

Submission to the Victorian Law Reform Commission: Review of the *Victims of Crime Assistance Act 1996* (Vic) ('the Act')

Introduction

As a fourth-year undergraduate law student undertaking a clinical externship with the Springvale Monash Legal Service/South East Centre Against Sexual Assault Joint Legal Clinic I work with victims of sexual violence for the predominant purpose of accessing assistance under the Act. Under the supervision of Supervising Solicitor, Meghan Butterfield I communicate directly with clients, medical and psychological professionals, police and other agencies. In this work, I have noticed the strengths and limitations of various provisions of the Act and focus my submission on the operation of section 52(a)(ii) of the Act ('the provision').¹

The provision

The provision mandates refusal of an award of assistance where applicants '*failed to provide reasonable assistance to any person or body duly engaged in the investigation of the act of violence or in the arrest or prosecution of any person by whom the act of violence was committed or is alleged to have committed – unless the Tribunal considers that special circumstances brought about that result*'.²

The current interpretations of the phrases '*reasonable assistance*' and '*special circumstances*' have resulted in outcomes that may not have been intended by the drafters of the Act.³ In *Nicol v Victims of Crime Assistance Tribunal*,⁴ Ms Nichol was denied assistance under the provision when she withdrew from her role in the prosecution of the offender at the last minute. Ms Nichol claimed that she had rendered reasonable assistance, having initially followed up when the police had stalled investigations and only withdrawing after careful consideration. In the alternative, Ms Nichol submitted that her detailed letter to the prosecutor explaining her reasons for withdrawing (to assist the offender to continue his recovery from heroin addiction) evidenced the special circumstances that applied. On appeal to VCAT,

¹Victorian Law Reform Commission, *Review of the Victims of Crime Assistance Act 1996: Supplementary Consultation Paper No 1* (2017) 120-121 [8.93]-[8.103].

² *Victims of Crime Assistance Act 1996* (Vic) s 52(a)(ii) ('VOCA Act').

³ *Nicol v VCAT* [2000] VCAT 840.

⁴ [2000] VCAT 840.

VOCAT's decision to deny Ms Nichol assistance was upheld by Deputy President McNamara, finding that that drug-related domestic violence was '*depressingly common*'⁵ and that special circumstances requires something '*out of the ordinary*.'⁶

The reason for the provision

Withholding assistance to victims who fail to provide reasonable assistance could be seen as a cost-effective method to increase compliance of victims. However, this implies that the financial assistance provided is in some way a payment for their services to the state rather than assistance for '*expenses incurred....by them as a direct result of the crime*'⁷ or a '*symbolic expression by the State of the community's sympathy and condolence for, and recognition of, the significant adverse effects experienced or suffered*.'⁸ The negative framing of the provision denies funding for essential services to victims like Ms Nichol⁹ rather than providing any real incentive to assist investigators.¹⁰ It is my submission that this provision is unnecessary in an Act whose purpose is centred around the healing of victims rather than the prosecution of offenders.¹¹

Should its continued inclusion be required, I submit that the provision should enable an exemption for victims with a *reasonable excuse* (to avoid current interpretations of 'special circumstances'¹²) along with a list of mandatory considerations as in the equivalent Queensland Act.¹³ Furthermore, the provision should be restricted to the denial of the Special Financial Assistance ('SFA'), enabling all victims to access essential recovery services such as medical and counselling expenses regardless of whether they provided reasonable assistance to the prosecution.

Victimology research shows that for a variety of reasons, victims may be unable or unwilling to render assistance, regardless of whether it would qualify them for VOCAT assistance.

⁵ [2000] VCAT 840 [23].

⁶ [2000] VCAT 840 [23].

⁷ *VOCA Act 1996* (Vic) 1(2)(a).

⁸ *VOCA Act 1996* (Vic) 1(2)(b).

⁹ Including but not limited to medical expenses, counselling expenses and safety-related expenses.

¹⁰ *VOCA Act 1996* (Vic) s 1(2)(a), (3).

¹¹ *VOCA Act 1996* (Vic) s 1(2).

¹² *VOCA Act 1996* (Vic) 52(a)(ii).

