

Submission to the Victorian Law Reform Commission about Family Violence and the Victims of Crime Assistance Act 1996



What is the Regional Family Violence Partnership?

Established in 2007 to provide regional governance of the state-wide family violence reforms, the Regional Family Violence Partnership (RFVP) is a partnership of organisations in the Eastern Metropolitan Region. Our work is to build a system to support women and children's safety and hold perpetrators of family violence accountable for their behaviour. Our membership includes representation from Victoria Police, the Magistrates' Court, women's specialist services, men's services, child and family services, housing providers, Child Protection, Aboriginal services, disability advocates and sexual assault services. Together, we work to continually refine the integrated family violence system in our region.

The Eastern Metropolitan Region, Regional Family Violence Partnership, for the purposes of this document, will be referred to as 'RFVP'.

DISCLAIMER

RFVP notes the ECLC's submission to the Victorian Law Reform Commission, and also notes that ECLC sits on the Executive Committee of RFVP as legal representation for the sector.

RFVP is not a legal service, nor is it qualified to give legal advice or speak on legal matters.

The organisations that form the Regional Family Violence Partnership endorse this paper in whole and/or in part.

Recommendations

In June of 2017, in response to the Royal Commission into Family Violence, the Hon. Martin Pakula MP asked the Victorian Law Reform Commission (the Commission) to review and report on the provision of state-funded financial assistance to victims of family violence under the Victims of Crime Assistance Act. The Commission released a consultation paper entitled 'Family Law and the Victims of Crime Assistance Act 1996' where 66 sub-questions were posited around this question:

What changes could be made to the Act to better assist victims of family violence to rebuild their lives and recover?

The RFVP have identified 4 key areas that require systemic change and responded to 26 of the questions overall.

The areas are themed as follows:

- A) Family Violence differs to other forms of violence and should be recognised as distinct to other forms of violence
- B) Children's experiences within family violence are significant and should be recognised as such
- C) Recognising intersectionality and diversity within the context of family violence
- D) Better service integration with recent Victorian Family Violence reforms and other existing systems

A) Family Violence differs to all other forms of violence and should be recognised as unique

Relevant to Questions 2, 4, 6, 7, 8, 9, 11, 16, 21, 22, 23, 28, 31, 38, 54, 55, 56, 63

The RFVP use a gendered lens with which to view and understand family violence.

The most common manifestation of family violence is intimate partner violence committed by men against their current or former female partners.¹

In line with the Royal Commission into Family Violence,

All services that come into contact with family violence victims should be equipped to identify, and in some cases, assess and manage risk, and to ensure that victims are supported.²

Criteria

The RFVP recommend that the eligibility criteria for the Victims of Crime Assistance Tribunal (VOCAT) needs to be broadened to take into account the unique dynamics and characteristics of family violence. Themes of power, control and the ongoing nature and cumulative harm of family violence are not accounted for under the current eligibility criteria for VOCAT. If the criteria are not broadened, the unique dynamics and characteristics of family violence are not and will not be recognised under the current Victims of Crime Assistance Act (VOCAA), therefore excluding victim survivors of family violence from the scheme. The current eligibility criterion depends on what category (according to VOCAT) of victim the applicant best fits into:

Who is eligible?

6.9 A person is eligible for financial assistance under the Act if they are the 'primary', 'secondary' or 'related' victim of a criminal act that directly results in injury, death or a significant adverse effect.³

Definitions

Ensuring victim survivors of family violence receive support means the VOCAT definitions and the Act need to have definitions that accurately capture people's experiences of family violence. The above eligibility definition is time-bound to a specific event, whereas we know family violence occurs over a period of times, can stop and start, does not always have one particular defining event and often results in cumulative harm and complex trauma. Further to this,

VICTIMS OF CRIME ASSISTANCE ACT 1996 - SECT 7

Who is a primary victim?

¹ Royal Commission into Family Violence, Report and Recommendations Volume IV (2016), page 2

² Royal Commission into Family Violence, Report and Recommendations Volume IV (2016), page 9

³ Victorian Law Reform Commission, Family Violence and the Victims of Crime Assistance Act 1996: Consultation Paper, page xvi, 2017 page 49,

- (1) 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 him or her.
- (2) 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—
- (a) trying to arrest someone whom he or she believes on reasonable grounds has committed an act of violence; or
 - (b) trying to prevent the commission of an act of violence; or
 - (c) trying to aid or rescue someone whom he or she believes on reasonable grounds is a victim of an act of violence—
- whether or not an act of violence is actually committed.⁴

The RFVP believes that the wording above needs to be refined. When we read the word ‘injury’ we automatically think something physical, not mental or economic or spiritual. We know that so much of family violence is psychological harm and ongoing psychological abuse. This definition does not capture that.

