



NTCOSS Submission to the Victims of Crime Reform

March 2019

NORTHERN TERRITORY COUNCIL OF SOCIAL SERVICE INC (NTCOSS)

NTCOSS is a peak body for the Northern Territory community sector and is a voice for people affected by social and economic disadvantage and inequality. The community sector in the Northern Territory is made up of community managed, non-government, not for profit organisations who work in social and community service delivery, sector development and advocacy.

The community sector plays a vital role in creating social wellbeing for all Territorians and in building safe and healthy communities by providing services that enable people to access and participate in health services, education, employment, economic development, and family and community life.

NTCOSS represents a service sector with a high level of contact with victims of crime and their families. While a number of organisations are funded to work directly with victims of crime, many social service organisations will support victims of crime and their families indirectly through the provision of a wide range of social services including homelessness support, family support services, childcare, alcohol and drug support and health and wellbeing services.

NTCOSS acknowledges that a number of our member organisations with specific expertise in this area have provided submissions. This response from the sector highlights the need for reform to better support victims of crime in the Northern Territory.

INTRODUCTION

NTCOSS welcomes the opportunity to respond to the Department of the Attorney-General and Justice's (the Department) current reform process to improve outcomes for victims of crime.

Victim support systems have been a longstanding feature of Australian legal systems. While the justifications for their existence are not well-defined or uniform, they do play a critical role in recognising and validating the impact of crime on victims.¹ Victim support systems can have therapeutic, economic and symbolic benefits.² They are able to help the victim on their path of recovery, offering therapeutic benefits for the victim, such as through the provision of counselling. Economic benefits can be achieved through the provision of money to access medical, material, psychological, cultural, vocational or relational goods and services that minimise or address the consequences of the crime. Symbolic benefits, such as an apology from the offender, acknowledge the harm caused and can help restore a victim's sense of order and justice.

[Key Principles for an effective victims of crime scheme](#)

To improve outcomes for victims of crime in the NT, NTCOSS recommends the adoption of a number of key principles throughout these reforms which underpin an effective victims of crime support system:

1. Engagement with victims is trauma-informed at all levels
2. Victims have agency and choice and their rights are respected
3. Victim support systems recognise the links between poverty and crime
4. Supports and protections for victims are culturally competent
5. Victim support systems promote best practice, accessibility and timeliness

¹ Victorian Law Reform Commission, *Review of the Victims of Crime Assistance Act 1996*, Melbourne, Victoria: Victorian Law Reform Commission, 2018.

² Forster, Christine. "Good Law or Bad Lore? The Efficacy of Criminal Injuries Compensation Schemes for Victims of Sexual Abuse: A New Model of Sexual Assault Provisions." *UWA Law Review* 32, no.2 (2004-2005): 264-297.

6. Victim support systems are efficient and sustainable

Important characteristics of crime victims

Victims and Poverty

While poverty and crime are commonly associated in relation to the offender, victims from disadvantaged backgrounds are also disproportionately affected by crime.

People who live in low socioeconomic areas are likely to have greater exposure to crime, due to the correlation between higher crime rates and low socioeconomic areas. They are also at greater risk of being a victim of crime due to having a reduced capacity to protect themselves and the increased likelihood of being in a position that places them at risk of exploitation. Additionally, the impact of crime is likely to be felt more deeply as victimisation can lead to greater social and economic exclusion. Where victims already experience vulnerabilities, this can impact their capacity to cope with crime victimisation.³

The link between poverty and experiences of victimisation is particularly evident among certain cohorts, including people experiencing homelessness, for example. An international study found that homeless people were 13 times more likely to have experienced violence and 47 times more likely to have been victims of theft.⁴ A Melbourne-based study found similar findings among a targeted group of homeless people, where 42% of people had experienced physical violence in the last 6 months and even more had been threatened with physical violence.⁵ Among women, evidence indicates that homelessness can place women at a higher risk of physical and sexual victimisation, while being a victim of domestic, family or sexual violence can also increase the risk of homelessness.⁶ These issues have also been reiterated in NTCOSS consultations.

Importantly, victims of crime from low socioeconomic backgrounds are less likely to report crime, less likely to seek out or be aware of victim support services and more likely to face barriers to accessing supports.⁷

In the context of the victims of crime reforms, NTCOSS strongly recommends that the Department consider the unique needs of people who are affected by poverty and disadvantage.