¹³ *Victims of Crime Assistance Act 2009* (Qld) s 82(3), inserted by *Victims of Crime Assistance and Other Legislation Amendment Act 2017* (Qld) s 55(4); Victorian Law Reform Commission, *Review of the Victims of Crime Assistance Act 1996: Supplementary Consultation Paper No 1* (2017) 121 [8.101].

Difficulties in providing ‘reasonable assistance’¹⁴

Mental health of the victim

Following a sexual assault, it is common for victims to suffer one or more of the following adverse effects:¹⁵

- Powerlessness
- Numbness
- Denial
- Disturbed sleep
- Flashbacks
- Guilt
- Shame
- Lost confidence
- Mood changes
- Low self-esteem
- Depression/Anxiety
- Fear
- Anger/Hostility
- Alienation

Many victims of sexual assault are so traumatised by the assault that they may not report the assault to police let alone participate in a long and potentially unsuccessful prosecution.¹⁶ For those who do report, most are unlikely to be familiar with the process of a criminal investigation¹⁷ and find the formal processes of giving a police statement or acting as a witness intimidating.¹⁸ Victims may choose to refrain from further participation in the prosecution because repeated recounting of the offence in front of strangers is too upsetting and may lead to secondary victimisation.¹⁹

¹⁴ Victorian Law Reform Commission, above n 1 [8.94[-8.96].

¹⁵ Cheryl Regehr, Ramona Alaggia, Jane Dennis, Annabel Pitts and Michael Saini, ‘Interventions to Reduce Distress in Adult Victims of Rape and Sexual Violence: A Systematic Review’ (2013) 23(3) *Research on Social Work Practice* 257, 257; South Eastern CASA, ‘Feelings After Sexual Assault’ (Document, Monash Health, 13 May 2013) 1-3.

¹⁶ SA Koskela, B Pettitt and VM Dennon, ‘The Experiences of People with Mental Health Problems Who are Victims of Crime with the Police in England: A Qualitative Study’ (2016) 56 *British Journal of Criminology* 1014, 1021.

¹⁷ Jacqueline Wheatcroft and S. Walklate, ‘Thinking Differently about ‘False Allegations’ in Cases of Rape: The Search for Truth’ 3 (2014) *International Journal of Criminology and Sociology* 229.

¹⁸ *Ibid.*

¹⁹ L McMillan and M Thomas, ‘Police Interviews and Rape Victims: Tensions and Contradictions’ in M Horvath and J Brown (eds), *Rape: Challenging Contemporary Thinking* (Willan Publishing, 2009); Jacqueline Wheatcroft and S. Walklate, ‘Thinking Differently about ‘False Allegations’ in Cases of Rape: The Search for Truth’ 3 (2014) *International Journal of Criminology and Sociology* 229.

Cross-examination is particularly distressing, particularly when questioning aims to undermine the victim's recollection of events or imply dishonesty.²⁰ Similarly, feelings of blame can influence a victim's decision to assist police.

Guilt

For many victims, persistent feelings of guilt inhibit their ability to provide assistance.²¹ Sadly, these are the same victims whose claims for support for necessary counselling and medical expenses are refused by the provision. Some interactions with prosecuting authorities further these thoughts. In one study, some victims described being advised to change their behaviour which created feelings of responsibility for what had happened.²² Such an experience may well discourage a victim from providing further assistance.

Fear of not being believed

A significant barrier to police co-operation for many victims is the fear of not being believed.²³ For some, treatment by police during reporting can alienate victims and hinder their compliance.²⁴ Examples include:

- Being told that it was '*just a misunderstanding*' and not a sexual assault²⁵
- Detached attitudes, interpreted as a sign of rejection²⁶

²⁰ Bree Cook et al, *Victims' Needs, Victims' Rights: Police and Programs for Victims of Crime in Australia* (Research and Public Policy Series No. 19, Australian Institute of Criminology, 2009).

²¹ S.A. Koskela, B. Pettitt and V.M. Dennan, 'The Experiences of People with Mental Health Problems Who are Victims of Crime with the Police in England: A Qualitative Study' (2016) 56 *British Journal of Criminology* 1014, 1021; South Eastern CASA, 'Feelings After Sexual Assault' (Document, Monash Health, 13 May 2013) 1.