If the eligibility criteria were to reflect the unique dynamics and characteristics of family violence the definition of ‘act of violence’ in the Victims of Crime Assistance Act of 1996 would need to be revised to make it more inclusive and reflective of people’s experience of family violence. The current definition ;

Under the Act, an act of violence is defined as a ‘criminal act’ or ‘a series of related criminal acts’ that occurred in Victoria and that ‘directly resulted in injury or death to one or more persons’. Criminal acts include assault, injury, threats, sexual offences, stalking, child stealing, kidnapping, conspiracy and attempts of these offences. The act of violence must directly result in injury, that is, actual physical bodily harm, mental illness or disorder (or exacerbation of) and pregnancy. ‘Injury’ does not include injury arising from property loss or damage.⁵

However, not all forms of family violence are currently legislated as acts of crime and this is problematic.

Women’s Legal Service Victoria pointed out that due to this eligibility definition, victims of what are generally non-criminal forms of family violence such as economic abuse are not recognised and are unable to access the scheme. The [Royal] Commission [into Family Violence] heard from a victim of family violence that:

This is not a gap; this is a Canyon of deficiency in legal protection and justice for my children and myself ... We applied for victims of crime compensation in order to replace

⁴ www.austlii.edu.au/au/legis/vic/consol_act/vocaa1996271/s7.html, date viewed: 5/7/2017

⁵ Victorian Law Reform Commission, Family Violence and the Victims of Crime Assistance Act 1996: Consultation Paper, 2017, page xvi

some belongings as we arrived in Victoria with nothing but our dogs and cats and the clothes on our backs. We did not qualify. We were told Domestic Violence was not an actual crime.⁶

The RFVP believes the definition of 'act of violence' could be amended to include all forms of family violence. This should be done by adopting the current definition, below, from the Family Violence Protection Act, 2008:

Meaning of family violence

(1) For the purposes of this Act, **family violence** is—

(a) behaviour by a person towards a family member of that person if that behaviour—

(i) is physically or sexually abusive; or

(ii) is emotionally or psychologically abusive; or

(iii) is economically abusive; or

(iv) is threatening; or

(v) is coercive; or

(vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or

(b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).⁷

The current definition of injury in the VOCAA should also be expanded to include the non-physical and/or psychological injuries often experienced by victim survivors of family violence. Family violence is insidious. Without this inclusive definition, there are people experiencing family violence whose situation is not recognised under the current VOCAA and therefore will not be eligible to apply for compensation. All injuries relating to the definition of family violence according to the Family Violence Act of 2008 should be included in the new and revised definition of 'injury'. From reading the Victims of Crime Act, it appears a medical statement from a medical expert is required to substantiate and evidence an 'injury'.

S. 3(1) def. of *injury* amended by No. 54/2000 s. 5(1)(a).

"injury" means—

(a) actual physical bodily harm; or

⁶ Royal Commission into Family Violence, Report and Recommendations Volume IV (2016) 78

⁷ www.austlii.edu.au/au/legis/vic/consol_act/fvpa2008283/s5.html, date viewed: 3/7/2017

- (b) mental illness or disorder or an exacerbation of a mental illness or disorder, whether or not flowing from nervous shock; or
- (c) pregnancy; or
- (d) any combination of matters referred to in paragraphs (a), (b) and (c) arising from an [act of violence](#)—⁸

The definition of ‘injury’ should be amended to better reflect the cumulative impact of family violence. We know impacts of family violence include non-physical and psychological harm meaning it is integral that the definition of ‘injury’ be amended to be reflective of this knowledge. As highlighted in the Royal Commission into Family Violence,

...even if the victim of family violence is eligible under the scheme, the law does not sufficiently take into account the cumulative harm of individual acts of violence as a result of experiencing persistent and protracted violence.⁹

In this paper, a category of **financial assistance** that may be awarded to a **primary victim** under the *Victims of Crime Assistance Act 1996* (Vic) as an expression of the state’s sympathy if they suffered any **significant adverse effect** as a direct result of an **act of violence** perpetrated against them.¹⁰

Timing

We believe different time limits should apply to family violence applications in recognition of the dynamics of family violence. Having a nuanced understanding of family violence is imperative to responding to individual experiences of family violence.

RFVP suggests there be no time limits in applying for assistance through VOCAT for anyone. However, family violence should be included as a factor the Tribunal must have regard to in determining whether to hear and determine an application made out of time. This acknowledges the cumulative nature of family violence and how cumulative harm may be experienced by victims of family violence, primarily women and children.