Crime prevention

NTCOSS urges the importance of crime prevention in the context of victims of crime reform to address the underlying drivers of crime and prevent victimisation.

While there is no single cause of crime, poverty, employment and substance abuse are significant risk factors.⁸ Research indicates effective approaches to reducing crime involves addressing disadvantage and improving income equality.⁹ A whole-of-government approach to addressing poverty and disadvantage in the NT will mitigate risk factors to prevent victimisation.

³ Wedlock, Elaine and Tapley, Jacki. *What Works in Supporting Victims of Crime: A Rapid Evidence Assessment*, London: Victims' Commissioner/University of Portsmouth, 2016.

⁴ Australian Institute of Criminology. "Homeless people: their risk of victimisation". *AI Crime Reduction Matters* No.66 (2008).

⁵ Johnson, Guy and Wylie, Nicola. *This is not Living: Chronic homelessness in Melbourne*, Melbourne: Australian Housing and Urban Research Institute, RMIT University/Sacred Heart Mission, 2010.

⁶ Johnson, Guy, Ribar, David C. and Zhu, Anna. "Women's Homelessness: International Evidence on Causes, Consequences, Coping and Policies". Melbourne Institute Working Paper Series, Working Paper No.7/17, Melbourne: Melbourne Institute of Applied Economic and Social Research, University of Melbourne.

⁷ Davies, Pamela, Francis, Peter and Greer, Chris. *Victims, Crime & Society: An Introduction*. 2nd ed. London: SAGE Publications Ltd, 2017.

⁸ Weatherburn, Don. *Law and Order in Australia: Rhetoric and Reality*. Sydney: The Federation Press, 2004; Rose, David. "Poverty and Crime". In ed. Serr, Klaus. *Thinking about Poverty*. Sydney: The Federation Press, 2006.

⁹ *Ibid.*

This is re-iterated by the *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, which urges nations to:¹⁰

...implement social, health, including mental health, educational, economic and specific crime prevention policies to reduce victimisation and encourage assistance to victims in distress (and)... to promote community efforts and public participation in crime prevention.

NTCOSS acknowledges current work being undertaken by the NT Government to reduce the rate of offending in the NT including reducing vulnerability among young people under the *Safe, Thriving and Connected: Generational Change for Children and Families* plan, reducing alcohol-related harm under the *Northern Territory Alcohol Harm Minimisation Plan*, and current work being undertaken by the Aboriginal Justice Unit to reduce Aboriginal and Torres Strait Islander involvement in the justice system. Further to this, NTCOSS recommends the NT Government introduce justice targets to improving justice outcomes.

NTCOSS recommends the NT Government adopt the following justice targets as put forward by the Change the Record campaign:¹¹

- **Close the gap in rates of imprisonment by 2040; and**
- **Cut the disproportionate rates of violence to at least close the gap by 2040 with priority strategies for women and children.**

Domestic, Family and Sexual Violence Victims

As identified in the Victims of Crime Reform Discussion Paper, domestic, family and sexual violence victims currently make up approximately 57% of victims accessing the victim support scheme. Domestic, family and sexual violence continues to be a major issue in the Northern Territory with extremely high rates of violence that disproportionately affect Aboriginal and Torres Strait Islander women.¹² Given this, it is imperative that any reforms recognise the specific needs of domestic, family and sexual violence victims. As such, NTCOSS endorses the Domestic, Family and Sexual violence service sector submission.

Victims who are of Aboriginal and Torres Strait Islander background

Aboriginal and Torres Strait Islander people are significantly over-represented as victims in the Northern Territory. Aboriginal and Torres Strait Islander people represent approximately 68% of all victims accessing the current victim assistance scheme. It is therefore critical that reforms to victim support systems are culturally competent and adopt best practice standards for engagement with Aboriginal and Torres Strait Islander peoples. Recognising that approximately 80% of Aboriginal and Torres Strait Islander people live in regional and remote areas of the NT, services must be well-resourced outside of urban regions.

NTCOSS acknowledges the work that the Aboriginal Justice Unit is currently undertaking in reforming the justice system to improve outcomes for Aboriginal and Torres Strait Islander peoples and strongly recommends that any reforms to the Victims of Crime scheme is in line with work of the Aboriginal Justice Unit.

¹⁰ UN General Assembly. *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. A/RES/40/34, 29th November 1985.

