

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON LAW AND JUSTICE

INQUIRY INTO CHILD SEXUAL ASSAULT MATTERS

¾¾¾

At Sydney on Wednesday 24 April 2002

¾¾¾

The Committee met at 10.00 a.m.

¾¾¾

PRESENT

The Hon. Ron Dyer (Chair)

The Hon. Peter Breen
The Hon. John Hatzistergos
The Hon. John Ryan

CLAIRE VERNON, Director, Victims Services, Attorney General's Department, level 6, 299 Elizabeth Street, Sydney, and

ANDREW BARON, Executive Officer, Victims Services, Attorney General's Department, level 6, 299 Elizabeth Street, Sydney, affirmed and examined:

CHAIR: In what capacity are you appearing before the Committee?

Ms VERNON: As the Director of Victims Services, an agency which includes the Victims of Crime Bureau and the Victims Compensation Tribunal.

Mr BARON: As the Executive Officer of Victims Services.

CHAIR: Have you received a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act?

Ms VERNON: I have.

Mr BARON: I have.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Ms VERNON: I am.

Mr BARON: Yes, I am.

CHAIR: Could you please briefly outline your qualifications and experience as they are relevant to the terms of reference for this inquiry?

Ms VERNON: For the past three years I have been administering the agency Victims Services with responsibility for the work of the Victims of Crime Bureau, which involves the implementation of the Charter of Victims Rights and services to victims of crime. I have also been administering the Victims Compensation Tribunal, which provides counselling and compensation to victims of crime and recovers money from defendants.

Mr BARON: I have been working for the past four years with Victims Services, which provides support and rehabilitation for victims of crime. My current role is Executive Officer of Victims Services, which provides support for the Victims Advisory Board and general policy work in relation to providing support services for victims of crime.

CHAIR: Victims Services has made a written submission to our inquiry. Is it your wish that that submission be included as part of your affirmed evidence?

Ms VERNON: Yes.

Mr BARON: Yes.

CHAIR: If either of you should consider at any stage during your evidence that in the public interest certain evidence or documents that you may wish to present should be heard or seen only by the Committee, the Committee will be willing to accede to your request. However, the House itself can, if it chooses, override our decision in that regard. Ms Vernon and/or Mr Baron, do you wish to make any preliminary oral statement to the Committee arising out of your written submission?

Ms VERNON: No.

CHAIR: With regard to the questioning, any question that I or my colleagues might ask may be responded to by either or both of you as you choose. As you are aware, this inquiry is designed to achieve the objective, if we can, of making recommendations to the Government to make the system, particularly the hearing of criminal charges in regard to child sexual assault, fairer, less traumatic and

? Is it intended for use by ordinary people who go through the system or rather intended for people in community health centres and the like who might be approached for advice?

Ms VERNON: Both. I understand it contains material that is child friendly, which is material that you can sit down and go through with a child.

CHAIR: I notice in regard to what you have been saying about information, and it is mentioned in your formal submission, that the charter of victims rights established by the Victims Rights Act 1996, sets out a number of standards for the treatment of victims of crime by government agencies. Would you like to say something briefly about what those standards require?

Ms VERNON: The standards require that victims be informed about the investigation of the crime, and that is usually through the Police Service; to be informed about whether charges have been laid. It then talks about information around the trial process generally, and then particular information about the prosecution proceedings.

The Hon. JOHN HATZISTERGOS: A lot of this could relate to children. Have you done any analysis of what children's rights should be?

Ms VERNON: Yes.

The Hon. JOHN HATZISTERGOS: I imagine that telling children about the prosecution process, particularly if they are very young, would go over their heads.

Ms VERNON: Yes, I think that a lot of adults are confused.

The Hon. JOHN HATZISTERGOS: I wonder whether you would be better off with a tighter definition of what information they should be given. Have you looked at that?

Ms VERNON: As I say, we work with Health and the CASAC service, which gave evidence yesterday, and the other victims support agencies, for example the Witness Assistance Scheme and the Department of Public Prosecutions [DPP]. We work with them to see what products are available and what information has been given to children. We do not directly deliver a service to children prior to going to court to give evidence, but we are aware of agencies that do that.

