



Tabled, by leave,
Ms Sharpe
Stephens
Clerk of the Parliaments
20 / 11 / 24

VICTIMS RIGHTS AND SUPPORT AMENDMENT (VICTIMS SUPPORT COUNSELLING) BILL 2024

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The Victims Rights and Support Amendment (Victims Support Counselling) Bill 2024 (the **Bill**) amends the *Victims Rights and Support Act 2013* (the **Act**) to extend approved counselling services under the Victims Support Scheme (**VSS**) to family members of persons killed in road crimes.

Currently, victims of road crimes and their families are largely excluded from accessing support under the VSS, with the exception of family victims of motor vehicle crashes that were an intentional killing and the offender has been charged with murder, and victims of terrorist acts using motor vehicles. The reforms in the Bill extend victims support counselling services to family members of victims of road crimes.

Under the Bill, family members of a person killed in a road crime will be eligible for approved counselling if their family member is killed in an incident involving a motor vehicle and another person is charged with an offence in relation to the incident. A conviction will not be required. Approved counselling includes up to 22 hours of approved counselling services, with further hours available if approved by the Commissioner of Victims Rights.

The proposed amendments acknowledges that family victims of road crime experience the same immense trauma and suffering as other people who lose a family member because of a criminal act.

The Bill also includes an amendment to clarify that the Charter of Victims Rights applies to victims of road crime.

Objectives: What is the policy's objective couched in terms of the public interest?

Approved counselling services are provided under the VSS to assist victims with recovering from the psychological and emotional impacts of crime. Free counselling is available to primary, family and secondary victims of an act of violence or modern slavery. This recognises that psychological trauma extends beyond a primary victim.

By extending these counselling services to family members of victims of road crimes, the Bill acknowledges that family members of people who are killed in road crime experience the same immense trauma as those whose relatives are killed in other crimes and ensures that they receive the same support services.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The Bill amends the Act to extend approved counselling services to family members of victims of road crimes, which cannot be achieved without legislative amendment. Without the amendment, Victims Services and the Commissioner of Victims Rights would not have been able to extend counselling services to family victims of road crimes.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The benefits of introducing legislation to extend approved counselling services to family members of victims of road crimes is that these family members will have access to critical mental health support through counselling services.

If the amendments were not made, family members of victims of road crime will only be able to access victims support counselling services where the road crime was an intentional killing and the offender has been charged with murder, or where there was a terrorist act involving a motor vehicle.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Bill will commence on proclamation. This will enable sufficient time for Victims Services and the Commissioner of Victims Rights to prepare processes to enable these services to be provided.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The Government has met with the Road Trauma Support Group (**RTSG**), the key stakeholder group representing family members of people killed in road crimes. The RTSG has strongly advocated for, and is supportive of, extending counselling to family members of people killed in road crimes. Relevant Government agencies were also consulted on this proposal, including NSW Police, NSW Coroner's Court, Transport for NSW, and State Insurance Regulatory Authority. There is broad support for the proposed amendments.