of applications and applicants paid and value of special assistance paid per category per annum (financial year, volume, \$ millions, volume)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023) and FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Table 7 provides a snapshot of total value of special assistance paid and average payment amount and for primary victims in FY 2022-23. Of the total \$29.1 million paid: \$15.1 million was paid to Category A applicants; \$8.2 million to Category B; \$5.5 million to Category C and \$225,000 to Category D. Category A payments, with an average payment of \$9,549, made up over 50 per cent of total special assistance payments made by the Scheme.

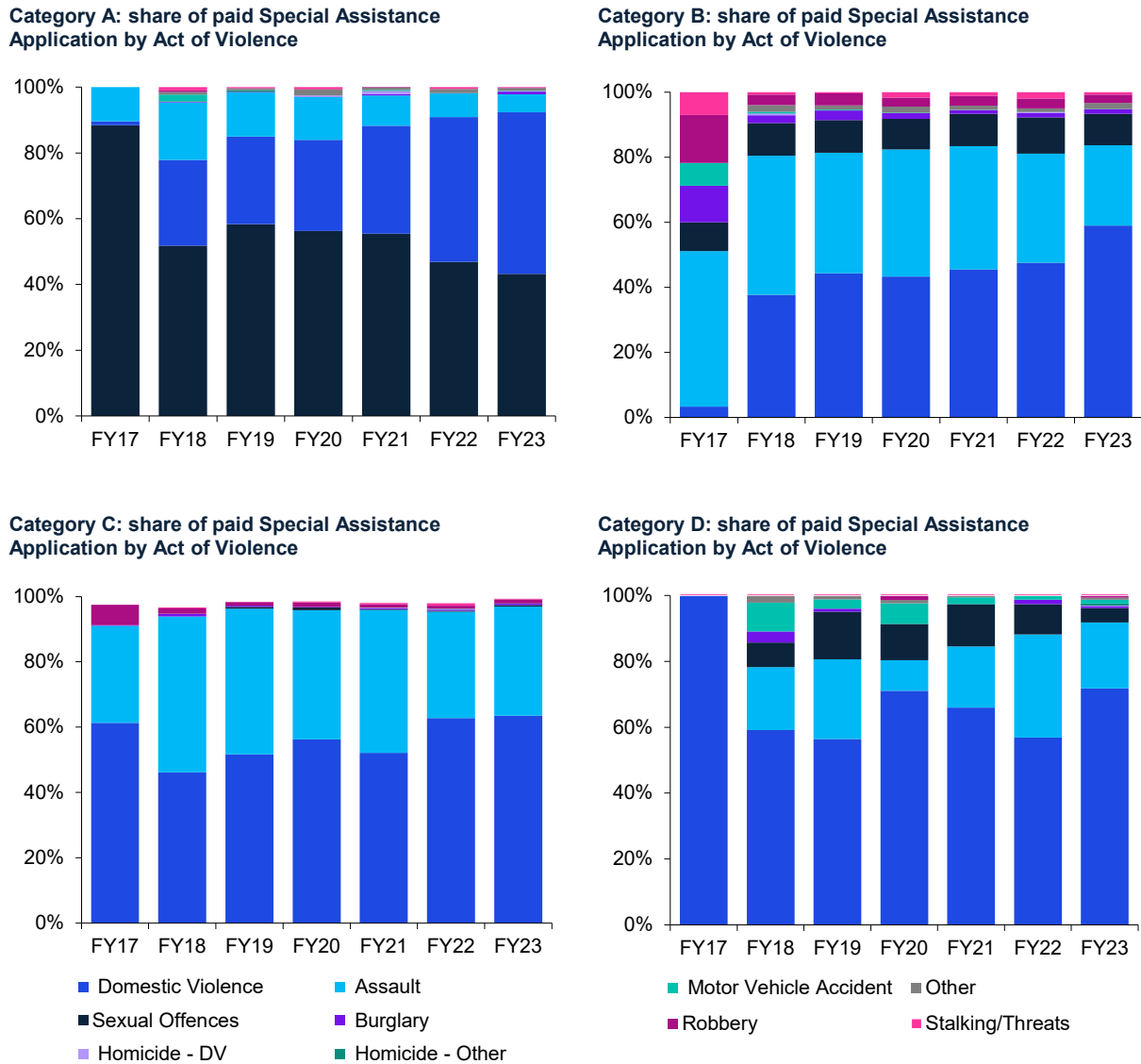
Table 7: FY 2022-23 snapshot of value, average amount per application and number of primary victims applications and applicants paid per special assistance category

| | Total value paid | Average amount per application | Number of applications paid | Number of unique applicants paid |
|--------------------------|------------------|--------------------------------|-----------------------------|----------------------------------|
| Category A (\$10,000) | \$15.1 m | \$9,854 | 1,533 | 1,483 |
| Category B (\$3,500) | \$8.2m | \$3,466 | 2,366 | 2,332 |
| Category C (\$2,000) | \$5.5m | \$1,979 | 2,793 | 2,691 |
| Category D (\$1,000) | \$0.2m | \$1,000 | 216 | 211 |
| Total | \$29.1 m | \$4,206 | 6,908 | 6,535 |

Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Figure 11 highlights the share of special assistance paid per financial year by category and by act of violence. Acts of DFV have increased in the share across each category, particularly in Category A.

Figure 11: FY 2022-23 snapshot of special assistance and share of act of violence (\$ millions)



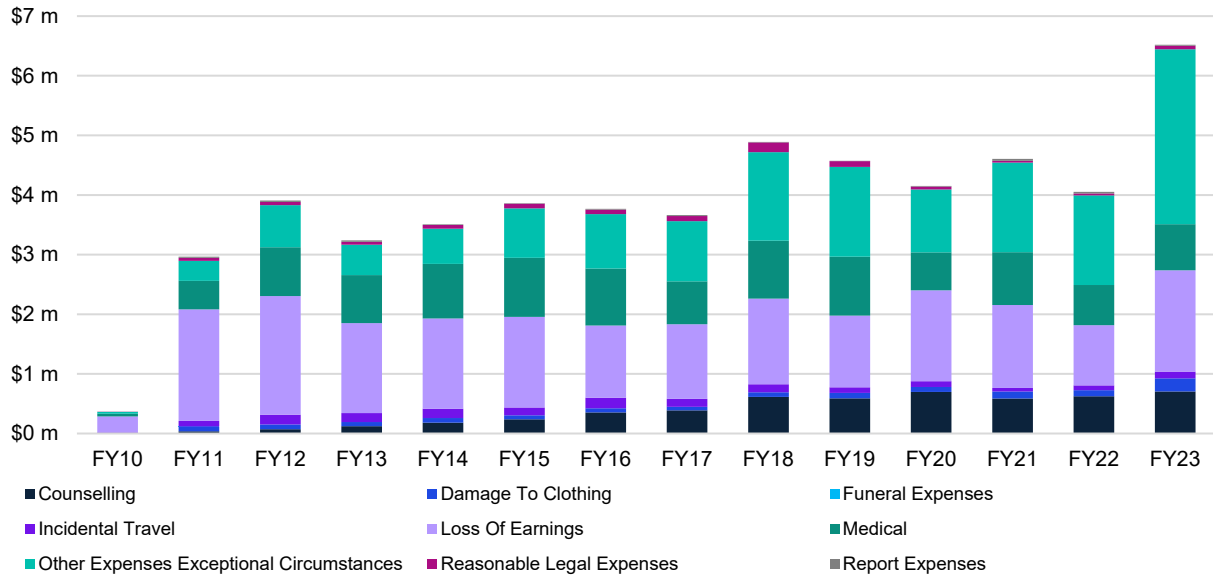
Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023) and FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Expense payments to Primary Victims

Figure 12 highlights the value of expense payments paid to primary victims over the period FY 2009-10 to FY2022-23 by 'payment for' category. The top three 'payment for' types over this period has consistently included:

- Other Expenses Exceptional Circumstances;
- Loss of earnings; and
- Medical expenses.

Figure 12: Breakdown value of expenses paid to primary victims by 'payment for category' per annum



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Table 8 provides a snapshot of total value of expense payments and average payment amount per payment for primary victims in FY 2022-23. Of the total of \$6.5 million paid, \$2.9 million was paid for Other Expenses Exceptional Circumstances, \$1.7 million was paid for Loss of earnings and \$0.7 million paid for medical expenses.

Table 8: FY 2022-23 snapshot of value of expense, average amount per payment, primary victim applications and applicants paid

| | Total value paid | Average paid per payment | Number of applications paid | Number of unique applicants paid |
|---|------------------|--------------------------|-----------------------------|----------------------------------|
| <i>Counselling</i> | \$0.7 m | \$306 | 653 | 643 |
| <i>Damage to Clothing</i> | \$0.2 m | \$208 | 1,045 | 1,024 |
| <i>Incidental Travel</i> | \$0.1 m | \$664 | 98 | 97 |
| <i>Loss of Earnings</i> | \$1.7 m | \$7,358 | 205 | 203 |
| <i>Medical</i> | \$0.8 m | \$798 | 507 | 505 |
| <i>Reasonable Legal Expenses</i> | \$0.06 m | \$262 | 194 | 192 |
| <i>Report Expenses</i> | \$0.02 m | \$107 | 138 | 137 |
| <i>Other Expenses Exceptional Circumstances</i> | \$2.9 m | \$1,589 | 977 | 963 |
| Total | \$6.5 m | \$937 | 2,869 | 2,801 |

Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

4.3.3 Related Victim Recognition

The third key objective of the Scheme as defined under the VOCAA is that it 'provides financial assistance to related victims who have suffered distress that represents a symbolic expression by the State of the community's recognition of the distress suffered'.

Like the primary victim objective, the quantitative assessment demonstrates that the Scheme is meeting this objective for related victims by:

- providing financial assistance to related victims, and
- providing financial assistance that represents a symbolic expression by the State of the community's recognition of the distressed suffered by them.

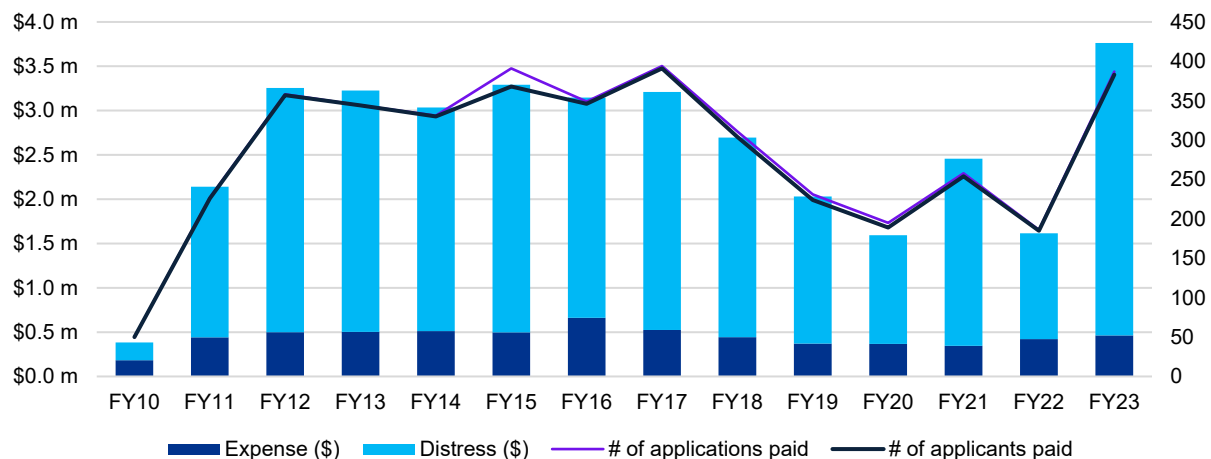
This can be demonstrated by the number of related victim applications received, the number of payments processed, the type of payments made and the amount of financial assistance paid in terms of recognition (distress) and recovery expenses (predominately funeral expenses).

It should be noted that related victims are the second largest applicant group within the Scheme, after primary victims as presented previously in Figure 5 above. As a result, related victims are also the second largest recipient group for financial assistance including recognition payment (distress) and payments for recovery expenses as presented previously in Table 6. The share of total applications received by VAQ from related victims per financial year is on average 10 per cent over the life of the Scheme. This is in comparison to an average share of 62 per cent of total applications received from primary victims. Over the past five years, this share of total applications received has reduced to 2 per cent in FY 2022-23 as demand from primary victims for financial assistance has increased year on year, as presented previously in Figure 5 above.

Between FY 2009-10 and FY 2022-23, a total of 3,351 applications have been received from 3,294 unique related victims, with 3,211 related victims receiving financial assistance (totalling \$35 million).

Figure 13 shows of number of applications and applicants paid, total quantum paid and the breakdown of payment types (distress or recovery of expenses) for related victims, since the Scheme's commencement to 30 June 2023. It is notable that distress payments are consistently the largest share of total payments paid to related victims, reflecting both the size of distress payments (up to \$10,000; proposed to increase to \$15,000) and number of applications received.

Figure 13: Related victim - number of applications, applicants paid and value of recognition (distress) and recovery expenses payments



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023) and FAS application data FY 2009-10 to FY 2023-24 (as of 17 October 2023)

Recognition Payment – Distress

Of the 3,211 related victims who have received financial assistance between FY 2009-10 and FY 2022-23, 3,164 (98 per cent) of related victim applicants received a recognition payment (referred to a 'distress payment') under the VOCAA. A total of \$29.6 million in distress payments for related victims was provided over this period, making up 83 per cent of the total value of financial assistance provided to related victims.

Figure 13 as above also shows the amount of recognition in the form of distress payments provided to related victims per annum. Like special assistance payments, significant growth in the value of distress payments has occurred between FY 2021-22 and FY 2022-23, from \$2.1 million to \$3.3 million. For FY 2022-23, distress payments accounted for 88 per cent of the total amount paid to related victims.

Table 9 provides a snapshot of the total value of distress payments paid, average payment amount and number of related victims supported in FY 2022-23.

Table 9: FY 2022-23 snapshot of value of distress payments, average amount per application and number of related victim applications and applicants paid

| | Total value paid | Average amount paid per application | Number of applications paid | Number of unique applicants paid |
|-------------------------|------------------|-------------------------------------|-----------------------------|----------------------------------|
| <i>Distress Payment</i> | \$3.3 m | \$10,000 | 330 | 326 |

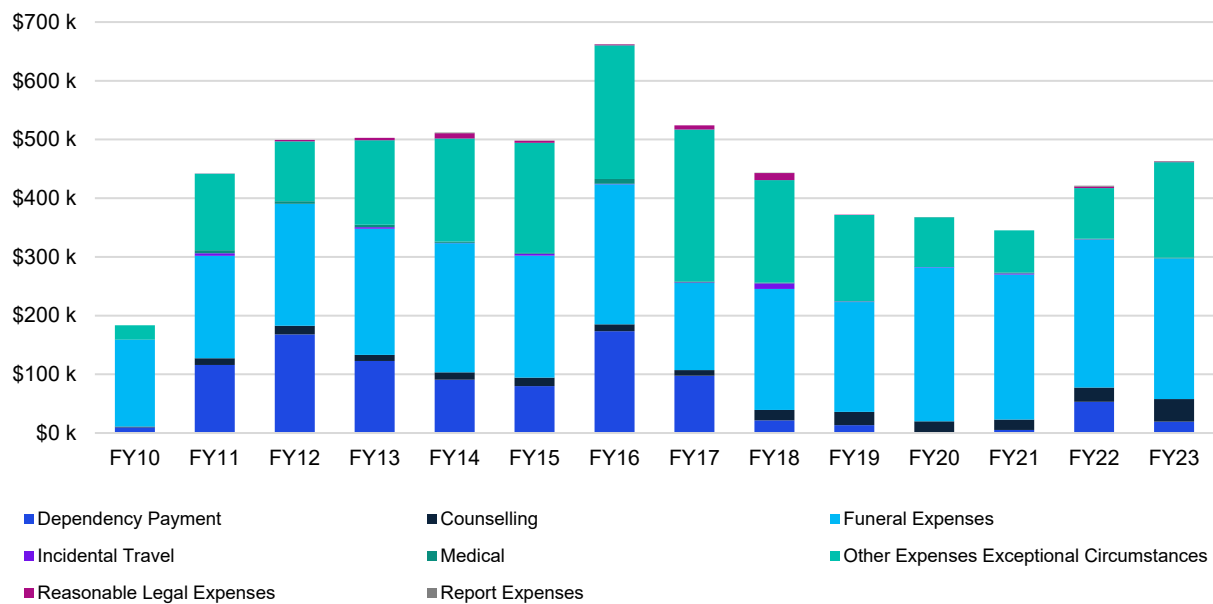
Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Expense payments to Related Victims

Figure 14 highlights the value of expense payments paid to related victims since commencement of the Scheme to 30 June 2023, broken down by ‘payment for’ categories.

The top two ‘payment for’ categories over this period have consistently been Other Expenses Exceptional Circumstances, and Funeral Expenses.

Figure 14: Breakdown value of expenses paid to related victims by ‘payment for’ category per annum (financial year, \$ millions)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Table 10 provides a snapshot of total value, average payment amount and number of related victims supported, for expenses payments, in FY 2022-23. Of a total of \$0.46 million paid, \$0.2 million was paid as funeral expenses, \$0.2 million Other Expense Exceptional and \$0.04 million paid for counselling.

Table 10: FY 2022-23 snapshot of value of expense, average payment amount and related victims supported (\$ millions)

| | Total value paid | Average payment amount | Number of related victims supported |
|---|------------------|------------------------|-------------------------------------|
| <i>Dependency Payment</i> | \$0.02 m | \$6,477 | 3 |
| <i>Counselling</i> | \$0.04 m | \$311 | 39 |
| <i>Funeral Expenses</i> | \$0.2 m | \$6,307 | 34 |
| <i>Medical</i> | \$0.0m | \$462 | 3 |
| <i>Other Expenses Exceptional Circumstances</i> | \$0.2 m | \$1,242 | 87 |
| <i>Reasonable Legal Expenses</i> | \$0.0 | \$225 | 3 |
| <i>Report Expenses</i> | \$0.0 | \$123 | 6 |
| Total | \$0.46 m | \$1,499 | 148 |

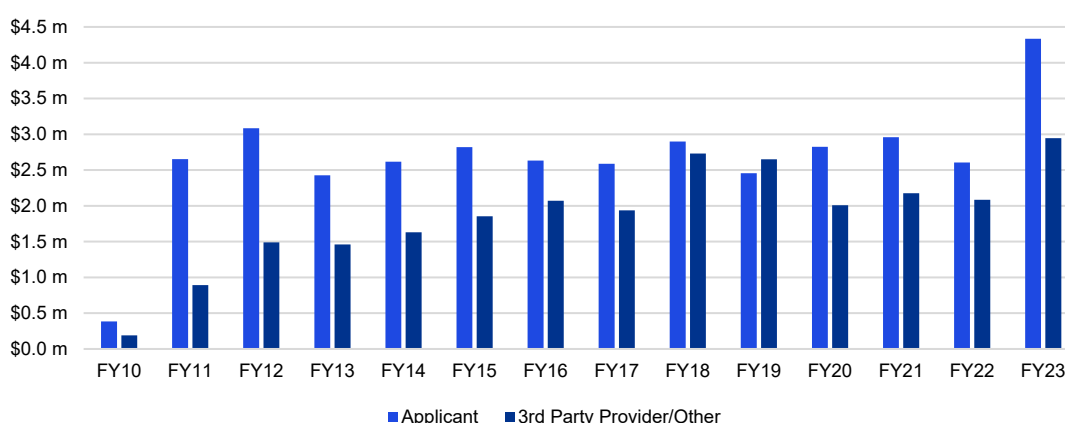
Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

4.3.4 Adding to other services

The final objective of the scheme as defined under the VOCAA is 'to add to other services provided by or for government to victims of acts of violence'.

Overall, the Scheme is adding to other services provided by or for government to victims. Over the period since the inception of the Scheme and 30 June 2023, of the \$63.4 million paid for recovery expenses from the Scheme to all victims, VAQ has reimbursed \$37.3 million directly to applicants and \$26.1 million to third party service providers and others (such as the Public Trustee of Queensland¹⁰³) to support victims. This is highlighted in Figure 15.

Figure 15: Financial assistance paid for recovery expenses to applicants and third-party providers and others per annum (financial year, \$ millions)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

¹⁰³ Note: Payments (both recognition and recovery payments) are made to the Public Trustee of Queensland to assist victims in managing their financial assistance. For example, all payments for children (under 18 years of age) will be made to the Public Trustee. The Public Trustee will also support those victims with an intellectual disability, psychiatric illness, acquired brain injury or an age related illness in managing their financial assistance.

However, as highlighted in this review, the environment in which the Scheme operates is complex and not always clearly delineated. In the absence of clear data from other Queensland Government agencies, quantifying the Scheme’s value-add to other services provided by or for government is difficult.

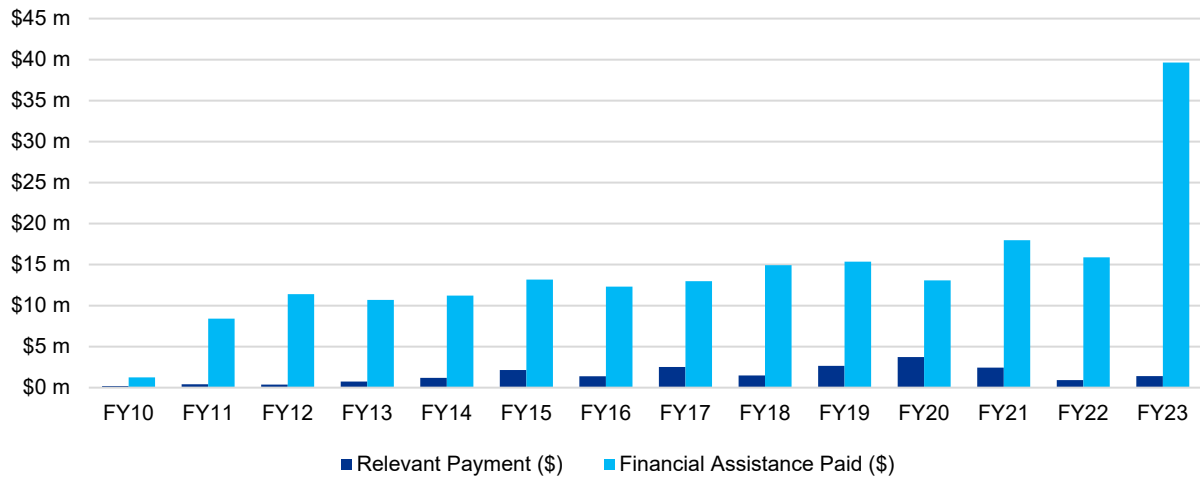
Another measure of this objective is the amount of ‘relevant payments’ that VAQ identifies and deducts from the amount of financial assistance to be granted. Relevant payments are financial assistance or rebates that the applicant has applied for, claimed, or received in relation to an act of violence. This financial assistance is required to be deducted from the amount of financial assistance to be granted.

Relevant Payments

Between FY 2009-2010 and FY 2022-23, a total of \$198.4 million was paid in financial assistance to victims. During this period, a total of \$21.6 million in relevant payments was deducted from total financial assistance to be granted. This represents 11 per cent of the total actual amount paid to victims of crime. This affected 1,555 applications or 3 per cent of the 45,197 applications received in this period.

The average relevant payment deducted from total financial assistance to be granted per application is \$5,704. Figure 16 below provides show the comparison between total financial assistance paid and total relevant payment deducted from financial assistance to be granted per financial year. It shows that while VAQ in has made efforts in recent years to confirm any relevant payments in application received, it remains relatively small in dollar value compared to financial assistance paid to victims per financial year.

Figure 16: Total financial assistance paid vs relevant payments deducted per annum (financial year, \$ millions)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023) and Relevant Payment data FY 2009-10 to FY 2023-24 (as at 8 September 2023)

Table 11 provides a snapshot of relevant payments in FY 2022-23 including total amount deducted, average relevant payment size per application and unique applications where relevant payment consideration occurred.

Table 11: FY 2022-23 snapshot of relevant payment value, average relevant payment amount and applications affected

| | Total relevant payment | Average relevant payment amount | Number of applications affected |
|-------------------------|------------------------|---------------------------------|---------------------------------|
| Relevant Payment | \$1.4 m | \$5,704 | 157 |

Source: VAQ, Relevant Payment data FY 2009-10 to FY 2023-24 (as at 8 September 2023)

Offender Debt Recovery Program

The ODRP is conducted by VAQ as part of the Scheme, in accordance with the VOCAA.

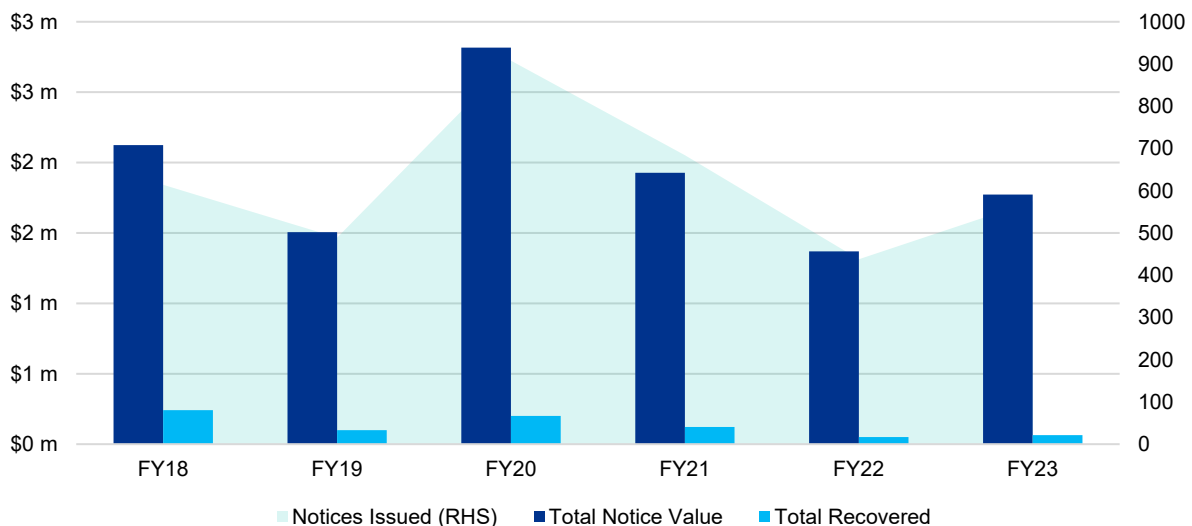
There are some cases where an applicant to the Scheme may have a potential debt to the State due to an offence for which they were previously convicted. Where such a case is identified during the assessment process and the applicant is deemed eligible for financial assistance, the assessor is required to notify the ODRP. The ODRP will commence the Offender Debt Recovery process. As a result, any financial assistance granted will be made to the ODRP to satisfy the person’s debt to the State in the first instance.

As the quantitative assessment demonstrates, the effort in administering this program in relation to the amount recovered from offenders is significantly one sided and provides minimal financial benefit to VAQ. Within the stakeholder consultation section below, the victim support sector stakeholders also identified the ODRP as not being trauma-informed or victim-centric.

Between FY 2017-18 and FY 2022-23, a total of 3,708 Offender Debt Recovery notices were issued to offenders at a value of \$11.5 million. Over the same period, only \$0.78 million was recovered, representing 7 per cent of the total value of notices issued. In comparison to the \$116.9 million paid in financial assistance over the same period, the total recovered from offenders represents only 0.7 per cent.

Figure 17 provides a summary of the volume of ODR notices issued, total value of notices and total value recovered. It highlights the amount recovered has decreased since FY 2017-18 from 11 per cent of payments recovered to less than 4 per cent in FY 2022-23.

Figure 17: Number of offender recovery notices issued, notice value and amount recovered since FY 2017-18 (financial year, \$ millions, volume)



Source: VAQ, VOCA Offender Processing Data (as at August 2023)

4.4 Effectiveness of the Scheme for victims of crime

In addition to considering whether the Scheme its objectives and intent as set out in the VOCAA, this review was also tasked with assessing the effectiveness of the Scheme.

As part of the qualitative analysis, the review has explored the timeliness of application and payment processes and outcomes (as evidenced by application assessment ‘backlogs’ and application and payment wait-times. The quantitative assessment highlights that there are:

- significant delays experienced by victims with the assessment and processing of their applications;
- significant delays in receiving recognition payments (special assistance payments for primary victims and distress payments for related victims); and
- significant delays in the reimbursement of recovery expenses.

In addition, as has been previously noted, the Scheme’s administration has traditionally been based on the concept of a ‘provider of last resort’. In that regard, where victims receive payments from other relevant payment sources, financial assistance will not be provided to the same extent that other payments are received. Accordingly, KPMG has sought to ensure that the quantitative analysis

regarding effectiveness of the Scheme is appropriately limited (to the extent possible) to assessing the VAQ component of the application lifespan – from the moment the application is received by VAQ to the last payment made by VAQ to the victim. The data does not include the time spent by a victim or service provider or support worker supporting a victim in completing an application, and nor does the data include time spent by the applicant in communicating with VAQ regarding their application or acquiring services and support to recover from an act of violence.

The quantitative assessment has identified that in recent years the effectiveness of the Scheme has also been impacted by the changing profile of applications and nature of financial support required by applications, much of which reflects changing stakeholder expectations. The Scheme has seen high growth in demand for financial assistance that supports victims more rapidly, indicating the need to consider a scheme which better supports victims either in, or responding to, crisis. This is evidenced by:

- growth of primary victim applications received either still in progress, restarted or recently finished after an application to the Scheme has been received by VAQ;
- growth in first decisions by VAQ’s High Risk Team (HRT) representative; and
- growth in requests for interim assistance.

As previously noted, it is important to acknowledge that the volume of applications to the Scheme have dramatically increased over time, that VAQ has taken actions to seek to improve the efficiency of its processes and that it is broadly agreed that the increasing complexity of cases has also impacted timeframes for victims.

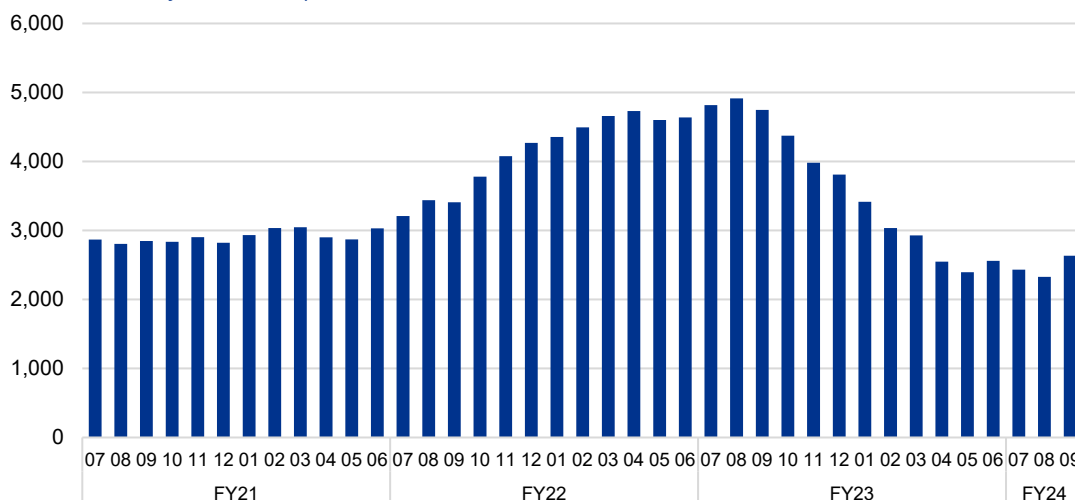
4.4.1 Scheme application assessment ‘backlog’

Growth in applications over the life of the Scheme (particularly since amendments to the VOCAA in 2017) has resulted in workload challenges for assessment teams and VAQ’s supporting staff.

Figure 18 highlights the effects of the increasing demand on the Scheme for financial assistance from victims. It demonstrates the Scheme’s backlog of unassessed applications – those waiting for allocation to an assessor – markedly increased over FY2021-22 and parts of FY 2022-23.¹⁰⁴

In FY 2020-21, the number applications unassessed and to be allocated remained relatively stable, at approximately 3,000 applications waiting per month. From July 2021 onwards, the application backlog grew month by month, reaching a peak of almost 5,000 applications in August 2022. As a result of the unsustainable levels of unassessed applications, VAQ implemented a range of efficiency measures to alleviate this issue which resulted in the backlog decreasing to around 2,500 waiting applications by April 2023. The backlog has since returned to a ‘baseline’ of between 2,500 and 3,000 applications (for the period from April 2023 to August 2023). It is noted that recent data indicates that continued increases in applications received are likely to place further upward pressure on the Scheme’s backlog, and consequently wait times for first decisions.

Figure 18: Number of applications received and unassessed applications (by month), referred to as the backlog (month and financial year, volume)



Source: VAQ, VAQ backlog data FY 2020-21 to FY 2023-24 (as at 4 October 2023)

¹⁰⁴ VAQ defines the scheme’s backlog of applications as being composed of: (1) pre-intake applications (new online forms); (2) pre-intake (old application forms); (3) registered and in intake process; and (4) applications awaiting allocation.

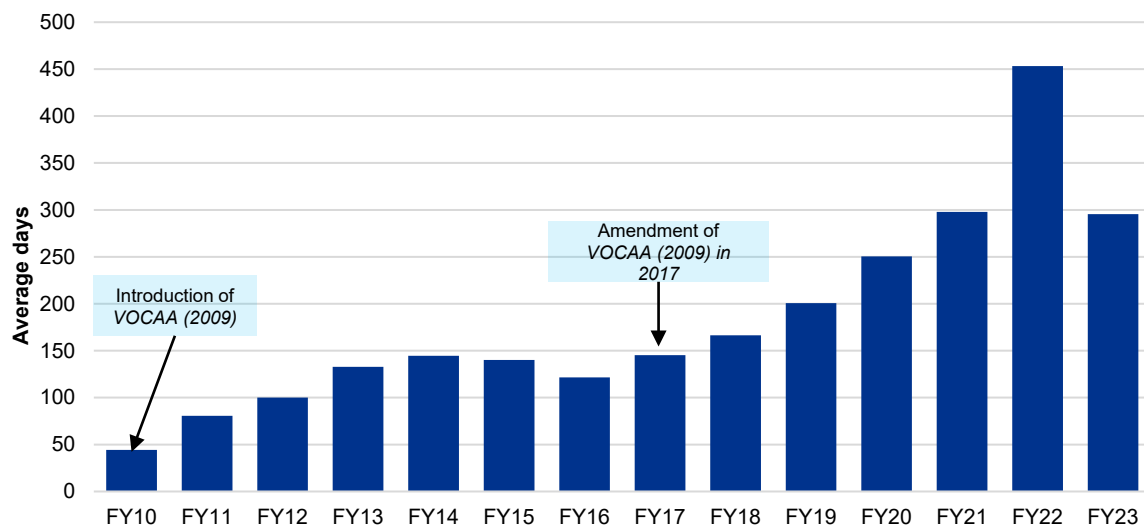
4.4.2 Application decision wait-times

There are several methods to determine and assess the effectiveness and timeliness of the Scheme to achieve effective outcomes for victims of crime. One such method is to analyse the average number of days spent between the date the application is received by VAQ and the date a first decision¹⁰⁵ is made by the assessment team regarding the eligibility of an application. It should be noted that VAQ's method for recording a first decision has changed several times over the life of the Scheme.

Figure 19 presents the average wait time per application since the introduction of the VOCAA in 2009. Since commencement of the VOCAA, the average wait time gradually increased up until FY 2017-18. Following the amendments made to the VOCAA in 2017, the average wait time grew at a more rapid pace as the number of applications submitted increased (particularly those related to DFV offences).

As a result, the annual average wait time until a first decision peaked at just over 450 days in FY 2021-22. In response to the higher volume of applications submitted by victims and the increasing levels of wait times, VAQ implemented several operational efficiency measures to reduce the backlog of applications waiting for a first decision on to be made. Figure 19 shows these efficiency gains, demonstrating that the average wait time fell from around 450 days in FY 2021-22 to just below 300 days in FY 2022-23.

Figure 19: Annual average number of days (per application) from application received to first decision (wait time)

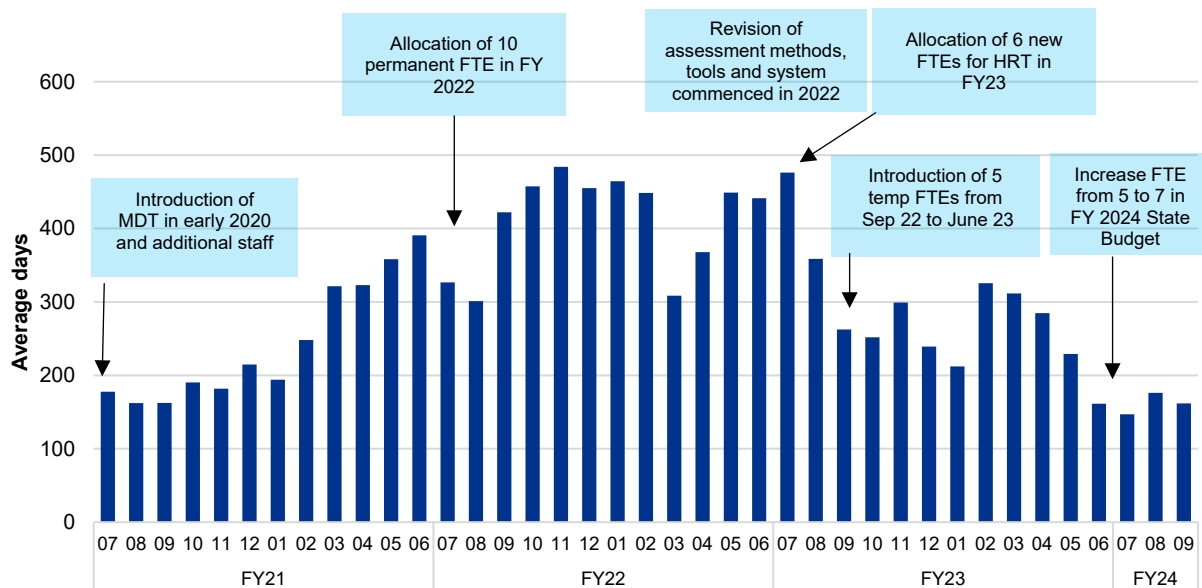


Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Figure 20 presents similar information to Figure 19, albeit at a more granular level from August 2020 to September 2023 (in monthly terms). It shows an increase in the average monthly wait time, from around 200 days in July 2020 to a peak of 484 days in November 2021, before a brief reprieve and peaking again in July 2022 at 476 days. From that point onwards, the average monthly wait time to first decision declined to 161 days in September 2023. This decline reflects impact of efficiency measures introduced by VAQ in 2022 to address growing service demand.

¹⁰⁵First Decisions by the VAQ's assessment team can be defined as the formal decision/approval by VAQ's team leaders to grant or refuse financial assistance.

Figure 20: Monthly average number of days (per application) from application received to first decision (wait time) (month and financial year, days)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

In general terms, application wait times to first decision and payments have broadly increased since the amendment to the VOCAA in 2017. However, some resourcing measures introduced from FY 2021-2022 onwards have resulted in improvements. These includes the allocation of:

- ten permanent assessors in FY 2021-22;
- five temporary assessors from September 2022 to June 2023, increasing to seven in the FY 2023-24 State Budget; and
- six new FTEs to the VAQ HRT in FY 2022-23.

Table 12 highlights the processing times between those applications where a first decision is made by a VAQ HRT representative versus those that do not involve HRT. The table shows that for applications involving a first decision by a VAQ HRT representative it takes on average 72.3 days for an application to be processed from the date it is received by VAQ to the date a first payment is made. This contrasts with applications that are not referred to HRT, which average 330.9 days.

Table 12: Annual average number of days from application received to first decision

| Financial Year | HRT first decision application days | Non-HRT first decision application days |
|----------------|-------------------------------------|---|
| 2019-20 | 92.8 | 255.9 |
| 2020-21 | 77.9 | 282.1 |
| 2021-22 | 92.0 | 495.7 |
| 2022-23 | 58.3 | 320.5 |
| Average | 72.3 | 330.9 |

Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

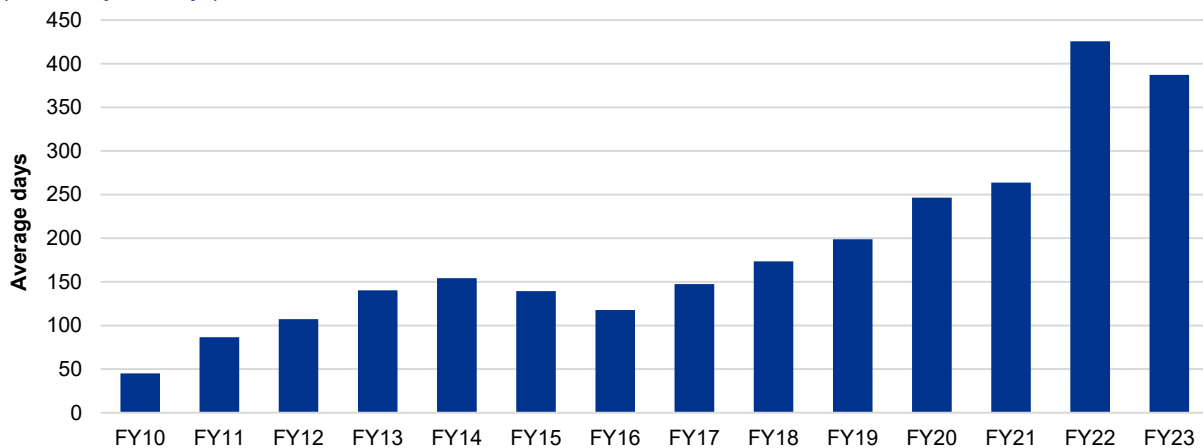
4.4.3 Application payment wait-times

Across most areas of the Scheme, wait times – from the time at which the application is received by VAQ to the time at which payment is made – have generally increased, peaking at over 425 days on average. However, in FY 2022-23 these wait times have reduced due to the impact of VAQ’s operational changes including additional resourcing as well as efforts in targeting first-decision outcomes for applicants. It is acknowledged that application quality (i.e., provision of accurate and necessary accompanying information) is outside the control of VAQ, which has the potential to impact these timeframes. This is especially relevant to recovery payments given that victims have up to six years to submit additional expenses.

Wait time to first payment

Figure 21 demonstrates the growth in annual average number of days it takes from the date an application is received by VAQ to when a first payment is made.

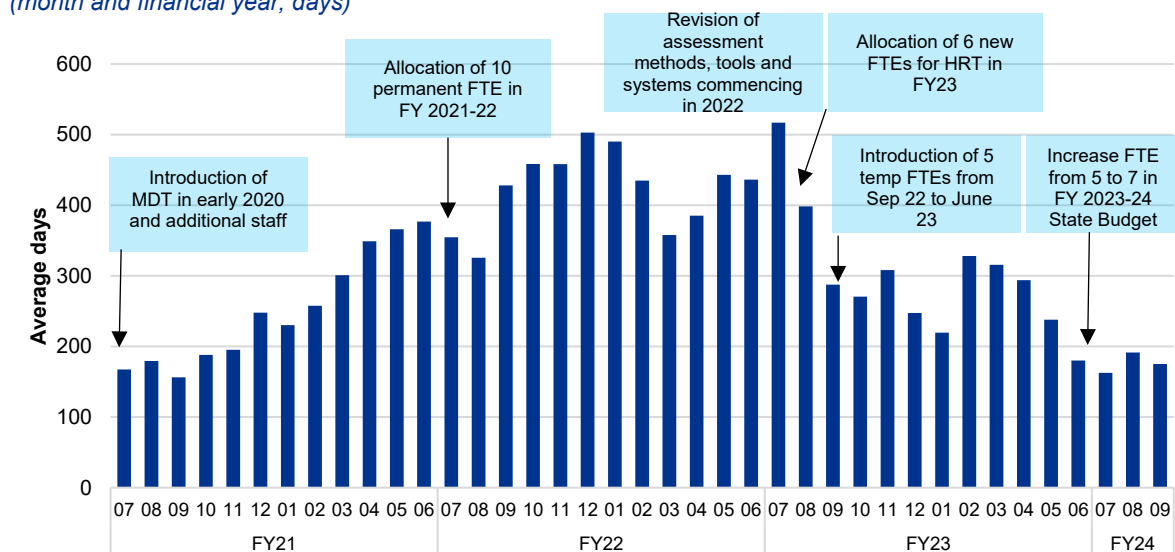
Figure 21: Annual average time from application received to first payment (for all applications) per annum (financial year, days)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Figure 22 presents similar information to Figure 21, albeit at a more granular level from August 2020 to September 2023 (in monthly terms). It shows an increase in wait time for payment from under 200 days in July 2020 to over 500 days in July 2022, and then a decline from this period onwards. Like Figure 20, it again highlights the impact of efficiency measures introduced by VAQ in 2022 to address growing service demand. It should be noted that the average number of days from application received to first payment is naturally longer than the number of days to first decision. This reflects the fact that a first decision does not necessarily result in a first payment, with some instances requiring follow up decisions to be made before a payment of financial assistance is provided.

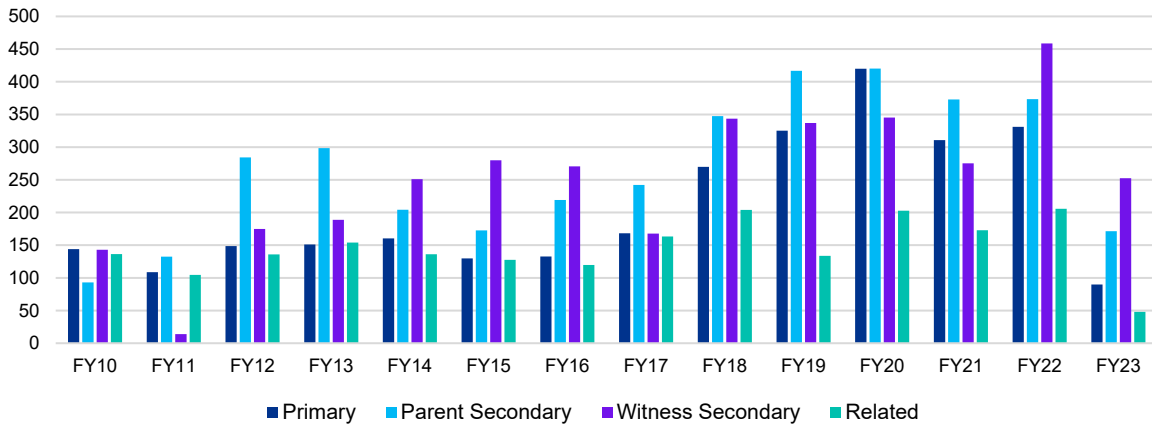
Figure 22: Monthly average number of days (per application) from application received to first payment (wait time) (month and financial year, days)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Figure 23 demonstrates the growth in the annual average number of days it takes from the date an application is received to when a first payment is made, by victim type. It demonstrates that the concentration by VAQ to prioritise first decisions (and therefore first payments) in FY 2022-23 has impacted the time from the date the application is made to the date the first payment is made. The largest impacts have been on the primary victim and related victim cohorts, the two largest cohorts within the Scheme.

Figure 23: Average time from application received to first payment by victim type per annum (financial year, days)

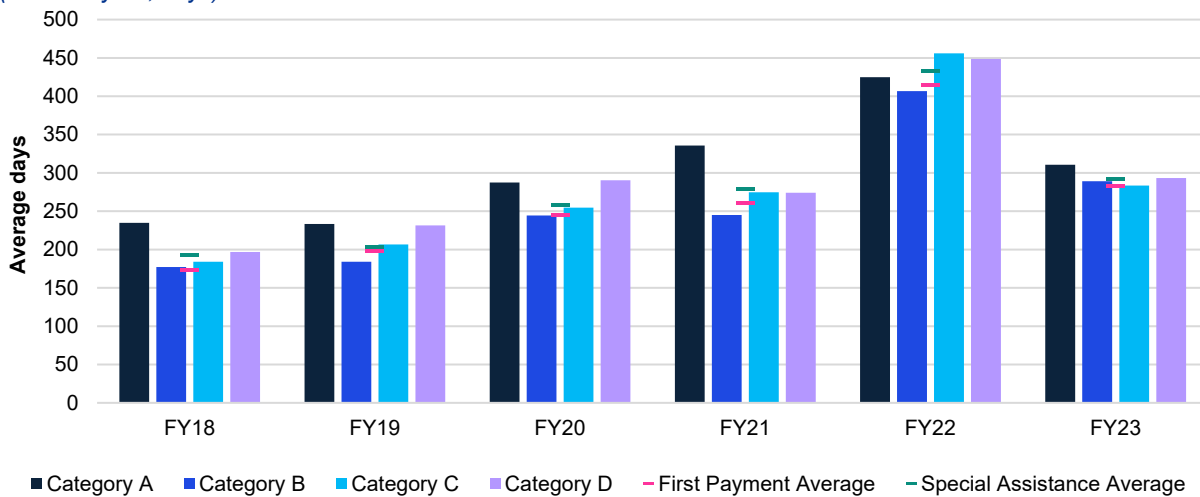


Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Recognition – Special Assistance and Distress payments

Figure 24 shows that the annual average number of days from application received to payment made for special assistance payments has continued to increase across all categories between FY 2017-18 and FY 2021-22. Across most years, Category A has had the longest wait-times, apart from FY 2021-22. Overall, FY 2022-23 saw a decrease of 141 days or 32 per cent for the special assistance payment average.

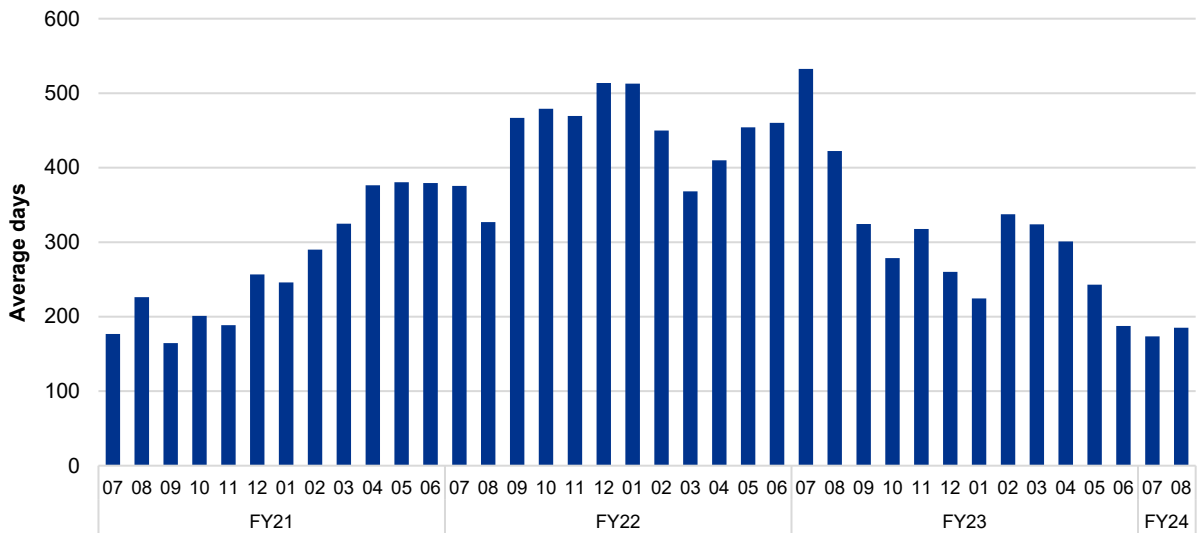
Figure 24: Average time from application received to payment made (special assistance by category) per annum (financial year, days)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023) and FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Figure 25 provides a zoomed snapshot of the monthly average number of days from application received to payment made for special assistance payments. It highlights that the monthly average, like the annual average, has been trending downwards since July 2023. As of August 2023, the monthly average is 185 days. This represents a decrease of 347 days (by 65 per cent) from a peak of 532 days in July 2023. While improvements to processing and administration have made some impact, 185 days still represents a significant wait time from application received to payment made (particularly for recognition (special assistance) payments rather than recovery expenses).

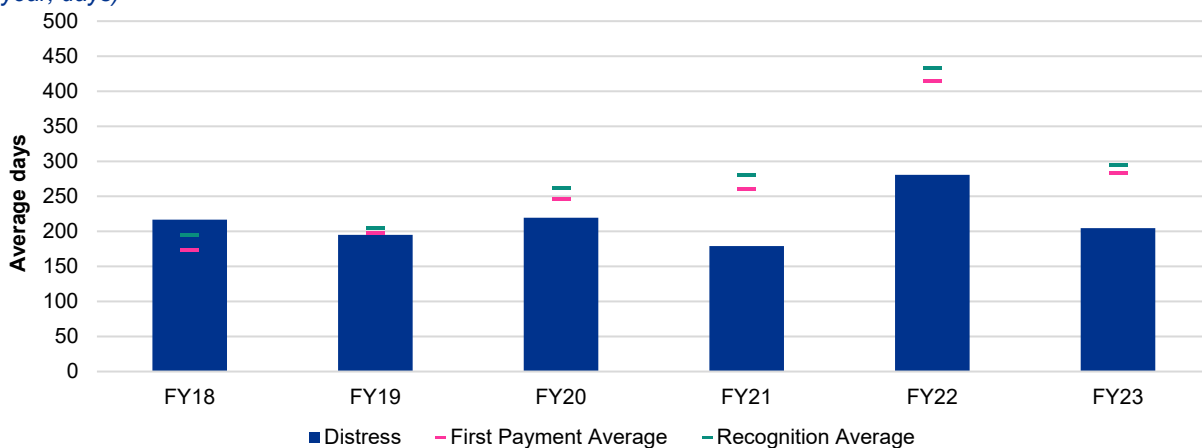
Figure 25: Average number for days from application received to payment made (special assistance) per month (month and financial year, days)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023) and FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Figure 26 shows that, unlike special assistance, the average time taken to make a distress payment to related victims has remained comparatively stable between FY 2017-18 and FY 2022-23 in terms of annual average days from receipt of an application to payment. For example, the annual average number of days from application received to payment made was 204 days in FY 2022-23.

Figure 26: Average time from application received to payment made (distress payment) per annum (financial year, days)

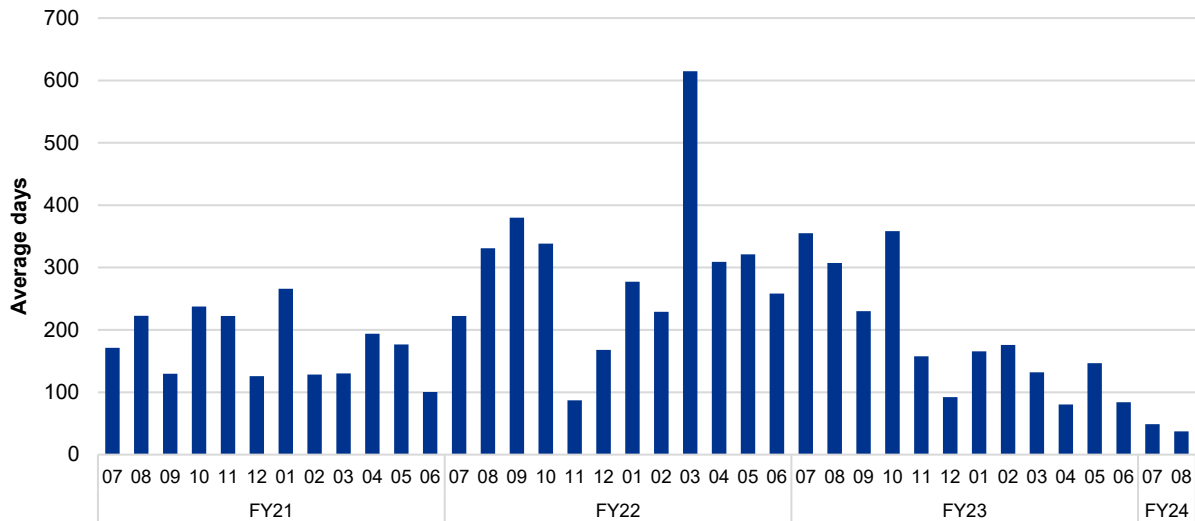


Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023) and FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

When considering the monthly average, however, the number of days taken to make distress payments to related victims has markedly improved.

Figure 27 provides a zoomed in view of the monthly average of days from application received to payment made from July 2020 to August 2023 for distress payments. It highlights a significant reduction in the average number of days from October 2023 onwards. As of August 2023, the monthly average of days from application received to payment made for distress payments is 37 days. This outcome demonstrates the operational improvements that VAQ has made in addressing these particular wait times.

Figure 27: Average number of days from application received to payment made (distress payment) per month (month and financial year, days)

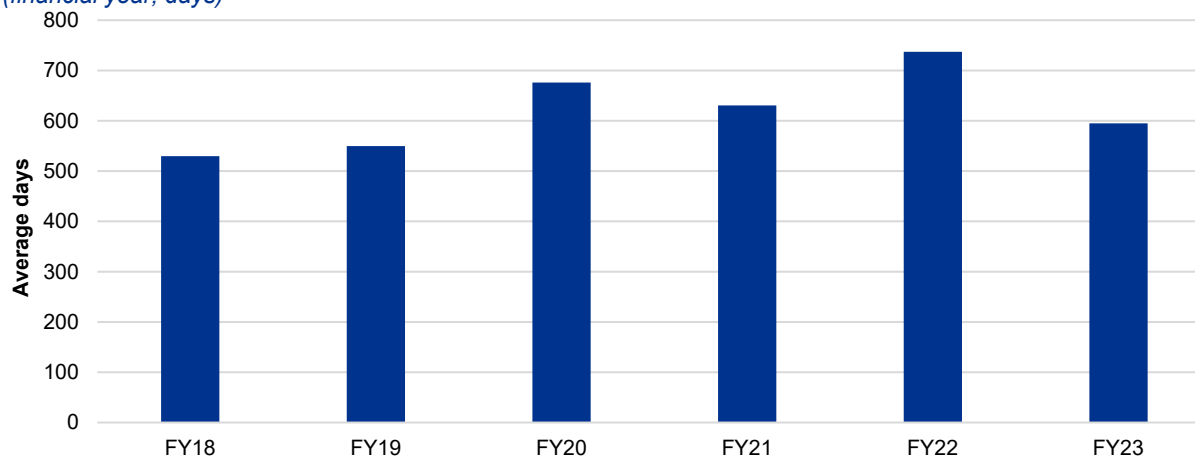


Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023) and FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Recovery expenses

Like other payments, the average number of days from application received to payment made for recovery expense payments continued to increase between FY 2017-18 to FY 2021-22, with a decrease in FY 2022-23. As noted at the start of this section, it is acknowledged that application quality (i.e., submission of accurate and necessary accompanying information) is outside the control of VAQ, which has the potential to impact these timeframes. Figure 28 highlights the annual average number of days peaked at 737 days in FY 2021-22, decreasing by 143 days (19 per cent) in FY 2022-23.

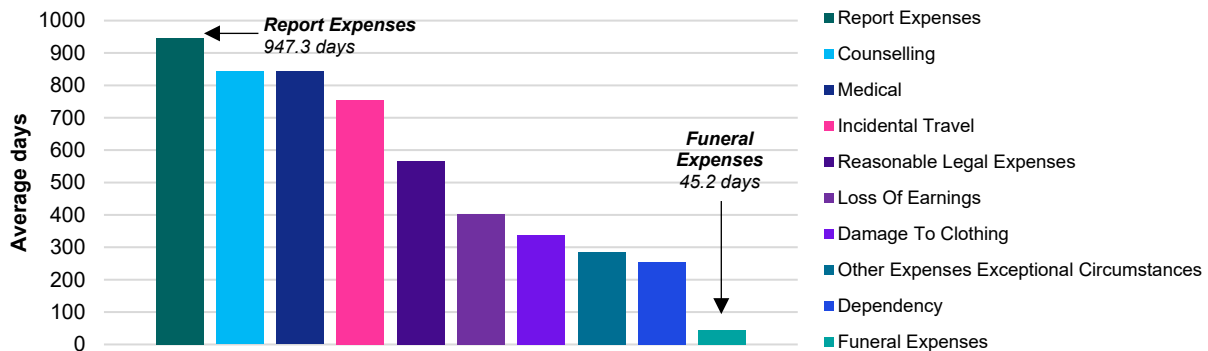
Figure 28: Average time from an application received to payment made across all expense types per annum (financial year, days)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023) and FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Figure 29 provides a snapshot of average time taken from application received to payment made across the various recovery expense types. It shows that Report Expenses take the longest amount of time at 947 days on average, followed by Counselling and Medical both at 842 days on average. Conversely, funeral expenses take the least amount of time at 45 days on average.

Figure 29: FY 2022-23 snapshot of annual average of days from application received to payment made across expense types



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023) and FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

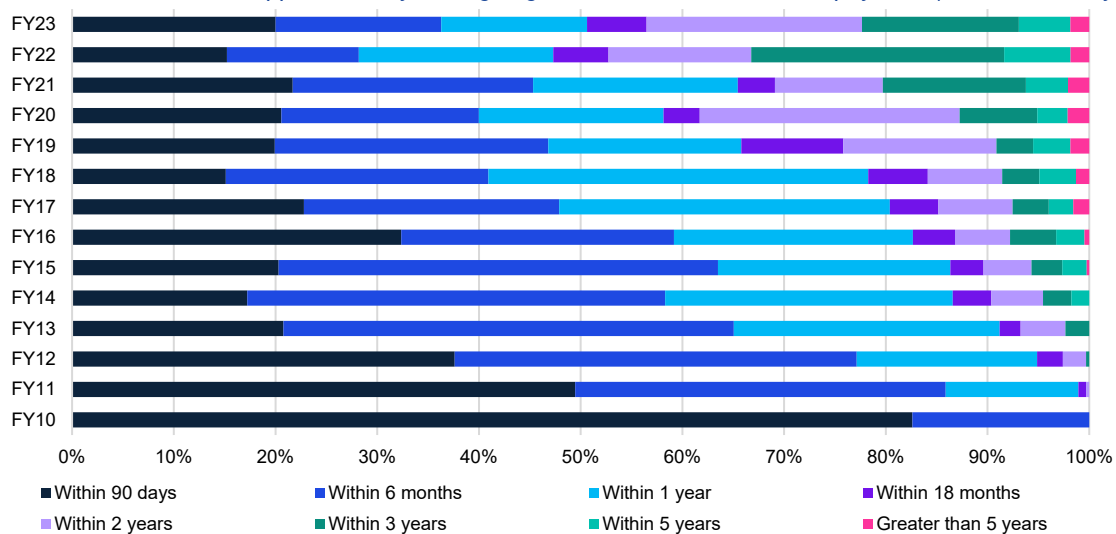
4.4.4 Entire application process

A final indicator on the effectiveness of the Scheme is the average time it takes from the point an application is received by VAQ for financial assistance to the final payment an applicant may receive. It should be noted there are data limitations to this analysis given that VAQ does not record applications that are ‘closed’ within the statutory six year time limit. For this quantitative analysis, KPMG used a proxy for ‘closed’ applications. This includes applications that were not lapsed, refused or withdrawn and where the last payment date is over one year old. This provides an approximate measure of time across the full application lifecycle.

Based on the available data, there has been a steady increase in the time it takes from the date an application is received to the date a ‘final payment’ is made, referred to here as the application age. This reflects the two issues identified above impacting the affecting the effectiveness of the Scheme, being the number of applications waiting for allocation (referred to by VAQ as the backlog) and the number of applications waiting for assessment and a first decision.

Given that the Scheme is over 10 years old, a further factor influencing the average application age is the age of the application cohort as a whole. This is acknowledging that applicants may continue to access the Scheme up until the end of the six year time limit or reaching financial caps on the various types of financial assistance available. Figure 30 shows that the average age of a ‘closed’ application has continued to increase. In FY 2009-10, 82 per cent of applications had a lifespan less than 90, compared to FY 2022-23 where more than half of ‘closed’ applications were older than one year.

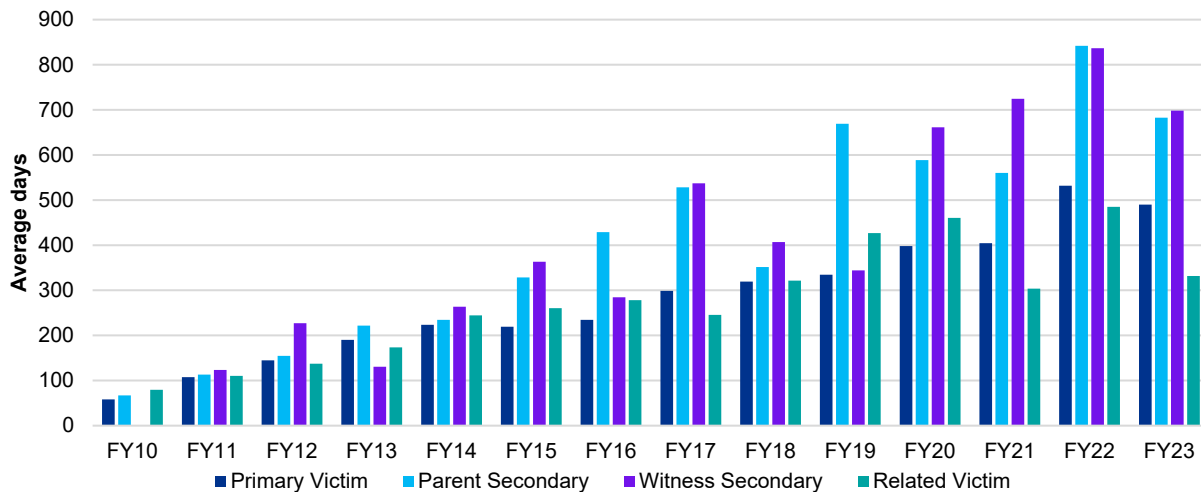
Figure 30: Share of ‘closed’ applications by average age from date received to last payment (more than one year)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Figure 31 shows the average age of a 'closed' application by victim type. For primary victims, the average age of a 'closed' application has steadily grown year on year. For parent secondary and witness secondary victims, the age of a 'closed' application has increased significantly between FY 2017-18 to FY 2022-23, from 351 days to 682 days, peaking at 841 days in FY 2021-22. Related victim 'closed applications' have also gradually increased in age since FY 2009-10, but as of FY 2022-23 have the lowest average lifespan of 331 days.

Figure 31: Average age of a 'closed' application by victim type, from date received to last payment (more than one year old) (financial year, days)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

4.4.5 Applications where act of violence is ongoing

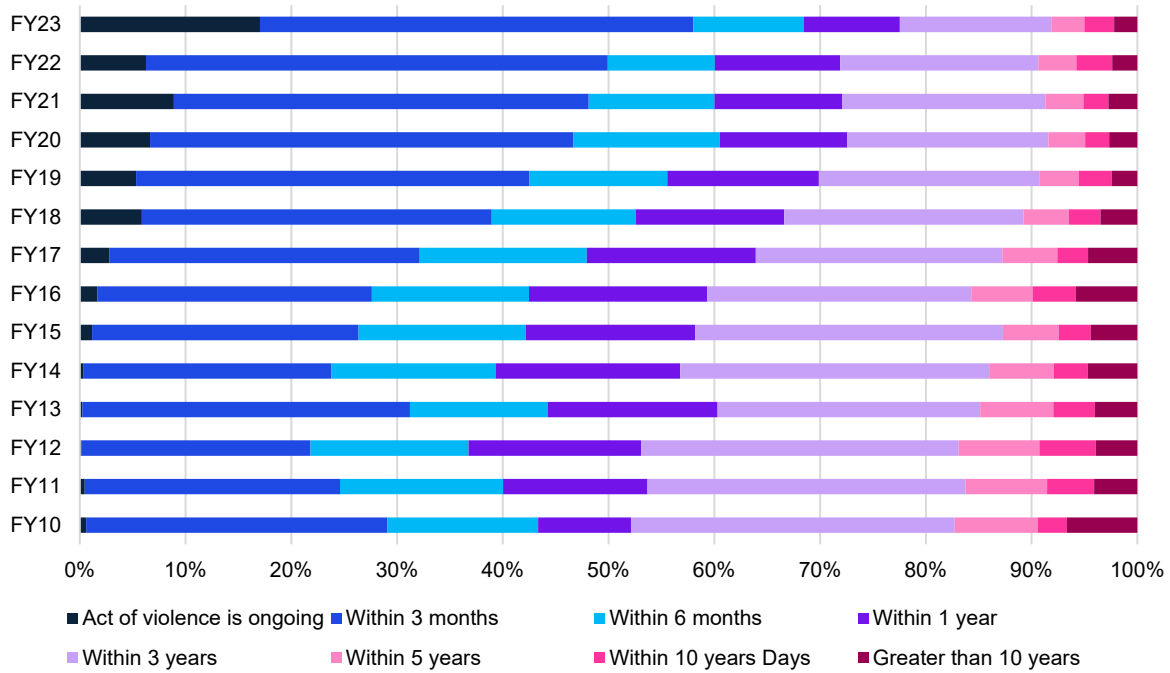
The quantitative assessment has identified that since FY 2016-17 there has been a growing percentage of primary victim applications received by VAQ that have an act of violence that is either still in progress, restarted or recently finished after another application is received by VAQ. This is calculated where an act of violence start date or end date (or both) occurs after the date the application to the Scheme is received by VAQ. This measure provides an indication of the growing demand for financial assistance that supports victims in crisis. For simplicity, this grouping has been labelled as 'act of violence is ongoing' in the analysis below. It should be noted the timeframes displayed below have been created from VAQ application data to visualise the number of applications that sit within different periods (i.e., within first three months, six months or three years of an application being received from the act of violence ending). This is based on the number of days from end of act of violence to application received. The granularity of the time periods is limited to the data held by VAQ.

On average, 83 per cent of applications received from primary victims are within the first three years of an act of violence ending. Most applications received within the first three years are submitted within the first six months of the act of violence ending. For example, in FY 2022-23, 69 per cent of total applications received within three years of an act of violence ending (3,484 applications) were received within the first six months (2,613 applications). Overall, in FY 2022-23, applications received where the 'act of violence is ongoing' made up almost 17 per cent of total primary victim applications received compared to 3 per cent of the same cohort in FY 2016-17.

