



This fact sheet summarises the Ask LOIS webinar on this topic presented on 2 September 2020 by Kellie McDonald, Senior Solicitor, WLS NSW
To view this webinar for free, or to access other resources, visit www.asklois.org.au

This factsheet will cover the following:

- [Changes to applying for support under the Scheme](#)
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Applying for support under the scheme

When lodging an application for support under the Scheme, victims now need to:

- Upload a copy of government-issued identification:
 - VS prefers victims to this to be photo identification
 - This must be provided for all applications, including applications for counselling only.
- Bank account details:
 - BSB and account number
 - This needs to be provided for applications for financial support.

Changes to Counselling

Before the changes, VS would assign victims a counsellor in their local area.

Now after an application for counselling is approved, victims need to select a counsellor from the VS website. Victims can search by suburb/postcode, counsellors that provide phone and/or online video counselling, practices that are wheelchair accessible, their preferred language and/or gender and counsellors who have expertise in particular areas, for example, elder abuse or domestic violence. Victims need to contact the counsellor, quote their VS reference number and make an appointment.

Collecting evidence

Police records

Before the changes, victims could ask VS to collect evidence that they believed would support their application.

Now victims need to collect and provide their own evidence of act of violence and injury, with the exception of Police records. If a victim reported violence to the Police,

VS will still get this evidence, but they will no longer provide victims with copies of the records or allow a victim or their legal representative to view the records.

We believe it is important to view the Police records to make sure they support the application and the relevant category of recognition payment for the act/s of violence and to address any s 44 issues.

Victims can get copies of their Police records by:

- Going to the station they reported the violence to and asking for copies of any statements they made – this should have been provided to them when they made the statement and therefore they should be able to ask for a copy;
- Going to the Court that heard any charges against the perpetrator and/or made an AVO for their protection and asking for a copy of the court records and AVO application – the AVO application may include reference to acts of violence; or
- Make a GIPAA application – this should be the last resort because GIPAA applications take a long time to process and involve a fee. In the event of a successful claim, VS has advised the GIPAA fee will be reimbursed to the victim.

Report of violence

If a victim has not reported the violence to the Police, they can still decide to report at a later date and then make an application for VS.

If a victim does not want to report to police, they will need to provide evidence that they reported the violence to a

government agency or a non-government agency funded by the government to provide services to victims of crime.

Victims can:

- ask the relevant service to provide them with any records they hold that include reference to their disclosure of the act of violence;
- ask the relevant service to complete the VS Government-funded organisation reports form; or
- for NSW or Commonwealth services, GIPAA their records. This option will likely involve a fee. In the event of a successful claim, VS has advised the GIPAA fee will be reimbursed to the victim.

Medical records

Victims will need to provide their own medical report which prove they suffered an injury as a direct result of the violence they experienced. The act of violence does not have to be the sole cause an injury (i.e. it can exacerbate a pre-existing injury).

Before the changes, VS counsellors would automatically write a mini report for VS which victims could rely on to support their applications.

Now victims need to ask their VS counsellor to write a report to support their application. VS should pay the counsellor to do this.

Victims could ask their doctor, psychologist or medical service provider to provide them with their clinical notes that document the injury they suffered. Victims can ask their medical service provider to complete the VS Certificate of Injury form. VS will not cover any cost of completing this form. If the victim attended a government health service provider they can GIPAA their medical records. This will likely involve a fee. In the event of a successful claim, VS has advised the GIPAA fee will be reimbursed to the victim.

Time limits

Victims now need to provide evidence of act of violence and injury within 12 months of lodging their application. If they do not do this, their application can be closed. Victims can reapply, but only if they are still within time to do so.

Accepting Payment

Before the changes, victims who had been awarded financial support needed to sign an acceptance of payment form in front of an authorised witness and provide a copy of their bank statement.

This is no longer required.

Campaign against the Changes

We lobbied strongly against the majority of these changes because we believe they place too high a burden on victims of violence. VS is due to review these changes in 6 months' time. You can help us to continue to lobby against the changes by:

- keeping case studies of the problems you're experiencing and raising them at the 6-month review; and
- raising any issues you have with the new changes with your local state MP and asking them to raise your issues with the NSW Attorney-General.