

21 February 2025

NSW Department of Communities and Justice
6 Parramatta Square, 10 Darcy Street
PARRAMATTA NSW 2150

Dear Policy Team,

Submission to Independent Victims Commissioner proposal

The Justice and Equity Centre (JEC) welcomes the opportunity to provide input into the Discussion Paper on establishing an Independent Victims Commissioner (IVC).

The JEC runs the Homeless Persons Legal Service (HPLS) which provides free legal advice and assistance to people experiencing or at risk of homelessness. We also aim to address the structural causes of homelessness through our policy and advocacy work. This work is informed by the experiences of HPLS clients and the advice of StreetCare – an advisory group of people with lived experiences of homelessness.

Our submission discusses the proposed IVC and is based on our experience providing legal assistance to victim-survivors of crime who are experiencing or at risk of homelessness.

We also endorse the submission of the Women’s Legal Service and strongly commend its recommendations.

Establishing an Independent Victims Commissioner

The JEC supports the creation of an IVC to systemically advocate for victim-survivors and provide oversight of the Scheme.

The Commissioner for Victims Services (CVS) is currently tasked with conducting reviews and inquiries into the Scheme. However, this is in conflict with the other functions of the CVS to coordinate the effective and efficient delivery of the Scheme and resolve complaints from victim-survivors. As it operates now, the CVS is investigating itself and its own organisation, which is not best practice.

Independent oversight of the Scheme is needed. An IVC will be able to more effectively advocate for victim-survivors while the CVS retains responsibility for administering the Scheme. It is crucial that the IVC is properly resourced to carry out this work.

It is important that the IVC is not subject to the control and direction of a Government Minister. Following the approach of Queensland’s Victims’ Commissioner, the legislation establishing the IVC should state that the IVC will act independently and in the public interest while

performing its functions (see s 11 *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld)).

We also support the requirement for the IVC to annually report to Parliament on its operations and activities, including its recommendations and the response to these. This will ensure the role is transparent and accountable.

Functions of an Independent Victims Commissioner

We support the IVC being tasked with systemic advocacy, including making recommendations on laws, policies and practices which affect victim-survivors. It is appropriate for the Department of Communities and Justice to remain responsible for delivering the Scheme.

Conducting research and raising awareness of the Charter of Victims Rights are also suitable functions for the IVC. Investigations into systemic issues should include broad consultation and engagement with the sexual, domestic and family violence sector and people with lived experience. We support the appointment of the IVC as the Chairperson for the Victims Advisory Board (VAB) and recommend that the VAB has a key role in supporting the functions of the IVC.

However, the functions of the IVC should be strengthened by enabling it to monitor the implementation of its recommendations, including those made to other agencies as a result of complaints from victims.

Powers of an Independent Victims Commissioner

The IVC must be able to conduct investigation into systemic issues at its own direction, as well as at the request of the Attorney General, to ensure it can independently identify and investigate issues of concern.

We support the IVC's information-gathering power for investigating reported breaches of the Charter of Victims' Rights. The IVC should also have the power to request information for its reviews into systemic issues. Failure to comply with the IVC's request for information without reasonable excuse should result in a penalty. This will improve compliance with information requests.

The power to make reports to Parliament is crucial for the IVC. We recommend that the NSW Government be required to respond to these reports within a legislated timeframe of six months.

We would welcome the opportunity to discuss the issues raised in this submission.

Yours sincerely



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