Figure 32 shows that for FY 2022-23, 41 per cent of applications are received within three months of an act of violence ending for a primary victim. More than half these applications (51 per cent of primary victims' applications) are received within six months of an act of violence ending.

Figure 32 also shows that the total share of primary victims applying for assistance where an act of violence is ongoing or immediately within the first six months of an act ending has grown. In FY 2016-17, the share of total primary victim applications received was 48 per cent, whereas in FY 2022-23 the share of total primary victim applications received was 68 per cent. This cohort of primary victim applicants are predominately made up of victims who have experienced or are experiencing DFV. This is reflecting the immediate and reoccurring nature of DFV, and a significant shift in the required response timeframes (and therefore expectations) of victims.

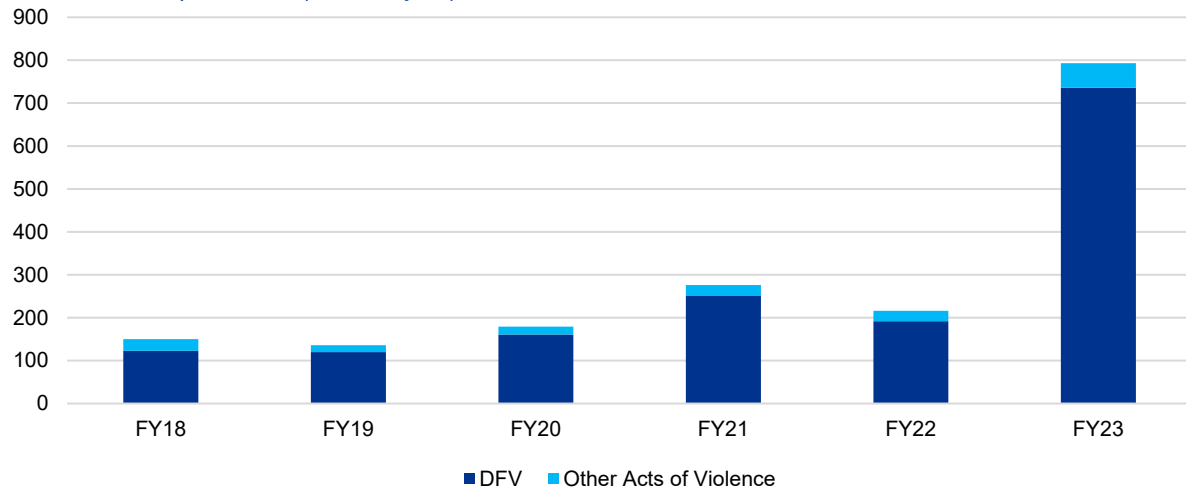
Figure 32: Share of primary victim applications received by time of act of violence ending/occurring per annum (financial year)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Figure 33 shows that those applications received since FY 2016-17 where an ‘act of violence is ongoing’ has continued to increase, with DFV comprising on average 89 per cent of primary victim applications received where an ‘act of violence is ongoing’. In FY 2022-23, of a total of 793 applications were received where an ‘act of violence is ongoing’, of which 736 (92 per cent) related to DFV.

Figure 33: Number of primary victim applications received, where ‘act of violence is ongoing’, by DFV vs other acts of violence per annum (financial year)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

4.4.6 HRT first decisions

Further evidence of the increasing requirements for more immediate responses to victims of crime is demonstrated by the increases in HRT cases. For this analysis, VAQ does not record a referral's application to a specific team, but rather records the teams involved in the first decision of an application. This is used as a metric of assessing referrals to HRT and other teams.

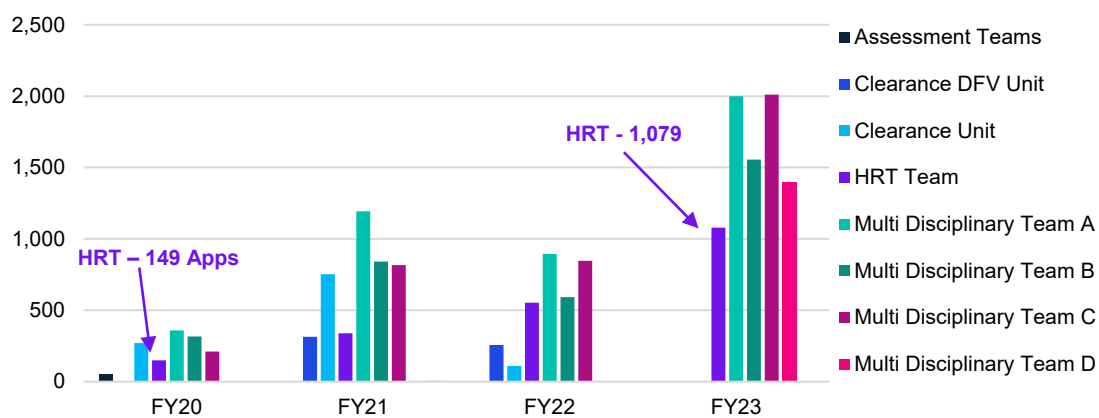
As noted previously in this report, the VAQ HRT team was established to fast-track applications requiring more immediate financial assistance. These applications are expedited through a specialised pathway with VAQ (and other) government representatives able to support more rapid decision-making. HRT was originally established in 2017 funded with two dedicated HRT offices. Further allocation of six FTEs in FY 2022-23 enabled VAQ to provide one HRT officer per HRT site across the state. The aim of this additional resource provision is to provide more timely processing of applications for HRT clients.

Figure 34 provides a detailed breakdown of the number of applications where a VAQ team has undertaken a first decision between FY 2019-20 to FY 2022-23. During this period, a total of 2,120 applications had a first decision made by VAQ HRT representatives, representing 11 per cent of the total first decisions made and 9 per cent of total applications received across this period. Since FY 2019-20, the number of first decisions made by VAQ HRT representatives has continued to increase in line with the number of applications received by VAQ.

First decisions made by VAQ HRT representatives are also taking a greater share of the total number of first decisions made by VAQ. For example, in FY 2019-20, VAQ HRT representatives recorded 149 first decisions (5 per cent) of the total first decisions made that year (2,777). By FY 2022-23, the team recorded 1,079 first decisions (12 per cent) of the total first decisions made that year (8,745).

Most applications referred to VAQ HRT representatives for a first-time decision are for primary victims experiencing and/or having experienced DFV. Of the 2,120 applications received where a first decision was made by a VAQ HRT representative over the period FY 2019-20 to FY 2022-23, 2,031 applications (95 per cent) were for primary victims. Of these applications, 1,950 (96 per cent) were for victims of DFV.

Figure 34: Number of applications by teams (financial years)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

4.4.7 Interim assistance

The growth in interim assistance, both in terms of applications and payments, is another indicator that suggests that changing dynamics are impacting the Scheme's traditional approach of being a 'scheme of last resort'.

Under the VOCAA, interim assistance is a grant of financial assistance of up to \$6,000 that can be provided to any victim for urgent or immediate expenses that have been incurred, or are reasonably likely to be incurred, before a general application is decided. The term 'urgent and immediate expenses' is used to categorise this payment on VAQ forms.

As previously detailed, the granting of interim assistance comes with several key conditions. These include that the expense must be recent, an explanation of the request and why it is urgent and immediate, relevant and evidenced. The grant can only be approved where the application is made within six months from the act of violence or within six months from the victim. Further, financial

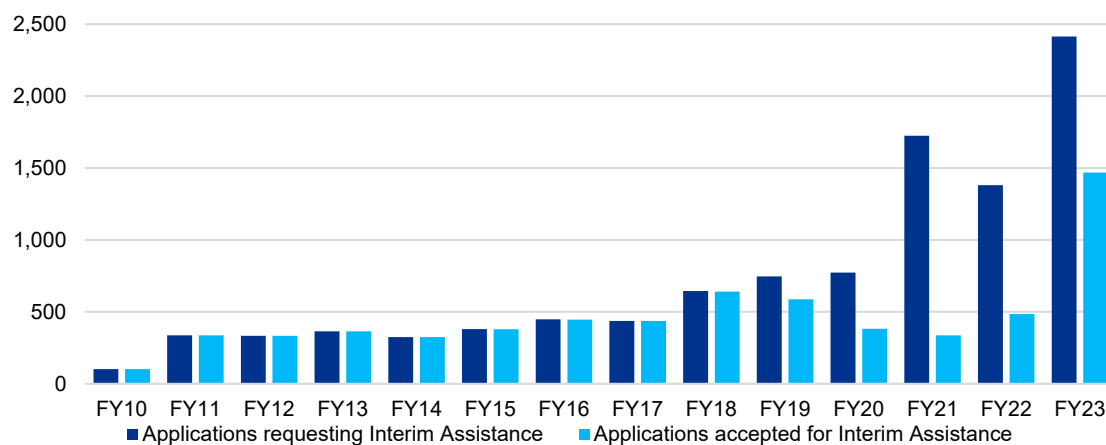
hardship is not to be considered in assessing claims for interim assistance and it is not an advance of recognition payments (that is, it is only able to be paid for recovery expenses (or an advance on recovery expenses)).

The share of applications received by VAQ requesting interim assistance has grown since the amendments to the VOCAA in 2017, with rapid growth over the last three years.

Since FY 2017-18, a total of 7,683 applications have requested interim assistance with 3,899 (51 per cent) accepted for interim assistance (compliant application). The share of interim assistance requests of total applications received has also increased. In FY 2017-18, 15 per cent of applications received involved a request for interim assistance. In FY 2022-23, this share had more than doubled with 32 per cent of applications received involving a request for interim assistance.

As highlighted in Figure 35, there has been a rapid increase in the number of requests for interim assistance being accepted and processed by VAQ, increasing from 485 in FY 2021-22 to 1,468 in FY 2022-23. This indicates a change in need (or at least perception) of what is urgent and immediate for victims relative to the definitions in the policy and legislation.

Figure 35: Number of applications that requested interim assistance and number of applications accepted for interim assistance per annum (volume)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Table 13 provides a snapshot of the number of interim assistance applications accepted broken down by the victim type and act of violence in FY 2022-23. Primary victims provide the largest share (1,010 or 87 per cent) of interim assistance applications accepted as compliant by VAQ. DFV provides the largest share of act of violence type (79 per cent of the primary victim cohort). There is a small percentage of applications where an interim application has been accepted, but a full assessment has not yet occurred, referred to as 'Yet to be determined'.

Table 13: FY 2022-23 snapshot of number of interim applications accepted by victim type and act of violence

| | Primary Victim | Parent Secondary Victim | Witness Secondary Victim | Related Victim | Note Eligible | Yet to be determined ¹⁰⁶ |
|---|----------------|-------------------------|--------------------------|----------------|---------------|-------------------------------------|
| <i>Assault</i> | 117 | - | 2 | - | 2 | 29 |
| <i>Burglary</i> | 7 | - | - | - | - | 3 |
| <i>Domestic and Family Violence</i> | 1,010 | - | 1 | - | 2 | 70 |
| <i>Homicide (DV, MVA and other)¹⁰⁷</i> | - | - | - | 17 | 3 | 7 |

¹⁰⁶ 'Yet to be determined' is where an application has not been formally assessed by a VAQ assessor.

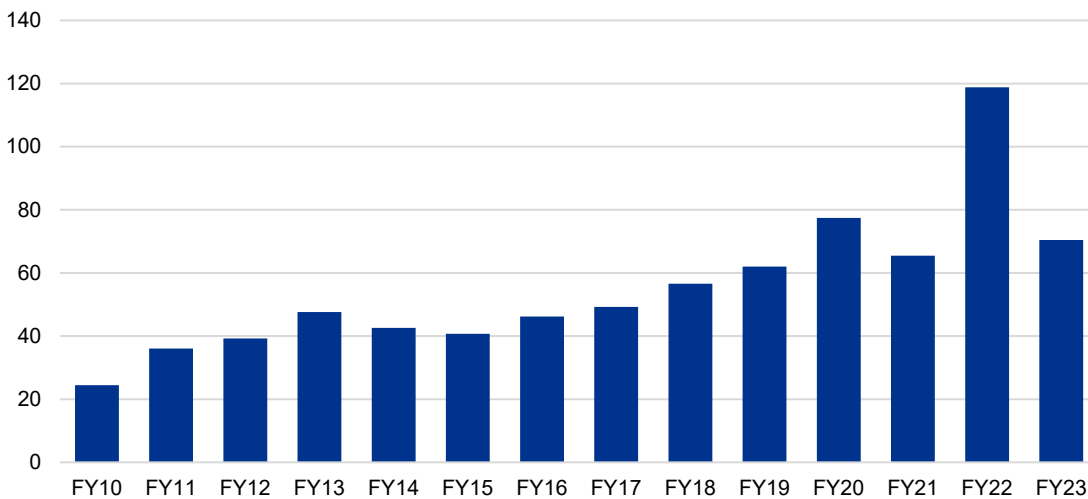
¹⁰⁷ This excludes one record of homicide under Primary Victim.

| | Primary Victim | Parent Secondary Victim | Witness Secondary Victim | Related Victim | Note Eligible | Yet to be determined ¹⁰⁶ |
|-------------------------|----------------|-------------------------|--------------------------|----------------|---------------|-------------------------------------|
| <i>Robbery</i> | 15 | - | - | - | | 3 |
| <i>Sexual Offences</i> | 109 | 13 | - | - | 2 | 18 |
| <i>Stalking/Threats</i> | 7 | - | - | - | | 3 |
| <i>Other</i> | 13 | 1 | - | 1 | 3 | 7 |
| Total | 1,278 | 14 | 3 | 18 | 12 | 140 |

Source: VAQ, Financial Assistance Scheme application data FY 2009-10 to FY 2023-24 (as at 17 October 2023) and interim assistance application data FY 2009-10 to FY 2023-24 (as at 9 October 2023)

Figure 36 shows there has been a gradual increase in wait times for interim assistance payments being made over the life of the Scheme, with a recent improvement (from FY 2021-22 to FY2022-23, the annual average of days for the first payment where an interim assistance request has been accepted decreased from 119 to 70 days). The long-term average does, however, continue to increase.

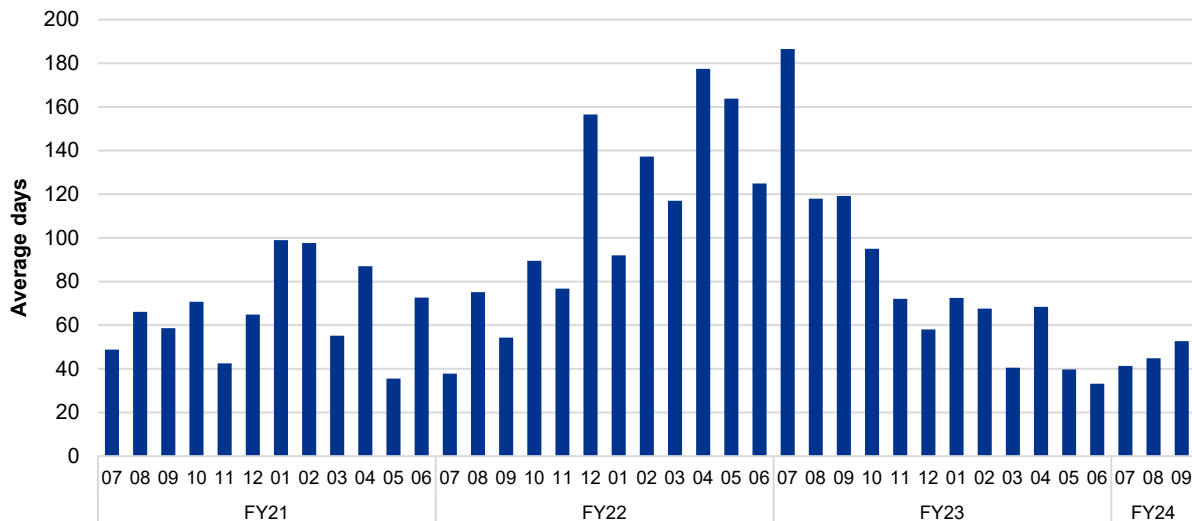
Figure 36: Interim assistance accepted applications – Average time from application received to first payment per annum (financial year, days)



Source: VAQ, Financial Assistance Scheme application data FY 2009-10 to FY 2023-24 (as at 17 October 2023) and interim assistance application data FY 2009-10 to FY 2023-24 (as at 9 October 2023)

Further, Figure 37 shows the annual average days broken down to monthly averages. It is recognised that wait times have fallen from a peak of 186 days in July 2022 to a low of 33 days in June 2023, before settling at 52 days in September 2023. While there have been substantial improvements, these timeframes still remain particularly long given the concept of interim assistance and the VAQ forms which use the term ‘urgent and immediate expenses’.

Figure 37: Interim assistance accepted applications - Monthly average number of days (per application) from application received to first payment (wait time) (month and financial year, days)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023) and interim assistance application data FY 2009-10 to FY 2023-24 (as at 9 October 2023)

Table 14 provides a breakdown of interim assistance accepted applications, based on average amount per payment across the four categories and per application. For FY 2022-23 average payment ranged between \$1,100 to \$3,250 which is well below the cap of \$6,000. It is worth noting that interim assistance applications are likely for one or more expense types and that given the different evidence requirements the total payment wait times are likely to be longer than the first payment timeframes. Importantly, Number of Scheme applications per annum (financial year, volume) outlines that of 1,468 accepted applications 704 (47%) were paid, with the remaining 55% either still being assessed, paid upon finalisation of the general application or declined. There are not a significant amount of victims accessing interim payments compared to the more than 7,000 applications for assistance under the Scheme over this window.

Table 14: Assumed number of accepted interim assistance applications paid, average amount per payment, average amount per application and total expenses paid (across counselling, incidental travel, loss of earnings, medical and OEEC and all victim types)

| | Number of applications | Average per payment | Average per application | Total expenses paid |
|--------------|------------------------|---------------------|-------------------------|---------------------|
| FY17 | 572 | \$855 | \$3,492 | \$2.0 m |
| FY18 | 640 | \$916 | \$3,771 | \$2.4 m |
| FY19 | 632 | \$933 | \$3,680 | \$2.3 m |
| FY20 | 518 | \$664 | \$2,892 | \$1.5 m |
| FY21 | 466 | \$1,004 | \$3,202 | \$1.5 m |
| FY22 | 344 | \$818 | \$2,952 | \$1.0 m |
| FY23 | 704 | \$1,235 | \$3,762 | \$2.6 m |
| Total | 2,562 | \$918 | \$3,393 | \$13.4 m |

Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023), FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023) and interim assistance application data FY 2009-10 to FY 2023-24 (as at 9 October 2023)

A photograph of a wooden spiral staircase, viewed from a low angle looking up. The wooden planks of the railing and steps create a strong sense of depth and perspective. A white rectangular overlay is positioned on the right side of the image, containing the text '5. Stakeholder Insights' in a bold, dark blue font.

5. Stakeholder Insights

5 Stakeholder Insights

5.1 Section Overview

This section provides an outline of the views of stakeholders that were engaged throughout the review process, including their perspectives on the effectiveness of the Scheme and the alignment of its administration relative to the intent and objectives of the VOCAA.

KPMG conducted formal consultations with over 35 representatives from over 20 stakeholder organisations (as detailed in Appendix C) across government and the victim support sector. Each stakeholder was provided a consultation guide (see Appendix F) which included 15 questions to allow stakeholder insights to inform the review of the Scheme.

5.2 Key Observations



Legislative Objectives and Intent

Thematic analysis of stakeholder insights indicates divergent views regarding the performance of the Scheme relative to its actual (and in some cases perceived) objectives and intent. Some stakeholders clearly understand the purpose and intent of the Scheme as a mechanism to provide recognition and recovery payments to victims. Other stakeholders, however, note that the intent of the Scheme is unclear (particularly following 2017 amendments to the VOCAA) believing the Scheme either is, or should be, more akin to a 'crisis support' arrangement. This is evidenced by:

- **Shifting perception of the Scheme as a key response for crisis support** – Following the 2017 amendments to the VOCAA to include DFV offences, some victim support services are reporting that victims believe the Scheme should provide more immediate and/or crisis support/funding.
- **Victims viewing the Scheme as an alternative way to receive recognition** – Rather than considering the Scheme as a support of last resort, some stakeholders noted victims often wish to complete an application rather than seek alternate resolutions.
- **Lengthy application and payment timeframes may impact the recovery of victims** – Delayed payment timeframes impact the ability of victims to access required support services in a timely manner, given the Scheme is not intended for crisis response.

While there may be different perceptions amongst stakeholders about the purpose (or potential purpose) of the Scheme, stakeholder feedback does broadly suggest that the Scheme is achieving the objectives and intent of the Scheme as set out in the VOCAA.

- **Helping victims of acts of violence to recover from the acts by giving them financial assistance** – There is broad agreement across stakeholders that the financial assistance amounts provided under the Scheme (prior to increased payment thresholds, which have also been welcomed) are generally appropriate and considered to positively impact outcomes and recovery for victims.
- **Primary and Related Victim Recognition** – As noted above, where stakeholders were aware of the legislative objectives, they broadly acknowledged that the Scheme supports the recognition of both primary and related victims. It is worth noting, however, that multiple stakeholders identified the potential for improved autonomy (particularly for primary victims) in decision-making around how they use their financial assistance.
- **Adding to other services provided by or for government to victims of acts of violence** – The Scheme was introduced alongside the establishment of VAQ to streamline the service system. Stakeholders uniformly recognised that it works in concert with other services provided by government, but also were consistently of the view that the broader system is overly complex and difficult to navigate.

Effectiveness of the Scheme

Aligned to the prior analysis in this report (such as the overview of current operations and the qualitative assessment), stakeholders broadly shared the view that the effectiveness of the Scheme in supporting victims of crime could be enhanced. The effectiveness of the Scheme has been analysed against domains such as awareness, accessibility and timeliness. Against these factors, stakeholder insights demonstrate the following:

- **Accessibility** – The substantial time and effort associated with completing application processes was reported by stakeholders to significantly impact the accessibility of the Scheme. Factors that were highlighted as impacting victims' ability to complete application forms/access the Scheme included complex evidentiary requirements, which were identified as sometimes resulting in re-traumatisation, low levels of digital literacy and connectivity challenges (particularly for victims living in regional, rural and remote locations). Stakeholders generally noted the importance of having someone support a victim to apply as a factor in gaining access to the Scheme.
- **Awareness** – Stakeholders indicated varying levels of awareness of the Scheme across the sector and the wider community. Victim support sector stakeholders and some government agencies clearly identified high levels of awareness of the Scheme (VAQ's presence on HRTs, for example, was noted by stakeholders as a positive factor influencing awareness of the Scheme in government). However, other stakeholders reflected that the wider community does not have an understanding of the Scheme (neither in terms of its availability nor its purpose). Some stakeholders noted that VAQ has introduced education and training which has been perceived as positive in raising awareness of the Scheme across victim support services, but that a commensurate, broader awareness campaign for the community had not occurred. Accordingly, a broader scheme awareness campaign could be considered.
- **Timeliness** – Stakeholders universally noted that timeframes associated with processing applications and delays in the provision of payments under the Scheme are unacceptable in supporting the needs of victims. While generally acknowledging recent improvements, all stakeholders reported that they consider timeframes under the Scheme as being too long and some stakeholders combined this with concerns (as noted above) about the ability of victims to access the Scheme.

Coordination for victims

During consultations, whilst acknowledging that the operations of VAQ as a whole are beyond the scope of this review, stakeholder groups consistently raised the issue of the lack of coordination, accountability and collaboration of services for victims across government and into support services. Again, almost universally, stakeholders shared the view that the current system is siloed and difficult for victims to navigate, including knowing where to go to access support/services (not simply the Scheme), what supports are available, and how to appropriately engage with the services that do exist.

Informed stakeholders (who understand VAQ does not perform this role) were of the view that coordination of victim support services needed to improve through the creation of a central, accountable body within government, while less engaged stakeholders were of the view that VAQ's broader activities needed to improve to fulfill this role/deliver this improved coordination. All stakeholders were of the view that improvement was required to help victims identify available supports, provide a central point of contact and coordination and achieve more trauma-informed and victim-centric outcomes for victims.

Presently, there is no single point of coordination and accountability for victim services across the Queensland Government. Some stakeholders indicated that VAQ could or should play this role, while others indicated that they thought this indeed was VAQ's role.

As noted, developing new governance arrangement, service delivery models and the broader operations (beyond the Scheme) are not within the scope of the review. However, given the significance and universality of the view that better coordination and support is required, it is considered sufficiently important that this feedback be identified such that consideration may be given to broader improvements in conjunction with any changes to the operation of the Scheme.

5.3 Stakeholders and their perspectives

5.3.1 Stakeholder landscape

VAQ operates within a highly sensitive and often complex environment, alongside a vast inter-dependent network of stakeholders, to provide financial assistance to victims of acts of violence and support their recovery. Numerous stakeholders were consulted as part of this review (Figure 38), including:

- **State Government stakeholders:** VAQ intersects with public health and justice agencies including the QPS, the ODPP, QCS and Queensland Health, as well as other agencies such as the Department of Youth Justice, Employment, Small Business and Training and the Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts.
- **Victim support sector:** There are a range of organisations that provide support to victims of crime through case management and assistance in accessing the Scheme. These services may also provide court-support, counselling, education and advocacy support.

Figure 38: VAQ stakeholder groups



The review has been underpinned by a targeted consultation and engagement process, allowing a diverse range of stakeholders to provide input. These stakeholders were identified by VAQ as part of the planning stage of the review.

The scope of the review extended to 'Undertake stakeholder consultation, including but not limited to, government agencies and non-government organisations working in/with the victim support service sector and similar organisations administering financial assistance schemes in other Australian jurisdictions'. Appendix C provides a complete list of stakeholders consulted as part of the review process, and insights from inter-jurisdictional consultations are highlighted in Appendix A.

For the purposes of maintaining the confidence of participants in the review and in supporting the ability to provide feedback, KPMG confirmed to all stakeholders that their commentary would be neither directly attributable to them (or their organisation), nor would they be directly identifiable through any of their feedback. The key themes that emerged from these consultations and submissions are documented overleaf.

5.3.2 Stakeholder views

The key themes that emerged from the consultation activities are detailed in the following table. It is important to note that consultation with individual victims was not within scope.

Table 15: Key themes from consultation

| Theme | |
|--|--|
| ACCESSIBILITY | |
| <p>Theme 1: The application process is not easy to navigate and can be a barrier to accessing the scheme.</p> | <p>There is a widespread perception across stakeholder groups that the Scheme’s application process is overly complex and time-intensive, which creates significant challenges for victims in accessing the Scheme. The process requires substantial time and effort to:</p> <ul style="list-style-type: none"> • Provide extensive identification and evidence; • Navigate the definitions of a victim and identifying as a victim; and • Completing application forms, including the online form in its entirety, as it cannot be saved and returned to. <p>Stakeholders agreed that there are assumptions inherent to the application process, including a level of literacy (including digital literacy), connectivity and capacity amongst applicants. Victim support services noted that some applicants can find the application process particularly challenging including those with disability, from CALD backgrounds, identifying as First Nations Australians, and those who have been displaced or are living in regional, rural and remote locations. Additionally, stakeholders noted some victims can struggle with memory and recall due to their injuries, or trauma, which further impacts their ability to complete forms and compile evidence.</p> <p>Access to financial assistance can be dependent on the victim’s ability to receive support from a provider; however, it was acknowledged that many victim support sector agencies do not have capacity to support victims with form completion. Supporting victims to complete forms and compile evidence can be a timely exercise. It can also impact the capacity of these providers to deliver their core functions and responsibilities including the provision of case management, counselling and other services and supports that meet the needs of victims. Some service providers support victims with form completion in addition to their existing workload demands (others reported they had previously done this but due to increasing demand had been unable to sustain this practice). Some providers note they invest significant time and resources to support the application process.</p> <p>Numerous suggestions were provided by various stakeholders in respect to streamlining the application process for the Scheme. This included recommendations around the development and delivery of an integrated system or portal for information, as well as the development of forms in diverse languages, and the creation of an easy-to-read instruction manual or guide.</p> <p>The amount of information and evidence that is included within applications was reported to deter some victims from apply for assistance, particularly recovery expenses. The level of evidence and information required was also reported to impact on the ability of assessors to process applications efficiently, potentially impacting on the timely provision of financial assistance to victims.</p> |

Although new online forms (introduced by VAQ in September 2023) provide informative instructions to assist victims to complete an application, initial indications from stakeholders were that the comprehensiveness of these forms may be a barrier for victims wishing to access the Scheme, particularly for cohorts with lower literacy levels, from First Nations or CALD backgrounds, or those with have challenges accessing support to complete the application (i.e. victims who live in rural or remote areas). The separate application required for funeral payments was also reported to add further complexity for victims who are seeking assistance. It is acknowledged, however, that these new online form arrangements only commenced in late September 2023 and therefore reliable data about their use (that is not impacted by the recency of their implementation) and consistent views from stakeholders are not yet available.

Theme 2: The administration of the Scheme is not meeting the expectations of victims and the broader community.

Victim support sector stakeholders noted inconsistencies in the administration of the Scheme. Firstly, information regarding the Scheme is generally considered unclear, complex and inconsistent. Secondly, there were various examples provided of inconsistent application of the eligibility criteria across different applications. Thirdly, stakeholders noted the vastly inconsistent timeframes for application outcomes and payments. Some stakeholders noted that the inconsistency in outcomes could be influenced by which pathway an applicant went through to access the Scheme, potentially creating inequity. It was generally noted that these inconsistencies make it difficult for victim support services to manage victim and community expectations as there is no clear standard or benchmark.

Stakeholders are in consensus that the current wait times for outcomes of applications, and the delivery of financial assistance, are considered too long by victims and support services. The current decision making and processing times for applications are lengthy, impacting on the ability of victims to gain access to financial assistance under the Scheme, and to receive reimbursement for recovery expenses. Timely access to financial assistance is paramount to support victims in their recovery. While there was recognition amongst some stakeholders that recent changes had reduced wait times for financial assistance, they are still considered unsatisfactory.

Victim support stakeholders consistently noted their clients find the expense recovery payment process difficult and challenging. The need to find and retain receipts creates a barrier to access of the Scheme. The current design of the Scheme leads victims to prefer applying for recognition payment as this process is simpler. Additionally, victim support groups reported that due to wait time and application challenges, victims are sometimes deterred from continuing their initial application and/or submitting any future applications. Some stakeholders have developed their own internal processes and communications which aid in managing victims' expectations of outcomes under the Scheme, to ensure they are aware of the delays in receiving financial assistance.

COMPLEXITY

Theme 3: The requirements of the Scheme and associated application process impedes VAQ's ability

It was well understood that the Scheme requires extensive evidentiary requirements due to its foundation in the VOCAA. Stakeholders noted, however, that the eligibility, definition guidelines and the detailed requirements of the application process are complex, and in some cases, are viewed by stakeholders as inappropriate. It is recognised that the legal requirements can impact the application of a trauma-informed, victim-centric approach. For example, following finalisation of the decision of the application, an assessor prepares and sends a formal decision to the applicant (process outlined in Appendix B). One stakeholder highlighted this formal decision comes across as 'cold and the statement is not very trauma-informed'. A separate government agency consulted as part of this review noted that 'it can be retraumatising to fill out forms'. Victim support services agreed that the process does at times re-traumatise victims.

| | |
|---|---|
| <p>to deliver a trauma-informed approach.</p> | <p>Given the purpose of the Scheme is to support victims through recovery and trauma, victim support service stakeholders contested the appropriateness of Scheme requirements that obligate applicants to collate and provide extensive proof of being a victim. Some stakeholders preferred to support their clients to use the ‘special primary victim’ application process. This grants an exception for reporting the act of violence; allowing reporting to be through the police or other service providers including a doctor, psychiatrist, psychologist, counsellor, or domestic violence service (Eligibility Criteria outlined in Appendix B). Stakeholders noted this alleviates some of the information requirements in an application. Additionally, the HRT referral pathway into the Scheme was noted to be a swifter mechanism in gaining financial assistance, along with providing letters of support to accompany applications. However, some stakeholders acknowledged that this has created inequity in access to the Scheme, meaning that not all victims have consistent opportunities to obtain financial support in a timely manner.</p> <p>While the Scheme recognises four classifications of victims in order to provide assistance to a broader range of victims, stakeholders consistently raised concerns about the insensitive practically for establishing relation to a victim. Victim support stakeholders questioned the process for assessment and approval of secondary or related victim classification, noting that the legislation “often sets up victims for a fall” due to the judgement required. Stakeholders noted this can impact the related victim, with an example given where a home was the crime scene. The family was unable to pay for the clean up and return to their home, or for the funeral, until their relationship to the victim had been assessed and approved.</p> |
| <p>Theme 4: The Scheme’s eligibility and payment criteria lack flexibility and create barriers for ongoing access.</p> | <p>Stakeholders raised concerns about the lack of clarity and flexibility across eligibility criteria, payment types and categories of financial assistance. Some victim support stakeholders noted that it is unclear what can be accessed through the Scheme. For example, one victim sector stakeholder, when referring to a future state, noted “a better explanation and understanding provided to service providers, victims and the broader public regarding the categories and the values. There appears to be a disconnect here.”</p> <p>As detailed in other themes there are concerns across stakeholder groups that information requirements, application processes and eligibility criteria can result in challenges for victims to access the scheme. Additionally, the perceived lack of flexibility and extensive eligibility requirements under the Scheme compound the timeframe for payment for financial assistance. The majority of stakeholders felt there are opportunities to simplify criteria and relevant payment requirements.</p> |
| <p>INTENT</p> | |
| <p>Theme 5: The intent and objectives of the Scheme are not clearly understood.</p> | <p>Since its inception, the Scheme has been positioned as a support for victims which is reflective of a ‘scheme of last resort’ or a kind of insurance arrangement (it is noted that recognition payments are also made, but stakeholders with historic knowledge of the Scheme almost universally call out the Scheme as a mechanism to move away from the more profligate Criminal Injury Compensation Scheme that was previously established under the COVA to a new Scheme that is for the purpose of recovering monies paid by victims). However, since 2017 and the inclusion of DFV within the scope of the Scheme, stakeholders across the victim support sector and government agencies have noted a shift in how the Scheme is perceived and confusion around the Scheme’s intent. Following the 2017 amendments to VOCAA, stakeholders have noticed that some victims consider the Scheme a key response for crisis support and funding, with references made to recognition payments. It is noted that some stakeholders indicated there is confusion around the objectives and intent of the VOCAA, and that there is a misunderstanding that the Scheme will support victims at the time of crisis.</p> |

This has resulted in misconceptions and misunderstandings amongst victims as to the purpose of the Scheme as well as the timeframes at which they can reasonably expect support. This misconception is compounded by the HRT pathway, which victim support stakeholders note as a method used to advantageously navigate wait times.

Alternatively, some stakeholders held the view the Scheme is meeting its intent, which they characterised as being centred around supporting the recovery of victims. For example, a victim support sector representative noted that ‘the Scheme is meeting intent - it's there as a recovery mechanism, and for recognition of injury...’. This notion is complemented by an understanding amongst some stakeholders that the Scheme does not provide a crisis response, which is further reconfirmed in the amounts of financial assistance that are available and the restrictions that are in place on what financial assistance can be used for.

Additionally, some victim support sector stakeholders noted that their clients are more likely to complete an application for the Scheme rather than pursue criminal charges and navigate the court process. A victim support service noted a growing perception that the Scheme is an alternative pathway to recognition of being a victim of a crime, particularly amongst younger people.

The above highlights that stakeholders hold different perspectives about the intention of the Scheme. This impacts the ability of VAQ to effectively deliver the Scheme objectives and manage expectations across the sector, as well as amongst victims.

AWARENESS

Theme 6: There are varying levels of awareness of the scheme across the sector and wider community.

Both victim support sector and government stakeholders reported varying levels of awareness regarding the Scheme. Generally, there is a high level of awareness of the Scheme among stakeholders who have been working within the sector for a long period of time; whereas there is a very limited awareness of the Scheme among stakeholders who have not have significant interaction with the sector. This includes – based on feedback from victim support services and government stakeholders in particular – a significant lack of knowledge and awareness of the Scheme within the broader community, who are reported to be unaware of its purpose and operation unless they have subsequently become a victim of crime and been informed of the Scheme.

Government stakeholders acknowledge that having VAQ representatives as members on HRTs translates to an increased awareness and utilisation of the Scheme. Enhanced awareness of the Scheme amongst victim support services is also a result of education and awareness training conducted by VAQ. Victim support service stakeholders noted this is ‘helpful with streamlining processes and building relationships with VAQ’. However, as noted above, stakeholders are in consensus that there is generally a limited level of awareness of the Scheme amongst the broader community.

Victims are usually referred into the Scheme through QPS or a service provider. Victim support sector representatives indicated that while some victims are aware of the existence of financial assistance, many are unsure of the eligibility requirements and application processes. Awareness of the Scheme is particularly low in rural and remote areas and among young people. There is concern among victim support stakeholders that those who most need the assistance are not aware of it. Stakeholders agree there is potential to improve awareness of the Scheme in the broader community and enhance the accessibility of the Scheme to support victims. In light of the Government announcements including increases in funding for victims and potential changes to VAQ operations, a broader scheme awareness campaign could be considered.

COORDINATION AND COLLABORATION

Theme 7: The lack of centralised support and coordination for victims has resulted in a complex and fragmented service system.

Almost universally, stakeholders identified the recognised the need for better coordination, accountability, and collaboration in providing support to victims of crime and the sector in Queensland. Victim support services expressed that victims lack a clearly identifiable, central point of contact where they can seek support in relation to their needs (including and beyond financial assistance). This is influenced by the fragmentation of the victim support service system, with current service navigation being complex. This has resulted in victims having to self-navigate the support service system or be directed to discrete areas within government or the wider community services sector.

Again, almost universally, stakeholders shared the view that the current system is siloed and difficult for victims to navigate, including knowing where to go to access support/services (not simply the Scheme), what supports are available, and how to appropriately engage with the services that do exist.

Victim support sector stakeholders (those with a more informed understanding of the role of VAQ) agreed that a central accountable body within government is needed to improve coordination. Various views were expressed, but in generally it was agreed by stakeholders that such a body should help victims identify the supports available and be the central point of contact and coordination. Less informed stakeholders (those with a less direct link to the victim support sector) often held the view (and were surprised by it not being the case) that VAQ was already responsible/accountable for this role. It was also noted that the Office of the Victims' Commissioner is an advocate for victims, not a coordinating entity on behalf of government. These various views insights highlight a disconnect around the intention and administration of the Scheme.

Irrespective of the organisational and/or governance arrangements, all stakeholders were of the view that improvement was required to help victims identify available supports, provide a central point of contact and coordination and achieve more trauma-informed and victim-centric outcomes for victims.

Stakeholders indicated varying levels of engagement between VAQ and other Queensland Government agencies. Some agencies work closely with VAQ from a policy perspective, often due to their direct involvement with interfacing sectors. Additionally, VAQ work closely with representatives of various departments on HRTs, maintaining a visible presence which translates to an increased uptake of the Scheme. Conversely, other agencies have minimal interaction with VAQ and express a desire to work more closely with the organisation.

Some government stakeholder groups suggested the need for increased contact with VAQ and a closer working relationship to provide improved support to victims. Further to this, stakeholders reiterated the need to enhance awareness of VAQ and the Scheme, in order to provide efficient and effective support for victims. It was suggested that this can be achieved through more consistent and comprehensive collaboration between VAQ, government agencies and the broader sector. A number of stakeholders indicated that it would be a positive step to have VAQ personnel embedded in the victim support sector, who are trauma-informed. This would provide needed connection between VAQ and sector and victims. It was noted on multiple occasions that VAQ's involvement in Queensland Government's HRT processes for DFV is excellent.

As noted, developing new governance arrangement, service delivery models and the broader operations (beyond the Scheme) are not within the scope of the review. However, given the significance and universality of the view that better coordination and support is required, it is considered sufficiently important that this feedback be identified such that consideration may be given to broader improvements in conjunction with any changes to the operation of the Scheme.

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| Theme 8: Organisations within the sector generally have a positive relationship with VAQ. | <p>Sector stakeholders had a positive disposition towards VAQ, appreciating the organisation's accessibility and noting recent efforts to alleviate pressure on the application process such as implementation of online forms. Stakeholders acknowledged the positive aspect of having a financial assistance scheme in place, recognising its value in aiding victims to recover.</p> <p>Victim support stakeholders spoke highly of their experience when reaching out to VAQ for assistance. VAQ is seen as a responsive and helpful partner, providing valuable training for assisting victims throughout the application process, including specific training to help with filling out forms.</p> <p>While the relationship between these organisations and VAQ is generally positive, stakeholders emphasise that there is still work to be done and the scope of collaboration must be broadened to better serve victims.</p> |
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TIMELINESS OF APPLICATIONS AND PAYMENT

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| Theme 9: Although payment timeframes are recognised as improving, they are still considered to be lengthy. | <p>When discussing timeliness associated with processing applications and payments of the Scheme, it is important to note that a backlog of applications has existed for VAQ for some time. Stakeholders recognise the legislative restrictions, administrative burden and budgetary frameworks that VAQ must navigate, which are compounded by workforce constraints across the sector and within VAQ.</p> <p>Regardless, there is clear and uniform alignment amongst stakeholders that payment timeframes are too long and, as a result, are not meeting the needs of victims. It is widely acknowledged that increased levels of demand and complexity of some applications causes delays in processing the outcomes of those applications. Some stakeholders hold concerns relating to the impact of delayed payment timeframes and the ability of victims to access required support services. One service provider noted that 'there is huge demand for financial assistance from victims, especially those who have experienced sexual assault and are unable to work due to this experience'. This stakeholder suggested that the immediate needs of these victims include urgent counselling; however, accessing this service privately can be challenging. Another provider noted that delays have the potential to retraumatise victims and create a general mistrust between communities and government, particularly for First Nations applicants.</p> |
| Theme 10: Statutory timeframes for application are not appropriate for some victims. | <p>Most stakeholders acknowledged the need for statutory timeframes for the effective administration of the Scheme. A limited number of victim support sector stakeholders raised concerns about the current statutory timeframes that pose limitations on child-related matters, which they cited as being a key challenge for those victims experience trauma differently. Stakeholders noted that the statutory timeframes are not always appropriate for all victims of crime. Victim support stakeholders highlighted the sensitivity in reporting trauma, and the need to allow time for some victims to re-build a sense of safety before they feel ready to seek support.</p> <p>Stakeholders suggested changes are required to recognise the long process of recovery and rebuilding safety for some victims (again, particularly children) to be able to disclose, report on, and seek financial support for their psychological injuries and trauma beyond existing timeframes.</p> |

FUNDING AND RESOURCES

Theme 11: Amounts provided under the Scheme are generally supported and positively impact outcomes for victims of crime.

As previously indicated, consultations undertaken as part of this review were conducted prior to the Queensland Government's announcement of revised payment thresholds and total payment caps for the Scheme on 10 October 2023. At the time of consultation, most stakeholders, with the exception of some victim support services, were comfortable with the assistance amounts paid by the Scheme and recognised their positive impact on victims of crime. Notwithstanding, most stakeholders indicated they would welcome increases in thresholds in conjunction with improved timeliness of delivery and reduction in complexity in applying for, accessing and evidencing claims.

Regarding funding and its use, several nuances emerged, including:

- Stakeholders highlighted a disparity between the funding allocations of the Scheme and the actual costs incurred. A victim support sector stakeholder cited the example of a \$500 allowance for legal fees, which they found insufficient to cover the real costs that some solicitors and lawyers can pass onto their clients;
- Stakeholders are in consensus regarding the importance of support people, and their role in helping victims. It is agreed funding for the travel expenses of support people is important for the victim;
- Government agency stakeholders voiced concerns that VAQ had become too inflexible. An example was provided whereby court proceedings were extended, though the family assistance was discontinued in the previous week. Stakeholders uniformly agreed on the need for enhanced flexibility in response to unique situations;
- Stakeholders acknowledged recognition funds are the most commonly sought-after type of support, as financial assistance for recoverable expenses is commonly seen as too challenging to access. Victim support sector stakeholders suggested that clients typically only claim one-third of their expenses as it is too challenging to recall expenses and provide evidence.
- During consultation, stakeholders through formal questions were asked whether the Scheme should be expanded to include property crime. The general sentiment was that this would be difficult and challenging given the high incidence of property crime, the broad nature of those crimes, and complexity of assessing property offence claims. Stakeholders also noted that, generally, insurance arrangements should be available in relation to predominant aspects of property crime. It was noted, however, by certain stakeholders that there can be serious emotional trauma because of property crime, even where a serious violent crime may not have occurred. In that regard, stakeholders held the view that a broad extension of the Scheme to all property crime was very much a secondary priority behind enhancing the effectiveness of the current Scheme for victims, but that the inclusion of counselling expenses for certain property offences may be advantageous.

TRAUMA-INFORMED

Theme 12: The Scheme is not considered to promote the control and

Stakeholders recognised the efforts undertaken by VAQ over recent years to adapt and apply a trauma-informed approach to the Scheme, and commended the shifts in VAQ's processes. There are, however, divergent views on whether the Scheme is sufficiently trauma-informed.

decision-making of victims impeding a trauma-informed approach.

Victim support stakeholders agree financial assistance is a key opportunity to empower victims, and that encouraging autonomy can improve the recovery and well-being of victims. Victim support services acknowledge victims may require a variety of therapies. Victim support services universally noted that victims should have control over the services they choose in their recovery.

The Scheme currently limits financial assistance to be used for 'reasonable counselling expenses' as per the table of costs. As such, victims do not have complete autonomy in using the financial assistance provided and they are unable to claim expenses for particular types of therapies, such as cultural healing and alternative therapeutic services. A victim support service spoke of a client who desired equine therapy to assist with their recovery, though were prohibited from using funds attained through the Scheme to finance this activity. The stakeholder noted 'Some children require different therapies to just counselling, including therapies that aren't catered for example, equine therapy... You have to give the victim the power or certainty to control what many victims can't'.

Victim support stakeholders also noted the rigidity surrounding the use of funeral expense assistance. Currently, the Scheme limits funeral expenses to those deemed reasonable as per the approved list, which restricts claiming for particular items, such as urns, as well as certain expenses for funerals (such as travel and elements of Sorry Business for First Nations victims).

While the amount of financial assistance provided was largely accepted by stakeholders, the perceived lack of choice and control experienced by victims within the Scheme was a key point of concern, which could limit the application of a victim-centric, trauma-informed Scheme.

A photograph of a wooden staircase with a white rectangular overlay in the upper right corner containing the text '6. Key Observations'. The staircase is made of light-colored wood and has a dark metal railing. The lighting is dramatic, with strong shadows and highlights, creating a sense of depth and texture. The white overlay is semi-transparent, allowing the wood grain to be visible through it.

6. Key Observations

6 Key Observations and Recommendations

6.1 Section Overview

This section brings together the current elements of the Scheme, the quantitative analysis, inter-jurisdictional insights and the perspectives of stakeholders to identify the key observations about the Scheme, challenges that it faces and a set of recommendations to be considered by DJAG and Government as appropriate. These elements are then further built on in Section 7, which sets out additional options that may be considered to simplify, expand or fundamentally change the Scheme.

The scope of the review is to determine whether the original intent and objectives of the Scheme are being met as defined in the VOCAA, and the effectiveness of the Scheme for victims of crime.

In line with the VOCAA, the objectives of the Scheme are to:

- help victims of acts of violence to recover by providing financial assistance; and
- provide financial assistance to primary victims that represents a symbolic expression by the State of the community's recognition of the injuries suffered by them; and
- provide financial assistance to related victims who have suffered distress that represents a symbolic expression by the State of the community's recognition of the distress suffered; and
- add to other services provided by or for government to victims of acts of violence.¹⁰⁸

In examining the effectiveness of the current Scheme, the review investigated a range of areas including the timeliness of application outcomes, stakeholder awareness of the Scheme and views about its support for victims, and accessibility of the Scheme.

6.2 Overarching Position

In combing the various elements of the review, it is reasonable to suggest that the objectives and intent of the Scheme as set out in the VOCAA are broadly being achieved.

There is considerable evidence of VAQ's administration of the Scheme in line with the overarching legislative framework that has been established. While a different premise, there are however divergent views about whether the objectives and intent of the Scheme remain contemporary and whether the Scheme and its operations remain appropriate in supporting victims of crime.

This latter aspect comes directly to the effectiveness of the Scheme. In this regard, combing the various elements of the review, it is clear there are a number of areas where enhancements should be made, and others where optional improvements could be made, to improve the effectiveness of the Scheme for victims of crime.

6.2.1 Legislative objectives and intent

Noting the above statement that the Scheme is broadly achieving the objectives of the act, the following series of statements summarise the review's position on the objectives and intent:

Helping victims of crime to recover by providing financial assistance: The Scheme is delivering on the first objective through providing payment to support the recovery of victims following a crime.

Primary and Related Victim Recognition: The Scheme is delivering on the second and third objectives in the same manner – through providing recognition and other payments to primary and related victims outlined in the VOCAA in response to act of violence as representation of symbolic expression of the community's recognition of the distress suffered.

¹⁰⁸ *Victims of Crime Assistance Act 2009* (Qld) s3

Adds to other services: In order to meet this objective, VAQ also administers the Victim Services Funding Program in addition to the Scheme. Through the Victim Services Funding Program, VAQ provides \$3.4 million in funding per annum to five service support streams to deliver state-wide, trauma-informed support to victims of crime. The five service streams provide support for victims throughout the criminal justice process, in addition to counselling and therapeutic first aid, form filling assistance and preparation of victim impact statements.¹⁰⁹

6.2.2 Effectiveness of the Scheme

While it is evident that the Scheme is being administered broadly in alignment with the intent and objectives of the VOCAA, as noted above there is sufficient evidence to suggest that the Scheme could be more effective for victims of crime.

The Explanatory Notes for the *Victims of Crime Assistance and Other Legislation Amendment Bill 2016* (and carried forward through various operational materials used by VAQ staff in the administration of the Scheme) note that the Scheme is intended as a ‘scheme of last resort’. That is, the Scheme operates in many parts similar to an insurance arrangement to reimburse expenses (not all instances, however, as it is acknowledged that recognition payments occur) and, where victims receive payments from other sources, financial assistance will not be provided to the same extent that other payments are received.

Many stakeholders have posted a view that a more proactive support arrangement, that is more victim-centric and which supports more timely payments and less complex access to financial assistance, would be more effective for victims. Others have noted that increasing backlogs arising due to increasing applications have an impact on the Scheme’s ability to facilitate the payment of funds, thus impeding its effectiveness.

Following the 2015 review of the VOCAA, substantial expansion of eligibility for the Scheme was implemented (with the 2017 amendments to VOCAA), such that all victims of DFV as defined under the *Domestic and Family Violence Act 2012* could access financial assistance. This saw a considerable increase in the number of applications to the Scheme, compounding the challenge of providing timely assistance. Quantitative assessment conducted as part of this review indicates that following these legislative amendments, the profile of applications to and the payments may by the Scheme have moved away from a ‘scheme of last resort’. A major shift in the proportion of funds paid through recognition (special assistance and distress) and interim assistance payments, coupled with actions such as the implementation of more rapid HRT processes to support DFV victims, all evidence an increasing emphasis on the immediate needs of a growing number of applicants.

Stakeholders consulted throughout this review have indicated that broader community expectations have also changed since the Scheme was established. Diverse views were expressed about the way in which the Scheme meets (or does not meet) the needs of victims.

Key challenges in accessibility and awareness of the Scheme, along with timeliness of application outcomes, have been identified throughout stakeholder consultation. The substantial time and effort required to complete the application process, including evidentiary requirements, impacts on Scheme accessibility. Victims with literacy challenges, disability, those from CALD backgrounds, identifying as First Nations, and those who are displaced or are living in regional, rural and remote locations, can find the application process more challenging. Stakeholder consultations also highlighted that there are varying levels of awareness of the scheme across the sector and among the wider community.

The complexity of the Scheme and its associated processes, along with high demand for the Scheme, has resulted in application and payment backlogs, with stakeholders highlighting that application outcomes and payment processing timeframes are lengthy. The delayed payment timeframes impact the ability of the Scheme to operate effectively and provide victims with timely assistance.

Finally, the environment within which the Scheme operates is complex, and is constantly undergoing change. In 2023, the role of an Interim Victims’ Commissioner was established, and the Queensland Government continues to implement recommendations in response to a number of reports and inquiries, including the *Inquiry into Support Provided to Victims of Crime*. The Government has also increased amounts of financial assistance provided through the Scheme, as well as amendments to expedite decision-making, through the *Victims of Crime Assistance and Other Legislation Amendment Act 2023*.

¹⁰⁹ Queensland Parliament. (2023). DJAG Parliamentary Committee Briefing Note. Available at: <https://documents.parliament.qld.gov.au/com/LASC-C96E/ISVC-98C6/DJAG%20Written%20Brief.pdf>

6.3 Recommendations

The recommendations made in this report are underpinned by analysis drawn from the quantitative analysis, inter-jurisdictional insights and the perspectives of stakeholders. The recommendations are intended to improve the effectiveness of the Scheme, address key areas of stakeholder concern and improve trauma-informed service delivery.

The recommendations appearing first make more significant, fundamental changes than subsequent recommendations which focus on more specific aspects of the Scheme.

The first four recommendations aim to fundamentally change the administration of the Scheme by facilitating the more timely provision of support to victims as well as supporting a more trauma-informed and victim-centric approach. Recommendations five and six aim to provide increased clarity and consistency around payment categories, while recommendations seven and eight propose to improve the flexibility, control and empowerment of all victims. Recommendations nine and ten were made in response to specific issues and aspects of the Scheme that were outlined in this review and previous inquiries.

It is acknowledged that VAQ stakeholders requested guidance around the thematic grouping of these recommendations. This has been provided at a high-level below, though noting there is overlap between these themes and recommendations, and as such this has not formed the structure of this section.



Recommendation 1

It is recommended that an immediate payment of \$3,000 is paid to all eligible primary victims under the Financial Assistance Scheme (on the delivery of reduced evidentiary requirements, see Recommendation 3). This will support more rapid provision of payments to, and reduce the burden on, victims of crime.

Underpinning Detail

Recommendation one proposes the provision of an immediate payment of \$3,000 paid to all eligible primary victims on the delivery of the reduced evidentiary requirements. It would effectively be an urgent payment of a portion (or potentially all, depending on categorisation) of the recognition (special assistance) amount that is available to these victims. It should not be confused as an 'extra' payment – rather, considered an advance (or payment in full, if the primary victim is entitled to a Category D payment) of the recognition (special assistance payment) amount. It should also not be confused with the interim assistance payment. It is considered that the interim assistance payment, which is currently paid to cover urgent and immediate expenses, would still be paid to victims in need of this support.

The existing process for the remainder of the recognition payment amount (if any) would remain the same (that is, to be explicitly clear, the \$3,000 should be considered an 'advance' on any recognition payment amount to which primary victims would be entitled under existing payment thresholds, and is not intended as being 'in addition to' the existing Category A through D amounts). Victims can upgrade the level of assistance through a subsequent payment by completing the current application process.

It should also be made clear that the intention of rapid payment of the \$3,000 is not to 'delay' additional recognition (special assistance) payments to which a victim may be entitled – in the event that an assessor has sufficient evidence available to pay a greater amount (for example, sufficient information to pay the full \$10,000 (proposed to be \$15,000) for a Category A victim) at this initial stage, that greater amount should be paid.

To expedite this initial payment to victims, the informational requirements for special assistance payments (lump-sum, recognition payments) should be simplified to consist of reporting the crime (e.g., QP number or Special Primary Victim Report), third party verification of injury (e.g., medical report), and identification. This is made in a further specific recommendation (recommendation three).

Rationale

The current operation of the Scheme has a key issue of victims accessing funds in a timely manner. As highlighted in the quantitative assessment, special assistance payments constituted 73 per cent of funds paid under the Scheme in FY 2022-23 and 82 per cent of funds paid to primary victims. Given the significant ratios of these payments being made, a more rapid release of recognition payments will improve victims' experiences and the effectiveness of the Scheme. This payment allows for an equitable and consistent initial payment to primary victims. The immediate payment is not to be confused with the interim assistance payments which are subject to the process for recovery expenses (i.e., requiring acquittal against receipts, or at least an advance on anticipated expenses).

Further, the quantitative assessment illustrated that the annual average number of days from the date an application is received until a payment is made for recognition (special assistance) to primary victims peaked at 432 days in FY 2021-22. While improving, in FY 2022-23 this annual average number of days remained exceptionally high at 291 days.

The monthly average as of August 2023 is 185 days, which is still an excessive period that is greater than half a year in duration. The delay in providing assistance is incongruent with expectations of the Scheme.

Stakeholder consultation also substantiated the view that current payment timeframes are too long, with the level of demand and complexity in some applications adding to the current backlog that VAQ is managing.

The recently announced new category caps for recognition payments mean that the maximum caps for each category will increase, with Category D increasing to \$3,000. Under this recommendation, the new Category D cap of \$3,000 will be the baseline used for this proposed new initial payment to all. By paying all primary victims the Category D amount (particularly with reduced evidential requirements), there is minimal risk of overpayment. It is also noted that VAQ currently pays primary victims nearly 99

per cent of the maximum cap across the current special assistance categories, further supporting the notion that there are few instances where the proposed \$3,000 would be an over payment.

As noted above, this amount is not intended to be in addition to the current amounts but is effectively an immediate 'advance' of the total amount (which may be \$3,000 in total, if it is subsequently determined the victim should receive a Category D payment, or which will then be balanced against the remainder of the amount payable to victims eligible for Category A, B or C payments once those more detailed assessments are conducted).

Expediting an upfront payment to victims will increase the timeliness in which applicants can gain financial assistance while balancing the responsible use of taxpayer funds and support for victims. This also allows for victims to receive some funds while their application process continues to be progressed.

In considering the mechanism for the immediate payment, the use of the interim assistance payment was considered. As outlined in Section 3, interim assistance is for recovery expenses and is still subject to the extensive eligibility requirements of the Scheme including evidence of the expenses (or reasonable anticipation they will be incurred) and explanation of the urgent and immediate need. This can, in some circumstances, be a triggering experience for victims. The amounts paid as interim assistance are not necessarily paid in one amount and the timing of payment can vary significantly (in FY23 it was 70 days), which does not align with victims' expectations of urgent or immediate support. Further, the number of victims able to access interim assistance is limited (as noted in Section 4).

The focus of this new advance of a recognition payment is to allow quick assessment and an immediate payment of a lump sum to all primary victims, through a simplified and equitable mechanism. Importantly, victims can still access the existing interim assistance application in conjunction with the immediate payment.

There is a risk that recommendation one could result in overpayment where a victim's full application for subsequent special assistance payments is refused. It is noted while the risk of a potential overpayment is not eliminated, this has been balanced against the benefit of providing timely support to primary victims. The quantitative assessment demonstrated only a small portion of applications received are deemed by VAQ as lapsed, refused or withdrawn. The share of refused and withdrawn of total applications received has decreased in recent years, relative to previous years. In FY 2022-23, 1.6 per cent of applications received had been refused. Further, only 7 per cent of applications received are deemed 'Not Eligible' by VAQ. Of those applications, there have only been 22 instances of where an ineligible applicant has received some form of financial assistance or 0.07 per cent of total applications paid.

Due to the delays in providing financial assistance, and with current average payment amounts being close to the maximum provided, it is recommended that a consistent immediate payment is made to all eligible victims accessing the Scheme. Reductions to the evidentiary requirements for these payments (outlined in recommendation three), will further support the rapid provision of financial assistance and reduce the burden on victims.



Recommendation 2

To reduce the time associated with processing applications and increase access to the timely provision of support, it is recommended that all eligible victims be deemed automatically able to access counselling support, without the need to evidence a provisional diagnosis of psychological injury or adverse impacts.

Underpinning Detail

Recommendation two would see all victims be deemed automatically able to access counselling support, through the approved supplier panel (as per recommendation eight), without the need to provide further supporting documentation (i.e., counselling receipts).

In circumstances whereby a supplier listed on a VAQ panel arrangement is accessed (per recommendation eight), VAQ would pay the counselling support provider directly upon confirmation of attendance, reducing the administrative burden on victims and mitigating the risk of payments being

used for other purposes. To support this change, VAQ should consider streamlining the process for automatic entitlement and upfront payment upon confirmation of attendance.

Rationale

The clear rationale for this recommendation is to expedite victims' access to counselling support, and reduce the administrative burden associated with applying for this assistance. This recommendation puts the victim at the centre of the Scheme through increasing the speed at which they can receive counselling support to meet their immediate psychological needs. It also reduces the onus on victims to obtain and collate numerous pieces of evidence at a time in which they may not have the physical and emotional capacity to do so. Further, stakeholder feedback raised accessibility to services as an issue, with a number citing a need for greater support services, including counselling. Fast track processes were seen as needed by stakeholders. VAQ also raised in multiple workshops the complexities and administrative burden associated with assessing counselling eligibility and subsequent payments, which would be alleviated by this initiative.

Current requirements for victims to apply for counselling under the Scheme include completing an application form and providing supporting documents, such as photocopies of treatment plans, receipts, or invoices.

VAQ's policies and procedures outline specific details regarding the process for applying for counselling. At present, victims are eligible for 12 to 24 hours of counselling under the Scheme, depending on their assessed need. Counselling is currently provided on the provision of it being directly relating to psychological injury caused by an act of violence. An assessor can grant an initial 12 sessions where the victim provides evidence of being a 'related victim', submits documentation of a provisional diagnosis of injury, and/or provides evidence of adverse impacts. An assessor can grant 24 sessions initially where evidence is submitted to confirm a diagnosed physical and/or psychological injury. To grant subsequent sessions, progress reports from the treating practitioner are required.

Ensuring all eligible victims are automatically entitled to counselling support without the need to provide the current evidentiary requirements, can hasten access to support. It may also potentially reduce the risk of (or real, as reported by some stakeholders) instances of re-traumatisation that can arise through continual re-telling of events and/or multiple application processes.

The processing of applications for counselling support absorbs a considerable amount of time which causes delays in the provision of support for victims. As noted in the quantitative assessment, in FY 2022-23, it took on average 842 days for a victim to receive payment for counselling from the date they applied for financial assistance.

Automating this process will also reduce administrative burden on VAQ and support the increased efficiency and effectiveness of the Scheme. Counselling has one of the highest administration requirements, including determining relevant payment requirements such as Medicare plans. It also involves determining the eligibility of the service and obtaining documentation from the applicant and service such as plans, quotes, invoices, and receipts. According to VAQ, it is a significant administration cost for less than two per cent of payments. In FY 2022-23, there were over 2,500 paid Counselling expenses (17 per cent of total number of financial assistance payments including recognition) totalling around \$0.77 million (1.9 per cent of the total value of paid) (refer to Appendix D.2).



Recommendation 3

It is recommended that information requirements in relation to the \$3,000 immediate payment and the automatic access to counselling be simplified and reduced.

Underpinning Detail

Recommendation three would see the reduction and simplification of information requirements governing victim access to the \$3,000 immediate payment (as outlined in recommendation one) as well as counselling support (detailed in recommendation two). This would enable the timely provision of support for victims while reducing the burden associated with meeting the current information requirements.

It is recommended that the information requirements for both the immediate payment and counselling be simplified to:

- QP number (as appropriate);
- Special Primary Victim Report (as appropriate);
- Third party verification of injury (e.g., medical certificate, medical report) only for those access immediate payment;
- Identification; and
- Banking information / payment details.

Applicants could utilise the existing application forms and continue to tick the recognition payment box (question 6a on the primary victim application form); however, would only need to provide the QP number or special primary victim information (if required), identification information and payment details, along with documentation to confirm injury (currently question three on the primary victim application form) for access to the \$3000 immediate payment. For counselling, applicants would not need to provide proof of injury, or any counselling related information, such as evidence of qualification of provider, a progress report or treatment plan, invoices, or receipts. Eliminating the need to provide qualifications of the counselling provider along with invoices and receipts has been proposed with consideration to recommendations two and eight, which would see the automatic granting of counselling support from practitioners on the panel.

Payment of subsequent special assistance payments, that is the upgrade upon further assessment of the victim's application following meeting base requirements, would be made upon full completion of the current scheme evidentiary requirements.

The VOCAA (namely sections 52, 64, 81, and Schedule 2) provides high level guidance about information requirements and would likely not need to be amended as part of implementing this recommendation. The legislation dictates that an application for assistance must be made by a victim in the approved form, accompanied by documents supporting the application, and contain consent for government assessors to obtain relevant information. The VOCAA also outlines that an act of violence must be reported to a police officer, or for an act of violence against a special primary victim—a police officer, the victim's counsellor, psychologist or doctor, or a domestic violence service (see section 81). The implementation of this recommendation would maintain compliance with the legislation, though internal policies would need to be modified as these are more prescriptive.

Rationale

Recommendation three aims to reduce the administrative burden on victims to access support and enable the timelier provision of financial assistance. It places the victim at the centre of the Scheme through increasing the efficiency and speed at which they can receive funds.

Current requirements for recognition (special assistance) payments and counselling expenses include:

- a completed application form;
- information about the crime;
- who the crime was reported to: police (including the station where the crime was reported and the QP reference number) or to another stakeholder under the Special Primary Victim Report;
- information about injuries and supporting documentation;
- applicant details;
- identification documentation;
- banking details;
- contact details;
- information regarding other monies received / to be received;
- signature; and
- information regarding counselling expenses and supporting documentation.

Numerous stakeholders consulted as part of this review identified challenges regarding the accessibility of the Scheme, which they attributed to the extensive evidentiary requirements. They indicated that the current evidentiary requirements and application processes are complex and time-

intensive and require a high level of organisation and literacy to navigate. Accessibility to the Scheme is dependent on the capacity of the client, and in some cases, on access to a support person to assist in applying. Stakeholders also suggested that the current information requirements have the propensity to re-traumatise victims as they are continuously obliged to re-tell their story and re-live their experiences.

In alignment to stakeholder feedback, a review of VAQ policy and procedural documentation also highlighted that the range of evidentiary and informational requirements within applications forms may pose a barrier and deterrent for victims seeking financial assistance from the Scheme.

The amount of information and evidence that is required to process an application can also impact the ability of assessors to process applications efficiently. Quantitative assessment identified that there is a substantial number of applications awaiting processing, and the estimated time between the date an application is received to the date at which a first decision is made peaked at 15.9 months in 2022.

Notably, the quantitative assessment indicates the annual average number of days from date an application until a payment is made for special assistance peaked at 432 days in FY 2021-22. In FY 2022-23, this decreased to an annual average of 291 days. The monthly average as of August 2023 is 185 days, showing some improvement in wait-times, but nonetheless remaining a significant period of time for victims to wait. Regarding counselling payments, as of August 2023, the monthly average processing time was 500 days (refer to Appendix D.2). The implementation of recommendation three would improve payment time frames for counselling support and allow for the timely provision of the immediate payment specified in recommendation one.

The timely provision of financial assistance has been continuously identified as a critical priority for victims. Stakeholders expressed dissatisfaction with the current delays in relation to the timeframes for application and payment processing. The *Inquiry into Support provided to Victims of Crime* highlighted similar concerns in its submissions, with significant wait times of up to two years to process applications attributed to issues around the time required for victims to provide a high volume of required documentation.¹¹⁰

In the context of current payment delays, and the undue stress attributed to victims collating evidence and information necessary to obtain support, recommendation three has been proposed to support the streamlined and timely access to assistance.

KPMG notes that the implementation of recommendation three will introduce a degree of operational complexity, though the envisaged benefits in terms of meeting the needs of victims outweigh the additional complexity.

There is a risk that simplifying evidentiary requirements could result in overpayment where a victim's full application for subsequent special assistance payments is refused. However, this risk is considered minimal. In FY 2022-23, only 1.6 per cent of applications received had been refused. Further, only 7 per cent of applications received are deemed 'Not Eligible' by VAQ. Additionally, over the life of the Scheme, the number of applications where VAQ have taken fraud action are 97 or 0.2 per cent of the total number of applications received (refer to Appendix D).



Recommendation 4

To reduce wait-times and improve the experience of victims, it is recommended that a victim's eligibility for support through WorkCover and/or other Queensland Government mechanisms does not preclude the victim from receiving financial assistance through the Financial Assistance Scheme. This does not extend to Compulsory Third Party arrangements where the existing process should still apply.

Underpinning Detail

Recommendation four would see the removal of the requirement for victims of work-related acts of violence to apply for workers compensation prior to submission of an application to VAQ, as established under Section 34 of the VOCAA. This change will enable VAQ to make payments for

¹¹⁰ Parliamentary Committees. (2023). *Inquiry into Support provided to Victims of Crime*. Available at: <https://documents.parliament.qld.gov.au/tp/2023/5723T648-B045.pdf>

these victims, regardless of whether a relevant workers compensation claim has been submitted, approved or paid.

This recommendation also seeks to facilitate improved outcomes (the reference to 'other Queensland Government mechanisms') for victims dealing with other agencies – such as the ODPP – whereby the 'back office' elements of reconciling funds transfers are achieved without further inconveniencing the victim. For example, where travel-related expenses may have been paid by the ODPP on behalf of the victim, it would be intended that the ODPP could recover these funds directly from the Scheme rather than asking the victim to recover those amounts and return them.

VAQ and WorkCover Queensland (WorkCover) will liaise on behalf of victims to reconcile payments. It is acknowledged there is an existing relationship between VAQ and WorkCover (as per section 77 of the VOCAA). However, current processes may need to change to support streamlined reconciliation of payments without the involvement of victims. Establishment of a memorandum of understanding may also be required to support this process. It should be noted that private sector CTP will not be affected by these changes and will follow existing processes as outlined in internal policy and procedural documentation.

If adopted, this recommendation would also seek to facilitate that s32(6) of the VOCAA is amended for special assistance payments to no longer be reduced to account for workers' compensation amounts received by an applicant. This is because recognition payments are provided by the State as a symbolic expression of the community's recognition of the injuries suffered by a victim and should not therefore be garnished from WorkCover amounts, which are intended to support recuperation. This change will not, however, apply to the adjustment of recovery expenses to account for relevant payments received, as these amounts (recovery expenses) are provided for the same purpose as WorkCover amounts.

