



15 July 2022

Policy, Reform & Legislation
Department of Communities and Justice
Locked Bag 5000
Parramatta NSW 2124

Our Ref:

BY EMAIL: policy@justice.nsw.gov.au

Dear Policy, Reform and Legislation Team,

Statutory Review of the Victims Rights and Support Act 2013 (NSW)

Multicultural NSW ("MNSW") welcomes the opportunity to submit a response to the Statutory Review of the Victims Rights and Support Act 2013 (NSW) (*"the Statutory Review"*).

Under the *Multicultural NSW Act 2000* (NSW), our agency is committed to promoting the rights of people from religiously, culturally, and linguistically diverse backgrounds. This includes promoting equitable access to government and community services for all diverse communities in NSW¹.

Purpose of the Statutory Review of the Victims Rights and Support Act 2013 (NSW)

The *Victims Rights and Support Act 2013* (NSW) (*"the Act"*) sets out the rights of victims of violent crime in NSW and establishes the Victims Support Scheme ("VSS") to ensure victims receive timely practical and financial support. This includes the provision of financial assistance and rehabilitation to meet immediate needs and recognise trauma suffered as the result of an act of violence perpetrated against a victim by another person².

The NSW Charter of Victims Rights, which underpins the VSS framework, sets out how victims of violent in crime in NSW are to be treated, including the right to:

- be treated with courtesy, compassion, and respect,
- information about, and access to, welfare, health, counselling, and legal services,
- information about the investigation and prosecution of an offender, and
- protection from the offender and protection of privacy³.

The purpose of the Statutory Review is to determine whether:

- a. the policy objectives of the Act remain valid, and
- b. the terms of the Act remain appropriate to achieve those policy objectives.

¹ *Multicultural NSW Act 2000* (NSW) s 12.

² Victims Services NSW, *Background Paper: Statutory Review of the Victims Rights and Support Act 2013* (NSW), April 2022, p. 3.

³ Victims Service NSW, *Charter of Victims Rights*, 14 June 2022, <[Charter of Victims Rights \(nsw.gov.au\)](https://www.nsw.gov.au/charter-of-victims-rights)>

Barriers to participation, impacting CALD victims' access to appropriate support services

By way of general comment, people from culturally and linguistically diverse (“CALD”) backgrounds are not a homogeneous group. It must be recognised that diversity exists across the CALD cohort in terms of languages spoken, religions practiced, lived experiences and socio-political backgrounds, which all contribute to how an individual interacts with, and engages, support services⁴. This is vital to ensuring the delivery of support services are appropriate and nuanced to the needs of victims of violent crimes who are from CALD backgrounds.

MNSW notes that within CALD cohorts, there are certain groups that may be more vulnerable to barriers to participation, which can impact equitable access to appropriate support services. Such groups include newly arrived migrants, refugee and asylum seekers, temporary visa holders, and women experiencing family and domestic violence. Some common barriers experienced by these groups include:

- language barriers – including access to interpreting and translation services,
- social isolation,
- experiences of pre-migration trauma,
- unfamiliarity with service systems and settings,
- discrimination and racism,
- fear of stigmatisation or retribution following disclosure of a violent offence,
- distrust of government services, and
- systematic barriers – such as a lack of CALD specific support services⁵.

Barriers to participation have the potential to compound experiences of violence or trauma. This is important to consider in the context of vulnerable cohorts in CALD communities, as data consistently suggests there are lower levels of reporting, particularly in relation to family and domestic violence, compared to the rest of the population⁶. Some suggested reasoning for the lower levels of reporting includes some cohorts within CALD communities may:

- not be aware of their rights as a victim of violent crime,
- have a different understanding or perception of what constitutes a violent crime, or
- are reluctant to disclose the act of violence due to the challenges experienced when attempting to access support⁷.

The 2021 Harmony Alliance Safety and Security Survey on migrant and refugee women’s experiences of domestic and family violence in Australia suggests one third of migrant and refugee women in Australia are likely to experience domestic and family violence⁸. Research also suggests that women in some CALD communities are more likely to experience specific forms of violence, compared to rest of the population – including forced marriage, female genital

⁴ Australian Institute of Criminology, *Adult Sexual Violence in Indigenous and Culturally and Linguistically Diverse Communities in Australia*, September 2007, No. 345, <https://core.ac.uk/download/pdf/30688343.pdf>

⁵ Victorian Government, *Data Collection Standards: Culturally and Linguistically Diverse Communities*, 1 April 2021, < [Data collection standards - Culturally and linguistically diverse communities | Victorian Government \(www.vic.gov.au\)](http://www.vic.gov.au)>

⁶ Rohani, E. (23 August 2021) *Invisible Women: Barriers Facing CALD Women in Family Violence Matters*, , Monash University Law Student’s Society, <[Invisible Women: Barriers Facing CALD Women in Family Violence Matters \(monashlss.com\)](http://monashlss.com)>

⁷ Ibid.