¹¹ Change the Record Coalition. *Blueprint for Change*. Australia: The Change the Record Coalition Steering Committee, 2015.

¹² Northern Territory Government. *The Northern Territory's Domestic, Family & Sexual Violence Reduction Framework 2018 – 2028: Safe, respected and free from violence*. Northern Territory Government, 2018.

The crossover between victims and offenders

The overlap between victims and offenders has been widely evidenced.¹³ While not all victims also offend and not all offenders have been victimised, there is a cohort of people who have experienced both, frequently referred to as the ‘victim-offender overlap’. Often language referring to ‘victim’ and ‘offender’ is specific to one situation so individuals may identify with both of these during their lifetime. A range of factors have been identified as contributing to the overlap including individual factors (such as gender, age, self-control and genetic predispositions) and situational factors (such as living in a areas with high crime rates, poor relationships with parents and associating with negative peer groups).¹⁴

Given this correlation for some victims of crime, it is important that victim support systems meet the needs of victims who have risk factors that increase their likelihood of perpetrating crime in the future. A victim support system that responds and seeks to mitigate the risk factors where possible could act as a crime prevention mechanism and reduce the vulnerability of the individual.

The needs of victims

NTCOSS acknowledges the wide range of diversity among victims of crime. Victims’ experiences of crime are highly individualistic, reflective of the nature and impact of the crime, the relationship of the offender to the victim and the background and prior life experiences of the victims.¹⁵ Victims’ needs also change over time. For example, a victim may need immediate support, such as secure housing, and later longer term support such as financial assistance to cover the costs of medical expenses. In reforming a victim assistance scheme, NTCOSS recognises the challenges of a single system to meet the varied and often changing needs of victims across the NT. Therefore, it is critical that any reforms to supports for victims of crime are flexible and tailored in nature.

There are some common experiences that are shared among victims of crime, acknowledging that individuals will experience these differently. Psychological impacts are common where victims experience a decreased sense of control and certainty about the world, decreased capacity to trust others and increased levels of self-blame.¹⁶ This trauma may cause victims to experience a wide range of emotions including shock, confusion, helplessness, anxiety and fear, which can lead to post-traumatic stress.¹⁷ Victims may experience physical impacts where they have suffered injuries, as well as financial impacts as a result of incurring losses or needing to pay certain costs.¹⁸

The draft Charter of Victims’ Rights acknowledges the need to provide tailored support for all victims regardless of Indigenous or cultural background, location, sex or gender identity, language and literacy level, sexual orientation, disability, religion and age. Additionally, victims’ needs extend to the particular impact of the crime on the victim. A systematic review of the needs of victims found that while the need for information and financial assistance was common, other needs differed depending on the type of crime.¹⁹ For example, victims of violence may have specific needs including the repair of relationships with the offender or with the wider community. Other victims of violent

¹³ Posick, Chad. “The Victim-Offender Overlap”. Oxford Bibliographies, last modified 24th May 2017. <http://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0220.xml#obo-9780195396607-0220-bibItem-0001>.

¹⁴ Posick. “The Victim-Offender Overlap”.

¹⁵ Wedlock and Tapley. *What Works*.

¹⁶ Spalek, Basia. *Crime Victims: theory, policy and practice*. Houndsmill, Basingstoke: Palgrave Macmillan, 2006.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ ten Boom, Annemarie and Kuijper, Karlijn. “Victims’ needs a basic human needs.” *International Review of Victimology* 182, no. 2 (2012): 155 – 179.

crimes may have 'basic needs' such as the assurance of safety. Whereas victims of crimes against property may have practical needs such as financial restoration.

Given the individuality of victims and their needs, victim support systems should be flexible and tailored to ensure all victims have their needs met. As mandated by the *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*:²⁰

Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.

Key Principles for an effective victims of crime scheme

1. Engagement with victims is trauma-informed at all levels

Being a victim of crime can be a traumatic experience. Therefore, victim support systems must be highly trauma-informed and maximise their therapeutic impact to support recovery.

A trauma-informed approach involves an understanding of the physical, social and emotional impact of trauma and can include victim-centred practices. Trauma-informed approaches to working with victims include ensuring safety, trust, choice, collaboration and empowerment.²¹ With the high percentage of Aboriginal and Torres Strait Islander people in the NT, it is important that an understanding of cumulative trauma is reflected in working with victims, given the intergenerational trauma that many Aboriginal and Torres Strait Islander people experience.