Rationale

Recommendation four has been proposed to better support victims with a more victim-centric approach in their interactions with the Scheme. It also has the effect of reducing the administrative burden on Queensland Government agencies engaging with VAQ, by establishing agreed processes to streamline funds transfers in the 'back office' without the involvement of victims. As a result, it may also potentially reduce the risk of (or real, as reported by some stakeholders) instances of re-traumatisation that can arise through continual re-telling of events and/or multiple application processes.

The ultimate rationale to support this recommendation is that the victim should be placed at the centre of the Scheme's activities, and this is a step towards improving victim experiences. It should not matter which Queensland Government agency will make a payment to a victim – that payment should be prioritised, with the transfer of funds/alternate claims pathways being resolved 'in the background' without the need to further engage, and potentially re-traumatise, the victim. This was emphasised by some government stakeholders consulted as part of this review, who characterised the current processes as a concern and suggested that victims should not be responsible for coordinating these requirements and pathways.

It is recognised that the Scheme has historically operated as a scheme of last resort, and in efforts to avoid duplication of payments, assessors are required to consider relevant payments an applicant has received or will receive for the act of violence.¹¹¹

Relevant payments under the VOCAA have been defined as any payment made or to be made to a person in relation to the act of violence, inclusive of damages, compensation, restitution, financial assistance, rebate, superannuation benefit and payment of an insurance claim.¹¹² To account for relevant payments in the provision of financial assistance under the Scheme, the VOCAA states that generally applicants for work-related acts of violence can apply for victim assistance from the Scheme only once a workers' compensation claim has been made and finally dealt with.¹¹³

In practical terms, this means that in circumstances where processing of claims has been delayed by WorkCover, applicants can be precluded from receiving assistance through the Scheme, and subsequently left without support for a longer period of time than may have otherwise been the case. As identified in the quantitative assessment, the monthly average number of days from the date the

¹¹¹ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.7.2

¹¹² *Victims of Crime Assistance Act 2009* (Qld) Schedule 3

¹¹³ *Victims of Crime Assistance Act 2009* (Qld) s34

application received to payment made for recognition (special assistance) payments is currently 185 days.

The VOCAA outlines that where an assessor is satisfied an applicant has received or will receive a relevant payment for the act, the assessor must reduce the amount of assistance that would otherwise be payable to the applicant by the amount equivalent to the relevant payment.¹¹⁴

Section 31 of the VOCAA stipulates that in circumstances where a person has received a workers' compensation payment that is less than the amount of special assistance that would ordinarily be paid to the victim, the difference between these amounts is to be paid as special assistance.¹¹⁵ However, a key objective of the VOCAA includes providing primary victims with financial assistance representative of a symbolic expression by the State of the community's recognition of distress suffered by them. To meet this objective, primary victims should be provided with a recognition (special assistance payment) through the Scheme in consideration of the circumstances and injuries incurred, irrespective of payment received from WorkCover. VAQ currently pays primary victims nearly 99 per cent of the maximum cap across the current special assistance categories, therefore removal of this process can help to streamline payment of special assistance.

Stakeholder insights indicated the need to promote a victim-centric approach that supports accessibility of the Scheme and timely payment for victims for recovery. Although removing the onus of responsibility from victims may increase the workload VAQ staff, this change will help expedite payments through simplifying the assessment process, reducing the administrative burden on victims and supporting recovery.

Due to the operational challenges associated with liaising with private sector insurance providers to reconcile claims, this recommendation does not extend to those applications where victims could be eligible for support through private sector CTP insurance.

¹¹⁴ *Victims of Crime Assistance Act 2009 (Qld)* s86

¹¹⁵ *Victims of Crime Assistance Act 2009 (Qld)* s32



Recommendation 5

It is recommended that the eligibility criteria underpinning Other Expenses Exceptional Circumstances (OEEC) payments be better defined to improve consistency and certainty for victims of crime, improve payment timeframes, and reduce confusion for stakeholders. In consideration of Recommendation 2 and 6, the scope of OEEC payments can be reduced to focus on recovery expenses that are not otherwise covered by the proposed recommendations relating to funeral expenses and counselling.

Underpinning Detail

Recommendation five proposes the development of a clear and standardised definition for OEEC payments, as well as reducing the expenses that fall within this payment category, to achieve improved consistency in decision-making and certainty for victims of crime. It should be considered in concert with recommendations two and six, which would seek to expand eligibility criteria to allow appropriate flexibility in the payment of applications under those categories, whilst being clearer about OEEC payments.

In consideration of the broadening of eligible expenses under funeral and counselling payments in line with Recommendations two and six, eligible expenses under OEEC payments can be reduced to focus on recovery expenses that are not otherwise covered by these payment categories. This would tighten the guidance and policy around OEEC payments, which would only see the coverage of the following items and services:

- Security;
- Relocation;
- Emergency accommodation, essential furniture, appliances and household items;
- Replacement of furniture;
- Crime scene clean-up;
- Cultural expenses;
- Granting assistance for applicants in remote communities;
- Travel under exceptional circumstances and associated accommodation; and
- School uniforms and stationery packs.

This will need to be addressed in policy and procedural guidance to reflect OEEC inclusions and exclusions to assist VAQ assessors in their decision-making.

Rationale

The rationale for recommendation five is to provide increased clarity to victims and simplify processes for VAQ assessors regarding expense categories and specific expenses that can be claimed in the OEEC category. It is envisaged this will expedite overall payment processing times through increasing efficiencies and reducing the volume of applications under this category that could be processed under the expanded funeral and counselling payment categories. It will also improve consistency in the decision-making around OEEC payments, and thereby reduce confusion for victims. Further, through providing clear and set guidance around OEEC payments, recommendation five aims to decrease the complexity associated with navigating the Scheme. There is currently limited prescription around the type of expenses that fall within the OEEC category, which poses complexities for VAQ assessors and slow down assessment processes.

Legislation does not define 'exceptional circumstances' or 'reasonable'. The framework for deciding exceptional circumstances currently requires assessors to refer to numerous resources including internal guidelines as well as policy and procedural documentation to determine whether the claimed expenses fall within this category. In reviewing VAQ policy and procedural information, while a few high-level examples are detailed to support the assessor, there is a lack of prescriptive criteria in terms of victim eligibility and claimable expenses within the OEEC category.

The reliance on assessor discretion is likely impacting the ability for staff to assess OEEC payment requests in an effective, efficient, and consistent manner. The quantitative assessment indicated substantial delays in the payment of recovery expenses (inclusive of OEEC payments). Notably, the annual average of days between an application being received to payment being made for the OEEC category was 286 days for FY 2022-23. The reliance on assessor discretion could also pose concerns for ensuring consistency in decision-making, thereby increasing confusion for victims and victim support agencies navigating the Scheme.

Multiple stakeholders consulted as part of this review described discrepancies which have been observed amongst the approval and rejection of OEEC payments. Further, they noted confusion regarding the types of expenses that can be claimed under exceptional circumstances. This is partly due to the rigidity of items and services covered by other expense categories, such as funeral and counselling expenses. This has resulted in victims claiming expenses under the OEEC payment category that are related to funerals and counselling, but may not be within scope of these categories. Through expanding these categories in line with recommendations two and six, the claimable expenses under OEEC payments will reduce to minimise duplication and support efficient payment processing.

Quantitative analysis indicates a range of payments that are being claimed under OEEC payments that could be claimed through other payment categories (refer to Appendix D). This includes mental health and funeral expenses (1.1 per cent of OEEC payments in FY 2022-23), which could be claimed under the expanded counselling and funeral expense categories. Additionally, services such as physiotherapy, occupational therapy, and chiropractor are being claimed under OEEC payments (14.7 per cent of OEEC payments in FY 2022-23) which should be claimed under appropriate categories.



Recommendation 6

To better meet the needs of victims and the broader community, it is recommended that claimable funeral expenses under funeral assistance payments be expanded. Funeral payments should encompass all reasonable funeral-related expenses (including travel) within the maximum cap, in order to simplify the process.

Underpinning Detail

In considering the complexities and sensitivities inherent to the unique grieving process of each victim, Recommendation six would see the expansion of funeral assistance to cover any reasonable funeral-related expense within the maximum cap, which was \$8,000 at time of drafting (and has since been increased to \$15,000 as per the 8 December 2023 legislative amendments). It is envisaged this expansion will provide victims with autonomy over their recovery. This will need to be addressed in policy and procedural guidance for VAQ assessors in decision-making, with the over-riding intention to align the actions of VAQ with the clear policy intent of recent Queensland Government change announcements to provide increased access to support arrangements for related victims accessing funeral-related payments.

Rationale

The rationale for recommendation six is to support the grieving process of each eligible victim and better meet the needs of the community by expanding the types of expenses that can be claimed under the funeral payment category.

Several stakeholders raised concerns regarding a lack of flexibility within the Scheme that limits the ability for victims to exercise control over their recovery. Although the amount of financial assistance provided through payments under the Scheme was generally supported by stakeholders, limitations of claimable funeral-related expenses is a challenge, which can place families under financial pressure.

The provision of funeral assistance is currently restricted to a set of claimable expenses for the person who is incurring the expense. As per the application form, claimable expenses exclude costs associated with a wake, food or beverage expenses, and additional keepsake urns. Claimable expenses also exclude those costs considered to be 'non-essential' such as balloons, doves, or car hire. Additionally, travel costs that would support related victims to attend the primary victim's funeral are also not accounted for under the funeral payment category. For example, allowing the claiming of travel expenses incurred by the related victims from the applicant who incurred the expense (related

victim or non-related victim) will allow for a simplification of this process. Further, it creates greater clarity and consolidation of what expenses can be claimed in OEEC payments (recommendation five).

To meet the needs of victims and the community, it is important to continue embedding a trauma-informed approach that considers and places the unique circumstances and needs of victims at the forefront. This could be achieved through providing victims a greater sense of empowerment, control, and decision-making over their recovery.

Although expanding funeral assistance to cover any reasonable funeral-related expense within the maximum cap may lead to an increase in the amount of funds paid by VAQ, it is envisaged that this would not be a substantial uplift from that paid at the current time. VAQ pays on average between 70 per cent to 80 per cent of the maximum cap of \$8,000 for funeral expenses claimed by victims. Throughout the life of the Scheme the average amount paid for funeral expenses per application is \$5,572 (refer to Appendix D). In FY 2022-23, the average funeral expense paid per application for related victims was \$6,307, which supported 34 related victims.

Additionally, as noted in the rationale of recommendation five, there is only a small proportion of funeral related expenses that are currently claimed through OEEC. Due to the broad nature of OEEC payments, there are instances where funeral-related expenses that cannot be approved as part of a funeral payment are granted under an OEEC payment as outlined Appendix B. As outlined in the quantitative assessment, these instances are limited, accounting for approximately 0.8 per cent of OEEC payments in FY 2022-23. Given the small amount additional funeral expenses currently claimed through OEEC, expanding funeral expenses to capture those costs should not lead to a significant financial impost on the Scheme.

It is noted, however, that recently proposed increases to the current \$8,000 cap (to a new \$15,000 amount) may impact that assessment. Irrespective, funeral expenses remain a relatively small portion of total financial assistance paid to victims, accounting for only 0.7 per cent of total assistance paid in FY 2022-23. This reflects the small size of related victims or those claiming expenses incurred by related victims in comparison to the significantly larger cohort of primary victims.

In addition to improving the victim experience, the removal of restrictions around funeral-related expenses can simplify administrative VAQ assessment processes, facilitating the more effective and timely provision of support.

At present, accessing both funeral payments and OEEC payments to hold funerals for primary victims of crime requires significant effort from the eligible persons including related victims, persons who have incurred the funeral expense and making the application. For the applicants, this means completing additional paperwork and accessing different elements of the Scheme to meet their needs, which can often be re-traumatising and is a less victim-centric approach than may otherwise be the case. For VAQ, this requires more time from an assessor to be dedicated in assessing the application, given the threshold tests associated with determining OEEC payments.



Recommendation 7

To provide a greater sense of control, flexibility, and empowerment for victims, it is recommended that claimable counselling expenses be expanded to include alternative therapies.

Underpinning Detail

Recommendation seven would see the current VAQ policy relating to the consideration of counselling expenses amended. As detailed below, there are currently nine key requirements that must be met to approve a counselling expense. Recommendation seven would see the requirements expanded, enabling other providers of alternative therapies such as music, art therapy, equine therapy or cultural healing ceremonies to be included. The development of the provider panel (as proposed by recommendation eight) would support this recommendation, by allowing VAQ to undertake checks into these alternative providers to ensure they have appropriate qualifications, experience and are able to conduct business (ABN).

This recommendation will support victims to have a wider choice in how and where they recover and will provide a more flexible approach to counselling and therapy, particularly for children, young people and First Nations victims.

Rationale

Recommendation seven aims to support the implementation of a victim-centric approach that promotes flexibility and choice in the victim's recovery journey. It also aims to better deliver on the Scheme's objectives to aid in the recovery of primary and secondary victims.

Stakeholders acknowledged that there needs to be consideration for the different ways in which victims can recover from crime. Victims may require a variety of therapies to support recovery and well-being, including alternative therapies such as art / music therapy, or cultural healing therapies. The present criteria however associated with counselling payments means that alternative therapies can be restricted.

Currently, reimbursement of counselling expenses involves numerous general requirements to be met, in addition to registration under Health Practitioner Regulation National Law. General requirements include ensuring that:

1. Treatment must directly relate to a psychological injury caused by an act of violence and must assist with the victims recovery from that injury;
2. Treatment is provided by a registered health professional accredited by Health Practitioner Regulation National Law (Australian Health Practitioner Regulation Agency);
3. Treatment must be provided by a provisional psychologist; or
4. Treatment is provided by a mental health social worker accredited by the Australian Association of Social Workers (AASW);
5. Treatment is provided by a member of the AASW with demonstrated relevant experience equivalent to 5 years of continuous practice and confirmation from the AASW of the Social Workers' specialisation in trauma;
6. Treatment is provided by a counsellor or psychotherapist who is a 'full clinical member' of the Psychotherapy and Counselling Federation of Australia or a 'level 3 or 4 member' of the Australian Counsellors Association; and
7. Treatment is approved under Victim Assist's table of costs; and
8. The counsellor has professional indemnity insurance; and
9. In cases where counselling is being provided overseas, the provider is required to be a health professional with an equivalent overseas qualification.

Recommendation seven would see the criteria listed and associated policy above continued; however, would also see the requirements expanded, enabling victims to claim support for a wider range of therapies. The panel established in recommendation eight would support this expansion, allowing VAQ to undertake checks against these alternative providers and ensure they are appropriate to provide these therapies. This would also support the management of risk and potential fraud for VAQ.



Recommendation 8

It is recommended that an approved providers list be introduced and utilised by Victim Assist Queensland when organising the reimbursement of expenses under the OEEC category of financial assistance, as well as for counselling, in order to support the more timely provision of support for victims.

Underpinning Detail

To support the provision of financial assistance and counselling, it is recommended that an approved providers list is developed. This list can be utilised by VAQ when organising the reimbursement of expenses under the newly refined Other Expenses Exceptional Circumstances (OEEC) category of financial assistance (recommendation five), as well as payment of counselling sessions (recommendation two).

This change will require VAQ to establish a panel of approved providers for counselling support and other services. Establishing a panel for service providers, also known as a 'supplier panel', involves creating and maintaining a pool of trusted and pre-vetted suppliers or service providers. This practice is often used by organisations to streamline their procurement and supplier management processes. In line with recommendation seven, the Scheme's panel would incorporate alternative therapy providers, and organisations could register to become an approved provider.

Rationale

Recommendation eight proposes the establishment of a panel to enable rapid payment and reduce the administrative burden on victims to collate and obtain evidence and receipts. In implementing the panel, VAQ would work directly with the registered provider to facilitate reimbursement and the payment of services without the need to involve the victim in this administrative process. In turn this aims to decrease the complexity associated with navigating and accessing the current Scheme.

Stakeholders consulted as part of this review identified that the collection and management of receipts is a key barrier for victims accessing recovery support. Introducing a panel of approved providers will bolster VAQ's trauma-informed approach, as it eliminates the necessity for victims to provide receipts and other evidentiary requirements during a period where they may not have the means or capacity to facilitate this.

Introducing the panel will also eliminate the need for VAQ to verify each provider prior to making payments and reimbursements, which should increase the efficiency and timeliness of the Scheme. At present, the annual average of time from application received to payment made was 842 days for counselling and 286 days for OEEC payments. There is scope for improving the current processing times for these expense payments under the Scheme to better meet the needs of victims in a timely manner.

Introducing a panel of providers with whom VAQ can facilitate direct payments will reduce the risk that providers are carrying the cost of sessions until these are verified by the victim. Payments are predominantly made to third party providers, with only 27 per cent of payments in FY 2022-2023 paid directly to victims (refer to Appendix D). Introducing a panel would also support the reduction in overall fraud risk as providers have been vetted. For victims seeking counselling support the service should be on the panel. VAQ should also allow for new providers to be added to the panel on an ongoing basis (i.e., it is not intended this is a 'selective panel'), particularly if the victim is seeking to use them.

Garnering efficiencies in processing OEEC and counselling payments is particularly important, given the rising demand for reimbursements across these categories. As identified in the quantitative assessment, the total value of paid OEEC applications has increased sharply by 96 per cent in FY 2022-23 to \$3.1 million from \$1.6 million the previous year (refer to Appendix D). For counselling, the total amount of counselling paid through the Scheme increased since FY 2015-16 from just over \$0.4 million to a peak of \$0.8 million in FY 2019-20. For FY 2022-23, total counselling paid was \$0.77 million.

The panel arrangements would also promote victim choice and empowerment, as victims are enabled to select their preferred provider from the panel. NSW and the ACT have implemented similar approaches to therapeutic and counselling providers, establishing a preferred panel of providers that victims are able to select through their website. The implementation of these panels has resulted in efficiencies for both victims and the administration of the respective Schemes.



Recommendation 9

It is recommended that statutory timeframes underpinning the application for financial assistance for child victims of domestic and family violence or child abuse be extended so that these victims can apply for support within 10 years of turning 18. This will support the Financial Assistance Scheme in meeting the needs of victims through the provision of a more trauma-informed approach.

Underpinning Detail

To support the application of a trauma-informed approach, recommendation nine would see an increase to statutory timeframes as these pertain to children. Specifically, it would involve extending the current time limit for child victims of DFV and child abuse victims, to provide the opportunity for these victims to make applications under the Scheme within ten years of turning 18.

To enact this recommendation, section 54 of the VOCAA would need to be amended. Increasing this time limit for application will provide child victims with flexibility and allow adequate time for them to commence disclosure and recovery as they mature.

Rationale

Recommendation nine has been proposed to consider the unique factors and needs of children who have been victims of DFV and child abuse.

The *Inquiry into Support provided to Victims of Crime* highlighted that victims experience trauma differently and in their 'own ways'. Numerous submissions to the Inquiry raised issues in relation to the time limits that are established in the VOCAA in relation to applying to the Scheme, suggesting that the time limit to apply be removed for victim/survivors of child abuse.¹¹⁶

Stakeholder feedback to this review echoed that to the Inquiry and provided further insights into how certain cohorts of victims manage trauma. For some victims, it can take several years before they feel safe to disclose a crime and seek support. Stakeholders highlighted that this can be particularly difficult for children and young people, who can struggle to articulate their experiences. In this regard, the current application timeframes are considered unsuitable for children.

As described in the VOCAA, an application for victim assistance for an act of violence must be made within three years after the act of violence occurred or for victims who were children, three years after the day the child turns 18. An applicant may apply for an extension on this time limit; however, anecdotal feedback from VAQ indicates that this rarely occurs.¹¹⁷

This component of the VOCAA was established following the 2008 Victims of Crime Review. Recommendation 21 of that review stipulates that "for financial assistance, an application must be made within three years after the occurrence of the act of violence or if the primary victim is a child, an application can be made 3 years from the date the victim turns 18 years of age. In the case of an application by a related victim or a person who has incurred funeral expenses, within three years after the death of the primary victim. The Manager of the VAU will have discretion to extend the limitation period in appropriate circumstances." This recommendation was influenced by the then existing application timeframes as outlined in the COVA, as well as from stakeholder consultation, which suggested the three-year application limit should remain. The review also explored options to decrease the time limit to two years, however noted that it could cause confusion amongst the public who were already familiar with the three-year limit. The 2008 Review also provided a list of grounds on which an extension could be made, as per stakeholder suggestions.¹¹⁸

To better meet victims' needs, and provide a trauma-informed approach, it is important to consider increasing time limits for child victims of DFV and child sexual abuse from three years to ten years after the victim turns 18. Increasing this time limit for application can provide child victims with flexibility and allow adequate time for them to commence disclosure and recovery as they mature. This expansion is also reflective of a similar process undertaken in NSW.

Expanding the time limit to all victims that can access the Scheme. However, it was assessed that this could have an unintended consequence in applying additional administrative burden on VAQ. Additionally, it was not highlighted by stakeholders as a broader matter (beyond time limits for children and young people) that was of significant concern. As such, it is recommended that the time limit for applications for other cohorts remain in line with current (and previous) legislation.

With respect to the *Inquiry into Support provided to Victims of Crime* recommendation 17 which seeks to review the 6 year time limit on amendments to applications, this review did not receive any substantive feedback from stakeholders in support of increasing the time allowed to make an amendment to the application or that there were concerns with the current timeframes. The current six year time limit is also relatively consistent with most other jurisdictions (see page 162). With due consideration to the changes made in Recommendation 9 (above) there is no overwhelming reason to increase the 6 year time limit which is considered a fair length of time.

¹¹⁶ Parliamentary Committees. (2023). *Inquiry into Support provided to Victims of Crime*. Available at: <https://documents.parliament.qld.gov.au/tp/2023/5723T648-B045.pdf>

¹¹⁷ *Victims of Crime Assistance Act* (Qld) s54

¹¹⁸ Parliamentary Committees. (2023). *Inquiry into Support provided to Victims of Crime*. Available at: <https://documents.parliament.qld.gov.au/tp/2023/5723T648-B045.pdf>



Recommendation 10

In light of the low rate of recovery, it is recommended that the offender debt recovery function currently being undertaken by VAQ cease. It is suggested that through removal of this function, the Scheme may promote the recovery and safety of victims

Underpinning Detail

The implementation of recommendation ten would see the complete removal of the offender debt recovery function as established under the VOCAA (Part 16, section 107 – 120). This would require legislative amendment and would allow the repurposing of the small number of VAQ staff currently responsible for undertaking this function.

Rationale

In balancing the described safety concerns against the low rate of debt recovery from offenders, the offender debt recovery function appears to be providing minimum utility.

The offender debt recovery process is outlined in the VOCAA, under part 16 of the Act. This section of VOCAA supports the State of Queensland to recover assistance granted for an act of violence from a person who was convicted of a relevant offence for the act. VAQ may obtain information from the Courts, SPER or the Transport Chief Executive to recover funds. The State may seek to recover part of the financial assistance granted, or the full amount. To recover funds, the State must provide the person a notice outlining: the date the financial assistance was granted; the amount granted and conditions imposed; the act of violence for which the assistance was granted; whether the assistance was granted to a primary/secondary/related victim; the offence; and the amount of assistance the State seeks to recover from the offender. This means that a substantial amount of information regarding the financial assistance provided to the victim is relayed to the offender.

Stakeholder consultations have indicated that the offender debt recovery process can place victims of crime at risk. For example, concerns were raised regarding victims of DFV, with the offender debt recovery process potentially creating an unsafe situation for this cohort. The messaging that is also provided to victims regarding this process can be unclear, placing victims under stress regarding how funds will be recovered and to what information the offender is privy to. Additional concerns were raised for offenders, with debt recovery placing financial pressure on them to repay an amount. It is also acknowledged in literature that a link between victimisation and criminal offending exists, known as the Victim-Offender overlap. Studies have found that, for example, 74 per cent of perpetrators reported victimisation or witnessing at least one episode of violence. This shows that offenders can also be exposed to violence and can also be victims of crime.¹¹⁹ It is acknowledged that there is a balance in this circumstance between being trauma-informed and being held to account for actions offenders take, in this case the need to recover finances. Offenders are held to account through multiple mechanisms including imprisonment and parole requirements.

It has also been noted that due to safety concerns surrounding offender debt recovery, VAQ receives requests from victims to waive debt collection from perpetrators. There is a mechanism where an applicant can request that the Scheme Manager waive the offender debt recovery process for their matter. Requests of this nature must be actioned quickly.

As outlined in VAQ's policy and procedures handbooks, it is seen to be appropriate that efforts are made to recover financial assistance from offenders who caused injury. The policy ensures offenders 'contribute to the financial burden their offending has created on the State / taxpayers and take responsibility for their behaviour'. If an offender is unable to pay the amount with a period of at least 28 days, then the amount is registered with SPER.¹²⁰

In balancing the described safety concerns against the low rate of debt recovery from offenders, the offender debt recovery function appears to be providing minimum utility. The quantitative assessment indicated that there are low recovery rates of debt from offenders. Between FY 2017-18 and FY 2022-23, a total of 3,708 ODR notices were issued to offenders at a value of \$11.5 million. Over the same period, only \$0.78 million was recovered, representing 7 per cent of the total value of notices issued.

¹¹⁹ Reingle, J. (2014). *Victim-Offender Overlap*. Wiley.

¹²⁰ *Victims of Crime Assistance Act (Qld) s117(3)*

In comparison to the \$116.9 million paid in financial assistance over the same period, the total recovered from offenders represents a mere 0.7 per cent of Scheme expenditure.

To further invest in trauma-informed service delivery, it is recommended that the current processes regarding debt recovery from offenders be removed. The removal of this process will support the emotional and physical safety of the largest cohort of victims that access the Scheme (victims of DFV). This will enable the Scheme to deliver on objectives more effectively through providing financial assistance to victims in a way that promotes recovery and trauma-informed values and principles.

The quantitative assessment highlighted the substantial and growing number of DFV applications received by the Scheme. Primary victim applications where an act of violence is either still in progress, restarted or recently finished increased from three per cent in FY 2016-17 to 17 per cent in FY 2022-23 of total applications received by VAQ per annum. On average, 89 per cent of these applications have been for primary victims experiencing or having experienced DFV.

In consideration of the substantial number of applications made by victims of DFV, and the safety concerns identified through stakeholder consultation, the offender debt recovery function is misaligned to the trauma-informed approach being pursued by VAQ.

6.4 Additional matters for consideration

Indexation

VAQ has specifically requested that the review consider the impact of cost of living on the various forms of financial assistance. In considering this matter, it is firstly noted the Queensland Government in late 2023 legislated new and increased caps for special assistance amounts and the caps on total assistance available under the Scheme for primary and secondary victims.

Secondly, it should be noted that costs which are subject to Consumer Price Index (CPI) pressure the most – such as recovery expenses for counselling, incidental travel, or medical expenses – are either reviewed regularly and updated in the *Table of costs* document available on the Queensland Government publication portal or provided at market prices and reimbursed by the Scheme (i.e., cost increases are factored within Scheme limits, rather than needing regular increases to Scheme limits). It is considered that cost of living and inflationary pressure on the legislated Scheme caps on financial assistance do not stop victims from accessing the services or support they need for their recovery.

Whilst many elements of the Scheme appropriately cater for cost-of-living pressures through the market adjustments, VAQ may wish to consider annually applying CPI-equivalent increases on legal expenses (which are currently capped at a lesser amount of \$500) and similarly Wage Price Index-equivalent increases on loss of earnings (which should logically increase in line with wage rates).

With respect to the caps on special assistance in the VOCAA, VAQ should consider instituting a regular review of the caps on Scheme expenses for the following categories: Special assistance; and distress. It may also be appropriate to consider increases in caps for total Scheme assistance for primary and secondary victims, and funeral expenses, every three to five years (where practical, in alignment with regular reviews of the VOCAA).

Funeral expenses

VAQ should consider whether the provision of financial support in respect to funeral expenses should extend to those who incur these expenses in circumstances whereby the primary victim was involved in a criminal activity when the act of violence occurred or alternatively their previous involvement in a criminal activity was the main reason for the act of violence.

Certain stakeholder feedback highlighted that the legislation and operationalisation of the Scheme is too rigid in this regard, impeding the recovery of some victims in the community. There were concerns raised in relation to the lack of flexibility of the eligibility criteria. It was within this context that some stakeholders raised the issue of the exclusion of related victims from receiving financial assistance in circumstances where the primary victim engaged in criminal activity related to their homicide.

In circumstances whereby a person has attempted to commit an act of violence and died, the person's family may be required to pay for a funeral and seek support from the Scheme without knowledge of the offence or person's involvement. At present, for such an application, an assessor may be required to seek information from QPS to decide whether the only/main reason the act of violence was committed against the primary victim was due to their involvement in a criminal activity, or to

determine whether the applicant was aware of the primary victim's involvement in a criminal activity.¹²¹ In consideration of the subjective and complex nature of this process, removal of these assessment processes can improve efficiency and provide more trauma-informed and equitable Scheme access.

¹²¹ *Victims of Crime Assistance Act 2009* (Qld) s66



7. Future State Options

7 Future State Options

7.1 Section Overview

This section outlines three alternative Scheme options that may be adopted to further enhance the operation of the Scheme. The alternative Scheme options are broadly grouped into different directions for the Scheme which include 'Simplifying the Scheme' (Option 1), 'Expanding the Scheme' (Options 2) or 'Pathway Scheme' (Options 3).

The options presented in this section are intended to be considered in conjunction with the 10 recommendations as outlined in Section 6. The recommendations are universal and are able to be applied across all options (the options, however, require specific determination prior to further operational consideration).

7.2 Options Development

7.2.1 Approach

To develop the options presented in this report, KPMG worked closely with VAQ to co-design the future state options through the following approach:

- developed a framework to categorise domains of the current state scheme to enable systematic inquiry of alternatives;
- considered how each element of the Scheme could be changed to address key observations outlined in Section 6 and align to the design principles listed below;
- developed a long-list of options which were workshopped with VAQ;
- grouped elements into options aligned with a reform direction;
- tested, refined, and presented the options for feedback from VAQ; and
- incorporated feedback on the draft options, which were subsequently refined.

7.2.2 Approach to DFV

The quantitative analysis detailed how DFV is driving demand and the need for trauma-informed support and crisis support. This section has been included in this report in special recognition of the magnitude of the need for support for victims of DFV, with this review specifically considering options that aim to improve the Scheme's support for the DFV cohort. In reaching a position, the review considered deliberations on the following elements:

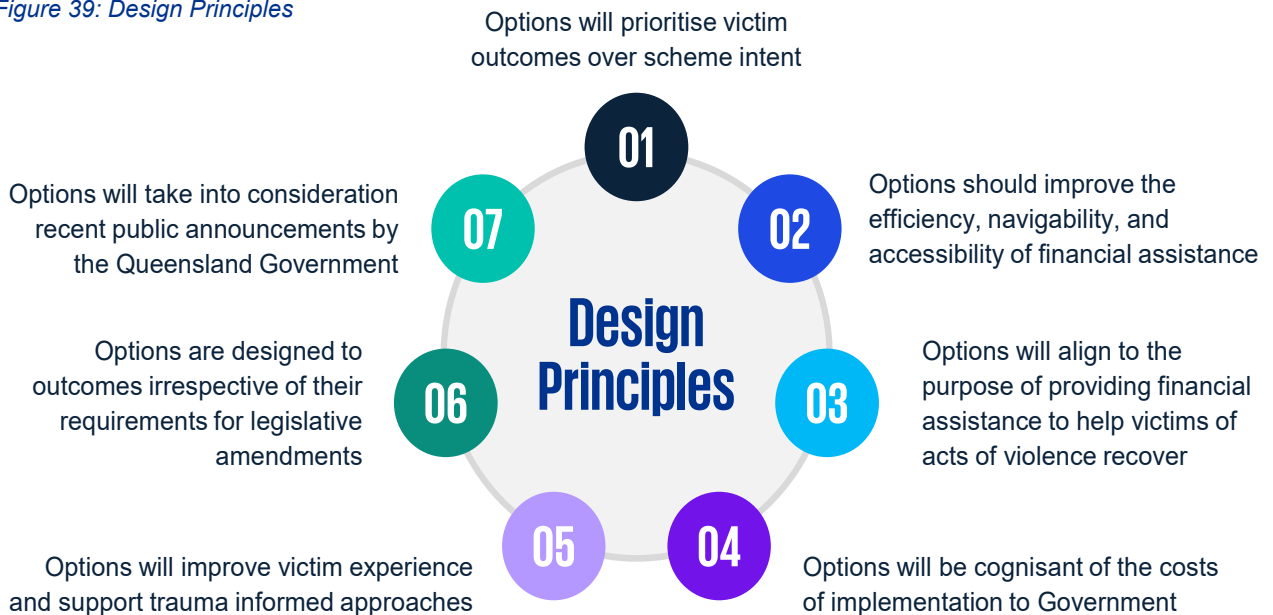
- feedback received from other jurisdictions during consultations to not split DFV from the Scheme (by creating a separate scheme administer by a third party) based on some of the considerations below;
- issues of duplication and the associated cost of setting up a separate scheme, mechanism, or support for victims of DFV. It is noted that there is an opportunity to consolidate DFV victims' support by bringing other DFV related financial supports into the Scheme;
- further complicating an already fragmented system of supports making it harder for DFV victims to navigate;
- current effectiveness of the Scheme in meeting victims' needs, in particular, the data showing that VQ HRTs operates effectively to make relatively timely payments to victims of DFV; and
- issues of equity that arise from preferencing victims of a single cohort, noting the seriousness of violent crimes such as sexual assault and homicide.

This review specifically considered options to transfer DFV victims' support to a third party or agency, establish a new Scheme, and elevate support within the current Scheme for this cohort. Considering the factors above, the review determined that these options would not be put forward as recommendations or options. As previously noted, recommendations and options that address timeliness, trauma-informed support, and crisis support are central to this review.

7.2.3 Design Principles

Based on the key observations outlined in Section 6, design principles were developed to guide the strategic direction and development of future state options. These design principles (below) were tested and refined with VAQ and subsequently presented to the review's Steering Committee.

Figure 39: Design Principles



Source: KPMG

7.3 Options Overview

The review has developed three future state options, making changes across the three key domains of the Scheme: Eligibility; Payments; and Scheme Requirements.

The three domains have been defined as per the following:

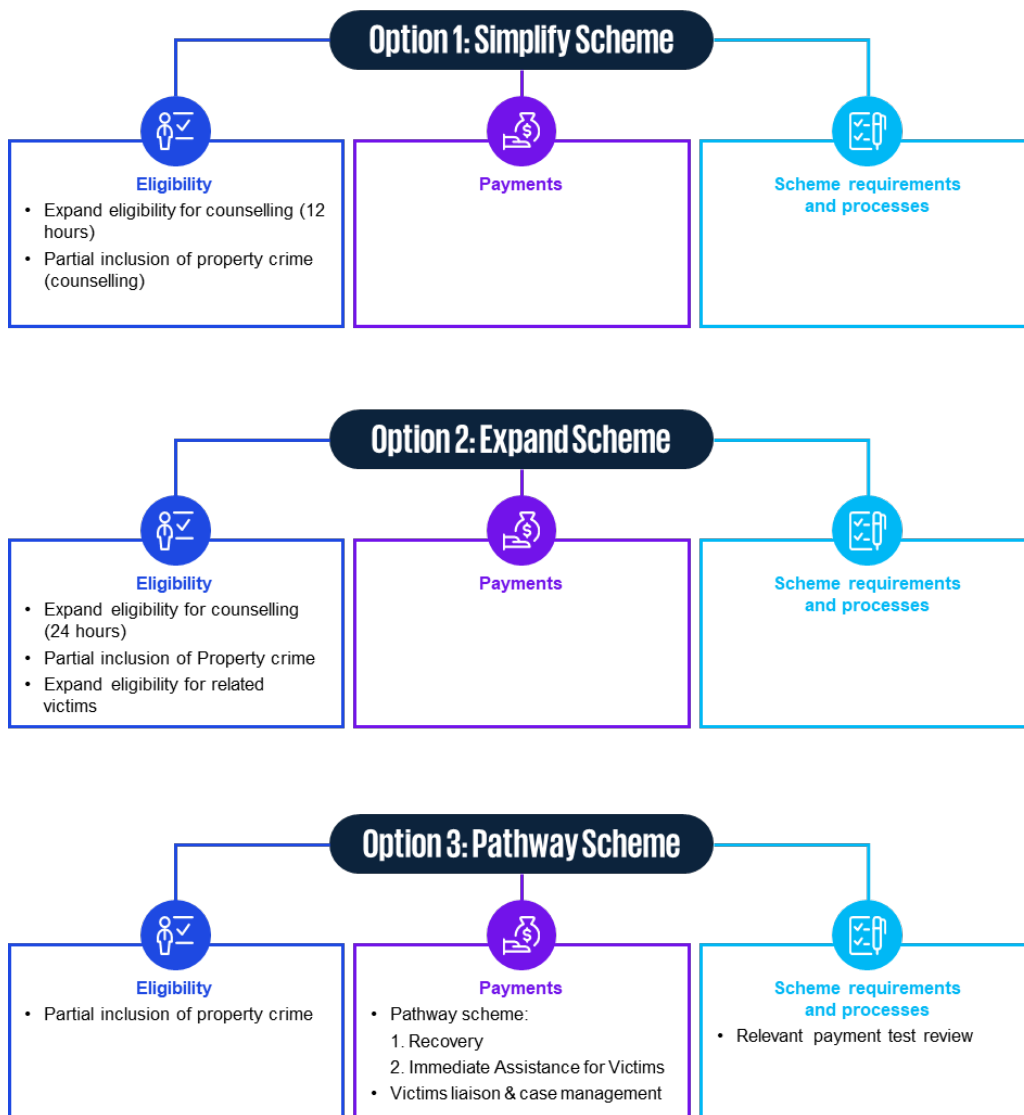
- **Eligibility** – Established criteria to access financial assistance or benefits provided under the scheme;
- **Payments** – The type of payments and benefits delivered under the Scheme; and
- **Scheme requirements** – Specific tasks or documentation that must be completed or provided by eligible applicants in line with the Scheme as part of their requested benefit / assistance.

The three options outlined below broadly align to magnitude and complexity of impact on VAQ and victims and represent three different directions for the Scheme that could improve the effectiveness of the Scheme for victims of crime (which are observations canvassed in Section 6).

It should be noted that these options do not consider broad operational changes and are compatible with the Queensland Government announcements which notably include increased resources to improve processing times of applications.

Option 1 represents a low impact option that simplifies the Scheme, Option 2 expands the Scheme eligibility, and Option 3 is a major shift away from the Scheme's current operation as a 'scheme of last resort' towards a proactive Scheme that facilitates active case-management and victim liaison in certain instances where this is warranted (effectively a more 'proactive' element of the Scheme to better support victims in, or recently in, situations of crisis).

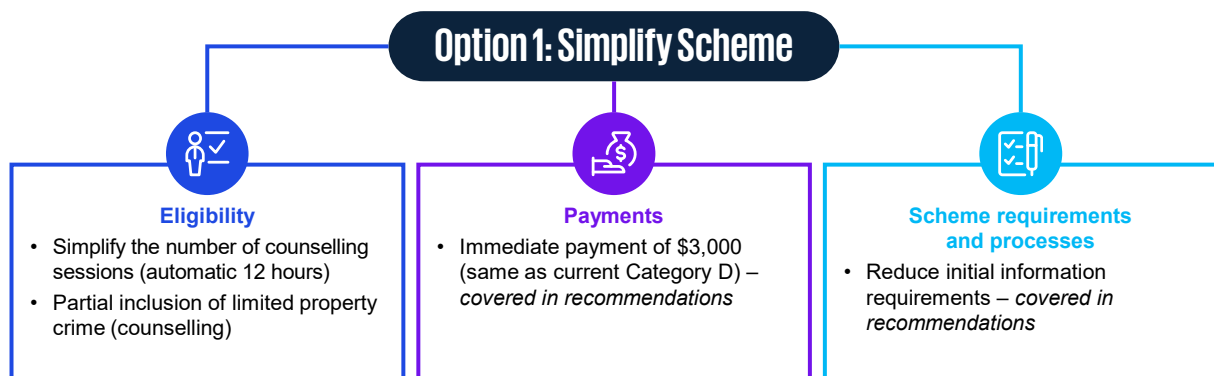
Figure 40: Options Summary



Source: KPMG

7.4 Option 1 – Simplify Scheme

Figure 41: Option 1 summary



Source: KPMG

7.4.1 Option Summary

Option one, in conjunction with the recommendations detailed in Section 6, is intended to simplify the Scheme for VAQ and victims. Option one includes measures to make it easier for victims to access counselling and receive expedited payments. This option has the lowest change impact on VAQ as an organisation as well as victims.

7.4.2 Proposed Changes

Eligibility

Change 1

Make victims automatically eligible for 12 hours of counselling payments to reduce the wait times associated with processing applications, increase access to timely support, and provide victims with increased choice regarding their access to services.

Underpinning Detail

In line with this change, victims would be automatically eligible for recovery support by way of 12 hours of counselling. To access support beyond the initial 12 hours, victims would need to comply with the existing processes and requirements (which would be automated, should recommendation two be adopted).

Rationale

Expansion of automatic entitlement for counselling support to 12 hours, irrespective of the severity of injury, in conjunction with reduced evidentiary requirements (as outlined in recommendation two) can help improve efficiencies. It can also enable a trauma-informed approach to the administration of the Scheme and reduce the current burden on victims. Notably, in line with internal policies governing the administration of the Scheme, to be eligible for 12 hours of counselling payments requires a victim to provide a provisional diagnosis of a psychological injury and/or evidence of diagnosed adverse impacts. Additionally, VAQ assessors are required to request a comprehensive clinical report at the sixth session. Eliminating this provision reduces the administrative challenges experienced by both victims and VAQ in the access and delivery of support.

Note: This change and the change identified in option 2 to increase automatic eligibility to 24 hours should be read in conjunction with recommendation two. The detail of the change for each element aligns to the overall design principle for each option (i.e., for Option 1, being to simplify the existing arrangements, and for Option 2, being to expand the level of support available to be the most generous in the country, effectively doubling the current support).

Change 2

Expand eligibility criteria associated with the Scheme so that victims of a limited category of property offences are entitled to access counselling support in circumstances whereby they do not sustain physical injury.

Underpinning Detail

This change would see the expansion of the Scheme so that primary victims of a limited category of property offences may be granted access to counselling services (through the proposed automated process, set out in recommendation two) where the need arises as a direct result of the offence. While the Scheme currently provides support to victims of property offences where physical injury is sustained (e.g., Robbery), this change would see assistance extended to instances whereby victims do not sustain any physical injury. This would only be applicable for one offence type, namely, Unlawful Entry with Intent – Dwelling (Without Violence). Therefore, while this change reflects an expansion to the scheme, the assessment process underpinning the determination of eligibility would be less complex than that outlined as part of Option 2.

It is acknowledged that victims would only be eligible for counselling support, and not entitled to receive assistance as it pertains to any other means of financial aid including payments for the replacement of property or safety and security. In line with Change one, victims would be eligible for 12 hours of counselling support for use with an approved panel provider before being required to submit progress reports that evidence the need for further assistance. It is envisaged the applicant would provide similar documentation to the simplified requirements outlined in recommendation three.

Rationale

The intent of this change is to include a means of support for victims of property offences who do not sustain physical injury, so they can automatically access support for counselling. In part, this change would reflect the recommendation by the LASC *Inquiry into Support Provided to Victims of Crime* report to expand the eligible victim categories in the Charter of victims' rights in the VOCAA, as noted in subsection 2.2.5.¹²² Recommendation 16 of the Inquiry suggests the Queensland Government consider expanding the definition of an act of violence to include victims of property crime. This recommendation aimed to ensure that both personal and property crime victims were afforded the same rights under the Scheme.

This option seeks to balance stakeholder calls for emotional and psychological support to be available to victims of property crime with the costs to government that would arise from this expansion to the Scheme.¹²³ During this review, there was mixed consensus from the victim support sector and government agencies regarding the inclusion of property crime and reimbursement of property related expenses. Nevertheless, one stakeholder noted that victims of home invasion do suffer emotional injury sustained through such incidents. These views are consistent with the large body of research. Kunst and Hoek conducted a contemporary analysis of a range of studies on the emotional and psychological impacts of burglary and home invasions. Their analysis suggested that for some victims, such crime can be just as psychologically damaging as crimes considered more severe (i.e., sexual assault or DFV).¹²⁴ The recent inquiry conducted by the LASC, when considering the operation and effectiveness of the VOCAA for victims of violence, specifically considered expanding the eligible victim's category to include home invasion.¹²⁵ This is referred to in the Queensland Government crime reporting statistics as 'Unlawful Entry with Intent – dwellings and outbuilding residential land'. Given the focus of the inquiry on this specific aspect of property crime, any expansion of the Scheme to include victims of property crime should be in line with this. This is at the exclusion of other aspects of property crime, which if included would make the Scheme unfeasible financially and administratively, and ineffective at meeting the needs of victims of crime.

This change, if applied in 2021-22 would have increased the number of eligible applications for Unlawful Entry with Intent – dwellings and outbuilding residential land according to the OESR 21-22 Crime Report Queensland¹²⁶ by 25,204. The increased demand placed on the Scheme would be expected to fluctuate from year to year. However, through limiting the expansion of the Scheme to capture only one offence type (Unlawful Entry with Intent – Dwelling (Without Violence)) and providing access to counselling support only, Option one mitigates the risk of overwhelming the administration of the Scheme. In comparison to Option 2, whereby more property offences are included with the scope of the Scheme, it limits the implications for service demand while still recognising the need to support victims of property crime. It is acknowledged that there are challenges in attempting to equitably include all property offences within the scope of the entire Scheme, particularly when considering the present wait-times and payment delays.

During this review, stakeholders acknowledged there can be serious emotional trauma because of property crime, even where a serious violent crime may not have occurred. Stakeholders highlighted this should be considered when expanding the Scheme. However, assistance outside of counselling support is generally accessible to victims of property crime through other insurance schemes.

¹²² Parliamentary Committees. (2023). *Inquiry into Support provided to Victims of Crime*. Available at: Report No. 48, 57th Parliament - Inquiry into Support provided to Victims of Crime 2023

¹²³ Riga, R. (2023). Financial assistance for Queensland victims of violent crime boosted in \$200 million funding package. Available at: abc.net.au/news/2023-09-29/queensland-crime-compensation-claims-increase-violence-victims/102914212

¹²⁴ Kunst, M., & Hoek, D. (2023). Psychological Distress Among Domestic Burglary Victims: A Systematic Review of Possible Risk and Protective Factors. *Trauma, Violence, & Abuse*, 0(0). doi.org/10.1177/15248380231155525

¹²⁵ As noted in the inquiry terms of reference available here: parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=170&id=4246

¹²⁶ Queensland Treasury. (2023). Crime report, Queensland, 2021-22. Available at: qgso.qld.gov.au/issues/7856/crime-report-qld-2021-22.pdf

Additionally, payments to replace or reimburse property and security could overwhelm the Scheme. As such, there is minimal utility in altering the Scheme to provide additional forms of assistance in respect to property crime.

Through implementing Option one and providing counselling support to some victims of property offences, Queensland would become the second state in Australia to recognise the emotional and psychological needs of these victims through a state-sponsored scheme providing financial assistance. Inter-jurisdictional analysis provided in Appendix A outlines that the ACT provides two hours of counselling and/or massage to victims of any property crime. Other States and Territories do not offer counselling to victims of property crime. Only two examples of property related recovery were identified, namely the SA Offender-paid Compensation and Restitution and the NSW Immediate Needs Support Package, but these only apply to violent offences.

While this change has the potential to cause a significant increase in service provision, in comparison to Option two, changes undertaken as part of Option one would require less work by VAQ assessors in determining eligibility.

7.4.3 Strengths and Limitations

Option one is a pragmatic option that has a realistic chance of successful implementation as it focuses on a small number of areas for change. However, it takes limited steps to increase support for victims.

Strengths

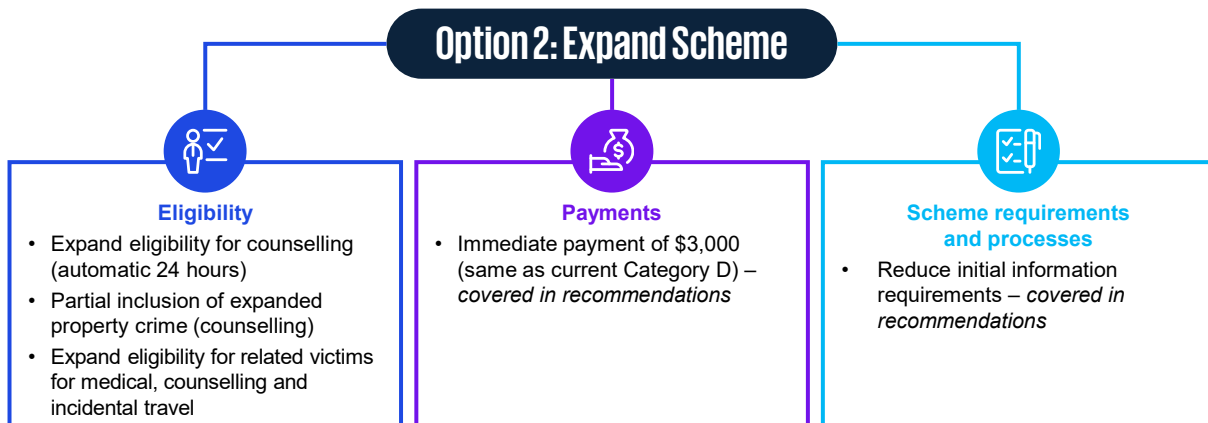
- Greater victim access to counselling services
- Improve payment processing timeframes for counselling services
- Low impact on VAQ
- Low complexity and cost to implement
- Relatively shorter implementation timeframes
- Includes support for victims of property crime

Limitations

- Relatively low impact on victims
- May increase risk of fraud from counselling suppliers
- Property crimes will increase demand on a Scheme struggling to cope with current demand

7.5 Option 2 – Expand Scheme

Figure 42: Option 2 summary



Source: KPMG

7.5.1 Option Summary

Option two, in conjunction with the recommendations detailed in Section 6, is intended to expand eligibility and payments under the Scheme. Option two includes measures to expand access to counselling services and expedite payments. This option has a moderate change impact on victims and VAQ as an organisation.

7.5.2 Proposed Changes

Eligibility

Change 1

Make victims automatically eligible for 24 hours of counselling payments to reduce the wait times associated with processing applications, increase access to timely support, and provide victims with increased choice regarding their access to services.

Underpinning Detail

Under this proposed change, victims would be made automatically eligible for 24 hours of counselling support for use with an approved panel provider or a practitioner of their choosing, irrespective of the severity of injury.

In line with this change, victims would also be eligible for recovery support above the initial 24 hours of counselling, uncapped for the current statutory period of support, which is currently six years. To access support beyond the initial 24 hours, victims would need to comply with the existing processes and requirements such as providing progress reports to VAQ.

Rationale

Increasing the automatic eligibility of victims to 24 hours of counselling sessions before they are required to demonstrate a diagnosis of psychological injury will make Queensland the leading jurisdiction for the provision of counselling support to victims in Australia. In reference to the Interjurisdictional Analysis in Appendix A, NSW currently leads the way in this aspect, offering up to 22 hours of automatic provisioning of counselling to victims of crime. As noted in that analysis, the automatic provisioning of counselling has been highly successful in improving outcomes for victims as well as the efficiency of that State's Scheme.

In line with internal policies governing the administration of the Scheme, to be eligible for 12 hours of counselling payments requires a victim to provide a provisional diagnosis of a physical or psychological injury and/or evidence of diagnosed adverse impacts. Additionally, VAQ assessors are

required to request a comprehensive clinical report at the sixth session, which can be used to support the provision of an additional 12 hours of counselling if a confirmed diagnosed injury is reported. It is acknowledged that VAQ assessors can only grant 24 hours of counselling at the outset where the victim provides evidence of a diagnosis of a physical and/or psychological injury. Modifying these processes to enable a victim to automatically become eligible for 24 hours of counselling without the impost of the current evidentiary requirements can improve organisational efficiencies, reduce the burden on victims, and support the wellbeing and mental health of victims.



Change 2

Expand eligibility for the Scheme so that victims of property offences are eligible to receive access to counselling support in circumstances whereby they do not sustain physical injury. In Option 2, this support will only be applicable for victims who were present at the time of the crime, thereby limiting the number of property offences captured by the Scheme.

Underpinning Detail

This change would see the expansion of the Scheme so that primary victims of property crime who were present at the time of the offence may be granted financial assistance in respect to reasonable counselling expenses incurred, or reasonably likely to be incurred, by the victim as a direct result of the offence. While the Scheme currently provides support to victims of property offences where physical injury is sustained (e.g., Robbery), this change would see assistance extended to instances whereby victims do not sustain any physical injury. This extension would only apply in circumstances whereby the victim was present at the time of the offence, and where the offence is likely to result in the need for counselling support. In contrast to Option one, Option two would capture a far greater number of property offence types beyond Unlawful Entry with Intent – Dwelling (Without Violence). However, it would require the application of a common-sense assessment regarding which property offences are likely to result in the requirement for counselling. In this respect, it would likely exclude offences pertaining to Fraud, Handling Stolen Goods, Shop Stealing and other property crimes where counselling support would not be warranted. It would also be restricted in its criteria around being present at the time of the crime. Therefore, while this change expands the Scheme from its current state remit, it necessitates an assessment process that would be more complex than the simplified approach outlined in Option one.

It is acknowledged that victims would only be eligible for counselling support, and not entitled to receive assistance as it pertains to any other means of financial aid including payments for the replacement of property or safety and security. Victims of these crimes would be eligible for 24 hours of counselling before being required to provide evidence of a diagnosis of psychological injury to acquire additional counselling hours in line with existing processes.

Rationale

This option, relative to the partial inclusion of property crime under Option one, significantly increases the number of victims eligible for the Scheme, providing better support for vulnerable members of the community, but limits eligibility to property offences likely to attract higher rates of psychological injury.

The intent of this change is to include a means of support for victims of property offences who do not sustain physical injury, so they can automatically access support for counselling. As reflected in the rationale for Change two in Option one, this change would reflect the recommendation proposed by the LASC *Inquiry into Support Provided to Victims of Crime* report and may balance stakeholder perspectives with the costs to Government.

This proposed change would significantly expand the number of eligible applications under the Scheme. Accounting for in-scope property offences (removing only Fraud, Handling Stolen Goods and Shop Stealing), the OESR 21-22 Crime Report Queensland notes that there were approximately 195,000 property crimes in 2021-22.¹²⁷

¹²⁷ Queensland Treasury. (2023). Crime report, Queensland, 2021-22. Available at: qgso.qld.gov.au/issues/7856/crime-report-qlld-2021-22.pdf

Of these offences, it is estimated that approximately 23,400¹²⁸ victims were present at the time the offence was committed and would be subsequently eligible for the Scheme.

Whilst the number of total eligible applicants is less under Option two than Option one, it is likely that the number of actual applicants under this option would be significantly higher than under Option one due to the likelihood of increased psychological injury associated with being present at the time of the crime.

As noted in the rationale for Change two in Option one, assistance outside of counselling support is generally accessible to victims of property crime through other insurance schemes. Additionally, payments to replace or reimburse property and security could overwhelm the Scheme. As such, there is minimal utility in altering the Scheme to provide additional forms of assistance in respect to property crime. Further, as outlined in that rationale, this change would make Queensland the second State in Australia to recognise the emotional and psychological needs of victims of property crime.

Change 3

Expand eligibility for related victims by removing the requirement of related victims to demonstrate their relationship to the primary victim for applications relating to distress payments, counselling expenses, medical expenses, and incidental travel expenses.

Underpinning Detail

Change three would see the removal of the need to assess the related victim's relationship with the primary victim to establish if the applicant suffices the 'related victim' category in respect to payments, counselling expenses, medical expenses and incidental travel expenses incurred as a direct result of becoming aware of the primary victim's death. This would expand the eligibility associated with a 'related victim'. However, the existing processes would still apply in circumstances whereby the applicant is applying for a payment or an amount of up to \$20,000 as stipulated in s49(e) of the VOCAA, which they 'would have been reasonably likely to receive from the primary victim during a period of up to 2 years after the primary victim's death'. Reasonable 'report expenses' incurred by the applicant as part of their application for assistance would also be subject to the existing assessment processes.

Rationale

The loss of a family member through homicide is a traumatic event. An assessment to determine a 'genuine personal relationship' is subjective and exposes members of the community to extremely sensitive conversations. This change addresses stakeholder concerns regarding the insensitive practicalities in assessment of the current victim types. Through removing the requirement to assess for 'related victims' in determining payments that do not extend to a lump sum payment including counselling expenses, medical expenses, and incidental travel expenses, the Scheme can provide more trauma-informed support to family members impacted by homicide.

Under section 26 of the VOCAA, a 'related victim' of an act of violence, is a person who is a close family member, or a dependant, of a primary victim of the act who has died as a direct result of the offence. Section 26(7) defines 'close family member', to mean a family member of the primary victim who had a genuine personal relationship with the primary victim when the primary victim died. A close family member also extends to others who are a person in whose favour a parenting order is in force under the *Family Law Act 1975 (Cwlth)*.

At present, a related victim of an act of violence may be granted assistance of up to \$50,000 less any funeral expense assistance granted to the victim in relation to the act (refer to Appendix B). This \$50,000 encapsulates reasonable counselling expenses, medical expenses and incidental travel expenses incurred as a direct result of becoming aware of the primary victim's death. Additionally, it includes an amount of up to \$20,000 in circumstances whereby were it not for the death of the primary victim, the related victim would have been reasonably likely to receive this amount from the primary victim during a period of up to 2 years after the death. Further, it includes an amount of up to \$10,000 for distressed suffered or reasonably likely to be suffered as a direct result of the primary victim's

¹²⁸ Note: The number of property crimes with the victim present estimated by applying the Australian Bureau of Statistics 2021-22 rate for break-ins where a household confronted the perpetrator (12%) to Queensland crime statistics.

death. Finally, it comprises reasonable expenses incurred as a result of exceptional circumstances, as well as obtaining reports and undertaking examinations to support the application for assistance.

In accordance with internal policy documents, the assessment underpinning a 'related victim' requires assessors to consider the relationship on a case-by-case basis, in respect to both the type of relationship (e.g., adult siblings, spouse) and the proximity of where the applicant and primary victim resided. An assessor may ask questions of the applicant to support this assessment, including questions around the frequency at which the applicant saw and spoke to the primary victim. Where the assessor is concerned about the lack of clarity in respect to the relationship, the assessor may request evidence to establish a genuine personal relationship which can include evidence as to whether the applicant and primary victim got together for family gatherings, sent Christmas/birthday cards, and other documentation the assessor deems relevant. The nature of this information being collected from the victim can place them in a situation that is considered re-traumatising, as they recount the specifics around their relationship with the primary victim. It is also subjective and can result in inconsistent decision-making across assessors.

Through removing the requirement to assess for 'related victims' in determining specific payments, change 3 can reduce the assessment complexity for VAQ staff, which should expedite payment timeframes. As noted in the quantitative assessment, the time from application received to first payment for related victims was 47 days as of FY 2022-23. The monthly average of days from application received to distress payments was 37 days as at August 2023. Nevertheless, as noted in Appendix D, the time taken for recovery expenses such as counselling, incidental travel and medical to be paid to related victims are significantly longer. The monthly average ranges from less than 100 days to over 1,800 days across the various recovery expense categories, with counselling the most common category.

Change three is expected to have an impact on the volume of payments made by VAQ, though this is not expected to be extensive. As noted in the quantitative assessment, the total value of recovery expenses paid for related victims in FY 2022-23 accounted for \$0.46m in comparison to \$6.5m for primary victims. Restricting this Change so that it does not extend to the lump sum payments such as the distress payment or s49(e) payment may also mitigate the risk of fraud and preclude an overwhelming increase in application numbers.

7.5.3 Strengths and Limitations

Option two notably increases support for funerals, expands eligibility significant for property-related offences and reduces the complexity of accessing payments. These may present a risk of adding to the already significant application backlogs (and therefore wait times) and cost of administering the Scheme.

Strengths

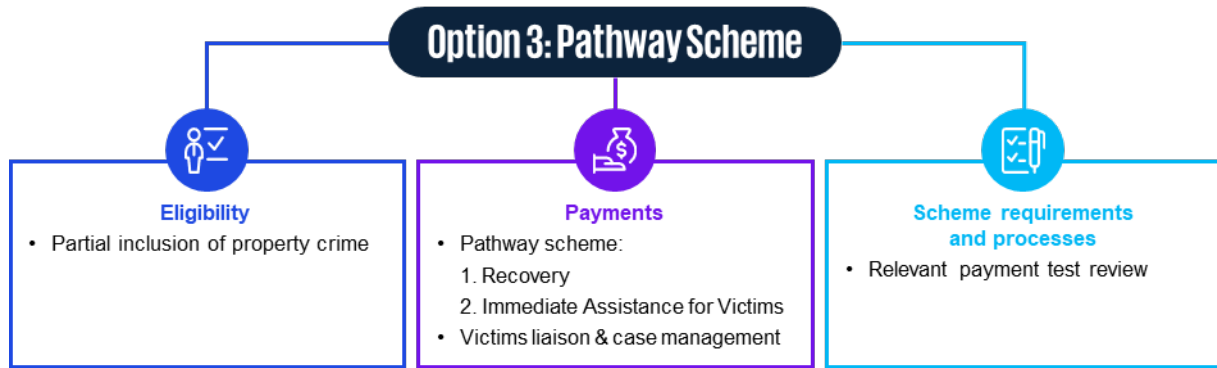
- Provides stronger support for victims than Option one
- Reduces complexity of applying for funerals, removes barriers to payment, and reduces wait time for payment.
- Expands victims access to counselling services and is a trauma-informed approach to service delivery
- Victims of property crimes will be supported by the Scheme
- Enhances access to support for at risk communities such as First Nations

Limitations

- Higher degree of complexity to implement
- Increased cost to government
- May increase wait times as a result of expanding the Scheme to include property crimes
- May increase risk of fraud and other reputational risk as a result of expediting payments
- Introduces assessment complexity for VAQ
- May increase risk of fraud from counselling suppliers

7.6 Option 3 – Pathway Scheme

Figure 43: Option 3 Summary



Source: KPMG

7.6.1 Option Summary

Option three splits the Scheme to fundamentally change the Scheme’s current approach from a ‘scheme of last resort’ to a more proactive Scheme by creating a new ‘pathways’ (which could be considered different pathways for accessing the Scheme’s varying support payments).

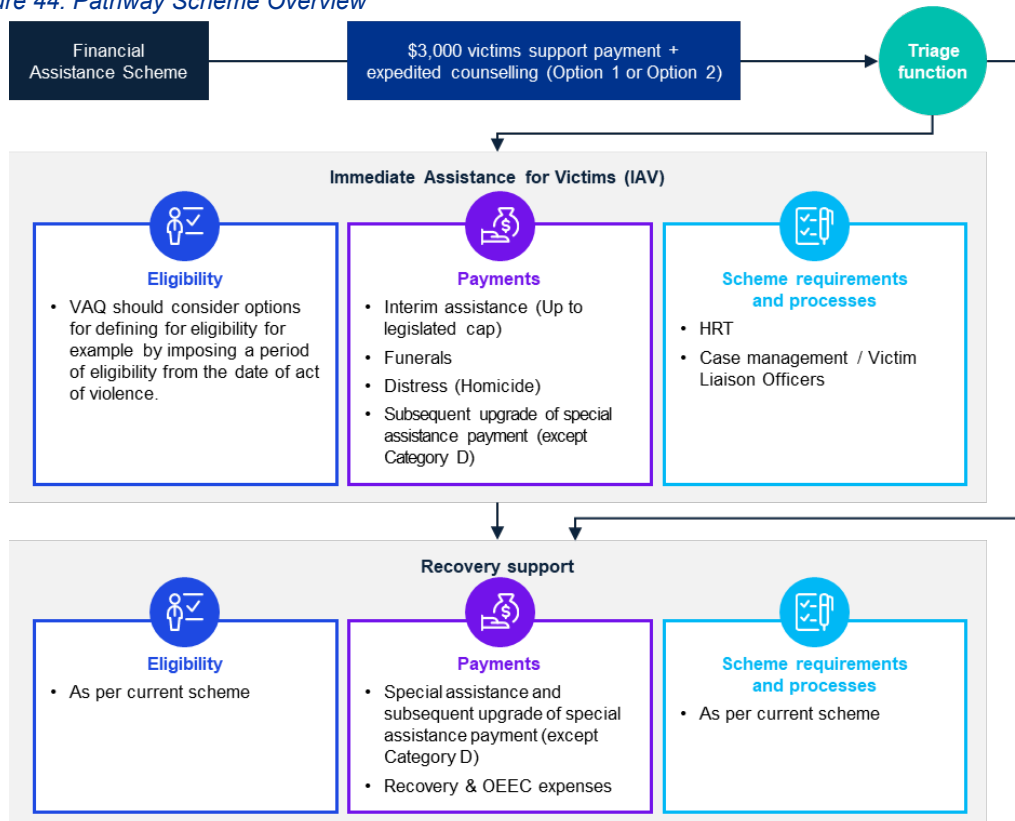
The new access pathway or sub-Scheme could be labelled the ‘Immediate Assistance for Victims’, and will be designed specifically to provide short term assistance and crisis support.

The second pathway or sub-Scheme is a continuation of the existing arrangement for a recovery Scheme focused on providing recovery support.

The primary objectives of this option are to reduce the wait times for payments for those most in need and deliver a more trauma-informed, victim-centric service that would be better aligned to community expectations of a victim support arrangement provided by the State.

7.6.2 Proposed Changes

Figure 44: Pathway Scheme Overview



Underpinning Detail

The following section outlines a high-level overview of a proposed ‘Pathway scheme’ arrangement.

Table 16: High-level overview of ‘Pathway Scheme’

| Pathway Scheme Component | Description |
|--|--|
| Assistance Payment | In line with recommendation one, all eligible victims – regardless of whether they are in crisis or not – would receive the initial part of their recognition (special assistance) payment of \$3,000 which aligns with the Category D special assistance payment as well as counselling (from Options 1 or 2) to be used at approved service providers. |
| Triage | A triage function would subsequently assess applications for suitability for immediate assistance through the IAV stream or to receive assistance from the recovery support stream. Determination of whether an application is allocated to the IAV or the recovery stream would be based on an assessment taking into consideration the length of time between the date of the act of violence and the application to the Scheme. |
| Immediate Assistance for Victims ‘Stream’ | <p>The intent of introducing pathways to access the Scheme into two parts is to move beyond a Scheme of last resort, allowing the provision of a more proactive, short-term crisis support stream (where it is required) that processes payments quickly to better support victims.</p> <p>The IAV would provide a case management function undertaken by Victims Liaison Officers for the duration of the period that an applicant required the assistance of the IAV. This function would aim to proactively meet the needs of victims, assist victims navigate the Scheme, reduce payment timeframes, and meet the need for victim support payments from HRT teams.</p> <p>The IAV would include current Scheme payments for recognition payments (up to payment thresholds), interim assistance (if requested) and expedited funeral payments in line with the recommendations of this report. One-off payments to victims in need of urgent support would be prioritised.</p> <p>In considering how this Scheme could operate, VAQ should consider options to limit eligibility for immediate assistance, for example, by limiting eligibility to applications from within three months of the act of violence.</p> |
| Recovery Support | The recovery support Scheme is intended to operate as a Scheme of last resort in line with the operation of the current Scheme. The eligibility for this stream of the Scheme would be per the current Scheme rules. The recovery support stream, in addition to the IAV scheme, would include a special assistance payments mechanism for supporting victims as well as recovery expenses, and exceptional circumstances payments. Depending on a triage assessment, many victims would be suitable for support from this Scheme where their requirement for funds was less time critical. |
| Victim Transition | Victims would self-identify their requirement for immediate support, to be further assessed by triage. Victims may transition between the two schemes by a triage decision. The decision may be that a victim has been assessed as not requiring immediate assistance, or the victim has received the maximum level of support from the IAV, or there is a support or recovery need that requires evidence in order to satisfy further financial support (e.g., relocation support from the OEEC). |

Source: KPMG

Rationale

Splitting the Scheme will reshape the way it operates to prioritise meeting a growing need for more immediate financial assistance. Bringing together payment types and expediting payments will help to place more money into the hands of victims quicker and cut through process elements that currently restrict VAQ from providing more timely payments.

VAQ should consider applying a time limited eligibility criteria to the IAV Scheme to effectively manage applications. If adopting the criteria that immediate assistance is provided to victims where an act of violence has occurred within three months of an application being submitted, a significant portion of FY 2022-23 a total of 41 per cent of primary victim applications were received within 3 months of an act of violence ending.

If the decision was made to extend this out to capture applications where an act of violence has occurred within six months of an application being submitted, 51 per cent of primary victim applications would be eligible for immediate support.

There are a growing number of primary victims, the majority of which are DFV victims applying for financial assistance where an 'act of violence is ongoing', that is, victims who are suffering subsequent acts of violence after their initial application. As outlined in the quantitative assessment, in FY 2016-17, 3 per cent of applications were registered where an 'act of violence is ongoing' growing to 17 per cent of applications in FY 2022-23.

As noted in the quantitative assessment, in FY 2022-23 a total of 414 applications requested interim assistance, with 61 per cent of these being accepted. The acceptance rate of interim assistance has been increasing since FY 2020-21, having dipped to 20 per cent that year. As previously noted, VAQ has historically paid almost 100 per cent of applications seeking interim assistance.

