



**Justice
Support
Centre**

**JUSTICE SUPPORT
COMMUNITY LEGAL CENTRE**



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Friday 18 July 2025

The Hon Michael Daley MP
Attorney General
52 Martin Place
Sydney NSW 2000

By email: policy@dcj.nsw.gov.au

Dear Sir/Madam

Re: Victims Rights and Victims of Crime Commissioner Bill 2025

Justice Support Centre ('JSC') thanks the Attorney-General for the opportunity to comment on the draft Victims Rights and Victims of Crimes Commissioner Bill 2025 ('the Draft Bill').

About JSC

JSC has over 28 years' experience providing legal assistance in South West Sydney (SWS) communities and delivering trauma-informed domestic and family violence specialist services across SWS and Sydney. Our purpose is twofold:

1. To support women and children to break the cycles of Domestic and Family Violence.
2. To provide equitable and accessible legal services to our community.

Across our programs JSC reached 16,608 people in 2023/24.

Through our legal and advocacy work, JSC has extensive experience assisting victim-survivors to access the Victims Support Scheme in NSW. Our frontline experience provides unique insight into the challenges faced by victim-survivors in seeking support, the systemic barriers that impact access to justice, and the improvements needed to strengthen victim-centered responses. Given our longstanding engagement with Victims Services, legal frameworks, and support systems, JSC is well-placed to contribute to this consultation and advocate for reforms that enhance overall effectiveness, transparency, and accessibility of the Victims Support Scheme.

We strongly support the creation of an independent Victims Rights and Victims of Crimes Commissioner ('the Commissioner') as a positive step towards stronger advocacy and oversight for victims of crime in NSW. Overall, the Draft Bill incorporates many of the recommendations we made previously, in response to the initial Consultation paper. As a result, we have limited our submission to outstanding recommendations which would further strengthen the role of the Commission.

1. Appointment & Accountability of the Commissioner

JSC supports that the Commissioner is not subject to the control and direction of the Minister in the Draft Bill (Part 4 and s 22) and will not be a public sector employee under the *Government Sector Employment Act 2013*.

However, JSC submits that the legislation should go further to secure the independence of the Commissioner, so that the role is less vulnerable to undue influence and functions solely in the public interest.

To enhance the independence of the Commissioner JSC submits that the legislation should include explicit provisions similar to those in *Queensland's Victims' Commissioner and Sexual Violence Review Board Act 2024*, which states:

- *The Commissioner must act independently and in the public interest (s 11(1)).*
- *The Commissioner must not be subject to direction by any person, including the Minister, about how their functions are performed (s 11(2)).*

A stronger statutory provision would reinforce this independence by imposing a positive duty on the Commissioner to act in the public interest.

2. Functions of the Commissioner

We support the proposed functions of the Commissioner outlined in s 21 of the Draft Bill particularly as the functions expressly refer to systemic advocacy, research, and oversight of the Charter of Victims Rights. However, certain key additions are necessary to strengthen the Commissioner's effectiveness and accountability.

2.1. Monitoring Recommendations

The Commissioner's functions should also include the power to monitor the implementation of their recommendations. Including a monitoring function is critical to ensuring recommendations do not go ignored and that the Commissioner has an ongoing role in assessing whether the Government is acting on its commitments to victims.

We recommend adopting a provision similar to s 9(h) of the *Victims' Commissioner and Sexual Violence Review Board Act 2024 (Qld)*:

"To monitor the implementation of recommendations made by the Commissioner under this Act."

We further recommend that the monitoring function should specify that Ministers, government departments, and agencies must respond to the Commissioner's recommendations within 6 months.

If a recommendation is not adopted, a written explanation should be provided, with all responses published on the Commissioner's website to promote transparency and accountability.

2.2. Exclusion of Individual Decisions

Section 21 of the Draft Bill expressly provides that the Commissioner's functions do not include *advocating or inquiring* into individual decisions made in relation to victims of crime, including decisions about eligibility for support under the scheme.

We are concerned that this wording is so broad that it would exclude the Commissioner from considering individual cases as part of their systemic advocacy. In our experience without being aware or inquiring into individual cases it is difficult to effectively identify or respond to systemic issues.

We recommend that section 21(1) be deleted or amended to clarify that the Commissioner's functions don't include make recommendations or decision in individual cases but still allow the Commissioner to consider individual cases as part of their other functions.

3. Special Reports to the Parliament & The Minister

Under section 29 of the Draft Bill the Commissioner may on its own initiative or at the request of the Minister prepare special reports on systemic issues.

To strengthen the Commissioner's independence in making these special reports, we recommend that section 29 be amended to expressly state that the Commissioner retains discretion over the scope, methodology, and findings of any research or inquiry, even when initiated by a government request. This would prevent political interference and safeguard the Commissioner's independence.

4. Further Recommendation

In light of the Government's recognition and commitment to combatting domestic violence, we strongly suggest the Government consider appointing a Commissioner who has a demonstrated a commitment to, and understanding of violence affecting victim-survivors, particularly First Nations women, LGBTQIA+ individuals, young women, women in regional, rural, and remote areas. and women experiencing persistent social, cultural and economic disadvantage.

For transparency and accountability, we agree to the publication of these submissions.

If you would like further information or input on matters raised in these submissions, please contact me by email to info@jsc.org.au.

Yours sincerely,

JUSTICE SUPPORT CENTRE



Melanie Noden.
Chief Executive Officer
Justice Support Community Legal Centre



Liz Simpson
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