It is critical that victim support systems do not further harm or re-traumatise victims. Research has shown that interactions with the criminal justice system and victim supports can trigger secondary victimisation through experiences such as needing to recount one's experiences, undergo forensic medical examinations or exposure to harmful counselling practices.²²

NTCOSS supports the introduction of a case management model in favour of an injury-focused scheme that has high risks of re-traumatisation due to the invasive assessment practices. A case management model has a significantly greater capacity to meet the needs of victims in a trauma-informed way. NTCOSS encourages the adoption of a continuity of care model where the victim is assigned a key worker who follows them through the recovery process. This will ensure the victim is not re-traumatised through retellings of their experiences, and increases their sense of safety and trust through the focus on relationship development with one worker.

The case management model proposed must be flexible and can be tailored to the needs of individuals. The assessment of need process must consider the short, medium and long term needs of victims, as well as the particular needs of victims in more vulnerable circumstances.

NTCOSS strongly recommends the Department ensure that a trauma-informed approach that is flexible and tailored to the individual is embedded in these reforms.

2. Victims have agency and choice and their rights are respected

As identified in the draft CoVR, it is imperative that victims' rights are respected at all times, including the right to have their views and concerns considered as part of the justice system response to crime and in the victim support system.

²⁰ UN General Assembly, *Declaration*.

²¹ Harris, Maxine and Fallot, Roger D. "Envisioning a trauma-informed service system: A vital paradigm shift". *New Directions for Mental Health Services* 89 (Spring 2001): 3 – 22.

²² Fuller, Georgina. "The Database of Victimisation Experiences". *Technical and background paper series No. 60* Canberra: Australian Institute of Criminology, 2015.

Victims' rights concern the right to access the various supports provided through the victim assistance scheme (including financial supports) as well as the right to participate if desired and where appropriate in justice system processes. Respecting the autonomy of victims is particularly critical to the recovery journey domestic, family and sexual violence victims. The affirmation of rights, as acknowledged in the draft Charter on Victims' Rights, dictates the obligation of the state to support victims through their recovery in the best possible way.

Informing victims of their rights and capacity to engage in victim support systems is essential to successfully support victims on their recovery journey. Evidence shows that being well-informed throughout the process significantly improves victim satisfaction levels.²³

Having agency is a critical part of the victim recovery process as it helps victims regain a sense of control. A critical aspect of this is ensuring that victims are able to exercise choice over what, how and when they receive service support and engage in other justice system processes. Supporting victim choice is part of trauma-informed approaches and therefore should be embedded across the spectrum of interactions between systems and the victim. Restorative justice processes have been identified as a key mechanism for victims to be heard in the justice system where traditional justice processes do not allow for this to occur.²⁴

In cases of acute vulnerability and trauma, victims may need assistance to access support and in their interactions with the criminal justice system, with advocates who are able to ensure the best interests of the victim and represent them where appropriate.

3. Victims support systems recognise the links between poverty and crime

As already discussed, there are strong links between poverty and crime for both offenders and victims. Given this, poverty must be acknowledged and addressed in support for victims. NTCOSS supports the Law Council of Australia's advocacy to encourage governments to adopt justice and social impact statements to recognise the impact of policies on people who experience disadvantage, legal services and the capacity of people from vulnerable backgrounds to access them.²⁵

NTCOSS recommends that the impact of crime on people experiencing poverty and disadvantage is acknowledged in the support processes that the Department proposes. This may involve outreach to victims who have been identified by police but have failed to access support; a recognition of the particular scale of impact as a result of an individual's personal circumstances being included as part of the assessment for support or additional supports; and more intensive case management to ensure the victim can maximise the therapeutic benefits available.

NTCOSS is aware that under the proposals in the Discussion Paper, people with employment may be eligible for greater compensation under the economic loss criteria. While it is important to recognise the impact of being a victim on one's capacity to maintain employment, NTCOSS is also conscious that this could lead to a significant discrepancy in the amount of money employed and unemployed people may be eligible for, which would be discriminatory for people with little or no employment.

NTCOSS recommends that a modest cap on the amount of compensation for economic loss be introduced.

²³ Wedlock and Tapley, *What Works*.