CHAIR: Do people come to see you directly, or are you rather an agency that resources organisations in the community, such as CASAC does, to in turn adequately advise people who approach them?

Ms VERNON: We have a number of roles. We directly talk to victims through our Victims Support Line, which is a 24-hour victim service, and we get calls mainly from adult victims of sexual assault. Children are often referred through to Helpline and other more child-friendly services. However, we do get calls from adolescents who want to talk. We have a 24-hour support line. We also approve people to see counsellors under the approved counselling scheme, and we pay for those children, particularly victims of child sexual assault, and their parents to see counsellors to assist in the recovery from the crime. In relation to child sexual assault we very much work in with other agencies because we are aware of the health service network and the CASAC service network. If we were to receive a phone call about a recent child sexual assault we would refer that through to those other agencies. Besides the direct service role and a referral role we have a role in monitoring the work of other agencies to ensure that other government departments and non-government departments assist victims of crime.

CHAIR: I notice in your formal submission you say that Victims Services administers an approved counselling scheme that provides free counselling to victims of crime.

Ms VERNON: That is right.

CHAIR: I think I am correct in saying that there is some approved upper limit in terms of hours for that free counselling.

Ms VERNON: The legislation talks about 20 hours, but as director I have the capacity to approve further hours and that is done particularly in matters of homicide and sexual assaults where more hours may be required.

CHAIR: I come back to my question of a short time ago about trauma of which victims of crime complain within the context of child sexual assault matters. How do they articulate that? I do not want to lead you, but do they complain about, for example, intimidatory questioning or other perceived unsatisfactory aspects of the trial?

Ms VERNON: The first point of confusion is who is legally representing them and what their role is. I know the Witness Assistance Scheme and, through our line, spend a lot of time talking to victims about their role as a witness. That is very confusing for people, that they do not have a legal representative of their own and the prosecution has a different function in the proceedings. Often they talk about being on trial themselves.

CHAIR: Do you believe that particular function of the prosecution is clearly conveyed to them? Do they understand that the prosecution represents society as a whole rather than them?

Ms VERNON: It is a very difficult concept when you say that the crime has been committed against you. A lot of victims find it difficult to understand why somebody is not representing their interest to the court. It is throughout the material from the DPP that I have seen, and it is in videos and court preparation material. But for most people who never have anything to do with the criminal justice system it is a very difficult concept, and they expect that the prosecutor will, in some way, represent their best interest in the court.

CHAIR: Before we embarked on this inquiry I was not even aware of the Witness Assistance Scheme. I am quite impressed to hear that it exists. How does your agency relate to the Witness Assistance Scheme?

Ms VERNON: We work very closely with the Witness Assistance Scheme because a lot of the victims that we are in contact with, a proportion of them will go to court as witnesses. The Witness Assistance Scheme has done a lot to better identify victims who come through its system and to notify them of contacts within the DPP. Over the last couple of years we have gone out to talk to government departments about the charter of victims rights, because it is fair to say that there is still a growing awareness and responsibility of government departments to assist victims of crime.

The Witness Assistance staff came with us and assisted us with running what we call charter forums around the State, and raising people's awareness, particularly other government departments about the existence of the Witness Assistance Scheme. They sit on our Victims of Crime Interagency and work with it very closely. We refer clients to them who ring us on the line. They also refer people to us who may want to resume approved counselling at the time of court. They also use our list of approved counsellors where a victim impact statement is being prepared to assist victims in making those statements.

CHAIR: You mentioned in your submission that issues of privacy in criminal proceedings, particularly in cases of child sexual assault, have recently been of concern to Victims Services. You go on to refer to section 84 of the Victims Support and Rehabilitation Act 1996, and you mentioned that victim's compensation applications were inadmissible in evidence against any person in criminal proceedings on substantially the same facts. You point out that it was unclear whether evidence supporting the compensation application was protected in the same way, and, finally, that following advice your agency gave, it would seem, section 84 has been amended recently to ensure that all evidence in connection with compensation or counselling applications is, to use your language, given protection in criminal proceedings. What does "given protection" mean? Does it mean that evidence cannot be led in regard to the fact that—?

