

Appendices

Appendix 1: Additional quantitative data tables and explanation

VOC Sample

Age

Table A1.1 shows the ages of participants according to age categories. Ages of the participants were those at date of interview, which do not necessarily equate to their age at time of sentencing proceedings. This disparity arose exclusively for participants in death matters who received information regarding the study via the HVSG. Within that cohort, some had matters that had concluded some years before being interviewed for the study.

Table A1.1: Age and crime category of VIS makers and non-VIS makers

VIS and non-VIS makers Age	Family victims VIS makers	Sexual assault VIS makers	Sexual assault non-VIS makers	Domestic violence VIS makers	Domestic violence non-VIS makers	HCSA VIS makers	Physical assault VIS makers	Physical assault non-VIS makers	Other* non-VIS makers	Total #
20–30	0	3	1	1	0	1	0	0	0	6 11%
31–40	3	2	1	0	2	4	1	1	0	14 26.5%
41–55	10	0	0	4	1	2	2	1	1	21 40%
56–70	7	0	0	0	0	0	0	0	0	7 13%
71–85	4	0	0	0	0	0	1	0	0	5 9.5%
Total	24	5	2	5	3	7	4	2	1	53 100%

*Arson and intent to endanger life

#Age demographic data is missing from 13 participants within these tables.

No participants between the ages of 18 and 22 years participated in this study, despite consistent findings in victimisation surveys that young people 15–24 years are the most victimised group (see ABS 2007; Burton, Evans & Sanders 2006, 2007). Based on the quantitative results, it is difficult to conclude much in terms of likelihood of making a VIS based on age. Younger female participants more frequently reported being victims of SA and are therefore over-represented as participants in the 20–30 age category. Over half the participants were aged between 30 and 55, with a further 23% being over 55. The lack of young adults in the sample may indicate that youth is a barrier to making a VIS.

Country of birth and ethnic origin

Demographic data of country of birth and ethnic background were recorded from 53 VIS-eligible participants (see Table A1.2). Of VIS makers, most participants spoke English at home, and over 83% were born in Australia. In terms of ethnic or racial origin, 87% were of Australian/Anglo/Irish/European descent, and 7% were Aboriginal; the remainder included a small number of participants of Maori and Chinese descent.

Australian Social Trends (ABS 2014) taken from the 2011 Census reports that 42.4% of those residing in the City of Sydney and 24% in NSW identify as having been born overseas.⁷⁹ Those identifying as being of Aboriginal or Torres Strait Islander descent make up 3% of the NSW population.

⁷⁹ These figures may be underestimated. *Migration Trends 2012–2013* published by the Department of Immigration reports visitors (44,800) and students (10,720) as the largest cohort to outstay their visa and remain in Australia, with highest numbers being from China (7690), Malaysia (6,420), US (5,220) and UK (3,780): www.immi.gov.au/media/publications/statistics/immigration-update/asylum-trends-aus-2012-13.pdf.

Table A1.2: VIS makers: country of birth including ethnic/racial background, by crime category

VIS makers country of birth including ethnic/racial background	Family victims	Sexual assault	Domestic violence	HCSA	Physical assault	VIS makers Total
Australian/Anglo/European	21 88.5%	4 80%	4 80%	5 71.4%	2 50%	36 80%
Australian/Aboriginal/	1 3.8%	0 0%	0 0%	2 28.6%	0 0%	3 7%
New Zealand/Maori	0 0%	0 0%	1 20%	0 0%	0 0%	1 2%
New Zealand	0 0%	0 0%	0 0%	0 0%	1 25%	1 2%
UK /Ireland/ European	1 3.8%	1 20%	0 0%	0 0%	1 25%	3 7%
China/Thailand/India	1 3.8%	0 0%	0 0%	0 0%	0 0%	1 2%
Total	24 100%	5 100%	5 100%	7 100%	4 100%	45 100%

While the non-VIS maker group is small in number, over 60% of non-VIS makers had either a pronounced accent or racial features that would distinguish them as being not born in Australian or from a culturally and linguistically diverse background. Four identified as immigrants and one as Aboriginal.

Knowledge of offender

Of 49 participants responding, the offender was known to 63%. Offenders were least known to victims of SA (60%) and PA (75%), with 50% of family victims and 100% of DV and HCSA victims knowing the offender (see Table A1.3).