²⁴ Braithwaite, John. "Doing Justice Intelligently in Civil Society". *Journal of Social Issues* 62, no. 2 (2006): 393 – 409.

²⁵ Law Council of Australia. *The Justice Project: Final Report*. Law Council of Australia, 2018.

The levy for funeral costs must be reviewed to ensure there are no financial barriers, particularly for people living in poverty. Consultation with sector stakeholders has indicated that the pricing of \$8000 to cover funeral costs may be too low in some locations, particularly outside of Darwin. The NT has a high cost of funerals and burials, particularly outside of Darwin, due to the lack of competition in regional and remote locations as well as the costs associated with the transportation of the body where the death has occurred away from the person's home. Cost has been identified as a barrier holding funeral services on a number of occasions. For example, in Katherine, six stillbirth babies were held in the hospital morgue for 4 years due to the high cost of funerals.²⁶ In Tennant Creek, families have turned to fundraising in order to procure \$10,000 to cover the costs of a funeral.²⁷

NTCOSS recommends that the cost of funerals be reconsidered in more detail, with particular consideration as to differing levels of payment according to the cost in urban, regional and remote locations in the NT.

NTCOSS does not support the imprisonment of offenders for unpaid restitution orders. This unnecessarily exacerbates the already high rate of incarceration in the NT which is extremely costly for the NT Government, furthermore it is discriminatory to imprison people who cannot afford to pay the order. Imprisonment leads to further involvement in the justice system, which can result in more people being victims of crime. Imprisoning offenders also fails to provide any benefits directly to victims, and in cases where the victim and the offender are related, can have an adverse impact on the victim by having the offender removed and exposing the victim and offender to the trauma of contact with the prison system. NTCOSS supports alternative means of fulfilling restitution and compensation orders, with the consent of the victim, that do not further entrench poverty for the offender (and the victim in cases where the offender and victim are related). This could include community work or compensation by completing a certain task (eg. painting out graffiti), depending in the nature of the crime.

NTCOSS recommends that offenders should not be imprisoned for unpaid restitution and compensation orders.

NTCOSS supports the introduction of factors to be considered when imposing a restitution and/or compensation orders. In particular, the financial circumstances of the offender and their family should be considered before giving an order. NTCOSS expects that this assessment will help to decrease the number of unpaid orders as well as prevent any excessive financial hardship on the offender, and financial hardship on their families who may be affected adversely by the order. As discussed, strong evidence indicates that poverty and involvement in the justice system are strongly correlated and therefore placing additional financial hardship on offenders who do not have the capacity to pay will only further exacerbate the underlying factors driving criminal behaviour.

4. Supports and protections for victims are culturally competent

As previously mentioned, reforms to the victim support systems must be culturally competent and adopt best practice standards in engagement with Aboriginal and Torres Strait Islander peoples. A culturally competent victim support system must reflect the needs and circumstances of Aboriginal and Torres Strait Islander people, which may include the consideration of community-specific social issues, features of language and culture, geographic and demographic characteristics, and the historical impact of government policy.

²⁶ The Senate. *Report: Select Committee on Stillbirth Research and Education*. Canberra: Commonwealth of Australia, 2018.

²⁷ Aisthorpe, Judith. "Community fundraising to cover costs of Derick Suratin's funeral". *NT News*, 27th February 2019.

While it is encouraging that the Discussion Paper proposes the inclusion of an Aboriginal Liaison Worker as part of the reforms, it is necessary for the Department to identify and address any barriers that Aboriginal and Torres Strait Islander people may encounter in accessing and maximising the benefits of the victim support system.

Cultural competency in a victim support system must involve working with Aboriginal and Torres Strait Islander people in a culturally healing way that recognises intergenerational trauma and seeks to integrate cultural worldviews and practices as part of the victim recovery process. For example, this should involve the inclusion of culturally appropriate therapeutic supports and victim choice to access these services. Research highlights that for Aboriginal and Torres Strait Islander victims, community healing processes, which let victims and offenders acknowledge the suffering and repair relationships, can offer substantial therapeutic benefit.²⁸

Additionally, NTCOSS recommends greater Aboriginal and Torres Strait Islander representation in the victim support system in decision-making capacities, such as on the Crime Victims Advisory Committee and genuine, ongoing consultation with Aboriginal Community-Controlled Organisations. This will ensure the voices of Aboriginal and Torres Strait Islander people are represented in strategic discussions going forward to ensure the needs of Aboriginal and Torres Strait Islander victims are met.