Further to the above, the quantitative assessment highlights that, comparatively, HRT applications are processed substantially quicker than non-HRT applications. In FY 2022-23, the average processing time (i.e., the date from the application being received to the date the first payment is made) was 58 days for HRT applications and 320 days for non-HRT applications. The first decision to first payment period is even quicker with an average processing time of three days for HRT in comparison to 14 days for non-HRT applicants. Applications processed through HRT are predominately victims of DFV (96 per cent). This creates an equity issue where DFV victims are currently afforded 'crisis support' through the Scheme, while but other victims are waiting long periods of time for assistance.

As detailed in the quantitative assessment, in FY 2022-23, VAQ paid \$3.3 million in distress payments to related victims and \$28.8 in special assistance (Categories A to C) to primary victims. This was an increase across both distress and special assistance of over 250 per cent and 190 per cent respectively from the previous year. The time periods for applications received to payment made for both distress and special assistance have since reduced. Nevertheless, special assistance has scope for further time reductions.

This option will reduce the wait time and better meet the needs the rising demand of victims for support from the Scheme. The introduction of an up-front immediate assistance and counselling payment may reduce total payments for crisis support and reduce the number of recovery payment applications and administration costs. By reducing the administrative barriers to immediate financial support which can be used for any purpose whilst maintaining the current scheme rules of recovery payments, an unintended consequence may be that victims use their immediate assistance payments and forego any further support due to the difficulty in providing documentation to access further support. It is acknowledged that an equally likely scenario is that there is an increase in applicants just seeking the immediate assistance payment. A reduction in applications over time may reduce administration costs.

Eligibility



Change 1

Expand eligibility criteria associated with the Scheme so that victims of property offences are entitled to access counselling support in circumstances whereby they do not sustain physical injury.

Underpinning Detail

This option expands the eligibility criteria associated with the Scheme so that victims of property offences are entitled to access counselling support in circumstances whereby they do not sustain physical injury. This could be either of the proposed Changes presented in Option one or two.

Rationale

Refer to the rationale for Change two under either Option one or Option two.



Change 2

Introduce Victims Liaison Officers to provide case management for victims in need of urgent assistance through the Immediate Assistance for Victims support stream.

Underpinning Detail

VAQ should introduce a new case management role/s, Victims Liaison Officers, and resource that function appropriately to provide case management for victims requiring more urgent support through the IAV stream. Victims Liaison Officers would proactively manage meeting the immediate health, funeral, safety, wellbeing, and mental health needs of victims. Once the victim has been supported to engage with relevant services to address these needs, they would be transitioned to the Recovery stream.

Victims Liaison Officers would focus solely on meeting the urgent needs of victims applying for support from the IAV stream. This role would also engage with HRT requests for support to reduce the response time from VAQ.

There are many case management models which include variations in the way in which case managers engage with victims, their qualifications, and scope of their role. However, all case management models aim to provide coordinated, client-centred care and support to individuals in need. The model that VAQ chooses to adopt will influence the total cost to the Scheme. Further work is required to develop a case management model suitable for VAQ.

Rationale

Introducing case management practices and Victims Liaison Officers will increase accessibility for victims and reduce the complexity of applying for support. This change signifies a trauma-informed approach to providing victims services and support. This function is important to proactively meet victims needs as well as the expectations of the community. This function would support victims to navigate the Scheme application process, as well as the broader support sector.

The quantitative assessment notes that applications for interim assistance (a proxy for victims who may need case management support) have been growing steadily since FY 2009-10 and have rapidly increased in recent years. This is largely due to the inclusion of DFV in the Scheme, a key cohort which would benefit from case management. In FY 2022-23, there were 1,468 applications accepted by VAQ for interim assistance, with primary victims accounting for 87 per cent of accepted applications. Of these, DFV was the largest group at 79 per cent. This points to the growing need of a complex cohort of victims.

Numerous stakeholders consulted for this review highlighted the need for case management, case coordination, or increased support for victims. Stakeholders spoke of the time and resources required to support victims to complete applications and receive funding. This is now deterring some organisations from providing that level of support, which has implications for victims who may be deterred from applying to the scheme in a time where they are most in need.

Additionally, the *Victims of Crime Review Report* recommended the VAU should be stood up to administer the new Scheme and be a central point for victims to access information regarding services and their matter. Through the VOCAA, VAQ was established to assume the VAU function. Through the case management function, the implementation of Option three would see VAQ take an extended role in being a central point for victims.

It is recognised that VAQ and the Scheme operates as a component of a broader victim support sector, servicing the needs of at-risk members of the community. Introducing a case management function will better resource and enable VAQ to engage with and integrate into the broader system, which will improve the coordination of care.

Scheme Requirements



Change 3

Introduce greater flexibility for the relevant payments test to improve the efficiency of the Scheme.

Underpinning Detail

Currently, VAQ assessors are required under the VOCAA to determine whether a victim has received payments from other sources, such as compensation ordered by a court to be paid as compensation for the act of violence. The net result of this requirement is to significantly slow down the processing of applications whilst checks for relevant payments are undertaken.

In line with the process for recommendation four, VAQ should review all existing sources of alternative financial support that VAQ considers in making relevant payment assessments, for example, health insurance, offender recovery, compensation schemes, civil and damages, court-ordered restitution, or other government support, and take a new risk-based approach to remove low-risk categories such as offender recovery or court ordered restitution in order to streamline the application process.

This will allow an evidence-based approach to improve the efficiency of the Scheme in relation to assessing relevant payments. Introducing greater flexibility in assessing requirements for the relevant payment test will reduce unnecessary processes that result in the same payment outcome.

Rationale

Requiring evidence of alternative support through relevant payment assessments of the amount of finance, payment, support, or unavailability of that support is a significant driver of lengthy application assessment and subsequent payment timeframes. Section 3 and Appendix B provide greater detail on the current relevant payment process. As noted in these sections, relevant payments can include support or payment such as, for example, WorkCover and CTP. It also includes recovery payments from offenders, known as the Offender Recovery Program.

While the relevant payment data provided from VAQ does not capture the amount of support victims receive from alternative sources (e.g., private health claims on medical appointments), it does provide a high-level amount of financial assistance 'avoided' by the State. This information is retained on an applicant's individual file. Hence, it is difficult to ascertain how much applications for support are being reduced and, therefore, determine the financial benefit to the State. Evidence of this claim may not be necessary if the total amounts paid have not been reduced significantly.

Data relating to relevant payments as outlined in the quantitative assessment shows between FY 2009-2010 and FY 2022-23 a total of \$21.6 million in relevant payments was deducted from total financial assistance to be granted. This represented 11 per cent of the total actual amount paid to victims of crime, affecting only 1,555 applications or 3 per cent of the 45,197 applications received over this period.

As observed by stakeholders, seeking other relevant payments (i.e., payments from offenders) has the propensity to re-traumatise victims and has, according to VAQ data, very low prospects of payment. Data in the quantitative assessment highlights that between FY 2017-18 and FY 2022-23, a total of 3,708 ODR notices were issued to offenders at a value of \$11.5 million. Over the same period, only \$0.78 million was recovered, representing 7 per cent of the total value of notices issued. In comparison to the \$116.9 million paid in financial assistance over the same period, the total recovered from offenders represents a mere 0.7 per cent.

Given that the debt recovery through VAQ's Offender Debt Recovery Program is significantly low, it should not be considered a reliable source for relevant payments. In line with recommendation ten, it is recommended to exclude payments from offenders where it is known there is little capacity to pay.

7.6.3 Strengths and Limitations

Option 3 enables a shift in organisational focus towards providing crisis support. Option 3 brings together existing payment types to provide fast support for victims.

Strengths

- Relative to Option 1 and 2, the Pathway Scheme option has the highest change impact on VAQ
- Provides the strongest support for victims in crisis
- Strongest trauma-informed option
- Reduces processing timeframes

Limitations

- This option requires broad change and implementation in order to realise benefits
- Introduces a degree of complexity in the application process
- May increase the risk of fraud
- Higher operating costs required to operate this Scheme option relative to other Scheme options

7.7 Summary of options strengths and limitations

The future state design of the Scheme outlined in the next section of this report is based on further developing in detail the recommendations and a single option. The table below is a summary of the comparative strengths and limitations of the options.

Table 17: Overview of strengths and limitations

| | Strengths | Limitations |
|-------------------------------------|---|---|
| Option 1 Simplify Scheme | <ul style="list-style-type: none"> • Lowest change impact on VAQ operations and processes • Greater victim access to counselling services • Improve payment processing timeframes for counselling services • Low complexity and cost to implement • Relatively shorter implementation timeframes • Includes support for victims of property crime | <ul style="list-style-type: none"> • Relatively low impact on victims • May increase risk of fraud from counselling suppliers • Property crimes will increase demand on a Scheme struggling to cope with current demand |
| Option 2 Expand Scheme | <ul style="list-style-type: none"> • Provides stronger support for victims than Option 1 • Reduces complexity of applying for funerals, removes barriers to payment, and reduces wait time for payment. • Expands victims access to counselling services and is a trauma-informed approach to service delivery | <ul style="list-style-type: none"> • Higher degree of complexity to implement • Increased cost to government • May increase wait times as a result of expanding the Scheme to include property crimes • May increase risk of fraud and other reputational risk as a result of expediting payments |

| | | |
|---|---|---|
| | <ul style="list-style-type: none"> • Victims of property crimes will be supported by the Scheme • Enhances access to support for at risk communities such as First Nations | <ul style="list-style-type: none"> • Introduces assessment complexity for VAQ • May increase risk of fraud from counselling suppliers |
| <p>Option 3 Pathway Scheme</p> | <ul style="list-style-type: none"> • Relative to Option 1 and 2, the Pathway Scheme option has the highest change impact on VAQ • Provides the strongest support for victims in crisis • Strongest trauma-informed option • Reduces processing timeframes | <ul style="list-style-type: none"> • This option requires broad change and implementation in order to realise benefits • Introduces a degree of complexity in the application process • May increase the risk of fraud • Higher operating costs required to operate this scheme option relative to other scheme options |

Source: KPMG



8. Financial Assistance Scheme Future State

8 Financial Assistance Scheme Future State

Section 8 outlines the future state of the Scheme including the impact of future state elements across Scheme expenditure, benefits and a high-level impact. This section is comprised of two parts: future state Scheme elements derived from the recommendations; and the future state Scheme elements selected from the three options (including other aspects requested by VAQ) outlined in Section 7. The elements which make up the future state of the Scheme were selected by VAQ after careful consideration of draft materials relating to this review. The elements are presented in two sections (recommendations and options) for ease of tracking their origin and rationale; however, they are intended to represent a single view of the future state of the Scheme.

It is important to note that the expenditure analysis of each recommendation and option element outlined in this section is intended to be used as a comparison between the actual 2022-23 financial year scheme expenditure and expenditure in 2022-23 if the future state had been fully adopted and implemented. The analysis is intended to be a like-for-like analysis between the current and future state for each individual recommendation element, not the Scheme as a whole nor the impact of the Government's legislated changes or potential legislative changes relating to coercive control.

The expenditure impacts are compared to the base case year 2022-23. Each recommendation and option also (where possible) includes two scenarios for expenditure impacts: 1) the future state (likely) scenario is the anticipated estimate of the actual expenditure impact; and 2) the maximum total impact if all eligible victims take advantage of the maximum support available to them under the future state Scheme.

It is acknowledged that there are a large number of external drivers which could impact on Scheme expenditure including changes to legislation, increased awareness, population growth, and policing outcomes. These factors are excluded from the analysis but should be kept in mind when considering future state costs of the Scheme.

This section also includes a high level implementation plan and associated activities across the future state recommendations and options, which have been ordered into Milestones, across three Horizons. Each milestone has corresponding activities which will support the successful implementation of the future state.

8.1 Future State Scheme Elements (Recommendations)

This section outlines a number of key considerations regarding the future state scheme elements. Each recommendation proposed in Chapter 6 has been further analysed to provide information relating to the impact on the scheme's expenditure, quantitative and qualitative benefits and the high-level operational implications and legislative changes required to implement these recommendations. In Appendix G, expenditure assumptions and scenario outputs have been provided.



Recommendation 1

It is recommended that an immediate payment of \$3,000 is paid to all eligible primary victims under the Financial Assistance Scheme (on the delivery of reduced evidentiary requirements, see Recommendation three). This will support more rapid provision of payments to, and reduce the burden on, victims of crime.

Recommendation one proposes an immediate payment of \$3,000 to all eligible primary victims. This immediate payment would make up a component of the recognition amount that is available to eligible primary victims.

Recommendation one makes up a key element of the Scheme's future state and would respond to the clear need to increase the speed in which victims can access financial assistance under the Scheme.

Expenditure impact

In 2022-23, the current state Scheme expenditure for all Special Assistance payments was \$29.1 million. There is no direct expenditure impact associated with this recommendation as the \$3,000 payment is effectively an 'advance' on funds that would otherwise be paid through the Special Assistance payment process. It is for this particular reason that the \$3,000 amount has been recommended, given alignment with the Category D payment amount legislated in late 2023.

The increase in Scheme expenditure associated with this recommendation has already been funded by the Queensland Government and does not constitute new expenditure associated with this recommendation. See Appendix G: Expenditure assumptions and scenario outputs for further information.

Benefits

Implementation of recommendation one would provide a number of benefits to victims accessing the Scheme. This would include the provision of a payment of financial assistance to eligible primary victims in an expedited manner, supporting victims to access a component of financial assistance while their application for other types of support from VAQ progresses. This recommendation further supports VAQ's trauma-informed approach, by supporting victims to access assistance under the Scheme, and providing them the opportunity to commence their recovery journey sooner.

As the new Category D cap of \$3,000 will be the baseline used for this recommendation, an additional benefit to paying all primary victims the Category D amount will be a minimised risk of overpayment. This recommendation, when coupled with the reduced evidentiary requirements (as noted in recommendation three) will provide VAQ with a simplified and equitable process allowing staff to make a quick assessment and an immediate payment.

High-Level Operational Impact / Legislative Change

VAQ will be required to undertake the development of a new policy and procedure relating to the immediate payment (also see recommendation three relating to the reduced evidentiary requirements).

Once the policy and process has been updated, VAQ will need to provide training and change management support for staff, as well as training with other sector organisations and Queensland Government agencies which support victims to connect with VAQ, on the advance payment that is available. VAQ will also be required to update its website and communication materials to reflect the newly available financial assistance and reflect this change in the online application forms. VAQ will need to investigate the possibility of increasing current payment runs to ensure victims are receiving the \$3,000 in a timely manner.



Recommendation 2 & Option 2, 24 hours counselling

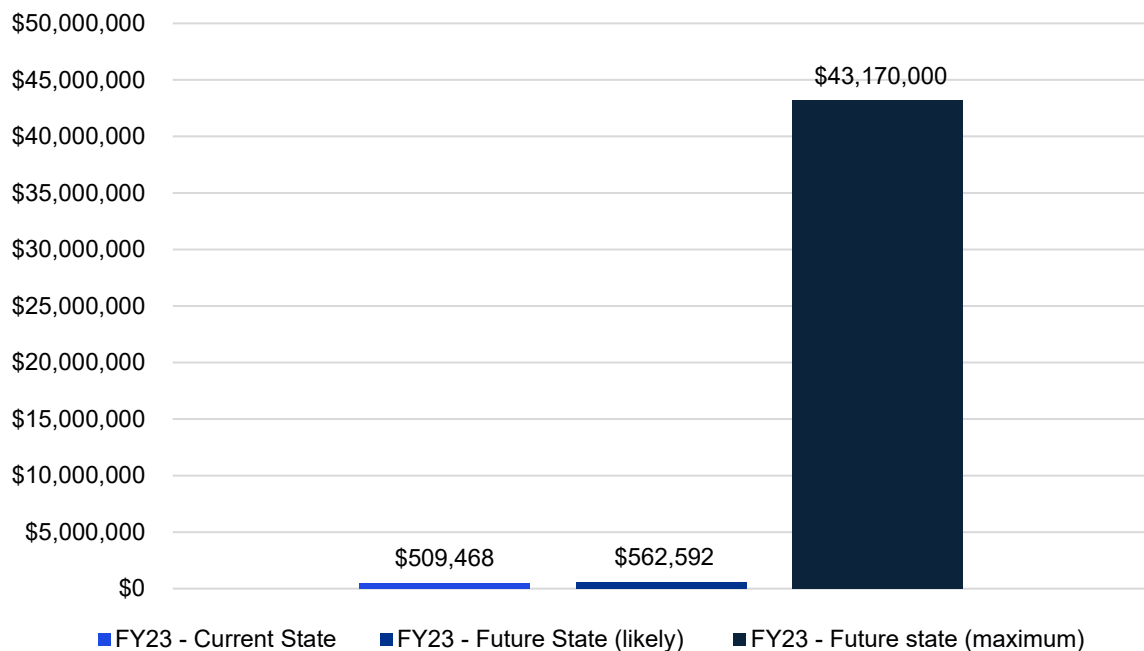
To reduce the time associated with processing applications and increase access to the timely provision of support, it is recommended that all eligible victims be deemed automatically able to access counselling support, without the need to evidence a provisional diagnosis of psychological injury or adverse impacts.

Recommendation two and Option 2 combined would see all victims who apply to the scheme be deemed automatically eligible for 24 hours of counselling support. For the successful delivery of this counselling support, the development and implementation of the provider panel (which is outlined in recommendation eight) is imperative, decreasing the requirement for victims to provide supporting documentation, such as treatment plans, receipts or invoices.

Expenditure impact

Recommendation two combined with increasing the automatic eligibility for counselling to 24 hours has a maximum impact of \$43 million on Scheme expenditure in 2022-23. It should be reasonably assumed that there will be a greater uptake across the victim cohort of counselling associated with reducing the administrative burden and automatic eligibility, however there is insufficient data to accurately predict the likely impact of this recommendation. Further, the likely cost may be influenced by external factors such as the changing nature of victims cohorts and scheme awareness. The likely scenario depicted below assumes that the average number of sessions per victim and the adoption rate of victims for counselling support stays stable at 7.4 sessions per person and 7 per cent respectively and should be treated with caution. The maximum possible expenditure assumes that 100 per cent of all eligible applicants will use the 24 hours automatically available to them at the current price cap of \$250 per session.

Figure 45: Recommendation 2 & Option 2 expenditure impact



Source: KPMG analysis

See Appendix G: Expenditure assumptions and scenario outputs for further information.

Benefits

As outlined in this review, counselling reportedly has one of the highest administration requirements under the Scheme. This is due to current VAQ processes, including determining relevant payment requirements such as Medicare, insurances, determining the eligibility of the service and obtaining multiple forms of documentation from the victim. Equally, the current VAQ processes relating to counselling can be complex and can, in some instances, cause distress to applicants who may have to re-tell and re-live their trauma.

The provision of automatic counselling, through reduced evidentiary requirements and simplified processes, will significantly reduce the administrative burden on VAQ, as well as victims. Further, providing automatic counselling will improve victims' access to the Scheme, support the commencement of their recovery journey and minimise instances of having to re-tell their story. It could also support cohorts that experience challenges in accessing health care. For VAQ, this recommendation supports the application of the trauma-informed and victim-centric approach.

High-Level Operational Impact / Legislative Change

For VAQ to implement recommendation two, there are two key changes that are required to occur. Firstly, VAQ will need to update existing policies and procedures relating to the provision of

automatic counselling. For example, this may include changes to Sections 9.8 and 9.9 in both the Financial Assistance Procedure and Policy manuals.

The second change requires VAQ to provide training and change management support on the updated process to staff, and also update online information, forms and communication materials where appropriate to reflect the new process.



Recommendation 3

It is recommended that information requirements in relation to the \$3,000 immediate payment and the automatic access to counselling be simplified and reduced.

As outlined in section six of this report, it is recommended that the information requirements for both the immediate payment and counselling be simplified to:

- QP number (as appropriate);
- Special Primary Victim Report (as appropriate);
- Third party verification of injury (e.g., medical certificate, medical report) only for those accessing immediate payment;
- Identification; and
- Banking information / payment details

Expenditure impact

No impact. See recommendation one and two for immediate payment expenditure.

Benefits

The benefits outlined under recommendation one and two would also be realised through the implementation of this recommendation. Benefits would include increased speed of payment to eligible victims, improved access to counselling, and commencement of recovery. Reducing information requirements will support victims by decreasing the administrative burden placed on them to collate documentation and complete complex application forms. Further, this recommendation supports VAQ's trauma-informed approach, by reducing instances where victims will have to re-tell, or re-live their trauma.

This recommendation will support VAQ staff to simplify their own assessment and reimbursement processes. The establishment of the approved provider panel (recommendation eight) would also support VAQ staff to work directly with providers and reduce the need for VAQ staff to undergo checks against the general requirements when an application is made. In regard to the immediate payment, a refined application form requiring only the elements listed above will support VAQ staff to conduct their assessment of meeting the base requirements quickly.

High-Level Operational Impact / Legislative Change

The VOCAA provides high level guidance about information requirements however would likely not need to be amended as part of implementing this recommendation. VAQ policies and procedures, online forms and communication materials will need to be adjusted to reflect the change.

Firstly, VAQ will need to adjust existing policies and procedures. Examples have been outlined below:

- Financial Assistance Policy manual including but not limited to Sections 9.8 and 9.9;
- Revision of relevant online guidelines including but not limited to Guideline 1 and 3; and
- Financial Assistance Procedure manual including but not limited to Sections 9.8 and 9.9.

VAQ will be required to update their forms and any supporting documentation available on their website to ensure the reduced information requirements are reflected. For example, applicants could utilise the existing application forms and continue to tick the recognition payment box (question 6a on the primary victim application form); however, would only need to provide the QP number or special primary victim information (if required), identification information and payment details, along with documentation to confirm injury if applying for the \$3,000 immediate payment (currently question three

on the primary victim application form). Applicants would not need to provide proof of injury for counselling, or any counselling related information, such as evidence of qualification of provider, a progress report or treatment plan, invoices, or receipts.

Concurrently, VAQ will be required to undertake training of staff to ensure the changes in information requirements is reflected in practice. The development of communication materials reflecting the changes to key stakeholders such as the Queensland Police Service, would also be beneficial. VAQ may consider conducting some educational forums with these stakeholders.



Recommendation 4

To reduce wait-times and improve the experience of victims, it is recommended that a victim's eligibility for support through WorkCover and/or other Queensland Government mechanisms does not preclude the victim from receiving financial assistance through the Financial Assistance Scheme. This does not extend to Compulsory Third Party arrangements where the existing process should still apply.

Recommendation four would see the removal of the requirements for victims of work-related acts of violence to apply for workers' compensation prior to submitting an application to VAQ for financial assistance. This recommendation will enable victims of work-related acts of violence to receive financial assistance regardless of whether a relevant workers compensation claim has been submitted, approved or paid.

Additionally, this recommendation also includes other Queensland Government mechanisms, which refers to victims dealing with agencies such as the ODPP or Queensland Health's Patient Travel Subsidy Scheme. For example, travel related expenses may be paid by these agencies on behalf of the victim, with ODPP seeking to reconcile the costs from the victim at a later stage. This recommendation would see that these agencies could recover these costs directly from the Scheme.

Further, this recommendation would seek that special assistance payments no longer be reduced to account for workers' compensation amounts received by an applicant. These payments are provided as recognition by the State of injury suffered, and should not be garnished from WorkCover (nor other) amounts.

Recommendation four only applies to claims through Government entities (for example, WorkCover Queensland), with the application of this recommendation further supported through memoranda of understanding.

Expenditure impact

There is not expected to be a net expenditure impact from this recommendation however, there may be a cashflow impact associated with higher expenditure in a nominated financial year with funds recovered from WorkCover in a subsequent financial year. In 2022-23, VAQ deferred 372 applications and paid on average \$1,588 per WorkCover application or when averaged across the lifetime of the Scheme the average is \$4,565. In 2022-23, this would have a maximum cashflow impact of an additional \$1.7 million but does not represent an additional cost to government. The future state likely scenario may have a small cashflow impact associated with recovered funds falling in the next financial year from expended funds and applications received towards the end of the financial year.

See Appendix G: Expenditure assumptions and scenario outputs for further information.

Benefits

Recommendation four seeks to better support victims and reassert VAQ's victim-centric approach by providing an improved Scheme experience for those who are victims of violence that occurred at work.

This recommendation will provide those seeking assistance under the Scheme with more immediate support, reducing the need for victims to wait for an outcome from Workcover before being able to access support through the Scheme. Further, this recommendation will simplify the application process for victims, who would no longer be required to engage with multiple government agencies across a complex sector in order to obtain support.

Additionally, the administrative burden on other Queensland Government agencies engaging with VAQ will be reduced, by establishing agreed processes and simplifying reconciliation of expenses

through removing victims from this process. This could also support limiting instances of re-traumatisation that can arise through continual re-telling of events and/or multiple application processes.

High-Level Operational Impact / Legislative Change

While it is acknowledged that there is an existing relationship between VAQ and WorkCover (as per section 77 of the VOCAA), in order to implement this recommendation, additional changes will need to occur.

Recommendation four would see the removal of the requirement for victims of work-related acts of violence to apply for workers compensation prior to submission of an application to VAQ, as established under the VOCAA. As such, VAQ will need to commence the process to amend the VOCAA across a number of sections of the Act. Examples of sections that may require change include Part 3 (Section 31-34).

VAQ or DJAG should then engage with WorkCover to establish a Memorandum of Understanding (MoU) to support formalising the existing relationship between the two agencies and allow for the reconciliation of payments. An additional consideration for VAQ is establishing an MoU with the ODPP (or other relevant Government agencies) to support the reimbursement and reconciliation of certain costs that agencies such as ODPP can cover.

VAQ will need to update existing policies and procedures in relation to processing work-related claims. For example, amendments to policies may include Section 9.3 of the Financial Assistance Policy Manual and amendments to procedures may include Section 9.3 of the Financial Assistance Procedure Manual.

VAQ will be required to update their forms and any supporting documentation available on their website to remove requirements for victims of work-related acts of violence to apply for workers compensation prior to submitting an application to the Scheme. Alongside these changes, it will be important to provide training of, and change management support to staff to ensure the changes in information requirements are reflected in practice, in addition to the development of communication materials reflecting the changes to key stakeholders in the victim support sector that assist victims to complete and submit applications.



Recommendation 5

It is recommended that the eligibility criteria underpinning Other Expenses Exceptional Circumstances (OEEC) payments be better defined to improve consistency and certainty for victims of crime, improve payment timeframes, and reduce confusion for stakeholders. In consideration of recommendations two and six, the scope of OEEC payments can be reduced to focus on recovery expenses that are not otherwise covered by the proposed recommendations relating to funeral expenses and counselling.

Recommendation five proposes the development of a clear and standardised definition for the OEEC payments. Additionally, the recommendation provides to reduce the expenses that fall within this payment category, focusing on recovery expenses and including the following items and services:

- *Security;*
- *Relocation;*
- *Emergency accommodation, essential furniture, appliances and household items;*
- *Replacement of furniture associated with a sexual assault;*
- *Crime scene clean-up and replacement of furniture (non-sexual assault offences);*
- *Travel under exceptional circumstances and associated accommodation; and*
- *School uniforms and stationery packs.*

Expenditure impact

In 2022-23, the Scheme paid out \$3.1 million in OEEC payments. It is not possible to quantify the magnitude of the expenditure impact of this recommendation without further decisions by VAQ on which categories and standardisations they would apply. It is considered unlikely that any changes to this category will have a material impact on expenditure.

Benefits

Currently, there is limited detailed data available regarding the type of expenses that have historically been allocated within the OEEC category. Furthermore, the VOCAA does not define 'exceptional circumstances' or 'reasonable', with the current decision-making framework for exceptional circumstances requiring VAQ assessors to refer to numerous resources when making a determination. These factors have resulted in an inconsistent application of the OEEC category and payments, as well as confusion not only for victims but also for VAQ staff.

Applying a standardised approach to the OEEC category of expenses will provide a number of benefits to both VAQ and victims of crime. For VAQ, this includes efficiencies for staff, with the reduced and simplified list of available expenses providing efficiency in assessment, decision-making and reimbursement. It will also produce a more consistent and clear application of this category of expenses, further adding to efficiencies.

For victims, this simplified category of expenses will provide a clearer picture on what recovery expenses can be claimed, reducing confusion and supporting a better service user experience for victims. This recommendation further supports VAQ's trauma-informed and victim-centric approach.

High-Level Operational Impact / Legislative Change

In order to implement recommendation five, amendments will be required to policy and procedure manuals to provide a prescriptive criteria for VAQ staff in terms of victim eligibility and claimable expenses within the OEEC category. For example, amendments to the Financial Assistance Policy and Procedures manuals may include Section 9.8. Additional resources that inform the decision-making process may also require amendment such as the online guidelines six and eight. It is suggested VAQ update publicly facing communications material (i.e. VAQ website/forms) to reflect these changes and provide applicants with clarity regarding inclusions and exclusions. VAQ may also consider undertaking staff training, change management support, and conducting external forums with key stakeholders, or developing appropriate materials, to ensure changes are communicated.



Recommendation 6

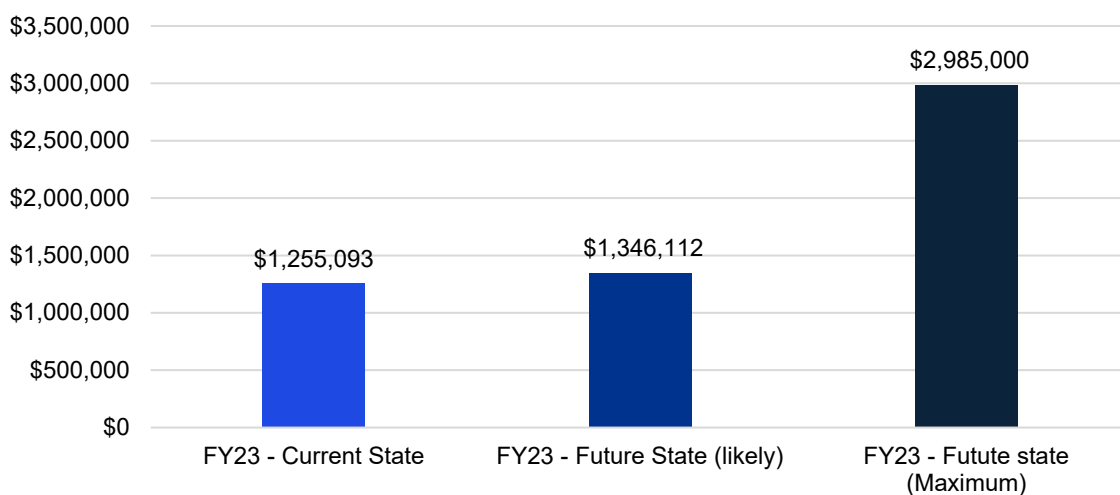
To better meet the needs of victims and the broader community, it is recommended that claimable funeral expenses under funeral assistance payments be expanded. Funeral payments should encompass all reasonable funeral-related expenses (including travel) within the maximum cap, in order to simplify the process.

Recommendation six would see the expansion of expenses under the funeral assistance category of support. This would include covering any reasonable funeral related expenses (such as travel under the maximum cap, which is \$15,000 in line with legislative changes that came into effect on 8 December 2023).

Expenditure impact

The net increase of the likely impact scenario of claimable funeral expenses is very low at \$91,019. This assumes that there is a modest increase of 5 per cent or \$315 increase to the average payment for funerals associated with expanding the eligibility to include all reasonable funeral-related expenses. Several methods were explored to assess the increase per payment, however due to data limitations it was not possible to establish a data driven increase to the average payment. The maximum future state scenario is the number of applications in 2022-23 by the new legislated cap on funeral expenses.

Figure 46: Recommendation 6 expenditure impact



Source: KPMG analysis

See Appendix G: Expenditure assumptions and scenario outputs for further information.

Benefits

As outlined in previous sections of this report, it was uncovered that there is a lack of flexibility within the Scheme that limits victims to exercise control of recovery, as well as limitations on acceptable expenses available under funerals, which can place some families under financial pressure during a time of emotional distress.

This recommendation would seek to reduce the financial pressure on families, and provide a better service user experience, by allowing access to additional funeral-related expenses (such as keepsakes, or wake related items). It would also provide victim's families a greater sense of control and empowerment, and allow them flexibility to choose how they grieve and mourn. This supports a trauma-informed and victim-centric approach, better meeting the needs of victim's families and supporting their choice in recovery.

The recommendation can also remove certain restrictions on funeral-related expenses, and can simplify the administrative process VAQ staff must navigate when deciding what is an eligible funeral expense. Further, this recommendation could expedite timely provision of support.

High-Level Operational Impact / Legislative Change

Implementation of this recommendation will require development of a new, more comprehensive list of claimable funeral expenses that is maintained and kept up to date. The claimable and unclaimable items for funeral assistance will need to be reflected in policy and procedural documentation to support staff in their decision-making. For example, revisions to the Financial Assistance Policy Manual may include Section 9.3 and revisions to Financial Assistance Procedure manual may include Section 9.3.

VAQ will also be required to update publicly facing material (i.e. VAQ website and forms) to reflect these changes and provide applicants with clarity regarding inclusions and exclusions.

VAQ may also consider undertaking staff training, change management support and conducting external forums with key stakeholders, or developing appropriate materials for distribution, to ensure the changes are communicated. Once these changes have been implemented, VAQ will need to undertake training with staff to ensure it is reflected in practice.



Recommendation 7

To provide a greater sense of control, flexibility and empowerment for victims, it is recommended that claimable counselling expenses be expanded to include alternative therapies.

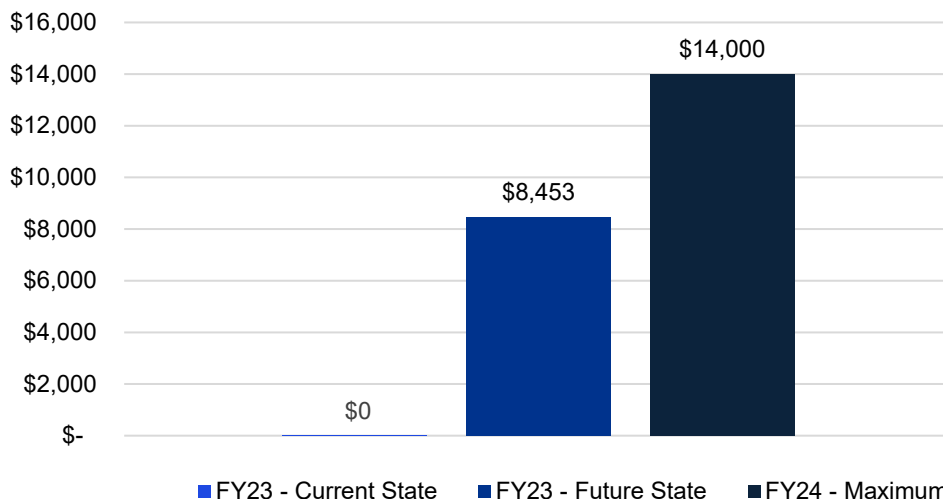
Recommendation seven relates to the current VAQ policy regarding counselling expenses. Currently, reimbursement of counselling expenses involves numerous general requirements to be met, in addition to registration under Health Practitioner Regulation National Law along with nine general requirements that include treatment provided by a provisional psychologist, a counsellor or psychotherapist who is a 'full clinical member' of the Psychotherapy and Counselling Federation of Australia or a 'level 3 or 4 member' of the Australian Counsellors Association and a requirement for professional indemnity insurance (see section 6 for more detail).

Recommendation seven would see the criteria and current policy and process continued however, would also see the requirements expanded, enabling victims to claim support for a wider range of therapies, including alternative therapies. This recommendation is closely linked to recommendation eight, which will see the establishment of an approved provider list.

Expenditure impact

The cost of expanding eligibility for counselling is primarily represented in the maximum future state estimate in Figure 45; however, there is a small impact on Scheme expenditure of \$8,453 associated with victims who were seeking alternative therapies and when their payment application was rejected would have otherwise not used the eligible counselling services. The maximum impact on Scheme expenditure assumes that all rejected counselling sessions at the maximum potential cost of \$250 per session would have a net expenditure impact of \$14,000.

Figure 47: Recommendation 7 expenditure impact



Source: KPMG analysis

See Appendix G: Expenditure assumptions and scenario outputs for further information.

Benefits

There are a number of benefits that can be achieved with the implementation of recommendation seven. This includes providing victims with a level of flexibility and choice, where they can choose from a range of therapies, including alternative therapies such as music or art therapy, to support them on their recovery journey and meet their individual needs.

Further, this recommendation would support a more flexible approach to counselling for vulnerable cohorts, such as children, young people, CALD and First Nations victims and would reinforce VAQ's approach to providing culturally appropriate care. This would recognise the different ways in which people recover from trauma, and would support VAQ's trauma-informed approach. Overall, this recommendation would support a positive victim experience, and would improve access to counselling, under the Scheme.

High-Level Operational Impact / Legislative Change

To implement recommendation seven, VAQ will need to update their current policy, procedures and guidelines relating to the reimbursement of counselling expenses and expansion of the criteria and general requirements that are currently required to approve counselling expenses. Examples of areas that may require amendment have been outlined below:

- Financial Assistance Policy manual may include but are not limited to Section 9.8;
- Financial Assistance Procedure manual amendments can include but are not limited to Section 9.8; and
- Revision of relevant online guidelines may include but are not limited to Guidelines 1 and 10.

In order to expand this criteria, VAQ will need to identify other types of service providers currently operating in Queensland that could be utilised for counselling. As outlined in recommendation eight, the approved provider panel that will be established will support the identification of providers offering alternative supports. Identifying commonalities in services delivered across these new, approved providers may help expand the criteria and inclusion of new therapies.

Additionally, VAQ will need to undertake research and consultation with service providers not only operating in Queensland but in other jurisdictions to identify contemporary, best practice responses to trauma. This research could further inform the expanded list of available services and providers.

It is recommended that VAQ update publicly facing communication material (i.e. VAQ website, fact sheets and forms) to reflect the changes and provide applicants with clarity regarding the new process and requirements for counselling expenses.

VAQ may also consider undertaking staff training, change management support and conducting external forums with key stakeholders or developing appropriate materials to ensure the changes are communicated.



Recommendation 8

It is recommended that an approved providers list be introduced and utilised by Victim Assist Queensland (VAQ) when organising the reimbursement of expenses under the OEEC category of financial assistance, as well as for counselling, in order to support the more timely provision of support for victims.

Closely linked to recommendation seven, recommendation eight would see the implementation of an approved providers list and /or panel. This list/panel would be used for reimbursing costs associated with the newly refined Other Expenses Exceptional Circumstances (OEEC) category of financial assistance (recommendation five), as well as payment of counselling sessions (recommendation two). VAQ would work directly with the registered provider to facilitate reimbursement and the payment of services without the need to involve the victim.

The panel would be produced in an online format, where victims can log on and search for appropriate service providers located in their region. It should be noted that eligible victims will only be able to access counselling through the new panel and will not be able to utilise the old system, where a victim can seek reimbursement from VAQ for counselling. There will be a period of handover between the two systems, where victims can be supported via the old system.

Expenditure impact

No impact.

Benefits

Implementing this recommendation would result in a number of benefits in the administration of the Scheme, as well as for victims. For VAQ, establishing a panel of approved providers would provide efficiencies regarding reimbursement processes under counselling and OEEC. The panel, once established, would eliminate the requirement for VAQ staff to conduct checks against each provider identified by a victim to provide counselling, or other services.

The recommendation also enables VAQ staff to work directly with these providers, reducing the need for VAQ staff to obtain and process receipts from victims. This will facilitate quicker reimbursement of costs direct to the provider. The establishment of a panel can also support improved governance of the Scheme, providing a centralised, consistent and up to date repository of service providers operating across Queensland for reference.

For victims, there are a number of benefits realised through implementing this recommendation. This includes improved timely access to counselling, services and supports as reimbursement would be undertaken by VAQ directly with the provider. Additionally, recommendation eight would remove the requirement for victims to keep receipts and invoices which was noted to be a key barrier for victims in accessing recovery support. Further, this requirement would support a trauma-informed approach, taking the onus off victims who may not have the capacity or means to navigate this component of the Scheme. This recommendation also supports victim choice, with the online panel repository providing victims with a centralised location for them to search and identify a preferred service provider.

High-Level Operational Impact / Legislative Change

Prior to establishing the panel, VAQ will need to review and update current policies, procedures and guidelines that relate to counselling and OEEC expenses. It will be important that VAQ reflect the changes to these categories from other recommendations, such as recommendation seven. Examples of areas that may require amendment have been outlined below:

- Financial Assistance Policy manual may include but are not limited to Section 9.8;
- Financial Assistance Procedure manual may include but are not limited to Section 9.8; and
- Revision of relevant guidelines can include but are not limited to Guideline 1 and 6.

VAQ will need to establish an on-boarding process to facilitate the procurement of the providers onto the panel. VAQ will need to undertake testing of a number of requirements for these providers to be approved under the panel. This could include a current and valid ABN, evidence that they operate in Queensland, evidence of qualifications (if applicable) and evidence of experience, which could be informed through interviews with the service providers, sector advocates and/or peak bodies.

It is also recommended that VAQ work with Government procurement and provide a contract or letter formalising the service provider's approval onto the panel, and the services they are able to provide to victims. During this stage, VAQ will need to establish the payment terms for reimbursement.

In order to develop the panel, VAQ will need to undertake two separate processes in order to identify appropriate providers. Firstly, VAQ will need to engage with providers already being utilised by victims to deliver counselling or other services under the Scheme. Secondly, VAQ will need to identify providers that are not currently utilised by victims through the Scheme. VAQ should undertake research into providers not known to the Scheme that are currently operating in Queensland (and beyond) and who could be utilised under expanding counselling to include alternative therapies (see recommendation seven) and to deliver OEEC related services. VAQ will then need to on-board these providers. During this process, it is recommended that VAQ undertake consultation with these providers regarding the changes VAQ intend to make.

VAQ will need to develop an online panel repository where victims can search for a preferred, approved provider and reflect the new process and policy in their information available online. In line with this, VAQ will also be required to update their forms to reflect the introduction of changes to booking in and reimbursement of counselling and OEEC services. Training of staff and change management support will also be necessary for the transition to utilising approved panels of providers for these expense categories. There may be additional operational costs in the set up and maintenance of a panel and assurance activities like fraud monitoring. VAQ will need to determine this during detailed design planning.



Recommendation 9

It is recommended that statutory timeframes underpinning the application for financial assistance for child victims of domestic and family violence or child abuse be extended so that these victims can apply for support within 10 years of turning 18. This will support the Financial Assistance Scheme in meeting the needs of victims through the provision of a more trauma-informed approach.

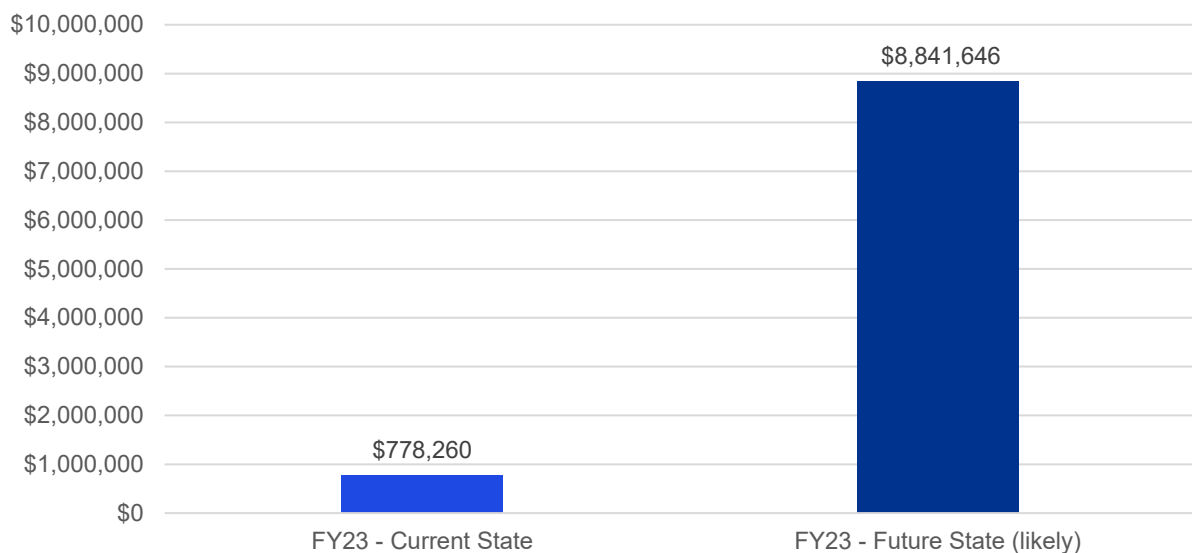
Recommendation nine relates to the statutory timeframe that is in place regarding the time limit within which a victim may apply to the Scheme after the act of violence has occurred. This recommendation would see an increase to statutory timeframes, specifically, extending the current time limit for child victims of DFV and child abuse victims, to provide the opportunity for these victims to make applications under the Scheme within ten years of turning 18.

No change to the current six-year time limit for victims to seek amendments after assistance has been granted (see s98 of the VOCAA) has been suggested as part of this report.

Expenditure impact

In assessing the impact on Scheme expenditure of recommendation nine, a policy decision is required on whether to apply eligibility retrospectively or prospectively. For the purposes of this analysis, the likely scenario is calculated assuming eligibility will be retrospective using historical data for the expansion of eligibility for an additional seven years. It is noted that applying legislative changes retrospectively is unusual, if a decision is made to apply this recommendation prospectively the Scheme would not bear additional expenditure impacts until 2027 assuming 2023 is used as a base year. This figure is included as an indicator of potential expenditure, a maximum impact has not been included for the same reason. The current state figure below represents the Scheme expenditure on payments to primary victims where the victim is an adult at time application received and is aged 18-21 (three year limit), where the act of violence against them occurred as a child.

Figure 48: Recommendation 9 expenditure impact



Source: KPMG analysis

See Appendix G: Expenditure assumptions and scenario outputs for further information.

Benefits

This recommendation will provide a vulnerable cohort of victims a level of flexibility regarding when they feel ready to apply for the Scheme. The review uncovered that victims experience trauma differently, with some victims taking longer than the prescribed three years to be able to articulate their experience, commence their recovery journey and apply for assistance. Expanding this timeframe will facilitate flexible access to the Scheme for vulnerable victims and provide a more trauma-informed approach.

Additionally, implementing this recommendation will bring Queensland in line with NSW, providing one of the longest timeframes for this cohort of victims to access a financial assistance scheme.

High-Level Operational Impact / Legislative Change

In order for this recommendation to be implemented, legislative amendments will need to be made. This can include revision of Part 9 (Section 54) of the VOCAA. VAQ will also need to undertake training with staff, change management support and update the existing policies and procedures relating to child victims, to reflect the new time limit (for example, amend the Financial Assistance Policy and Procedure manuals Section 9.3). Additional functions within the Client Management System (Resolve) may need to be added to support processing for this cohort of victims. These changes, however, are dependent upon changes to the legislation.

It will be important for VAQ to update online information and forms where appropriate to reflect the new process and application time limits for this specific cohort of victim. Additionally, the development of communication materials reflecting the change to key stakeholders in the victim support sector that assist victims to complete and submit applications, would also be beneficial.



Recommendation 10

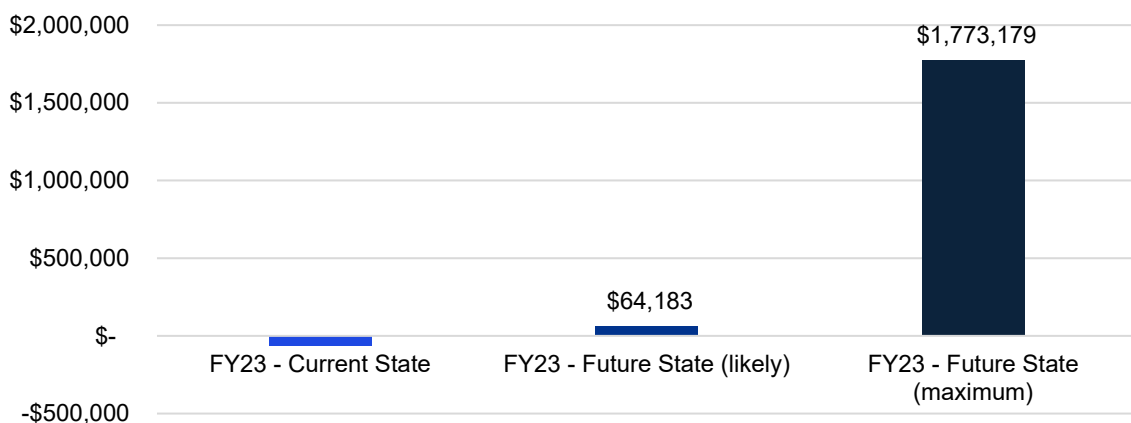
In light of the low rate of recovery, it is recommended that the offender debt recovery function currently being undertaken by VAQ cease. It is suggested that through removal of this function, the Scheme may promote the recovery and safety of victims.

Recommendation ten would see the complete removal of the offender debt recovery function as established under the VOCAA. The offender debt recovery process is outlined in the VOCAA and supports the State of Queensland to recover assistance granted for an act of violence from a person who was convicted of a relevant offence for the act.

Expenditure impact

Debt recovery acts as an offset to Scheme expenditure (treated in the figure below as revenue). In 2022-23, VAQ recovered \$64,183 from offenders, offsetting the need for the equivalent amount in expenditure. In 2022-23, VAQ issued debt notices totalling \$1.8 million which is the maximum theoretical forgone revenue.

Figure 49: Recommendation 10 expenditure impact



Source: KPMG analysis

See Appendix G: Expenditure assumptions and scenario outputs for further information.

Benefits

The debt recovery process was found to place victims at a safety risk and place financial pressure on offenders. Additionally, low recovery rates of debt from offenders is evident. Removing this mechanism would reduce the risk placed on victims and support offenders in their recovery by reducing financial pressures, as well as realign with VAQ’s trauma-informed approach.

A subsequent benefit of this recommendation would be the realignment of VAQ staff that are tasked with undertaking offender debt recovery to other, more pressing tasks.

High-Level Operational Impact / Legislative Change

In order for this recommendation to be implemented, relevant parts of the VOCAA would need to be revised. For example, this can include Part 16 (Section 107 – 120). Subsequently, relevant areas of VAQ’s policy and procedural documentation would also need to be amended. This can include changes to the Financial Assistance Procedure Manual Section 9.10 and Section 9.11 in the Financial Assistance Policy manual.

Staff that were originally assigned to Offender Debt Recovery would be repurposed to another function. Additionally, the development of communication materials reflecting the change to key stakeholders in the victim support sector that assist victims to complete and submit applications, would also be beneficial.

8.2 Future State Scheme Elements (Options)



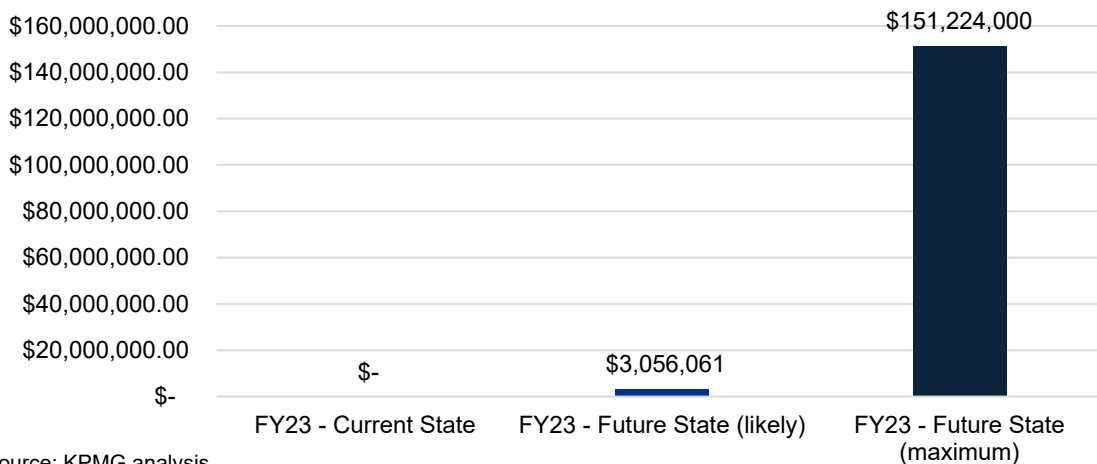
Change 1

Expand eligibility criteria associated with the Scheme so that victims of property offences are entitled to access counselling support in circumstances whereby they do not sustain physical injury.

Expenditure impact

In 2021-22, the most recent available source of data, there were 25,204 property offences in the category. This number has been used as a proxy for offences in 2022-23. Assuming that approximately 11% of victims (calculated as the number of applications receiving financial assistance in 2022-23 divided by 2021-22 total offences against the person) make applications to the Scheme and use the current average sessions for counselling at current average cost per session of \$151, the likely scenario would increase costs by \$3 million, assuming an adoption rate of 100% and each victim takes advantage of the full 24 sessions available to them at the table of costs cap per session of \$250, the maximum potential impact on Scheme expenditure is \$151 million.

Figure 50: Property offences expenditure impact



Source: KPMG analysis

See Appendix G: Expenditure assumptions and scenario outputs for further information.

Benefits

This change seeks to balance stakeholder calls for emotional and psychological support to be available to victims of property crime with the costs to government that would arise from this expansion to the Scheme. During this review, stakeholders acknowledged there can be serious emotional trauma because of property crime, even where a serious violent crime may not have occurred. Stakeholders highlighted this should be considered when expanding the Scheme.

It is envisaged this change would reflect the recommendation by the LASC *Inquiry into Support Provided to Victims of Crime* report to expand the eligible victim categories in the Charter of victims' rights in the VOCAA, as noted in subsection 2.2.5. Recommendation 16 of the Inquiry suggests the Queensland Government consider expanding the definition of an act of violence to include victims of property crime. This recommendation aimed to ensure that both personal and property crime victims were afforded the same rights under the Scheme.

Through implementing this change and providing counselling support to some victims of property offences, Queensland would become the second state in Australia to recognise the emotional and psychological needs of these victims through a state-sponsored scheme providing financial assistance. It is expected therefore that Queensland would become nation-leading in meeting the needs of victims and the broader community.

High-Level Operational Impact / Legislative Change

To enact this change, the VOCAA must be amended so that victims of property offences are included within the definition of a victim eligible for assistance under the Scheme. This means amendments must be made to Sections 5 (Meaning of victim) and 26 (Who is a primary, secondary, parent secondary, witness secondary or related victim). Additionally, legislative definitions pertaining to an 'act of violence' and 'crime' would also necessitate amendment to encapsulate property offences. This includes Sections 6 (Meaning of crime for chapter), 25 (Meaning of act of violence) and 25A (Meaning of crime) of the Act. This may also extend to Section 25B, which defines a 'series of related crimes'. Consideration would also need to be had to incorporating a new Part in the legislation that sets out the amount of assistance and composition of assistance that a victim of a property offence is entitled to, which is envisaged to be reasonable counselling expenses only.

VAQ would also need to devise new application forms, to be submitted by victims of property offences, which provide revised definitions regarding 'who can use this form' and stipulate the information requirements to receive counselling support. It is envisaged these requirements will align to Recommendation three and necessitate the provision of a QP number (as appropriate); Special Primary Victim Report (as appropriate); Third party verification of injury (e.g., medical certificate, medical report) only for those access immediate payment; Identification; and Banking information / payment details.

VAQ would need to adjust the VAQ Financial Assistance Procedures related to victim eligibility (namely Section 9.4) to account for changes in the VOCAA that enable the extension of the Scheme to victims of property crime. Additionally, the VAQ Financial Assistance Policy would also need to be amended to support VAQ Assessors in implementing this change (namely Section 9.4).

VAQ staff would need to be trained in understanding the implications of these changes for making determinations on applications, to ensure victims of Unlawful Entry with Intent – Dwelling (Without Violence) offences are as assessed as suitable to access counselling support.

It is recommended that VAQ publicise any extension to eligibility on publicly facing communications material (e.g., VAQ website) and bring this to the attention of relevant stakeholders through appropriate communications to ensure victims are informed and able to apply for this support.



Change 2

Introduce Victims Liaison Officers to provide case management for victims in need of urgent assistance through the Immediate Assistance for Victims support stream.

Expenditure impact

This change will not have a Scheme expenditure impact, but will likely require significant operational expenditure augmentation that will be dependent on the detailed design and resourcing of the case management framework.

Benefits

Targeted and individualised case management for victims triaged into the IAV stream will support them in achieving their immediate goals related to recovery. In line with Chapter 5, there is clear and uniform alignment amongst stakeholders that payment timeframes are too long and, as a result, are not meeting the needs of victims. The IAV stream is intended to act as a mechanism to prioritise and expedite recognition payments (up to payment thresholds), interim assistance (if requested) and funeral payments in line with the recommendations of this report. It may also extend to referring the victim into appropriate external support (e.g., counselling) where there is need to access this immediately. In this regard, the IAV stream aims to enhance timely service that aids victims in a time of crisis. It goes beyond meeting the needs of primary victims through the immediate payment of \$3,000 (as outlined in Recommendation one) to promptly address the needs of related and secondary victims who also require urgent support. The Recovery Support stream is proposed to be accessed by victims whose requirements for funds are less time critical. It is also envisaged that for those victims triaged into the IAV stream, once their immediate needs have been addressed, they may be referred into the Recovery Support stream to address longer-term recovery needs.

It is envisaged this change will help to address stakeholder concerns around the need for better coordination, accountability, and collaboration in providing support to victims of crime in Queensland. Victim support services specifically expressed that victims lack a clearly identifiable, central point of contact where they can seek support in relation to their needs (including and beyond financial assistance). The Victim Liaison Officer role would assume this function and support those victims requiring more immediate assistance in navigating the broader service system to meet their immediate needs. The IAV stream is intended to provide a more intensive level of support to victims, through the provision of one-on-one case management delivered by Victims Liaison Officers.

Introducing the case management function will make it easier for victims to access trauma-informed support. The LASC specifically highlights there is an overarching concern with ensuring that statewide services providing support to victims of crime are trauma-informed. As outlined in Report One, developed by the WSJT¹²⁹:

“A trauma-informed practice is based on a set of core principles that include basic knowledge of the impacts of stress on the brain and body. It places the emphasis on safety, trustworthiness, choice, collaboration, and empowerment. This is often described as doing things with a client rather than for or to them. Principles also include an emphasis on the way services are provided and the context of their delivery rather than just what the service is.”

Change 2 aims to promote trauma-informed service delivery by emphasising the notions of choice, collaboration and empowerment through introducing the case management function. The introduction of this function is essential for proactively meeting victims' needs and fulfilling the community's expectations around trauma-informed and victim-centric service delivery. During the review, stakeholder spoke to the perceived lack of choice and control experienced by victims within the Scheme as a key point of concern, which could limit the application of a victim-centric and trauma-informed Scheme. Through delivering this function, VAQ can better ensure the needs of victims are at the centre of service delivery.

¹²⁹ WSJT, Hear her voice, Report one: Addressing coercive control and domestic and family violence in Queensland, volume 3, 2021, p 610.

It is important to recognise that VAQ and the Scheme operate as part of a broader victim support sector, serving the needs of at-risk members of the community. By introducing a case management function, VAQ will be better equipped to engage with and integrate into the broader system, resulting in improved coordination of care.

High-Level Operational Impact / Legislative Change

A detailed design of the case management function will be required to implement Option 3, with some high-level considerations provided below.

The design of the case management function will inform the type and level of capability required from the Victim Liaison Officer roles that will be charged with the responsibility of executing this function. At minimum, it is envisaged these positions will be trained or have the relevant experience and background to carry out trauma-informed practice and directly engage with victims of crime.

VAQ will need to implement new policies, inclusive of a case management operational policy that guides the underpinning operations and processes. This includes processes around triaging, screening, File Note development, service coordination, monitoring, and transitioning victims between the IAV and Recovery Support streams. The current policies and procedures would need to be reviewed and potentially amended to identify intersections between the case management functions and current processes. All staff should undertake training in these new policies and practices.

It is important that VAQ develop this policy and framework in consultation with the broader victim support and criminal justice sectors to ensure there is shared understanding of the new function, no duplication of these functions executed by the Victims Liaison Officers and other agencies that might support in providing case management support for victims of crime (e.g., Queensland Corrective Services, DV support agencies). Where victims are engaged with multiple agencies and services, VAQ should have consideration to implementing mechanisms that enable information-sharing and collaboration to prevent duplication of service delivery and ensure the victim receives holistic support from all relevant agencies.

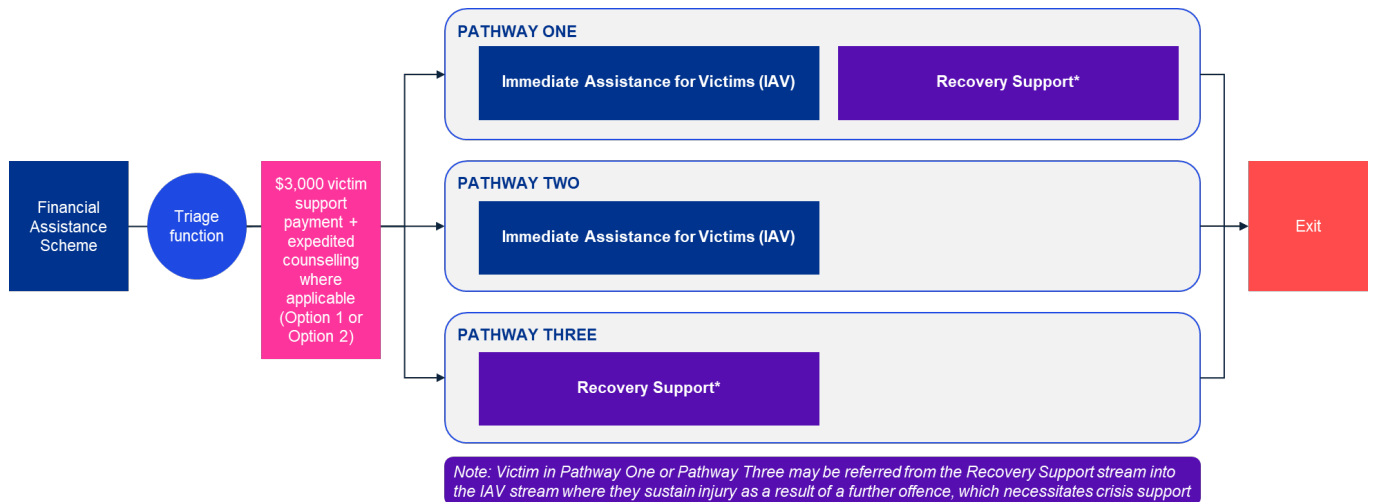
Given the intent of the legislation characterised the FAS as a scheme of 'last resort', there may be a desire to amend the legislation to enable proactive case management along with undertaking culture and change management support.

It is recommended that high-level information relating to the IAV stream and Recovery Support stream be canvassed on publicly facing communications material (e.g., VAQ website, FAQ's and application forms) so that victims are informed about the new operations and case management function.

Detailed Design Considerations

- It is envisaged victims accessing support will acquire assistance through three distinct pathways:
 - **Pathway One:** Victim receives assistance payment (where appropriate) and is triaged into the IAV stream for immediate support before being transitioned into the Recovery Support stream.
 - **Pathway Two:** Victim receives assistance payment (where appropriate) and is triaged into the IAV stream for immediate support before being exited from the Scheme without any further support. This pathway should be determined with consideration to the wants and needs of the victims. For instance, this may apply when related victims request support with facilitating a funeral but decline the need for additional assistance.
 - **Pathway Three:** Victim receives assistance payment (where appropriate) and is triaged into the Recovery Support stream.

Figure 51: Financial Assistance Pathways



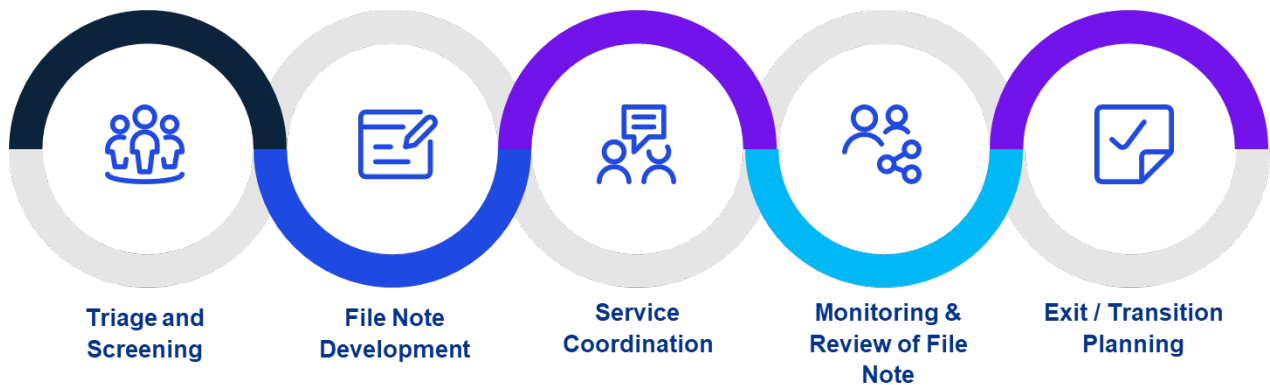
Source: KPMG

It is envisaged that a victim in Pathway One or Pathway Three may be referred from the Recovery Support stream into the IAV stream where they sustain injury as a result of a further offence, which necessitates crisis support.

The IAV stream would provide a case management function undertaken by Victims Liaison Officers. Therefore, a case management framework would need to be designed to guide the service delivery model underpinning this function and decision-making around the capability of the workforce required to deliver this function. Some high-level considerations to support the design of this framework are outlined below.

The purpose of case management should be determined by VAQ and guide the development of the case management framework. The overarching premise which has been used to inform the high-level considerations below is that case management is a **time-bound and targeted** process that supports the timely provision of support and achievement of goals for victims in crisis.

It is envisaged the case management framework would include the following components:



Source: KPMG

These components are not necessarily linear, with many of the components requiring continuous application. In designing these components, the below is acknowledged.

Triage and Screening: It is envisaged that Triage and Screening will occur at the outset of all pathways. As acknowledged in Chapter 7, determination of whether an application is allocated to the IAV or the recovery stream would be based on screening that takes into consideration the length of time between the date of the act of violence and the application to the Scheme. VAQ will need to decide the specific principles that underpin the determination regarding the pathway a victim is directed, constructing criteria around the cohorts of victims eligible for IAV support. In deciding these principles, VAQ must have regard to desired caseload numbers to ensure resources are not overwhelmed and preclude inefficiencies stemming from unmanageable workloads.

It is recommended that trauma-informed principles guide the IAV stream, with detailed criteria that determine eligibility for IAV and additional principles to be decided by VAQ in the detailed design. Principles could include:

1. **Safety:** Prioritise the physical and emotional safety of victims and create an environment built on trust, transparency, and reliability, where victims feel secure in seeking support.
2. **Continuous and consistent support:** Assign one dedicated Victim Liaison Officer to provide continuous and consistent support to each victim in meeting their immediate needs, ensuring a trusting relationship that promotes stability and progress.
3. **Individualised and holistic approach:** Tailor support and interventions to the unique needs and circumstances of each victim, designing the IAV stream to provide more intensive and urgent support for victims presenting with more complex needs and requiring rapid assistance.
4. **Empowerment, voice, and choice:** Empower victims by involving them in decision-making regarding their File Note, respecting their autonomy, and offering choices whenever possible to promote a sense of control and agency.
5. **Cultural competence:** Recognise and respect the cultural diversity of victims, ensuring that services are culturally responsive and sensitive to the unique needs and perspectives of victims.
6. **Strengths-based and skill-building approach:** Focus on strengths and resilience, promoting recovery and emphasising optimism by helping victims to achieve their goals.
7. **Flexibility and responsiveness:** Be flexible and responsive to individual needs, adapting services and interventions as necessary to meet the unique circumstances and preferences of each victim.
8. **Outcome-oriented:** Set clear and achievable goals with the victim, regularly reviewing progress and adjusting the case management plan as needed to ensure that it remains effective in addressing the victim's needs and goals.

This process could be aided by the development and implementation of a practical and intuitive screening tool, aligned to the constructed criteria, that supports efficient and timely decision-making. VAQ should consider whether this tool incorporates professional discretion so that assessors can override the outcomes of the tool where reasonable.

Triage and Screening have been combined to provide for efficiencies and the rapid provision of support for victims. Needs identified in the screening tool would act as a starting point for effective case management carried out in Pathway One and Pathway Two, and the provision of payments across all Pathways. Identified needs would also inform the development of the File Note, which would be undertaken as part of the IAV stream.

It is envisaged the Triage and Screening process would be undertaken by a VAQ Assessor. In the event the victim is triaged into IAV, they would be allocated to a Victim Liaison Officer who would continue providing support through the case management process. However, should they be triaged directly into Recovery Support, their case would be handled by a VAQ assessor, and they would not continue through the case management framework.

File Note Development: The outputs from the Triage and Screening process would inform the development of a file note undertaken in the IAV stream for Pathway One and Pathway Two. This is a collaborative process which would involve the victim at the centre of decision-making, supported by their respective Victims Liaison Officer, in a manner that allows for meaningful agency. VAQ should have consideration to developing a simple and standardised template that informs the development of this file note. The file note should include goals the victim has to address their immediate needs (identified at the screening phase), steps they need to implement to achieve their goals (including services to be engaged with support from the Victims Liaison Officer), and timeframes for implementing these steps and strategies. Given the nature of the IAV stream, the file note should specifically focus on immediate needs, with a view to transition a victim into the Recovery Support stream once these immediate needs have been met.

Service Coordination: It is envisaged that in supporting victims within the IAV stream, the Victim Liaison Officer role will have the following primary goals:

- Advocate for the unique and individual needs of victims in crisis, particularly in respect to overcoming any internal roadblocks in processing payments and working with partner agencies and service providers to ensure services are being delivered;
- Provide practical resources and support the victim to achieve the goals identified within their File Note; and
- Processing payments related to the IAV stream for the victim with whom they are working.