Ms VERNON: We will not provide to the court our file in relation to a compensation claim. It was, I would say, standard procedure for defence to subpoena our files, and following concerns we then defended those matters until a Court of Appeal decision a couple of years ago that highlighted to us the need for further amendment to section 84. We have seen a dramatic drop-off in subpoenas for criminal matters because we highlight to defence when they contact us the legislative provisions and the recent amendment that came into effect from January this year. We take very seriously our responsibilities to protect the information that victims provide to us. I am aware that the questions are still being asked by victims of crime, and I recently had informal discussions with the DPP as to whether one measure might be for them to lead the fact that there was a claim for compensation from our victims because it is a right under the charter of victims rights, and also that any core preparation material should include the fact that victims will be asked whether they have made a claim for victims compensation, and that they need to be prepared to answer that question.

The Hon. JOHN HATZISTERGOS: What is the relevance of it, apart from attempting to discredit the victim by insinuating that because the victim has made a claim for compensation that somehow makes the victim's bona fides suspect? That is truly what it is about.

Ms VERNON: That is really what it is about. It is also about getting material that they might have provided to us, be it, for example, counselling reports or medico-legal reports that may describe some history of the assault, and they may want to find discrepancies between that second-hand

account from a counsellor with the evidence presented in the court. It has been of such concern that I am aware that some agencies have been reluctant to inform victims of their rights to compensation because they are so concerned at the way it will be perceived by the court.

The Hon. JOHN HATZISTERGOS: It undermines the process.

Ms VERNON: It undermines the—

The Hon. JOHN HATZISTERGOS: It could undermine the process if information is given to counsellors and advice is given and that information ultimately comes back to haunt a victim.

Ms VERNON: Yes. Victims can be—

The Hon. JOHN HATZISTERGOS: It may not assist their rehabilitation.

Ms VERNON: No, and we encourage victims to see it as their right and entitlement to claim for victims compensation. It should not be something that they are then shamed with in a prosecution matter, and even the parents of, for example, a child victim of sexual assault can also claim, and that could also be used against them. It is more preparing victims for the question and taking our responsibilities very seriously to protect their information.

CHAIR: The legislative amendment has effect to the extent of protecting your records from disclosure or subpoena, but the party can still clearly be questioned about whether they have made such an application?

Ms VERNON: Yes.

The Hon. JOHN HATZISTERGOS: Do you give any documents to the victim? Does the service or counsellor give any documents to the victim relating to the account of what has happened?

Ms VERNON: For example, copies of—?

The Hon. JOHN HATZISTERGOS: Counselling notes or a copy of the application for compensation, that sort of material.

Ms VERNON: If the victim has made a claim for compensation or counselling, the victim would often have copies of that material.

The Hon. JOHN HATZISTERGOS: Even though it cannot be subpoenaed from you, it could be subpoenaed from the victim?

Ms VERNON: Yes.

The Hon. JOHN HATZISTERGOS: What would be wrong with prohibiting that sort of question from being asked?

Ms VERNON: My view is that it is our role—

The Hon. JOHN HATZISTERGOS: In criminal prosecution, what would be wrong with that? I do not know how much probative value this material has in many cases, but they cannot access files from you, presumably they could access some of the file from the victim. They could ask or probe the victim in questioning, which could be traumatic. But if you were to shut the door and say that it was a bit of a sideshow and we are not going to be distracted in a criminal trial, what would be wrong with that?

Ms VERNON: The fundamental right of the victim to make a claim for compensation—

The Hon. JOHN HATZISTERGOS: The victim could still make a claim, still come to see you, still get the counselling, but that is not an issue that could be raised in the criminal trial.

Ms VERNON: In my view it should be okay that it is raised in a criminal trial. It could be a matter of record that somebody has made a claim, and back that up by saying that the victim is entitled to make that claim and the victim should stand by that and not be ashamed. If it is kept as a secret or it is not seen as something but just fits into that defence line that this is why they have made a complaint about sexual assault, to gain compensation.

The Hon. PETER BREEN: If you cannot ask the question though, and cannot even raise the issue at all, would the system be better for that or worse?