²² Irina Elliot, Stuart Thomas and James Ogloff, 'Procedural Justice in Contacts with the Police: The Perspective of Victims of Crime' (2012) 13 *Police Practice and Research* 437, 443; Jane Goodman-Delahunty and Anna Corbo Crehan, 'Enhancing Police Responses to Domestic Incidents: Reports from Client Advocates in New South Wales' (2016) 22 *Violence Against Women* 1007, 1017; S.A. Koskela, B. Pettitt and V.M. Dennan, 'The Experiences of People with Mental Health Problems Who are Victims of Crime with the Police in England: A Qualitative Study' (2016) 56 *British Journal of Criminology* 1014, 1026.

²³ Koskela, Pettitt and Dennan, above n 16, 1020.

²⁴ Elliot, Thomas and Ogloff, above n 22, 440.

²⁵ Sharon Murphy, Victoria Banyard, Saray Maynard and Rebecca Dufrensne, 'Advocates Speak Out on Adult Sexual Assault: A Unique Crime Demands a Unique Response' (2011) 20 *Journal of Aggression, Maltreatment and Trauma* 690, 701.

²⁶ Elliot, Thomas and Ogloff, above n 22, 439.

- Feeling blamed by investigating officers^{27,28}
- Being accused of time-wasting²⁹

These negative responses can exacerbate the mental health consequences of the assault³⁰ such that the very system that is meant to assist a survivor instead impedes their healing.³¹ By contrast, those victims who are treated with empathy and whose experiences are validated are more likely to assist police if they are assaulted again in the future.³²

Low conviction rates and high costs

In 2016, 12,956 sexual offences were recorded in Victoria.³³ Note that this is an underestimate given it is known that a significant proportion of sexual assaults are never reported to police.³⁴ Of reported sexual offences in 2009-10, just 23.3% proceeded to court and only 8.9% resulted in conviction.³⁵ For victims aware of these statistics, it may not seem ‘worth it’ to assist the prosecution of the offender,³⁶ particularly given the stress of a trial and the requirement to take additional days off work or school.³⁷

Fear of offender

Fear of retribution by the offender is a major barrier for victims to report crime and cooperate with police.³⁸ These concerns are heightened by knowledge that even if convicted,

²⁷ Irina Elliot, Stuart Thomas and James Ogloff, ‘Procedural Justice in Contacts with the Police: The Perspective of Victims of Crime’ (2012) 13 *Police Practice and Research* 437, 439; Jane Goodman-Delahunty and Anna Corbo Crehan, ‘Enhancing Police Responses to Domestic Incidents: Reports from Client Advocates in New South Wales’ (2016) 22 *Violence Against Women* 1007, 1017; S.A. Koskela, B. Pettitt and V.M. Dennon, ‘The Experiences of People with Mental Health Problems Who are Victims of Crime with the Police in England: A Qualitative Study’ (2016) 56 *British Journal of Criminology* 1014, 1026.

²⁸ Jane Goodman-Delahunty and Anna Corbo Crehan, ‘Enhancing Police Responses to Domestic Incidents: Reports from Client Advocates in New South Wales’ (2016) 22 *Violence Against Women* 1007, 1022.

²⁹ Koskela, Pettitt and Dennon, above n 16, 1025.

³⁰ Sharon Murphy, Mary Moynihan and Victoria Banyard, ‘Moving within the Spiral: The Process of Surviving’ (2009) 24(2) *Journal of Women and Social Work* 152, 153.

³¹ Ibid 161.

³² Koskela, Pettitt and Dennon, above n 16, 1023.

³³ Crime Statistics Agency, ‘Spotlight: Sexual Offences’ (accessed at <https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data/spotlight-sexual-offences> on 9 November 2017).

³⁴ Bree Cook, Fiona David and Anna Grant ‘Sexual Violence in Australia’ (Research and Public Policy Series No 36, Australian Institute of Criminology, January 2001) 2.

³⁵ Crime Statistics Agency, ‘Attrition of Sexual Offence Incidents in the Victorian Criminal Justice System (2 February 2017, accessed at <https://www.crimestatistics.vic.gov.au/research-and-evaluation/publications/attrition-of-sexual-offence-incidents-across-the-victorian> on 9 November 2017).

³⁶ Murphy, Banyard, Maynard and Duffrense, above n 25, 700.

