

NSW Victims Support Scheme: A Guide for Case Managers

For domestic and family violence,
sexual assault, and modern slavery claims



WSU JUSTICE CLINIC



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Disclaimer

The information contained within this guide is current at the date of publication and does not constitute legal advice. While all care has been taken in preparing this guide, the relevant legislation and administration of the NSW Victims Support Scheme may be subject to changes over time.

This guide is not intended to take the place of legal advice given by a qualified legal practitioner, and no responsibility is taken for any loss suffered resulting from the information contained within.

About this Practice Guide

The NSW Victims Support Scheme

The Victims Support Scheme (also referred to as the 'VSS', and 'the scheme') is designed to help people who have been injured physically or psychologically by a violent crime or modern slavery in NSW, including victim survivors of domestic and family violence, child or adult sexual assault, and slavery-related abuse.

The supports available through the VSS include counselling and a range of financial support options, depending on individual circumstances.

Context and scope

This guide is written with a specific focus on applications for victim support made by primary victims of domestic and family violence, sexual assault, and modern slavery.

While victims are not required to have legal representation to make an application for victim support, our experience is that factors such as the complexities of the scheme and the particular vulnerabilities of victims, which can include trauma, language, disability or other factors, result in victims frequently seeking legal representation.

This guide is designed to build the capacity of case managers to support their clients to make applications for victim support, without seeking legal representation. It may also assist case managers to support clients who are legally represented.

Victims and their personal supporters (for example, family, friends, and personal representatives) may also find the guide content useful in preparing an application for victim support.

Trauma-informed approach

This guide takes a trauma-informed approach to working with victims. In this context, a trauma-informed approach is one 'that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both providers and survivors, and that creates opportunities for survivors to rebuild a sense of control and empowerment'.¹



Terminology

Victim

‘Victim’ is used throughout this document as a term to describe people who have been injured due to a violent crime or modern slavery, as the terminology is consistent with the legislation and policy governing the administration of the Victims Support Scheme.

While the term ‘victim’ reflects the serious and ongoing harm caused by violent crimes and modern slavery, we acknowledge that ‘survivor’ or ‘victim-survivor’ may be more appropriate or preferred by people who have experienced such violence and abuse.

Violent crime and act of violence

The terms ‘violent crime’ and ‘act of violence’ are used interchangeably in this document. Both refer directly to an act apparently committed during an offence involving violent conduct, including sexual and family violence, resulting in physical or psychological harm to another person.

Modern slavery

‘Modern slavery’ refers to conduct that encompasses any of the offences set out in the *Modern Slavery Act 2018* (NSW), including forced labour, sexual servitude, forced marriage, debt bondage, and other slavery-like offences and human trafficking, including exit trafficking.

Victim support

‘Victim support’ refers to any supports claimed under the Victims Support Scheme, including counselling, financial assistance for immediate needs, the Immediate Needs Support Package (INSP), financial assistance for economic loss and recognition payments.

Legislative context

The Victim Support Scheme is administered in accordance with the *Victims Rights and Support Act 2013* (NSW) and *Victims Rights and Support Regulation 2019* (NSW).

The offences that determine eligibility for the scheme are contained within the *Crimes Act 1900* (NSW) the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) and the *Modern Slavery Act 2018* (NSW).²

The NSW Department of Communities and Justice (DCJ) described the scheme as consistent with the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.³



The NSW Victims Support Scheme – Overview

The Victims Support Scheme is a government-funded scheme designed to help people who have been injured physically or psychologically by a violent crime or modern slavery in NSW. The VSS is administered by Victims Services NSW, which is part of the NSW Department of Communities and Justice (DCJ).

Victims of domestic and family violence, and modern slavery, may be eligible for a combination of the below supports through the scheme:

Counselling

The scheme provides 22 hours of counselling, to be accessed through an approved counsellor registered with Victims Services. Further counselling hours may be approved if requested and the Commissioner of Victims Rights approves the request.

Financial assistance for immediate needs

Financial assistance for immediate needs is a payment of up to \$5,000 to help cover urgent health, safety or security expenses that occur resulting from the violent crime or modern slavery. To claim financial assistance for immediate needs, receipts and invoices for individual expenses must be provided.

Immediate Needs Support Package (INSP)

The Immediate Needs Support Package is available **only** to victims of domestic and family violence, providing a grant of up to \$5,000 paid in advance of relocation and safety expenses being incurred. While receipts and invoices are not required to receive the payment, Victims Services require that recipients keep records to show that their INSP was used for the purpose it was approved. These records must be kept for a period of five years.