Ms VERNON: It is a good question. My view would be that they can ask the question. It is about empowering the victim to answer it. If you do not ask the question, then is there another way around it? I do not know.

The Hon. PETER BREEN: For example, I do not think you can ask, "Have you made a previous claim for a similar fact situation?" I do not think you can ask that question.

Ms VERNON: That is not relevant to the matter before the court?

The Hon. PETER BREEN: Yes?

Ms VERNON: No, I would not imagine.

The Hon. PETER BREEN: So if you have a claimant who has made a whole succession of claims on the same kind of issue—similar facts—you cannot ask questions about those. It could follow from that that they should not be entitled to ask about the particular incident in issue either?

Ms VERNON: It can go either way, yes.

The Hon. PETER BREEN: You do not have a firm view about it?

Ms VERNON: I do not have a firm view. My concern is that victims be better prepared for the questioning when it comes and to speak proudly about their entitlement to claim compensation. I think there is a danger in making it something to be ashamed of.

CHAIR: Can you specify, now or subsequently, what percentage or absolute number of child sexual assault victims might access victims compensation?

Ms VERNON: We have about 20 per cent of our claims from victims of sexual assault. They are the second largest after victims of assault—and armed robbery is increasing. Victims of sexual assault have consistently been about 20 per cent and with half of those the act of violence has occurred where the victim was under 16. They are on average—and we prefer not to talk about average awards because we have assaults through to families of homicide but on the spectrum of awards, child sexual assault awards are more likely to be higher than average because they fit under category 3 over a pattern of time. We do not see a lot of child sexual assaults for a one-off occasion. It can be a pattern of abuse over time and that award is at the highest category.

CHAIR: Coming back to the question of trauma that people experience, going through the system as it relates to child sexual assault, we seem to have had quite a lot of evidence, particularly yesterday, of people complaining about how they are treated in the system by the courts, police and so on, regarding what is happening, what is going to happen, what stage the matter has reached and that sort of thing. Has it come through to you that people feel dissatisfied in regard to matters such as that?

Ms VERNON: Yes. People are dissatisfied and often they are not aware that they have rights to information. One of the things that we did last year was try to simplify the Charter of Victims Rights into a pamphlet about "Your rights as a victim of crime" because it is very empowering for people to be told, "You have a right to be informed by the police about the investigation and where it is proceeding." We encourage people who ring the line and who contact us to go back to that agency and to ask for that information and to come back to us if they are having difficulty. We do receive reports of breaches of the charter of victims rights. That is part of the function of the Victims of Crime Bureau and we do pursue with those agencies where breaches have occurred. The most common

complaints regarding the charter are those two rights—in relation to information about investigation and about information on prosecution of accused. We are continuing to work with the police, the DPP and others to ensure that they have procedures in place to inform victims.

The Hon. JOHN HATZISTERGOS: What happens if there is a breach?

Ms VERNON: If there is a breach and people contact us, we talk through with them what they have tried to do; for example, with a police officer not telling them about progress. We say, "We are going to go back and contact that police officer, the officer in command, the local area commander. Get back to us if that is a problem." Often people are quite empowered to know they have the right to the information to start with because they are not sure. In fact, we have worked with the Police Service to develop a victims card, which the police give to the victim of crime at the time and on the back it has some rights, so victims are often able to go back to the police officer. Sometimes they get back to us and say, "We are still not getting anywhere. Things have occurred and we are not aware of them." We would then ring the Police Service, the police officer, and we generally have a good result.

We are interested in systemically what we can do to prevent that happening and a lot is about education of service providers, be it health, police or the DPP, about how we can better assist victims of crime. The other complaint is around victims registers, which you would be aware of, which is about following the prosecution, about the location of the offender within the correctional facilities. A lot of victims are not aware that they have the right to that information about the offender, but that comes secondary to the complaint that they are not being informed and involved.

