

# VICTIM SUPPORT IN AUSTRALIA – A ROAD MAP FOR THE FUTURE

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I am pleased to have the opportunity to speak with you about the future of victim support in Australia and would like to thank the organisers for a wonderful conference.

Being chair of Victim Support Australasia (VSA) is an enormous privilege. It is an honorary position that I undertake over and above my statutory and administrative roles in the ACT.

This privilege enables me to listen to and learn from the country's many wise and deeply experienced policy makers and service deliverers in the victims of crime area, both inside and outside of government.

That said, in being so bold to suggest a paper providing A Road Map for the Future, I must commence with some caveats.

My reflections are my own, not necessarily the views of VSA nor its members. Also, the use of the concept of "road map" is perhaps a risky endeavour given the cynicism that has evolved with its use by the US in the Palestinian/Israeli conflict. That is, it can mean anything and nothing. I must leave that judgement with you at the conclusion of my talk.

My final caveat is that I am unlikely to provide said singular "road map" but rather, in the way of a tour operator, point out some interesting features in the landscape and draw your attention to some sign posts.

Now my personal approach to map reading is to get a picture in my head of the lay of the land. So I want to commence by a look backwards – albeit a selective look.

In contemplating the landscape, one thing is overwhelmingly clear and that is the extent to which over the past 10 to 15 years a quiet revolution has occurred across Australia and in many parts of the world in the shift from a "victims movement" to a complex and sophisticated sector.

Over the two days of this conference we have presentations that examine:

- The victimisation experience and through the different lens of age, gender, race and location;

- How different and how the same are issues for victims of different offences;
- The macro and a micro level responses of agencies to crime victims;
- Different approaches to the business of “doing justice”; and
- Reflections on the traumatic impact of crime and treatment for it.

This diversity and richness strongly suggests that ‘the sector – if I can call it that – is now well and truly ‘of age’ if still finding its feet.

I am proud that VSA has played a significant role in this evolution. Along with our sister national associations, the National Association of Services Against Sexual Violence (NASASV) and the WESNET (Women’s Emergency Services Network), VSA has acted to facilitate conversations, information sharing and problem solving across the Australian states and territories.

VSA’s predecessor in the early 1990s AVOCA (Australian Victims of Crime Association), acted to give voice to victim activists from a number of different communities. This heritage of the citizen activist is one we share with many other social movements such as the battered women’s movement and the civil rights movement. Remembering the heat and passion and determination of those activists – frequently themselves survivors of heinous crimes such as rape and murder – is the blood in our veins and keeps us all grounded.

The shift that VSA has been part of involved translating that heat and the issues thrown up into service responses.

- What did it mean to create support for victims of crime? What did that actually look like?
- Where were victims excluded from the justice process and what could be done to create linkages back for them?
- What was lost in the ruptured social contract that crime entailed and what steps needed to be taken to repair communal trust?

Of course the dynamic that VSA enjoyed was the distillation of the myriad debates, argument, trials and tribulations that took place at state and territory levels, and which the service representatives then elevated and crystallised at a national level.

VSA is not an entity in itself but rather a creature of key services. It does not represent governments but rather represents and reflects back to those same key services a kind of consensus thinking. It is worthwhile acknowledging that over a 10 year period from a place of not inconsiderable controversy, we now have a set of documents containing those reflections. These Position papers used the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) and the various policy manuals flowing from it as starting points. There is;

1. A Framework for Victim Services in Jurisdictions (2000).
2. A description of core components in Partnerships with Police Services (2001).
3. Key principles in working with volunteers (2001).

4. A very extensive document of service standards drawn from national and international benchmarks.
5. A Position paper on the Role of the Victim in the Criminal Justice System (2005) which took over two years of discussion and refinement) and most recently;
6. A Statement of Reconciliation and Engagement with Indigenous Australians.

Like many consensus documents these can very quickly look tame. However, in an area where the political and public debates could easily have boiled over and generated interventions and law reform we would have come to regret, these papers and the discursive processes from which they arose, have helped frame and channel developments across the country.

VSA has also acted to facilitate better operational networking between services across the country. Member services contributed their knowledge to a map of service profiles, then to the creation of a national directory and, just two years ago, to establishing a national website. At this website anyone, wherever their experience of victimisation, can find information and a link back to their jurisdictional service.