Table A1.3: VIS makers: Was your offender known to you? (by crime category)

Offender known	Family victims N = 24	Sexual assault N = 5	Domestic violence N = 9	HCSAN = 7	Physical Assault N = 4	Total N = 49
Yes	12 50%	2 40%	9 100%	7 100%	1 25%	31 63%
No	12 50%	3 60%	0 0%	0 0%	3 75%	18 37%
Total = N	24 100%	5 100%	9 100%	7 100%	4 100%	49 100%

Of non-VIS makers, seven were women and one was a male victim of PA. Of seven female non-VIS makers, five (72%) knew their offender. The other two female participants had encountered their assailant in their work and had had some interaction with them prior to the crime being committed, albeit briefly. Therefore, the crimes against them were not completely random. The attack on the male participant was completely random. NSW victimisation statistics (ABS 2013) show that 74% of female victims of SA and 86% of female victims of PA know their offender.

Severity of medical consequences for primary VOC: VIS makers and non-VIS makers

Among primary victims, both the majority of VIS makers and non-VIS makers reported the medical consequences of the crime against them as serious (see Table A1.4).

Table A1.4: Primary VIS makers and non-VIS makers: severity of medical consequences of the crime

Severity of medical consequences	VIS makers N = 19	Non-VIS makers N = 8	Total responses N = 27
Serious	18	7	25 93%
Not serious	1	1	2 17%
Total	19	8	27 100%

Severity of financial consequence for primary VOC: VIS makers and non-VIS makers

Analysing the impact of financial loss on primary victims not suffering a historical matter, the majority of both VIS and non-VIS makers reported that the crime had a serious impact on their finances (see Table A1.5).

Table A1.5: Primary VIS makers and Non-VIS makers: severity of financial consequences of the crime

Severity of financial loss	VIS makers N = 19	Non-VIS makers N = 8	Total responses N = 27
Serious	13	7	20 74%
Not Serious	6	1	7 26%
Total	19	8	27 100%

Severity of psychological consequence for primary VOC: VIS makers and non-VIS makers

Of those who responded, all primary victims reported the psychological consequences suffered as a result of the crime against them as 'serious', whether they had made a VIS or not (see Table A1.6).

Table A1.6: Primary VIS makers and Non-VIS makers: severity of psychological consequences of the crime

Severity of psychological consequences	VIS makers N = 19	Non-VIS makers N = 8	Total responses N = 27
Serious	19	8	27 100%
Not Serious	0	0	0 0%
Total	19	8	27 100%

Use of a counselling service

Tables A1.7 and A1.8 represent the use of counselling services reported by participants who discussed psychological problems. Counselling services were used more by primary victims, and most in crimes of SA, DV and HCSA. This is perhaps because specialist police services assisting victims of sexual and family crimes are conversant with supports available and discuss referral to specialist counsellors as a matter of routine. The highest use of counselling services was reported by DV participants, who also reported the highest level of complex diagnoses. Fewer victims of PA reported suffering from depression, and they reported less use of counselling services.

Table A1.7: VOC: self-report of use of counselling services by crime category

Counselling services used	Family victims N = 24	Sexual assault N = 7	Domestic violence N = 7	HCSA N = 6	Physical assault N = 6	Total responses N = 50
Yes	12 50%	4 57%	6 85.7%	4 66.7%	2 33.3%	28 56%

Table A1.8: Primary VOC: self-report of use of counselling services by crime category

Use of a counselling service	VIS makers N = 18	Non-VIS makers N = 8
Yes	13 72%	3 37.5%

Among primary victims, non-VIS makers (37.3%) were half as likely as VIS makers to report the use of counselling services (see Table A1.8) despite reporting suffering from high levels of psychological distress (see Table A1.6). As there was no longitudinal follow-up of the sample, it is difficult to know whether levels of psychological distress reported by participants currently being counselled would be reduced at the completion of their counselling, but comparison of results for VIS makers and non-VIS makers suggest that despite over 50% of VIS makers using counselling services, their levels of anxiety and depression within the primary VOC sample remained commensurate.

Dissemination of VIS information

Most participants (91%) interviewed were aware of their ability to make a VIS during their proceedings. This finding is not surprising given the recruitment strategy used in this study. Participant victims of PA had least awareness of the provision of VIS, especially if their matters had been heard in the Local Court.