Financial assistance for economic loss

Financial assistance for economic loss is available to help cover other expenses resulting from the violent crime or modern slavery. Victims can claim up to \$30,000 to cover expenses such as damage or loss to clothing or property occurring because of the violence or modern slavery, actual loss of earnings, medical bills, and other out of pocket expenses.

Recognition payment

A recognition payment is a lump sum payment made to recognise the trauma experienced by a victim from their experience of a violent crime or act of modern slavery. Recognition payments are determined using a category system, with reference to the type of act committed and injury caused.

The categories of recognition payment are set out in [Table A](#) below.



Table A Recognition payment categories

Category D \$1,500	For a primary victim of: • an attempted sexual assault (not resulting in serious bodily injury), • an assault (not resulting in grievous bodily harm), • sexual touching or sexual act, or • a robbery involving violence.
Category C \$5,000	For a primary victim of: • sexual assault (one act i.e. not part of a series of related acts), • an attempted sexual assault resulting in serious bodily injury, • an assault resulting in grievous bodily harm, or • physical assault of a child that is one of a series of related acts.
Category B \$10,000	For a primary victim of a: • sexual assault involving: • serious bodily injury, • multiple offenders, or • an offensive weapon, OR • sexual assault, sexual act, or attempted sexual assault that is one of a series of related acts.
Category A \$7,500	For a parent, step-parent, guardian, spouse or de facto partner of a homicide victim
Category A \$15,000	For financially dependent family victims or children under 18 of a homicide victim

A fuller description of each support type, along with evidence required and application time limits, is available on the Victims Services website.⁴

There is also a discussion of 'related acts' and what constitutes 'serious bodily injury' and 'grievous bodily harm' under [*Preparing supporting evidence*](#).



Making an Application for Victim Support





Gathering information from your client

Before making any application for support under the VSS, you should gather the below information from your client:

- A description of the act/s of violence or modern slavery, including either a specific date, or a date range during which it occurred, noting that in the context of family and domestic violence and modern slavery, the offences may have occurred over a significant period of time;
- The name and date of birth of the offender, if known;
- The address at which the violence took place;
- Any evidence that a report was made to police (e.g. the date of the report, event number, case number, copy of witness statement, and/or name of officer);
- Any evidence that a report of the violence or slavery was made to any other support service, and the contact details for that support service including any contact person;
- Any court orders in place (e.g. provisional ADVO, final ADVO) or court documents (e.g. a court attendance notice, hearing subpoena, or other record);
- Government-issued ID, which might include a passport, driver licence, Medicare card, Centrelink card, birth certificate, marriage certificate, photo card, or change of name certificate;
- Bank account details (e.g. account name, BSB, account number) for the application form.

It may be possible to gather much of this information from documents already held on file or provided to your organisation along with your client's referral. It is preferable to obtain as much information through document review to minimise the risk of re-traumatisation.

You should also consider and discuss the below issues with your client:

Importance of providing truthful and correct information

It is important for your client to understand that they are obliged to provide truthful and correct information in making an application under the VSS, and that giving false or misleading information is serious and may adversely affect the outcome of the application, or lead to criminal or civil legal action. Clients should also be aware that Victims Services may make relevant enquiries to verify the information provided, including to state and federal government agencies and authorities.

Acting as your client's representative

To make an application on behalf of your client, you will need their express written consent to act as their representative. You will need to ask your client to sign the VSS '[Authorising a representative](#)' form,⁵ and provide a copy of the form along with the client's government-issued identification to Victims Services.

By authorising you as a representative, your client gives consent for you to communicate and exchange information with Victims Services. Your client can also select for you to receive correspondence, including decisions, about their application.

Prior VSS applications

If your client has made a prior application under the VSS, it may impact on their current or future claim. It is important to establish whether your client has made an application under the VSS previously, and if so, the details of this application (e.g. details of the violence / offender, details of the supports / financial assistance received).

If your client is unsure, they can contact Victims Services and request information about past applications, including copies of the application form and decision/s. Alternatively, as your client's representative, you can contact Victims Services directly to request this information. You can make the request to Victims Services by email, attaching a copy of your authorised representative form and a copy of your client's ID.



If a prior application has been made, we recommend seeking legal advice at this stage of the process, to determine whether there is a potential impact on the current or any future claim.

Funding from other sources

Your client will be required to disclose any funding received from another source in relation to the act/s of violence or modern slavery. An example is where your client has received workers compensation for an injury that occurred during an act of violence or modern slavery in the workplace.

Where a client has accessed other domestic and family violence funding, for example Start Safely or the Escaping Violence Package, this should be disclosed in full.

Other funding received may also impact the specific supports claimed by your client, which is detailed more fully under [Evidence requirements](#), and [Preparing supporting evidence](#).

