

New counsellor position for ffmpu

The Families and Friends of Missing Persons Unit (FFMPU) at the Victims of Crime Bureau is piloting a counsellor position for 12 months, following a research project into the support needs of families and friends of missing people.

Ms Caroline Blyth (pictured) has been appointed to this position. Her role is to provide counselling and support to the families and friends of missing people, both at the time when the person goes missing, for families of the long-term missing and for families where the missing person has been located and wishes to be reunited with family members.



Caroline Blyth

Other activities will include developing links with all relevant organisations in the sector and providing training to other counsellors on best practice counselling methods for families and friends of missing people.

Current statistics state that in Australia one person is reported missing every 18 minutes. While 99% of these people are found, the whereabouts of 300 people are still unknown six months after their disappearance. Families and friends of missing people face a range of issues in dealing with the person being missing, including personal, social, interpersonal, legal and practical issues.

The counselling position will work in coordination with the 24-hour telephone support line for families and friends of missing people, funded by the FFMPU and provided by Mission Australia.

For further information contact Caroline Blyth at the FFMPU on
e-mail: caroline_blyth@agd.nsw.gov.au
or telephone (02) 9374 3023.

Conferences

Forensic Disabilities Conference

Melbourne, 21 - 22 August 2003.

The multifaceted needs of people with a disability, who present with victim and/or offender issues, draw together a range of systems designed to respond to the different issues arising from complex life situations. The theme of this conference is Forensic disabilities: services in the community - residential and outreach.

Further information:

The Conference Organiser,
PO Box 385, Malvern, Vic 3144,
Email: info@conorg.com.au
Tel: (03) 9509 7121, Fax: (03) 9509 7151.

International Conference on Trauma, Attachment and Dissociation

Melbourne, 12 - 14 September 2003.

Issues relating to child abuse and trauma.
Email: trauma@meetingplanners.com.au
Website: <http://www.delphicentre.com.au>
Tel: (03) 9417 0888, Fax: (03) 9417 0899.

28th Congress of the International Academy of Law and Mental Health

Sydney, 28 Sep - 3 Oct 2003

The conference brings together international practitioners and scholars from many disciplines, including law, psychiatry, psychology, the social sciences and humanities. The 2003 Theme for the Congress is 'Social Justice within Diversity'

A Pre-Conference on the topic of 'Medicine and Industry: Changing Paradigms for Ethics, Law, and the Health Professions' will take place on September 28-29.
Further information: Capital Conferences,
PO Box 253, Church Point NSW 2105.
Email: sydney2003@ialmh.org.
Web: <http://www.ialmh.org/Sydney2003/main.htm>
Tel: (02) 9999 6577, Fax: (02) 9999 5733.

Australian and New Zealand Society of Criminology Conference 2003

Sydney, 1 - 3 October 2003.

Controlling Crime: Risks and Responsibilities
Further information:
NSW Bureau of Crime Statistics and Research,
GPO Box 6, Sydney NSW 2001.
Web: <http://www.lawlink.nsw.gov.au/anzsoc2003>
Tel: (02) 9231 9190, Fax: (02) 9231 9187.

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Manager's Message

This year staff at Victims Services have been busy speaking at a number of forums and events within metropolitan and regional areas of New South Wales.

Topics addressed include information about approved counselling, victims compensation, restitution proceedings, the victims support line, resources for victims of crime and the Charter of Victims Rights. We have found that the forums provide an ideal opportunity for different organisations to reflect upon their own policy and practice when working with victims of crime, to look at innovative methods of service delivery and to forge stronger partnerships with Victims Services.

The Bureau has developed a new training kit regarding the Charter of Victims Rights. This kit will prove invaluable for Government Departments in providing training to staff. The kit will augment the work of the Victims of Crime Bureau in promoting the Charter of Victims Rights.

In addition a new version of the Charter of Victims Rights for young people, produced with the creative assistance of Streewize Communications, is now available (see insert). To obtain copies please contact the Bureau's administration line on telephone 9374 3005.

An information package regarding sentencing has also been developed. This package will provide information about the sentencing process to assist victims of crime understand what can often be a complex issue. The purpose is to provide information so that victims can use this understanding in their own healing process. Victims Services are always keen to have comments about possible products or resources that may assist victims of crime. Please let us know if you have any suggestions.

Marianne Curtis
Manager
Victims of Crime Bureau

The GST and its impact upon Counsellors and the Approved Counselling Scheme

When the Goods and Services Tax (GST) was introduced Victims Services (VS) was advised that payments made under the Approved Counselling Scheme would be GST free under sections 38-10 of the GST Legislation.

During 2002 the Australian Taxation Office (ATO) formed the view that a taxable supply existed between Victims Services and its Approved Counsellors as the Memorandum of Understanding (MOU) contract created a binding obligation upon the Counsellor to make a supply to VS clients. This was based upon an interpretation of a ruling titled GSTR2000/36 - Insurance Settlements by making supplies of goods or services. This ruling when issued was specific for the Insurance industry identifying the GST elements of insurers and third parties they contracted.

In order to clarify this perspective various meetings and discussions were held with ATO representatives, Attorney General's Department staff and Victims Services staff during that period.

It was in the second half of 2002 that the Commissioner of Taxation deemed GST to apply on all counselling contracted by Victims Services and its Approved Counsellors with a commencement date of 1 July 2002 in regards to levying GST.

Victims Services has advised all Approved Counsellors of this in January 2003 with new invoice books being provided for use commencing 1 July 2003.

For any enquiries in regards to GST please contact the Accounts Manager of Victims Services Mr John Silvagni on (02) 9374-3024.