Participants were asked to recall from whom they received VIS information (see Table A1.9). Most received information from WAS or the police; however, in the case of family victims, half stated they received information from the HVSG.

Table A1.9: Agencies that supplied VIS information to VOC participants by crime category

Agency	Family victims N = 24	Sexual assault N = 7	Domestic violence N = 7	HCSA N = 7	Physical assault N = 6	Total N = 51
WAS	10 41.6%	3 42.9%	3 42.9%	4 57.1%	3 50%	23 45.1%
Police	1 4.2%	2 28.6%	2 28.6%	3 42.9%	3 50%	11 21.6%
VISIP downloaded from NSW Lawlink website	1 4.2%	0 0%	1 14.3%	0 0%	0 0%	2 3.9%
Solicitor/ Prosecutor	0 0%	0 0%	1 14.3%	1 14.3%	1 16.7%	3 5.9%
Victim support agency or service	12 50%	1 14.3%	1 14.3%	0 0%	1 16.7%	15 29.4%

Note: Each number is a percentage of 'N' within the column. The columns and rows do not add up to 100% because respondents may have referred to a number of sources providing VIS information and each was noted equally.

Information most commonly received was in the form of the VISIP either sent to the VOC, downloaded from the Lawlink website, or presented personally during discussions with police, police prosecutors, DPP solicitors or victim support agencies. Primary victims were less likely to have the VISIP, with only 57% of Victims of SA reporting that they had received it. This was often a result of being provided information on the VIS directly by their SA counsellor.

Numbers of VOC reporting that police or prosecutor said VIS can affect sentence, by crime category

While most participants stated that it had been made clear that making a VIS was voluntary, 10% of participants (5) reported that police, the police prosecutor or the Crown prosecutor in their matter had suggested that the VIS can affect sentence (see Table A1.10). Three of the five participants were primary victims, comprising two VIS makers and one non-VIS maker. While at the time of interview, VISs of family victims in NSW were not taken into consideration in sentencing, two family victims stated that their prosecutor had told them that submission of a VIS might affect the sentence.

Table A1.10: Numbers of VOC reporting that police or prosecutor said VIS can affect sentence by crime category

	Family victims N = 23	Sexual assault N = 6	Domestic violence N = 7	HCSA N = 7	Physical assault N = 6	Arson & malicious endangerment N = 1	Total N = 50
Police or prosecution stating VIS can affect sentence	2 8.7%	1 16.7%	1 14.2%	0 0%	0 0%	1 100%	5 10%

Is support useful for VOC when writing the VIS?

Over 60% of VOC stated that support in writing the VIS is helpful (see Table A1.11). Victims of SA and HCSA reported the highest need for support when writing the VIS. Victims of PA and family victims were split, half feeling that support would be useful and half that the VIS was a private experience needing to be composed alone. Some VOC appeared to make a distinction between support with the first drafting of the VIS and support to review the initial draft. For a number of participants, the contemplation of revisiting the crime and assessing its impacts in order to prepare a VIS was too traumatic an experience to be undertaken alone, and some required professional support to attempt it.

Table A1.11: VOC: Is support useful when writing the VIS? (by crime category)

Support useful	Family victims N = 22	Sexual assault N = 6	Domestic violence N = 6	HCSA N = 7	Physical assault N = 6	Total N = 47
Yes	12 55%	6 100%	4 67%	5 71%	3 50%	30 64%
No	10 45%	0 0%	2 33%	2 29%	3 50%	17 26%
Total = N	22 100%	6 100%	6 100%	7 100%	6 100%	47 100%

Time VOC reported they were given to prepare their VIS

Most participants were given more than a month to prepare their VIS (see Table A1.12). Most stated that this was enough time, although a third of family victims and victims of SA reported finding it difficult to get their VIS completed on time (see Table A1.13).⁸⁰ It is worth noting that SA matters are often prioritised over other matters at court in order to deal with them as expeditiously as possible, and that 50% of family victims needing assistance with their VIS reported they did not know where to start when writing it.⁸¹ Half the participants in the PA category attended the Local Court and reported being allowed one week or more to make their VIS.