³⁷ Ibid 701.

³⁸ Susan Horwitz, Despina Mitchell, Michelle LaRossa-Trott, Lizette Santiago, Joan Pearson, David Skiff and Catherine Cerulli, ‘An Inside View of Police Officers’ Experience with Domestic Violence’ (2011) 26 *Journal*

the offender will one day be released on parole.³⁹ A victim's fear of the offender may also extend to the offender's family and friends whose likely presence at a trial may increase a victim's reluctance to assist police.⁴⁰

Relationship with offender

Especially in sexual abuse scenarios, the victim's relationship to the offender can create barriers for assisting the prosecution.⁴¹ Many offenders exhibit controlling behaviour over their victims, often in a position of power.⁴² Where the offender is a spouse or partner, the victim may be reliant on the offender financially or may not want a parent of their children to be imprisoned.⁴³ Cultural perceptions and religious values may also interplay with a victim's decision not to assist police.⁴⁴

Powerlessness

Many victims of sexual violence experience a lack of control which worsens when the victim is not consulted in the decision-making of the prosecution.⁴⁵ This is common despite most victims believing that their voice should be heard⁴⁶ and some seeking to take an active role in the prosecution of the offender.⁴⁷

of *Family Violence* 617, 624; Community Law Reform Committee of the Australian Capital Territory, Submission No 6 to Community Law Reform Committee of the Australian Capital Territory, *Victims of Crime*, June 1993 [61].

³⁹ Community Law Reform Committee of the Australian Capital Territory, Submission No 6 to Community Law Reform Committee of the Australian Capital Territory, *Victims of Crime*, June 1993.

⁴⁰ Ibid.

⁴¹ Murphy, Banyard, Maynard and Dufrensne, above n 26, 703.

⁴² Sharon Murphy, Victoria Banyard, Saray Maynard and Rebecca Dufrensne, 'Advocates Speak Out on Adult Sexual Assault: A Unique Crime Demands a Unique Response' (2011) 20 *Journal of Aggression, Maltreatment and Trauma* 690, 703; Susan Horwitz, Despina Mitchell, Michelle LaRussa-Trott, Lizette Santiago, Joan Pearson, David Skiff and Catherine Cerulli, 'An Inside View of Police Officers' Experience with Domestic Violence' (2011) 26 *Journal of Family Violence* 617, 623.

⁴³ Sharon Murphy, Victoria Banyard, Saray Maynard and Rebecca Dufrensne, 'Advocates Speak Out on Adult Sexual Assault: A Unique Crime Demands a Unique Response' (2011) 20 *Journal of Aggression, Maltreatment and Trauma* 690, 703; Susan Horwitz, Despina Mitchell, Michelle LaRussa-Trott, Lizette Santiago, Joan Pearson, David Skiff and Catherine Cerulli, 'An Inside View of Police Officers' Experience with Domestic Violence' (2011) 26 *Journal of Family Violence* 617, 623.

⁴⁴ Law Commission (NZ), *The Justice Response to Victims of Sexual Violence: Criminal Trials and Alternative Processes* Report No 136 (2015) 44 [2.47].

⁴⁵ Sharon Murphy, Mary Moynihan and Victoria Banyard, 'Moving within the Spiral: The Process of Surviving' (2009) 24(2) *Journal of Women and Social Work* 152, 160; South Eastern Centre Against Sexual Assault & Family Violence, 'Rape: The crime we ask for,' *South Eastern Centre Against Sexual Assault & Family Violence* (2015).

⁴⁶ Victorian Law Reform Commission n 1, 12.

⁴⁷ Ibid 16.

Other complaints by victims included:

- A lack of information about how the system worked⁴⁸
- Pressure from police to act as witness⁴⁹
- Failure to use an interpreter⁵⁰

A major complaint of victims was the feeling that they were ‘left in the dark’ regarding the prosecution’s progress.⁵¹ Victims wanted to be told of key dates and to be advised of the outcomes of processes including bail hearings.⁵²

*It’s like no-one cares, and they didn’t even respond, so it’s like he doesn’t care either... There is no satisfaction in this at all!*⁵³

Taking just a few minutes of an officer’s time, this simple step could increase a victim’s engagement with the system and reinforce the value of their participation.⁵⁴

Each victim’s unique experience following a sexual assault results from the interplay of the factors above and others. Many victims who choose not to assist the prosecution are likely to do so because of their high degree of vulnerability, meaning that this provision is likely to disproportionately affect the victims most in need.