NTCOSS recommends that the Department ensures Victims of Crime reforms adhere to the highest standards of cultural competence.

5. Victim support systems promote best practice, accessibility and timeliness

Ensuring best practice, accessibility and timeliness in these reforms will lead to improved outcomes for victims of crime in the NT. Appropriate resourcing and investment is required in order to ensure the support systems are of the highest standard. Reforms should draw on research and evidence and be evaluated to ensure positive outcomes for victims are being achieved. Consistency and equity for victims must underpin supports to instil trust and positive outcomes for victims.

Professionalisation of the workforce

Recognising the particular skills and training that are required to work with victims therapeutically is essential to the success of victim support. People working directly with victims need to have a solid grounding in trauma and an understanding of the diverse impacts of crime as well as a sound knowledge of justice system processes and how to support victims through these. The need for highly skilled professionals working with victims was particularly identified in Dawn House's mapping of the experiences of domestic and family violence victims in the justice system.²⁹ Research has shown that a highly skilled workforce greatly enhances victims' satisfaction and outcomes.³⁰ This expertise should not be seen as limited to case workers directly assisting victims, but all justice system professionals including police, judges, program coordinators, etc.

Efforts should be also made to support the local workforce, particularly local Aboriginal and Torres Strait Islander people, to develop this expertise. In the NT, the knowledge of local Aboriginal and Torres Strait Islander cultures, languages and practices must also be valued as part of the skills in

²⁸ Olsen, Anna and Lovett, Ray. *Existing knowledge, practice and responses to violence against women in Australian Indigenous communities: State of knowledge paper*. Canberra: ANROWS, 2016.

²⁹ Richmond, Alex. *Research Project: Exploring the voices and experiences of victim/survivors of Domestic and Family Violence in the NT Justice System*. Darwin: Dawn House, 2018.

³⁰ Ibid.

working with victims. Investing in the local workforce could also prevent unnecessary staff turnover from an interstate workforce.

Timeliness

Feedback from stakeholders on the current system highlights significant issues with timeliness. Current barriers to receiving support, such as the significant delays in processing applications must be addressed under a new scheme. Research shows that timely access to victim support significantly improves victim satisfaction.³¹

Accessibility

Greater consideration must be given to addressing current and potential barriers for victims to access the scheme. The *UN Declaration* affirms the universal applicability of victim support systems “without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic of social origin, and disability”, which relates to a number of issues raised in this submission.³²

While it is encouraging that a wider number of victims will be eligible for the scheme under the proposals, it is also critical that geographical and linguistic and literacy barriers to accessing the schemes are addressed.

Further investigation into how the proposals will operate in regional and remote areas is required to ensure accessibility across the NT. It is unreasonable, and could exacerbate existing trauma, to expect victims to travel to urban hubs to access supports through the scheme. Currently the only contact point for the Crime Victims Services Unit is based in Darwin which significantly disadvantages people living outside of Darwin. Moreover, there are aspects of the model, particularly regarding the level of service provision, which may not be realistic in very remote locations. While technology can provide some assistance, it may not offer the quality of service needed to support victims holistically.

NTCOSS recommends further investigation into how the proposals will operate in regional and remote areas.

The NT has a very linguistically diverse population, with many people not speaking English as their first language. To ensure victims are well-supported by the scheme, it is important that consideration is given for people with limited English language and literacy skills. **In particular NTCOSS recommends:**

- **the use of plain English in all means of communication with victims;**
- **the availability of information in the main languages other than English that are readily used in the NT on a diversity of platforms; and**
- **the active use of interpreters when communicating information, delivering services and particularly when gaining consent.**

System-level accountability

The Discussion Paper raises a number of issues relating to the system-level accountability and review mechanisms. NTCOSS sees internal and external review mechanisms as important means of ensuring

³¹ Ibid.

³² UN General Assembly, *Declaration*.

accountability and transparency in victim support systems. This will lead to a greater quality of service and ensure that the system upholds the rights of victims.

Restorative Justice

NTCOSS supports the introduction of restorative justice processes in the adult justice system in the NT.