Reporting

RFVP believe the notification provision, can and will most likely be a deterrent for family violence victims in making applications under the Act. Women experiencing or women who have experienced family violence often live in terror and fear of the person that has perpetrated violence against them and/or their children. This, and many other factors, including both real and perceived increased risk

⁸ www.austlii.edu.au/au/legis/vic/consol_act/vocaa1996271/s3.html#injury, date viewed 3/7/2017

⁹ Royal Commission into Family Violence, Report and Recommendations Volume IV (2016), page 78

¹⁰ Victorian Law Reform Commission, Family Violence and the Victims of Crime Assistance Act 1996: Consultation Paper, 2017, page xvi

to a woman's safety by reporting the violence, can make many women reluctant to report family violence to any authority.

The under-reporting of family violence by women is difficult to collect data on, however it is generally accepted that a great number of women do not report family violence to the Victoria Police.

The Victorian Royal Commission said the greatest problem limiting the data on family violence was the widespread under-reporting, as well as failure to identify the issue and gaps in recorded data on particular groups.¹¹

Our many years of collective experience, in addition to the substantial evidence available, shows that know women don't often report incidents of family violence, to police, general practitioners or anyone else. Fear of authority (particularly in certain cultural communities) can also play a huge role in deterring women from reporting family violence, as can the fear, misunderstanding and inaccessibility of legal institutions.

The requirement to provide reasonable assistance to police and prosecution should be explicitly excluded for victims of family violence.

Domestic violence is a vastly underreported crime. Of women who had experienced violence from a current partner, 39% had never sought advice or support, and 80% had never contacted the police.¹²

A woman who has experienced or is experiencing family violence should not have to provide any kind of reasonable assistance to police or any other authorities. Holding her experience in a trauma-informed framework means the trauma is addressed, not exacerbated or magnified by asking her to make statement after statement, often in clinical settings and in clinical language by workers who are not specialised in family violence work.

Family violence should be expressly considered 'special circumstances' for the purpose of the mandatory refusal provisions. Family Violence should be treated on a case-by-case basis.

In understanding what 'mandatory refusal provisions' are, according to the VOCAT website:

The Tribunal must refuse to make an award of assistance if satisfied that:

- the violent crime was not reported to police within a reasonable time; or
- the applicant failed to provide reasonable assistance to any person investigating the act of violence, in the arrest or prosecution of any person by whom the act of violence was allegedly committed unless the Tribunal considers that special circumstances exist.

¹¹ www.abc.net.au/news/factcheck/2016-04-06/fact-file-domestic-violence-statistics/7147938, date viewed 18/07/16

¹² www.ourwatch.org.au/MediaLibraries/OurWatch/Images/ourwatch_reporting_on_domestic_violence_aa_v_1.pdf, page 5

In considering whether the act of violence was reported to the police within a reasonable time, the Tribunal may have regard to any matters that it considers relevant, including:

- the age of the victim at the time of the occurrence of the violent crime;
- whether the victim is intellectually disabled within the meaning of the *Disability Act 2006* or mentally ill within the meaning of the *Mental Health Act 1986*;
- whether the person who committed, or is alleged to have committed, the violent crime was in a position of power, influence or trust in relation to the victim;
- whether the victim was threatened or intimidated by the person who committed, or is alleged to have committed, the violent crime or any other person; or
- the nature of the injury alleged to have been suffered by the victim.

“Special circumstances” are not defined in the *Victims of Crime Assistance Act 1996*; however the Tribunal has held such circumstances to mean “out of the common run” or “out of the ordinary.” Whether “special circumstances” are found to exist will depend on the facts of the particular application.

The Tribunal must also refuse to make an award if:

- the application is made in collusion with the person who is alleged to have committed the violent crime; or
- an earlier application for assistance has been made by the applicant arising from the same act of violence, whether or not it has been determined¹³

The needs of family violence victims could be better met by VOCAT reviewing and adjusting its 2 year rule. Procedurally, if there is a caseworker supporting the victim, making the allowance for the caseworker to fill out the form based on their working knowledge of the victim’s family violence experience so the victim doesn’t have to re-tell her story yet again.

The process could also be made as expeditious as possible ensuring smaller periods of uncertainty for the victim.