CHAIR: Are you aware of complaints regarding repeated adjournments of these matters? In evidence yesterday from counselling services we were told—although this was admitted to be an extreme case—that for one matter 15 adjournments had been granted. I do not know why a judicial officer could come anywhere near granting 15 adjournments. Possibly something extraordinary is going on, but it does seem to be a severe cause of grievance that is coming through to us that people are keyed up and prepared to go ahead with their evidence—and we are talking about children in many cases—and then the matter is put off. Is that a matter about which complaints are made to you?

Ms VERNON: Certainly, the time that it can take to progress matters. The issue of adjournments has not come up in particular. It is more about victims not being informed of the progress. I can certainly acknowledge how distressing it is for people who are very keyed up, and they are wanting to access our counselling services around that time and wanting to talk about how they can get someone to go with them to court and who that can be. It is an enormous letdown for people to then have to reappear. It is more around the issue that if it does not proceed to trial—for example, charge bargaining or no billing—people are concerned about how they will be informed about that and be involved in that process.

CHAIR: I raised earlier the matter of the witness assistance service. I am not sure I got to the nub of the matter as to how that relationship works.

Ms VERNON: We refer people to them because when victims ring us up and say, "We are not sure what has happened with the matter. Where can it be?", we will talk to the witness assistance service because they need a name and a phone number and they need to know who to be talking to.

The Hon. PETER BREEN: Is there any problem in your experience with the witness advisory service being connected with the office of the DPP?

Ms VERNON: I certainly think as a model of service, yes, it can be problematic because they are seen as working within the agency and their advocacy role can be seen to be limited because they are working within that agency. They acknowledge themselves that having chosen the Canadian model of service, that that is one of the limitations. The strength of it, though, is that in terms of influencing the culture and understanding of the agency around victims of crime, my view is that the DPP have taken enormous steps forward in the last, for example, five years in the way they see victims as part of their client group. But it is very difficult for those officers to be doing any form of advocacy with, for example, a Crown prosecutor.

The Hon. PETER BREEN: Do you think this new culture in the DPP has disadvantaged prisoners or people who are accused of crime?

Ms VERNON: No, I think the balance is there. What was not there before was a perception of victims as other than witnesses, so I think a lot of victims still feel that the criminal justice system is weighted towards offender rights, but I think the DPP have gone a long way to better informing victims of what is occurring.

The Hon. PETER BREEN: Would you support the idea of putting the witness advisory service with some other department or do you think it ought to be left where it is?

Ms VERNON: I think there are advantages and disadvantages either way.

The Hon. PETER BREEN: Which other departments do you think might put their hands up? Would the Victims Compensation Tribunal be a place to put the witness advisory service?

Ms VERNON: We do work very closely with Mission Australia, which is running a court support scheme at the moment and we are, for example, jointly running court preparation with them, not for children but generally for victims of crime because it is about informing victims of their rights and the criminal justice process. I think there are a lot of other support agencies. What victims often need is someone to go with them and someone to help explain the system to them. That might be a different role to what the witness assistance scheme does. It is a function that the bureau and victims services could consider if it was a matter for government, but we certainly are involved in a lot of that victims support. Because victims do not have their own legal representative I think that the advocacy role is left unfulfilled and those needs are not met by victims.

The Hon. PETER BREEN: Would that change, for example, if Mission Australia was looking after the witness advisory service?

Ms VERNON: I think they would face a whole lot of challenges in the way they are perceived by the prosecution authority, so I think there are advantages and disadvantages as to where you place people, whether it be within government or within victims support agencies, yes.

The Hon. PETER BREEN: So you would leave it where it is? If you had a choice and it was your decision, you would leave it where it is?

Ms VERNON: I think it is fulfilling a very important function within the DPP and it really highlights their awareness about victims, so I think it is serving a good role within there.

The Hon. JOHN RYAN: The victims charter of rights includes within it a capacity on request to have some protection from having specific contact with the alleged offender. One of the ways in which they seek to achieve this with child sexual assault cases is the use of CCTV in courts. It has been reported to us that the CCTV facility is not used as often as it could be within courts due to technological difficulties and so on. Has your agency received complaints of that nature and can you report to the Committee anything about your ability to get a response or not get a response?

Ms VERNON: I am not aware of any complaints specifically regarding CCTV. I am aware that this is of great concern to victims of crime, whether it be in waiting areas of courts or when they actually go into the courtroom and see the offender sitting there.