⁸⁰ Study participants mainly attended the District Court or Supreme Court because their matters were of a serious nature, and, as a consequence, featured a more protracted timeframe. Therefore, these figures are not representative of the experience of VOC attending the Local Court, where turnaround is far quicker, with some matters concluded within a day.

⁸¹ See Practise Note 6, [10-200] Sexual Assault Case List, Sexual Assault Trials Handbook, Judicial Commission of NSW:

<www.judcom.nsw.gov.au/publications/benchbks/sexual_assault/dc_criminal_pn06.html>.

Table A1.12: VOC: How long were you given to make your VIS? (by crime category)

Time given to make VIS	Family victims N = 24	Sexual assault N = 7	Domestic violence N = 6	HCSA N = 7	Physical assault N = 6	Total N = 50
More than one week but less than one month	5 21%	2 29%	2 33%	1 14%	3 50%	13 26%
One month or longer	19 79%	5 71%	4 67%	6 86%	3 50%	37 74%
Total = N	24 100%	7 100%	6 100%	7 100%	6 100%	50 100%

Table A1.13: VOC: Were you given enough time to prepare your VIS? (by crime category)

Enough time given	Family victims N = 22	Sexual assault N = 6	Domestic violence N = 5	HCSA N = 7	Physical assault N = 5	Total N = 45
Yes	15 68%	4 67%	4 80%	7 100%	5 100%	35 78%
No	7 32%	2 33%	1 20%	0 0%	0 0%	10 22%
Total = N	22 100%	6 100%	5 100%	7 100%	5 100%	45 100%

Awareness of whether the offender would have access to the VIS

Most participants were aware that the offender was able to see their VIS (see Table A1.14). Family victims in general wanted the offender to read the VIS and be aware of its contents; however, some participant victims of PA, DV and HCSA were more reticent.

Table A1.14: VOC: Did you know the offender would see your VIS? (by crime category)

Knew offender would see the VIS	Family victims N = 22	Sexual assault N = 6	Domestic violence N = 6	HCSA N = 7	Physical assault N = 5	Total N = 46
Yes	19 86%	4 67%	6 100%	6 86%	5 100%	40 87%
No	3 14%	2 33%	0 0%	1 14%	0 0%	6 13%
Total = N	22 100%	6 100%	6 100%	7 100%	5 100%	46 100%

VOC responses to the editing of the VIS

Most VOC did not feel the VIS should be edited and felt strongly that it should not (see Table A1.15). While many VOC were aware of the parameters of the content admissible in the VIS, they objected to the concept that the expression of their suffering could be tempered with or limited by the offender or the court.

Table A1.15: VOC: Do you think the VIS should be edited? (by crime category)

VIS should be edited	Family victims N = 22	Sexual assault N = 4	Domestic violence N = 6	HCSA N = 6	Physical assault N = 5	Total N = 43
Yes	1 4%	0 0%	0 0%	1 17%	0 17%	2 5%
No	21 96%	4 100%	6 100%	5 83%	5 100%	41 95%
Total = N	22 100%	4 100%	6 100%	6 100%	5 100%	43 100%

Happiness with the contents of the VIS over time

Table A1.16 shows that almost half the participants questioned stated that they would make changes to their VIS if they were to make it again. Recent research has noted that time affects victim's perception of their victimisation, as impacts and effects of the crime become more apparent, suggesting that the greater the length of time from crime incident to sentencing, the more likely a VIS will be made (Lens, Pemberton & Bogaerts 2013).

**Table A1.16: VOC: Would your VIS be the same if you were to do it again?
(by crime category)**

VIS would be the same	Family victims N = 22	Sexual assault N = 4	Domestic violence N = 5	HCSA N = 6	Physical Assault N = 4	Total N = 41
Yes	10 45%	2 50%	3 60%	3 50%	2 50%	20 49%
No	12 55%	2 50%	2 40%	3 50%	2 50%	21 51%
Total = N	22 100%	4 100%	5 100%	6 100%	4 100%	41 100%

Decision on whether to make a VIS again with hindsight

Apart from one victim of DV, all participants in all crime categories stated that they would choose to make a VIS if given the opportunity again (see Table A1.17). These results suggest that VOC attribute some worth to the process and presentation of the VIS.