Research shows that restorative justice processes have significant benefits for victims, particularly regarding the therapeutic value of having their voices heard. Gaining greater insight into the nature of the crime can help to answer questions such as ‘why me?’ that victims often have following the experience of crime.³³ Studies have shown that for victims, participation in restorative justice processes can lead to improvements in terms of reduced feelings of fear and anger and greater levels of empathy towards the offender.³⁴ High levels of victim satisfaction as a result of participation in restorative processes often relates to the feelings of fairness and respect that victims experience during the process.³⁵ Satisfaction with restorative justice processes has been attributed to a high quality of preparation before the conference, the independence of the facilitator and the presence of police during the conference.³⁶ The process has consistently demonstrated positive outcomes for victims when executed well, with often greater benefits than traditional justice system processes.³⁷

Restorative justice processes also have positive outcomes for offenders, including lower rates of reoffending and the capacity of restorative processes to address the individual drivers of offending.³⁸ Gaining greater insight into the impact of their offending on victims often leads to greater compliance with orders and frequently leads the offender to deliver an apology to victim, offering therapeutic value for the victim.³⁹

Given these benefits to victims and offenders, restorative justice processes offer a cost-effective way of responding to crime by comparison to other traditional means.

Recognition of the delay of victim reporting

In cases of severe trauma or acute vulnerability, particularly in the cases of sexual abuse or where the victim was a child, there can be significant delays in people coming forward as victims of crime. It is imperative that the system allows for these delays in coming forward, recognising the trauma experienced, and the support required for victims where they come forward a number of years after the incident.

6. Victims support systems are efficient and sustainable

A successful victim support system requires longevity, which is grounded in the effective use of resources. NTCOSS acknowledges the tight budgetary environment in the NT and therefore urges the NT Government to ensure the long term sustainability of these reforms. Given the overlap

³³ Strang, Heather. “Victim Evaluation of Face-to-Face Restorative Justice Conferences: A Quasi-Experimental Analysis”. *Journal of Social Issues* 62, no. 2 (2006): 281 – 306.

³⁴ Ibid.

³⁵ Larsen, Jacqueline J. “Restorative justice in the Australian criminal justice system”. *AIC Reports, Research and Public Policy Series 127*, Canberra: Australian Institute of Criminology, 2014

³⁶ Armstrong et al. “Factors Contributing to Victims’ Satisfaction with Restorative Justice Practice: A Qualitative Examination”. *British Journal of Community Justice* 10, no. 2 (2012): 39 – 54.

³⁷ Miller, Susan L. and Hefner, M. Kristen. “Procedural Justice for Victims and Offenders?: Exploring Restorative Justice Processes in Australia and the US”. *Justice Quarterly* 32, no. 1 (2015): 142 – 167

³⁸ Larsen. *AIC Reports*.

³⁹ Ibid; Miller and Hefner. *Justice Quarterly*.

between poverty and crime, it is unrealistic for offenders to offset the full cost of a victim support system and therefore government funds are required.

NTCOSS urges the Department to ensure the reforms are cost-effective and use resources efficiently to ensure that victims reap the maximum benefits from this scheme. Feedback from our memberships has indicated the inadequate resourcing of current programs supporting victims. Under-resourced programs have significant impacts for victims, where inadequate support is provided or services are not available in regional and remote locations, and victims are left vulnerable and dissatisfied with justice system responses. It is critical that all parts of the system are funded to ensure positive outcomes for victims. NTCOSS advises against the NT Government shifting resourcing from one area to another in order to fund these reforms. The roll-on effect for existing services who may be required to undertake greater amounts of work as a result of these reforms must also be considered. NTCOSS notes that the use of a justice impact statement would provide a mechanism to review the impact of these reforms on legal services and enable greater assessment of resourcing requirements.⁴⁰

NTCOSS recommends the Department ensure the effective and sustainable use of resources to ensure that the reforms are adequately funded to meet victims' needs.

In particular, we encourage the consideration of the role of the community sector to assist with the delivery of victim support services, including case management support, given its strong track record and expertise working with vulnerable Territorians, the presence of the community sector in regional and remote locations, and the considerable footprint the sector already has working with victims. Additionally, NTCOSS strongly recommends the effective coordination of services to ensure resources are well-coordinated. Best practice coordination involves co-located multi-agency partnerships with strong information sharing protocols.⁴¹

⁴⁰ Law Council of Australia, *The Justice Project*.

⁴¹ Wedlock and Tapley, *What Works*.