The Hon. JOHN RYAN: Is the reason you have not received complaints because people do not see you as the right agency to complain to or you have not received any complaints?

Ms VERNON: I am not sure.

CHAIR: When you say you have not received complaints, does that mean you have not received complaints either regarding the unavailability of CCTV or its inappropriate use?

Ms VERNON: No. I cannot recall any specific complaint on that.

The Hon. JOHN RYAN: Do you have any other reported breaches of the victims charter reported to you by victims of child sexual assault?

Ms VERNON: There was a matter in relation to the victims register where the offender was in custody and the victims were not aware that they could register and be informed. That is the major other one that we are aware of. I should say that in our pamphlet and in our approach we do not necessarily encourage people to do the written breach. We prefer instead to empower people to be getting what they need at the time from the prosecuting agencies and from the victims registers. So it is very much assisting victims at the time to get information.

The Hon. JOHN RYAN: Could you tell us something about your counselling service in terms of how many people operate it, what their qualifications are, how it is accessed and things of that nature?

Ms VERNON: It is an area of great innovation. If I may say so, think it is one of the great initiatives that the Government has in the area of victims of crime. We are continuing to publicise it as much as we can. For example, we have online counselling forms for people to be applying. A victim of violent crime can apply for an initial two hours of counselling. We undertake to process that within 48 hours and for them to see a counsellor as soon as possible. On average, victims come back to ask for an extension of six to eight hours, of course, depending on the crime. Families of homicide victims and sexual assault victims are often seeking over 20 hours. We have 400 counsellors around the State who are approved by me, by our agency, and we have very strict qualifications. They have to have tertiary qualifications as a social worker or a psychologist or a psychiatrist. They also have to have been in practice for at least two years and to have had experience with victims of crime. They have to reapply every year.

Just recently we have been doing a working with children check on them. We encourage feedback from victims about their services. Any complaints regarding counsellors are treated very seriously. Overwhelmingly, the feedback is extremely positive. The victims say that it has made all the difference to them to be able to talk to somebody. With child sexual assault we work very closely, as I said before, with the health services. So we would be expecting most victims of child sexual assault to be seen through a health service first or through a CASACN child sexual assault service funded through the Department of Community Services. We see ourselves very much as having a complementary role in the area of sexual assault. In the area of homicide we work very closely with the homicide victims support group, which is often the first point of call for families of homicide victims. For a lot of other victims of crime—for example, armed robbery—we are the major source of counselling. Last year we approved around 20,000 hours of counselling. We believe a lot of victims are benefiting from the counselling service and we intend to publicise it even more if possible.

The Hon. JOHN RYAN: Just for the purpose of our report, are you able to give any indication how much of the 20,000 hours of counselling was made available specifically for child sexual assault victims?

Ms VERNON: When I looked at compensation claims by child victims of sexual assault I did look at what proportion of those children applied for counselling. We found that 48 per cent of children who applied for compensation with us were accessing the approved counselling scheme. I could not say specifically how many hours, but it is a matter of hundreds of children accessing hours of counselling with us.

The Hon. JOHN RYAN: How are your services co-ordinated with services that might be given by the Department of Community Services and so on? It seems that a couple of agencies potentially could trigger a request for counselling and refer someone to a counsellor. Is some attempt made to co-ordinate it so that everyone gets an equitable share of what is available?

Ms VERNON: What we want to do is ensure that there are services available and that victims and families are best informed to make a choice about where they want to access, for example, a CASACN service or an approved counsellor. The major way we do it is our victims of crime interagency forum where we have the players around the table. I have documented in the submission who is there. We then raise their awareness about compensation and counselling and ensure that they have all our information, our web site, our pamphlets. I would like to table a package of material we

have produced to ensure that there are not victims of crime who in time say, "I did not know I could access services." So it is about choice and it is about what is right for the time and, if possible, closing the gaps. Does that answer the question?

The Hon. JOHN RYAN: Yes. The only thing that occurs to me is that, knowing the sort of pressure that the Department of Community Services is under, it would not surprise me that it might like people to access your services in preference to theirs. Is there any control on that?