Given the unique and individual needs of each victim and their tailored File Note, the type and frequency of activities for this component are determined on an as-needed basis. Depending on the File Note and needs of the victims, this could involve supporting the set-up appointments and referrals to external agencies. For instance, where a victim specifies the need for immediate counselling support in their File Note, the Victim Liaison Officer may work with the victim to select a preferred supplier from the panel and set up an appointment. The Victim Liaison Officer may also support related victims in working with Funeral Homes to arrange a funeral where a family member has been the victim of homicide. The level and type of support provided will be dependent on the needs identified at the screening phase and the File Note.

Monitoring and Review of File Note: File Notes are required to be monitored to ensure continued alignment with the needs, risks, and circumstances of the victim. The File Note is a living document and should be amended in the best interests of the victim as changes are observed. A continuous monitoring and review process can enable progress to be reinforced, any new issues or risks to be addressed, as well as the early identification of barriers and development of mitigation strategies to promote successful achievement of goals. It is envisaged the File Note will be reviewed in real-time when meeting with the victim, to record actions such as when referrals have been made, appointments have been attended, and payments have been progressed.

The Victim Liaison Officer should meet with the victim consistently to assess the appropriateness of the File Note in meeting their goals. The frequency and intensity of these meetings should be appropriate to the level of risk and need identified.

Given the complex circumstances experienced by victims of crime, non-engagement or ambivalence might become barriers to service delivery specified in the File Note. In such instances, a brief responsivity plan must be developed, to determine whether the victim of crime should be transitioned out of the IAV stream until they are ready to re-engage. Where possible, this should be determined in discussion with the victim to provide them with choice and agency over their recovery journey.

It is envisaged that the amount of time a victim will remain in the IAV stream will be determined on a case-by-case basis and dependent on their immediate needs.

Exit / Transition Planning: Through the ongoing monitoring and review of the File Note, the Victim Liaison Officer should work with the victim to prepare for the completion of support in the IAV stream. Once the strategies detailed in the File Note have been implemented and the victim is satisfied that they have addressed their immediate needs, they should be transitioned into the Recovery Support stream. It is envisaged the functions within Recovery Support stream will be carried out by VAQ Assessors. This will require VAQ to establish robust handover processes to support a case being seamlessly transitioned from the IAV stream to the Recovery Support stream.

As a practical example of a victim moving through the streams – a victim may be triaged into the IAV stream to support immediate needs in relation to medical injuries and psychological injuries, sustained through an offence. The victim may work with the Victim Liaison Officer to develop a File Note that identifies the need for support in establishing an appointment with a medical provider to achieve their goal to undertake immediate surgery and an appointment with a psychologist to commence mental health treatment. The Victim Liaison Officer may then work with health services to set-up this appointment and support the victim in identifying a relevant provider through the panel to arrange a psychologist appointment. The Victim Liaison Officer will also work with VAQ Assessors to support the victim in accessing appropriate payments. Upon these appointments being arranged and payments being coordinated, the File Note may be reviewed, and the victim supported to transition to the Recovery Support stream. The Victim Liaison Officer would hand over the case to a VAQ Assessor to provide any further assistance required along their recovery journey, such as the coordination of payment for ongoing psychological appointments.

Change 3

Introduce greater flexibility for the relevant payments test to improve the efficiency of the Scheme.

This recommendation involves reviewing the funding sources that constitute a 'relevant payment' and determining whether any of these sources can be removed from this definition to expedite the processing of applications by reducing administrative burden.

Expenditure impact

Further decisions are required from VAQ in order to be able to quantify the expenditure impact of this change. In 2022-23, VAQ deferred \$1.4 million in relevant payments. It is considered that the net financial impact of waiving certain relevant payments tests would have a small impact on Scheme expenditure.

Benefits

Introducing greater flexibility in the relevant payment test is envisaged to improve the efficiency of the Scheme through increasing the speed at which applications for assistance are processed by reducing the administrative burden on victims and VAQ. Currently, VAQ assessors are required under the VOCAA to determine whether a victim has received payments from other sources, such as compensation ordered by a court to be paid as compensation for the act of violence. The net result of this requirement is to significantly slow down the processing of applications whilst checks for relevant payments are undertaken. Requiring evidence of alternative support through relevant payment assessments of the amount of finance, payment, support, or unavailability of that support is a significant driver of lengthy application assessment and subsequent payment timeframes. As such, reducing the number of funding sources that constitute a relevant payment may expedite assessment timeframes. Further, it can help to ensure the time currently spent by VAQ assessors in following up relevant payments is re-diverted into better supporting victims and lead to efficiency gains.

It can also aid VAQ in implementing a more trauma-informed approach that puts victims at the centre of recovery by reducing the amount of administrative burden associated with them seeking out evidence of alternative support. Additionally, it can ensure that victims receive a fair and equitable amount of financial assistance. At present, reconciliation arrangements between relevant payments and assistance through recovery expenses provided under the Scheme does actively occur and balances expenditure overtime. However, this does mean that the amount reduced from financial assistance to victims as a result of the relevant payment may not be truly representative of the amount the victim actually received from alternative supports.

Another reason that reducing the number of funding sources could help victims obtain support at a faster pace is that it precludes the wait times associated with other insurance mechanisms. Stakeholders articulated the example of WorkCover, noting that when victims are directed to make a worker's compensation claim before they can access the Scheme, they may be waiting years to acquire support. Should VAQ implement recommendation four or remove WorkCover as a 'relevant payment' this could work to fast-track the time in which victims obtain financial assistance.

High-Level Operational Impact / Legislative Change

VAQ should review the current policies and procedures in relation to relevant payments and determine those funding sources which could be excluded from the assessment of relevant payments to reduce administrative burden and increase efficiencies, without posing risks to the operations of the organisation. In making this determination, any changes would then need to be reflected in the VAQ Financial Assistance Procedures (namely, Sections 9.5 and 9.7). Additionally, the VAQ Financial Assistance Policy would also need to be amended to support VAQ Assessors in implementing this change (namely Section 9.7). Sections 9.3.5 and 9.3.6 may also apply should CTP insurance and Workers Compensation be removed as funding sources from the relevant payment test.

The following sections of the VOCAA may also require amendment to exclude funding sources determined as warranting omission from the relevant payments assessment, depending on the decision made - s.77 Obtaining information about relevant payments and s.67B Obtaining information about relevant payments from SPER Registrar.

Should VAQ decide to exclude some funding sources from the relevant payments test, the organisation would need to communicate these changes clearly to staff as well as update any externally facing material that references funding sources constituting a relevant payment (e.g., application forms, guides, website).



Change 4

Make victims automatically eligible for 24 hours of counselling payments to reduce the wait times associated with processing applications, increase access to timely support, and provide victims with increased choice regarding their access to services.

Please note the expenditure, benefits, and high-level operational implications stemming from this element of the Scheme have been canvassed as a part of Recommendation two.

8.3 Net Scheme expenditure impacts

Scheme expenditure

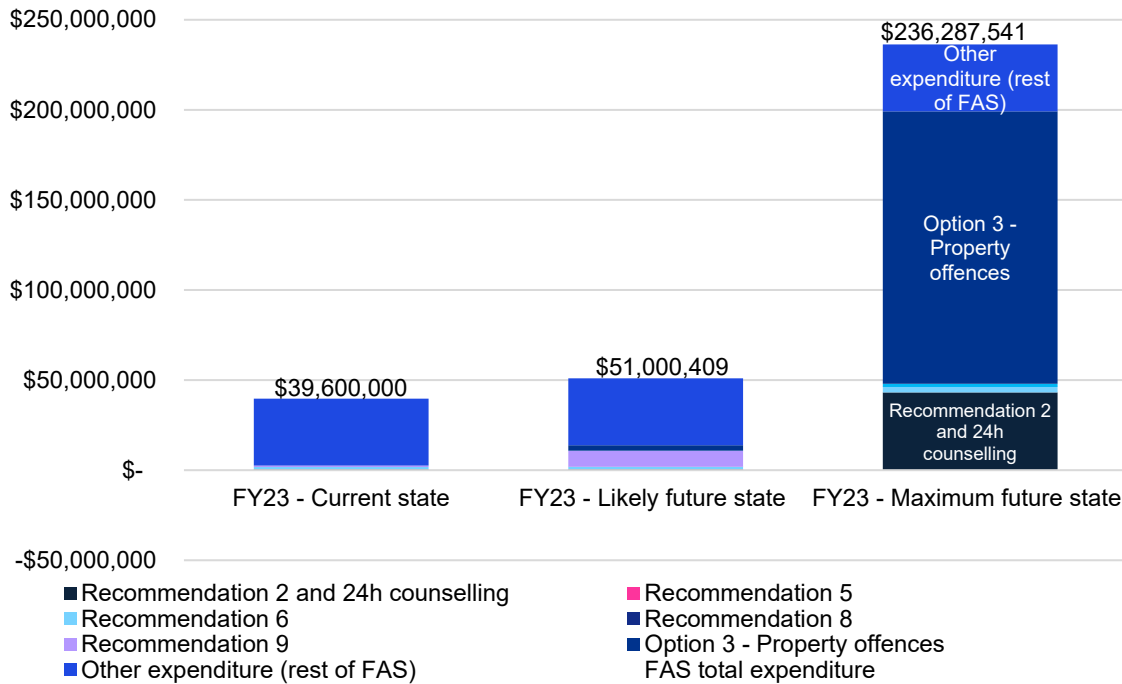
This section includes comparative analysis on the expenditure impacts of six out of ten recommendations and, where relevant, Option 3. The future state likely scenario for 2022-23 is \$51.0 million which represents a net increase of \$11.4 million when compared to the current state Scheme for 2022-23. The key drivers of the increase in expenditure are recommendation nine – increasing statutory timeframes for victims of child abuse (\$8.8 million) and Option three – property offences (\$3 million).

The future state maximum scenario outlines the theoretical maximum impact the recommendations and options could have on Scheme expenditure. The \$236.2 million maximum potential impact is primarily driven by property offences (\$151 million) and automatic eligibility for 24 hours of counselling (\$43 million). It is noted that recommendations one, three, and four will have no financial impact on Scheme expenditure, and recommendation five and Option three – Relevant payments cannot be quantified until further decisions are made in relation to this review. Noting this, the expenditure impact of the unquantified changes to the Scheme are likely to be minor.

A key assumption and driver of Scheme expenditure is the adoption rate of victims for the Scheme. Earlier in this document it is noted that the large increase in expenditure between FY 2021-22 and FY 2022-23 were, in part, driven by the increase in awareness of the public of the Scheme. The analysis incorporates assumptions that the adoption rate, that is the number of applicants relative to the number of eligible victims, stays the same in 2022-23. This method allows for an accurate comparison for 2022-23 between the current and future state, but should be treated with caution given increasing application rates that are known to be presently occurring.

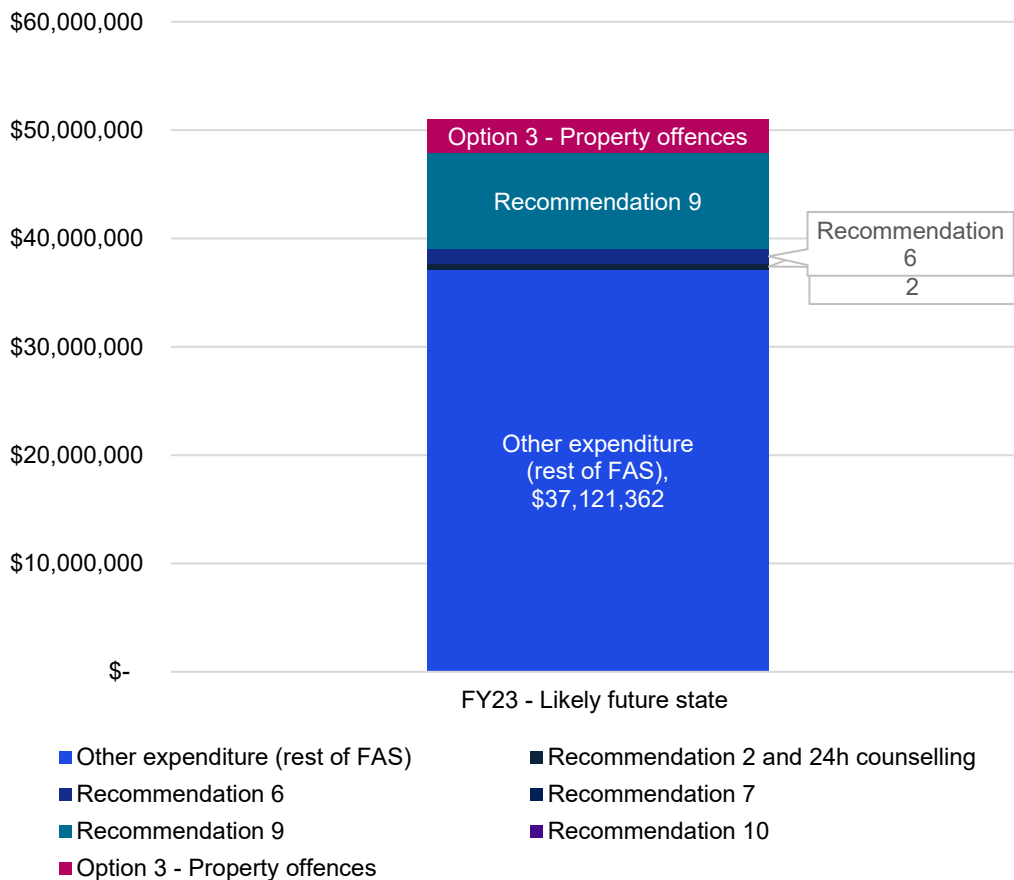
In the figure below, the category 'other expenditure (rest of FAS)' represents expenditure that is not subject to any recommendations or changes. A table with each recommendation/option, the financial impact for each scenario and net impact is included in Appendix G.

Figure 52: Combined recommendations and options expenditure impact on 2022-23



Source: KPMG Analysis

Figure 53: Likely future state expenditure impact



Source: KPMG analysis

See Appendix G: Expenditure assumptions and scenario outputs for further information.

The net impact of figures above could be slightly lower depending on whether the Queensland Government chooses to retrospectively or prospectively apply eligibility for victims of child abuse and DFV. If the Queensland Government choose to accept the recommendation and apply it prospectively from 2022-23, the net impact on expenditure for the likely scenario is \$4.9 million in 2022-23.

8.4 High-level Implementation Plan

The implementation plan for the future state Financial Assistance Scheme has been organised over three horizons, including short term (1-9 months), medium term (9-18 months) and longer term (18-27 months). High level implementation activities are detailed below, and include key activities that VAQ are required to undertake to successfully implement the recommendations and options formed from this review.

The high-level implementation activities have been ordered to include those that can be rapidly implemented and will produce immediate benefits for both VAQ and victims of crime. Later milestones listed are dependent on activities (operational design and/or legislative changes) required to occur prior to their own implementation.

The implementation activities and associated timelines may be impacted by a number of factors, including:

- Queensland will undergo a state election in October of 2024. Due to this, a caretaker period will be enacted, which may impact on the progress of implementation activities, such as legislative amendments;
- Government's consideration of the report may impact the timing of some of the recommendations particularly where there are legislative and/or financial impacts. Approvals from Government or DJAG will need occur in order for the subsequent implementation activities to be conducted. The horizons and their associated timeframes that have been included in this chapter are indicative and only commence once any decision from DAJG or Government has been made;
- Financial approval from Government is also required for a number of items, given implementation activities will require additional, or a reallocation of, funding; and
- A number of recommendations and implementation activities rely on amendments to existing legislation, and cannot be achieved until such change in relevant Acts has occurred.

Horizon One

The first five milestones will have the greatest impact on the Scheme and on victims, providing immediate financial assistance of \$3,000 and up to 24 hours of counselling for eligible victims, reducing evidentiary requirements for these two Scheme offerings, establishing a list of approved providers and expanding counselling to include alternative therapies. These five milestones will create a more accessible Scheme, and support victims to commence their recovery journey quickly and in a flexible manner.

Milestones one and two are able to commence the required changes immediately (including changes to VAQ policies and procedures and updates to VAQ's website).

Milestones three and five are dependent on the implementation of milestone four, which will require VAQ to undertake a number of tasks however once established, will support efficiencies across the Scheme for both VAQ and victims.

Milestone three should be easily implemented, as it is a re-interpretation of current Scheme procedure. Milestone five however, while commencing in Horizon one, is likely to be completed in early Horizon two. This is due to its dependency on the approved provider list being implemented as this list will support the identification of providers that can offer alternative supports which may help expand the criteria for counselling and the inclusion of new therapies.

Milestone seven calls for legislative change across a number of milestones and their related recommendations. It is suggested that this activity commence as soon as possible (Horizon one) due to the lengthy process required in order to prepare for, and amend the legislation. Recommendations four, nine, ten and changes one, two and three will be dependent on the successful amendment to the VOCAA in order for other implementation activities to occur across Horizons two and three.

Horizon Two

Milestones eight and nine have been placed in Horizon two due to dependencies on other activities, or due to requiring less urgent changes. Milestones eight and nine (recommendations five and six) are not dependent on legislative change; however, they rather require VAQ to undertake internal changes, such as amendments to policy and procedure. These two milestones have been placed in Horizon two as they are a re-interpretation of the current Scheme arrangements. While both recommendations will produce a number of benefits to VAQ and victims, they are not new Scheme offerings and can therefore be implemented in Horizon two.




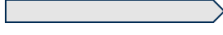









Milestone twelve (Change two) centres on the establishment of the IAV stream of the Scheme, and is highly dependent on a number of activities occurring prior to its implementation, including potential legislative change. VAQ will be able to undertake a number of activities to prepare for Change two, including a service model design process, along with research, consultation and data analysis to inform the new Scheme service model design.

Horizon Three

Milestone six (change one) is dependent on amendments to the VOCAA to occur, with VAQ unable to expand counselling services to victims of property crime without the supporting legislation. This milestone, due to its dependence on legislative change sits within Horizon three.

Milestones ten and eleven have been placed under Horizon three and are longer term considerations for the Scheme. Milestone ten (change three) and eleven (recommendation four) are dependent on amendments to the VOCAA, with VAQ not able to implement these changes until the legislation has been amended.

Figure 54: FAS future state element timeline

| No. | Milestones | Horizon 1 1-9 months | Horizon 2 9-18 months | Horizon 3 18-27 months |
|-----|---|--|---|---|
| 1 | Rec 1 Establish immediate payment of \$3,000 for all eligible primary victims under the Scheme |  | | |
| 2 | Rec 3 Reduce evidentiary requirements for counselling and immediate payment of \$3,000 |  | | |
| 3 | Rec 2, Change 4 Provide automatic 24 hours of counselling to all eligible victims |  | | |
| 4 | Rec 8 Establish approved provider list for counselling and OEEC related expenses |  | | |
| 5 | Rec 7 Expand counselling to include alternative therapies |  | | |
| 6 | Change 1 Expand counselling to victims of property crime | | |  |
| 7 | Rec 4, 9, 10, Change 1, Change 2, Change 3 Preparing for, and undergoing legislative change |  | | |
| 8 | Rec 5 Better define eligibility criteria for OEEC payments | |  | |
| 9 | Rec 6 Expand claimable funeral assistance payments to include all reasonable funeral-related expenses | |  | |
| 10 | Change 3 Introduce greater flexibility for the relevant payments test | | |  |
| 11 | Rec 4 Remove the requirement for victims of work-related acts of violence to apply for workers compensation prior to submission of an application to VAQ-ID other types of payments available | | |  |
| 12 | Change 2 Establish IAV - triaging, case management and Victim Liaison Officers | |  | |
| | Additional considerations: <ul style="list-style-type: none"> Change management process and training Process transformation Establishment of implementation (process) working group |  | | |

Source: KPMG

8.4.1 High level implementation activities

A number of high-level implementation activities will be required across all recommendations and future state elements. It is important to note that these activities will only be able to commence once a number of other activities and approvals in the prior section have occurred. These activities include:

- Establishment of an independent implementation (process) working group with dedicated resources to support the implementation of the recommendations and future state elements. These resources should have the appropriate capabilities to enable operating model changes and VAQ may need additional resourcing to deliver these changes considering current operational pressures (backlog and increasing new applications).
- Establishment of a number of new, or amending existing, policies, procedures and guidelines, along with online forms and Scheme information to reflect changes;
- Detailed design work and analyses to understand the operational, and resourcing costs and implications of the changes to the Scheme;
- Development and implementation of awareness raising activities, to enhance community, sector and government awareness and understanding of the Scheme;
- Development of marketing and communication materials, communicating changes to the Scheme;
- Delivery of training to VAQ staff and other key stakeholders to communicate the changes to the Scheme;
- Undertaking a change management process to support staff through the period of change;
- Development of a workforce plan, to prepare for future workforce capacity and capability requirements;
- Engaging with key stakeholders, including those from CALD and First Nations backgrounds and those from other vulnerable cohorts, to ensure the process of implementing these change and the changes themselves, are culturally appropriate and trauma-informed;
- Undertake process transformation in lieu of changes to the Scheme, including redesign of the VAQ website, and other back end systems impacted by the changes; and
- Undertake data collection and establishment of an appropriate evaluation frameworks to ensure the Scheme can be evaluated at a later date.

The below table outlines specific implementation activities across each of the milestones.

Table 18: FAS future state elements and implementation activities

| No | Milestone | Activities |
|----|---|--|
| 1 | Establish immediate payment of \$3,000 for all eligible primary victims under the Scheme Rec 1 | <ol style="list-style-type: none"> 1 Receive approval from Government to provide the immediate payment to eligible victims 2 Develop a new VAQ policy / procedure relating to the immediate payment 3 Conduct User Acceptance Testing (to test advance payment system and payment delivery schedule) 4 Update VAQ website, application forms and online information 5 Increase payment runs to ensure eligible victims can receive payment in a timely manner 6 Undertake training with VAQ staff to communicate new process relating to provision of immediate payment 7 Develop new internal and external materials to communicate new immediate payment amount 8 Conduct forums with key stakeholders to communicate new immediate payment amount and provide insights into how the advance payment will be processed |

| | |
|---|--|
| <p>2</p> <p><i>Reduce evidentiary requirements for counselling and immediate payment of \$3,000</i></p> <p>Rec 3</p> | <ol style="list-style-type: none"> 1 Update existing policy / procedure relating to evidentiary requirements for 24 hour automatic counselling and new immediate payment 2 Update existing application forms and supporting online documentation to reflect the new, reduced requirements for applicants 3 Undertake training with VAQ staff regarding new evidentiary requirements 4 Develop communication materials reflecting the changes 5 Host forums with key stakeholders to communicate change |
| <p>3</p> <p><i>Provide automatic 24 hours of counselling to all eligible victims</i></p> <p>Rec 2, Change 4</p> | <ol style="list-style-type: none"> 1 Update existing policy / procedure relating to the provision of 24 hours of automatic counselling 2 Undertake training with VAQ staff to communicate new process relating to automatic counselling <p>*the implementation of this activity is dependent on the successful establishment of the approved provider panel</p> |
| <p>4</p> <p><i>Establish approved provider list for counselling and OEEC related expenses</i></p> <p>Rec 8</p> | <ol style="list-style-type: none"> 1 Establish internal on-boarding process for counselling and OEEC service providers 2 Collaborate with Government procurement team to support on-boarding process and development of contracts with preferred providers 3 Establish repository of providers and online navigation system for victims 4 Identify service providers already being utilised by victims through the scheme and those not being utilised by victims through the scheme through research and consultation with the sector 5 Commence on-boarding and signing of contracts 6 Launch new IT system and platform to support navigation of panel |
| <p>5</p> <p><i>Expand counselling to include alternative therapies</i></p> <p>Rec 7</p> | <ol style="list-style-type: none"> 1 Develop a list of appropriate alternative therapies that could be utilised by victims of crime informed by research and consultation undertaken in Milestone 4 2 Update existing policy / procedure relating to what therapies can be claimed for under counselling 3 Update existing forms, supporting online documentation and website 4 Develop communication materials 5 Provide change management support to staff 6 Provide staff with training and other key stakeholders (such as those that support victims access to the Scheme) <p>*the implementation of this activity is dependent on the successful establishment of the approved provider panel, to enable identification of alternative therapies</p> |

| | | |
|---|---|--|
| 6 | <p>Expand counselling to victims of property crime</p> <p>Change 1</p> | <ol style="list-style-type: none"> 1 Undertake process to amend VOCAA 2 Once amended, VAQ to update existing policy / procedure relating to victim eligibility 3 Develop a new application form for victims of property offences, and update online information and website 4 Provide change management support to staff 5 Provide staff with training and other key stakeholders (such as those that support victims access to the Scheme) |
| 7 | <p>Commence legislative change across appropriate future state elements</p> <p>Rec 4, 9, 10, Change 1, Change 2, Change 3</p> | <ol style="list-style-type: none"> 1 Conduct additional research regarding proposed changes to the VOCAA to identify the impact of these changes 2 Prepare appropriate documentation to provide to Government outlining the changes to the Scheme 3 The proposed changes to the VOCAA and supporting documentation are to undergo the existing legislative process through Queensland Cabinet and Parliament 4 Amended VOCAA is assented 5 Amend existing policies, procedures, guidelines, online information and application forms to reflect changes in VOCAA 6 Develop communication materials 7 Provide change management support to staff 8 Provide staff with training and other key stakeholders <p>*the associated milestones that are dependent upon legislative change occurring are likely to commence in Horizon two/three.</p> |
| 8 | <p>Better define eligibility criteria for OEEC payments</p> <p>Rec 5</p> | <ol style="list-style-type: none"> 1 Develop prescriptive criteria for the OEEC category of payments 2 Update existing policies and procedures relating to OEEC category of payments 3 Update existing forms, supporting online documentation and website 4 Develop communication materials 5 Provide change management support to staff 6 Provide staff with training and other key stakeholders (such as those that support victims access to the Scheme) |
| 9 | <p>Expand claimable funeral assistance payments to include all reasonable funeral-related expenses</p> <p>Rec 6</p> | <ol style="list-style-type: none"> 1 Develop list of claimable funeral expenses 2 Update existing policy / procedure relating to claimable funeral expenses and provide a more comprehensive list of what can be claimed 3 Update VAQ website and funeral application forms and online information 4 Provide change management support to staff 5 Develop communication materials for new claimable funeral expenses 6 Provide staff with training and other key stakeholders (such as those that support victims access to the Scheme) |

| | |
|--|---|
| <p>10 <i>Introduce greater flexibility for the relevant payments test</i> Change 3</p> | <ol style="list-style-type: none"> 1 Investigate potential need to amend VOCAA (exclusion of certain funding sources) 2 Review and update existing policies and procedures relating to payments 3 Develop communication materials 4 Provide change management support to staff and other key stakeholders (such as Workcover) with training |
| <p>11 <i>Remove the requirement for victims of work-related acts of violence to apply for workers compensation prior to submission of an application to VAQ</i> Rec 4</p> | <ol style="list-style-type: none"> 1 Commence process to amend existing legislation 2 Develop an MoU to formalise relationship between VAQ and Workcover 3 Research other government mechanisms currently available that could be impacted by the change to work-related incidents of violence; 4 Investigate whether an MoU is required for existing working relationships with other stakeholders, such as the ODPP. If yes, develop MoU 5 Update existing policies and procedures relating to work-related claims 6 Update existing forms, supporting online documentation and website 7 Develop communication materials 8 Provide change management support to staff and other key stakeholders (such as Workcover) with training |
| <p>12 <i>Establish IAV – triaging, case management and Victim Liaison Officers</i> Change 2</p> | <ol style="list-style-type: none"> 1 Conduct research into the new IAV and subsequent operating model or service delivery changes required 2 Investigate potential need to amend VOCAA (due to changing of Scheme intent) 3 Undertake a service model design process including research, sector and service user consultation and model design of pathways and associated IAV functions 4 Undertake workforce planning regarding the new Victim Liaison Officer position, identifying capability and capacity needs of the Scheme 5 Once the new service model is confirmed, VAQ to update existing policies and procedures to include case management function (triating, screening, case plan development, service coordination, monitoring, and transitioning victims between the IAV and Recovery Support streams) 6 Provide staff training and on-boarding activities 7 Develop marketing and communication materials 8 Host forums with key stakeholders across the sector to |

Source: KPMG

The image features a wooden staircase with a white rectangular overlay in the upper right corner. The word "Appendices" is written in a bold, blue, sans-serif font within this white area. The background is a photograph of a wooden staircase, with the wooden planks and railings creating a strong geometric pattern of lines and angles. The lighting is dramatic, with deep shadows and bright highlights, giving the scene a sense of depth and texture. The overall color palette is dominated by the natural tones of the wood, contrasted with the white overlay and the blue text.

Appendices

Appendix A: Interjurisdictional Analysis

This section investigates financial assistance schemes for victims of crimes across other states and territories within Australia. There are similarities and differences in operations, victim eligibility, service provision, payment arrangements, and legal processes across jurisdictions.

A.1 Interjurisdictional Summary

below summarises some of the key features and provisions within each jurisdiction's financial assistance scheme.

Table 19: Jurisdictional summary

| | QLD Financial Assistance Scheme | NSW Victim Support Scheme | VIC Victims of Crime Assistance Tribunal | ACT Victims of Crime Financial Assistance Scheme | SA Victims of Crime | WA Criminal Injuries Compensation Scheme | NT Victims Financial Assistance Scheme | TAS Victims of Crime Assistance |
|-------------------------------|---|---|---|---|--|--|---|--|
| Scheme and Legislation | <i>Victims of Crime Assistance Act 2009.</i> | <i>Victims Rights and Support Act 2013.</i> | <i>Victims of Crime Assistance Act 1996.</i> | <i>Victims of Crime (Financial Assistance) Act 2016.</i> | <i>Victims of Crime Act 2001.</i> | <i>Criminal Injuries Compensation Act 2003.</i> | <i>Victims of Crime Assistance Act 2006.</i> | <i>Victims of Crime Assistance Act 1976.</i> |
| Who can apply? | Victims of violent crime committed in Queensland, as well as related, parent secondary and witness secondary victims. | Victims of acts of violence or an act of modern slavery, or a secondary or family victim. | Victims of a violent crime and have suffered injury, or are a primary, secondary or related victim. | Victims of a violent crime and have suffered injury, or related victims, or homicide witnesses. | Victims of an offence if causing injury, or close relative, spouse, child of victim. | Victim of an offence in WA injured and/or experience financial loss as a result of the injury. Close relative of a person killed in WA as a result of an offence and injury and/or financial loss. | Victim of, or affected by, a violent crime in the Northern Territory. | Victims of a violent crime by one person against another, or a secondary, or related victim. |

| | QLD Financial Assistance Scheme | NSW Victim Support Scheme | VIC Victims of Crime Assistance Tribunal | ACT Victims of Crime Financial Assistance Scheme | SA Victims of Crime | WA Criminal Injuries Compensation Scheme | NT Victims Financial Assistance Scheme | TAS Victims of Crime Assistance |
|--------------------------------------|--|---|---|---|--|--|--|--|
| Financial Assistance Provided | Urgent/Immediate expenses, recovery expenses (counselling, medical, loss of earning, travel, legal expenses, damage to clothing, other) and special assistance lump sum payment, crime scene clean up, funeral expenses. | Financial assistance for immediate needs (Immediate Needs Support Package for DV only, and Forensic cleaning), economic loss, funeral expenses, counselling, recognition payment. | Counselling, medical expenses, replacement of damaged clothing worn at the time, safety related expenses, funeral expenses, loss of earnings, other reasonable expenses, special financial assistance, distress and dependency, interim assistance. | Immediate need payment, economic loss payments (incl. expenses for counselling), recognition payment, funeral expenses. | Offender-paid compensation / restitution, state-funded compensation (including funeral claim, financial loss) and discretionary payment. | Compensation for clothing and personal items, medical treatment, reporting expenses, loss of earnings, travel expenses, future treatment expenses, and funeral expenses. Interim Payments. | Immediate out-of-pocket expenses, loss of earnings, damage to clothing and personal belongings, medical expenses, relocating or securing home or business, funeral, dependency payment, counselling. | Compensation is offered for expenses incurred as a result of the injury, medical, dental, psychological, or counselling expenses, funeral, loss of wages/salary by the primary victim, pain and suffering of the primary victim, and expenses incurred in claiming compensation. |
| Maximum amount available | Up to \$120,000 (proposed) | Up to \$30,000 | Up to \$60,000 | Up to \$50,000 | Up to \$100,000. | Up to \$75,000 | Up to \$40,000 | Up to \$55,224 |
| Evidence | Application form, police report (or to a doctor, counsellor, psychologist, or domestic violence service), medical report, injury | Application form, gov-issued ID, INSP claim form, medical report, tax invoices/receipts/treatment plan, police report (or | Application form, date/location of crime, medical reports, receipts/invoices. Statutory declaration if not | Application form, police report or two other forms of reporting (gov, non-gov agency, doctor, psychologist, | Application form, medical reports, police reports. | Application form, incident information / statement of events (police report or own recollection), medical reports, | Application form, receipts, quotes and copies of pay slips for expenses/loss of earnings, police (or | Application form, details of offence, doctors, psychologist or medica reports, |

| | QLD Financial Assistance Scheme | NSW Victim Support Scheme | VIC Victims of Crime Assistance Tribunal | ACT Victims of Crime Financial Assistance Scheme | SA Victims of Crime | WA Criminal Injuries Compensation Scheme | NT Victims Financial Assistance Scheme | TAS Victims of Crime Assistance |
|-----------------------------------|---|--|--|--|---|--|--|--|
| | information, receipts/invoices. | if n/a report from NGO, govt org) | reported to police. | counsellor, social worker), receipts, medical records. | | expenses, invoices. | reasons why no statement is made) and medical reports. | |
| Hearing | | | ✓ | | | ✓ | | ✓ |
| Timeframes for application | Within 3 years of the act of violence occurring. Extension can be granted if considered appropriate | Within two years of violent crime. For victims of DV, sexual assault and child abuse, within 10 years: – for children, within 10 years of turning 18 years old – for victims of sexual assault who were children when the incident happened there is no time limit | Within 2 years after violent crime. No limit for applications of physical or sexual abuse where the applicant was under the age of 18 at the time of the offence. | Within 3 years, of the act of violence, or for an application by an individual who was under 18 years old on the day of the act of violence, the individual turns 18 Extensions are possible, due to a number of factors. | Within 3 years of the offence, or 12 months after the date of the victim's death. | Within 3 years of the date of the offence, or most recent offence if multiple. An assessor may allow a compensation application to be made after the 3 years if he or she thinks it is just to do so and may do so on any conditions that he or she thinks it is just to impose. | Within 2 years of the violent act. Applications can be made after time limit if appropriate circumstances apply. | Within 3 years of the offence. If under 18 – within 3 years of turning 18. Period may be extended for special circumstances at Commissioner's discretion. No time limit for child sexual abuse. |

Source: KPMG

A.2 State summaries

Queensland

Queensland offers financial assistance to victims of crime under the Scheme, which is legislated under the VOCAA.

Payments of financial assistance may fall under urgent/immediate expenses (interim assistance), recovery expenses (counselling, medical, loss of earning, travel, legal expenses, damage to clothing), special assistance lump sum payment, crime scene clean up, and funeral expenses.¹³⁰ Additional expenses are able to be claimed, which may include relocation costs, security and emergency accommodation.¹³¹ To receive financial assistance, eligible victims must submit a police report, medical reports, receipts for expenses, and for special victims, a doctor, counsellor, psychologist or DFV service report.¹³²

The maximum payout for a victim of crime in Queensland was \$75,000 at time of drafting, but was increased to \$120,000 in the *Victims of Crime Assistance and Other Legislation Amendment Act 2023* that was proclaimed and came into effect on 8 December 2023.¹³³ Financial assistance is determined based on victim type and act of violence. Eligible victims may apply for financial assistance within three years of the act of violence, or for child victims, within three years of turning 18.¹³⁴ Victims may continue to apply following granting of financial assistance for up to six years after the date of the awarding of financial assistance.¹³⁵

New South Wales

New South Wales offers financial assistance to victims under its Victims Support Scheme, legislated by the *Victims Rights and Support Act 2013*. Crimes or violent acts covered under the Victims Support Scheme broadly include an act or series of related violent acts, that have occurred in NSW. The legislation also highlights sexual assault and domestic violence, and includes modern slavery.¹³⁶

The Victims Support Scheme offers financial assistance to cover expenses such as counselling, financial assistance for immediate needs (including the Immediate Needs Support Package, which is for victims of domestic violence), forensic cleaning, economic loss, funeral expenses and recognition payments.¹³⁷ The highest amount available to a primary victim under the current scheme is \$30,000 for economic loss.¹³⁸

Eligible victims may apply for financial assistance within two years of the violent crime occurring, or within two years of turning 18 for children. New South Wales provides a 10-year period to victims of DV, sexual assault, and child abuse, to apply for assistance. The time limit does not apply for victims of sexual assault who were children at the time of the violent act.¹³⁹ Victims may continue to apply following granting of financial assistance for up to five years after the date of the awarding of financial assistance.¹⁴⁰

¹³⁰ *Victims of Crime Assistance Act 2009* (Qld) s38, s39

¹³¹ Queensland Government. (2023). Claiming other recovery expenses. Available at: Claim other recovery expenses | Your rights, crime and the law | Queensland Government (www.qld.gov.au)

¹³² *Victims of Crime Assistance Act 2009* (Qld) s81

¹³³ Queensland Government (2023). Government ensuring greater support for victims of crime and communities. Available at: <https://statements.qld.gov.au/statements/98813>

¹³⁴ *Victims of Crime Assistance Act 2009* (Qld) s54

¹³⁵ *Victims of Crime Assistance Act 2009* (Qld) s101

¹³⁶ *Victims Rights and Support Act 2013* s19, s19A, s20

¹³⁷ NSW Department of Communities and Justice. (2021). Victims Support Scheme, Detailed guide. Available at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/VSS-detailed-guide.pdf>

¹³⁸ NSW Department of Communities and Justice. (2021). Victims Support Scheme, Detailed guide. Available at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/VSS-detailed-guide.pdf>

¹³⁹ NSW Department of Communities and Justice. (2021). Victims Support Scheme, Detailed guide. Available at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/VSS-detailed-guide.pdf>

¹⁴⁰ *Victims Rights and Support Act 2013* s40

Victoria

Victoria provides financial assistance to victims of crime under the Victims of Crime Assistance Tribunal (VOCAT), legislated by the *Victims of Crime Assistance Act 2016*. A person can apply for financial assistance if a violent crime has occurred against them, and they have suffered injury, or if they are a secondary or related victim. The scheme also refers to a series of related criminal acts.¹⁴¹

The VOCAT offers financial assistance to cover expenses such as counselling, medical expenses, replacement of damage to clothing at the time of offence, safety related expenses, funeral expenses, lost earnings and other reasonable expenses (assisting an applicant to recover from the crime). The scheme also offers Special Financial Assistance for primary victims, which is a payment on behalf of the community in recognition of harm suffered. Additionally, a distress payment for related victims, which is a payment to again, acknowledge the distress caused by the death of a primary victim, or in the case of a child who is too young to appreciate the loss, the distress that is likely to occur in the future.¹⁴²

The maximum amount of financial assistance available under the VOCAT is \$60,000 for a primary victim, plus any special assistance awarded.¹⁴³ Eligible victims may apply within two years of the act of violence occurring, or within two years of the death of the primary victim in the case of related victim or funeral expense applications. There is no time limit for application for a victim of physical or sexual abuse if the victim was under the age of 18 at the time.¹⁴⁴ Victims may continue to apply following granting of financial assistance for up to six years after the date of the awarding of financial assistance.¹⁴⁵

The VOCAT provides applicants with an opportunity to appear before the Tribunal, or to have their applications determined in their absence. This allows for the victims voice to be heard, and to receive acknowledgement and validation of their trauma through a hearing process.¹⁴⁶

ACT

The ACT provides financial assistance to victims of crime under the Financial Assistance Scheme, legislated by the *Victims of Crime (Financial Assistance) Act 2016*. Victims of crime who have suffered injury as a direct result of the act of violence can apply for assistance, as can related victims and homicide witnesses. An act of violence is conduct that results injury or death, and is an offence detailed under Schedule 1, which includes General Offences of Domestic Violence Offences.¹⁴⁷

The Financial Assistance Scheme provides assistance for immediate needs payments, economic loss, recognition payments, special assistance (for violent crimes before the Act's introduction in 2016), and funeral expenses.¹⁴⁸ The maximum amount of financial assistance available under the ACT Financial Assistance Scheme is \$50,000 for a primary victim of a sexual offence.¹⁴⁹

Eligible victims must apply within three years of the act of violence (or most recent if there were multiple acts). A Commissioner may extend the time for making an application if they believe on reasonable grounds that an extension is in the interest of fairness, regarding the persons' age at the time of the act of violence, whether they had impaired physical or intellectual capacity, and whether the person responsible for the act of violence that is the subject of the application was in a position of power, trust or authority in relation to the primary victim.¹⁵⁰

¹⁴¹ *Victims of Crime Assistance Act 1996* s3

¹⁴² VOCA. (2016). Financial assistance available. Available at: Financial Assistance Available | Victims of Crime Assistance Tribunal (vocat.vic.gov.au)

¹⁴³ *Victims of Crime Assistance Act 1996* s8(1)

¹⁴⁴ *Victims of Crime Assistance Act 1996* s29

¹⁴⁵ *Victims of Crime Assistance Act 1996* s60(2)

¹⁴⁶ VOCAT. Hearings. Available at: Hearings | Victims of Crime Assistance Tribunal (vocat.vic.gov.au)

¹⁴⁷ *Victims of Crime (Financial Assistance) Act 2016* Part 1.2

¹⁴⁸ Victim Support (2023). Types of Financial Assistance Available. Available at: <https://www.victimsupport.act.gov.au/financial-assistance-scheme/new-financial-assistance-scheme-1-july-2016/types-of-financial-assistance>

¹⁴⁹ Victim Support. Special circumstances. Available at: <https://www.victimsupport.act.gov.au/financial-assistance-scheme/new-financial-assistance-scheme-1-july-2016/special-circumstances-for-crimes-before-1-july-2016>

¹⁵⁰ *Victims of Crime (Financial Assistance) Act 2016* s17

South Australia

South Australia provides financial assistance to victims of crime under a compensation-based Scheme, underpinned by the *Victims of Crime Act 2001*. To be eligible to apply to the Scheme, a person must be an immediate victim of an offence, with the offence involving the use of violence or threat of violence, the offence created reasonable apprehension of imminent harm, was a sexual offence or caused death or physical injury. Additionally, a person can access financial assistance if they are a spouse or child of a victim.¹⁵¹

The Victims of Crime South Australia provides three key areas of compensation – offender-paid compensation and restitution, State-funded compensation and other payments. The offender-paid compensation and restitution can come in the form of a fixed sum, or compensation for lost, damaged or sold property. The State-funded compensation can be paid for physical and psychological injury, pain and suffering and financial loss. The maximum payout for this compensation is \$100,000; however, applicants require a lawyer to apply. Additionally, \$20,000 can also be paid for grief and funeral claims. Other payments can include discretionary payments, which can help victims recover from the effects of crime. Eligible victims are required to apply within three years of the commission of the crime, or for an application arising from the death of a victim, 12 months after the date of death.¹⁵²

Western Australia

Victims of crime in Western Australia are eligible for financial assistance through the Office of Criminal Injuries Compensation. The Office is a specialist tribunal which provides a flexible and informal approach to determining applications of compensation. The Office operates under the *Criminal Injuries Compensation Act 2003*. To be eligible, an applicant must be the victim of an offence in WA, who experience financial loss and/or injury as a result of the injury or are a close relative of a person killed in WA as a result of an offence.

The Criminal Injuries Compensation Scheme provides financial assistance loss of earnings, medical expenses and other expenses such as travel or damage to personal items, funeral expenses and future treatment expenses. An assessor may also make an interim payment, which can be awarded while the final determination of an application is pending.¹⁵³ The maximum amount of financial assistance available is \$75,000 for an offence that occurred on or after 1 January 2004.¹⁵⁴ Eligible victims must apply for assistance within three years of the date of the offence, or most recent offence of multiple offences.¹⁵⁵ An assessor may allow a compensation application to be made after the three years if he or she thinks it is just to do so and may do so on any conditions they think are just to impose. Any entitlement to compensation under the Act to a victim or close relative of a victim ceases on the death of that victim or close relative.¹⁵⁶ An assessor may conduct a hearing of a compensation application if they think it appropriate.

Tasmania

The Tasmanian Government offers financial assistance to victims of crime under the Victims of Crime Assistance Scheme. This scheme is underpinned by the *Victims of Crime Assistance Act 1976*. Those eligible to apply include victims of a violent crime, as well as secondary and related victims. Compensation may be awarded under the Act where a person is killed or suffers injury as a result of the act of another person that constitutes an offence or would have constituted an offence under certain circumstances.¹⁵⁷

Victims may be awarded compensation for expenses including medical, psychological or counselling services, loss of wages, pain and suffering arising from injury, expenses reasonably incurred in the claiming process and expenses actually and reasonably incurred by the primary victim as a result of the injury, as well as funeral expenses.¹⁵⁸ The amount of financial assistance awarded to an eligible victim can only be decided by the Commissioner, who decides when the application is complete, with Victim Support Services then arranging a hearing. A hearing provides a victim an opportunity to explain how the crime has affected their life.

¹⁵¹ *Victims of Crime Act 2001* s17, s20

¹⁵² *Victims of Crime Act 2001* s18

¹⁵³ *Criminal Injuries Compensation Act 2003*. s23

¹⁵⁴ Office of Criminal Injuries Compensation. (2020). Compensation. Available at: <https://cict.justice.wa.gov.au/C/compensation.aspx>

¹⁵⁵ *Criminal Injuries Compensation Act 2003* s9

¹⁵⁶ *Criminal Injuries Compensation Act 2003* s10

¹⁵⁷ *Victims of Crime Assistance Act 1976* s4

¹⁵⁸ *Victims of Crime Assistance Act 1976* s4

The maximum amount of financial assistance that may be awarded to a victim of crime in Tasmania is \$55,224, which corresponds to a primary victim of multiple violent offences.¹⁵⁹ An application for assistance must be made within three years after the date of the offence, or within three years of turning 18 for child victims. This period may be extended if the Commissioner is satisfied that there are special circumstances to justify the extension.¹⁶⁰

Northern Territory

In the NT, victims of crime are eligible for financial assistance under the Victims Financial Assistance Scheme. This scheme is established by the *Victims of Crime Assistance Act 2006*. Those eligible to apply have been victims of, or affected by, a violent crime in the NT.

Compensation may be awarded to victims for loss of earnings, damage to clothing and personal items, medical expenses, counselling, funeral expenses as well as financial assistance for compensable injuries, other expenses in exceptional circumstances and funeral expenses. Victims can also access an immediate payment in circumstances of financial hardship relating to financial loss.¹⁶¹

Under the Victims Financial Assistance Scheme, the maximum amount of financial assistance available is \$40,000, for both primary and secondary victims- including \$40,000 for injuries, and up to \$10,000 for financial loss.¹⁶² Applicants must apply within two years after the occurrence of the violence act, injury or death.¹⁶³ If the eligible victim has also applied for an award of financial assistance, they may apply at any time before the assessor decides the application.¹⁶⁴

A.3 Commonalities between jurisdictions

Immediate supports

All jurisdictions provide financial assistance to meet victims' immediate needs. This type of financial assistance varies, however, across jurisdictions, and can come in the form of a lump sum, crime-scene cleaning, recognition payments or reimbursement of urgent expenses. For example, Queensland (Interim Assistance), Victoria (Interim Financial Assistance), ACT (Immediate Needs Payments), Tasmania (Interim / Early Award) and the NT (Immediate Financial Assistance / Out of Pocket Expenses) all offer victims reimbursement of urgent expenses, often relating to urgent medical or dental treatment, counselling, crime scene cleaning and other safety-related expenses (such as security or relocation). Proof of expenses is often required when pursuing these costs.

Other jurisdictions also offer victims an immediate needs payment; however, this is delivered in the form of a lump sum. For example, NSW offers the Immediate Needs Support package (INSP), which is available to victims of DFV. This payment is a grant and applicants are not required to submit invoices or expenses; however, they must sign a declaration agreeing that the funds will be used for the purpose of the grant.¹⁶⁵

Consultation with NSW representatives highlighted that the development of the INSP was to support victims of DFV in finalising applications quickly. It was reported that the INSP has improved responses to the largest victim type accessing their scheme, with evidentiary requirements being lower than other types of financial assistance offered.

SA (Discretionary Payment) and WA (Interim Payments) also offer a form of an interim payment to applicants; however, these forms of payment are made under the provision that further financial assistance is likely to be provided.

¹⁵⁹ Victim Support Services. Financial Assistance. Available at: Financial assistance | Victims Support Services (justice.tas.gov.au)

¹⁶⁰ *Victims of Crime Assistance Act 1976* s7

¹⁶¹ *Victims of Crime Assistance Act 2006* s10 - s14

¹⁶² Department of the Attorney-General and Justice. Application for Financial Assistance by a Primary Victim. Available at: https://nt.gov.au/__data/assets/pdf_file/0009/170829/primary-victim-application-form.pdf

¹⁶³ *Victims of Crime Assistance Act 2006* s26

¹⁶⁴ *Ibid.*

¹⁶⁵ Victims services. INSP Fact Sheet. Available at: Immediate Needs Support Package (INSP) fact sheet (nsw.gov.au)

Primary Victims

All jurisdictions have developed a range of victim types that can apply for financial assistance. While there is variation in legislation across what constitutes the make-up of these victim types, each State has developed a Primary Victim definition.

Primary Victims (also known as an Immediate Victim in SA, or Victim in WA) are the victim of a violent act made by at least one person against another, who has suffered injury or death as a result of the violent crime. Additional considerations for a Primary Victim can include trying to prevent a violent crime, trying to help or rescue a victim of a violent crime, or trying to arrest someone who was committing a violent crime.

Recovery of funds from offenders

All States and Territories have legislated provisions in place to recover compensation and financial assistance from the offender/s of an act of violence. All States and Territories also require the offender to be found guilty or convicted of the offence if the State is to recover compensation from them.

Exclusion of property crime and damage from compensation

Generally, Australian States and Territories do not cover the cost of property damage under their schemes. When jurisdictions do cover property, it is covering the cost of damage relating to clothing and personal items damaged during the act of violence. For example, WA legislation specifies that a personal item includes: an item of footwear, spectacles or contact lenses used to correct eyesight, a hearing aid, artificial teeth, an artificial limb, an appliance or implant used to correct or relieve a physical disability or medical condition, or any other item prescribed by regulations.¹⁶⁶ Additionally, personal items can include mobile phones in the Northern Territory.

Only two examples of property related recovery have been identified. The South Australian Offender-paid Compensation and Restitution component of their scheme is the only way an applicant can claim compensation for property loss or damage, where an offender, once sentenced, can be ordered by the Court to compensate a victim for lost, damaged or stolen property, including vehicles.¹⁶⁷ Secondly the NSW INSP can be used for furniture and household items however the Scheme does reiterate that property loss or damage is not covered.¹⁶⁸

Jurisdictional representatives in the ACT described that while property damage is not included under their Scheme, they receive at least one call a week inquiring into compensation for property crime. Additionally, NSW representatives noted that while DFV victims are the 'biggest winners' for the Scheme, in relation to the INSP, and that the inclusion of property can be beneficial for this cohort, it also broadens the scope of eligibility which can in turn, lead to increased numbers of applications.

A.4 Key differences between jurisdictions

Amounts and categorisation of financial assistance

As shown in Table all states and territories provide different amounts of financial assistance to victims of crime. These differences extend not only to differences in maximum payouts across each jurisdiction, but also between primary, secondary, and family or related victims.

The proclamation of the *Victims of Crime Assistance and Other Legislation Amendment Bill 2023* on 8 December 2023, by the Queensland Parliament, increased the upper cap for financial assistance for victims of crime in Queensland will be raised to \$120,000. This will result in Queensland having the highest amount of compensation available across Australia.¹⁶⁹

¹⁶⁶ *Criminal Injuries Compensation Act 2003* s6(1)

¹⁶⁷ Government of South Australia. Offender-paid compensation and restitution Available at: Offender-paid compensation and restitution | Victims of Crime South Australia (voc.sa.gov.au)

¹⁶⁸ Victims Services. INSP Fact Sheet. Available at: Immediate Needs Support Package (INSP) fact sheet (nsw.gov.au)

¹⁶⁹ Queensland Government Cabinet and Ministerial Directory. (2023). Government ensuring greater support for victims of crime and communities. Available at: <https://statements.qld.gov.au/statements/98813>

Counselling

NSW offers up to 22 hours of counselling to victims of crime through their scheme. Victims can choose their preferred counsellor via the NSW victim support website. The automatic provision of this counselling has been highly successful in improving outcomes for victims as well as the efficiency of the State's scheme. According to NSW representatives, NSW assessors previously took a significant amount of time to process applications for counselling. Automating the process (including the development of an approved list of counsellors), along with reducing the information required to obtain this form of support, has significantly reduced processing time.

Similar to NSW, ACT have also developed a counsellor panel. For example, Victim Support ACT provides access to free and confidential counselling under the Victims Services Scheme, through a panel of therapeutic providers that are trauma-informed. The ACT can provide two hours of counselling and/or massage to those that have experienced a property crime, such as motor vehicle theft or burglary.¹⁷⁰

ACT representatives noted the hourly rate of practitioners who sign on to the panel is capped, which may limit the practitioners who join. For applicants that require counselling through Victim Support ACT, and engage their own counsellor, assigning this specific provider on to the panel can be time-consuming and costly (taking up to three months). Applicants must apply to receive counselling through Victim Support ACT initially and can only be granted expenses for counselling or other psychological support through the scheme under Economic Loss if they have not been able to access services through Victim Support ACT, or have a provider who does not want to sign on to the panel.¹⁷¹

Considerations for victims who do not report acts of violence to police

The requirements of collating and analysing crime-related information for applications can impact on the speed of application outcomes. Some States and Territories have developed specific considerations/alternative processes, for victims that have not reported the crime to police. NSW, Queensland, Victoria and the ACT have developed processes and policies that accept other forms of evidence instead of a police report when applying for financial assistance. For example, in NSW, a medical report or government/government-funded organisation report can be utilised to detail the crime that has occurred. In Victoria, victims can provide a statutory declaration made by the applicant or on behalf of the applicant, setting out the circumstance of the crime and reason for failing to report.

In addition to considerations where victims do not report to police, the ACT has a distinct class of primary victim known as special reporting class victims. These primary victims include victims of sexual offences, victims with impaired physical, psychological, or intellectual capacity, victims under the age of 18, and victims who did not report acts of violence to police because of threats made or intimidation by another person.¹⁷²

Queensland has also developed a specific reporting victim, with the VOCAA stipulating that if a special primary victim does not report an act of violence to police, they may report to their counsellor, psychologist, doctor, or domestic violence service.¹⁷³ ACT representatives noted that their Client Services Team conducts thorough intake sessions with victims, which includes comprehensive note taking. This process can constitute the reporting of a crime and can assist assessors.

Hearings

The use of hearings in determining the outcome of financial assistance applications is only found in three states: Victoria, WA and Tasmania. Victoria has specific legislative provisions enabling hearings to be conducted as part of the application and determination process. Victoria's Victims of Crime Assistance Tribunal (the Tribunal) may determine an application or make a decision regarding an application without conducting a hearing if the applicant has requested this.¹⁷⁴ The Tribunal may also decide to conduct a hearing, if required, with the applicant choosing to be present or having the application determined in their absence.¹⁷⁵

¹⁷⁰ ACT Human Rights Commission – Victim Support. Counselling. Available at: [Counselling - HRC \(act.gov.au\)](https://www.act.gov.au/hrc/counselling)

¹⁷¹ Victims of Crime Commissioner. Guide to completing a Financial Assistance Application (Primary Victim). Available at: [FAS-guide-to-completing-an-application.pdf \(act.gov.au\)](https://www.victimsofcrime.com.au/guide-to-completing-an-application.pdf)

¹⁷² *Victims of Crime (Financial Assistance) Act 2016* s31(3)

¹⁷³ *Victims of Crime Assistance Act 2009* s81(1)

¹⁷⁴ *Victims of Crime Assistance Act 1996* s33(1)

¹⁷⁵ Victims of Crime Assistance Tribunal. (2023). Outcomes. Available at: <https://vocat.vic.gov.au/determining-application/hearings>

In WA, an assessor may conduct a hearing of a compensation application if they believe it to be appropriate.¹⁷⁶ While used to support the assessor to make a decision regarding the application, a hearing is not required to make a compensation award for that applicant.¹⁷⁷ According to WA representatives, assessors of the scheme are Magistrates, with issues (such as appeal) raised at the district court level. The court can also hold hearings; however, these are typically informal and are similar to a conferencing, or mediation, model.

The third State that holds hearing is Tasmania. Hearings are arranged once a Commissioner decides the application is complete. Similar to WA and Victoria, hearings in Tasmania provide victims an opportunity to explain how the crime has affected them. As noted by Tasmanian representatives, applications made by victims of crime in Tasmania may be determined through one of three avenues: an applicant may attend a hearing in person, request a telephone hearing, or the applicant can request the decision to be made on the basis of current evidence provided (“on papers”). It is important that the Hearings are trauma-informed, with Commissioners working to guide victims away from detailed discussions around the act of violence and instead focus on the victims’ needs and future treatment. Tasmanian representatives noted that Commissioners of their Scheme do not require in-depth material from the victim, rather just key summary points, dates and an overview of the experience. This is due to Commissioners having access to more detailed materials collated by the Victim Assist Unit, prior to the Hearing. This limits victims having to re-tell their story. The focus of the hearings should be based on the applicant’s wishes and their future needs. Feedback from victims varies, with some open to speaking about their experience whereas others are not.

The application of hearings, while providing opportunity for validation, may result in the traumatisation of victims in certain circumstances. In 2016, the Victorian Law Reform Commission, on behalf of the Victorian Government, conducted a review of the Tribunal. Following consultation with victims, the Commission found that the Tribunal often made the victim’s trauma worse. In response to this, the Commission recommended that the Tribunal be replaced with a simpler system that is more focused on the victim. The new Financial Assistance Scheme, which will replace the Tribunal in 2024, will not involve courtrooms, hearings or magistrates. The new scheme will have an application process that is easier to complete, provides clearer information about evidentiary requirements, give victims more time to apply (three years instead of two), and be available to victims in a wider range of circumstances.¹⁷⁸

Time limits for applications

Time limits for application vary across the jurisdictions. All states allow eligible victims to apply within two to three years for most offences. Queensland, ACT, SA, WA and Tasmania all offer victims up to three years after the date of the offence for most acts of violence, while NSW, Victoria and the NT offer two years. All States, except SA, include a provision for an extension in time limit to be granted.

NSW has the longest time limit to apply under their recognition payment – ten years for victims of DFV, sexual assault and child abuse. For victims of sexual assault who were children when the incident occurred, there is no time limit in NSW. In Victoria, an application may be made by a victim at any time after the occurrence of an act of violence consisting of physical abuse or sexual abuse if the act occurred when the victim was under the age of 18 years.¹⁷⁹ In Tasmania, the time limit does not apply for an application that involved an allegation of child sexual abuse, removing the need to supply a lodgement for an extension of time, which in turn, resulted in an increased efficiency of the scheme.

Claim period after granting of assistance

Claim periods after awards of assistance vary across jurisdictions. For example, Queensland legislation allows victims to amend the grant of assistance for up to six years after the assistance was originally granted. Amendment periods or future expense eligibility periods similar to this are also offered in NSW (5 years), Victoria (6 years), the ACT (7 years), WA (10 years), and the NT (3 years).

¹⁷⁶ *Criminal Injuries Compensation Act 2003* s24

¹⁷⁷ *Criminal Injuries Compensation Act 2003* s24(2)

¹⁷⁸ Victorian Government (2023). Victims of Crime Financial Assistance Scheme. Available at: <https://www.vic.gov.au/victims-crime-financial-assistance-scheme>

¹⁷⁹ *Victims of Crime Assistance Act 1996* s29(1A).

ACT representatives noted that some applicants can continue to claim counselling or ongoing medication expenses into the longer term, and once eligible, will continue to submit invoices that the Scheme will pay. This can occur over a number of years, and can take up considerable time of the assessors in processing these claims.

NSW representatives noted that, under the INSP, if an applicant returns for more financial assistance after their first application, they will look more closely at the application, and will request receipts to investigate what the first lot of funding provided under the INSP was utilised for.

Lapsing Provisions

Lapsing provisions have been established to provide a set timeframe within which applicants must provide certain information to the Scheme, in order to process the application. Half of the jurisdictions across Australia (Queensland, NSW, Victoria and the ACT) have specific, well-defined lapsing provisions for applications not yet finalised by the applicant, or notices given to the applicant requiring additional information.

For example, Queensland and ACT legislation give victims notice stating that if the applicant does not make contact within six months after the notice is given, the application will lapse. Victorian legislation affords victims a lapsing period of only three months following the most recent notice, albeit with a provision for potential extension if the victim is unable to obtain necessary material to supplement their application.¹⁸⁰

NSW representatives described their lapsing provision. As per the legislation, the lapsing provision can only be put into effect once an application has been 'accepted'. Previously, NSW had found that their backlog was comprised of many applications that were pending and needed to be 'accepted'. Due to this, NSW now places the onus on individuals to provide the evidence before an application is submitted, taking a strict approach to what is provided initially in the applications. The lapsing provision, and the push to have evidence provided upfront, has supported a decrease in backlog.

Service delivery model

Each scheme across Australia is delivered through a varied service delivery model. A number of schemes sit within a larger agency, or department, which offers additional supports to victims of crime, such as service linkages.

The NSW Financial Assistance Scheme consists of an assessment team (three senior assessors and 21 general assessors) as well as six staff that are responsible for preparing financial assistance to be issued to victims. There is also a program delivery area, which is comprised of the Specialist Victim Support Service and the Child Sexual Offence Evidence Program. These teams are made up of six to eight staff and are not involved in the direct processing of victim support. Overall, NSW does not case manage; however, they are involved in a victims of crime interagency group, which brings in numerous stakeholders from across various sectors (health, legal, advocacy, support services). This group supports information sharing and allows NSW to gain feedback on any changes they are seeking to make.

The ACT, within Victim Support ACT, has established the Client Services Team (CST), which works closely with the Financial Assistance Scheme team and is seen to be critical to the way the Scheme operates. The CST is made up of 13 staff, with a caseload of up to 150 clients each. This team is responsible for assisting clients with the application process and providing additional support services such as therapeutic support to help victims recover from crime. The client services team primarily work with victims seeking immediate needs assistance for safety/DV related matters. The team also conduct intake sessions and check-ins and touch base with clients to help avoid crisis from occurring.

It was noted that the CST and the Scheme have strong working relationships with the sector, other government agencies and providers. This enables a strong awareness of the Scheme in the sector and has positive impacts on clients due to the collaboration between services. More specifically, this relationship supports quick payment to common providers where applicants have been unable to pay for a service themselves. The scheme's administrators have also been engaging in more informal rapport building activities within the sector, providing training and in the past and hosting quarterly meetings with stakeholders such as the Police.

¹⁸⁰ Victims of Crime Assistance Tribunal. (2021). Supporting Documentation. Available at: <https://vocat.vic.gov.au/determining-application/supporting-documentation>

Tasmania's Victim Support Services is an integrated service model with four services available. These include the Victims of Crime Assistance Unit (two FTEs, supporting processing of financial assistance including liaising with victims, sourcing medical reports and working with the police to access the police file), Victims of Crime Service (counselling support and referral service, also supports form completion), the Eligible Persons Register (notifies victims of release dates, parole) and the Court Support Liaison Service. Tasmania engages an intensive case management approach.

Backlog management

WA, Tasmania, NSW and the ACT have, or continue to experience, a backlog in applications, similar to what Queensland is currently experiencing. These jurisdictions have attempted to adjust their processes in order to manage this backlog, to varying degrees of success.

WA advised that their current wait time is nine months and more, and that determinations are delayed due to the increase in cases (6-8,000 a year), with each case going to an assessor for investigation. While they indicated that they 'always have had a backlog', WA is focusing on interconnected, wrap-around services that recognise that recovery needs more than just money. The scheme is seen as a 'last resort', noting that it does not replace social welfare but rather works alongside. WA is also considering the development of an app, which can highlight information (such as receipts) that is required earlier on, rather than requesting a victim to provide this at a later stage.

Tasmania has witnessed a significant uplift in demand for its scheme. That scheme typically receives around 400 applications a year, with the Commissioners making between 300 – 350 decisions a year. Currently, the State has 180 matters pending with a 12 month wait for outcomes. Pressure on the Victim Assistance Unit in terms of workload has resulted in workload planning efforts and recruitment activities. There was also a decision to avoid overworking decision-makers, which has been well received from the Commissioners. The Victims Assistance Unit and its ability to access medical records and police files has reduced the burden on victims to compile this documentation and has introduced a level of rigour and consistency in the documentation provided to Commissioners.

It should be noted that, due to the different format of the Tasmanian scheme, a significant portion of the matters that are pending are waiting on Court processes to be finalised, and/or for a police file or medical report to be produced. The speed of these processes can impact application timeframes.

NSW, historically, has had a backlog of matters. This backlog has since been cleared, due to a number of changes to their processes. For example, NSW has placed the onus on individuals to provide evidence where appropriate, including providing identification documentation upfront from applicants when submitting an application. Another process that has changed is that assessors now have access to police reports, with administration staff no longer required to undertake this part of the process. These changes have enabled processing to be more effective and efficient. Additionally, weekly payment runs have been increased to daily, allowing victims to receive financial assistance quicker. NSW has also developed a portal where applicants can submit invoices. This is reported to have improved efficiency significantly. NSW representatives reported that their team can now turn around an immediate needs decision within 15 days.

Improvements have also been made by NSW for the largest cohort of applicants – victims of DFV. The INSP has improved responses to this victim group by setting the evidentiary requirements lower than other types of financial assistance. This has however, caused some strain for the NSW Scheme. Initially, applicants were asked to retain receipts however NSW soon discovered that, through an audit, most did not retain receipts and cannot show where the funds have been spent. NSW have since tightened this process, and now conduct six monthly audits.

The ACT has experienced a rapid increase in applications, with a 242 per cent increase since 2016. While unclear on what is driving the increase, ACT representatives believe it could be due to return applications, new applications or related applications, which are created administratively to account for new acts of violence such as DV. ACT note that the increase in demand has coincided with limited staff resources and information sharing disruptions with external partners.

ACT have undergone a number of changes to respond to the backlog. This has included establishing short term contracts with some external partners to allow for better information sharing, which has partially cleared the backlog. ACT had also utilised contractors and administrative staff over a 12 month period to clear the backlog. There was also efforts made to realign the evidentiary requirements as per the legislation. Additionally, the ACT have not adopted the definition of DFV as found in their Family Violence Act, which has limited the scope of financial assistance available. Currently, there is a less than 12 month delay in application outcomes.