The VOCAT Process

As the Hon. Martin Pakula MP, Attorney-General of Victoria, recently stated in a media release entitled, *Improving Access to Victims of Crime Assistance Tribunal*:

“We want to make sure that victims of crime can access state-funded assistance in a way that is fast, fair and equitable.”¹⁴

¹³ www.vocat.vic.gov.au/determining-application/eligibility-issues, date viewed: 10/7/2017

¹⁴ www.premier.vic.gov.au/improving-access-to-victims-of-crime-assistance-tribunal/, date viewed: 18/7/17

The RFVP understands that VOCAT is not a therapeutic process for victims of family violence, including for child victims. The RFVP also understands that VOCAT is not intended to be a therapeutic process for victims of family violence, including for child victims. Additional trauma or even re-victimisation is very possible while going through the VOCAT application process. The current process has no allowance for recognition of extra trauma caused by the process itself. The RFVP recommends staff at a managerial level of VOCAT train and ensure the staff whom interact with women and children directly, behave in a way that is approachable, supportive and welcoming.

To substantiate RFVP's position:

'...research indicates that VOCAT is not easy to access or navigate for victims of family violence. Women's Legal Service Victoria has found that victims of family violence must go to numerous different places to get answers about financial issues arising from family violence. Services are also often fragmented and difficult to navigate for those with little time and few resources. Victims may have to retell their stories over and over.'

¹⁵

Perhaps a more helpful question to ask is, 'How can VOCAT minimise the harm to victim-survivors of family violence while going through the application process?'

To better understand what a therapeutic process is:

Key principles of trauma-informed care include safety, trustworthiness, choice, collaboration and empowerment. A TICP [Trauma Informed Care and Practice] framework recognises the impact of power differentials in service settings, maximises self-determination, supports autonomy and empowers individuals to learn about the nature of their injuries and to take responsibility in their own recovery. Non trauma-informed services often mirror the power and control experienced in the abusive relationships that caused the past trauma making recovery difficult and the risk of re-traumatisation real.¹⁶

There are a myriad of ways VOCAT could be made (potentially) therapeutic. The RFVP (as a non-service delivery body) cannot speak with authority on this subject but can recommend the following:

- Simplify wording on the website, this may increase accessibility and approachability
- Express sensitivity and a trauma-informed framework on website
- Offer casework support
- Offer referrals to relevant services
- Offer access to Flexible Support Packages
- Offer on-site support
- Offer Childcare facilities at VOCAT

¹⁵ Emma Smallwood, Stepping Stones: Legal Barriers to Economic Equality after Family Violence—Report on the Stepping Stones Project (Women's Legal Service Victoria, 2015), page 182, point 15.57

¹⁶ Mental Health Coordinating Council (MHCC) 2013, Trauma-Informed Care and Practice: Towards a cultural shift in policy reform across mental health and human services in Australia, A National Strategic Direction, Position Paper, page 13

- Research what best practice is around the world, for example, Sweden attempting to make the process therapeutic.

Best practice also shows that the actual environment set for interviews plays a crucial role in the protection of victims¹⁷

A trauma-informed VOCAT process may help improve family violence victims' experience of VOCAT, including child victims' by not adding to the trauma they have already experienced. It may also encourage other victims of family violence to access VOCAT. It may also place Victoria as a leader in this field (for other states to role model).

The purpose and objectives of the Act should be amended to expressly recognise family violence.

Family violence:

...directly affects one in five Victorian women over the course of their lifetime. It is the leading contributor to preventable death, disability and illness in Victorian women aged 15 to 44 years.¹⁸

This should be done by consulting the Family Violence Act of 2008; consulting various specialist family violence agencies and criminalising all forms of family violence.

¹⁷ Paraphrased from, www.cor.europa.eu/en/documentation/studies/Documents/local-regional-good-practices-victims.pdf

¹⁸ www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/family-violence/what-is-family-violence

B) Children’s experiences within family violence are unique and should be recognised as such

Relevant to Questions: 18, 19

Children’s experiences of family violence are unique and should be included by consulting with bodies that represent children’s voices in the sector, such as the Australian Children Foundation and/or The Centre for Excellence in Child and Family Welfare. Special financial assistance should be made available to all child victims, including those who hear, witness or are otherwise exposed to family violence. Using a trauma-informed framework is imperative to have child victim’s voices heard,

In helping us to understand the impacts of family violence on children, respected academic, Monica Campo states:

Within a psychosocial framework, it is thought that different forms of maltreatment and abuse result in complex trauma or cumulative harm, as described above, which is thought to have long-term effects on a child’s development and psychosocial outcomes, including the ability to form attachments and healthy, respectful relationships in adulthood (Price-Robertson et al., 2013). Re-victimisation through violence and abuse may also be a common outcome of sufferers of trauma, particularly for children who have suffered multiple forms of abuse (Price-Robertson et al., 2013)¹⁹