The VCB reaches out to a multicultural NSW

As part of its NESB Strategy the Victims of Crime Bureau in conjunction with the Community Relations Commission For a multicultural NSW (CRC) concluded a series of 8 information sessions for people of a non-English speaking background in April 2003.

The aim of the Forums was to ensure that victims of crime from a non-English speaking background are aware of their rights and entitlements and know how to access information, support and appropriate referrals for assistance.

The need for the Forums was indicated by the report *Victims Speak* (a report of a survey of victims of crime), which was a telephone survey of victims of crime conducted by the Victims of Crime Bureau in partnership with Mission Australia on March 30 and 31, 2001.



Ms Julie Baker Assistant Director General of the Attorney General's Department launches the youth version of the Charter of Victims Rights at the Forum.

Presenters included senior officers from:

- Department of Juvenile Justice;
- NSW Health;
- Department of Corrective Services;
- New South Wales Police;
- Victims Services; and
- Office of the Director of Public Prosecutions, Witness Assistance Service.

Larger communities like the Arabic, Chinese and Vietnamese people received the presentations in their own language.

The final session, held in April, was a combined NESB / Youth Forum.

SPECIAL ANNOUNCEMENT

The National Victims of Crime Conference for 2004 will be held on the 26th and 27th of February 2004 at the Hotel Intercontinental in Sydney.

The theme is '*Bringing Healing to Victims of Crime: Restoration and Transformation.*' The conference will showcase the latest innovations in restorative justice and therapeutic practice for victims of crime. This conference is especially relevant for victims of crime, helping professionals, those engaged justice-related work, legal professionals, as well as researchers, students and academics.

We are now calling for papers and workshops for the conference from practitioners and researchers working in the victims of crime field. If you would like to participate, please submit a curriculum vitae and a 250 word abstract outlining your paper or workshop.

The Conference will span two days, and delegate fees are \$330 inc.GST.

To submit abstracts please e-mail to PankhurstG@mission.com.au or post to Greg Pankhurst, Mission Australia Victims Support Service, 224 Riley St. Surry Hills 2010.

Closing date for abstracts is 26th August 2003.

For further enquiries, please phone Greg Pankhurst on (02) 8218 9414 at the Mission Australia Victims Support Service.

This Conference is a joint activity of Mission Australia and the Victims of Crime Bureau.

Approved Counselling Scheme

Question. I manage a busy practice that contracts to several different approved counsellors. If one of my staff is unable to see a client, can I just change them to another counsellor?

Answer. No. The Victims Compensation Tribunal (VCT) approves the client's choice of counsellors, not the counselling practice. If the appointed counsellor is too busy to see a client, then the VCT needs to be informed so that a new Approved Counsellor can be appointed.

Victims Legislation Amendment Act 2003

The NSW Parliament has recently passed an Act, which changes the *Crimes (Sentencing Procedure) Act 1999*, the *Victims Rights Act 1996* and the *Victims Support and Rehabilitation Act 1996*.

The Act is yet to be proclaimed but is expected to commence operation either in late June or early July. The changes are as follows:

Amendment of Crimes (Sentencing Procedure) Act 1999

A new section is inserted into 30A of the Act. The new section will allow written victim impact statements that may be received and considered by a court in sentencing proceedings under current provisions of the Act to be read out in court by a victim to whom the statement relates, or a member of the immediate family, or other representative, of the victim. (Under the Act, Victim Impact Statements may be given only in relation to serious offences, for example, those that result in death of or actual physical bodily harm to a person, or that involve an act of actual or threatened violence or an act of sexual assault).

Amendment of Victims Rights Act 1996

The Act replaces item 6.5 of the Charter of Victims Rights.

Currently item 6.5 provides that a victim should, on request, be informed about certain aspects of criminal proceedings against the accused person, such as the charges laid against the accused, any decision to modify or not to proceed with charges, the date and place of hearing of any charge laid against the accused, and the outcome of any criminal proceedings and the sentence imposed.

Under a new item 6.5 (1), a victim will not need to make a request. Instead, as a matter of course, the victim should be informed of these aspects in a timely manner. Under a new item 6.5 (2), if the accused has been charged

with a serious crime that involves sexual violence or that results in actual bodily harm, mental illness or nervous shock to the victim, the victim should be consulted before any decision is made by the prosecution to modify or not to proceed with the charges, including any decision to accept a plea of guilty by the accused to a less serious charge in return for a full discharge with respect to the other charges. The victim need not be consulted if the victim does not wish to be consulted, or if the whereabouts of the victim cannot be ascertained after reasonable inquiry.

The Act also amends section 5 of the Act, which specifies who is a victim of crime for the purposes of the Act. The current section 5 provides that if a person dies as a result of an act committed, or apparently committed, by another person in the course of a criminal offence, a member of the person's immediate family is also a victim of crime for the purposes of the Act. The amendment will enable members of the immediate family of a person who dies as the result of such an act to nominate a representative for the purposes of the Charter of Victims Rights (for example, to receive information provided under the Charter, or to be consulted about a decision to modify or not to proceed with charges against the accused person).

Amendment of Victims Support and Rehabilitation Act 1996

The Act amends the definition of victim in section 21 of the Act to enable members of the immediate family of a person who is killed due to the use of a motor vehicle, to apply for payments for approved counselling services under the Act if the person's death apparently occurred in the course of the commission of an offence of murder or manslaughter. The Act continues to exclude the payment of compensation in connection with motor accidents.

Visit the Parliament of New South Wales website for the latest information: <http://www.parliament.nsw.gov.au>