A.5 Detailed Interjurisdictional Comparison

Table 20: Queensland Financial Assistance Scheme

| Queensland – Financial Assistance Scheme | |
|---|---|
| Legislative framework | <i>Victims of Crime Assistance Act 2009</i> |
| Legislative objectives | <p>The purposes of this Act are:</p> <ul style="list-style-type: none"> To declare a charter of rights for victims, and To provide a mechanism for implementing the rights and processes for making complaints about conduct inconsistent with the rights, and To provide a scheme to give financial assistance to certain acts of violence. <p>The objectives of the scheme mentioned are:</p> <ul style="list-style-type: none"> to help victims of acts of violence to recover from the acts by giving them financial assistance, and For primary victims, to give the victims amounts representing a symbolic expression by the State of the community's recognition of the injuries suffered by them, and For related victims who have suffered distress, to give the victims amounts representing a symbolic expression by the State of the community's recognition of the distress suffered by them, and To add to other services provided by or for government to victims of acts of violence.¹⁸¹ |
| Department Responsible | QLD Department of Justice and Attorney-General |
| Scheme roles | <p>The chief executive appoints a manager of victims assistance. This manager must be a public service employee, and appropriately qualified for the functions and power of the manager of victims assistance, including delegating functions to government assessors. The chief executive also appoints these government assessors who deal with applications.¹⁸²</p> <p>An Office of the Interim Victims' Commission has been established, to promote the rights and needs of victims of crime.</p> |
| Services provided and financial assistance available | <p>Interim assistance:</p> <ul style="list-style-type: none"> A grant of financial assistance of up to \$6,000 that can be provided to a victim for urgent or immediate expenses that have been incurred or are reasonably likely to be incurred before a general application is decided.¹⁸³ <p>Recovery expenses:</p> <ul style="list-style-type: none"> Reimbursable costs both paid and unpaid, including counselling, medical, travel expenses, reasonable reportable expenses, loss of earnings (up to \$20,000), damage to clothing, other reasonable expenses incurred, or reasonably likely to be incurred, by the victim to significantly help the victim recover from the act of violence, legal costs.¹⁸⁴ |

¹⁸¹ *Victims of Crime Assistance Act 2009* s3

¹⁸² *Victims of Crime Assistance Act 2009* s127, s128

¹⁸³ *Victims of Crime Assistance Act 2009* s98

¹⁸⁴ *Victims of Crime Assistance Act 2009* s39

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| | <p>Recognition (Special Assistance and Distress)</p> <ul style="list-style-type: none"> • Special Assistance payments are lump sum amounts of between \$10,000 and \$1,000 (depending on categorisation of an act of violence) for primary victims, which acknowledge the act of violence committed against them (currently proposed to increase to between \$15,000 to \$3,000).¹⁸⁵ • Distress payments of up to \$10,000 may be granted to a related victim for distress suffered as a direct result of the primary victim's death (currently proposed to increase to \$15,000).¹⁸⁶ • Up to \$500 for legal costs incurred by the victim in applying for assistance under the Act. <p>Funeral assistance:</p> <ul style="list-style-type: none"> • May be granted to assist with funeral expenses for a primary victim, up to \$8,000 (currently proposed to increase to \$15,000).^{187, 188} |
| Agency funding | More than \$200 million over the next five years to boost victim support services, and an additional \$18 million to establish the Victims' Commissioner's office. ¹⁸⁹ |
| Total payouts for FY2023 | \$39.6 million ¹⁹⁰ |
| Crime type | <p>A crime is an act or omission constituting a prescribed offence, which means an offence committed against the person of someone; or an offence of attempting to commit, or conspiring to commit an offence.</p> <p>Act of violence: an act of violence is a crime or series of related crimes, whether committed by 1 or more persons, that are committed in Queensland, and directly result in the death of, or injury to, 1 or more persons, irrespective of where the death or injury happened. An Act of violence also includes a series of related acts, which is defined as domestic violence (2 or more acts or omissions constituting domestic violence).¹⁹¹</p> |
| Victim type | <p>A primary victim of an act of violence is a person who dies or is injured as a direct result of the act being committed against the person. A special primary victim means a primary victim of an act of violence—</p> <ul style="list-style-type: none"> • involving a sexual offence, or • committed by a person who was in a position of power, influence or trust in relation to the primary victim at the time of the act (e.g., parent, spouse, carer), or • involving domestic violence, or • who was a child when the act was committed, or • who has an impaired capacity, whether or not it existed when the act was committed, or • who is being threatened or intimidated by the person who committed the act, or by someone else.¹⁹² <p>A secondary victim of an act of violence is a person who is a parent secondary victim or witness secondary victim of the act. A parent secondary victim of an act of violence is a person who—</p> |

¹⁸⁵ Queensland Government (2023). Government ensuring greater support for victims of crime and communities. Available at: <https://statements.qld.gov.au/statements/98813>

¹⁸⁶ *Victims of Crime Assistance Act 2009* s49

¹⁸⁷ *Victims of Crime Assistance Act 2009* s50

¹⁸⁸ Queensland Government (2023). Government ensuring greater support for victims of crime and communities. Available at: <https://statements.qld.gov.au/statements/98813>

¹⁸⁹ Queensland Government (2023). Government ensuring greater support for victims of crime and communities. Available at: <https://statements.qld.gov.au/statements/98813>

¹⁹⁰ DJAG VAQ data

¹⁹¹ *Victims of Crime Assistance Act 2009* s25(1)

¹⁹² *Victims of Crime Assistance Act 2009* s25b

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| | <ul style="list-style-type: none"> • is a parent of a child who is injured as a direct result of the act being committed against the child, and • is injured as a direct result of becoming aware of the act. <p>A witness secondary victim of an act of violence is a person who is injured as a direct result of witnessing the act.</p> <p>A related victim of an act of violence is a person who is a close family member, or a dependant of a primary victim of the act who died as a direct result of the act.</p> <p>Close family member of a primary victim of an act of violence who has died as a direct result of the act, means a family member of the primary victim who had a genuine personal relationship with the primary victim when the primary victim died.¹⁹³</p> |
| Eligibility | Eligibility is dependent on an applicant aligning to a victim type category, as described above. |
| Evidence required | Appropriate application form (or via online form), QP number, supporting documentation such as medical and clinical reports, receipts and invoices, identification and bank details. Special primary victims can report the crime to police or a doctor, counsellor, psychologist, or domestic violence service. A special primary victim report or letter, medical records or case notes can be provided. ¹⁹⁴ |
| Lapsing provision | The government assessor may give the applicant a notice stating that if the applicant does not make contact within 6 months after the notice is given, the application will lapse. This lapsing does not prevent the applicant making another application for assistance. Contact includes contact with the scheme manager and contact with another government assessor dealing with the application. ¹⁹⁵ |
| Recovery from offender | Yes. The state may recover assistance, or part of assistance granted for an act of violence from a person who is convicted to a relevant offence for the act only if the assistance or part has been paid. The recovery is limited to category of act of violence for which assistance has been granted. ¹⁹⁶ |
| Application format | Online, or by post for hard copy forms. |
| Timeframe to apply | <p>An application for victim assistance for an act of violence must be made within 3 years after—</p> <ul style="list-style-type: none"> • the act of violence happens, or • for an application by a related victim, the death of the primary victim of the act, or • for a victim who is a child, the day the child turns 18. <p>The scheme manager may, on application, extend the time for making an application. In regard to the persons age when the act of violence was committed, whether the person has an impaired capacity, whether the person who allegedly committed the act of violence was in a position of power, influence or trust in relation to the person, the physical or psychological effect of the act of violence on the person, whether the delay in making the application undermines the possibility of a fair decision, and any other matters which may be considered relevant.¹⁹⁷</p> |
| Legal assistance | Legal assistance is generally not necessary for the application (although funds are able to be recovered if necessary). |
| Payment and closure | <p>If the government assessor decides to grant assistance, the government assessor must give the applicant a notice stating amount payable, conditions of assistance and reasons for decision.¹⁹⁸ An applicant may apply for an internal review of the assessor's decision within 28 days of receiving the Notice.¹⁹⁹</p> <p>An application for amendment of the grant of assistance must be made if the assistance was granted to an adult—within 6 years after the assistance was originally granted; or if the assistance was granted to a child—before the child turns 24.²⁰⁰</p> |

¹⁹³ *Victims of Crime Assistance Act 2009* s26

¹⁹⁴ *Victims of Crime Assistance Act 2009* s81

¹⁹⁵ *Victims of Crime Assistance Act 2009* s61

¹⁹⁶ *Victims of Crime Assistance Act 2009* Part 16

¹⁹⁷ *Victims of Crime Assistance Act 2009* s54

¹⁹⁸ *Victims of Crime Assistance Act 2009* s90

¹⁹⁹ *Victims of Crime Assistance Act 2009* s124

²⁰⁰ *Victims of Crime Assistance Act 2009* s101

Table 21: NSW Victim Support Scheme

| New South Wales – Victims Support Scheme | |
|---|--|
| Legislative framework | <i>Victims Rights and Support Act 2013</i> |
| Legislative objectives | An Act to establish a new Victims Support Scheme to replace the compensation scheme established under the <i>Victims Support and Rehabilitation Act 1996</i> and to repeal that Act; to provide for a Commissioner of Victims Rights; and to repeal and re-enact (with minor modifications) provisions of the <i>Victims Rights Act 1996</i> . ²⁰¹ |
| Department responsible | NSW Department of Communities and Justice |
| Scheme roles | <p>The Act provides for a Commissioner of Victims Rights. The Commissioner has a number of functions, including:</p> <ul style="list-style-type: none"> to provide information to victims of crime (and members of the immediate family of missing persons) about support services and assistance for victims of crime and such persons, and to assist victims of crime in the exercise of their rights to co-ordinate the delivery of support services for victims of crime and members of the immediate family of missing persons and to encourage the effective and efficient delivery of those services to provide funding to victims groups approved by the Commissioner to promote and oversee the implementation of the Charter of Victims Rights, including by publishing codes, guidelines and other practical guidance on the implementation of the Charter to make recommendations to assist agencies to improve their compliance with the Charter of Victims Rights, including but not limited to conducting training and recommending changes to policies and procedures to receive complaints from victims of crime (and members of the immediate family of missing persons) about alleged breaches of the Charter of Victims Rights and to use the Commissioner's best endeavours to resolve the complaints to recommend that agencies apologise to victims of crime for breaches of the Charter of Victims Rights to conduct, promote and monitor training, public awareness activities and research on victims of crime to conduct reviews and inquiries, or both, on issues relating to victims of crime at the request of the Attorney General to manage the Victims Register established under Part 8 of the Mental Health and Cognitive Impairment Forensic Provisions Act 2020 to consider, and determine, applications under this Act for victims support, and <p>the functions conferred on the Commissioner under the Mental Health and Cognitive Impairment Forensic Provisions Act 2020.</p> |
| Services provided and financial assistance available | <p>Counselling – to help recover from psychological and emotional impacts of a crime. Up to 22 hours free counselling for primary, secondary, and family victims, and relevant family members of homicide victims.</p> <p>Financial Assistance for immediate needs – urgent financial support to help victims be safe and healthy because of a violence crime.</p> <ul style="list-style-type: none"> up to \$5,000 for primary victims, parents, stepparents and guardians of a homicide victim, current spouses or de facto partners of a homicide victim and financially dependent family victims and children under 18 years at the time of death of a homicide victim. Funds can be used for changing locks, moving house, alarms, emergency doctors, dentists and other medical bills. <p>Immediate Needs Support Package (INSP) – available to victims of domestic violence, to pay for urgent things needed to be safe and healthy.</p> |

²⁰¹ *Victims Rights and Support Act 2013*

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| | <ul style="list-style-type: none"> • up to \$5,000 for primary victims of domestic violence. Funds can be used for rent assistance, household items, clothing, security, whitegoods, alarm systems, storage and removalists. <p>Forensic cleaning - to pay for forensic cleaning expenses relating to a homicide that occurred in NSW.</p> <ul style="list-style-type: none"> • up to \$5,000 for family victims, and service providers on their behalf. <p>Financial assistance for economic loss - to help pay for loss of earnings and other costs to assist with victim recovery.</p> <ul style="list-style-type: none"> • up to \$30,000 for primary victims, parents, stepparents, and guardians of a primary victim. Funds can be used for actual loss of income, out of pocket expenses if difficult to prove lost income, doctor, dentist and other medical bills, some costs for attending court or coronial proceedings, loss and damage to clothing. <p>Funeral expenses – up to \$9,500 to a family group to cover the costs associated with a funeral for a family member for a homicide victim.</p> <ul style="list-style-type: none"> • up to \$9,500 for family members of a homicide victim, or a funeral director on behalf of a homicide victim. <p>Recognition payment - to acknowledge that a violent crime has been committed against a person.</p> <ul style="list-style-type: none"> • \$15,000 for financially dependent family victim or children under 18 at the time of death • \$10,000 for primary victims of sexual assault involving – serious bodily injury, multiple offenders, or an offensive weapon; a sexual assault, sexual act, or attempted sexual assault involving a series of incidents • \$7,500 for parents, stepparents or guardians, current spouses, or de facto partners of a homicide victim • \$5,000 for primary victims of a sexual assault (one incident), attempted sexual assault with serious bodily injury, assault with grievous bodily harm, or physical assault of a child that involves a series of incidents • \$1,500 for primary victims of an attempted sexual assault (without serious bodily injury), sexual touching, a robbery involving violence, or an assault (without grievous bodily harm)²⁰² |
| Agency/departmental funding | 170 FTE ²⁰³ 2022-23 Budget: \$175.5 million to support Victims Services, including \$45.1 million in 2022-23 (\$322.9 million over four years) to meet increased demand for the Victims Support Scheme. ²⁰⁴ |
| Total payouts for FY2022 | \$115.7 million ²⁰⁵ |
| Crime type | Act of Violence an act or series of related acts, whether committed by one or more person, that has apparently occurred in the course of the commission of an offence, and that has involved violent conduct against one or more persons, and that has resulted in injury or death to one or more of those persons. Sexual assault and domestic violence and act of modern slavery are distinguished. ²⁰⁶ |
| Victim type | Primary victim: A primary victim of an act of violence or act of modern slavery is a person who is injured, or dies, as a direct result of that act. A primary victim of an act of violence or act of modern slavery extends to a person who is injured, or dies, as a direct result of— |

²⁰² NSW Department of Communities and Justice. (2021). Victims Support Scheme, Detailed guide. Available at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/VSS-detailed-guide.pdf>

²⁰³ Gathered from consultations with NSW Victims Services, September 2023.

²⁰⁴ NSW Government. (2023). Stronger Communities Cluster. Available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.budget.nsw.gov.au%2Fsites%2Fdefault%2Ffiles%2F2022-06%2F2022-23_Budget-Paper-No-2-Outcomes-Statement-Stronger-Communities-Cluster.docx&wdOrigin=BROWSELINK

²⁰⁵ NSW Department of Communities and Justice. (2022). 2021-22 Annual Report. Available at: https://dcj.nsw.gov.au/documents/resource-centre/annual-reports/Volume_1_-_DCJ_2021-22_Annual_Report-AMENDED_10.11.22_bf5b17.pdf

²⁰⁶ *Victims Rights and Support Act 2013* s19, s19a

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| | <ul style="list-style-type: none"> • trying to prevent another person from committing that act, or • trying to help or rescue another person against whom that act is being committed or has just been committed, or • trying to arrest another person who is committing, or who has just committed, that act. <p>Secondary victim: A secondary victim of an act of violence is a person who is injured as a direct result of witnessing the act of violence that resulted in the injury to, or death of, the primary victim of that act.</p> <p>A secondary victim of an act of violence extends to a person who is injured as a direct result of subsequently becoming aware of the act of violence that resulted in the injury to, or death of, the primary victim of that act, but only if—</p> <ul style="list-style-type: none"> • the person is the parent or guardian of the primary victim of that act, and • the primary victim was under the age of 18 years at the time of that act, and • the person did not commit that act. <p>Family victim: A family victim of an act of violence is a person who is, at the time that act is committed, a member of the immediate family of a primary victim of that act who has died as a direct result of that act.</p> <p>A member of the immediate family of a primary victim is—</p> <ul style="list-style-type: none"> • the victim's spouse, or • the victim's de facto partner who has cohabited with the victim for at least 2 years, or • a parent, guardian, or stepparent of the victim, or • a child or stepchild of the victim or some other child of whom the victim is the guardian, or • a brother, sister, half-brother, half-sister, stepbrother, or stepsister of the victim.²⁰⁷ |
| Eligibility | <p>A primary victim of an act of violence or act of modern slavery is eligible for the support under the Scheme described in section 26.</p> <p>A parent, stepparent or guardian who is caring for a child who is a primary victim of an act of violence or act of modern slavery is eligible for the support under the Scheme described in section 27.</p> <p>A secondary victim of an act of violence is eligible for the support under the Scheme described in section 28.</p> <p>A family victim of an act of violence is eligible for the support under the Scheme described in section 29.²⁰⁸</p> |
| Evidence required | <p>Appropriate application form, government identification, medical, dental or counselling reports, copies of tax invoices, receipts or treatment plans, description of how costs relate to the violent crime, information on earnings.</p> <p>Considerations have been provided for additional documentary evidence including the provision of a medical report or a report by an agency that provides support services to victims of crime, or a report by a government agency or any other agency that provides support services to victims of crime.²⁰⁹</p> |
| Lapsing provision | An application can lapse if 12 months has been since the applicant was first requested to provide evidence to support the application. ²¹⁰ |
| Recovery from an offender | Yes – dependent on conviction. ²¹¹ |

²⁰⁷ *Victims Rights and Support Act 2013* s 20, s21, s22

²⁰⁸ *Victims Rights and Support Act 2013* s23, s29

²⁰⁹ *Victims Rights and Support Act 2013* s39

²¹⁰ *Victims Rights and Support Act 2013* s41a

²¹¹ *Victims Rights and Support Act 2013* s59

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| Application format | Online |
| Timeframe to apply | Within two years from the violent crime. For children, within two years of turning 18. For victims of DV, sexual assault and child abuse, within 10 years (for children, within 10 years of turning 18), or for victims of sexual assault who were children when the incident happened, no time limit applies. ²¹² |
| Legal assistance | Legal assistance is not required for financial assistance applications. However, the applicant may need to attend court if charges are laid against the offender and the claim results in a criminal case which goes to trial. |
| Payment and Closure | <p>Victims Services assesses the application and advises the applicant of the outcome. Applications may either be approved or dismissed. On receiving the application for payment, the Commissioner must (subject to the conditions of the approval and any deductions made in accordance with those conditions) pay the relevant amount to the person to whom it is payable.²¹³</p> <p>Claims may continue to be made under an application that is duly made in respect of an act of violence or act of modern slavery until whichever of the following first occurs—</p> <ul style="list-style-type: none"> • the expiration of the period of 5 years after the application is made, or • the total maximum amount of financial support that the victim is eligible to receive under this Act in respect of that act of violence or act of modern slavery has been given.²¹⁴ |

Table 22: Victims of Crime Assistance Tribunal

| Victoria – Victims of Crime Assistance Tribunal (VoCAT) | |
|---|--|
| Legislative framework | <i>Victims of Crime Assistance Act 1996</i> |
| Legislative objectives | <p>To assist victims of crime to recover from the crime by paying them financial assistance for expenses incurred, or reasonably likely to be incurred, by them as direct result of the crime</p> <p>To pay certain victims of crime financial assistance (including special financial assistance) as a symbolic expression by the State of the community's sympathy and condolences for, and recognition of, significant adverse effects experienced or suffered by them as victims of crime, and</p> <p>To allow victims of crime to have recourse to financial assistance under this Act where compensation for the injury cannot be obtained from the offender or other sources.²¹⁵</p> |
| Department responsible | Victims of Crime Assistance Tribunal |
| Scheme roles | Tribunal members who are Magistrates or Judicial Registrars determine applications. ²¹⁶ |
| Services provided and financial assistance available²¹⁷ | Counselling expenses, medical expenses, replacement of damaged clothing, safety-related expenses, funeral expenses, loss of earning, other reasonable expense, special financial assistance and distress and dependency payment as well as interim financial assistance. Categories of acts of violence are outlined, describing minimum and maximum amounts available. |

²¹² NSW Department of Communities and Justice. (2021). Victims Support Scheme, Detailed guide. Available at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/VSS-detailed-guide.pdf>

²¹³ *Victims Rights and Support Act 2013* s54

²¹⁴ *Victims Rights and Support Act 2013* s40

²¹⁵ *Victims of Crime Assistance Act 1996* s1

²¹⁶ VoCAT. Our judiciary. Available at: [Our Judiciary | Victims of Crime Assistance Tribunal \(vocat.vic.gov.au\)](https://vocat.vic.gov.au)

²¹⁷ Victims of Crime Assistance Tribunal. (2023). Financial Assistance Available. Available at: <https://vocat.vic.gov.au/assistance-available/financial-assistance-available>

A primary victim may be awarded assistance of up to \$60,000 plus any special assistance awarded.²¹⁸ The amount awarded may be made up of amounts—

- for expenses actually incurred, or reasonably likely to be incurred, by the primary victim for reasonable counselling services
- for medical expenses actually and reasonably incurred, or reasonably likely to be incurred, by the primary victim as a direct result of the act of violence
- of up to \$20 000 for loss of earnings suffered, or reasonably likely to be suffered, by the primary victim as a direct result of the act of violence
- for expenses incurred by the primary victim through loss of or damage to clothing worn at the time of the commission of the act of violence
- for safety-related expenses actually and reasonably incurred, or reasonably likely to be incurred, by the primary victim as a direct result of the act of violence.²¹⁹

In exceptional circumstances, there may also be included in the amount awarded to a primary victim an amount for other expenses actually and reasonably incurred, or reasonably likely to be incurred, by the primary victim to assist his or her recovery from the act of violence.²²⁰

Except for clothing worn during the act of violence and safety-related expenses, assistance may not be awarded to a primary victim for expense incurred through loss of or damage to property.²²¹ A person may be awarded special financial assistance by the Tribunal.

A secondary victim may be awarded assistance of up to \$50,000.²²² The amount awarded to a secondary victim may be made up of amounts—

- for expenses actually incurred, or reasonably likely to be incurred, by the secondary victim for reasonable counselling services
- for medical expenses actually and reasonably incurred, or reasonably likely to be incurred, by the secondary victim as a direct result of witnessing, or becoming aware of, the act of violence.²²³

In exceptional circumstances, there may also be included in the amount awarded to a secondary victim an amount of up to \$20 000 for loss of earnings suffered, or reasonably likely to be suffered, by the secondary victim as a direct result of witnessing, or becoming aware of, the act of violence.²²⁴

For related victims, the total maximum cumulative amount that may be awarded to all the related victims of any one primary victim is \$100,000, less any amount awarded for funeral expenses for the primary victim. In exceptional circumstances a related victim may be awarded assistance by the Tribunal despite that award of assistance causing the \$100,000 limit to be exceeded.²²⁵

A related victim may be awarded by the Tribunal assistance of up to \$50,000, made up of amounts—

- for expenses actually incurred, or reasonably likely to be incurred, by the related victim for reasonable counselling services
- for medical expenses or funeral expenses actually and reasonably incurred, or reasonably likely to be incurred, by the related victim as a direct result of the death of the primary victim
- for distress experienced, or reasonably likely to be experienced, by the related victim as a direct result of the death of the primary victim
- for loss of money that, but for the death of the primary victim, the related victim would have been reasonably likely to receive from the primary victim during a period of up to 2 years after that death

²¹⁸ *Victims of Crime Assistance Act 1996* s8(1)

²¹⁹ *Victims of Crime Assistance Act 1996* s8(2)

²²⁰ *Victims of Crime Assistance Act 1996* s8(3)

²²¹ *Victims of Crime Assistance Act 1996* s8(4)

²²² *Victims of Crime Assistance Act 1996* s10(1)

²²³ *Victims of Crime Assistance Act 1996* s10(2)

²²⁴ *Victims of Crime Assistance Act 1996* s10(3)

²²⁵ *Victims of Crime Assistance Act 1996* s12

| | |
|--|---|
| | <ul style="list-style-type: none"> for other expenses actually and reasonably incurred, or reasonably likely to be incurred, by the related victim as a direct result of that death.²²⁶ <p>Assistance may not be awarded to a related victim for expense incurred through loss of or damage to property.²²⁷</p> <p>Interim payments²²⁸ is a request for payment of an expense prior to the final determination of an application for financial assistance.</p> <p>Pending the final determination of an application for assistance, the Tribunal may make an interim award of assistance in any circumstances that it considers appropriate.</p> <p>If an interim award is made but the application for assistance is subsequently dismissed, on dismissing the application the Tribunal may order that the amount of the interim award is a debt due to the State by the applicant.</p> <p>If, on finally determining the application, the Tribunal decides to award assistance to the applicant, it must deduct the amount of any interim award from the amount of assistance that it would otherwise have awarded.</p> <p>VOCAT also provides the Koori VOCAT List, an initiative aimed at increasing Koori access to awards of assistance from VOCAT. The Koori VOCAT List as an initiative of several Tribunal members and registrars who, through involvement in the Koori community, were aware that VOCAT was receiving fewer applications for assistance by Koori victims of crime than expected. Procedures were developed to increase the number of Koori victims accessing their entitlements, and VOCAT organised a series of community forums to understand experiences and concerns of Koori victims of crime and build a relationship between VOCAT and the Koori community. The Koori VOCAT List continues as an ongoing part of VOCAT operations.²²⁹</p> |
| Agency/departmental funding²³⁰ | Funding/budget: N/A 44 positions |
| Total payouts for FY2022²³¹ | \$42,979,559 |
| Crime type | <p>The Tribunal must be satisfied on the balance of probabilities that a violent crime (known as an 'act of violence' under the Victims of Crime Assistance Act 1996) has occurred.</p> <p>Act of violence means a criminal act or a series of related criminal acts, whether committed by one or more persons, that has—</p> <p>occurred in Victoria; and</p> <p>directly resulted in injury or death to one or more persons, irrespective of where the injury or death occurs.²³²</p> |
| Victim type | <p>A primary victim of an act of violence is a person who is injured or dies as a direct result of an act of violence committed against them. A person is also a primary victim of an act of violence if he or she is injured or dies as a direct result of—</p> <p>trying to arrest someone whom he or she believes on reasonable grounds has committed an act of violence; or</p> <p>trying to prevent the commission of an act of violence; or</p> <p>trying to aid or rescue someone whom he or she believes on reasonable grounds is a victim of an act of violence—</p> <p>whether or not an act of violence is actually committed.²³³</p> |

²²⁶ *Victims of Crime Assistance Act 1996* s13(1), s13(2)

²²⁷ *Victims of Crime Assistance Act 1996* s13(3)

²²⁸ *Victims of Crime Assistance Act 1996* s56

²²⁹ Victims of Crime Assistance Tribunal. (2023). Koori Victims of Crime. Available at: <https://vocat.vic.gov.au/determining-application/koori-victims-crime>

²³⁰ Victims of Crime Assistance Tribunal. (2022). Annual Report 2021-22. Available at: https://vocat.vic.gov.au/sites/default/files/images/2022-12/13717%20VOCAT%20Annual%20Report%202021_22_FINAL_WEB_HR.pdf

²³¹ *Ibid.*

²³² *Victims of Crime Assistance Act 1996* s3

²³³ *Victims of Crime Assistance Act 1996* s7

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| | <p>A secondary victim of an act of violence is a person who is present at the scene of an act of violence and who is injured as a direct result of witnessing that act. A person is also a secondary victim of an act of violence if he/she is injured as a direct result of becoming aware of an act of violence, and:</p> <ul style="list-style-type: none"> • he or she is the parent or guardian of the primary victim of the act of violence; and • the primary victim of the act of violence was under the age of 18 years at the time of the commission of that act. <p>A person is not a secondary victim of an act of violence by virtue of subsection (2) if he or she committed, and is criminally responsible for, that act of violence.²³⁴</p> <p>A related victim of an act of violence is a person who, at the time of the occurrence of the act of violence—</p> <ul style="list-style-type: none"> • was a close family member of, or • was a dependant of, or • had an intimate personal relationship with— • a primary victim of that act who died as a direct result of that act. <p>A person is not a related victim of an act of violence if he or she committed, and is criminally responsible for, that act of violence.²³⁵</p> |
| Eligibility | <p>A person is eligible if they fall under one of the categories of primary, secondary, or related victim. In determining whether or not to grant financial assistance, or the amount to award, the Tribunal must consider:</p> <ul style="list-style-type: none"> • timeliness of reporting the crime to police • assistance provided by police to investigate or prosecute the alleged crime • the conduct and attitude of the applicant prior to, during, and after the crime • whether the offender will benefit from an award of financial assistance made to the applicant • any damages that the applicant has recovered from the offender • any compensation, assistance, or payment that the applicant has received or is entitled to receive, from other sources such as WorkCover, the Transport Accident Commission, and insurance schemes.²³⁶ |
| Evidence required | <p>Special financial assistance: evidence that the applicant has experienced or is suffering a significant adverse effect (e.g. medical/psychological report) (evidence may be given at a hearing).</p> <p>Counselling expenses: a completed Application for Counselling form, a relevant Counsellor's report, and a Counselling and Report Fee Invoice.</p> <p>Medical expenses:</p> <ul style="list-style-type: none"> • a report from a medical practitioner/dentist linking the treatment provided/proposed to the injury sustained by the applicant (the report should detail the proposed treatment plan), and • receipts, invoices, or quotes substantiating the expense claimed (may also include ambulance expenses). <p>Safety-related expenses (primary victims only): a receipt, invoice or quote substantiating the safety-related expense(s) claimed (e.g. an invoice from home security company, locksmith etc, or a quote if the expense has not yet been incurred).</p> |

²³⁴ *Victims of Crime Assistance Act 1996* s9

²³⁵ *Victims of Crime Assistance Act 1996* s11

²³⁶ Victims of Crime Assistance Tribunal. (2023). Eligibility issues. Available at: <https://vocat.vic.gov.au/determining-application/eligibility-issues>

Other expenses to assist recovery: a receipt, invoice or quote substantiating the safety-related expense(s) claimed (e.g. an invoice from home security company, locksmith etc, or a quote if the expense has not yet been incurred).

Clothing worn at time of act of violence:

- invoice, receipt or quote for the cost of replacing the clothing, or
- a statutory declaration detailing the cost of the clothing lost or damaged (value of replacement clothing must be equivalent to the value of damaged clothes).

Loss of earnings:

- a completed Loss of Earnings Claim form (loss of earnings of up to \$20,000 may be awarded to primary victims and some secondary victims)
- advice in writing detailing number of days/weeks absent from work, reason for period of absence, and gross loss of earnings (including how gross loss was calculated)
- medical report/certificate linking the applicant's total or partial incapacity to work to their injury
- documentation verifying WorkCover payments, Transport Accident Commission payments, Social Security payments, any other payments (if any) received by the applicant for their injury, and
- if applicant is self-employed, tax returns for three financial years before the act of violence occurred and the financial years for the loss of earnings claim period.

Funeral expenses:

evidence of the applicant's relationship to the deceased primary victim; and

evidence that the applicant has suffered grief, distress or trauma as a direct result of the deceased primary victim's death (evidence may be given at a hearing).

Dependency claims:

- completed Dependency Claim form
- details of gross pre-death earnings of the deceased (including how earnings were calculated);
- documentation verifying WorkCover payments, Transport Accident Commission payments, Social Security payments, any other payments (if any) received by the applicant/deceased's estate
- tax returns of the applicant/deceased for the three financial years before the death of the primary victim and the financial years for the dependency claim period
- details of the assets and liabilities of the applicant and the estate of the deceased
- details of the financial contributions made by the deceased primary victim to the applicant for the three financial years immediately before the death of the primary victim, and
- verification of the relationship between the applicant and the deceased (e.g., spouse, child).

Solicitor costs: If the applicant has a solicitor assisting them with their application, the solicitor must complete the "Amounts Payable to Solicitor" section of the Statement of Claim form.

Solicitor disbursements: receipts and invoices for solicitors disbursements claimed.²³⁷

- The Application for Assistance form requires the following evidence to be provided:
- Circumstances of the act of violence – date and time, details of offender (if known)]
- Reporting details – whether the act of violence has been reported to the police or elsewhere, and police details

²³⁷ Victims of Crime Assistance Tribunal. (2023). Supporting Documentation. Available at: <https://vocat.vic.gov.au/determining-application/supporting-documentation>

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| | <ul style="list-style-type: none"> • Effects resulted from the act of violence – physical and/or psychological injury, grief, stress, or trauma, hospital attendance (if applicable) • Determination of application – hearing, court, and application publication preferences • Applications for assistance under any other scheme • Type of assistance sought • Details of if death was caused by the act of violence – details of deceased, relationship to the deceased, and date and place of death (if known).²³⁸ <p>If an applicant did not report the violent crime to police within a reasonable time, a statutory declaration setting out the circumstances of the incident, the injuries suffered and reasons for failing to report the matter to the police should be filed with the Application for Assistance form.²³⁹</p> |
| Lapsing provision | <p>Yes. The Tribunal requests that the applicant file all documentation in support of their application and a completed Statement of Claim form within three months of correspondence from the Tribunal acknowledging receipt of the application. The applicant must notify the Tribunal in writing within this time that the application is ready to proceed, or the application may be struck out. If more than three months is required, the applicant may make a request in writing to the Tribunal outlining what material is still outstanding and how much time they require to obtain it. The Tribunal can then extend the period for which all material must be filed.²⁴⁰</p> |
| Recovery from an offender | <p>Section 27 of the Criminal Injuries Compensation Act 1983 applies with respect to orders for the payment of compensation. Where a person is convicted of an offence and an order for compensation is made under this Act in respect of injury or death resulting from the act or omission constituting an offence, the Tribunal may at any time on the application of the Director of Public Prosecutions make an order directing the offender to refund the whole or any specified part of the amount of the compensation paid or payable together with the whole or any specified part of any costs awarded in respect of the application for compensation.²⁴¹</p> <p>The Tribunal may notify the offender, in rare cases where there is no prosecution, or where the criminal charge(s) have been dismissed or withdrawn. If notified, the offender will be given the opportunity to appear at a hearing to contest the allegations. The Tribunal will advise the applicant/solicitor in writing that notification is being considered. If an objection to the notification is lodged, the Tribunal Member will consider all relevant matters and make a decision as to whether the alleged offender will be notified. If notification is still to take place, the applicant/solicitor will first be advised of this in writing allowing 21 days to advise whether the claim is still to be pursued. If the applicant/solicitor still wishes to pursue the claim, or no response is received, notification will be sent to the alleged offender. If no response is received from the alleged offender, the application will be listed, and the applicant/solicitor will be advised that the alleged offender will not be attending.²⁴²</p> |
| Application format | <p>Online or via post for hard copy forms.</p> <p>The application may be determined with or without a hearing. If a hearing is required, the applicant may choose to be present or have the application determined in their absence. Despite a request for an application to be determined without a hearing, the Tribunal may decide to conduct a hearing of an application if it is not satisfied, based on the material on file, that an act of violence has occurred. In these circumstances, the Tribunal will require evidence at the hearing. The Tribunal may also decide to adjourn its final decision regarding an application for financial assistance to await the outcome of the prosecution for the act of violence.²⁴³</p> |

²³⁸ Victims of Crime Assistance Tribunal. (2023). Application for Assistance. Available at: https://vocat.vic.gov.au/sites/default/files/publication/2022-08/VOCAT_Application_for_Assistance%20August%202022...pdf

²³⁹ Victims of Crime Assistance Tribunal (2023). Lodging an application. Available at: <https://vocat.vic.gov.au/how-apply/lodging-application>

²⁴⁰ Victims of Crime Assistance Tribunal. (2021). Supporting Documentation. Available at: <https://vocat.vic.gov.au/determining-application/supporting-documentation>

²⁴¹ *Criminal Injuries Compensation Act 1983 s27*

²⁴² Victims of Crime Assistance Tribunal. (2023). Notifying the offender. Available at: <https://vocat.vic.gov.au/determining-application/notifying-offender>

²⁴³ Victims of Crime Assistance Tribunal. (2023). Outcomes. Available at: <https://vocat.vic.gov.au/determining-application/hearings>

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| Timeframe to apply ²⁴⁴ | <p>An application must be made within 2 years after the occurrence of the act of violence, or, in the case of an application by a related victim or a person who has incurred funeral expenses, within 2 years after the death of the primary victim. An application may be made by a victim at any time after the occurrence of an act of violence consisting of physical abuse or sexual abuse if the act occurred when the victim was under the age of 18 years.</p> <p>If an Application for Assistance is lodged more than two years after the date of the alleged crime or death of the primary victim, the applicant will be required to provide the reasons for the delayed application for consideration by the Tribunal.</p> <p>The Tribunal may accept an application made out of time if satisfied that the application should be allowed. In determining this, the Tribunal may consider age of the applicant at the time of the alleged act of violence, whether the applicant is intellectually disabled or mentally ill, or whether the person who committed/is alleged to have committed the act of violence was in a position of power, influence, or trust in relation to the applicant.²⁴⁵</p> |
| Legal assistance | There are no fees associated with the filing of an application to the Tribunal and a lawyer cannot charge an applicant any costs in respect of an application unless the Tribunal approves those costs. |
| Payment and closure ²⁴⁶ | <p>In determining the amount to be awarded, the Tribunal must take into account, and reduce the amount, if the applicant has recovered at common law, compensation, assistance or payments of any other kind received.²⁴⁷ Before finalising an application, a Tribunal member may determine it is appropriate to await the outcome of a criminal investigation, trial, or inquest, request further enquiries be made, or that the alleged offender be notified, or wait for an injury to stabilise so that an accurate prognosis can be provided.²⁴⁸</p> <p>Awards of assistance may be paid:</p> <p>To the applicant or any other person for the benefit of the applicant</p> <p>Wholly as a lump sum, partly lump sum and partly by instalments, or wholly by instalments, and</p> <p>Within 6 years after the awarding of that assistance.²⁴⁹</p> |

Table 23: Victim Support ACT

| Victim Support ACT | |
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| Legislative framework | <i>Victims of Crime (Financial Assistance) Act 2016</i> |
| Legislative objectives ²⁵⁰ | <p>The object of this Act is to help victims of crime by establishing a system for giving financial assistance to:</p> <ul style="list-style-type: none"> • Assist victims of crime to recover from acts of violence • Contribute to the safety of victims of crime and the prevention of future acts of violence • Acknowledge the harmful effects of acts of violence, and • Complement other services provided for victims of crime.²⁵¹ |
| Department responsible | Victim Support ACT |

²⁴⁴ Victims of Crime Assistance Tribunal. (2023). Time to Apply. Available at: <https://vocat.vic.gov.au/how-apply/time-apply>

²⁴⁵ Victims of Crime Assistance Tribunal. (2023). Time to Apply. Available at: <https://vocat.vic.gov.au/how-apply/time-apply>

²⁴⁶ Victims of Crime Assistance Tribunal. (2023). Determining an Application – Outcomes. Available at <https://vocat.vic.gov.au/determining-application/outcomes>

²⁴⁷ *Victims of Crime Assistance Act 1996 no. 68 s16(b)*

²⁴⁸ Victims of Crime Assistance Tribunal. (2023). *Determining an Application – Outcomes*. Available at: <https://vocat.vic.gov.au/determining-application/outcomes>

²⁴⁹ *Victims of Crime Assistance Act 1996 s55(5)*

²⁵⁰ *Ibid.*

²⁵¹ *Victims of Crime (Financial Assistance) Act 2016*

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| Scheme roles | <p>The Victims of Crime Commissioner is an independent statutory role. The Act requires the Victims of Crime Commissioner to seek to recover the financial assistance paid from offenders.</p> <p>The Commissioner also has the following functions under the <i>Victims of Crime (Financial Assistance) Act 2016</i>:</p> <ul style="list-style-type: none"> • to manage and administer the scheme for the provision of financial assistance to victims • to receive applications for financial assistance and funeral expense payment • to decide applications for financial assistance and funeral expense payment • to pay amounts for financial assistance • to pay amounts for funeral expense payment • to administer repayment and recovery processes in relation to financial assistance and funeral expense payment, and • to review certain decisions.²⁵² |
| Services provided and financial assistance available | <p>Immediate need payments – emergency costs needed to help a victim recover or prevent further harm to them:</p> <ul style="list-style-type: none"> • Cleaning the scene of a homicide – up to \$5,000 • Measures for personal security of a victim – up to \$4,000 <p>Economic Loss:</p> <ul style="list-style-type: none"> • Medical and dental expenses, some costs for attending court (up to \$5,000) other expenses in exceptional circumstances and loss or damage to items worn when the crime occurred – up to \$30,000 can be claimed for actual loss of earnings <p>Recognition payments:</p> <ul style="list-style-type: none"> • To acknowledge the hard – highest recognition payment \$17,402. • Amount depends on the type of the crime. The amount of payment is set by regulation. <p>Funeral expense payments up to \$8,000</p> <p>Special Assistance:</p> <ul style="list-style-type: none"> • A primary victim who sustains an extremely serious injury may receive an award for special assistance of a one-off payment of \$30 000. <p>A primary victim of a sexual offence may be awarded special assistance in an amount determined by the Victims of Crime Commissioner up to a maximum of \$50 000.²⁵³²⁵⁴</p> <p>Counselling is provided through Victim Support ACT via a panel of providers. If victims have experienced a property crime, such as burglary or theft of a motor vehicle, they can access 2 hours of counselling and/or massage. If they have experienced a personal crime, they can access 8 hours of counselling initially, and can ask for more time with an additional 12 hours of counselling available.²⁵⁵</p> |
| Agency funding | 86.0 FTE (Victims of Crime Commission 2021-2022) ²⁵⁶ |

²⁵² *Victims of Crime (Financial Assistance) Act 2016* s86(1)

²⁵³ ACT Human Rights Commission. Available at: Financial Assistance - HRC (act.gov.au)

²⁵⁴ Victim Support. (2023). Types of Financial Assistance Available. Available at: <https://www.victimsupport.act.gov.au/financial-assistance-scheme/new-financial-assistance-scheme-1-july-2016/types-of-financial-assistance>

²⁵⁵ ACT Human Rights Commission. Counselling - Counselling - HRC (act.gov.au)

²⁵⁶ ACT Human Rights Commission. (2022). Annual Report 2021-22. Available at: https://hrc.act.gov.au/wp-content/uploads/2022/10/11363R-HRC-Annual-Report-2021-22_FA-tagged_Low-Res_FINAL.pdf

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| Total payouts for FY2022 | \$2.9 million ²⁵⁷ |
| Crime type | <p>Act of violence means conduct that results in a person's injury or death, and is, or happens in the course of, an offence (the associated offence) that is a schedule 1 offence, or an offence prescribed by regulation, and (c) occurs on or after the commencement of this Act.²⁵⁸ Offences include general offences (against the person) as well as Domestic Violence Offences (including destroying or damaging property).²⁵⁹</p> <p>In deciding whether conduct is an act of violence, it does not matter whether a person responsible for the conduct—</p> <ul style="list-style-type: none"> has or has not been identified lacks the legal capacity to be charged with, or convicted or found guilty of, the associated offence, or has or has not been charged with, or convicted or found guilty of, the associated offence based on the conduct.²⁶⁰ <p>Homicide means an act that occurs on or after the commencement of this Act; and results in the death of a person; and is, or happens in the course of, an offence of murder, manslaughter or culpable driving causing death.²⁶¹</p> <p>Injury means physical injury, mental illness, mental disorder, and includes the aggravation, acceleration or recurrence of a physical injury, mental illness, or mental disorder, the contraction, aggravation, acceleration, or recurrence of a disease. If the injury occurs in the course of, or as a result of, a sexual offence or family violence offence, injury includes unplanned pregnancy, or a sense of violation, or a reduced sense of self-worth, or increased fear or feelings of insecurity, or reduced capacity to participate in sexual activity.²⁶²</p> |
| Victim type | <p>Primary victim means a person who has been injured or dies as a direct result of an act of violence done by another person.²⁶³</p> <p>Class A related victim means a person who, at the time a primary victim dies is a dependant of the primary victim, and is 1 of the following:</p> <ul style="list-style-type: none"> • a close family member of the primary victim, or • an intimate partner of the primary victim.²⁶⁴ • Class B related victim means a person who, at the time a primary victim dies is financially independent of the primary victim, and is either— • a close family member of the primary victim who has a genuine personal relationship with the primary victim, or • an intimate partner of the primary victim.²⁶⁵ <p>Class C related victim means a person who, at the time a primary victim dies is financially independent of the primary victim, and is a family member of the primary victim.²⁶⁶</p> <p>Homicide witness is a person who was injured as a direct result of witnessing a homicide or being a witness in proceedings for a homicide.²⁶⁷</p> |

²⁵⁷ Ibid.

²⁵⁸ *Victims of Crime (Financial Assistance) Act 2016* s7(1)

²⁵⁹ *Victims of Crime (Financial Assistance) Act 2016* Part 1.2

²⁶⁰ *Victims of Crime (Financial Assistance) Act 2016* s7(2)

²⁶¹ *Victims of Crime (Financial Assistance) Act 2016* s10

²⁶² *Victims of Crime (Financial Assistance) Act 2016* s9(1)

²⁶³ *Victims of Crime (Financial Assistance) Act 2016* s11

²⁶⁴ *Victims of Crime (Financial Assistance) Act 2016* s13

²⁶⁵ *Victims of Crime (Financial Assistance) Act 2016* s14

²⁶⁶ *Victims of Crime (Financial Assistance) Act 2016* s15

²⁶⁷ *Victims of Crime (Financial Assistance) Act 2016* s16

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| Eligibility | To be eligible for financial assistance, an applicant must: <ul style="list-style-type: none"> a primary victim (a person who has been injured as a direct result of an act of violence committed on them by another person), related victim (A relative of, or person who was in a relationship with, a person who died as a result of an act of violence done by another person) or a homicide witness (A person who was present when a homicide occurred, or a person who is a witness in a criminal proceeding related to the homicide. This is only available for applications made for acts of violence which have occurred after 1 July 2016.)²⁶⁸ |
| Evidence required | Appropriate forms as per victim type, and be accompanied by evidence that the act of violence has been reported to police, or that, if the applicant is a special reporting class victim (primary victim of sexual offence, was under 18 years of age at the time of violence, did not report due to intimidation or threats, is impaired or was person responsible for the act of violence was in a position of power) the act be reported to at least two stakeholders, including a government agency, doctor, psychologist, counsellor, or social worker, or an appropriately qualified non-government agency. ²⁶⁹ Evidence may include medical reports, hospital records, proof of expenses with receipts or invoices and loss of earnings. A copy of the police report does not need to be provided, as the ACT team will request this from the police. ²⁷⁰ |
| Lapsing provision | Yes. If an applicant does not contact the commissioner within 6 months after the day the commissioner gives notice, the application lapses. ²⁷¹ |
| Recovery from an offender | Yes. The commissioner must, as far as practicable, recover a recoverable amount from an offender who is liable to pay the amount. The commissioner must take into account objective risks to the safety of any person when taking recovery actions. The recovery notice must state that the offender has been convicted or found guilty of an offence. ²⁷² |
| Application format | By email or post. |
| Timeframe to apply | An application must be made within 3 years of the last occurring of the following: <ul style="list-style-type: none"> The day of the act of violence that is the subject of the application If there are 2 or more relevant acts of violence – the day of the most recent act of violence For an application by an individual who was under 18 years old on the day of the act of violence or most recent of multiple acts of violence – the day the individual turns 18.²⁷³ The commissioner may extend the time for making an application if the commissioner believes on reasonable grounds that an extension is in the interests of fairness having regard to a number of factors such as age of person when act of violence occurred. |
| Legal assistance | Legal assistance is not required for the claim process. ²⁷⁴ |
| Payment and closure | The Commissioner must decide an application for financial assistance as soon as reasonably practicable after the day the Commissioner receives the application, or the day additional information is given to the Commissioner. The Commissioner must be satisfied on the balance of probabilities about any matters relevant to deciding an application. ²⁷⁵ The Commissioner must also decide the amount of financial assistance to be given to the applicant, if the Commissioner believes on reasonable grounds that the applicant is eligible and has a compliant application, and there are no disqualifying circumstances. The Commissioner must tell the applicant, by written notice, of the Commissioner's decision. ²⁷⁶ |

²⁶⁸ Guide to competing a Financial Assistance Application. Available at: [FAS-guide-to-completing-an-application.pdf \(act.gov.au\)](#)

²⁶⁹ *Victims of Crime (Financial Assistance) Act 2016* s31

²⁷⁰ Victims of Crime Commissioner. Guide to completing a Financial Assistance Application (Primary victim). Available at: [FAS-guide-to-completing-an-application.pdf \(act.gov.au\)](#)

²⁷¹ *Victims of Crime (Financial Assistance) Act 2016* s36

²⁷² *Victims of Crime (Financial Assistance) Act 2016* Part 6.

²⁷³ *Victims of Crime (Financial Assistance) Act 2016* s32.

²⁷⁴ ACT Human Rights Commission. Financial assistance. Available at: [Financial Assistance - HRC \(act.gov.au\)](#)

²⁷⁵ *Victims of Crime (Financial Assistance) Act 2016* s42

²⁷⁶ *Victims of Crime (Financial Assistance) Act 2016* s46

Financial assistance may be given as a single payment or series, as payment of an invoice, as a refund of expenditure, or in the case of a child, as a payment to the public trustee and guardian to be held on trust for the applicant.²⁷⁷ If the application for Financial Assistance is approved, Victim Support can pay the applicant directly, pay a service provider, or someone who has paid an expense on the applicant's behalf.²⁷⁸

The Commissioner must reduce the amount of financial assistance to the applicant if the applicant has:

- received an associated payment covering the same harm or loss as the financial assistance is intended to cover
- previously been required to repay an amount under repayment of financial assistance and funeral expenses, and has not repaid the amount
- previously been required to repay an amount under recovery from offender, and has not repaid the amount, or
- been involved in contributory conduct:
 - Conduct that contributed to the injury suffered by the applicant as a result of the act of violence that is the subject of the application
 - Participating in or assisting in the act of violence that is the subject of the application
 - Encouraging someone else to participate in or assist in the act of violence that is the subject of the application
 - Failing to take reasonable steps to mitigate the extent of injury that arose from the act of violence.²⁷⁹

The Commissioner's written notice to the applicant must state that, if financial assistance is given to the applicant, the person responsible for the act of violence that is the subject of the application may be contacted by the Commissioner to recover some or all the financial assistance given.²⁸⁰

A person may apply to the commissioner to vary an amount of financial assistance received by the person (an earlier assistance payment) only if, the person's circumstances have changed, or are likely to change, since the earlier assistance payment. An application such as this must be made within 7 years after the day the commissioner first gave financial assistance to the person and must not be made more than once per year (unless the commissioner is reasonably satisfied that exceptional circumstances exist to allow more than 1 application to be made in the year). The application must also state particulars about:

- the earlier assistance payment
- the variation sought to the earlier assistance payment
- the act of violence to which the earlier assistance payment relates, and
- how the person's circumstances have changed or are likely to change.²⁸¹

Table 24: South Australia Victims of Crime

| South Australia – Victims of Crime | |
|------------------------------------|--|
| Legislative framework | <i>Victims of Crime Act 2001</i> |
| Legislative objectives | To give statutory recognition to victims of crime and the harm they suffer from criminal offending To establish principles governing how victims of crime are to be treated by public agencies and officials To give victims of crime recover from the effects of criminal offending and to advance their welfare in other ways, and |

²⁷⁷ *Victims of Crime (Financial Assistance) Act 2016* s48

²⁷⁸ Victim Support (2023), Financial Assistance. Available at: Financial Assistance - HRC (act.gov.au)

²⁷⁹ *Victims of Crime (Financial Assistance) Act 2016* s47

²⁸⁰ *Victims of Crime (Financial Assistance) Act 2016* s33

²⁸¹ *Victims of Crime (Financial Assistance) Act 2016* s49

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| | To provide a limited statutory scheme of compensation to victims most directly affected by criminal offending as an acknowledgement of the harm that they suffer from criminal offending. ²⁸² |
| Department responsible | Victims of Crime South Australia |
| Scheme roles | <p>The Commissioner for Victims' Rights is an independent statutory officer appointed by the Governor to help victims of crime.²⁸³ The Commission provides information, advice and support to victims of crime and helps deal with the physical, emotional and financial impact of crime.</p> <p>An application is to be made in the first instance to the Crown Solicitor.</p> <p>The Attorney-General must satisfy an order for statutory compensation within 28 days of the day on which a copy of the order is lodged by the claimant with the Attorney-General; or if an appeal has been instituted against the order, the day on which the appeal is withdrawn or determined.</p> |
| Services provided and financial assistance available | <p>Victims of Crime South Australia offers three types of compensation:</p> <ul style="list-style-type: none"> • Offender-paid compensation and restitution • State-funded compensation • Other payments (discretionary payments and ex gratia payments). <p>Offender-paid compensation and restitution</p> <p>If the accused person is found guilty of the crime, the victim may be able to claim compensation or restitution from them. If property has been stolen, the applicant can request in their Victim Impact Statement that the court have it returned (this is approved or denied by the judge or magistrate).</p> <p>When the offender is sentenced, the court can also order them to pay the victim a fixed sum or compensate them for any lost, damaged, or sold property. The amount (if any) is also decided by the judge or magistrate, and offender-paid compensation is only available if the offender is convicted and has enough income or assets to pay the victim.</p> <p>Finally, a victim can also sue an offender in civil court to try to get compensation from them. This is separate from the criminal court case, requires the victim to know the offender, and is often only worthwhile if the offender can pay. Additionally, the cost of proceedings may outweigh any financial gain.²⁸⁴</p> <p>State-funded compensation²⁸⁵</p> <p>Within the Victims of Crime Fund, compensation can be paid for physical and psychological injury, pain and suffering and financial losses (e.g., loss of earnings, treatment costs). For homicide, the cost of a funeral may be claimed. Victims of Crime South Australia does not impose limits for each service covered under the Victims of Crime Fund, except for grief (up to \$20,000) and funeral claims (up to \$14,000). The amount of compensation awarded is decided by the court.</p> <p>The amount of compensation awarded depends on when the crime happened, the injuries caused by the crime, whether the person cooperated with police investigations and prosecution, whether the person contributed to the crime or injury, and whether the person took reasonable steps to keep loss to a minimum. Currently, a maximum payment of \$100,000 can be provided.</p> <p>Other payments</p> <p>The Attorney-General may make a discretionary payment, such as for increasing security on a victim's home. These payments are not made to replace stolen property such as a vehicle. The Attorney-General may also make an ex-gratia payment where there is no legal obligation. This may occur if:</p> <ul style="list-style-type: none"> • a prosecution cannot go ahead due to a lack of evidence or the age or mental capacity of the offender • a prosecution goes ahead but fails yet the victim can prove injury or financial loss as a direct result of the crime, or |

²⁸² *Victim of Crime Act 2001* s3

²⁸³ Victims of Crime South Australia. About us. Available at: <https://www.voc.sa.gov.au/about-us>

²⁸⁴ Victims of Crime South Australia. Offender-paid compensation and restitution. Available at: Offender-paid compensation and restitution | Victims of Crime South Australia ([voc.sa.gov.au](https://www.voc.sa.gov.au))

²⁸⁵ Victims of Crime South Australia. State-funded compensation. Available at: State-funded compensation | Victims of Crime South Australia ([voc.sa.gov.au](https://www.voc.sa.gov.au))

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| | <ul style="list-style-type: none"> the timeframe for making a compensation claim has expired but there is significant emotional and psychological, physical or financial injury. ²⁸⁶ <p>The Attorney-General also has absolute discretion to make:</p> <ul style="list-style-type: none"> an interim payment of compensation (not exceeding prescribed limits of the Act) to a claimant who, in the opinion of the Attorney-General, is in necessitous circumstances and is likely to be awarded statutory compensation, or an <i>ex gratia</i> payment to the victim in accordance with the objects and policy of the Act, to compensate harm resulting from criminal conduct. |
| Agency/departmental funding | N/A. |
| Total payouts for FY2022 | N/A. |
| Crime type | Homicide, physical injury, use of violence or threat of violence, imminent harm, sexual offences, death as well as non-financial loss including pain and suffering, loss of amenities of life, loss of expectation of life, disfigurement. ²⁸⁷ |
| Victim type | <p>Immediate victim, immediate family, spouse or domestic partner, child of deceased victim.</p> <p>Immediate family of a person means a spouse or domestic partner, parent, grandparent, child (including adult child), grandchild (including adult grandchild), or sibling of the person.</p> <p>Immediate victim, in relation to an offence, means a victim of any of the following classes:</p> <ul style="list-style-type: none"> a person who suffers physical injury as a result of the commission of the offence a person who suffers psychological injury as a result of being directly involved in the circumstances of the offence or in operations in the immediate aftermath of the offence to deal with its consequences if the offence was committed against a child—a parent or guardian of the child if the offence was committed against a person who dies as a result of the offence—a member of the immediate family of the deceased. ²⁸⁸ |
| Eligibility²⁸⁹ | <p>A person is eligible to claim statutory compensation for injury caused by an offence if:</p> <p>(a) the person is an immediate victim of the offence, and</p> <p>(b) at least one of the following conditions is satisfied:</p> <p>the offence involved the use of violence or a threat of violence against the person or a member of the person's immediate family</p> <p>the offence created a reasonable apprehension of imminent harm to the person or a member of the person's immediate family</p> <p>the offence is a sexual offence, or</p> <p>the offence caused death or physical injury.</p> <p>A person is eligible to claim statutory compensation for grief suffered in consequence of the commission of a homicide if the person is—</p> <p>a spouse or domestic partner of the deceased victim, or</p> <p>a child of the deceased victim (if the child was under the age of 18 at the time of the offence), or</p> <p>where the deceased victim was a child—a parent of the deceased victim.</p> <p>A person is eligible to claim statutory compensation for financial loss suffered by the dependants of a deceased victim if—</p> |

²⁸⁶ Victims of Crime South Australia. Other Payments. Available at: Other payments | Victims of Crime South Australia (voc.sa.gov.au)

²⁸⁷ *Victims of Crime Act 2001* s17, s20

²⁸⁸ *Victims of Crime Act 2001* s4

²⁸⁹ *Victims of Crime Act 2001* s17

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| | <p>the victim died as a result of the injury caused by the offence, and no previous order for statutory compensation has been made in respect of the injury, and the person is, in the opinion of the court, a suitable person to represent the interests of the dependants. A person is eligible to claim statutory compensation for funeral expenses if—</p> <p>a victim dies in consequence of the offence, and the person has paid, or is responsible for payment of, the victim's funeral expenses.</p> <p>However—</p> <ul style="list-style-type: none"> • a person is not entitled to statutory compensation if the injury arises from a breach of statutory duty by the person's employer that occurs in the course of the person's employment; and • a person is not entitled to statutory compensation if the person has received, or is entitled to receive, a payment or damages in respect of death or non-economic loss for the same harm under the Return to Work Act 2014; and • a person is not entitled to statutory compensation if the injury is caused by, or arises out of the use of, a motor vehicle in circumstances in which the injury falls within the ambit of a compulsory third-party insurance scheme covering the motor vehicle (whether the vehicle is in fact insured under the scheme or an action for damages lies against a nominal defendant); and • a person is not entitled to statutory compensation for hospital or medical expenses that would, if no award for compensation were made, be recoverable from a health fund or scheme; and • a prisoner is not entitled to statutory compensation for psychological injury resulting from an offence committed in the prison unless the prisoner was assaulted or suffered physical injury. • If payment or damages under the <i>Return to Work Act 2014</i>, and statutory compensation, are paid for the same harm, the payment of statutory compensation does not give rise to a right to recovery under the <i>Return to Work Act 2014</i>. |
| Evidence required | <p>The crime must be reported to police, and assistance must be provided to the police with their investigation, to be eligible for compensation. If the crime is not reported, the applicant must seek legal advice, and the claim may be rejected.</p> <p>An application must contain information required by regulation, medical reports and further documentation as relevant to the injury.</p> |
| Lapsing provision | N/A. |
| Recovery from an offender | Offender-paid compensation and restitution. ²⁹⁰ |
| Application format | <p>An application is to be made in the first instance to the Crown Solicitor. If a claim for statutory compensation has not been settled by agreement between the Crown Solicitor and the claimant within 3 months after the application is made or a longer period agreed between the Crown Solicitor and the claimant (the period for negotiation), the claimant may apply to the court for an order for statutory compensation. If the application is made to the court, the offender is to be party to the proceedings.²⁹¹</p> <p>No order for statutory compensation may be made (except by consent of the Crown) on an application unless:</p> <p>the commission of the offence to which the application relates:</p> <ul style="list-style-type: none"> • has been admitted, or proved beyond reasonable doubt, in proceedings before a court, or • has been admitted in statutory proceedings related to the offence or can be reasonably inferred from admissions made in any such proceedings, and |

²⁹⁰ Victims of Crime South Australia. Offender-paid compensation and restitution. Available at: <https://www.voc.sa.gov.au/after-court/compensation/offender-paid-compensation>

²⁹¹ *Victims of Crime Act 2011* s18, s19

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| | <p>the other facts on which the application is based have been proved on the balance of probabilities.</p> <p>If an order for compensation is sought in respect of an offence, and no person has been brought to trial charged with the offence, the evidence of the claimant as to the commission of the offence, unless supported in a material particular by corroborative evidence, is not sufficient to establish the commission of the offence.²⁹²</p> <p>If the offender is being prosecuted, the applicant will have to wait for the criminal proceedings to finish before their claim can be settled.</p> |
| Timeframe to apply | <p>The initial application period is:</p> <p>for an application by a victim—3 years after the commission of the offence.</p> <p>for an application arising from the death of a victim—12 months after the date of death.²⁹³</p> |
| Legal assistance | <p>Applicants need their own lawyer to seek state-funded compensation. Victims of Crime South Australia provides a compensation lawyer.²⁹⁴ If state-funded compensation, offender-paid compensation, or restitution is awarded to the applicant, the lawyer's fee will be paid by the State.</p> |
| Payment and closure | <p>The Attorney-General must satisfy an order for statutory compensation within 28 days of either the claimant lodging the order, or the determination or withdrawal of any appeal, whichever comes later.²⁹⁵</p> <p>If the claimant has received or is entitled to other payments apart from the <i>Victims of Crime Act 2001</i>, the Attorney-General may decline to satisfy an order for statutory compensation or reduce the payment to the extent it appears just to do so.</p> |

Table 25: Western Australia Criminal Injuries Compensation Scheme

| Western Australia – Criminal Injuries Compensation Scheme | |
|---|---|
| Legislative framework | Criminal Injuries Compensation Act 2003 ²⁹⁶ |
| Legislative objectives | An Act to provide for the payment of compensation to victims of offences in some circumstances, and for related matters. ²⁹⁷ |
| Department responsible | Department of Justice, Office of Criminal Injuries Compensation |
| Scheme roles | <p>The Office of the Commissioner for Victims of Crime advocates for and supports victims of crime in the Western Australian justice system.</p> <p>The Commissioner's role includes but is not limited to:</p> <ul style="list-style-type: none"> • Provides high level advice and expertise to the Director General and the Attorney General on issues surrounding victims of crime in Western Australia • Monitors and reviews the effect of all elements of the justice system on victims of crime with a particular focus on police and court practices and procedures • Builds and sustains effective communication and working relationships with key stakeholders, victims of crime, government agencies and industry representatives. |

²⁹² *Victims of Crime Act 2001* s22

²⁹³ *Victims of Crime Act 2001* s18

²⁹⁴ Victims of Crime South Australia. (2023). Victims of Crime Compensation lawyers. Available at: https://www.voc.sa.gov.au/__data/assets/pdf_file/0011/289685/VOC-compensation-lawyers-October-2023.pdf

²⁹⁵ *Victims of Crime Act 2001* s27

²⁹⁶ *Criminal Injuries Compensation Act 2003*

²⁹⁷ *Ibid.*

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| Services provided and financial assistance available | <p>Compensation may cover the following losses:</p> <p>Personal items including clothing and footwear, spectacles or contact lenses, hearing aids, artificial teeth or limbs, surgical appliances or implants</p> <p>Medical treatment expenses (medical invoice/receipts and/or Medicare/private health insurance rebate documentation must be provided, and compensation covers “gap” expenses only)</p> <p>Report expenses (claimed by providing the invoice/receipt)</p> <p>Loss of earnings – time off work, future incapacity to work, or loss of scope of employment.</p> <p>Travel expenses for travel required to attend medical appointments (medical evidence must be supplied to support the dates claimed)</p> <p>Future treatment expenses (claimed by providing a report and quote from the health professional recommending the treatment)</p> <p>Funeral expenses (claimed by providing the invoice from the funeral provider.)²⁹⁸</p> <p>An assessor may also make an interim payment if, when dealing with a compensation application, is satisfied:</p> <p>that a person has incurred or is likely to incur expenses that are or are likely to be a loss in respect of which compensation may be awarded under the Act, and that the making of an interim payment of compensation pending the final determination of the application is warranted.²⁹⁹</p> <p>Interim payments are also available to victims of crime, up to \$2,250 for treatment, reporting and travel expenses only.</p> <p>In the case of a death, a close relative can apply for funeral expenses and loss of financial support.</p> <p>The amount of compensation the victim receives will depend on the extent of their injuries and losses they have suffered. Maximum compensation payout also depends on the date of the offence. Most recently, up to \$75,000 can be claimed.³⁰⁰</p> |
| Agency/departmental funding³⁰¹ | <p>4 Full-time assessors - 4 FTE. Administrative staff including staff working on recovery of compensation payments from convicted offenders (the Recoveries Office) - 21.1 FTE (totalling 25.1 FTE)</p> <p>Funding not found.</p> |
| Total payouts for FY2022 | <p>6,475 awards were made to a total value of \$100,356,000.³⁰²</p> |
| Crime type | <p>Proved offence:</p> <ul style="list-style-type: none"> • A person who suffers injury (meaning bodily harm, mental and nervous shock, or pregnancy) as a consequence of the commission of a proved offence may apply for compensation for the injury and any loss also suffered. • If a person, being a close relative of a person who dies as a consequence of the commission of a proved offence, suffers loss as a result of the death, the personal representative of the deceased may apply for compensation for that loss.³⁰³ • In the case of a victim who is injured, loss means expenses actually and reasonably incurred by or on behalf of the victim that arise directly from, or that arise in obtaining any report from a health professional or a counsellor in relation to, the injury suffered by the victim.³⁰⁴ <p>Alleged offences where the alleged offender is found not guilty of unsoundness of mind, or mentally unfit to stand trial, can still result in an application for compensation. The same applies for offences where the charge is withdrawn or dismissed, or if no person is charged.³⁰⁵</p> |

²⁹⁸ Office of Criminal Injuries Compensation. (2020). Compensation. Available at: [Compensation \(justice.wa.gov.au\)](https://www.justice.wa.gov.au/compensation)

²⁹⁹ *Criminal Injuries Compensation Act 2003* s23

³⁰⁰ Office of Criminal Injuries Compensation. Compensation. Available at: <https://cict.justice.wa.gov.au/C/compensation.aspx>

³⁰¹ Office of Criminal Injuries Compensation. (2022). Annual Report 2021-22. Available at:

[https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4111708cbbce0f34afca2eb482588db0007f3d6/\\$file/tp-1708.pdf](https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4111708cbbce0f34afca2eb482588db0007f3d6/$file/tp-1708.pdf)

³⁰² Ibid.

³⁰³ *Criminal Injuries Compensation Act 2003* s12

³⁰⁴ *Criminal Injuries Compensation Act 2003* s6(2)

³⁰⁵ *Criminal Injuries Compensation Act 2003* s13 - s17

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| Victim type | <p>Victim of an offence in WA and are injured and/or experience financial loss as a result of the injury. Victim means a person who suffers injury, or who dies, as a consequence of the commission of an offence.</p> <p>Close relative of a person killed in WA as a result of an offence and injury and/or financial loss. Close relative of a victim who dies or is injured as a consequence of the commission of an offence, is a person who, immediately before the offence was committed, was a parent, grandparent, or stepparent of the victim, the spouse or de facto partner of the victim, or a child, grandchild, or stepchild of the victim.</p> <p>Injury means bodily harm, mental and nervous shock, or pregnancy.</p> |
| Eligibility | <p>A person may be eligible to claim compensation under the Criminal Injuries Compensation Act 2003 if they are a victim of an offence, or a close relative of a victim. Eligibility will be affected by not reporting the offence to police within a reasonable time (unless demonstrated otherwise), failure to help police in their enquiries, claims made from another source and if they are not the primary victim of the offence.³⁰⁶</p> |
| Evidence required | <p>Incident and conviction details (if any) such as date, place, offence, offender name etc</p> <p>Statement or description of the incident</p> <p>Victim Impact Statement</p> <p>Reports from the person's health professional(s)</p> <p>Invoices and/or receipts for claimed expenses and proof of rebates (if any) claimed through Medicare and/or private health insurance</p> <p>Evidence of loss of earnings (payslips, tax returns etc.) if claimed.³⁰⁷</p> <p>Assessors can seek and receive any information or evidence deemed necessary. The case manager will request the police records or the files from the Office of the Director of Public Prosecutions, depending on the offence and carry out other tasks as the Assessor directs. The Assessor may direct the case manager to obtain records from places such as hospitals, medical centres, workers' compensation insurers, insurance companies, courthouses, WA police and other government departmental offices.</p> |
| Lapsing provision | <p>In deciding a compensation application an assessor is not bound by rules or practice as to evidence or procedure but may inform himself or herself in any manner he or she thinks fit. A written notice regarding the application specifies the time for the applicant to provide additional information.³⁰⁸</p> |
| Recovery from an offender | <p>In cases where an offender has been convicted of an offence for which you are claiming, they will be notified of the claim and may request and be provided with edited copies of documents submitted in support of it. The State may recover some or all of the compensation awarded from a convicted offender. When a victim of crime has been awarded criminal injuries compensation as a result of injuries or losses suffered as a consequence of an offence committed in Western Australia (WA), and the perpetrator of the offence was convicted, the offender may be liable to repay some, or all, of the criminal injuries compensation monies awarded. When recovering funds from offenders, the sum of money awarded to the victim is paid to the victim by the State of WA. The recoveries team will then recover the sum awarded to the victim from the offender.³⁰⁹</p> |
| Application format | <p>Lodge online using the eCourts portal.</p> <p>An assessor may conduct a hearing of a compensation application if they think fit, or make or refuse a compensation award without conducting a hearing. Hearings are conducted in private unless the assessor decides it should be conducted in public. A person who is notified of a hearing is entitled to:</p> <ul style="list-style-type: none"> appear at the hearing and be heard by the assessor appear in person or be represented by a legal practitioner, or by a person approved by the assessor, and to present evidence and to call, examine and re-examine witnesses and cross-examine any witness not called by that person.³¹⁰ |

³⁰⁶ Office of Criminal Injuries Compensation. Compensation. Available at: [Compensation \(justice.wa.gov.au\)](https://justice.wa.gov.au)

³⁰⁷ eCourts Portal of Western Australia. (2023). Criminal Injuries Compensation Information – Before you start. Available at:

<https://ecourts.justice.wa.gov.au/eCourtsPortal/OnlineResolution/Run/Page?statelid=97e28b6c-507c-449a-929d-1e5f804211e0&pagelid=45e9c4d9-e8ff-45ff-be8f-19f04092019a>

³⁰⁸ *Criminal Injuries Compensation Act 2003* s18(2), s19(2a)

³⁰⁹ Office of Criminal Injuries Compensation. (2023). Recoveries. Available at: <https://cict.justice.wa.gov.au/R/recoveries.aspx>

³¹⁰ *Criminal Injuries Compensation Act 2003* s24, s25

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| Timeframe to apply | Within 3 years after the date of the offence, or most recent offence if multiple offences were committed. ³¹¹ Any entitlement to compensation under this Act to a victim or close relative of a victim ceases on the death of the victim or close relative. ³¹² |
| Legal Assistance | Not required however if a solicitor is engaged, costs are not covered in the compensation. |
| Payment and closure | Once all information is obtained, the Assessor will make a decision whether to award or refuse compensation and notify the applicant in writing. If applicants or offenders are dissatisfied with the Assessor's decision, they have 21 days to appeal the decision to the District Court. If no appeal, payment is made no later than six weeks from the date of the award. If an appeal is lodged, payment is withheld until the outcome of the appeal is known. ³¹³ Compensation amounts awarded must be deducted. Future treatment expense must be used within 10 years from the date of award. It is not possible to pre-pay for treatment or released funds outside of what the assessor has ordered. ³¹⁴ |

Table 26: Tasmania Victims of Crime Assistance

| Tasmania – Victims of Crime Assistance | |
|---|--|
| Legislative framework | Victims of Crime Assistance Act 1976 |
| Legislative objectives | An Act to provide for the payment in certain cases of compensation to persons suffering as a result of the criminal conduct of others. ³¹⁵ |
| Department responsible | Department of Justice, Victims Support Services, Victims Assistance Unit |
| Scheme roles | The Minister for Justice may appoint one or more people who are Australian legal practitioners to be independent Criminal Injuries Compensation Commissioners. For the purpose of the Act, the Master, Registrar, and Deputy Registrar are Commissioners. ³¹⁶ The role of the Commissioners is to review compensation applications and documentation and decide if the application meets legislative requirements to receive compensation in accordance with the Act, or if any other documentation is required. ³¹⁷ The Commissioner is the only person who can decide the award amount. |
| Services provided and financial assistance available | Primary victims may be awarded compensation for any one or more of the following matters: expenses actually and reasonably incurred by the primary victim as a result of the injury the cost of medical, dental, psychological, or counselling services which the Commissioner is satisfied the primary victim will require in the future loss of wages or salary by the primary victim as a result of his or her total or partial incapacity for work arising from the injury the pain and suffering of the primary victim arising from the injury, or expenses reasonably incurred by the primary victim in claiming compensation. ³¹⁸ In respect of the death or injury of a person, compensation awarded under this Act may be awarded to a secondary victim in respect of any one or more of the following matter: |

³¹¹ *Criminal Injuries Compensation Act 2003* s9

³¹² *Criminal Injuries Compensation Act 2003* s10

³¹³ Office of Criminal Injuries Compensation. (2023). Application Process. Available at: https://cict.justice.wa.gov.au/A/application_process.aspx

³¹⁴ Office of Criminal Injuries Compensation. Application Process. Available at: [Application Process \(justice.wa.gov.au\)](https://justice.wa.gov.au)

³¹⁵ *Victims for Crime Assistance Act 1976*.