The Family Violence Protection act also clearly states:

FAMILY VIOLENCE PROTECTION ACT 2008 - PREAMBLE

(b) that children who are exposed to the effects of family violence are particularly vulnerable and exposure to family violence may have a serious impact on children's current and future physical, psychological and emotional wellbeing;²⁰

Monica Campo further states:

As signatories to the United Nations (UN) Convention on the Rights of the Child, which recognises that children have a universal right to live free from all forms of violence, Australia has international obligations to protect children from violence in the home (UN, 1989, Article 19). In 2011, the UN Committee on the Rights of the Child released an expanded comment regarding Article 19, re-emphasising the obligation of signatory states to ensure this right, including, among other forms of violence, the right to be free of violence in the home. The committee stated that this obligation includes nations acting to “prohibit, prevent and respond to violence against children through legislative, judicial, social and educational measures” (UN, 2011, p. 6).²¹

¹⁹ www.aifs.gov.au/cfca/sites/default/files/publication-documents/cfca-36-children-exposure-fdv.pdf, date viewed: 4/07/2017

²⁰ www.austlii.edu.au/au/legis/vic/consol_act/fvpa2008283/s5.html

²¹ www.aifs.gov.au/cfca/sites/default/files/publication-documents/cfca-36-children-exposure-fdv.pdf, date viewed: 4/07/2017

Definitions and Categories

With this in mind as well as what we know about how harmful children's exposure to family violence is, the special financial assistance categories should be amended to better take into account the experiences of child victims of family violence.

There is currently no specific mention of women or children victim-survivors of family violence and no allusion to family violence at all. There is also no mention of psychological harm inflicted by people who choose to use family violence.

This should be done by, amending the definition of 'act of violence', 'injury'. The RFVP encourages the Victorian Law Reform Commission to refer to community legal centres and agencies such as Women's Legal Service or Eastern Legal Community Centre who have significant experience in working in the legal system to address family violence to gain advice in how this should be done.

C) Intersectionality and diversity within the context of family violence

Relevant to Questions 20, 48, 49, 50

Multiple non-legislative barriers exist for victim-survivors of family violence in accessing VOCAT. Using a lens of inclusion and acknowledging that every woman's experience is unique means it is crucial to consider issues such as a fear of authority and a complete distrust of institutions as legitimate non-legislative barriers to women in accessing VOCAT. Other barriers are listed below:

- Lack of knowledge/awareness about VOCAT
- Financial barriers, e.g. not being able to afford a MYKI card to access public transport to get to VOCAT
- Accessibility, e.g. restricted movement/activity by a controlling family member, women from migrant or refugee backgrounds whom may have English as another language or women with low literacy levels completing the application for assistance
- Women accessing technology/resources to print the application form
- Women accessing a support worker (e.g. to assist them in filling out the form)
- Recognition of an experience of family violence, and understanding oneself to be a victim of family violence before one can even consider accessing VOCAT
- Lack of education and information about what family violence is and is not
- Women with (an) intellectual disability/ies

It is acknowledged that some groups of women experiencing violence will have limited access to services or have specific needs that generalised strategies do not account for. Additionally, the women in these groups are often at increased risk of violence.²²

The Application for Assistance form

The VOCAT application presents a myriad of difficulties for victims of family violence. The current Victims of Crime Assistance Act does not cater to intersectionality; whether this be LGBTIQ communities, women from refugee and migrant backgrounds, women with disabilities, women with low literacy levels or other minorities. These various areas can be addressed by amending the form using an inclusion-based framework; by consulting with relevant specialist agencies and by translating the form into relevant community languages, at the cost of VOCAT.

In line with Victorian Government's LGBTIQ strategy, see below, there should be alternate options to the tickboxes of 'male' and 'female' when recognising sex.

A Lesbian, Gay, Bisexual, Trans and Gender Diverse and Intersex (LGBTI) Taskforce was established in 2015 to provide advice to the Minister for Equality. The role of the

²² www.dss.gov.au/sites/default/files/documents/08_2014/national_plan1.pdf, page 2

Taskforce is also to identify government priorities and ensure policy, programs and services are inclusive of LGBTI communities.²³

Also in line with the Royal Commission into Family Violence,

We also recommend measures to encourage service providers to adopt inclusive practices...[I]n the context of its commitment to review equal opportunity laws, the Victorian Government should also take into account concerns expressed about the potential for discrimination against LGBTI people seeking assistance in relation to family violence.²⁴

The current iteration of the application form for assistance is problematic. For example, question 3 offers two thirds of a line to provide your answer to, 'What was the act of violence/offence?'. This does not provide enough room to describe (by the victim or as we posit, the caseworker) the violence women and children suffer during one event or cumulatively.