Ms VERNON: Having talked about our approved counselling scheme, it is an entitlement-based scheme. So the claimant does have to prove to an assessor on the balance of probabilities that the act of violence has occurred. It is not a needs-based service in that way. It is within legislation. So there may be people who would rather not go through that process of applying who would go straight to a health or other counsellor. We do do a lot of work with DOCS and Health. In a couple of weeks I am going out to a statewide meeting of sexual assault workers to again talk to them about how we can work together with the approved counselling scheme and their services to ensure that families are getting counselling.

The Hon. PETER BREEN: So a person has to prove that he or she is a victim; there does not necessarily have to be a prosecution?

Ms VERNON: No, there does not.

The Hon. PETER BREEN: If the offender was a child would there be any basis for the offender's family seeking counselling? I am not talking about the victim of the crime but the family of the perpetrator, who also in a sense are the victims of crime.

Ms VERNON: Not under our scheme as it is. We do spend a lot of time in our community education talking about that entitlement base.

The Hon. PETER BREEN: What you mean by "entitlement base"?

Ms VERNON: You have to prove on the balance of probabilities that you are a victim—primary, secondary or family—of an act of violence. You will recall that the Government broadened the definition a number of years ago. It used to be that you had to also have a compensable injury but now you have to be a victim of violent crime. That does not include if you were offending at the time, for example.

The Hon. PETER BREEN: The mother of a child who is suddenly the subject of a prosecution for being a violent sexual offender could be considerably traumatised by that, and certainly to my mind is a victim of crime.

Ms VERNON: There are a lot of people to whom terrible things have happened and they are traumatised and they do need assistance. Our charter is around victims of violent crime. We do get a lot of phone calls from people who say that they have had another trauma happen in their life but they are not eligible under the legislation as it is. We do a lot of explaining around that. I agree with you that there is a lot of trauma being experienced. We would try to assist those people perhaps with a referral or information.

The Hon. PETER BREEN: Where would you send someone in that situation I mentioned?

Ms VERNON: I do not know whether the family would be involved. I am aware of Dale Tolliday's work with pre-trial diversion. Juvenile Justice also has a number of child sex offender treatment programs. We would probably be steering families to those services or health services more generally. We do get a lot of calls from people. We also do not cover crimes that did not happen in New South Wales. Sometimes people have terrible things happen to them overseas and when they come home we would refer them to a trauma service, a counselling service run by the health service.

The Hon. PETER BREEN: So your victims of crime function applies literally to those who are the subject of the crime and not the perpetrators?

Ms VERNON: Absolutely. In fact, anyone who is offending at the time is excluded even though they may have suffered a horrendous injury.

The Hon. PETER BREEN: And their family, by definition, is absolutely excluded?

Ms VERNON: Absolutely.

The Hon. JOHN RYAN: But your primary role is as a broker of the service: you do not actually provide the service. You fund it and someone else provides it.

Ms VERNON: Not so much fund but, with our 24-hour line, we talk about support information and referral. A lot of people who terrible things happen to want to get onto somebody on the end of a phone and find out where they can go. A lot of people are victims under the Victims Rights Act in relation to a property offence but they are not eligible for compensation or counselling. Explaining that to people takes quite a bit of time and consideration.

CHAIR: I know that you want to stay within your own area of responsibility but could I ask you this: Mr Cowdery, the DPP, suggested to the Committee that we ought to give consideration to a trial or pilot of a court where special training would be given to judicial officers for presiding over that model court. Also, staff assigned to it would be specially trained and generally there would be an attempt to design a pilot that was child friendly. Without drawing you out from your own area of responsibility, do you think that might be a good idea to at least experiment with to deal with some of the trauma that people complain of going through the system?

Ms VERNON: I think it could be an exciting innovation if it has a focus on the needs not just of the victims but some place to be, for example, running court preparation with those children, to have a system where services are in place. It would be great for us to be able to check, for example, that people are aware of their rights and entitlements under our system. Anything that provides a focus and what could flow out of that to assist victims would be of benefit.

(The witnesses withdrew)

(Evidence continued in camera)