Related acts

When making an application for victim support, you will be asked to provide the date or date range of the act of violence or modern slavery. It may be that your client has experienced more than one act of violence and you need to decide whether to make more than one application.

In that instance, you will need to consider what the VSS considers 'related acts'. Related acts are two or more acts that are related because they:

- were committed against the same person AND
- were committed at approximately the same time; or
- over a period of time by the same perpetrator; or
- were 'for any other reason' related to each other in the opinion of the VSS decision maker.

If the violence is found to be a series of 'related acts' then it is considered to be one act of violence, meaning that only one application can

be made. This is frequently the case in situations where an application is being made for domestic or family violence that has occurred over a period of time.

An act is not related to any earlier act if the act occurs after victim support has already been given for the earlier act.

If more than one application will be made, you will need to have evidence and make arguments to distinguish the acts of violence from one another.

Assessing your client's eligibility for the scheme

To make an assessment of your client's eligibility for the VSS, the key questions to ask are whether they were the victim of a violent crime or modern slavery that took place in NSW, and whether they experienced physical or psychological injury as a result.

Some points to note about eligibility:

- It is still possible to apply where the violence or modern slavery took place in more than one place (e.g. in NSW and Victoria, or in NSW and in an overseas country), though only the violence or slavery that took place in NSW will be considered for victim support.
- It is **not** a requirement that a perpetrator of the violence or slavery has been charged or convicted of an offence. The scheme is a civil scheme where the documentary evidence need only be enough to support your client's claim 'on the balance of probability' (and does not need to meet the criminal standard of proof).
- The scheme is considered a beneficial legislative scheme, which means it is intended to operate beneficially for victims, including that where there is ambiguity the matter should be resolved in favour of the victim to give effect to the purpose of the legislation.
- There is no requirement for a victim to be an Australian citizen to access the scheme.



Identifying the support packages your client can claim

You should next consider which supports available under the scheme may be appropriate, taking into account your client's particular circumstances.

This involves considering whether the client's application can be made within the time limits required for each support, as well as what

supporting evidence is available or needs to be obtained to demonstrate that your client is the primary victim of an act of violence or modern slavery and was injured as a result. [Table B – Evidence requirements checklist](#), and [Table C – Time limits](#), provide a checklist and detailed guidance.



Evidence requirements and time limits

Table B Evidence requirements checklist

Counselling	
☐	Application for Support form
☐	Government-issued identification
Evidence must be provided at the time of making the application	
Financial assistance for immediate needs	
☐	Application for Support form
☐	Government-issued identification
Either:	
☐	Evidence of reporting to police (e.g. police report, event number, date of report and name of officer / station, provisional or final ADVO)
Or	
☐	A report from a government or non-government organisation confirming your client reported the violence or modern slavery (e.g. intake assessment, referral documents, support letter)
Or	
☐	A medical or counselling report showing how the violence or modern slavery has affected your client, which could include a Certificate of Injury ⁶
And	
☐	Copies of itemised tax invoices, receipts, or treatment plans, and a description of how the costs are related to the violence or modern slavery
Evidence must be provided at the time of making the application	
Immediate Needs Support Package (INSP)	
☐	Application for Support form
☐	Immediate Needs Support Package (INSP) Claim Form, detailing why your client requires the funds and how they will be used
☐	Government-issued identification
Either:	
☐	Evidence of reporting to police (e.g. police report, event number, date of report and name of officer / station, provisional or final ADVO)
Or	
☐	A report from a government or non-government organisation confirming that your client reported the violence or modern slavery (e.g. intake assessment, referral documents, support letter)
Evidence must be provided at the time of making the application	

Table B continued ↓



Financial assistance for economic loss

- ☐ Application for Support form
- ☐ Government-issued identification

Either:

- ☐ Evidence of reporting to police (e.g. police report, event number, date of report and name of officer / station, provisional or final ADVO)

Or

- ☐ A report from a government or non-government organisation confirming that your client reported the violence or modern slavery (e.g. intake assessment, referral documents, support letter)

And

- ☐ Medical, dental or counselling report(s) that show how the incident/s affected your client
- ☐ Copies of itemised tax invoices, receipts or treatment plans, and a description of how the costs are related to the violence or modern slavery

If claiming lost income for your client:

- ☐ A completed Claim for Loss of Earnings⁷
- ☐ A Certificate of Earnings⁸ completed by your client's employer or accountant

To make claims for new expenses on existing applications, you need to complete a new **Expense Form⁹**

Evidence must be provided at the time of making the application

Recognition payment

- ☐ Application for Support form

Either:

- ☐ Evidence of reporting to police (e.g. police report, event number, date of report and name of officer / station, provisional or final ADVO)

Or

- ☐ A report from a government or non-government organisation confirming that your client reported the violence or modern slavery (e.g. intake assessment, referral documents, support letter)

And

- ☐ Medical, dental or counselling report(s) that show the impact of the violence on your client's physical and / or psychological health (e.g. support letters or reports, hospital discharge summaries, medical assessments, a completed Certificate of Injury,¹⁰ clinical notes)

Government issued identification, and evidence or reporting to police or a government or non-government organisation, must be provided at the time of making the application

Evidence of injury can be provided up to 12 months after the date of application, noting that eligibility for a recognition payment should not be assessed until all evidence is received



Table C Time limits to make an application

Counselling	There is no time limit
Financial assistance for immediate needs	Adults: within 2 years of the violence or modern slavery Children: within 2 years of turning 18
Immediate Needs Support Package (INSP)	Adults: within 2 years of the violence or modern slavery Children: within 2 years of turning 18
Financial assistance for economic loss	Adults: within 2 years of the violence or modern slavery Children: within 2 years of turning 18 For victims of childhood sexual assault: no time limit for out-of-pocket expenses, all other economic loss within 2 years of turning 18
Recognition payment	Adults: within 2 years of the violence or modern slavery Children: within 2 years of turning 18 For victims of domestic violence, sexual assault, or child abuse: Adults: within 10 years of the violence Children: within 10 years of turning 18 For victims of childhood sexual assault there is no time limit

Preparing supporting evidence

The quality of evidence provided to Victims Services has a significant impact on the outcome of an application.

When considering any application for support, Victims Services assessors are required to determine that the act of violence or modern slavery is likely to have occurred, and occurred within the required timeframe for the application, and that the victim was injured physically or psychologically as a direct result.

Evidence must show that these facts have been established on the balance of probabilities, which is assisted by providing detailed documentary evidence. Guidance on gathering and preparing specific evidence types is below:

Police evidence

There can be challenges for clients when trying to gather police evidence, particularly as police are often reluctant to provide victims with copies

of statements or reports unless they were requested during the initial interview.

This can be overcome by providing Victims Services with as much information as possible regarding police reports, as Victims Services are able to search for and access police records to assist in their assessment of applications. If possible, your client should provide the date/s a report was made, an event number, and the name of the officer and station. The full name and date of birth of the offender may also assist.

Government and non-government reports

In the event a report was not made to police, Victims Services will accept a report of the crime to a government or non-government support agency as evidence.

Evidence of reporting to a government or non-government support agency is not required to be in any specific format, and can include documents such as intake assessments, referral letters, case notes and plans, and support letters.



The documents provided to Victims Services should give, at a minimum, the date/s of the violence or modern slavery, details of the perpetrator if known, the date of disclosure, and specific details about what your client experienced, remembering that this information will be used by Victims Services to determine that the violence or modern slavery occurred on the balance of probabilities. You can provide multiple pieces of evidence, if you feel that individual documents will not give sufficient weight to the application.

Evidence of injury

The type of injury experienced by your client and evidence of that physical or psychological injury directly impacts the category of recognition payment that your client will be eligible to receive.

When making an application for a recognition payment, you are not required to specify the category for which you believe your client is eligible. Usually Victims Services will make this determination based on the evidence available, which is why providing quality evidence of injury is so important. If you know which category your client is seeking, then you are able to specify that in an email to Victims Services before they make their decision.

Evidence of injury can be provided by a range of medical and allied health professionals, including general practitioners, case workers, hospital registrars and emergency department staff, psychiatrists, psychologists, and counsellors.

Evidence of injury can also be provided in a range of formats, using existing documents such as clinical notes, hospital discharge records, and copies of results, or by requesting that a treating professional provide either a Certificate of Injury,¹¹ support letter or a medical report.

Evidence of injury should clearly connect your client's physical and / or psychological injury to the violence or modern slavery experienced.

If you need to request evidence of injury from third parties, you will require your client's written consent for the third party to provide and release this information to you.

Gathering evidence of injury for a recognition payment may take some time, however this can be advantageous because it may provide time for your client to seek recovery care including counselling, and to determine whether the injury has been resolved, or whether it is likely to have ongoing or permanent impact. This determination can impact their recognition payment category, as discussed below.

Evidence of injury: serious bodily injury and grievous bodily harm

It is helpful to understand what is meant by the terms 'serious bodily injury' and 'grievous bodily harm' in the recognition payment categories, so that you can provide the best evidence possible to ensure your client receives maximum support.