Accessibility

In the section titled 'Guide to completing the Application for Assistance form', page 8 of 16, 'Eligibility' section, it reads:

You are eligible to apply for assistance if you are the victim of a violent crime that happened in Victoria and resulted in death or injury. An injury can be:

- Physical harm
- Mental illness or disorder from the event or an increase in mental illness or disorder from the event

How is a mental illness identified and/or confirmed?

In placing this application form in context worldwide, of which countries are doing 'Best Practice', we turn to the Swedes. The Swedish equivalent of the application for assistance is 2 pages long as opposed to 6 pages long as it is here in Victoria.

The RFVP is also concerned the application form is only offered in English. When RFVP staff contacted the VOCAT office, the response was that the form is not available in any language other than English because judicial staff have to read the form.²⁵

The RFVP feel this is not a satisfactory response given the possibly high number of unreported cases of family violence within communities where English is not their first language.

From the Victorian Government Accessibility Toolkit:

Victorian Government departments and agencies should create websites to be accessible to:

²³ www.vic.gov.au/equality/lgbti-taskforce.html, date viewed: 17/7/17

²⁴ Royal Commission into Family Violence, Report and Recommendations Volume IV (2016), page 35

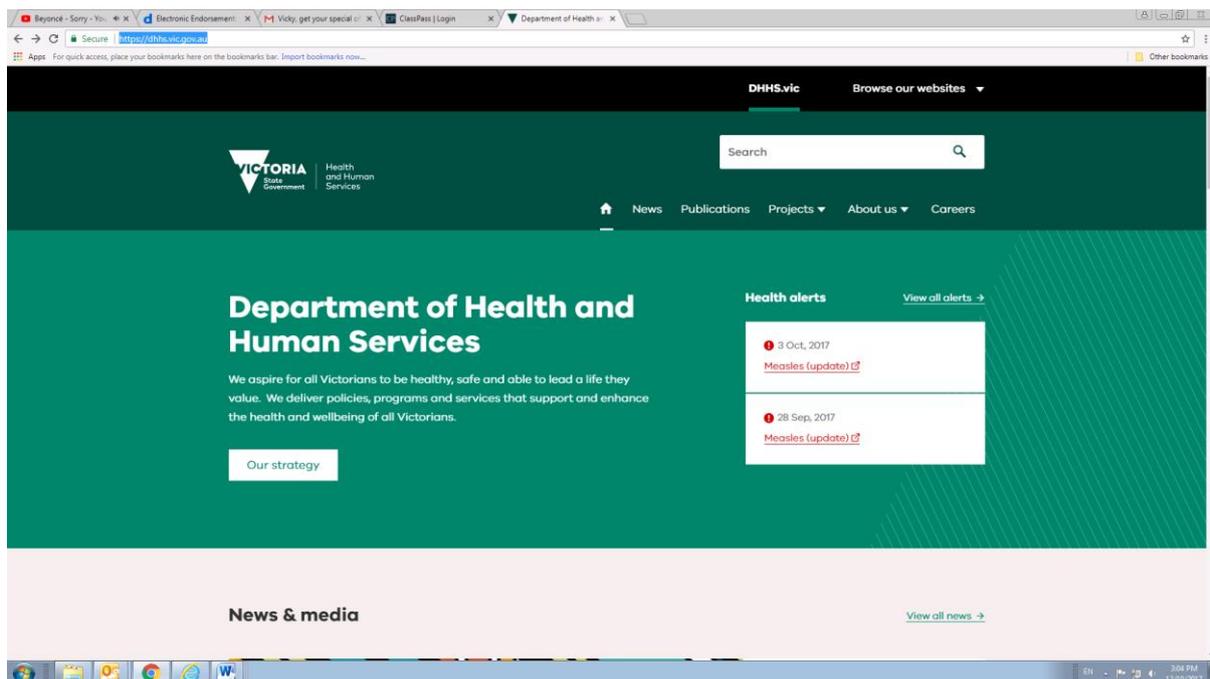
²⁵ Phone call with staff member at VOCAT on July 4 2017

- People with disabilities
- People using older technology
- People with poor telecommunications infrastructure often in regional and remote areas
- The elderly
- People with temporary disabilities
- People with English as a Second Language²⁶

The RFVP recommend VOCAT provide proper, accurate translation rather than using the sub-standard and often inaccurate GoogleTranslate on the VOCAT website. This refers to recommendation number 157 from the Royal Commission into Family Violence:

The Victorian Government update its guidelines on policy and procedures in using interpretive services to specifically deal with family violence – in particular , the risks of using perpetrators, children and other family members as interpreters, as well as using the same interpreter for both perpetrator and victim...²⁷

As seen on the landing page of the Department of Human Services (www.dhhs.vic.gov.au),



There is no option to translate the page into any other language and the page is not in plain English

²⁶ Victorian Government Accessibility Toolkit – Version 3.1.1, March 2011, Copyright State of Victoria, 2009, page 9

²⁷ Royal Commission into Family Violence, Report and Recommendations Volume IV (2016), page 87

The RFVP understands that victims of family violence might learn about the availability of VOCAT through either a caseworker from a specialist family violence service or perhaps a well-trained Victorian Police Officer. If posters/brochures/literature are not already in circulation, RFVP suggests posters are made available in language that is easy to understand, and a few relevant community languages, be placed at local community health centres, community legal centres, train stations, supermarket noticeboards, cultural centres and any other spaces identified as relevant to women and children experiencing family violence.

D) Better Service Integration with recent Victorian Family Violence reforms

Relevant to Questions 45, 47, 55

It is imperative VOCAT is informed and aware of all the current Victorian Family Violence reforms, particularly those that overlap or may complement the VOCAT scheme. .

The Royal Commission into Family Violence noted:

The range of services a victim might need at different times, including at points of crisis and beyond, are not as well coordinated as they should be, particularly when these services are located in different systems – for example, the health and justice systems. Gaining access to support can be difficult for victims, and service responses remain inconsistent and hard to navigate.²⁸

Financial Compensation

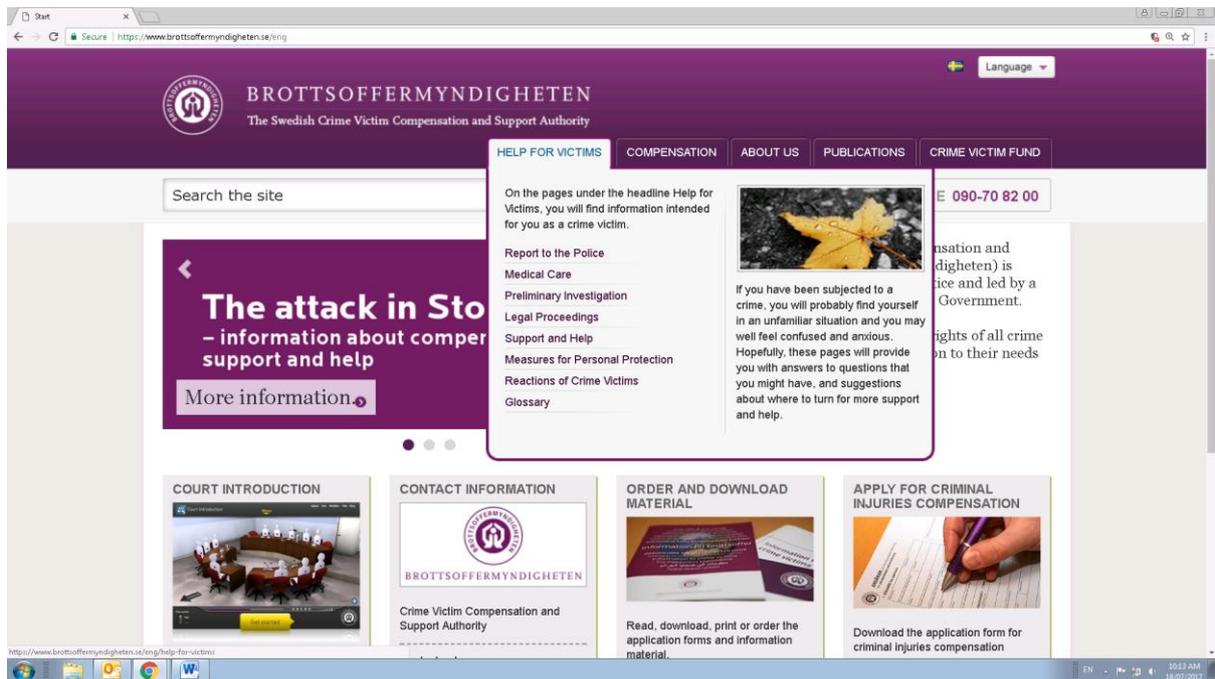
For some victim survivors of family violence, a form of ‘support’ is financial compensation; through VOCAT this comes with an official recognition that harm was caused.

