

Victims Rights and Support Act 2013 Summary of changes (January 2019)

These changes apply to applications made after 14 January 2019 unless otherwise noted. Below is a summary of some of the key amendments from the review of the *Victims Rights and Support Act 2013* (“the Act”), as well as other important changes commencing on the same date.

Improved access to counselling services

Unlimited counselling hours for victims of child sexual assault or child abuse are now available under the Act. This change applies to applications for initial counselling or requests for further hours of counselling made after 14 January 2019.

The amendments also increase family victims’ initial counselling entitlement to 22 hours to match the initial entitlements of primary victims.

People in rural and regional areas have increased access to Approved Counsellors with the introduction of a discretion for the Commissioner to approve counsellors with a wealth of experience and appropriate qualifications in these areas.

Recognising family victims

Prior to the amendments, the Act did not recognise children of deceased primary victims unless they were financially dependent on the deceased immediately before the act of violence. Similarly, spouses and partners of deceased primary victims who were not financially dependent on the deceased immediately before the homicide were not recognised.

The Act now ensures that children of primary victims, who were under 18 years at the time of the act of violence, are recognised regardless of financial dependency on the deceased. Further, the amendments ensure that spouses of deceased primary victims are recognised regardless of financial dependency.

The Act now also more accurately reflects the median cost of funerals. The maximum amount for funeral expenses has been increased to \$9,500.00.

Streamlining and improving the process

Internal review time limit

The amendments extend the time within which a victim may apply for an internal review of a decision concerning victims support from 28 days to 90 days. This change reflects concerns that the previous 28 day time limit disadvantaged vulnerable victims who may have limited access to justice. This change applies to applications made, but not determined before 14 January 2019.

Documentary evidence requirements are now less restrictive

Prior to the amendments, the Act required reports from police or a government agency to support an applicant’s claim to be the victim of an act of violence. The amendments broaden the types of reports that may support an applicant’s claim. Victims who have disclosed acts of violence to non-government organisation (“NGO”) support services may now provide reports from that NGO in support of their application for victims support.

Recognising there may be good reasons for delays in reporting

When determining an application for support, it is no longer relevant whether there were delays in reporting an act of violence to police or to a health practitioner. This amendment recognises the barriers to disclosing violence or seeking help from authorities that are an inherent part of a victim’s experience. This change applies to applications made, but not determined before 14 January 2019.

Eligibility for incidents involving motor vehicles

Separate amendments ensure victims of terrorist acts involving motor vehicles will be eligible for victims support.

Another separate amending Act provides eligibility to family victims of a death by motor vehicle where the offender has been charged with homicide.