Under the VSS legislation and recent case law, injury includes both physical and psychological or psychiatric harm.¹² 'Grievous bodily harm'¹³ means 'serious bodily injury',¹⁴ and includes psychological injury.¹⁵ The term 'serious bodily injury' has its ordinary dictionary meaning and, for psychological or psychiatric harm, must be 'more than trifling, be of grave aspect and / or give cause for apprehension'.¹⁶

Based on our experience and recent case law, to show that your client has experienced serious bodily injury, including psychological injury, the evidence provided to Victims Services should show:

- that there is an **ongoing need** for psychological treatment (counselling, psychologist, psychiatrist, medications, etc) or physical treatment (surgery, medications, etc);
- the long **duration** of symptoms or injury, or the fact that symptoms or injury have not resolved;
- your client's **day-to-day functioning** is affected; and
- an **expert diagnosis** from a medical or health professional.

When a victim has a pre-existing condition, medical evidence that details how a victim's pre-existing condition/s were deteriorated,



aggravated or exacerbated by the act of violence or modern slavery has been accepted to show the impact amounts to grievous bodily harm.

Recent case law also indicates that police charges against a person should not be relevant to determining whether the victim suffered actual bodily harm or grievous bodily harm for these victim support matters.¹⁷

Immediate Needs Support Package (INSP) Claim Form

When making a claim for the INSP, you will need to complete and submit the INSP Claim Form¹⁸ along with the other evidence required for the application.

Before completing the claim form, your client will need to determine which INSP 'packages' best meet their needs, noting that they can only claim a total amount of up to \$5,000.

Table D INSP Packages

Package	Amount
Package A: Rent assistance – Greater Metropolitan Region (GMR)	\$3,150
Package B: Rent assistance – Outside GMR	\$2,100
Package C: Household items	\$1,650 + \$300 per child
Package D: Clothing and toiletries	\$300 + \$300 per child
Package E: Whitegoods and appliances	\$1,550
Package F1: Change of locks	\$300
Package F2: Security cameras	\$2,300
Package F3: Security windows/doors	\$2,000
Package F4: Alarm system	\$900
Package G: Storage	\$600
Package H: Removalist	\$700



Your client can request partial amounts from a range of packages, if this best meets their needs. This should be specified in the INSP Claim Form when responding to the relevant question using a statement to the effect of *'the applicant respectfully requests a grant of \$X for Package X, \$X for Package Y and \$X for Package Z'*.

You will also be required to disclose any other funding received from other service providers when making an INSP application. These include rent assistance from Centrelink or Start Safely, the Escaping Violence Package (EVP), Staying Home Leaving Violence, or funding from any other source. We recommend requesting INSP packages that differ from what has been provided through other funding sources. For example, if receiving assistance with rent as part of the EVP, your client should avoid also requesting rent assistance as part of the INSP and choose alternative packages from the list of options.

If your client has not yet found new accommodation, they are still able to claim Package A or Package B for rent assistance.

When completing the INSP claim form, you are required to explain why each selected package is necessary to keep your client safe and healthy or to ensure their wellbeing as a result of the crime. You should provide a short summary and refer to the supporting documents.

When writing a rationale paragraph, relevant details may include:

- specific details of recent violence experienced, including types of abuse;
- the date that your client left the home, and any specific incident of violence that led to their departure;
- details of your client's current accommodation e.g. whether it is emergency or temporary;
- details of any goals your client has relating to new accommodation;

- a brief explanation of the safety concerns that prevent your client from returning to their previous accommodation, either to live or to access their belongings.

The completed INSP form cannot be signed by you as a representative, it must be signed and dated by your client.

As discussed previously, Victims Services require that recipients keep records to show that their INSP was used for the purpose it was approved. These records must be kept for a period of five years. If your client has previously received an INSP, this must be disclosed, and evidence of expenditure must be provided.

This should be discussed with your client both before applying for an INSP, and when an INSP is received. Non-compliance with this condition can have significant consequences, particularly where your client may make further applications for victim support in the future.

Writing support letters

As a case manager, your own support letter is of great value to an application for victim support. We recommend writing and submitting a support letter to accompany any application for financial assistance or recognition payment.

A good support letter may include the below:

- Introduction, including: your name, role and organisation; a description of the service you provide; your relationship with the client; the duration of your client's engagement with the service, your client's full name and date of birth.
- History of family and domestic violence / modern slavery, including: a summary of the client's disclosure to you; information about the duration of the violence; any specific details / incidents that give weight to demonstrating that the violence occurred on the balance of probabilities.