VSA has acted as a conduit through which members share information about their own developments and problems. Each of the states and territories have, over the past 10-15 years, witnessed massive changes in the recognition of victims, their rights and entitlements, and in service delivery models. Rather than continually reinvent the wheel, we have (we think) been able to learn and grow together.

Through these means VSA's member services have sought to make the principles of the UN Victims Declaration universal across the country.

Member services have frequently bemoaned the absence of sound empirical research in Australia. We have all, in our submissions, our reviews and in our law reform processes, scrambled to find sources for an evidence-base to our work. So I am particularly pleased that VSA is an industry partner to a major national research project being conducted by the University of Melbourne. This research was stimulated by Victoria's previous Chief Justice, the Hon. John Phillips. His Honour argued for research that would help formulate what he called "a blueprint for reform" of Australia's justice system vis a vis victims. The research focus on procedural justice recognises the conceptual and theoretical importance of fair and inclusive processes to victims as well as to offenders.

The research has been in the field in South Australia and is about to commence in the ACT. It is hoped that respondents can also be drawn from other jurisdictions. From this we would have a truly national picture of what victims value in their interaction with the justice process.

Now none of these developments – the position papers, directories, service networks and research – have come terribly easily. We have all tiptoed

through areas of tension between government and non-government member interests and perspectives; between debates about whether this rights-based approach is more effective than that focus on service delivery; and between the preferences of some for more lobbying and preferences of others for a more cautious approach to change.

So it is at this point that our tour might look at the road ahead and contemplate future directions.

Of course all of you will have particular ideas about what you want for your own jurisdiction. But how does this look, as Suzanne Whiting from Victoria's Victim Support Agency has said, when we sit on the mountain and observe the larger map around us?

For what it is worth, here is some of what I see from that vantage point.

### 1. Universality

Australia has been well served by the diversity and intense local focus of many community developments and services. However, we are all troubled by some implications of that attention. Working in a cooperative and facilitative manner, VSA member services and others (NASASAV, WESNET etc) have worked hard to minimise the negative impact and effect of variability between and within jurisdictions. There have been huge benefits to victims through these efforts especially in assisting people who have been victimised in one area and are returning to their home jurisdiction.

We all have stories about how our personal connections with colleagues in interstate services have helped re-settle whole families. These efforts may mean that Australia functions better in helping crime victims than in the comparable federal systems of Canada and the US, but we are not as advanced as Council of Europe countries.

Have we exhausted the scope of our informal arrangements? Is there now a role for governments to take action to make good the promise of universal application of access to rights and services?

It may be that there is now a good synergy to be harnessed between the deep collaborative ties built up over the years and the new "cooperative federalism".

### 2. Access & Equity

This resonates with the principle of universality. And is different.

Issues of access and equity cover many things – coverage for rural and remote areas, differential responses to offence types and the elimination of all forms of discrimination, for example.

All services across the states and territories are particularly making sustained and passionate efforts to improve their accessibility and relevance to

Aboriginal and Torres Strait islander communities and victims. We have clearly now moved from simply producing specially targeted leaflets to some serious efforts to fashion interventions that recognise inter-generational and communal trauma; that recognise the 'embeddedness' (if there is such a word) of the individual with family, community and place; and that help build Indigenous and non-Indigenous capacities for self determining responses.

An access and equity approach to service delivery must also respond to what the victimisation survey are telling us – that it is young people who are most at risk of crime and victimisation; and that young women and young men both demand different ways of doing things. Perhaps our “come in and make an appointment” approach to intervention is just not going to cut it with Generation X and Generation Y.

### 3. Open and critical self-reflection

Is something I think we need to get better at. We may occasionally be 'jumped' by political and other pressures to implement this or that particular pet project. But underneath it all we should be looking for ways to improve our judgement and our decision-making about what works for victims.

Just because we can deliver counselling and just because we all have compensation schemes doesn't mean that these are the most effective or only things that we can do. And debate about all these things can only be healthy. I do fear for a robust democracy and informed citizenry if we are too risk averse with our conversations across sectors, across governments and across disciplines.