Some categories of the award should be awarded differently to other categories to make access easier and quicker for victims. However, the terminology the RFVP would use to describe how one would hope the process to be is: efficient and sensitive (to any further trauma caused by filling out the application).

If financial assistance was awarded specifically for counselling before any other kind of category was reviewed for eligibility, the victim could begin therapy and thereby potentially lessen any PTSD symptoms on their path to recovery. Again, each case could be vastly different requiring a tailored approach. The RFVP acknowledges that victim survivors may be eligible for Flexible Support Packages, and believes a piece of work could be done to ensure that between these and the VOCAT scheme, all victim survivors are able to access the financial support they need to recover from the violence they have faced.

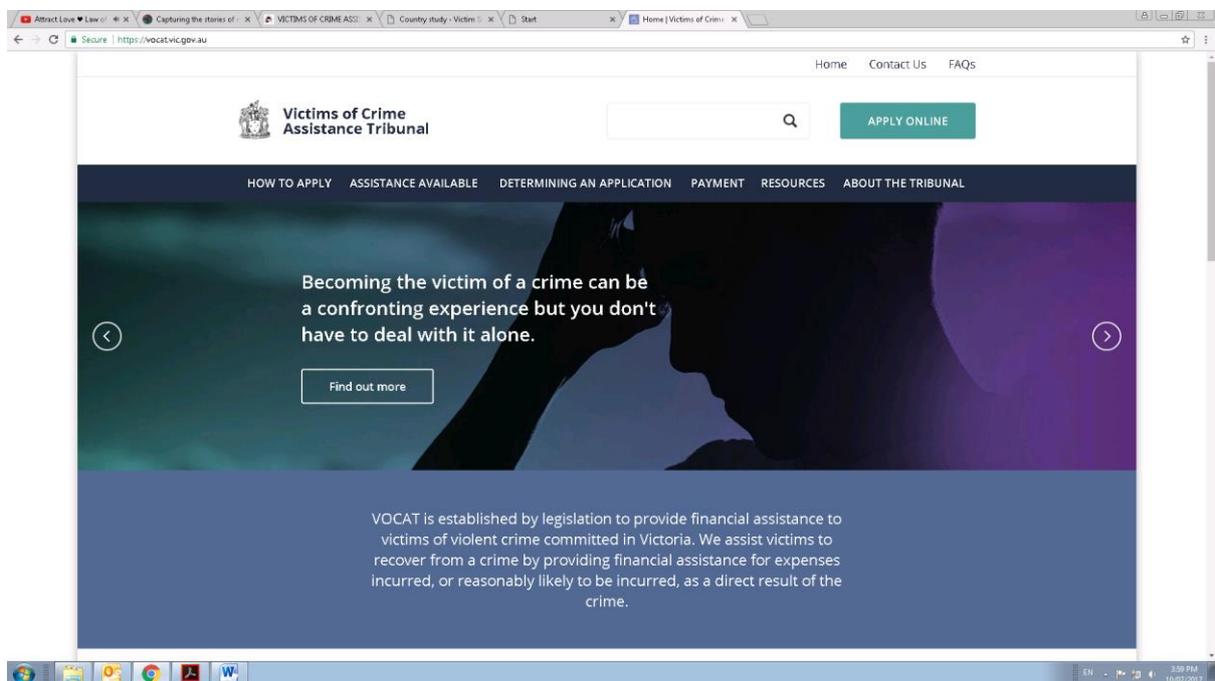
²⁸ Royal Commission into Family Violence, Report and Recommendations Volume IV (2016), page 6

RFVP also recommends to amend the VOCAT website to be supportive and understanding rather than judicial, something like what Sweden's equivalent of VOCAT looks like:



29

As compared to VOCAT's current website:



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It is also in the language that is used where therapeutic ways of working with people can be demonstrated or, conversely, not. 'Help', 'unfamiliar', 'confusing', 'anxious' and 'hopefully' are all

²⁹ www.brottsoffermyndigheten.se/eng10/7/2017, date viewed: 11/7/2017

³⁰ www.vocat.vic.gov.au, date viewed: 17/7/2017

words used on the Swedish VOCAT equivalent website which indicate care and understanding, compared to Victoria's VOCAT website which is deficit-focused in saying 'you don't have to do it alone' rather than being strengths-focused and saying something more like '...we can do it together.'

RFVP appreciates the opportunity to respond to this important issue.

References

- Family Violence and the Victims of Crime Assistance Act, 1996: Consultation Paper, Victorian Law Reform Commission, 2016
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www.austlii.edu.au/au/legis/vic/consol_act/vocaa1996271/s7.html
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