- Impact of violence, including: ongoing physical or psychological injuries experienced by the client, including description of impact on daily functioning; any ongoing physical or psychological treatment required; any medications prescribed to the client; any ongoing professional support or service intervention required; and, professional observations of the client's behaviour and presentation.
- Other issues, for example: housing and financial issues; any other needs relating to supports claimed (e.g. INSP) because of the violence experienced.
- Conclusion, including: a clear statement in support of the client's application.
- Signature, which includes your full name, role, and any relevant qualifications.

Completing the application

The Application for Support

An application for victim support can be made online, using the Application for Support Form,¹⁹ available on the Victims Services website.

To complete the application, you will need the background information gathered about your client and the acts of violence or modern slavery they have experienced, along with any required supporting documents and forms.

The online application for support allows you to save an incomplete application and return to complete it later.

When making an application, you do not have to apply for all the desired supports at the same time. For example, you can apply for counselling in relation to a particular act of violence, and then make a later application for other supports required. If you make a staggered application, it is important to ensure that all information provided is consistent, and that you give your client's Victims Services reference number in any additional related applications.

Once you have completed the application online, you will receive confirmation from Victims Services that provides an application reference number, and a copy of your completed application including any attachments. You will also be advised if the application is incomplete, or any further information is required.

You are also able to complete the application using a PDF form,²⁰ which you can then email to Victims Services at vs@dcj.nsw.gov.au or send via post.

Common issues in completing the application

Contact details for the applicant

In circumstances where the applicant resides at a confidential address, for example a refuge or safe house, contact details of the service provider such as a PO Box address are sufficient to provide Victims Services. You should note that the client resides in a confidential refuge address in one of the available address lines.

Authorising a representative

If your client authorises you as a representative, ensure that you complete this section. You will be required to provide reasons that you are representing your client. Examples of 'other' reasons might include language, vulnerability or trauma. You will also need to provide the client's signed authority for you to act as a representative, using the Victims Services 'Authorising a representative' form.

Correspondence

You will be asked to select who should receive correspondence related to the claim, and your client's preferred method for receiving correspondence. You should discuss with your client whether they would like you to receive all correspondence as your representative, or whether they would also like to receive correspondence.

Document limits

The online application form has limits to the number of documents you can attach, as well as their individual file sizes. You are able to provide any additional documents to Victims Services via email, with reference to the application number.



Receiving a decision from Victims Services

Victims Services will provide a written notice of decision for each support that your client has applied for.

The time taken for Victims Services to decide the outcome of any initial application is varied. In our experience, applications for counselling and some types of financial assistance are decided relatively quickly, but recognition payments can take significantly longer.

You can expect to receive decisions about different supports separately, as they are made.

Review and appeal processes

If your client is unhappy with the outcome of their application, for example if their request for support is declined by Victims Services or they do not receive the category of recognition payment they feel they are eligible for, they may be able to request an Internal Review of the decision.

An application for Internal Review must be made within 90 days of the decision in question being made. Victims Services will decide the outcome of an internal review application within 42 days.

If your client is unhappy with the outcome of the Internal Review, your client may be able to make a further appeal to the NSW Civil and Administrative Tribunal (NCAT).

We recommend seeking legal advice before lodging a request for Internal Review or making an application to NCAT.



Frequently Asked Questions

Applications

Can my client withdraw an application?

After an application has been made, your client may request that it is withdrawn, as long as Victims Services have not already made a decision. Your client, or you as their representative, should either telephone or email Victims Services to make a withdrawal request.

Is the information my client shares in their application confidential?

The information provided to Victims Services is confidential and used only for the purpose of assessing your client's application for support. Victims Services, as part of the NSW Department of Communities and Justice (DCJ), is also bound by a Privacy Policy²¹ and Privacy Management Plan.²²

It is important to be aware that while information is confidential, when your client receives financial support through the VSS, Victims Services may later seek a Restitution Order against the perpetrator of the crime. A Restitution Order requires the perpetrator to pay Victims Services a sum of money to offset the financial support paid to the victim, meaning that the perpetrator will later become aware that your client made the claim. It is important to note that this **only** occurs where the perpetrator has been convicted of the criminal offence relating to the victim's claim.

Does my client have to know or disclose the name of the perpetrator to Victims Services?

Your client does not have to know or disclose the name of the perpetrator to Victims Services, so long as they can provide evidence of reporting the act of violence or modern slavery, as detailed under [Evidence requirements](#) and [Preparing supporting evidence](#). In circumstances where the crime and the name of the perpetrator were reported to police, and no other details about the reporting are available, it may be advantageous to share the name of the perpetrator to assist Victims Services to locate the relevant police records. Your client should be aware that the information provided to Victims Services is confidential and used only for the purpose of assessing your client's application for support, except for circumstances in which a Restitution Order is sought.