³¹⁶ *Victims of Crime Assistance Act 1976* s2A

³¹⁷ Tasmanian Department of Justice. Financial assistance. Available at: <https://www.justice.tas.gov.au/victims/financial-assistance#Making-a-claim>

³¹⁸ *Victims of Crime Assistance Act 1976* s4(2)

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| | <p>expenses actually and reasonably incurred by the secondary victim as a result of his or her own injury if the secondary victim is a parent, stepparent or guardian of the primary victim, expenses (other than funeral expenses) actually and reasonably incurred by the secondary victim as a result of the death or injury of the primary victim the cost of medical, psychological, or counselling services which the Commissioner is satisfied the secondary victim will require in the future loss of wages or salary by the secondary victim as a result of – his or her total or partial incapacity for work arising from his or her own injury, or his or her total or partial inability to work while providing care to the primary victim the pain and suffering of the secondary victim arising from his or her own injury expenses reasonably incurred by the secondary victim in claiming compensation.³¹⁹ In respect of the death or injury of a person, compensation awarded under this Act may be awarded to a related victim in respect of any one or more of the following matters: expenses actually and reasonably incurred by the related victim as a result of his or her own injury expenses (other than funeral expenses) actually and reasonably incurred by the related victim as a result of the death or injury of the primary victim the cost of medical, psychological or counselling services which the Commissioner is satisfied the related victim will require in the future loss of wages or salary by the related victim as a result of – his or her total or partial incapacity for work arising from his or her own injury, or his or her total or partial inability to work while providing care to the primary victim the pain and suffering of the related victim arising from his or her own injury if the primary victim dies, financial loss if the related victim was dependent on the primary victim, or expenses reasonably incurred by the related victim in claiming compensation.³²⁰ Payouts are categorised as follows: Primary victims are eligible for compensation up to \$33,134 for a single offence, or up to \$55,224 where there is more than one offence. Secondary victims are eligible for compensation up to \$22,089 Related victims, such as a spouse, partner, or immediate family member of a primary victim, are eligible for compensation up to \$11,045.³²¹ The total amount awarded to a primary, secondary, or related victim in respect of any particular criminal conduct must not exceed the prescribed maximum.</p> |
| <p>Agency/departmental funding</p> | <p>Support for Victims of Crime and Others 2021-22 = 15.6 FTEs³²²</p> |
| <p>Total payouts for FY2022³²³</p> | <p>Total payments excluding costs for 2021-22: \$7.423 million Average award: \$23,126.76 FTEs not found</p> |

³¹⁹ *Victims of Crime Assistance Act 1976* s4(3)

³²⁰ *Victims of Crime Assistance Act 1976* s4(4)

³²¹ Victim Support Services. Financial Assistance. Available at: [Financial assistance | Victims Support Services \(justice.tas.gov.au\)](https://www.justice.tas.gov.au/financial-assistance)

³²² Government of Tasmania. (2022). Department of Justice Annual Report 2021-22. Available at: https://www.justice.tas.gov.au/__data/assets/pdf_file/0010/682057/Department-of-Justice-Annual-Report-2021-22-PART-1-Report.pdf

³²³ Ibid.

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| Crime type | <p>Compensation may be awarded under the Act where a person is killed or suffers injury as a result of the act of another person that constitutes an offence or would have constituted an offence, but for the fact that that other person had not attained a specified age, or was insane, or had other grounds of excuse or justification at law for his or her act; or in assisting a police officer in the exercise of the power to arrest a person or to take action to prevent the commission of a crime by a person.³²⁴</p> <p>Offence means an offence that involves violence by one person against another and includes a crime under the Criminal Code Act 1924, including indecent assault, aggravated sexual assault, rape, abduction, kidnapping, stalking, and bullying.³²⁵</p> |
| Victim type | <p>Primary victim means a person against whom an offence is committed</p> <p>Related victim means a person who is –</p> <p>(a) the spouse or a child, stepchild, brother, sister, stepbrother, or stepsister of a primary victim, or</p> <p>(b) a parent or stepparent of a primary victim who was over 18 years of age at the time of the offence, or</p> <p>(c) in a personal relationship, within the meaning of the Relationships Act 2003, with a primary victim.</p> <p>Secondary victim means –</p> <p>(a) a person who suffers injury as a result of witnessing an offence; or</p> <p>(b) a parent, step-parent or guardian of a primary victim who was under 18 years of age at the time of the offence.³²⁶</p> |
| Eligibility | <p>Anyone who has suffered an injury (physical or psychological) as a result of a violent crime in Tasmania may be able to apply for Victims of Crime Assistance. This may include the victim of a violent crime (primary victim), somebody who has witnessed a violent crime, or a parent of a child victim (secondary victim), or a spouse, partner, or an immediate family member (related victim).³²⁷</p> <p>Primary, secondary, and related victims are eligible for financial assistance.</p> <p>Compensation must not be awarded:</p> <p>in respect of a death or injury caused by or arising out of the use of a motor vehicle within the meaning of the Vehicle and Traffic Act 1999; or</p> <p>by way of exemplary or vindictive damages or by way of aggravated damages; or</p> <p>for loss of, or damage to, property; or</p> <p>in relation to any matter for which compensation has been paid, or is payable, under a compensation law; or</p> <p>for expenses claimable –</p> <p style="padding-left: 40px;">under Part II of the Health Insurance Act 1973 of the Commonwealth; or</p> <p style="padding-left: 40px;">from a health benefits organisation registered under the National Health Act 1953 of the Commonwealth.³²⁸</p> <p>where the offence occurred in another state</p> <p>for offences prior to 4 August 1976.³²⁹</p> |
| Evidence required | <p>The applicant must submit a Victims of Crime Assistance Application Form. The application form is a statutory declaration and must be completed and witnessed prior to making a claim. The victim should give as much detail as possible about the date, location, and details of the offence, the police station it was reported to,</p> |

³²⁴ *Victims of Crime Assistance Act 1976 s4*

³²⁵ *Victims of Crime Assistance Act 1976 s2*

³²⁶ *Victims of Crime Assistance Act 1976 s2*

³²⁷ Tasmanian Department of Justice. (2023). Financial assistance. Available at: <https://www.justice.tas.gov.au/victims/financial-assistance#Who-can-apply-for-financial-assistance>

³²⁸ *Victims of Crime Assistance Act 1976 s6*

³²⁹ Tasmanian Department of Justice. (2023). Financial assistance. Available at: <https://www.justice.tas.gov.au/victims/financial-assistance#Who-is-not-eligible>

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| | <p>investigating officer, and name of offender (if known), how the crime has affected the applicant. If applying for expenses, the applicant must include receipts and proof of costs (i.e., funeral expenses, solicitor fees etc).³³⁰</p> <p>Victims Support Services will inform whether further documents are required, e.g., psychologist report, doctor or dentist report outlining injuries.</p> <p>The applicant should allow at least 12 months for their application to be processed, and they may have to wait for the outcome of the case in court.</p> |
| Lapsing provision | N/A. |
| Recovery from an offender | Yes. If an offender is convicted of an offence in respect of the criminal conduct which led to an application for the award being made the offender can be directed to pay to the Crown the whole of the compensation awarded. ³³¹ |
| Application format | <p>Via post.</p> <p>Once an application has been received, a Criminal Injuries Compensation Commissioner will review documentation and decide if the application meets legislative requirements and if other documents are required.</p> <p>A person applying for an award under this Act, whether for himself or on behalf of some other person, is entitled to appear before and be heard by the Commissioner either personally or by some person approved by the Commissioner.³³²</p> <p>Victims Support Services will arrange the victim's hearing. If they do not want to attend a hearing, they may have a telephone hearing, or the Commissioner is able to decide the application based on the documents provided. Following this, a decision is made regarding their application and payment is awarded - only the Commissioner can decide the award amount.³³³</p> |
| Timeframe to apply | An application for an award is to be made within 3 years after the date of the relevant offence. If a primary victim, secondary victim or related victim is less than 18 years old at the time of the relevant offence, his or her application for an award must be made no later than 3 years after he or she turns 18. The Commissioner may extend the 3-year period if satisfied that there are special circumstances which justify the extension. The three year time limit however does not apply for an award that involves an allegation of child sexual abuse. ³³⁴ |
| Legal assistance | Legal assistance is not required for the claim process. An applicant will not receive any more or less compensation if they use a solicitor. If the application is not successful, the applicant is liable for solicitor costs. If it is successful, the Victims Assistance Unit will pay reasonable solicitor costs. ³³⁵ |
| Payment and closure | <p>An application for an award is to be determined within 3 years of the date of the application. The Commissioner may extend the 3-year period if satisfied that there are special circumstances which justify the extension.³³⁶</p> <p>Regarding the awarding of the compensation, an award may be made on and subject to such conditions as the Commissioner determines as to— the payment, disposal, allotment, or apportionment of any sum paid under the award, and the holding of any sum paid under the award on trust for a person entitled to the benefit thereof.³³⁷</p> |

³³⁰ Victims Assistance Unit. (2023). Application for Victims of Crime Assistance. Available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice.tas.gov.au%2F__data%2Fassets%2Fword_doc%2F0004%2F654961%2FVictims-of-Crime-Assistance-Application-Form.docx&wdOrigin=BROWSELINK

³³¹ *Victims of Crime Assistance Act 1976 s7A*

³³² *Victims of Crime Assistance Act 1976 s7(4)*

³³³ Tasmanian Department of Justice. (2023). Financial assistance. Available at: <https://www.justice.tas.gov.au/victims/financial-assistance#Hearings>

³³⁴ *Victims of Crime Assistance Act 1976 s7(1)*.

³³⁵ Victims Assistance Unit. (2023). Application for Victims of Crime Assistance. Available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice.tas.gov.au%2F__data%2Fassets%2Fword_doc%2F0004%2F654961%2FVictims-of-Crime-Assistance-Application-Form.docx&wdOrigin=BROWSELINK

³³⁶ *Victims of Crime Assistance Act 1976 s7(8), s7(9)*

³³⁷ *Victims of Crime Assistance Act 1976 s5(5), s5(7)*

A decision of the Commissioner under this Act is final, and no appeal lies therefrom.³³⁸

Any amount required to be paid under an award is to be paid by the Treasurer from the Fund, and, subject to the terms of the award, if any amount is so required to be paid to a person who has died, it is to be paid to that person's legal representative.

Table 27: Northern Territory Victims of Crime Assistance Scheme

| Northern Territory – Victims of Crime Assistance Scheme | |
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| Legislative framework | <i>Victims of Crime Assistance Act 2006</i> |
| Legislative objectives | To assist the rehabilitation of victims of violent acts by implementing schemes to provide counselling and financial assistance for financial loss and compensable violent acts and compensable injuries, To enable the Territory to recover money from offenders found guilty of committing violent acts resulting in payments of financial assistance to their victims, and To establish a fund for the schemes implemented by this Act and to provide revenue for the fund by imposing a levy on certain people. ³³⁹ |
| Department responsible | Department of Justice, Crime Victims Services Unit |
| Scheme roles | The Northern Territory Government does not have a commissioner for victims of crime. Applicants are made to the Director, and an assessor must decide an application in accordance with the Act. ³⁴⁰ |
| Services provided and financial assistance available | Primary, secondary, and family victims may be able to apply for immediate help to cover out-of-pocket expenses of up to \$5,000. ³⁴¹ Applicants can claim for any of the following: <ul style="list-style-type: none"> • Loss of earnings or wages • Loss or damage to clothing and other belongings e.g., glasses or phone • Expenses for medical treatment as a result of injuries • In exceptional circumstances, the cost of relocating or securing their home or business. If the violent act resulted in death, the applicant can claim for, any funeral or medical expenses of the victim incurred by the applicant and payment if the applicant was financially dependent on the victim. ³⁴² Primary victims may apply for a total compensation amount of up to \$40,000 which may include: Injuries or violent acts – up to \$40,000 Financial loss – up to \$10,000. ³⁴³ |

³³⁸ *Victims of Crime Assistance Act 1976* s10

³³⁹ *Victims of Crime Assistance Act 2006*

³⁴⁰ *Victims of Crime Assistance Act 2006* s34

³⁴¹ *Victims of Crime Assistance Act 2006* s27

³⁴² Department of the Attorney-General and Justice. Application for Financial Assistance by a Primary Victim. Available at: https://nt.gov.au/__data/assets/pdf_file/0009/170829/primary-victim-application-form.pdf

³⁴³ Department of the Attorney-General and Justice. Application for Financial Assistance by a Primary Victim. Available at: https://nt.gov.au/__data/assets/pdf_file/0009/170829/primary-victim-application-form.pdf

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| | <p>The assessor may award a primary victim financial assistance for one or more compensable injuries only if the total of the standard amount for the injury is at least \$7,500³⁴⁴</p> <p>Secondary victims may apply for a total compensation amount of up to \$40,000 which may include:</p> <p>Injuries – up to \$40,000</p> <p>Financial loss – up to \$10,000³⁴⁵</p> <p>The assessor may award a secondary victim financial assistance for one or more compensable injuries only if the total of the standard amount for the injury is at least \$7,500³⁴⁶</p> <p>The maximum amount payable to a secondary victim combined is \$40,000. There is also one amount of \$40,000 for all secondary victims of the same violent act. If there is more than one secondary victim, the amount is shared.</p> <p>The maximum financial assistance that may be awarded to all the family victims of the same violent act is \$40,000. The maximum that may be awarded to each family victim is \$10,000, less any amount paid as an immediate payment.³⁴⁷</p> <p>Family victims may apply for a total compensation amount of up to \$10,000 which may include financial loss or out-of-pocket expenses such as funeral expenses, medical expenses, or financial support due to financial dependence on the victim.</p> <p>A primary victim of a violent act is eligible to apply for counselling required because of the violent act, financial assistance for financial loss (both immediate payment and non-immediate), including loss of earnings, expenses incurred due to loss of clothing or personal effects, medical expenses and in other exceptional circumstances, other expenses.³⁴⁸</p> <p>A secondary victim is eligible to apply for counselling, financial assistance for financial loss (both immediate payment and non-immediate) including loss of earnings, medical expenses and in other exceptional circumstances, other expenses, compensable injuries, funeral expenses.³⁴⁹</p> <p>A family victim is eligible to apply for an award for counselling required because of the violent act, immediate payment of financial assistance for financial loss for funeral expenses, financial loss, medical expenses and in other exceptional circumstances, other expenses.³⁵⁰</p> <p>A related victim is eligible to apply for counselling required because of the violence act.³⁵¹</p> |
| Agency funding | Not found |
| Total payouts for FY2022 | \$3.98 million paid to victims of crime in 2021-22 ³⁵² |
| Crime type | <p>A violent act is:</p> <p>(a) a criminal act prescribed by regulation, or a series of such related criminal acts, whether committed by one or more persons, that occurs in the Territory, or</p> <p>(b) a criminal act, or a series of related criminal acts, whether committed by one or more persons, that:</p> <p>(i) occurs in the Territory, and</p> |

³⁴⁴ *Victims of Crime Assistance Act 2006* s38

³⁴⁵ Department of the Attorney-General and Justice. Application for Financial Assistance by a Primary Victim. Available at: https://nt.gov.au/__data/assets/pdf_file/0009/170829/primary-victim-application-form.pdf

³⁴⁶ *Victims of Crime Assistance Act 2006* s39

³⁴⁷ *Victims of Crime Assistance Act 2006* s40

³⁴⁸ *Victims of Crime Assistance Act 2006* s10

³⁴⁹ *Victims of Crime Assistance Act 2006* s11

³⁵⁰ *Victims of Crime Assistance Act 2006* s14

³⁵¹ *Victims of Crime Assistance Act 2006* s16

³⁵² Department of the Attorney-General and Justice. (2022). Annual Report 2021-22. Available at: https://justice.nt.gov.au/__data/assets/pdf_file/0010/1170559/agd-annual-report-2021-2022.pdf

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| | (ii) directly results in the injury or death of one or more persons regardless of where the injury or death occurs. ³⁵³ Injury means any one or more of physical illness or injury, recognisable psychological or psychiatric disorder, or pregnancy. ³⁵⁴ |
| Victim type | <p>A primary victim of a violent act is:</p> <ul style="list-style-type: none"> if the violent act is a compensable violent act – a person against whom the violent act has been committed regardless of whether the person suffers an injury or dies as a direct result of the violent act, or <p>otherwise – a person against whom the violent act has been committed and who suffers an injury or dies as a direct result of the violent act.</p> <p>Also, a primary victim of a violent act is a person who suffers an injury or dies as a direct result of any of the following:</p> <ul style="list-style-type: none"> trying to prevent another person from committing a violent act trying to help or rescue another person against whom a violent act is being committed or has just been committed, or trying to arrest another person who is committing or has just committed a violent act.³⁵⁵ <p>A secondary victim of a violent act is a person who is present at the scene of the violent act and suffers an injury as a direct result of witnessing the violent act.</p> <p>Also, a secondary victim of a violent act is one of the following persons who suffers an injury as a direct result of subsequently becoming aware of the violent act: a child or stepchild of the primary victim, or a child under the guardianship of the primary victim, when the violent act occurs, or if the primary victim is a child – a parent, stepparent, or guardian of the primary victim when the violent act occurs.³⁵⁶</p> <p>A person is not a secondary victim if the person committed the violent act</p> <p>A family victim of a violent act is a person who, when the violent act occurs, is one of the following:</p> <p>the spouse or de facto partner of the primary victim of the violent act a parent, stepparent, or guardian of the primary victim of the violent act a child or stepchild of the primary victim of the violent act or a child under the guardianship of the primary victim of the violent act, or a person entirely or substantially dependent for financial support on the primary victim of the violent act.³⁵⁷</p> <p>A related victim of a violent act is a person who, when the violent act occurs, is one of the following:</p> <p>A relative of the primary victim of the violent act A person in an intimate personal relationship with the primary victim of the violent act.</p> |
| Eligibility | <p>A primary victim of a violent act is eligible to apply for an award for (a) if the violent act is a compensable violent act; (i) the mere commission of the violent act; or (ii) one or more compensable injuries suffered as a direct result of the violent act; or (b) otherwise – one or more compensable injuries suffered as a direct result of the violent act.</p> <p>A secondary victim is eligible to apply for an award of financial assistance for one or more compensable injuries suffered as a direct result of witnessing or becoming aware of the violent act.</p> <p>A family victim is eligible to apply for an award of financial assistance if a violent act directly results in the death of the primary victim.</p> <p>A related victim is eligible to apply for counselling if they meet the definition criteria.³⁵⁸</p> |

³⁵³ *Victims of Crime Assistance Act 2006 s5*

³⁵⁴ *Victims of Crime Assistance Act 2006 s6*

³⁵⁵ *Victims of Crime Assistance Act 2006 s9*

³⁵⁶ *Victims of Crime Assistance Act 2006 s11*

³⁵⁷ *Victims of Crime Assistance Act 2006 s13*

³⁵⁸ *Victims of Crime Assistance Act 2006 s1*

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| Evidence required | Application form, brief description of the act, name of offender if known and date, description of injury, nature and amount of financial loss, details of civil or criminal proceedings, other claims, whether the applicant believes any other person may be a victim of the violent act, invoice for expenses and medical reports. For primary victims, the date on which the applicant made a statement about the violent act to a police officer or the reasons why no statement has been made. For secondary victim or family victim – the date on which the applicant made a statement to a police officer or, if the applicant did not make a statement, whether the primary victim made a statement. ³⁵⁹ |
| Lapsing provision | The assessor may, by written notice, require the applicant to give the assessor further information or documents relevant to the application. However there is no specified timing for this to occur. |
| Recovery from an offender | <p>If the Territory has paid financial assistance to a victim of a violent act, the Territory may commence a proceeding in the Court for recovery of an equal or lesser amount of money from the offender. The Territory must commence the proceeding within 3 years after the date of the payment of financial assistance to the victim.</p> <p>In the proceeding, the Territory must prove the following matters to the satisfaction of the Court, including the Territory paid the amount sought to be recovered; the offender against whom the proceeding is brought was found guilty of an offence that resulted in the payment; or on the balance of probabilities, committed an offence that resulted in the payment.</p> <p>The Court may reduce the amount sought to be recovered by the Territory if:</p> <p>the offender satisfies the Court the victim contributed to the injury or death for which the amount was paid, or</p> <p>the Court is satisfied the financial assistance awarded to the victim was excessive in the circumstances.³⁶⁰</p> |
| Application Format | <p>An eligible victim of a violent act may apply to the Director for an award of financial assistance. As soon as practicable after the Director accepts an application for an award, the Director must give the application to an assessor for a decision. The Director may give a copy of the application and a notice about the entitlement to the following persons: an offender named in the application, and any other person the Director considers to have an interest in the application. As soon as practicable (but within 28 days) after receipt of a notice, the person to whom the notice is directed may give the Director a written submission relating to the application. The Director must give each submission to the assessor.³⁶¹</p> <p>An application made to the Director under the Act must be made in the approved form. A person who makes an application to the Director or is required to give a document to the Director or an assessor, must do so by lodging the application or document at an office of the CVSU or with a person acting for the CVSU. The lodgement may be by one or a combination of personal delivery, postal delivery, fax, or email.³⁶²</p> <p>Victims can lodge their application with the CVSU in Darwin, or at the Magistrates' Court in regional centres (outside Darwin).</p> |
| Timeframe to apply | <p>The application must be made, if the eligible victim has not applied for an award of financial assistance:</p> <ul style="list-style-type: none"> • for an application relating to a compensable violent act – within 2 years after the occurrence of the violent act; or • for another application – within 2 years after the occurrence of the injury or death to which the application relates; or <p>if the eligible victim has also applied for an award of financial assistance – at any time before the assessor decides the application.³⁶³</p> |
| Legal assistance | Legal assistance is not required for the claim process. If the applicant receives an award of financial assistance, CVSU may take legal action to recover the money from the offender. A person may choose to be represented by a legal practitioner in making an application. However, the legal practitioner is not entitled to recover from the person any costs, except the legal practitioner's reasonable disbursements, incurred in representing the person. The Territory is not liable to pay any costs incurred by a person or legal practitioner in making an application. ³⁶⁴ |

³⁵⁹ *Victims of Crime Assistance Act 2006* s32

³⁶⁰ *Victims of Crime Assistance Act 2006* s56

³⁶¹ *Victims of Crime Assistance Act 2006* s33

³⁶² *Victims of Crime Assistance Act 2006* s8

³⁶³ *Victims of Crime Assistance Act 2006* s26

³⁶⁴ *Victims of Crime Assistance Act 2006* s54

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| Payment and closure | <p>The Assessor must decide an application by awarding or refusing to award financial assistance. The assessor must decide the application as soon as practicable. The assessor may defer the decision:</p> <p>until the assessor has obtained further information or reports considered necessary to make a proper decision</p> <p>if a civil or criminal proceeding has commenced in relation to the violent act or the applicant's injury, death or financial loss - until the proceeding is determined</p> <p>(c) if the Territory is seeking to recover an amount of money from the applicant under Part 5 in relation to another application for financial assistance – until the proceeding for recovery of the amount is determined.³⁶⁵</p> <p>The assessor may:</p> <ul style="list-style-type: none"> • require the applicant to undergo an examination by a medical practitioner, psychologist, or psychiatrist³⁶⁶ • obtain additional information and make inquiries the assessor considers necessary to make a proper decision³⁶⁷ • make an award for financial assistance only if satisfied the applicant is an eligible victim of a violent act³⁶⁸ • reasonably reduce an award after taking a number of matters into account.³⁶⁹ • As soon as practicable after deciding the application, the assessor must give the Director a notice, in the approved form, of the assessor's decision, including the total financial assistance awarded. <p>Within 28 days after the Director gives notice to an applicant awarded financial assistance, the Territory must pay the financial assistance as specified in the notice.³⁷⁰</p> <p>An applicant paid financial assistance may apply to the Director for an increased award if the applicant was an adult at the date of payment – within 3 years after that date, or if the applicant was a child at the date of payment – within 3 years of becoming an adult.³⁷¹</p> <p>An assessor may require a person to refund an amount to the Territory if satisfied the person has received an award or immediate payment to which the person was not entitled, or further payments.</p> <p>To claim for future medical treatment or other expenses, a statement from the service provider must be provided, with payment made directly to the service provider. For other payments, the amount is transferred into the bank account.</p> |
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³⁶⁵ *Victims of Crime Assistance Act 2006* s34

³⁶⁶ *Victims of Crime Assistance Act 2006* s35

³⁶⁷ *Victims of Crime Assistance Act 2006* s36

³⁶⁸ *Victims of Crime Assistance Act 2006* s37

³⁶⁹ *Victims of Crime Assistance Act 2006* s41

³⁷⁰ *Victims of Crime Assistance Act 2006* s45

³⁷¹ *Victims of Crime Assistance Act 2006* s46(1)

Appendix B: Detailed Processes

The purpose of Appendix B is to provide in-depth information in relation to the processes that underpin the administration of the Scheme.

B.1 Financial Assistance: Eligibility Criteria

Reporting requirements

Prior to assessment of an application for assistance, the act of violence is required to be reported. Individuals seeking to apply for financial assistance from VAQ must report the act of violence to police, with exception for special primary victims who can report the act of violence to police or other service providers including a doctor, psychiatrist, psychologist, counsellor or domestic violence service.³⁷²

Application Timeframes

In most cases, individuals are required to apply for assistance within three years from when the act of violence occurs. For an application by a related victim, applications for assistance must be made within three years after the death of the primary victim of the act. For victims who were under the age of 18 when the act of violence occurred, they are eligible to apply for assistance up until the age of 21. Applicants can also apply for an extension of this time frame. The Scheme manager must consider whether this is appropriate, and can have regard to factors such as the age of the person when the crime occurred, impaired capacity or whether the person who committed the crime was in a position of power.³⁷³

People who are eligible

The Scheme has been established to provide financial assistance to:

- A victim of an act of violence;
- A person who incurs, or is reasonably likely to incur funeral expenses for the death of a primary victim of an act of violence.³⁷⁴

An act of violence is a crime or a series of related crimes, whether committed by 1 or more persons, that are committed in Queensland; and directly result in the death of, or injury to, 1 or more persons, irrespective of where the death or injury happened.

An act of violence is also domestic violence, or a series of related act of domestic violence, and that committed in Queensland, and directly results in the death of, or injury to, 1 or more persons, irrespective of where the death or injury happened.³⁷⁵

People who are not eligible

Individuals cannot be granted payments of financial assistance in relation to an act of violence if:

- The person committed or conspired to commit the act of violence; or
- The person's involvement in a criminal activity is the only or main reason the act of violence was committed against the person (in relation to a person claiming assistance as a primary victim of the act); or
- The person was or should have been aware of the primary victim's involvement in a criminal activity as the only or main reason the act of violence was committed against the primary victim (for a person claiming assistance for the death of a primary victim of the act); or

³⁷² *Victims of Crime Assistance Act 2009* (Qld) s81

³⁷³ *Victims of Crime Assistance Act 2009* (Qld) s54

³⁷⁴ *Victims of Crime Assistance Act 2009* (Qld) s21

³⁷⁵ *Victims of Crime Assistance Act 2009* (Qld) s25

- The person did not provide reasonable assistance in the arrest or prosecution of the person who allegedly committed the act; or
- The act has not been reported to an appropriate party as mentioned above and there is no reasonable excuse for the report not being made³⁷⁶

Victim types

- A primary victim, of an act of violence, is a person who dies or is injured as a direct result of the act being committed against the person.
- A secondary victim, of an act of violence, is a person who is a parent secondary victim or witness secondary victim of the act.
- A parent secondary victim, of an act of violence, is a person who:
 - is a parent of a child who is injured as a direct result of the act being committed against the child; and
 - is injured as a direct result of becoming aware of the act.
- A witness secondary victim, of an act of violence, is a person who is injured as a direct result of witnessing the act
- A related victim, of an act of violence, is a person who is a close family member, or a dependant, of a primary victim of the act who has died as a direct result of the act.³⁷⁷

B.2 Financial Assistance Scheme: Application Process

Compiling an application

The forms available (including length and questions) have been outlined below:

- Primary Victim - Financial Assistance Application Form - Victim Assist Queensland (26 pages including 25 questions);
- Parent Secondary Victim - Financial Assistance Application Form - Victim Assist Queensland (25 pages including 23 questions);
- Witness - Financial Assistance Application Form - Victim Assist Queensland (26 pages including 23 questions);
- Related Victim - Financial Assistance Application Form - Victim Assist Queensland (24 pages including 23 questions);
- Special primary victim report form - Victim Assist Queensland (3 pages including 4 questions)
- Funeral Assistance Application Form - Victim Assist Queensland (11 pages including 14 questions).³⁷⁸

Compiling an application - Evidence

An applicant may be required to provide a range of information and evidence as part of an application for financial assistance to VAQ. Informational requirements will vary depending on victim category, personal circumstances and expenses that a victim is claiming. Information or evidence that may be required as part of an application for financial assistance under the Scheme can include:

- Crime Details: information regarding the offence/offences that have occurred (e.g. name of victim, key dates and details of contact from police). Additional information regarding who committed the crime may also be provided

³⁷⁶ *Victims of Crime Assistance Act 2009* (Qld) s21

³⁷⁷ *Victims of Crime Assistance Act 2009* (Qld) s26

³⁷⁸ Queensland Government. (2023). Apply for financial assistance for victims of crime. Available at: <https://www.qld.gov.au/law/crime-and-police/victims-and-witnesses-of-crime/financial-assistance/making-claim/applying/how-to/apply-for-financial-assistance-for-victims-of-crime>

- Identity verification: approved identity documentation for the person making the application (including birth certificate, Australian drivers license, passport)
- Situational details: additional information regarding the person making the application. Applicants filling in an application on behalf of a victim are required to provide documentation confirming authority to act on behalf the victim or relationship to the victim
- Injuries: supporting documentation to confirm injuries if available (e.g. medical certificate, special primary victim report and health practitioner letters)
- Who the crime was reported to: information and contact details regarding the service or provider that the act of violence was reported to (e.g. police report details or special victim reports)
- Loss of earnings: information regarding loss of earnings, in addition to supporting documentation related to why a victim could not work, income received, key dates and resignation if relevant (e.g. pay slips and separation certificates)
- Claim reference number for victims of work-related violence: information on claim reference number and when claim was finalised
- Claim reference number for victims of violence involving a motor vehicle: information on claim reference number and when claim was finalised
- Receipts, invoices or approximate costs if claiming recovery expenses
- Counselling expenses: photocopies of treatment plan, receipts or invoices, in addition to details of any counselling costs that could be claimed through other sources (e.g., Medicare and insurance)
- Medical expenses: documentation such as treatment plans, receipts or invoices, in addition to details of any medical costs that could be claimed through other sources
- Damage to clothing: information regarding the type of clothing and purchase cost. Proof of purchase only required for victims claiming more than \$1,000 total for clothing
- Legal expenses: invoices for legal expenses incurred for the victim or applicant to receive advice, assistance or representation in relation to the application
- Funeral expenses: itemised invoices or receipts for funeral costs and expenses
- Other recovery expenses for exceptional circumstances: approximate costs of expenses and photocopies of receipts, invoices, formal quotes and other documentation about expenses may be required
- Declaration of other payments that have been received, may be received or that the victim may be eligible for: information such as claim numbers and payment amounts in relation to payments that have already been received from any other source, payments that has been awarded but not yet received, payments not yet approved or that the applicant is planning to claim, may be required.
- Consent: evidence of consent is required³⁷⁹

The responsibility to collect supporting evidence and documentation for an application is on the victim and/or person making an application on behalf of the victim seeking financial assistance from the Scheme. In some instances, inclusion of supporting evidence and documentation can be provided following submission of an application, however waiting times can be reduced through supplying required evidence and information as part of an application.

Submission of application

A signed copy of the completed application form and supporting documentation is required to be emailed or posted to VAQ and an applicant will receive a notification upon receipt of their application.

³⁷⁹ Victim Assist Queensland. (2023). Apply for victim assistance. Available at: <https://www.qld.gov.au/law/crime-and-police/victims-and-witnesses-of-crime/financial-assistance/making-claim/applying/how-to>

B.3 Financial Assistance Scheme: Assessment Process

The assessment of an application is a decision-making process and involves four stages; preparing for the decision, developing the decision, making the decision and communicating the decision.

Intake

Intake involves processing an application either manually by an administration officer for applications received by email or post, or automatically for applications that have been completed through the online form option. Applications that have been received by email or post are required to have three key points of information to make it compliant for further investigation by VAQ. The form must be signed, dated and include identification. Applications that have been completed through the new online form option are processed through an automated intake routine whereby 14 stop-points need to be met for a form to be compliant and allocated to an assessor. This process has only recently been established.

Following the intake stage, each application is allocated to an assessor by a Team Leader or automatically through Resolve (VAQ's Client Management System). Allocation is undertaken based on a number of priority / complexity markers entered during intake and the complexity of applications to ensure appropriate assignment to either an AO4, AO5 or an AO6 assessor. 'Anything else' markers enable adjustment to either the AO4 or AO5 lists to allow for rebalancing of assessor workload.

Table 28: Allocation Markers

| AO4 allocation markers | AO5 allocation markers |
|--|--|
| Funeral | Interim |
| Interim | Application older than 18 months since received date |
| Application older than 18 months since received date | Homeless |
| Related victim application with an OEEC expense request (not CTP) | Contact Needs an interpreter |
| Related victim application (no CTP) | Applicant has special needs |
| Witness secondary application more serious (no CTP) | Child at received date |
| Had previous application closed down as detained (in custody) | AOV address is the same as the applicant/contact address |
| First Nations application | Parent secondary |
| Older than 60 at received date | Child when AOV occurred |
| Office of Public Guardian/Public Trustee listed as contact (or another legal guardian) | Applicant has more than one application |
| Child Safety listed as contact | Not reported to QPS |
| WorkCover application | AoV occurred over a period of time |
| Anything else (from the end of the AO5 list) | Witness less serious / CALD background / CTP / anything else |

Source: VAQ

The assigned assessor for an application is responsible for maintaining a document trail through updating Resolve and an applicant's hard copy file (if one exists). Key assessment issues specific to each applicant are required to be recorded throughout the process also.³⁸⁰

During the intake stage, assessors will confirm the applicants identity. Additionally, assessors can accept the incorrect form as long as its meets its mandatory information requirements, and will then work with the victim to ensure the correct form (and victim type) are utilised.

Assessment

At the time of assessment, each application must be set as a victim type of either not eligible, Primary Victim, Related Victim, Parent Secondary Victim, Witness Secondary Victim (more or less serious act of violence) or Funeral expense only.³⁸¹ Additionally, assessors must investigate evidence relating to injury. Each crime and/or act of domestic violence must be matched to a corresponding injury suffered by the applicant otherwise the incident does not meet the Act's definition of 'act of violence'.

In order to assess eligibility of an application, under Part 12 of the VOCAA, an assessor may exercise powers to:

- Obtain information about an act of violence from the police commissioner³⁸²
- Obtain copies of witness statements or information about particular conduct in relation to the act of violence from the relevant police official³⁸³
- Obtain information about a prosecution from the director of public prosecutions³⁸⁴
- Obtain information about an act of violence from the registrar of a court³⁸⁵
- Obtain information about relevant payments from the SPER registrar³⁸⁶
- Confirm the release or discharge date of an applicant being detained in a correctional services facility from the chief executive of corrective services³⁸⁷
- Obtain the criminal history of a primary victim from the police commissioner.³⁸⁸
- Obtain medical information about an applicant from a designated person for medical information³⁸⁹
- Obtain information about a child's injuries or special needs (if an applicant for victim assistance is a child who is in the custody, or under the guardianship, of the chief executive (child protection) or someone else)³⁹⁰
- Obtain information about a person with impaired capacity from the QCAT principal registrar (if the government assessor knows, or reasonably suspects, an applicant for victim assistance has an impaired capacity).³⁹¹
- Obtaining information about relevant payments from the insurance commissioner, the police commissioner, the Worker's Compensation chief executive officer, the chief executive (corrective services), a director under the *Dispute Resolution Centres Act 1990* or the chief executive officer (NIISQ)³⁹²

³⁸⁰ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.2.1

³⁸¹ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.4.2

³⁸² *Victims of Crime Assistance Act 2009* (Qld) s65

³⁸³ *Victims of Crime Assistance Act 2009* (Qld) s66

³⁸⁴ *Victims of Crime Assistance Act 2009* (Qld) s67

³⁸⁵ *Victims of Crime Assistance Act 2009* (Qld) s67A

³⁸⁶ *Victims of Crime Assistance Act 2009* (Qld) s67B

³⁸⁷ *Victims of Crime Assistance Act 2009* (Qld) s68

³⁸⁸ *Victims of Crime Assistance Act 2009* (Qld) s69

³⁸⁹ *Victims of Crime Assistance Act 2009* (Qld) s74

³⁹⁰ *Victims of Crime Assistance Act 2009* (Qld) s75

³⁹¹ *Victims of Crime Assistance Act 2009* (Qld) s76

³⁹² *Victims of Crime Assistance Act 2009* (Qld). s77

Consideration of relevant expenses

VAQ policy outlines a range of evidence that is required in order for financial assistance to be granted. Assessment of financial assistance requires collation of information such as invoices, receipts, treatment plans and other records, and can involve contacting an applicant to obtain additional information for a decision. In circumstances where an assessor has attempted to obtain further information required for assessment of an expense and a victim has not responded within a 1 week timeframe, an expense cannot be considered and will be recorded as 'matters not considered'.³⁹³

The VOCAA also provides VAQ with a lapsing provision, which states that if an applicant for assistance has not made any contact with the government assessor dealing with the application for 6 months, the application will lapse.

Consideration of relevant payments

Obtaining information about relevant payments is a key part of the process to determine financial assistance. Assessors are required to ask all applicants whether they have received any relevant payments, which is a benefit or payment that has been received or will be received in relation to the act of violence, and gather evidence of this to ensure that financial assistance from VAQ has considered and deducted relevant payments. Examples of relevant payments include insurance payments related to the act of violence, compensation/restitution from another entity or the offender in relation to the act of violence, crowdsourced donations and financial assistance provided from a third party in relation to the act of violence.³⁹⁴

The assessor is required to confirm the details of other relevant payments listed in application documents when initial contact is made with the applicant and ensure that the applicant understands that consent provided in the signed form enables the assessor to seek information from relevant entities for information about payments.

Generally, a victim of a work-related act of violence is required to apply for workers' compensation and the application must be finally dealt with prior to an assessor proceeding with assessment of an application to the Scheme. In cases where a claim has not yet been lodged or is ongoing for an application pertaining to a work-related act of violence, the assessor will contact the applicant to advise the application will not be processed until a claim has been lodged and 'finally dealt with'.³⁹⁵ These applications can be expediated so as to not hold up other processes relating to insurance.

Motor vehicle accident applications generally require that the victim has lodged a compulsory third party claim which has been finally dealt with prior to proceeding with assessment of an application. In cases where a claim has not been made, the assessor will contact the applicant to advise of the requirement to lodge a CTP claim and defer the application until a claim has been made and finally dealt with.³⁹⁶ All relevant payments from other funding sources must be confirmed by an assessor prior to finalisation of a decision to grant assistance.

Assessors will also conduct searches to confirm whether the applicant has an actual or potential debt. In cases where a potential debt to the State has been identified during the assessment process, the applicant is required to pay the payable amount to the State should assistance be granted. The assessor must also notify the Offender Debt Recovery Program (ODRP) who will commence the Offender Debt Recovery (ODR) process.³⁹⁷

Consideration of special assistance

An assessor is required to determine what crime occurred, the appropriate special assistance category that the crime would fit into and consider the relevant special assistance circumstances.

The first step of the process to determine that the crime occurred. An assessor will establish what specific criminal offence occurred as per the *Criminal Code Act 1899* or that the incident meets the definition of domestic violence as per the *Domestic Violence Protection Act 2012*. Police reports, in addition to the District and Supreme Court Benchbook and internal VAQ policies can be consulted to help inform the assessor's determination of what crime occurred. An assessor will require approval from a team leader at VAQ if departing from police charges.

³⁹³ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.8.1

³⁹⁴ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.7.2

³⁹⁵ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.3.6

³⁹⁶ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.3.7

³⁹⁷ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.3.4

The second step involves determination of the appropriate special assistance category. Schedule 2 of the VOCAA outlines special assistance categories and the corresponding crimes for each category. It is important to note that where an act of violence includes a series of related crimes, the assessor will determine the special assistance payment that a victim is eligible for based off the crime within the series that is of the highest category.

The third step requires an assessor to consider special assistance circumstances (excluding a Category A act of violence). These circumstances are aligned to the assigned category, and can include factors such as impaired capacity and age.³⁹⁸

Assessment of ongoing counselling and/or medical fees

In efforts to ensure additional and ongoing treatment continues to be attributed directly to the act of violence and are contributing towards the victims' recovery, assessors are authorised under the VOCAA to seek relevant information for approval decisions related to expenses.

In circumstances whereby a provisional diagnosis of injury and/or evidence of adverse impacts is provided, 12 sessions of counselling can be approved. A comprehensive clinical report will be requested to confirm diagnosed injury, in order to proceed beyond 12 sessions and for an assessor to grant an addition 12. Alternatively, an assessor can approve and grant 24 sessions initially if evidence of a diagnosis of injury is provided. Progress reports will be requested in order for an assessor to grant beyond 24 sessions.³⁹⁹

Assessment of other expenses due to exceptional circumstances

A claim for other reasonable expenses under exceptional circumstances can be made if two threshold tests are met:

1. Exceptional circumstances exist in line with the definition under section 28 of the VOCAA due to:
 - a. the victim's circumstances that cause the act of violence to have an unusual, special or out of the ordinary impact on the victim, or
 - b. the nature of the act of violence causing the act to have an unusual, special or out of the ordinary impact on the victim
2. The expenses will significantly assist the victim to recover from the act of violence.

The framework for deciding exceptional circumstances requires that assessors refer to a number of resources including internal guidelines, as well as policy and procedural documentation to determine payment of expenses within this category.⁴⁰⁰

B.4 Financial Assistance Scheme: Payment

Assessors are required to make a decision based on the balance of probabilities under the VOCAA's section 78 (eligibility), section 79 (conspiring to commit an act of violence), section 80 (actions caused violence), section 82 (assistance provided) and section 85 (deciding the amount of assistance generally). Once these considerations have been analysed by an Assessor, a decision can be made, with a Notice of Decision and any conditions provided to be applicant.

Outcomes and payment

An assessor can make one of the following payment outcomes in granting financial assistance:

- Component/expense granted (payment can be made); or
- Possible future expenses grant (a grant for possible future expenses that have not been incurred yet whereby payment is dependant on the applicant providing necessary supporting information); or
- Matters not considered (insufficient information on file to make a payment or a possible future grant for an expense an applicant would like to claim); or
- Component/expense refused.

³⁹⁸ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.8.9

³⁹⁹ Department of Justice and Attorney-General. Chapter 9a - Financial Assistance Policy. S9.9

⁴⁰⁰ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.8.8

In circumstances where an assessor is proposed to reduce or refuse a grant of assistance, the applicant must be issued a notice with details of the basis for the decision. The applicant is also required to be invited to make a submission in response to the proposed refusal or reduction in assistance within a stated timeframe of at least 28 days. The assessor will consider any submissions made in response to the proposed refusal or reduction of a grant of assistance, prior to deciding the application. Once an assessor has finalised the decision, a formal decision will be prepared and sent to the applicant.⁴⁰¹

Prior to VAQ issuing the first payment, a payments officer is required to confirm that the applicant's identity has been verified as part of the intake and assessment processes. Assessors may also attach conditions to a grant of assistance, which relate to timing of when payment will be made, other funds that may be received or approval of interim assistance.

Payments of assistance can be provided to the applicant, partly to the applicant and party to someone else, to entirely to someone else for the benefit of the applicant. In cases where financial assistance has been granted for expenses, the applicant or service provider is required to provide a copy of an invoice or receipt for expenses, prior to payment.⁴⁰² In cases where a financial assistance grant is made, lump sum payments are paid directly to the individual and payments for victims under the age of 18 are made to the Public Trustee.⁴⁰³

In cases where a part, or all of financial assistance granted to the applicant has not been paid within six years from commencement, due to acts or omissions of the applicant, the assistance will conclude at the end of the six year period.⁴⁰⁴

Financial assistance composition

Financial assistance will vary depending on a case-by-case basis, however financial assistance may include the following types of financial assistance and expenses previously incurred or reasonably likely to be incurred by the victim as a direct result of the act of violence:

- counselling expenses
- medical expenses
- dental expenses
- travel to medical to counselling appointments
- report expenses
- damage to clothing
- loss of earnings
- other reasonable expenses (e.g. relocation expenses or costs to secure the victim's place of residence or business in exceptional circumstances)
- assistance with the costs of the funeral of a person who has died as a result of an act of violence
- legal expenses related to applying for assistance
- interim assistance (for urgent and immediate expenses)
- a special assistance payment (for primary victims only)
- a distress payment (for related victims only)
- a dependency payment (for related victims only)⁴⁰⁵

An overview of financial assistance in accordance with each victim category has been presented in the below. An 'X' has been used to denote the types of assistance that each victim category is eligible for, and an asterisk has been used to highlight certain types of financial assistance that are granted to victims in addition to the maximum financial amounts noted in the bottom row of the table. The maximum amount that each victim category is eligible for is outlined in the bottom row.

⁴⁰¹ Department of Justice and Attorney-General. Chapter 9b - Financial Assistance Procedures. S9.7.3

⁴⁰² Victims of Crime Assistance Act 2009 (Qld) s93

⁴⁰³ Victims of Crime Assistance Act 2009 (Qld) s94

⁴⁰⁴ Victims of Crime Assistance Act 2009 (Qld) s96

⁴⁰⁵ Victim Assist Queensland. (2017). A guide for Victims of Crime in Queensland.

Table 29: Financial assistance composition for victim categories

| | Primary Victim | Parent Secondary Victim | Witness Secondary Victim – More serious | Witness Secondary Victim – Less serious | Related Victim |
|--|----------------|-------------------------|---|---|----------------|
| Interim assistance | X | X | X | X | X |
| Funeral assistance | | X* | X | X | X* |
| Special assistance | X | | | | |
| Distress payment | | | | | Up to \$10,000 |
| Dependency payment | | | | | \$20,000 |
| Other expenses | X | X | X | X | X |
| Note: recovery of legal expenses up to \$500 can be granted to parent secondary and related victims in addition to the total financial assistance payable | | | | | |
| Total financial assistance payable | \$75,000 | \$50,000 | \$50,000 | \$10,000 | \$50,000 |
| Total financial assistance payable pending introduction of legislative changes | \$120,000 | \$50,000 | \$50,000 | \$10,000 | \$50,000 |

Source: VOCAA; Victim Assist Queensland; Queensland Government

The recovery expenses that each victim category is eligible for has been outlined in Table below. An 'X' has been used to identify the recovery expenses that a victim type is eligible for and an asterisk has been used to signify recovery expenses that can be granted under exceptional circumstances.

Table 30: Victim eligibility for other (recovery) expenses

| | Primary Victim | Parent Secondary Victim | Witness Secondary Victim – More serious | Witness Secondary Victim – Less serious | Related Victim |
|--|----------------|-------------------------|---|---|----------------|
| Counselling | X | X | X | X | X |
| Medical | X | X | X | X | X |
| Dental | X | X | X | X | X |
| Incidental travel (travel to medical or counselling appointments) | X | X | X | X | X |
| Report expenses | X | X | X | X | X |
| Loss of earnings | Up to \$20,000 | Up to \$20,000* | Up to \$20,000* | Up to \$20,000 | |
| Damage to clothing | X | | | | |
| Reasonable other expenses due to exceptional circumstances | X | X* | | | X* |
| Legal assistance | X | X | X | | X |

Source: VOCAA; Victim Assist Queensland

A brief summary of recovery expenses that a victim may be eligible to claim under the Scheme has been presented in below.

Table 31: Expense type description

| Expense Type | Description |
|---------------------------|---|
| Legal | <p>Assistance with legal costs can be provided for an amount of \$500 or less, in cases where a victim has been charged or may be charged by, and is or may become liable to pay to a legal practice in applying for assistance from VAQ under the Scheme.</p> <p>Financial assistance cannot be provided for legal services that receive Government funding to provide free legal assistance to the applicant. Additionally, financial assistance can not be granted to cover form filling assistance provided by a non-legal service.⁴⁰⁶</p> |
| Dependency payment | <p>Financial assistance of up to \$20,000 may be granted for money that a related victim would have received from the primary victim within two years following the act of violence (had the primary victim not been killed). Dependency payments are typically claimed by the children and/or spouse of</p> |

⁴⁰⁶ Department of Justice and Attorney-General. Chapter 9a - Financial Assistance Policy. S9.8.2

| | |
|--|--|
| | <p>a deceased primary victim and require that the victim must have been receiving financial amounts from the primary victim at the time of violence and the primary victim had or was earning or receiving funds that would have been provided to the applicant within two years following the act of violence.⁴⁰⁷</p> |
| Counselling | <p>Eligible counselling services are required to directly assist with the victim's recovery from a psychological injury caused by the act of violence and be provided by a qualified person who maintains professional and public liability insurance. Counselling treatment must not exceed Victim Assist's table of costs (victim liable for excess if fee exceeds).</p> <p>A client may initially be eligible for 12 or 24 (1 hour) sessions for counselling, dependent upon the injury.</p> |
| Medical | <p>Eligible medical treatment must directly assist with the victim's recovery from an injury caused by the act of violence and a treating health practitioner is required to have referred the applicant for treatment or provide support that the treatment is necessary from the treating health practitioner.</p> <p>The treatment is required to either have a medical basis, scientific basis or be approved under Victim Assist's table of costs. Additionally, treatment must be provided by a registered medical or allied health practitioner, with costs not exceeding VAQ's table of costs (victim liable for excess if fee exceeds). Prescription glasses can also be claimed as a medical expense if worn at the time of the act.</p> |
| Dental | <p>Eligible dental treatment must directly assist with the victim's recovery from an injury caused by the act of violence. A registered medical health practitioner is required to provide the treatment and the costs of the treatment must not exceed VAQ's table of costs (victim liable for excess if fee exceeds).</p> |
| Incidental travel (travel to medical or counselling appointments) | <p>Reasonable travel costs can be covered for travel required to access treatment and/or services identified by a health practitioner. Travel costs must also not be funded through other sources.</p> |
| Report expenses | <p>Assistance for payment of reasonable report expenses can be granted for a report from either a counsellor or health practitioner as per the table of costs. An applicant will be liable to pay the excess, if report fees exceed the table of costs rate.</p> |
| Loss of earnings | <p>Financial assistance may be provided to help cover gross income lost due to an act of violence.</p> <p>The requirements for a claim of loss of earnings have been outlined in the VOCAA and 'Assessing Guideline 7 - granting Financial Assistance for Loss of Earnings' which specify that the loss of earnings must be directly due to an eligible act of violence (evidence required), within two years of the act of violence and not exceeding \$20,000.</p> <p>A grant for loss of earnings will be based on a victim's gross personal income during the time of the act of violence and superannuation contributions. Loss of business revenue/profits, loss of opportunities for income will not be considered.</p> <p>Income received from other sources will be deducted from any payments made by VAQ, and some leave entitlements (annual, long service and unpaid) can also be reimbursed.</p> |

⁴⁰⁷ Department of Justice and Attorney-General. Chapter 9a - Financial Assistance Policy. S9.8.11

| | |
|---|--|
| | Note: In 'exceptional circumstances' (typically related to the nature or significant of injury suffered), parent secondary victims and witness secondary victims (more serious) may be eligible for a payment for loss of earnings. ⁴⁰⁸ |
| Damage to clothing | A claim for damage to clothing requires the clothing to have been worn during the act of violence and damaged as a result. Clothing is limited to include clothes, shoes, underwear, hats, helmet and specialist work clothes only. Note: Clothing discarded due to sexual violence can also be reimbursed. ⁴⁰⁹ |
| Other expenses exceptional circumstances | Types of expenses that victims may be eligible for include (see Guidelines 6 and 8 for additional information): <ul style="list-style-type: none"> • Crime scene cleaning: financial assistance for costs of a special forensic cleaning conducted for hygiene reasons. • Cultural recovery expenses: financial assistance for expenses to support the recovery such as return to country, cleansing ceremonies, travel for elders and therapeutic workshops (Aboriginal or Torres Strait Islander victims only). • Emergency accommodation: financial assistance for the costs for up to 3 months of emergency accommodation.⁴¹⁰ • Security expenses (inclusive of personal security devices): financial assistance for expenses such as lighting, screens, doors, cameras, locks and repairs to re-establish security, with maximum repayment of up to \$5,000. • Relocation expenses: financial assistance of up to \$5,000 for the cost of removalist expenses, travel costs and up to 6 months of storage • Special travel expenses: financial assistance for travel to make applications, purchase approved goods and access services. • Essential furniture, appliances and household items: financial assistance for replacement of some household items for victims who have been required to move due to the violence and are unable to return to collect belongings for safety reasons can also be reimbursed. • Travel expenses: financial assistance for travel that is required to help with police investigation, attend court. • School expenses: financial assistance can be provided for a set of new school uniforms and a stationary pack in circumstances where the offender was employed as a staff member or attended as a student at the school the victim attends and the victim wishes to change schools due to concerns of safety and wellbeing if they stay.⁴¹¹ |

⁴⁰⁸ Department of Justice and Attorney-General. Chapter 9a - Financial Assistance Policy. S9.8.6

⁴⁰⁹ Department of Justice and Attorney-General. Chapter 9a - Financial Assistance Policy. S9.8.7

⁴¹⁰ Department of Justice and Attorney-General. (2023). Victim Assist Queensland Primary Victim Form. Available at: <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/af12eaa0-a116-4e5f-a073-038706f7632c/primary-victim-financial-assistance-application-form-victim-assist-queensland.pdf?ETag=1ebe4c43956b47ad06d3f0d6ada15a24>

⁴¹¹ Department of Justice and Attorney-General. Chapter 9a - Financial Assistance Policy. S9.8.8

Appendix C: Stakeholder Consultation

KPMG conducted 17 consults with stakeholders from Queensland Government agencies, the victim support sector and interjurisdictional victim support agencies. Overall, 23 hours of consultation was conducted with the below stakeholders.

Table 32: Stakeholder consultation

| Key stakeholder group | Stakeholders consulted |
|---|---|
| State Government stakeholders | <ul style="list-style-type: none"> • Department of Youth Justice, Employment, Small Business and Training; • Queensland Corrective Services; • Queensland Health; • Court Services Queensland (with DJAG) ; • Office of the Director of Public Prosecutions; • Office for Women’s Safety and Violence Protection; • Queensland Department of Treaty Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts; • Queensland Police Service; and • Department of Justice and Attorney-General |
| Victim support sector | <ul style="list-style-type: none"> • WWILD; • VictimConnect; • 54 reasons; • Queensland Indigenous Family Violence Legal Services; • Women’s Legal Service QLD; • LGBTI Legal Service; • Queensland Homicide Victims Support Group; • Protect All Children Today (PACT); • Brisbane Rape and Incest Survivors Support on behalf of Queensland Sexual Assault Network; • Cairns Regional Domestic Violence Service; • Brisbane Youth Service on behalf of Services and Practitioners for the Elimination of Abuse in Queensland; • Micah Project / Brisbane DV Service; • YFS; • Uniting Care; and • The Women’s’ Centre. |
| Interjurisdictional stakeholders | <ul style="list-style-type: none"> • New South Wales – Victims Services • Australian Capital Territory – Victim Support Australian Capital Territory • Tasmania – Victim Support Services • Western Australia – Office of Criminal Injuries Compensation |

Appendix D: Quantitative Assessment

Appendix D provides additional tables and graphs used in the quantitative assessment and to support the analysis provided in this report.

D.1 Applications Received

Applications Received - Victim Type

The following tables provide the number of applications received and the number of unique applicants by victim type per financial year.

Table 33: Applications received by victim type per annum (financial year, volume)

| Financial Year | Primary Victim | Parent Secondary Victim | Witness Secondary | Related Victim | Other ⁴¹² | Total |
|----------------|----------------|-------------------------|-------------------|----------------|----------------------|---------------|
| FY10 | 330 | 4 | 4 | 114 | 131 | 583 |
| FY11 | 1,077 | 21 | 14 | 251 | 327 | 1,690 |
| FY12 | 1,219 | 28 | 11 | 337 | 409 | 2,004 |
| FY13 | 1,272 | 49 | 31 | 324 | 420 | 2,096 |
| FY14 | 1,277 | 89 | 27 | 244 | 391 | 2,028 |
| FY15 | 1,385 | 59 | 33 | 340 | 399 | 2,216 |
| FY16 | 1,394 | 72 | 51 | 296 | 406 | 2,219 |
| FY17 | 1,652 | 67 | 42 | 299 | 526 | 2,586 |
| FY18 | 2,555 | 102 | 101 | 210 | 1,275 | 4,243 |
| FY19 | 2,556 | 84 | 75 | 163 | 1,314 | 4,192 |
| FY20 | 2,695 | 79 | 71 | 163 | 1,167 | 4,175 |
| FY21 | 3,101 | 89 | 48 | 238 | 1,129 | 4,605 |
| FY22 | 3,449 | 79 | 30 | 173 | 1,204 | 4,935 |
| FY23 | 4,656 | 82 | 13 | 199 | 2,675 | 7,625 |
| Total | 28,618 | 904 | 551 | 3,351 | 11,773 | 45,197 |

Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Table 34: Number of unique applicants by victim type applying for financial assistance per annum (financial year, volume)

| Financial Year | Primary Victim | Parent Secondary Victim | Witness Secondary | Related Victim | Other* | Total |
|----------------|----------------|-------------------------|-------------------|----------------|--------|-------|
| FY10 | 329 | 4 | 4 | 114 | 131 | 582 |
| FY11 | 1,075 | 21 | 14 | 249 | 323 | 1,682 |
| FY12 | 1,209 | 27 | 11 | 337 | 403 | 1,987 |
| FY13 | 1,258 | 49 | 31 | 324 | 411 | 2,073 |
| FY14 | 1,260 | 88 | 27 | 243 | 386 | 2,004 |
| FY15 | 1,362 | 59 | 33 | 314 | 378 | 2,146 |
| FY16 | 1,365 | 71 | 51 | 293 | 398 | 2,178 |
| FY17 | 1,620 | 66 | 42 | 299 | 509 | 2,536 |
| FY18 | 2,475 | 95 | 101 | 208 | 1,201 | 4,080 |

⁴¹² 'Other' denotes victim types identified in application data as 'Funeral Only', 'Yet To Be Determined' and 'Not Eligible'

| | | | | | | |
|--------------|---------------|------------|------------|--------------|---------------|---------------|
| FY19 | 2,484 | 80 | 75 | 163 | 1,234 | 4,036 |
| FY20 | 2,626 | 74 | 71 | 155 | 1,114 | 4,040 |
| FY21 | 2,995 | 82 | 48 | 236 | 1,073 | 4,434 |
| FY22 | 3,337 | 75 | 30 | 172 | 1,149 | 4,763 |
| FY23 | 4,363 | 79 | 13 | 194 | 2,546 | 7,195 |
| Total | 26,051 | 868 | 548 | 3,294 | 11,077 | 41,838 |

Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Applications Received - Act of violence

Table 35 and Table 36 provide the number of applications received by act of violence for primary victims and related victims per financial year.

Table 35: Applications received from primary victim by act of violence per annum (financial year, volume)

| Financial Year | Assault | Burglary | Domestic Violence | Homicide (DV, MVA and Other) | Motor Vehicle Accident | Other | Robbery | Sexual Offences | Stalking /Threats |
|----------------|---------------|------------|-------------------|------------------------------|------------------------|------------|------------|-----------------|-------------------|
| FY10 | 225 | 3 | 14 | - | 1 | 1 | 12 | 66 | 8 |
| FY11 | 715 | 21 | 100 | 2 | 1 | 2 | 43 | 169 | 24 |
| FY12 | 743 | 15 | 148 | 3 | 5 | 7 | 45 | 242 | 11 |
| FY13 | 719 | 36 | 155 | 1 | 12 | 8 | 64 | 260 | 17 |
| FY14 | 703 | 48 | 150 | 5 | 7 | 5 | 56 | 288 | 15 |
| FY15 | 766 | 39 | 239 | 5 | 5 | 10 | 49 | 249 | 23 |
| FY16 | 679 | 34 | 286 | - | 9 | 13 | 46 | 306 | 21 |
| FY17 | 773 | 30 | 387 | 4 | 31 | 53 | 44 | 316 | 14 |
| FY18 | 965 | 29 | 1,009 | 3 | 8 | 13 | 42 | 442 | 42 |
| FY19 | 828 | 24 | 1,189 | 3 | 7 | 66 | 38 | 371 | 30 |
| FY20 | 983 | 13 | 1,157 | 5 | 3 | 24 | 40 | 414 | 56 |
| FY21 | 972 | 13 | 1,512 | 5 | 4 | 46 | 42 | 466 | 41 |
| FY22 | 880 | 38 | 1,879 | 4 | 3 | 35 | 30 | 549 | 31 |
| FY23 | 736 | 27 | 3,225 | 9 | 1 | 76 | 42 | 514 | 26 |
| Total | 10,687 | 370 | 11,450 | 49 | 97 | 359 | 593 | 4,652 | 359 |

Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Table 36: Applications received from related victim by act of violence per annum (financial year, volume)

| Financial Year | Assault | Domestic Violence | Homicide (DV, MVA and Other) | Motor Vehicle Accident | Other | Stalking/Threats |
|----------------|-----------|-------------------|------------------------------|------------------------|----------|------------------|
| FY10 | 1 | - | 113 | - | - | - |
| FY11 | 6 | - | 245 | - | - | - |
| FY12 | - | 2 | 334 | 1 | - | - |
| FY13 | - | - | 323 | 1 | - | - |
| FY14 | - | - | 242 | 2 | - | - |
| FY15 | - | - | 334 | 6 | - | - |
| FY16 | - | - | 294 | 2 | - | - |
| FY17 | 2 | - | 293 | 3 | 1 | - |
| FY18 | 2 | - | 207 | 1 | - | - |
| FY19 | - | - | 163 | - | - | - |
| FY20 | 1 | - | 159 | 1 | 2 | - |
| FY21 | - | - | 231 | 6 | - | 1 |
| FY22 | - | - | 173 | - | - | - |
| FY23 | - | - | 197 | - | 2 | - |
| Total | 12 | 2 | 3,308 | 23 | 5 | 1 |

Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Applications Received - Not Eligible

Table 37 provide the number of applications received where the applicant was deemed 'Not Eligible' through VAQ assessment. It highlights the small number of applications where an applicant is deemed 'Not Eligible' compared to the total applications received. Over the life the Scheme, 7 per cent of applications received the applicant was deemed 'not eligible'. Of those applications, there have only been 22 instances of where an ineligible applicant has received some form of financial assistance or 0.07 per cent of total applications paid (refer to Table 41 in Appendix D.2).

Table 37: Applications received where applicant is deemed ineligible per annum (financial year, volume)

| Financial Year | Applicant deemed 'Not Eligible' | Total applications received |
|----------------|---------------------------------|-----------------------------|
| FY10 | 41 | 583 |
| FY11 | 165 | 1,690 |
| FY12 | 223 | 2,004 |
| FY13 | 230 | 2,096 |
| FY14 | 203 | 2,028 |
| FY15 | 221 | 2,216 |
| FY16 | 215 | 2,219 |
| FY17 | 227 | 2,586 |
| FY18 | 351 | 4,243 |
| FY19 | 310 | 4,192 |
| FY20 | 269 | 4,175 |
| FY21 | 246 | 4,605 |
| FY22 | 178 | 4,935 |
| FY23 | 151 | 7,625 |
| Total | 3,030 | 45,197 |

Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Table 38 provides the number of applications received where VAQ has assessed the application as fraudulent and taken action. Over the life of the Scheme, the number of applications where VAQ have taken fraud action are 97 or 0.2 per cent of the total number of applications received.

Table 38: Applications received that involved VAQ taking fraud action per annum (financial year, volume)

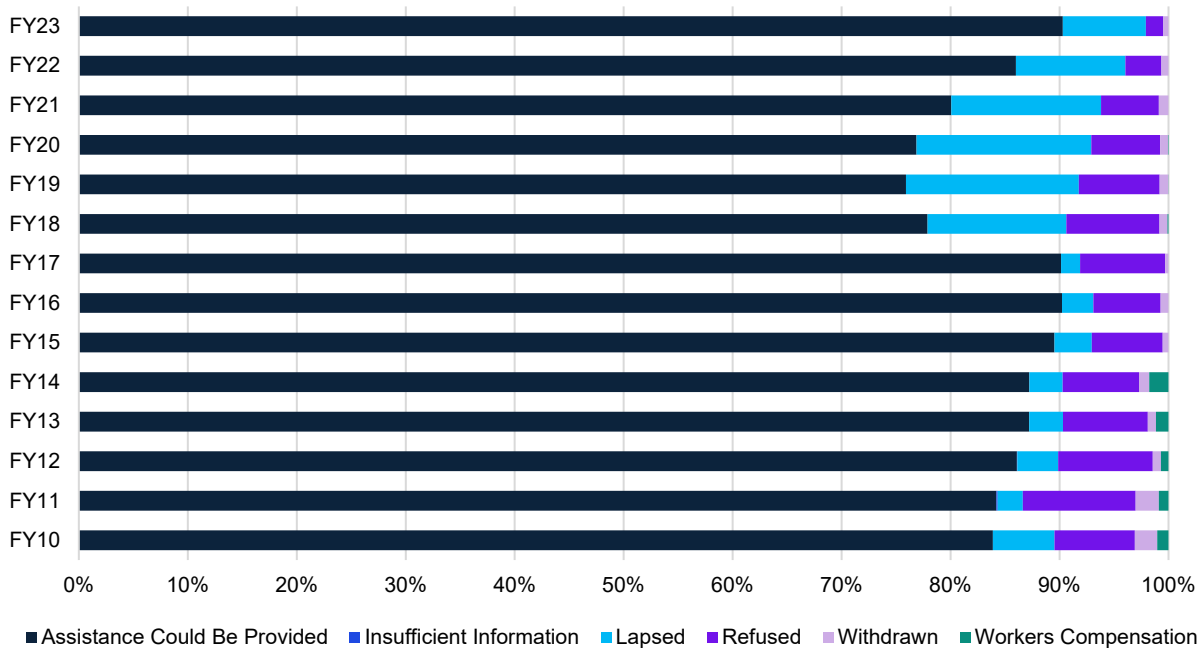
| Financial Year | Fraud Action Taken | Total applications received |
|----------------|--------------------|-----------------------------|
| FY10 | 1 | 583 |
| FY11 | 1 | 1,690 |
| FY12 | - | 2,004 |
| FY13 | 4 | 2,096 |
| FY14 | 7 | 2,028 |
| FY15 | 5 | 2,216 |
| FY16 | 8 | 2,219 |
| FY17 | 10 | 2,586 |
| FY18 | 11 | 4,243 |
| FY19 | 13 | 4,192 |
| FY20 | 10 | 4,175 |
| FY21 | 8 | 4,605 |
| FY22 | 4 | 4,935 |
| FY23 | 15 | 7,625 |
| Total | 97 | 45,197 |

Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Applications Received - Refused, Lapsed and Withdrawn

Figure 55 provides the percentage share of refused, lapsed and withdrawn applications of total applications received. Figure 55 shows the share of lapsed applications has increased since FY2017, while the share of refused applications has decrease over the same period. Since 2018, the proportion (of overall applications; below left) of refused, lapsed and withdrawn applications has steadily decreased. Note the data also includes 'insufficient information' and 'workers compensation' but this is sporadic and limited and is not analysed here.

Figure 55: Share of applications received by status per annum (financial year, volume)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Table 39 below presents the share of Refused, Lapsed and Withdrawn applications by Special Assistance Victim Category (Categories A, B, C and D) compared to total applications by financial year. It can be inferred from the data that an only a very insignificant number of primary victim applications are either refused, lapsed or withdrawn assessed by victim category.

Table 39: Share of lapsed, refused and withdrawn applications by primary victim and act of violence category of total applications received per annum (financial year, percentage)

| Financial Year | Category A | Category B | Category C | Category D |
|----------------|------------|------------|------------|------------|
| FY10 | 0.17% | 0.17% | 0.00% | 0.00% |
| FY11 | 0.06% | 0.36% | 0.30% | 0.06% |
| FY12 | 0.15% | 0.50% | 0.15% | 0.00% |
| FY13 | 0.14% | 0.10% | 0.19% | 0.00% |
| FY14 | 0.00% | 0.25% | 0.15% | 0.05% |
| FY15 | 0.18% | 0.18% | 0.05% | 0.00% |
| FY16 | 0.05% | 0.18% | 0.23% | 0.05% |
| FY17 | 0.08% | 0.15% | 0.12% | 0.04% |
| FY18 | 0.09% | 0.14% | 0.19% | 0.05% |
| FY19 | 0.10% | 0.21% | 0.24% | 0.00% |
| FY20 | 0.02% | 0.02% | 0.05% | 0.00% |
| FY21 | 0.02% | 0.02% | 0.04% | 0.02% |
| FY22 | 0.00% | 0.04% | 0.00% | 0.00% |
| FY23 | 0.00% | 0.00% | 0.01% | 0.00% |

Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

D.2 Financial Assistance Paid

The following tables and figures provide the amount of financial assistance paid and number of unique applications paid across expense and recognition categories. This is addition to figures and tables provided in the quantitative assessment in Chapter 4.