Recommendations

The Victorian Law Reform Commission has suggested that the reform could include removal of the requirement to provide reasonable assistance or the inclusion of ‘additional factors’ to be considered when deciding if a victim has provided ‘*reasonable assistance*’.⁵⁵

This submission recommends:

- Removal of the provision; or
- In the alternative, linking only the SFA to the provision of *reasonable assistance*; and

⁴⁸ Murphy, Moynihan and Banyard, above n 32, 160.

⁴⁹ Elliot, Thomas and Ogloff, n 22, 445.

⁵⁰ Goodman-Delahunty and Corbo Crehan, n 29, 1015.

⁵¹ Murphy, Moynihan and Banyard, above n 32, 158.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Community Law Reform Committee of the Australian Capital Territory, above n 41.

⁵⁵ Above n 1, 120-121 [8.100]-[8.103].

- Replacing ‘special circumstances’ with a ‘reasonable excuse’ and mandatory factors for consideration as in the equivalent Queensland Act.⁵⁶

Remove the provision

Ideally, this unnecessary provision would be removed from the legislation.⁵⁷ In 2011-12 of the 54,454 victims of violence in Victoria only 6,163 sought assistance from VOCAT.⁵⁸ Given this equates to just 11.3% of victims, this provision is unlikely to have a significant impact on encouraging participation in the criminal justice system.

A better way to encourage victims’ participation in prosecutions involves improved training of police and prosecutors in victim-centred investigations. Keeping victims informed with proceedings and encouraging victims to play a role may lead to greater compliance. Small, cost-effective changes such as fortnightly telephone calls to keep the victim aware of progression of a case are likely to improve confidence in police processes without depriving victims of necessary support.

Modify the provision

If the provision must stay, then modification is required to achieve a working provision that enables victims a fair chance to obtain assistance if they are unwilling to assist police.

In the Queensland equivalent of the VOCA Act, victims are exempt from mandatory refusal of their application for assistance if the government assessor is ‘*satisfied that the person had a reasonable excuse for not providing the assistance.*’⁵⁹ Whilst similar to the ‘*special circumstances*’ exemption provided in the VOCA Act⁶⁰ the Queensland equivalent includes a list of factors which must be considered when determining if an individual has a ‘*reasonable excuse*’ (see Appendix 1).⁶¹

⁵⁶ *Victims of Crime Assistance Act 2009* (Qld) s 82, modified by *Victims of Crime Assistance and Other Legislation Amendment Act 2017* (Qld) s 55(4).

⁵⁷ Victorian Law Reform Commission, above n 1, 120 [8.100].

⁵⁸ Victoria Police, ‘Crime Statistics 2011/12’ (Melbourne, 2012) 12; Victims of Crime Assistance Tribunal, ‘Annual Report 2011-12’ (Melbourne, 2012) 30.

⁵⁹ *Victims of Crime Assistance Act 2009* (Qld) s 82(2); Victorian Law Reform Commission, *Review of the Victims of Crime Assistance Act 1996: Supplementary Consultation Paper No 1* (2017) 120 [8.98].

⁶⁰ VOCA Act 1996 (Vic) s 52(a)(2)(ii).

⁶¹ *Victims of Crime Assistance Act 2009* (Qld) s 82(3), inserted by *Victims of Crime Assistance and Other Legislation Amendment Act 2017* (Qld) s 55(4); Victorian Law Reform Commission, *Review of the Victims of Crime Assistance Act 1996: Supplementary Consultation Paper No 1* (2017) 121 [8.101].

These factors address many of the constraints felt by victims when rendering assistance to investigating authorities. A modification of the Victorian provision could include an insertion of the same considerations for mandatory consideration as well as an adjustment of the language from ‘*special circumstances*’ to ‘*reasonable excuse*’ in order to avoid the precedent set by *Nichol*.⁶²

At the same time, it would be wise to replace ‘*assistance*’ with ‘*special financial assistance*’ in section 52(a)(ii). This would result in victims being denied only the lump sum in recognition of harm and retaining their access to critical medical, counselling and safety-related expenses. Given that SFA is intended to be an expression of the sympathy of the State for the suffering of the victim,⁶³ it is more reasonably tied to the victim’s assistance of the State’s prosecution than funding for their recovery. A sample modified section 52 of the *VOCA Act 1996* (Vic) can be found in Appendix 2.