Q Does my client need to have engaged with police to make an application?

A police report can be helpful evidence to provide Victims Services, but there is an understanding that people experiencing violence or modern slavery may not have reported to police for a range of reasons. In the absence of a police report, a government funded organisation report or a report from a government agency may be provided to Victims Services, outlining the client's disclosure of the violence or modern slavery. In the absence of a police report, it is very important that any report provided contains as much specific detail as possible about the relevant act/s.

For more detailed information about evidence, please refer to [Tables B and C](#).

Q Is there a limit to how many applications for support a client can make?

In general, your client can only make one application for support for any one act of violence or one act of modern slavery, or series of related acts of violence or related acts of modern slavery. If your client has experienced multiple acts of violence or multiple acts of modern slavery committed by the same perpetrator, we would recommend seeking legal advice to determine whether this should be treated as separate acts, or part of a series of related acts. Similarly, if your client has experienced multiple acts of violence or multiple acts of modern slavery perpetrated by different offenders, they may be able to make separate claims for each, so long as timing and evidentiary requirements are met. Please refer to [Related acts](#) for further information.

Q Can my client make an application for an act of violence AND an act of modern slavery?

No, the relevant legislation prevents a person from receiving victims support more than once for the same act if it is both an act of violence and an act of modern slavery.

Q How long will it take for Victims Services to make a decision about my client's application?

The time taken for Victims Services to decide the outcome of any initial application is varied. In our experience, applications for counselling and some types of financial assistance are decided relatively quickly, but recognition payments can take significantly longer.

Q What if my client is not happy with the outcome of their application?

Please refer to [Review and appeal processes](#).

Counselling

Q Does my client have to engage with a Victims Services counsellor if counselling is approved?

Your client does not have to engage with a Victims Services counsellor if counselling is approved, and there is no penalty for a client who does not use their approved counselling hours. Recent advice from Victims Services is that no expiration period applies to approved counselling hours.



Q Can my client change Victims Services counsellors?

Your client can change Victims Services counsellors at any time, so long as any new counsellor is found within the list of approved counsellors available on the Victims Services website.

Restitution Orders

Q What is a Restitution Order?

When a victim of a crime receives financial support under the VSS, the Commissioner of Victims Rights can recover money from the person who has been convicted of perpetrating the criminal offence against the victim. This occurs by a restitution order being issued against the convicted offender.

A 'conviction' includes bonds, fines, community service orders, imprisonment and other penalties, and also includes an order made under section 10 of the *Crimes (Sentencing Procedure) Act 1999* (NSW) where a court finds the perpetrator guilty but the charges are dismissed or the person is given a conditional discharge.²³

A restitution order can be made up to two (2) years after the perpetrator has been convicted, or up to seven (7) years after an application for financial support is made (as it ensures the time has expired for the victim to make all possible claims for a recognition payment and other financial support).

Q What if a Restitution Order would jeopardise my client's safety?

Under Part 5 of the *Victims Rights and Support Act 2013* (NSW), it appears that making a restitution order is *discretionary* for the Commissioner of Victims Rights.

If there is a high likelihood that restitution proceedings will place your client at increased risk for their safety and increased risk of psychological harm as the convicted offender will become aware of your client's claim, we recommend requesting that the Commissioner exercise their discretion not to pursue restitution if the situation arises. We further recommend that you request that where the Commissioner is likely to make a restitution order in this matter, your client and any legal or other representative at the time is notified so they have the opportunity to address the issue prior to any restitution proceedings commencing.

Q Will the perpetrator of violence or modern slavery find out about the application?

The perpetrator of violence or modern slavery will not be notified of the application at the time the application is made. However if they are convicted of the crime or act of modern slavery, they may be subject to a Restitution Order some years after the application is made which means they will find out.



Other Questions



Will my client have to appear in court to receive victim support?

Your client will not be required to appear in court to receive support under the scheme, as the application and decision process all takes place in writing. The only exception to this is if your client is unhappy with the outcome of an Internal Review of their application for victim support and chooses to have that decision reviewed by the NSW Civil and Administrative Tribunal (NCAT), at which time they may be required to appear at the Tribunal.

Your client may, however, be asked by the police to appear in court in relation to any criminal charge made due to the act of violence, which is a separate matter and separate proceeding to the VSS.