⁸ Segrave, M, Wickes, R & Keel, C. (2021), *Migrant and refugee women in Australia: The safety and security study*. Monash University (<https://doi.org/10.26180/14863872>).

mutilation, threats and coercion relating to visa status and dowry related violence – which are not readily recognised as forms of family violence⁹.

Additionally, women from across vulnerable cohorts in CALD communities are less likely to report an act of violence or are more likely to disclose experiences of violence much later compared to the broader population¹⁰. The Harmony Alliance Safety and Security Survey suggests there is a strong correlation between these barriers to participation and the ability or willingness to report incidence of family and domestic violence across some groups within CALD communities¹¹.

The findings of the Harmony Alliance Safety and Security Survey are a significant concern in the context of policy objectives under the *Victims Rights and Support Act 2013 (NSW)* and the VSS, as there is a real possibility that vulnerable groups within CALD communities may be disadvantaged when seeking justice after experiencing a violent crime or accessing supports critical to aiding recovery from harm resulting from an act of violence.

While the existing VSS supports and protects the rights of CALD victims of violent crime in NSW, MNSW is of the view that there is scope to strengthen the current framework through initiatives that address barriers to participation and promote better access to support services for CALD communities.

Accessibility through high quality language services

In particular, MNSW notes that access to high quality language services is still a significant barrier impacting CALD victims of crime in NSW, as there are various challenges relating to:

- access to ‘in-language’ resources and information about victims’ rights – particularly the rights of victims experiencing domestic and family violence,
- availability of accredited interpreters and translators,
- availability of ‘in language’ counselling support,
- lack of bi-cultural workers experienced in responding to victims of violent crime, and
- lack of training for interpreters and translators around the dynamics of family and domestic violence¹².

The engagement of high quality language services is critical to ensuring equitable access to support under the VSS and the justice system. However, it is important to recognise that ‘language services’ extends beyond the provision of translation and interpreting services and includes broader communication strategies that actively engage CALD communities to raise awareness about the rights of victims of violent crime in NSW and the availability of support services.

While MNSW acknowledges that important work is underway to improve access to language services for victims of violent crime – such as the incorporation of domestic and family violence awareness training for NAATI accredited interpreters and the implementation of initiatives under the NSW ‘It Stops Here’ domestic and family violence strategy – there is still additional work that needs to be undertaken to improve access to such services, particularly for vulnerable cohorts within CALD communities, to raise awareness about their rights under the VSS framework and support their successful recovery from harm caused as the result of an act of violence.

⁹ Victorian Government, (March 2016), *Royal Commission into Family Violence: Summary and Recommendations* <[Royal Commission into Family Violence: Summary](#)>

¹⁰ Segrave, M. above n 8.

¹¹ Ibid.

¹² Victorian Government, above n 9.

Improved data collection regarding CALD victims of violent crime

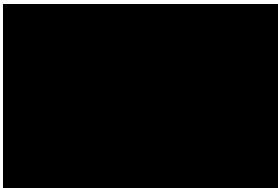
In the context of the Statutory Review, MNSW also notes that there is limited data relating to the prevalence of, and responses to, violence across CALD communities¹³. This information is critical to improving access to support under the VSS, as it enables government agencies, and other organisations, to identify vulnerable or 'at-risk' groups, understand cultural nuances and tailor communication strategies for CALD communities.

MNSW further notes that since the 2016 Royal Commission into Family Violence, the Victorian Government has implemented the Data Collection Standards for CALD Communities to address the data gap, track the prevalence of family violence in CALD communities and ensure greater consistency across agencies and services to address barriers to participation¹⁴. It is our view that a similar approach to the collation of data relating to CALD communities could be adopted in NSW to enhance service provision and the rights of victims of crime under the NSW VSS.

MNSW commends the NSW Government for opening the discussion for further review of the *Victims Rights and Support Act 2013 (NSW)* and allowing agencies to provide valuable feedback in relation to the Act and the VSS.

Our agency would welcome the opportunity to collaborate further with Victims Services NSW in relation to future initiatives resulting from the Statutory Review.

Yours faithfully,



Joseph La Posta
Chief Executive Officer

¹³ Segrave, M. above n 8.

¹⁴ Victorian Government, above n 5.