Table 40: Financial assistance paid by expenses and recognition per annum (financial year, \$ millions)

| Financial Year | Expenses | Recognition | | Total |
|----------------|-----------------|-----------------|--------------------|------------------|
| | | Distress | Special Assistance | |
| FY10 | \$0.6 m | \$0.2 m | \$0.5 m | \$1.3 m |
| FY11 | \$3.5 m | \$1.7 m | \$3.2 m | \$8.4 m |
| FY12 | \$4.6 m | \$2.8 m | \$4.1 m | \$11.4 m |
| FY13 | \$3.9 m | \$2.7 m | \$4.1 m | \$10.7 m |
| FY14 | \$4.2 m | \$2.5 m | \$4.5 m | \$11.2 m |
| FY15 | \$4.7 m | \$2.8 m | \$5.7 m | \$13.2 m |
| FY16 | \$4.7 m | \$2.5 m | \$5.1 m | \$12.3 m |
| FY17 | \$4.5 m | \$2.7 m | \$5.8 m | \$13.0 m |
| FY18 | \$5.6 m | \$2.3 m | \$7.1 m | \$14.9 m |
| FY19 | \$5.1 m | \$1.7 m | \$8.6 m | \$15.4 m |
| FY20 | \$4.8 m | \$1.2 m | \$7.0 m | \$13.1 m |
| FY21 | \$5.1 m | \$2.1 m | \$10.7 m | \$18.0 m |
| FY22 | \$4.7 m | \$1.2 m | \$10.0 m | \$15.9 m |
| FY23 | \$7.3 m | \$3.3 m | \$29.1 m | \$39.6 m |
| Total | \$63.4 m | \$29.6 m | \$105.3 m | \$198.3 m |

Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023)

Table 41: Number of unique applications provided financial assistance (expenses and recognition) by victim type per annum⁴¹³

| Financial Year | Primary Victim | Parent Secondary Victim | Witness Secondary | Related Victim | Not Eligible | Total |
|----------------|----------------|-------------------------|-------------------|----------------|--------------|---------------|
| FY10 | 150 | 1 | - | 50 | - | 206 |
| FY11 | 925 | 11 | 4 | 227 | 3 | 1,178 |
| FY12 | 1,223 | 21 | 3 | 358 | 2 | 1,617 |
| FY13 | 1,351 | 31 | 5 | 344 | - | 1,746 |
| FY14 | 1,487 | 65 | 11 | 331 | 3 | 1,907 |
| FY15 | 1,738 | 59 | 13 | 391 | - | 2,217 |
| FY16 | 1,734 | 63 | 20 | 349 | 2 | 2,174 |
| FY17 | 1,925 | 64 | 25 | 394 | 4 | 2,423 |
| FY18 | 2,398 | 75 | 27 | 311 | 5 | 2,819 |
| FY19 | 2,906 | 55 | 31 | 231 | 5 | 3,232 |
| FY20 | 2,723 | 62 | 46 | 195 | 1 | 3,035 |
| FY21 | 3,353 | 58 | 33 | 258 | 2 | 3,708 |
| FY22 | 3,147 | 53 | 29 | 186 | - | 3,423 |
| FY23 | 7,505 | 63 | 18 | 387 | 1 | 7,982 |
| Total | 26,455 | 465 | 158 | 3,265 | 22 | 30,480 |

Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

⁴¹³ Note: 'Funeral Only' has been excluded as a separate column. However, it is included in the Total number of unique applications.

Table 42: Recovery expenses - total paid per category per annum (financial year, \$ millions)

| Financial Year | Dependency | Counselling | Damage To Clothing | Funeral Expenses | Incidental Travel | Loss Of Earnings | Medical | OEEC | Reasonable Legal Expenses | Report Expenses |
|----------------|-----------------|-----------------|--------------------|------------------|-------------------|------------------|------------------|------------------|---------------------------|-----------------|
| FY10 | \$0.01 m | \$0.00 m | \$0.01 m | \$0.18 m | \$0.01 m | \$0.27 m | \$0.04 m | \$0.05 m | \$0.00 m | \$0.00 m |
| FY11 | \$0.12 m | \$0.05 m | \$0.07 m | \$0.23 m | \$0.10 m | \$1.96 m | \$0.49 m | \$0.47 m | \$0.05 m | \$0.02 m |
| FY12 | \$0.17 m | \$0.09 m | \$0.08 m | \$0.26 m | \$0.17 m | \$2.08 m | \$0.83 m | \$0.82 m | \$0.06 m | \$0.02 m |
| FY13 | \$0.12 m | \$0.14 m | \$0.07 m | \$0.29 m | \$0.15 m | \$1.56 m | \$0.81 m | \$0.66 m | \$0.06 m | \$0.02 m |
| FY14 | \$0.09 m | \$0.23 m | \$0.08 m | \$0.26 m | \$0.16 m | \$1.62 m | \$0.92 m | \$0.80 m | \$0.07 m | \$0.01 m |
| FY15 | \$0.08 m | \$0.29 m | \$0.07 m | \$0.29 m | \$0.15 m | \$1.69 m | \$0.99 m | \$1.02 m | \$0.08 m | \$0.01 m |
| FY16 | \$0.17 m | \$0.41 m | \$0.07 m | \$0.27 m | \$0.19 m | \$1.37 m | \$0.97 m | \$1.17 m | \$0.08 m | \$0.01 m |
| FY17 | \$0.10 m | \$0.43 m | \$0.06 m | \$0.21 m | \$0.14 m | \$1.42 m | \$0.73 m | \$1.33 m | \$0.09 m | \$0.02 m |
| FY18 | \$0.02 m | \$0.67 m | \$0.08 m | \$0.23 m | \$0.15 m | \$1.60 m | \$0.98 m | \$1.71 m | \$0.18 m | \$0.01 m |
| FY19 | \$0.01 m | \$0.68 m | \$0.09 m | \$0.20 m | \$0.10 m | \$1.23 m | \$1.00 m | \$1.67 m | \$0.10 m | \$0.00 m |
| FY20 | - | \$0.79 m | \$0.08 m | \$0.31 m | \$0.11 m | \$1.67 m | \$0.64 m | \$1.18 m | \$0.05 m | \$0.01 m |
| FY21 | \$0.01 m | \$0.66 m | \$0.12 m | \$0.28 m | \$0.06 m | \$1.45 m | \$0.89 m | \$1.61 m | \$0.03 m | \$0.03 m |
| FY22 | \$0.05 m | \$0.70 m | \$0.10 m | \$0.31 m | \$0.09 m | \$1.09 m | \$0.68 m | \$1.60 m | \$0.04 m | \$0.03 m |
| FY23 | \$0.02 m | \$0.77 m | \$0.22 m | \$0.30 m | \$0.12 m | \$1.85 m | \$0.78 m | \$3.14 m | \$0.06 m | \$0.02 m |
| Total | \$0.97 m | \$5.90 m | \$1.20 m | \$3.62 m | \$1.70 m | \$20.84 m | \$10.76 m | \$17.24 m | \$0.96 m | \$0.22 m |

Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Table 43: Recovery expenses - average payment amount per category per annum (financial year, \$)

| Financial Year | Dependency | Counselling | Damage To Clothing | Funeral Expenses | Incidental Travel | Loss Of Earnings | Medical | OEEC | Reasonable Legal Expenses | Report Expenses |
|----------------------|----------------|--------------|--------------------|------------------|-------------------|------------------|--------------|----------------|---------------------------|-----------------|
| FY10 | \$4,800 | \$286 | \$159 | \$5,492 | \$504 | \$5,908 | \$623 | \$1,032 | \$469 | \$142 |
| FY11 | \$10,533 | \$285 | \$175 | \$5,505 | \$590 | \$7,084 | \$768 | \$1,393 | \$468 | \$372 |
| FY12 | \$5,796 | \$264 | \$170 | \$4,816 | \$674 | \$6,861 | \$927 | \$1,878 | \$494 | \$567 |
| FY13 | \$8,767 | \$298 | \$160 | \$5,331 | \$596 | \$6,325 | \$875 | \$1,636 | \$484 | \$496 |
| FY14 | \$7,564 | \$352 | \$165 | \$4,788 | \$553 | \$6,330 | \$844 | \$1,409 | \$489 | \$284 |
| FY15 | \$16,000 | \$297 | \$136 | \$5,245 | \$381 | \$6,178 | \$723 | \$1,459 | \$484 | \$206 |
| FY16 | \$9,635 | \$280 | \$154 | \$5,294 | \$382 | \$5,763 | \$689 | \$1,397 | \$491 | \$352 |
| FY17 | \$6,517 | \$267 | \$148 | \$4,886 | \$360 | \$6,644 | \$538 | \$1,387 | \$494 | \$399 |
| FY18 | \$5,361 | \$311 | \$143 | \$6,506 | \$385 | \$6,486 | \$694 | \$1,391 | \$498 | \$212 |
| FY19 | \$3,330 | \$314 | \$144 | \$5,818 | \$379 | \$6,166 | \$750 | \$1,469 | \$469 | \$250 |
| FY20 | - | \$267 | \$173 | \$5,688 | \$350 | \$8,286 | \$565 | \$1,447 | \$320 | \$194 |
| FY21 | \$5,160 | \$352 | \$185 | \$6,718 | \$371 | \$7,314 | \$865 | \$1,421 | \$261 | \$199 |
| FY22 | \$17,714 | \$343 | \$202 | \$6,145 | \$431 | \$8,096 | \$626 | \$1,455 | \$242 | \$144 |
| FY23 | \$6,477 | \$304 | \$208 | \$6,460 | \$641 | \$7,467 | \$785 | \$1,575 | \$263 | \$107 |
| Total Average | \$8,023 | \$304 | \$170 | \$5,572 | \$448 | \$6,770 | \$729 | \$1,473 | \$424 | \$229 |

Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Table 44: Recovery expenses - number of unique applications per expense category per annum (all victim types) (financial year, volume)

| Financial Year | Counselling | Damage To Clothing | Dependency | Funeral Expenses | Incidental Travel | Loss Of Earnings | Medical | OEEC | Reasonable Legal Expenses | Report Expenses |
|----------------|-------------|--------------------|------------|------------------|-------------------|------------------|---------|------|---------------------------|-----------------|
| FY10 | 12 | 58 | 2 | 32 | 15 | 37 | 52 | 33 | 7 | 4 |
| FY11 | 90 | 424 | 11 | 41 | 146 | 241 | 327 | 231 | 109 | 39 |
| FY12 | 133 | 472 | 27 | 49 | 179 | 264 | 428 | 288 | 115 | 38 |
| FY13 | 176 | 442 | 13 | 54 | 191 | 229 | 470 | 283 | 116 | 41 |
| FY14 | 271 | 468 | 12 | 51 | 217 | 230 | 524 | 356 | 150 | 40 |
| FY15 | 294 | 497 | 5 | 54 | 241 | 224 | 562 | 435 | 172 | 40 |
| FY16 | 385 | 447 | 18 | 48 | 212 | 199 | 537 | 466 | 155 | 39 |
| FY17 | 428 | 394 | 15 | 40 | 183 | 186 | 528 | 507 | 191 | 36 |

| | | | | | | | | | | |
|--------------|--------------|--------------|------------|------------|--------------|--------------|--------------|--------------|--------------|------------|
| FY18 | 522 | 555 | 4 | 34 | 182 | 200 | 508 | 666 | 368 | 37 |
| FY19 | 637 | 646 | 4 | 33 | 143 | 172 | 521 | 633 | 213 | 17 |
| FY20 | 631 | 474 | - | 50 | 130 | 183 | 471 | 523 | 149 | 58 |
| FY21 | 596 | 643 | 1 | 39 | 103 | 169 | 472 | 701 | 110 | 150 |
| FY22 | 580 | 502 | 3 | 47 | 100 | 124 | 418 | 636 | 152 | 174 |
| FY23 | 733 | 1045 | 3 | 44 | 103 | 221 | 524 | 1083 | 199 | 152 |
| Total | 3,310 | 7,058 | 116 | 613 | 1,706 | 2,531 | 4,514 | 5,989 | 2,189 | 756 |

Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Table 45: Recovery expenses - number of unique applicants per expense category per annum (all victim types) (financial year, volume)

| Financial Year | Counselling | Damage To Clothing | Dependency | Funeral Expenses | Incidental Travel | Loss Of Earnings | Medical | OEEC | Reasonable Legal Expenses | Report Expenses |
|----------------|--------------|--------------------|------------|------------------|-------------------|------------------|--------------|--------------|---------------------------|-----------------|
| FY10 | 12 | 58 | 2 | 31 | 15 | 37 | 52 | 33 | 7 | 4 |
| FY11 | 90 | 424 | 11 | 41 | 146 | 241 | 327 | 231 | 109 | 39 |
| FY12 | 133 | 470 | 27 | 49 | 179 | 264 | 428 | 288 | 115 | 38 |
| FY13 | 176 | 441 | 13 | 54 | 191 | 229 | 470 | 283 | 114 | 41 |
| FY14 | 271 | 468 | 11 | 50 | 217 | 229 | 522 | 356 | 148 | 40 |
| FY15 | 294 | 497 | 5 | 47 | 241 | 224 | 560 | 427 | 172 | 40 |
| FY16 | 384 | 444 | 18 | 46 | 211 | 199 | 537 | 464 | 154 | 39 |
| FY17 | 425 | 394 | 15 | 39 | 182 | 186 | 526 | 505 | 190 | 35 |
| FY18 | 518 | 555 | 4 | 33 | 182 | 199 | 507 | 656 | 366 | 37 |
| FY19 | 628 | 641 | 4 | 32 | 142 | 172 | 517 | 625 | 211 | 17 |
| FY20 | 624 | 470 | 0 | 46 | 130 | 181 | 471 | 516 | 148 | 58 |
| FY21 | 591 | 635 | 1 | 38 | 103 | 167 | 465 | 693 | 110 | 150 |
| FY22 | 576 | 496 | 3 | 46 | 100 | 124 | 416 | 626 | 148 | 173 |
| FY23 | 722 | 1,024 | 3 | 40 | 102 | 219 | 522 | 1,066 | 197 | 151 |
| Total | 3,253 | 6,867 | 115 | 589 | 1,694 | 2,503 | 4,462 | 5,791 | 2,154 | 746 |

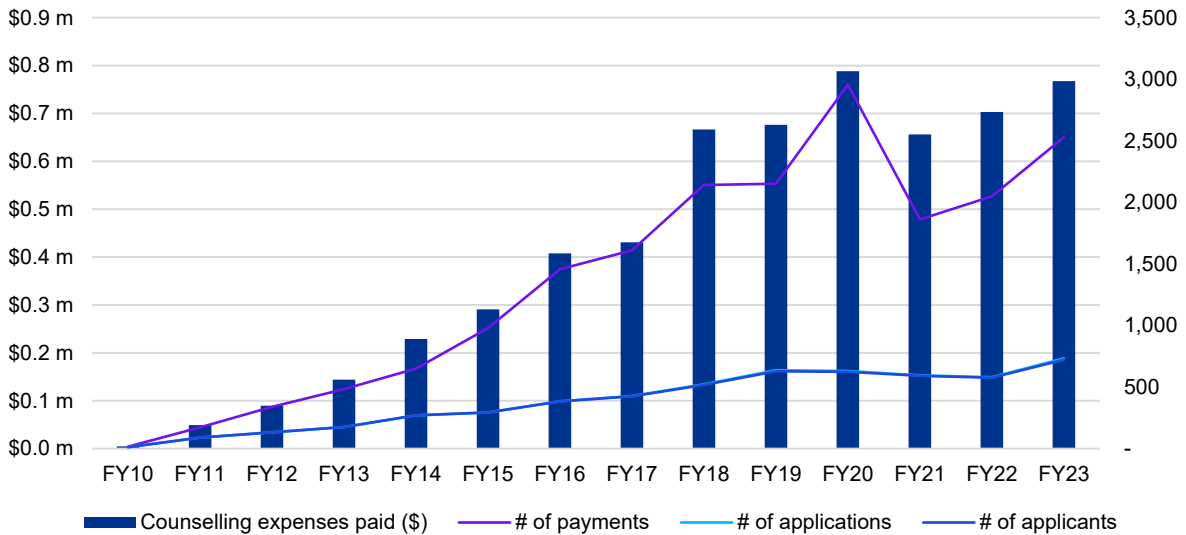
Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Recovery Expenses Paid

The following figures and tables provide data analysis on Counselling, OEEC, Medical and Funeral recovery expense payments including amount paid, number of unique applications, number of unique applicants and time from application received to payment per financial year.

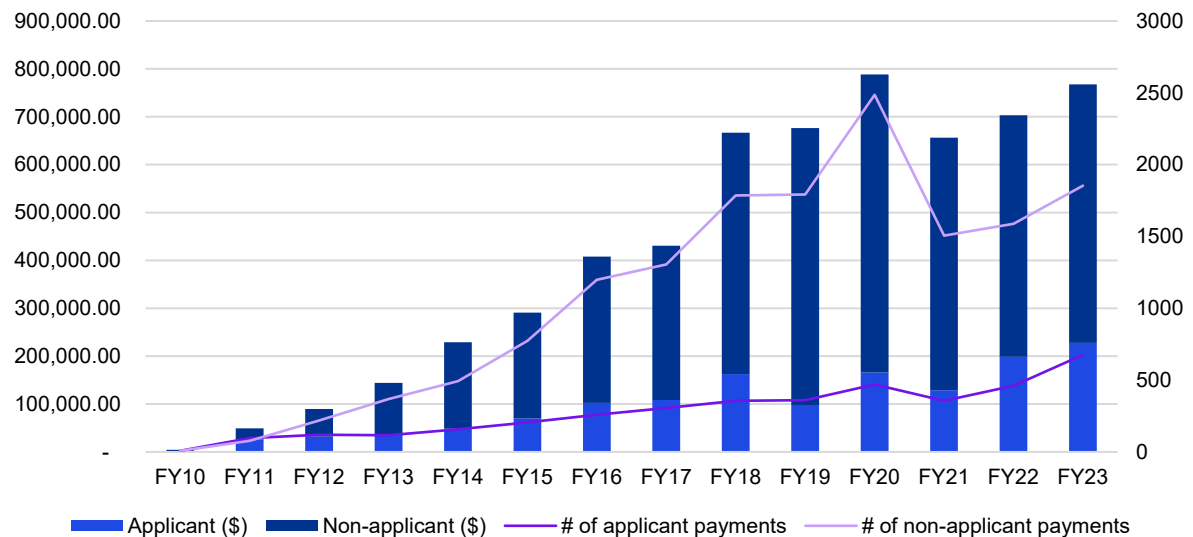
Counselling

Figure 56: Total counselling expenses paid and number of payments, unique applications and unique applicants per annum (financial year, \$ millions, volume)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

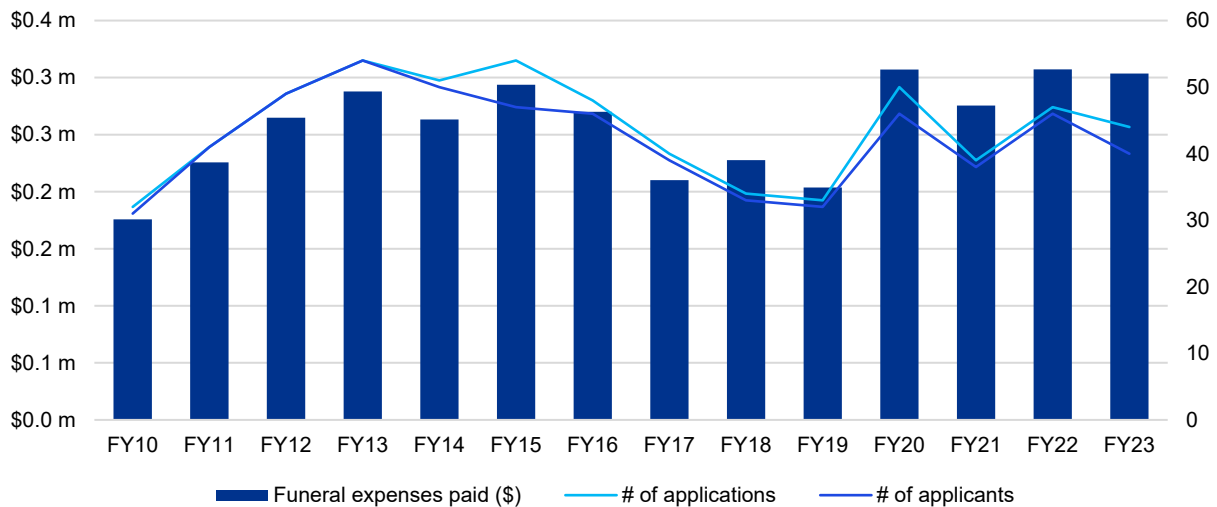
Figure 57: Total counselling expenses paid and number of payments to applicant and non-applicant per annum (financial year, \$ millions, volume)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Funeral Expenses

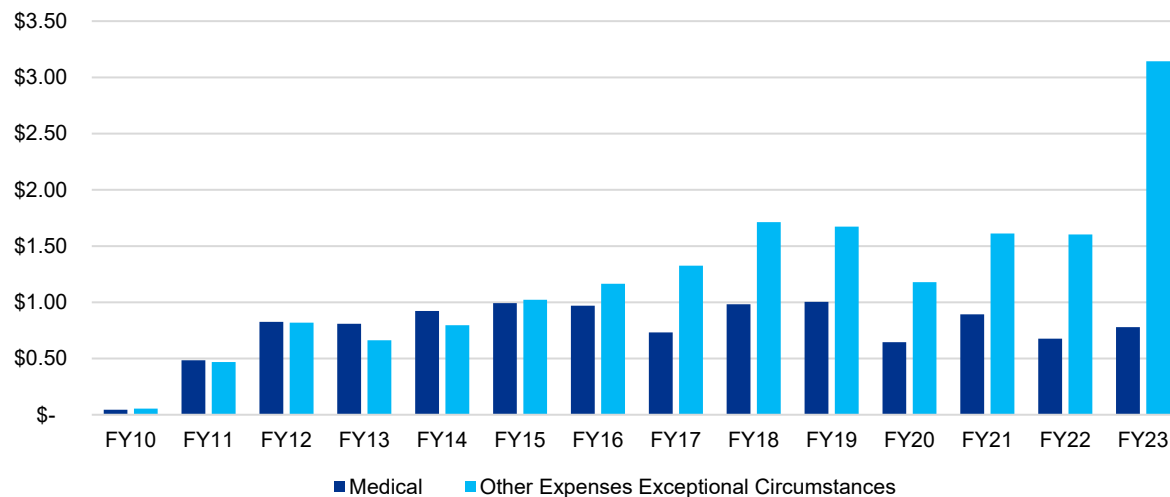
Figure 58: Total funeral expense paid and number of applications and applicants per annum (financial year, \$ millions)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Medical and Other Expenses Exceptional Circumstances (OEEC)

Figure 59: Total Medical and OEEC paid per annum (financial year, \$ millions)



Source: VAQ, FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

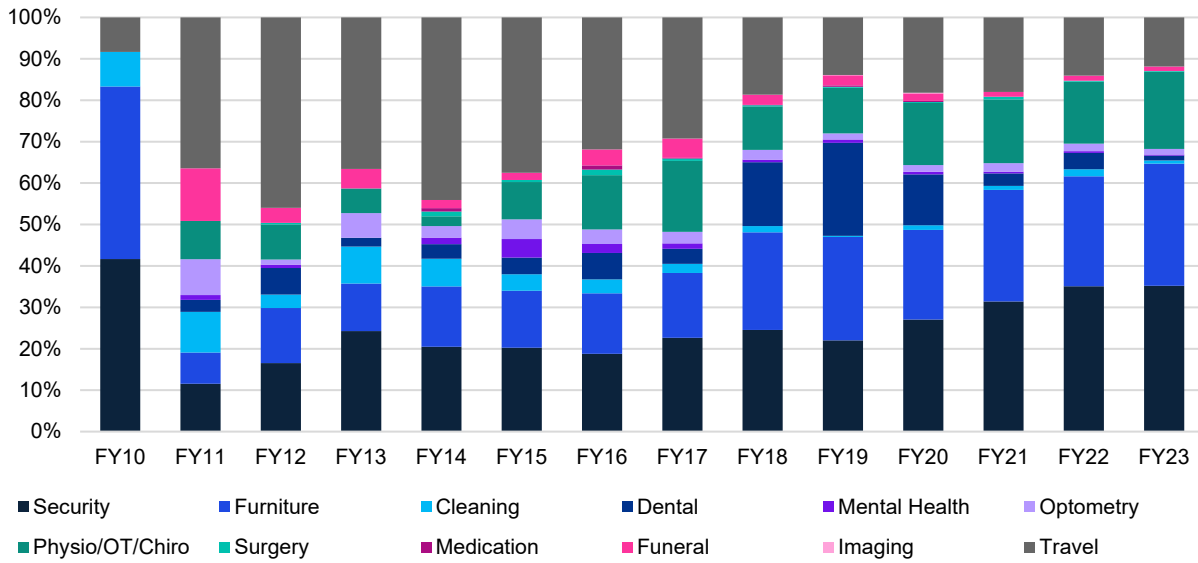
Further to this, where classification has occurred, numerous payments include multiple items or services within the same payment. As a result, no analysis can accurately be provided on the amount paid per item or service under each of these expense categories.

Figure 60 and Figure 61 provide analysis on the share of items and services for both OEEC and Medical payments. There are several limitations with this data that include:

- 74 per cent of the data for medical payments able to have an item or service identified and classified
- 83 per cent of the data for OEEC payments able to have an item or service identified and classified

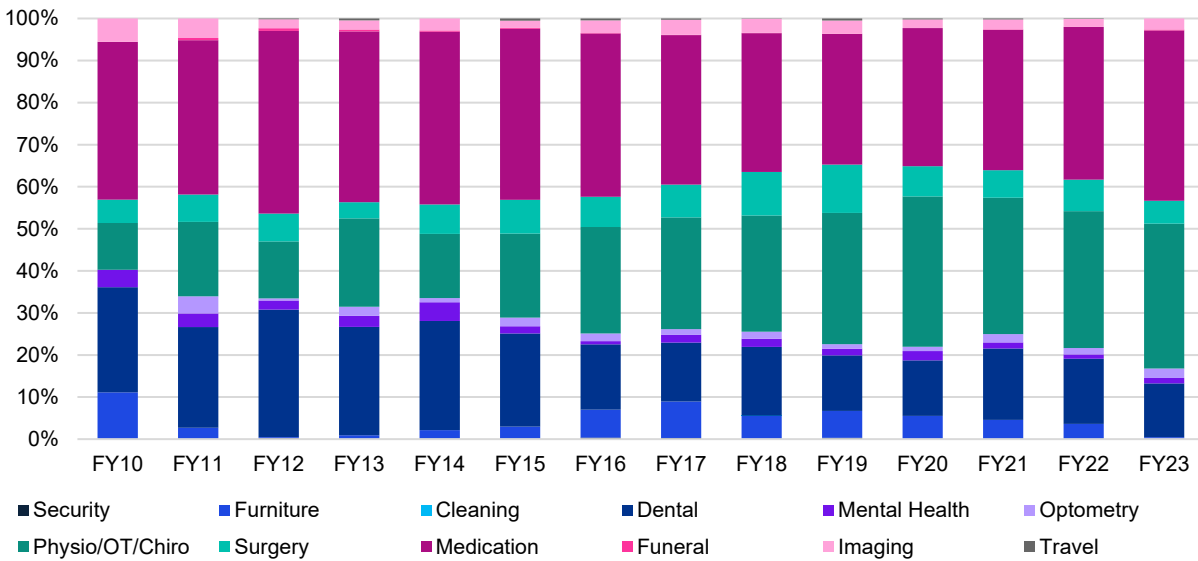
Further to this, where classification has occurred, numerous payments include multiple items or services within the same payment. As a result, no analysis can accurately be provided on the amount paid per item or service under each of these expense categories.

Figure 60: Share of OEEC payments by item or service per annum (financial year, volume)



Source: VAQ, FAS OEEC Medical Classified data (as at 15 August 2023)

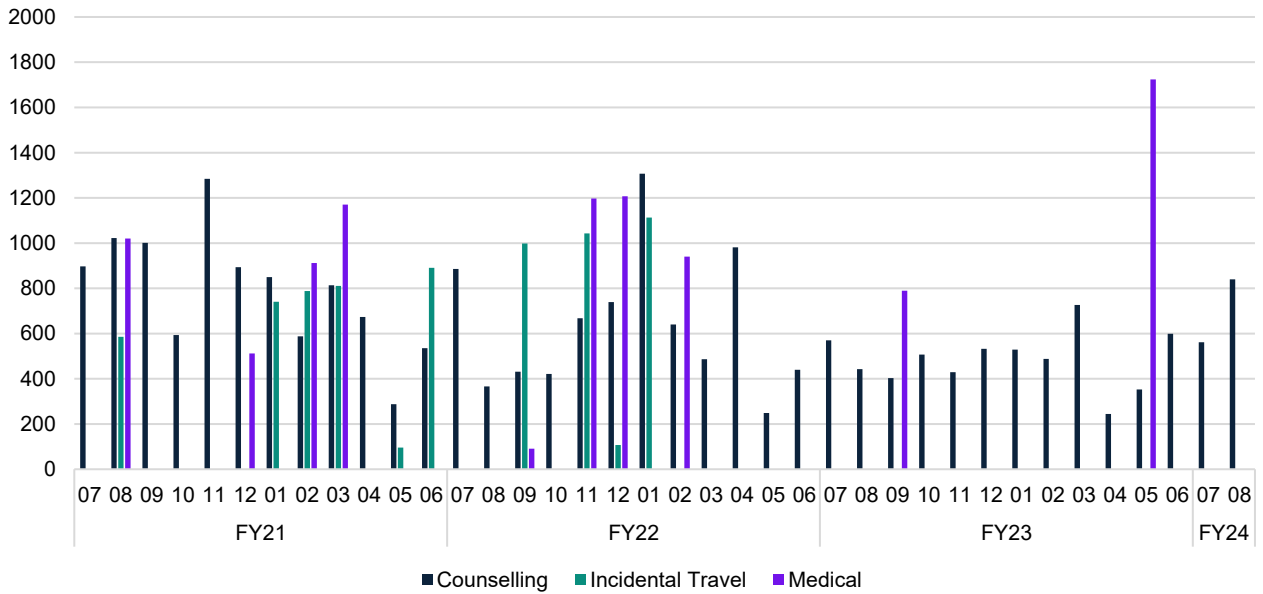
Figure 61: Share of medical payments by item or service per annum (financial year, volume)



Source: VAQ, FAS OEEC Medical Classified data (as at 15 August 2023)

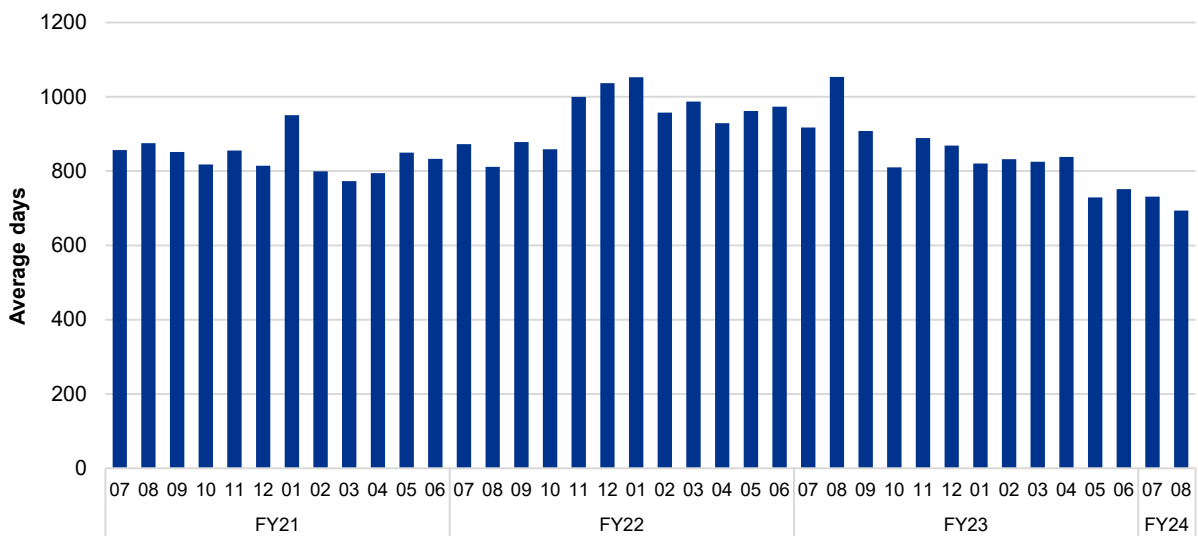
Timeliness of financial assistance paid

Figure 62: Monthly average number of days from application received to payment for related victims (Counselling, incidental travel and medical) made (July 2020 to August 2023)



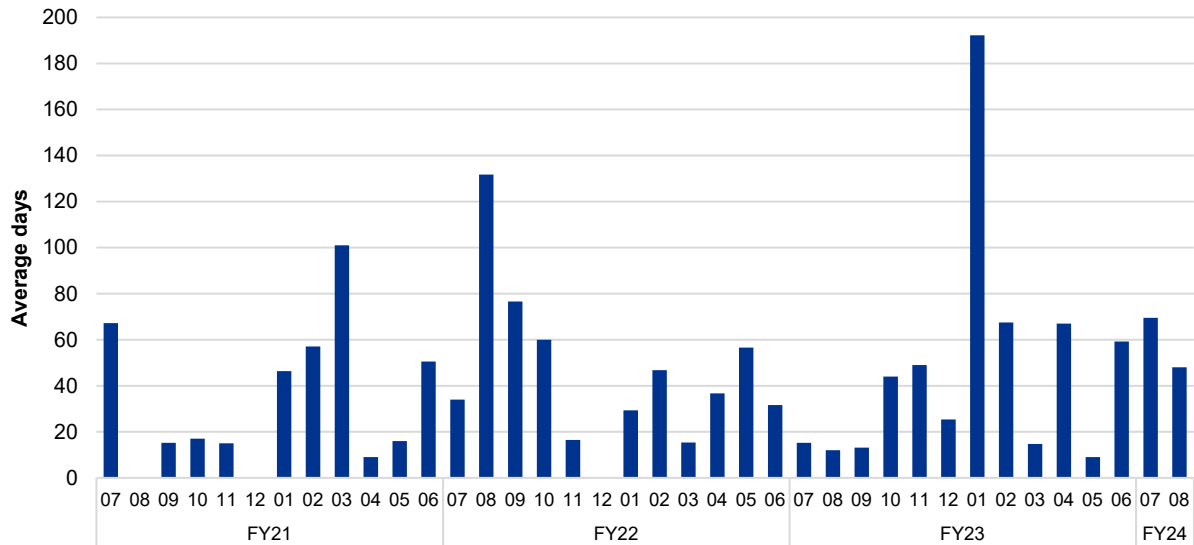
Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023) and FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Figure 63: Monthly average number of days from application received to payment (counselling expenses) made (July 2020 to August 2023)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023) and FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

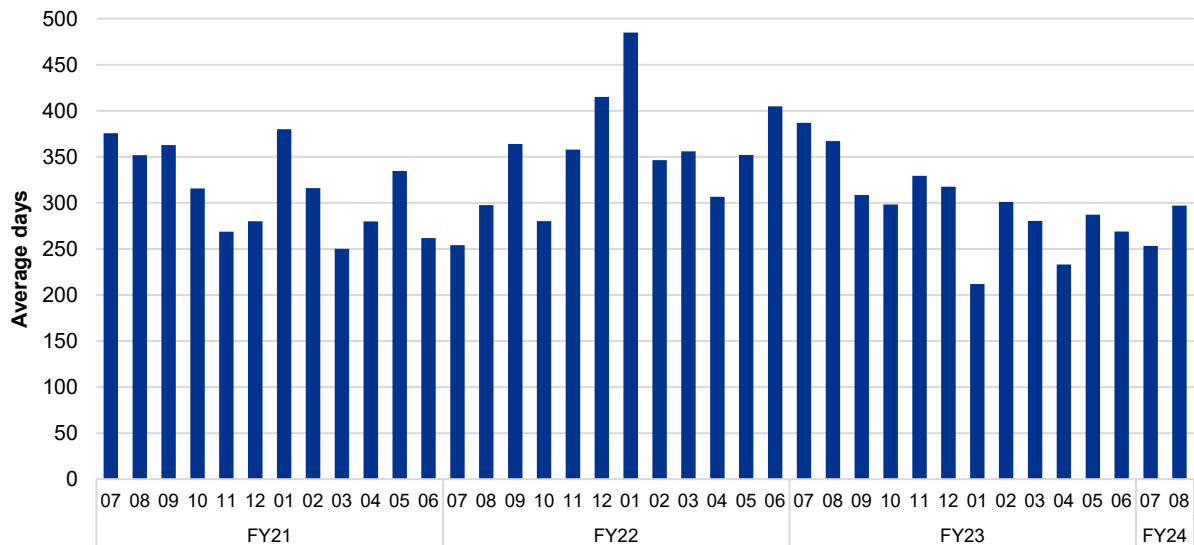
Figure 64: Monthly average number of days from application received to payment (funeral expenses) made (July 2020 to August 2023)



*Excludes outlier payment from October 2022 that was 1,125 days

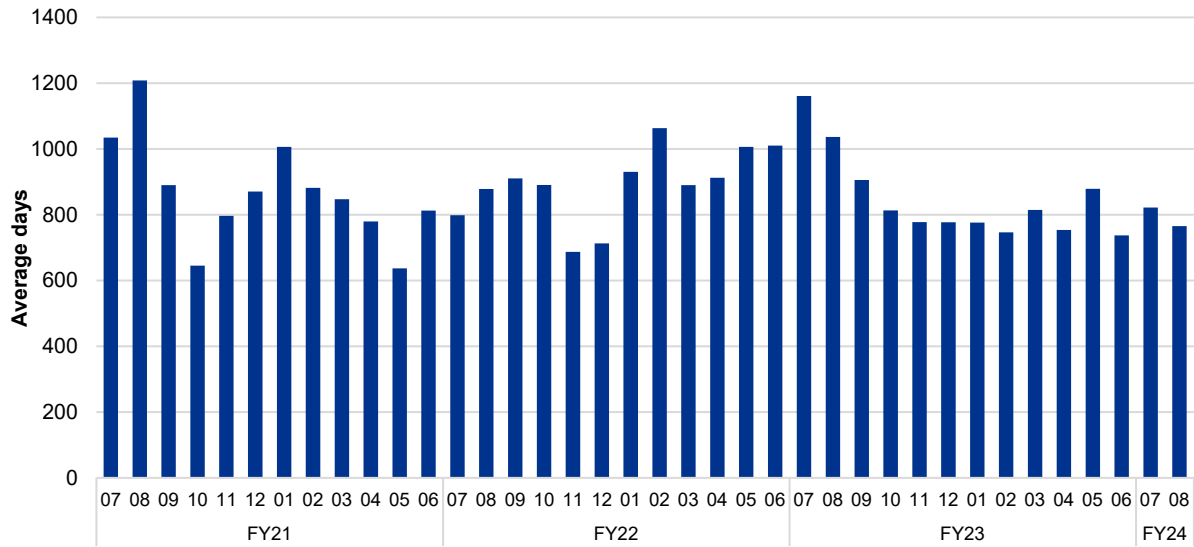
Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023) and FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Figure 65: Monthly average number of days from application received to payment (OEEC) made (July 2020 to August 2023)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023) and FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Figure 66: Monthly average number of days from application received to payment (Medical) made (July 2020 to August 2023)



Source: VAQ, FAS application data FY 2009-10 to FY 2023-24 (as at 17 October 2023) and FAS payment data FY 2009-10 to FY 2023-24 (as at 15 August 2023)

Appendix E: Data and Document List

A number of documents and data files have been provided by VAQ, DJAG and other stakeholders to support review of the Scheme. Documents and data received from stakeholders cover historical reviews, legislation, policies, processes, procedures and outcomes relating to the Scheme, and have been listed below.

Table 46: Documents and Data received

| Documentation received from VAQ |
|--|
| Identified current barriers to Financial Assistance Decision-Making (Internal VAQ documentation). |
| Queensland Government, Department of Justice and Attorney-General. (2015). Final Report on the review of the <i>Victims of Crime Assistance Act 2009</i> . |
| Queensland Government. (2021). Domestic and Family Violence Support Services Investment Specification. |
| Queensland Government. (2021). Sexual Violence and Women's Support Services Investment Specification. |
| Chapter 4 -Client support, referrals and accessibility (Internal VAQ documentation). |
| Chapter 9a -Financial Assistance Policy Manual (Internal VAQ documentation). |
| Chapter 9b – Financial Assistance Procedures (Internal VAQ documentation). |
| Special Assistance Matrix 1 and 2 (Internal VAQ documentation). |
| Interjurisdictional comparison of Victims Assistance Schemes (Internal VAQ documentation). |
| Trauma informed framework (Internal VAQ documentation). |
| Symplicit. (2022). Victim Assist Queensland Customer Research Final Presentation. |
| Financial Assistance Scheme Review presentation. |
| Nous. (2018). Business process and organisational capacity review. |
| Victim Assist Queensland Implemented Changes. |
| Potential Model Ideas – Victim Assist Queensland Leadership Group |
| Data received from VAQ |
| Permanent FTE Organisational Chart |
| Temporary FTE Organisational Chart |
| WSJT Pilot Rec 49 2002529 FY 2023-24 |
| VSFP 2001488 FY 2023-24 |
| VSFP 2001488 FY 2022-23 |
| VSFP 2001488 FY 2021-22 |
| VSCU 2001319 FY 2023-24 |

VSCU 2001319 FY 2022-23
VSCU 2001319 FY 2021-22
VAQ Master Data Set
VAQ Master Data Set – Payments
VAQ FY 2023-24 Operational Budget
VAQ Data analysis
Service Delivery Costs
APP AV Data
VAQ Resolve Summary
Additional Funding (Property and DNA) – Fund Distribution inc GST 2023
VAQ Organisational Establishment Planning 2023- 24
VAQ VSFP Performance Reporting summary Sheet
VAQ Victim Services Funding Program Annual Allocations 2022-27
Interim A
HRT WSJT 2002518 FY 2023-24
HRT WSJT 2002518 FY 2022-23
HRT Brisbane and Logan 2002093 FY 2023-24
HRT Brisbane and Logan 2002093 FY 2022-23
HRT Brisbane and Logan 2002093 FY 2021-22
FY 2022-23 Operational Actuals
FY 2021-2022 Operational Actuals
VAQ Initiative costing tool
VAQ Budget Cashflow 2023-24
FAU 2001274 FY 2023-24
FAU 2001274 FY 2022-23
FAU 2001274 FY 2021-22
Enhanced Assist Youth Prop Crime 2002671 FY 2023-24
DFSV Services WSVP DJAG Contract Summary by Svrc Org 2022-23 & 2023-24 to 25 Sept 2023
Cwth COVID HRT 2002397 FY 2021-22
Cwth COVID FAU 2002398 FY 2021-22
COI DNA Review 2002723 FY 2023-24
2023-09-15 APP AV Plus Paid As At 2023-09-01
2023-09-08 Relevant Payments
2023-08-15 OEEC Medical Classified
2023-08-15 Payment Data Deidentified
2023-10-17 APP AV Payment Summary SPV Fraud Interim

Possible Future Demand

2023-10-04 VAQ Backlog Data

APP AV Paid Summary Including Components

2023-09-15 APP AV Data Deidentified Plus Paid

2023-09-04 Withdrawal IE and AP

2023-09-04 Payment Data Deidentified 2017_18 Onwards

2023-09-04 Non Recognition Payments

2023-09-04 Multiple Applicant Offender Combos

2023-09-04 Lapse IE and AP

2023-09-04 IRT Referral To Summary

2023-09-04 AV APP Applicant Offender Is

2023-08-15 OP AV Data Deidentified

202COVA3-08-15 APP AV Data Deidentified

Appendix F: Consultation Guides

KPMG developed three consultation guides that were provided to each stakeholder group to support facilitation of consults as a key component to inform review of the Scheme.

F.1 Victim Support Sector Consultation Guide

Background

Victims of crime in Queensland are supported through the *Victims of Crime Assistance Act 2009* (the VOCAA), which establishes a scheme for the payment of financial assistance to a victim of an act of violence, or to a person who incurs funeral expenses for the death of a primary victim of an act of violence. The Financial Assistance Scheme (FAS), under the VOCAA, is administered by the Department of Justice and Attorney-General through Victim Assist Queensland (VAQ). The scheme does not provide crisis support and is a 'recovery' based scheme.

KPMG have been engaged to review the FAS to determine whether the original intent and objectives of the scheme are being met as defined in the VOCAA; and the effectiveness of the current scheme for victims of crime.

In 2017, amendments to the VOCAA saw eligibility for the FAS extended to all types of domestic and family violence as defined in the *Domestic and Family Violence Protection Act 2012*. This resulted in a substantial increase in the number of applications that VAQ now receives for financial assistance. In May 2023, the *Inquiry into Support Provided to Victims of Crime* recommended the Queensland Government urgently review the FAS to determine whether it is meeting its original intent and objectives.

As part of the review, KPMG will explore alternative models for the administration of the financial assistance scheme with a view to propose recommendations aimed to enhance collaboration with the broader victim sector and better meet the needs of victims in Queensland. A key element of this process is consultation with relevant internal and external stakeholders in the victim support sector in Queensland, including service providers that support victims of crime. In addition, KPMG will consult with similar organisations administering financial assistance schemes in other Australian jurisdictions.

While this review will explore the effectiveness of the FAS, KPMG will not be seeking to propose any changes to the legislation, suggest any deviations from recommendations supported by the Queensland Government in response to Parliamentary Inquiries including the *Inquiry into Support Provided to Victims of Crime* nor recommend expanding the scheme beyond what is required to meet its stated objectives. Additionally, the review will not extend to assessing VAQ's efficiency and/or effectiveness as an organisation.

Consultation Overview

Insights garnered from this consultation will support the review and inform the development of options for future administration arrangements. Consultations will be conducted via Microsoft Teams in a semi-structured manner. During the consultation, notes will be recorded in order to enable the assessment and collation of key themes that inform the review. These themes will not be attributable to any organisation or individual. In the event that we do use direct quotes in compiling the review, these will be de-identified to maintain your anonymity and privacy. Consultation notes will be recorded and stored on KPMG's internal database and will not be shared further.

Consultation Questions

The following questions will be used to guide the discussion.

Objectives and Intent

- 1) In what capacity does your organisation interface with VAQ?
- 2) Are you aware of the scheme's original intent and objectives? If so, are the original intent and objectives of the Financial Assistance Scheme being met, as defined under the VOCAA below:
 - (a) to help victims of acts of violence to recover from the acts by giving them financial assistance; and
 - (b) for primary victims, to give the victims amounts representing a symbolic expression by the State of the community's recognition of the injuries suffered by them; and
 - (c) for related victims who have suffered distress, to give the victims amounts representing a symbolic expression by the State of the community's recognition of the distress suffered by them; and
 - (d) to add to other services provided by or for government to victims of acts of violence.
 - Additionally, the Act states that grants of financial assistance to victims of acts of violence under the scheme are not intended to reflect the level of compensation to which victims of acts of violence may be entitled at common law or otherwise.⁴¹⁴

Effectiveness and efficiency

- 3) How accessible does your organisation find the financial assistance scheme when referring clients?
- 4) Previous research and the *Inquiry into Support Provided to Victims of Crime* highlighted a number of challenges in the FAS, including a complex application processes and lengthy wait times for processing applications. Are these challenges still evident?
- 5) Are there challenges in accessing supports and services when engaging with VAQ?
- 6) Is there a sound level of awareness of the scheme amongst the sector, and your clients?
- 7) What is currently working well in the administration of the scheme?
- 8) What are some of the positive outcomes for victims that have been produced by the scheme?

Victim support service sector

- 9) What overlap, duplication, or potential synergies exist in Queensland regarding the provision of financial assistance for victims?
- 10) What opportunities exist that might facilitate greater collaboration with the broader victim support sector (and wider criminal justice system) that would improve efficiency and effectiveness in delivering the FAS scheme and provide more timely access to support for victims?
- 11) In line with recommendations posed by the *Inquiry into Support Provided to Victims of Crime*, are you aware of the recovery needs of victims of property crime, as well as existing programs and support that offer recovery for these victims where they are ineligible for home insurance, vehicle insurance, workers compensation etc.?

⁴¹⁴ *Victims of Crime Assistance Act 2009* (Qld)

Future state and opportunity development

- 12) Based on the identified issues with the current model, how could the model be improved?
- 13) Are there opportunities to reduce administrative burden of the scheme for victims or otherwise improve access to support?
- 14) What services currently provided through the FAS could be provided through an alternative model?
- 15) What would an ideal model look like?

F.2 Jurisdictional Focus Group Consultation Guide

Background

Victims of crime in Queensland are supported through the *Victims of Crime Assistance Act 2009* (the VOCAA), which establishes a scheme for the payment of financial assistance to a victim of an act of violence, or to a person who incurs funeral expenses for the death of a primary victim of an act of violence. The Financial Assistance Scheme (FAS), under the VOCAA, is administered by the Department of Justice and Attorney-General through Victim Assist Queensland (VAQ). The scheme does not provide crisis support and is a 'recovery' based scheme.

KPMG have been engaged to review the FAS to determine whether the original intent and objectives of the scheme are being met as defined in the VOCAA; and the effectiveness of the current scheme for victims of crime.

In 2017, amendments to the VOCAA saw eligibility for the FAS extended to all types of domestic and family violence as defined in the *Domestic and Family Violence Protection Act 2012*. This resulted in a substantial increase in the number of applications that VAQ now receives for financial assistance. In May 2023, the *Inquiry into Support Provided to Victims of Crime* recommended the Queensland Government urgently review the FAS to determine whether it is meeting its original intent and objectives, as outlined in the *Victims of Crime Assistance Act 2009*:

- to help victims of acts of violence to recover from the acts by giving them financial assistance; and
- for primary victims, to give the victims amounts representing a symbolic expression by the State of the community's recognition of the injuries suffered by them; and
- for related victims who have suffered distress, to give the victims amounts representing a symbolic expression by the State of the community's recognition of the distress suffered by them; and
- to add to other services provided by or for government to victims of acts of violence.⁴¹⁵

As part of the review, KPMG will explore alternative models for the administration of the financial assistance scheme with a view to propose recommendations aimed to enhance collaboration with the broader victim sector and better meet the needs of victims in Queensland. A key element of this process is consultation with relevant internal and external stakeholders in the victim support sector in Queensland. In addition, KPMG is also seeking to consult with similar agencies administering financial assistance schemes in other Australian jurisdictions.

While this review will explore the effectiveness of the FAS, KPMG will not be seeking to propose any changes to the legislation, suggest any deviations from recommendations supported by the Queensland Government in response to Parliamentary Inquiries including the *Inquiry into Support Provided to Victims of Crime* nor recommend expanding the scheme beyond what is required to meet its stated objectives. Additionally, the review will not extend to assessing VAQ's efficiency and/or effectiveness as an organisation.

⁴¹⁵ *Victims of Crime Assistance Act 2009* (Qld)

Consultation Overview

The objectives of this consultation will be to understand the current state of the financial assistance scheme (or similar) that exists within your jurisdiction, including the costs and benefits associated with your model. Consultation will also aim to identify any lessons that Queensland can leverage in a future model of the Financial Assistance Scheme.

Consultations will be conducted via Microsoft Teams in a semi-structured manner. During the consultation, notes will be recorded in order to enable the assessment and collation of key themes that inform the review. These themes will not be attributable to any organisation or individual. In the event that we do use direct quotes in compiling the review, these will be de-identified to maintain your anonymity and privacy. Consultation notes will be recorded and stored on KPMG's internal database and will not be shared further.

Consultation Questions

The following questions will be used to guide the discussion.

Current state

- 1) With reference to the background information above, can you please describe the type of financial assistance model that supports victims of crime in your respective jurisdiction with consideration to the following:
 - Who is eligible for this support?
 - What are the types of supports and services delivered?
 - What agency/agencies are primarily responsible for coordinating the administration of this support?
 - What is the relevant legislation governing the provision of this support?
 - What are the processes underpinning referrals for support, assessment, and linkages to other agencies?
 - What is the workforce composition in your agency (i.e., FTE and positions) that underpins the delivery of this support?
 - What is the type of impact that this support has on victims of crime?
 - What governance arrangements support the delivery of your model (i.e, communities of practice, training, collaboration mechanisms)?

Effectiveness & efficiency

- 2) How would you describe the effectiveness of the financial assistance model in your jurisdiction in both meeting the needs of victims and facilitating collaboration across agencies within the victim sector?
- 3) How sustainable is the current model in meeting any increasing demand for support, or future reform?
- 4) Are there any barriers you face in delivering financial assistance?
- 5) Are there any gaps in service provision that exist within your current model?
- 6) Is there any duplication in the type of support delivered by your agency and other organisations across the victim sector in your jurisdiction?
- 7) How does your jurisdiction support the needs of victims of property crime where they are ineligible for home insurance, vehicle insurance, workers compensation etc.?

Future state model development

- 8) Are there any key factors or lessons learnt from your state, that Queensland should consider in designing a future model for a Financial Assistance Scheme?

F.3 Government Agency Consultation Guide

Background

Background

Victims of crime in Queensland are supported through the *Victims of Crime Assistance Act 2009* (the VOCAA), which establishes a scheme for the payment of financial assistance to a victim of an act of violence, or to a person who incurs funeral expenses for the death of a primary victim of an act of violence. The Financial Assistance Scheme (FAS), under the VOCAA, is administered by the Department of Justice and Attorney-General through Victim Assist Queensland (VAQ). The scheme does not provide crisis support and is a 'recovery' based scheme.

KPMG have been engaged to review the FAS to determine whether the original intent and objectives of the scheme are being met as defined in the VOCAA; and the effectiveness of the current scheme for victims of crime.

In 2017, amendments to the VOCAA saw eligibility for the FAS extended to all types of domestic and family violence as defined in the *Domestic and Family Violence Protection Act 2012*. This resulted in a substantial increase in the number of applications that VAQ now receives for financial assistance. In May 2023, the *Inquiry into Support Provided to Victims of Crime* recommended the Queensland Government urgently review the FAS to determine whether it is meeting its original intent and objectives.

As part of the review, KPMG will explore alternative models for the administration of the financial assistance scheme with a view to propose recommendations aimed to enhance collaboration with the broader victim sector and better meet the needs of victims in Queensland. A key element of this process is consultation with relevant internal and external stakeholders in the victim support sector in Queensland, in addition to similar agencies administering financial assistance schemes in other Australian jurisdictions.

While this review will explore the effectiveness of the FAS, KPMG will not be seeking to propose any changes to the legislation, suggest any deviations from recommendations supported by the Queensland Government in response to Parliamentary Inquiries including the Inquiry into Support Provided to Victims of Crime nor recommend expanding the scheme beyond what is required to meet its stated objectives. Additionally, the review will not extend to assessing VAQ's efficiency and/or effectiveness as an organisation.

Consultation Overview

Insights garnered from this consultation will support the review and inform the development of options for future administration arrangements. Consultations will be conducted in person, in a semi-structured manner. During the consultation, notes will be recorded in order to enable the assessment and collation of key themes that inform the review. These themes will not be attributable to any organisation or individual. In the event that we do use direct quotes in compiling the review, these will be de-identified to maintain your anonymity and privacy. Consultation notes will be recorded and stored on KPMG's internal database and will not be shared further.

Consultation Questions

The following questions will be used to guide the discussion.

Objectives and Intent

- 1) In what capacity does your agency interface with VAQ?
- 2) Are the original intent and objectives of the Financial Assistance Scheme being met, as defined under the VOCAA below:
 - (a) to help victims of acts of violence to recover from the acts by giving them financial assistance; and
 - (b) for primary victims, to give the victims amounts representing a symbolic expression by the State of the community's recognition of the injuries suffered by them; and

- (c) for related victims who have suffered distress, to give the victims amounts representing a symbolic expression by the State of the community's recognition of the distress suffered by them; and
- (d) to add to other services provided by or for government to victims of acts of violence.
- Additionally, the Act states that grants of financial assistance to victims of acts of violence under the scheme are not intended to reflect the level of compensation to which victims of acts of violence may be entitled at common law or otherwise.

Effectiveness & efficiency

- 3) How accessible does your agency find the financial assistance scheme when referring clients?
- 4) Previous research and the *Inquiry into Support Provided to Victims of Crime* highlighted a number of challenges in the FAS, including a complex application processes and lengthy wait times for processing applications. Are these challenges still evident?
- 5) Are there challenges in accessing supports and services when engaging with VAQ??
- 6) What is currently working well in the administration of the scheme?
- 7) What are some of the positive outcomes for victims that have been produced by the scheme?

Victim support service sector

- 8) What overlap, duplication, or potential synergies exist in Queensland regarding the provision of financial assistance for victims?
- 9) What opportunities exist that might facilitate greater collaboration with the broader victim support sector (and wider criminal justice system) that would improve efficiency and effectiveness in delivering the FAS scheme and provide more timely access to support for victims?
- 10) In line with recommendations posed by the *Inquiry into Support Provided to Victims of Crime*, are you aware of the recovery needs of victims of property crime, as well as existing programs and support that offer recovery for these victims where they are ineligible for home insurance, vehicle insurance, workers compensation etc.?

Future state model development

- 11) Based on the identified issues with the current model, how could the model be improved?
 - 12) Are there opportunities to reduce administrative burden of the scheme for victims or otherwise improve access to support?
 - 13) What services currently provided through the FAS could be provided through an alternative model?
 - 14) What would an ideal model look like?
-

Appendix G: Expenditure assumptions

Expenditure impact calculation method, assumptions, and inputs

Table 47: Recommendations and Option 3 expenditure summary

| Expenditure summary | | | | |
|---|------------------------|----------------------------|-----------------------------|---------------------|
| | FY23 - Current state | FY23 - Likely future state | FY23 - Maximum future state | Net impact |
| Recommendation 1* | No impact | No impact | No impact | No impact |
| Recommendation 2 and 24h counselling | \$509,468 ² | \$562,592 | \$43,170,000 | \$53,124 |
| Recommendation 3* | No Impact | No impact | No impact | No impact |
| Recommendation 4 | \$- | \$1,698,180 | \$1,698,180 | \$1,698,180 |
| Recommendation 5 ¹ | Not quantified | Not quantified | Not quantified | Not quantified |
| Recommendation 6 | \$1,255,093 | \$1,346,112 | \$2,985,000 | \$91,019 |
| Recommendation 7 | \$- | \$8,453 | \$14,000 | \$8,453 |
| Recommendation 8 | No impact | No impact | No Impact | No Impact |
| Recommendation 9 | \$778,260 | \$8,841,646 | | \$8,063,386 |
| Recommendation 10 | -\$64,183 | \$64,183 | \$1,773,179 | \$128,366 |
| Option 3 - Property offences | \$- | \$3,056,061 | \$151,224,000 | \$3,056,061 |
| Option 3 - Relevant payments ¹ | Not quantified | Not quantified | Not quantified | Not quantified |
| Other expenditure (rest of FAS) | \$37,121,362 | \$37,121,362 | \$37,121,362 | |
| FAS total expenditure | \$39,600,000 | \$51,000,409 | \$236,287,541 | \$11,400,409 |

*Recommendations 1 & 3 have no impact on Scheme expenditure.

1. Recommendation 5 and Option 3 – Relevant payments cannot be quantified at this time without further decisions by VAQ.
2. This number has been adjusted from a net spend of \$767,635. See Table 49 for further details.

Table 48: Recommendation 1 calculation, inputs, and assumptions

| Calculation method | | | |
|--|---------|--------|-----------|
| Recommendation 1 has no impact on expenditure associated with the recommendation however there is an impact associated with the governments legislated changes to Category D, calculated as: (FY23 Category A - D total expenditure) + (Number of category D payments in FY23 x \$2,000) | | | |
| Assumptions | | | |
| Input Description | Input | Source | Rationale |
| Payment | \$3,000 | | |
| Difference between Cat D payment in FY23 and new legislated Cat D payment | \$2,000 | | |

| | | | |
|--|--------------|--|-------------------------|
| Total number of special assistance applicants paid in FY23 | 6,908 | | Report (pg 47, Table 7) |
| Category A - D total expenditure in FY23 | \$29,100,000 | | |
| Category D applications paid in FY23 | 216 | | |

Table 49: Recommendation 2 & 24h counselling

| Calculation method | | | |
|---|-----------|---|--|
| Total: total number of eligible applicants 2022-23 x 24 (1 hour) sessions x cost of counselling at the cost cap | | | |
| Likely: total number of eligible applicants 2022-23 x adoption rate x average sessions per applicant x average cost of counselling | | | |
| Assumptions | | | |
| <ul style="list-style-type: none"> It is noted that introducing a panel of service providers will likely reduce administrative barriers to accessing counselling support and automatic eligibility for up to 24 sessions which will increase the number of people seeking counselling payments as well as the number of sessions for each victim however due to data limitations these have been excluded from the future state likely calculation. The difference between the current state spend and future state likely scenario spend is due to discrepancies in the data provided to KPMG. | | | |
| Input Description | Input | Source | Rationale |
| Total counselling spend in FY23 | \$767,635 | VAQ data | This figure includes payments made in FY23 for applications assessed in FY22. |
| Total counselling spend in FY23 less payments made for FY22 applications | \$509,468 | VAQ data | To enable a like for like comparison the spend for FY23 minus FY22 applications is used as the base comparative figure. |
| Adoption rate for counselling | 7% | VAQ data | The FY23 base adoption rate is 7% The adoption rate is calculated using the number of unique applicants in FY23 whom received a first payment divided by the number which included counselling services. |
| Number of scheme applicants FY23 | 7195 | Draft Report, Table 33, Appendix D.1 | Number of applicants applied |
| Average cost of counselling per session | \$151 | VAQ Payment Data - Counselling Data cleansed by KPMG: Excluded data where number of sessions not specified. | |
| Number of sessions with automatic eligibility | 24 | VAQ data | |
| Number of sessions per person | 7.3 | VAQ data | The average sessions per applicant in FY23 was 7.3. |
| Maximum cost per session | \$250 | Table of costs | |

Table 50: Recommendation 4

| Calculation method | | | |
|--|-------------|--|-----------|
| Total: Calculation = current total number of deferred WorkCover applications x average payment under the scheme | | | |
| Likely: | | | |
| Assumptions | | | |
| <ul style="list-style-type: none"> At present, the reconciliation arrangements between WorkCover and VAQ do actively occur and balance expenditure over time. Assumes that deferred WorkCover payments are appropriately represented by average payment amount under scheme Assumes MoU between VAQ and Workcover is agreed | | | |
| Input Description | Input | Source | Rationale |
| Deferred workcover applications (Over life of scheme) | 1659 | Data - VAQ Application data filtered by: APPWorkersCover - Applied Accepted Finalised - Applied Accepted Ongoing Liability Applied For Report Purposes Only Excludes: Refused and Lapsed applications | |
| Deferred workcover applications (FY23) | 372 | | |
| Average number of applications per annum under the scheme (FY10-23) | 118 | | |
| Total paid to victims with Work Cover applications over life of scheme (FY10-23) | \$3,300,000 | | |
| Average annual payment under the scheme to Work Cover Apps (Total Paid/Apps) | \$1,989 | | |
| Average payment under the scheme to Work Cover Apps in FY23 | \$1,588 | | |
| Average Paid to all applicants over life of scheme (FY10-23) | 4,565 | | |

Table 51: Recommendation 6

| Calculation method | | | |
|--|---------|--|-----------|
| Total: Total number of funeral applications in QLD in FY23 x new maximum cap on funeral payments | | | |
| Likely: total number of related victims funeral applications x (average payment amount x escalation on average payment) + other funeral costs previously under OEEC | | | |
| Assumptions | | | |
| <ul style="list-style-type: none"> It is assumed that there will be a very moderate increase in the quantum of the average payment associated with funerals on account of broadening the criteria to include reasonable expenses. It is noted that the expansion in eligibility is likely to pertain to certain travel expenses and other small expenses that will have a very low overall cost impact. | | | |
| Input Description | Input | Source | Rationale |
| Total number of related victims funeral applications | 199 | Draft Report, Figure 5. pg 42 & Table 32 Appendix D1 | |
| Average funeral application payment amount for related victims | \$6,307 | Draft Report, Table 10, pg 54 | |

| | | | |
|---|-----------|----------|--|
| Increase in likely scheme expenditure of total number of funeral applications | 5% | | <p>There have been a total of 4 claims for funeral expenses rejected since 2017-18 however it is likely that overall claims are being approved and certain expenses are not being approved which is now showing up in the data available.</p> <p>5% was arrived at by benchmarking an increase to the average cost of a OEEEC payment for funerals and then increasing the cost per average to a round figure (5%) to make the estimate more conservative.</p> |
| Cap on funeral expenses | \$15,000 | | This is the new legislated cap on funerals expenses |
| Funeral payments previously under OEEC (FY23) | \$ 28,264 | VAQ data | Increase in funeral payments associated with moving OEEC to |

Table 52: Recommendation 7

| Calculation method | | | |
|---|-------|----------------------|--|
| Total: Rejected counselling applications FY23 x cost per session | | | |
| Likely: Rejected counselling applications FY23 x cost per session | | | |
| Assumptions | | | |
| <ul style="list-style-type: none"> It is assumed that all rejected applications were due to them being a therapy type not permitted by the scheme. It is assumed that if victims applications for alternative therapies did not otherwise use Scheme funded counselling. The expenditure impact may be less due to data limitations, that is not all rejected counselling sessions were due to it being an alternative therapy. It is noted that counselling is capped at 24 sessions (1 hour each) before needing a diagnosis of a psychological injury, the uptake of alternative therapies would be included. | | | |
| Input Description | Input | Source | Rationale |
| Average cost per counselling session (FY22- 23) | \$151 | VAQ FAS Payment Data | |
| Maximum cost per counselling session | \$250 | VAQ table of costs | |
| Number of rejected counselling payments FY23 | 56 | VAQ FAS Payment Data | <p>DATA - Payment data filtered by:</p> <ul style="list-style-type: none"> PaymentType Expenses PaymentFor Counselling Pay Status Rejected, Not Approved, Discontinued |

Table 53: Recommendation 9

| Calculation method | | | |
|--|--|--|--|
| Total: Total number of child abuse crimes over 7 years x average payment to child abuse victim | | | |

Likely: Average annual number of child abuse victims of available data x 7 years x % of applications received from child abuse victims greater than 3 years - 10 years x average payment to child abuse victim

| Assumptions | | | |
|--|---------|----------------------|-----------|
| Assumes that there is widespread awareness of the scheme rules and assumes that victims now eligible to apply for the scheme all apply in the same year which is highly unlikely, this is a very conservative estimate as it is likely that there will be a higher uptake amongst victims whose statutory timeframes are likely to expire applying in FY23 with the remainder distributed over the following 6 years. The FY23 current state is the amount of funds spent on applications for child abuse associated with applications of adults applying for victims support from 18 - 21 years old. Assumes that Scheme applies retrospectively to children who were victims before the inception of the establishment of the Scheme. It is noted that the average payment to child abuse victim is for payments up to the current 6 years allowed under the current Scheme rules. | | | |
| Input Description | Input | Source | Rationale |
| Total child abuse victims 2001 - 2008 | 86,626 | AIHW data | |
| Number of FAS Primary Victims application, where victim is an adult at time application received and is aged 18-21 (3 year limit), where the act of violence against them occurred as a child (DFV, assault, sexual offences) (FY23) | 102 | VAQ Application Data | |
| Number of FAS Primary Victims application, where victim is an adult at time application received and is aged 18-28 (proposed 10 year limit), where the act of violence against them occurred as a child (DFV, assault, sexual offences) (FY23) | 155 | VAQ Application Data | |
| Adoption rate (% of applications received from child abuse victims 18 + 3 years FY23) | 1.3% | VAQ Application Data | |
| Average payment to child abuse victim | \$7,630 | | |

Table 54: Recommendation 10

| Calculation method | | | |
|---|-------------|--------------------------------|-----------|
| Total: Equates to the total recovery notices issued in FY23 | | | |
| Likely: Equates to the total funds recovered by VAQ in FY23 | | | |
| Assumptions | | | |
| <ul style="list-style-type: none"> There will be a financial impact (from a Treasury perspective) noting that revenue generated by debt recovery notices will be foregone, | | | |
| Input Description | Input | Source | Rationale |
| Total Recovery Notices Issued Amount (FY23) | \$1,773,179 | Draft Report, Figure 17, pg 65 | |
| Total Recovered (FY23) | \$64,183 | Draft Report, Figure 17, pg 66 | |

Table 55: Option 3 - Property Offences

| Calculation method | | | |
|--|--|--|--|
| Total: Total number of property offences within the category x 24 counselling sessions (1 hour) x average cost of counselling session | | | |
| Likely: (Total number of property offences within the category x adoption rate) x current average number of counselling sessions x average cost of counselling session | | | |
| Assumptions | | | |
| | | | |

| Input Description | Input | Source | Rationale |
|--|--------|---|---|
| Number of property offences 2021-22 | 25,204 | https://www.ggso.qld.gov.au/issues/7856/crime-report-qld-2021-22.pdf | Latest available data |
| Average number of counselling sessions per applicant | 7.3 | VAQ data | |
| Number of sessions available to each victim | 24 | | |
| Adoption rate | 11% | https://www.ggso.qld.gov.au/issues/7856/crime-report-qld-2021-22.pdf | Adoption rate = (number of applications receiving financial assistance / 2021-22 total offences against the person) |
| Average cost per counselling session | \$151 | VAQ data | |
| Maximum cost per session | \$250 | Table of costs | |

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