Endnotes

- 1 Elizabeth K Hopper, Ellen L Bassuk, & Jeffrey Olivet, 'Shelter from the storm: Trauma-informed care in homelessness services settings' (2010) *The open health services and policy journal*, 3(1) 82.
- 2 The modern slavery offences are set out in Schedule 2 of the *Modern Slavery Act 2018* (NSW), and include offences contained in the *Human Tissue Act 1983* (Cth) and the *Criminal Code Act 1995* (Cth).
- 3 NSW Department of Communities and Justice Background Paper: Statutory Review of the *Victims Rights and Support Act 2013* (April 2022) [1.1].
- 4 At the time of publication, Victims Services had also released a new 'Understanding the Victims Support Scheme: An Easy Read guide' developed by the Council for Intellectual Disability, available at <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/vss-easy-read.pdf>.
- 5 Victims Services regularly update their forms and other documents. At the time of publication, the current version of the 'Authorising a representative' form was available for download at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/authorising-a-representative.pdf>.
- 6 Victims Services regularly update their forms and other documents. At the time of publication, the current version of the 'Certificate of Injury' form was available for download at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/certificate-of-injury-form.pdf>.
- 7 Victims Services regularly update their forms and other documents. At the time of publication, the current version of the 'Claim for Loss of Earnings' form was available for download at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/claim-for-loss-of-earnings.pdf>.
- 8 Victims Services regularly update their forms and other documents. At the time of publication, the current version of the 'Certificate of Earnings' form was available for download at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/certificate-of-earnings-form.pdf>.
- 9 Victims Services regularly update their forms and other documents. At the time of publication, the current version of the 'Claim for Expenses' form was available for download at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/expenses-form.pdf>.
- 10 Victims Services regularly update their forms and other documents. At the time of publication, the current version of the 'Certificate of Injury' form was available for download at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/certificate-of-injury-form.pdf>.
- 11 Victims Services regularly update their forms and other documents. At the time of publication, the current version of the 'Certificate of Injury' form was available for download at: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/certificate-of-injury-form.pdf>.
- 12 *Victims Rights and Support Act 2013* (NSW) s18.
- 13 The *Victims Rights and Support Act 2013* (NSW) s18 also specifies that grievous *bodily harm* includes the destruction (other than in the course of a medical procedure) or the foetus of a pregnant woman, whether or not the woman suffers any other harm.
- 14 *BMF v Commissioner of Victims Rights* [2016] NSWCATAD 54.
- 15 *BWQ v Commissioner of Victims Rights* [2015] NSWCATAD 197, *BMF v Commissioner of Victims Rights* [2016] NSWCATAD 54.
- 16 *CRT v Commissioner of Victims Rights* [2017] NSWCATAD 174.
- 17 *FJE v Commissioner of Victims Rights* [2022] NSWCATAD 323.
- 18 At the time of publication, the INSP claim form could be downloaded from: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/INSP-claim-form.pdf>.
- 19 Victims Services regularly update their forms and other documents. At the time of publication, this application was accessible at: <https://vsconnect.my.site.com/vsapplications/s/application-for-support>.
- 20 Victims Services regularly update their forms and other documents. At the time of publication, this PDF form could be downloaded from: <https://victimsservices.justice.nsw.gov.au/documents/how-can-we-help-you/victims-support-scheme/vss-overview/application-for-support.pdf>.
- 21 DCJ regularly update their policies. At the time of publication, the current version of this policy was available at: https://dcj.nsw.gov.au/documents/about-us/access-to-information/Privacy_policy_Final.pdf.
- 22 At the time of publication, full details of the DJC Privacy Management Plan were available at: <https://dcj.nsw.gov.au/statements/privacy/privacy-management-plan.html>.
- 23 This type of order has the same effect as a conviction in relation to the Victims Support Scheme under section 10(4)(b) of the *Crimes (Sentencing Procedure) Act 1999* (NSW).



References

Hopper, Elizabeth K, Bassuk, Ellen L. and Olivet, Jeffrey, 'Shelter from the storm: Trauma-informed care in homelessness services settings' (2010) *The open health services and policy journal*, 3(1).

NSW Department of Communities and Justice, *Background Paper: Statutory Review of the Victims Rights and Support Act 2013* (April 2022).

Women's Legal Service NSW, *A Practitioner's Guide to Domestic Violence Law in NSW* (Women's Legal Resources Ltd, 2018).

Victims Services NSW, *Victims Support Scheme* (Web Page 14 August 2024) <https://victimsservices.justice.nsw.gov.au/how-can-we-help-you/victims-support-scheme.html>.

Legislation

Crimes Act 1900 (NSW)

Crimes (Domestic and Personal Violence) Act 2007 (NSW)

Crimes (Sentencing Procedure) Act 1999 (NSW)

Modern Slavery Act 2018 (NSW)

Victims Rights and Support Act 2013 (NSW)

Victims Rights and Support Regulation 2019 (NSW)



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