In summary, it is important to either remove or modify aspects of section 52 in order to provide better access to necessary services for victims of crime, in line with the purposes of the Act. Alternative mechanisms to improve victim compliance with police, prosecutors and courts such as increased victim contact and an emphasis on their value in the prosecution are likely to provide stronger encouragement for victims than the denial of their claims for Victims of Crime Assistance.

⁶² *Nichol v VOCAT* [2000] VCAT 840.

⁶³ *VOCA Act 1996* (Vic) 1(2)(b).

Appendix 1: Equivalent Queensland Provision, Section 82, *Victims of Crime Assistance Act 2009 (Qld)*

82 No grant if reasonable assistance not given

- (1) The government assessor can not grant assistance to a person if the government assessor is satisfied, on the balance of probabilities –
 - (a) the person has not given reasonable assistance in –
 - (i) the police investigation (if any) of the act of violence in relation to which assistance is sought or
 - (ii) if the act of violence in relation to which assistance is sought is a crime in a series of related crimes – the arrest or prosecution of the person who committed or allegedly committed the act; and
 - (b) if paragraph (a)(ii) applies – the failure has prevented the arrest or prosecution of the person who committed, or allegedly committed, the act of violence.
- (2) Subsection (1) does not apply if the government assessor is reasonably satisfied that the person had a reasonable excuse for not providing the assistance.
- (3) For subsection (2), in considering whether the person had a reasonable excuse for not providing the assistance, the government assessor must have regard to the following –
 - (a) the person’s age when the act was committed;
 - (b) whether the person has impaired capacity, whether or not it existed when the act was committed;
 - (c) if the person is the primary victim of an act of violence – whether the act of violence involves a sexual offence;
 - (d) whether the person who allegedly committed the act of violence is in a position of power, influence or trust in relation to the person;
Examples of persons who may be in a position of power, influence or trust in relation to a person –
the person’s parent, spouse or carer
 - (e) whether the act of violence involves domestic violence;
 - (f) whether the person was threatened or intimidated by the person who committed, or allegedly committed, the act of violence or by someone else;
 - (g) the nature of the person’s injury or alleged injury;
 - (h) whether any other special circumstances prevented the person from providing the assistance;
 - (i) any other matters the assessor considers relevant.

Appendix 2: Sample Modified Section 52, VOCA Act 1996 (Vic)

52 Mandatory refusal of application

- (1) The Tribunal must refuse to make an award of special financial assistance if –
- (a) it is satisfied that –
 - (i) the act of violence was not reported to the police within a reasonable time; or
 - (ii) the applicant failed to provide reasonable assistance to any person or body duly engaged in the investigation of the act of violence or in the arrest or prosecution of any person by whom the act of violence was committed or alleged to have been committed –
- unless the Tribunal considers that a reasonable excuse brought about that result; or
- (b) the application is made in collusion with the person who committed or is alleged to have committed the act of violence; or
 - (c) an earlier application for assistance by the applicant in any capacity arising from the same act of violence has been made, whether or not the earlier application has been determined; or

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- (2) For part (1)(a)(ii), in considering whether the person had a reasonable excuse for not providing the assistance, the Tribunal must have regard to the following –
- (a) the person's age when the act was committed;
 - (b) whether the person has impaired capacity, whether or not it existed when the act was committed;
 - (c) if the person is the primary victim of an act of violence – whether the act of violence involves a sexual offence;
 - (d) whether the person who allegedly committed the act of violence is in a position of power, influence or trust in relation to the person;
Examples of persons who may be in a position of power, influence or trust in relation to a person –
the person's parent, spouse or carer
 - (e) whether the act of violence involves domestic violence;
 - (f) whether the person was threatened or intimidated by the person who committed, or allegedly committed, the act of violence or by someone else;
 - (g) the nature of the person's injury or alleged injury;
 - (h) whether any other special circumstances prevented the person from providing the assistance;
 - (i) any other matters the assessor considers relevant.