### 4. Research

Connected to the importance of critical self-reflection is my fourth signpost about *research*. How the hell are we supposed to make sound judgements about future directions without decent research? The absence in Australia of good researcher, of well-versed and up-to-date theoreticians and anything remotely like a vigorous academic community interested in victimology and related areas may well be connected to the lack of national research priorities.

And this in turn may be connected to our services and our state and territory governments not stepping up to the mark, pooling resources and working *together* in setting a national agenda. Surely through our various connections with the Criminology Research council and the National Mental Health & Medical Research Council we should be able to strategise for one or two really well-founded, longitudinal and national research projects!

### 5. Quality Assurance

My next signpost is one of those boring and perhaps bureaucratic things. It might head us into a swamp or it could be we sit under a tree and contemplate the key questions of *quality*. If we are honest, the quality and consistency of quality in what we do is variable. We may all have pockets and projects of

excellence but how content are we with this? For me having a look at the core competencies of our workforce is a big one. Those of us who have been involved in developing national core competencies in other areas may shudder at the thought of having another go. But I think we will need to get to this sometime in the near future.

Connected to the issues of a qualified and skilled workforce is the quality context of our services and responses. We heard this morning of the interest from governments about national benchmarks. Perhaps there is something different to benchmarking that gets us to the same point? Perhaps, for example, we could look at comparable human service industries where accredited standards exist and adapt a national framework? Accreditation largely comes from industry itself. Although this is also incredibly detailed work, accreditation is a quality assurance framework employed in many other areas of public and private service. Why not to victim services?

Only two more signposts to go now for the journey.

## 6. Victims Rights

We really must get serious about this idea of victims rights! In his keynote yesterday, Professor Waller challenged governments who signed the UN Victims Declaration to move from fine words to action. I acknowledge all our governments have acted on the Declaration in some way but nowhere are these actually translated into actual legal rights.

Our Canadian presenters have emphasised victims rights as human rights. Frankly, from the UN Human Rights Declaration to those in Canada, the UK, New Zealand and here in the ACT and in Victoria there are very very few specific connections between those instruments and those specifically related to victims of crime. That case law which exists in overseas human rights jurisdictions relates – so far as I can see – to defending the small advances that victims have made to protect their interests from challenges from the accused person's fair trial rights in human rights law. I don't see much evidence – except perhaps in the jurisdiction of the International Criminal Court where the language of human rights is actually being employed to advance the position of victims.

In both the ACT and Victoria the respective legislatures kept the notion of human rights in the time warp of the 1960s and ignored successive international instruments around the rights of children and women, in relation to torture and victim per se.

Existing victims rights instruments in most Australian and overseas jurisdictions are characterised by what many would generously call "restraint". Here today we have heard examples that call for higher recognition of rights to participation and indeed rights to standing; and rights to initiate process and to representation in that process; and that these should apply in whatever resolution process – criminal, civil, tribunal, communal or restorative.

## 7. A National Partnership

My final signpost has some flashing lights around it. The advent of the Federal Government into the area of victims rights and services creates both dangers and opportunities. An audience member this morning touched the raw nerve of states rights – perhaps inadvertently – even while the speaker reassured us that the focus of federal interest was on the Commonwealth criminal jurisdiction.

Can we expect the Commonwealth to leap to the highest standard for victims rights provided by the International Criminal Court? What will the eventual standard adopted mean for the states and territories? Do we prefer the Commonwealth to continue to rely on the availability of victims services at a state and territory level or develop their own? Of course this has particular implications when we consider major matters such as acts of terror.

Federal governments in Canada and the United States have had major influences in these areas – in research, in generating and targeting funds, and in model law reform. Perhaps this strategic focus will be influential here?

In conclusion, my signposts don't draw attention to the gullies and dead ends we have all fallen into at some time or other. But I feel we can all be justifiably proud of the advances that have been made across the country in many areas of service and law reform.

There are many opportunities opening up to strengthen the principles of universal access and universal rights for all members of the Australian community wherever they live. We need to keep a clear focus on these strategic goals, and to draw on all the wisdom of those who have gone before us to achieve them.

Thank you again to South Australia for an excellent conference and to you all for being such a generous audience.