Bibliography

A Articles

Goodman-Delahunty, Jane and Anna Corbo Crehan, 'Enhancing Police Responses to Domestic Incidents: Reports from Client Advocates in New South Wales' (2016) 22 *Violence Against Women* 1007

Elliot, Irina, Stuart Thomas and James Ogloff, 'Procedural Justice in Contacts with the Police: The Perspective of Victims of Crime' (2012) 13 *Police Practice and Research* 437

Horwitz, Susan, Despina Mitchell, Michelle La Russa-Trott, Lizette Santiago, Joan Pearson, David Skiff and Catherine Cerulli, 'An Inside View of Police Officers' Experience with Domestic Violence' (2011) 26 *Journal of Family Violence* 617

Koskela, SA., B Pettitt and VM Dennan, 'The Experiences of People with Mental Health Problems Who are Victims of Crime with the Police in England: A Qualitative Study' (2016) 56 *British Journal of Criminology* 1014

Murphy, Sharon Victoria Banyard, Saray Maynard and Rebecca Dufrensne, 'Advocates Speak Out on Adult Sexual Assault: A Unique Crime Demands a Unique Response' (2011) 20 *Journal of Aggression, Maltreatment and Trauma* 690

Murphy, Sharon, Mary Moynihan and Victoria Banyard, 'Moving within the Spiral: The Process of Surviving' (2009) 24(2) *Journal of Women and Social Work* 152

Regehr, Cheryl, Ramona Alaggia, Jane Dennis, Annabel Pitts and Michael Saini, 'Interventions to Reduce Distress in Adult Victims of Rape and Sexual Violence: A Systematic Review' (2013) 23(3) *Research on Social Work Practice* 257

Wheatcroft, Jacqueline, Graham Wagstaff and Annmarie Moran, 'Revictimising the Victim? How Rape Victims Experience the UK Legal System' [2009] *Victims & Offenders* 265

B Books/Reports

Community Law Reform Committee of the Australian Capital Territory, Submission No 6 to Community Law Reform Committee of the Australian Capital Territory, *Victims of Crime*, June 1993

Cook, Bree, Fiona David and Anna Grant 'Sexual Violence in Australia' (Research and Public Policy Series No 36, Australian Institute of Criminology, January 2001)

Cook, Bree et al, *Victims' Needs, Victims' Rights: Policies and Programs for Victims of Crime in Australia*, (Research and Public Policy Series No.19, Australian Institute of Criminology, 2009)

Crime Statistics Agency, 'Attrition of Sexual Offence Incidents in the Victorian Criminal Justice System (2 February 2017, accessed at <https://www.crimestatistics.vic.gov.au/research-and-evaluation/publications/attrition-of-sexual-offence-incident-across-the-victorian> on 9 November 2017)

Crime Statistics Agency, 'Spotlight: Sexual Offences'(accessed at <https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data/spotlight-sexual-offences> on 9 November 2017)

Law Commission (NZ), *The Justice Response to Victims of Sexual Violence: Criminal Trials and Alternative Processes* Report No 136 (2015)

McMillan, L and M Thomas, 'Police Interviews and Rape Victims: Tensions and Contradictions' in M Horvath and J Brown (eds), *Rape: Challenging Contemporary Thinking* (Willan Publishing, 2009)

South Eastern Centre Against Sexual Assault, 'Feelings After Sexual Assault' (Document, Monash Health, 13 May 2013)

South Eastern Centre Against Sexual Assault & Family Violence, 'Rape: The crime we ask for,' (Document, Monash Health, 2015)

Victims of Crime Assistance Tribunal, 'Annual Report 2011-12' (Melbourne, 2012)

Victoria Police, 'Crime Statistics 2011/12' (Melbourne, 2012)

Victorian Law Reform Commission, *Review of the Victims of Crime Assistance Act 1996: Supplementary Consultation Paper No 1* (2017)

C Cases

Nichol v VOCAT [2000] VCAT 840

D Legislation

Victims of Crime Assistance Act 2009 (Qld)

Victims of Crime Assistance and Other Legislation Amendment Act 2017 (Qld)

Victims of Crime Assistance Act 1996 (Vic)