Table A1.17: VOC: Given the opportunity again would you choose to make a VIS? (by crime category)

Would make a VIS again	Family victims N = 22	Sexual assault N = 5	Domestic violence N = 6	HCSA N = 7	Physical assault N = 5	Total N = 45
Yes	22 100%	5 100%	5 83%	7 100%	5 100%	44 98%
No	0 0%	0 0%	1 17%	0 0%	0 0%	1 2%
Total = N	22 100%	5 100%	6 100%	7 100%	5 100%	45 100%

VSP Sample

The VSP sample comprised Crown and police prosecutors, WAS officers and providers offering VOC legal, court and personal support. A detailed composition of the VSP sample is presented in Table A1.18. Of 35 VSP participants, 32 were female and three were male.

Table A1.18: VSP sample by service and gender

Service	Female	Male	Total N = 35
WAS officers	12	0	12 33%
Victims Services officers (NSW Department of Justice)	5	0	5 13%
Wirringa Baiya Aboriginal Legal Services	3	0	3 9%
DPP Crown Prosecutors, Sydney	1	1	2 6%
WDVCAS	2	0	2 6%
MACCS	2	0	2 6%
Enough is Enough, CEO & cultural coordinator	1	1	2 6%
Victims and Witnesses of Crime Court Support Service	1	0	1 3%
Adults Surviving Child Abuse (ASCA) counsellor	1	0	1 3%
IDRS	1	0	1 3%
VOCAL CEO	1	0	1 3%
HVSG manager	1	0	1 3%
Women's Domestic Violence Legal Aid Support Service solicitor/coordinator, Sydney	1	0	1 3%
Police Prosecutor, Sydney	0	1	1 3%
Total	32 91%	3 9%	35 100%

Note: N represents the total number of VSP participants referring to a crime category.

VSP experience of VIS response rates

VSP were asked to nominate, in their experience, the crime categories for which VISs were more likely to be made (see Table A1.19). In general, all services felt that a VIS is more likely to be made in death matters and in those

matters of HCSA, SA and serious PA where an injury was sustained by the victim. These types of matters are mainly heard in the District Court and Supreme Court. VSP reported that few VIS were made in the Local Court. Participants working at WDVCS, Wurringa Baiya Legal Services and IDRS reported that their clients' matters rarely got to court and/or conviction. DV was not referred to by any respondents as a crime category where VIS are likely or unlikely to be made, whereas robbery was mentioned by 13 participants as being a category where VIS are not made.

Table A1.19: VSP: Which are the crime categories where the submission of a VIS is more likely?

Submission of VIS more likely	Death matters N = 26	Sexual assault N = 22	HCSA N = 21	Physical assault with bodily harm N = 19	Robbery N = 13
Yes	25 96%	16 73%	14 67%	9 47%	0 0%
No	1 4%	6 27%	7 33%	10 53%	13 100%
Total = N	26 100%	22 100%	21 100%	19 100%	13 100%

VSP interviewed were not able to provide concrete numerical data regarding the number of their clients who would make a VIS within a fixed period. Overall, 36% of VSP stated 'most' or 'many' of their clients make a VIS, with 36% stating that 'a few' or 'no' clients make a VIS, and a further 27% stating that they 'didn't know' how many victims eligible would make a VIS (see Table A1.20). When analysed by service type, it seems that a VIS is more generally made in serious matters, defined as being matters where the victim has sustained a fatal or physical injury requiring urgent medical assistance or the intervention of emergency services or has been sexually assaulted. It is, however, interesting to note the varied understandings among the different services of the number of VISs made.

Table A1.20: VSP: What proportion of your clients make a VIS?

VSP	Most	Many	A few	None	Don't know	N = 35
WAS officers	4	6	1	0	1	12
Victims Services (NSW Department of Justice) officers	0	0	0	0	5	5
Wirringa Baiya Aboriginal Legal Services	0	0	0	3	0	3
DPP Crown Prosecutors, Sydney	1	0	0	0	1	2
Police Prosecutor, Sydney	0	0	1	0	0	1
WDVLASS solicitor/manager Sydney	0	0	1	0	0	1
WDVCASS	0	0	0	0	2	2
MACCS VWCCS	0	0	2	0	1	3
HVSG	0	0	1	0	0	1
Enough is Enough, CEO	0	1	0	0	0	1
Enough is Enough, cultural coordinator	0	0	0	1	0	1
VOCAL	0	0	1	0	0	1
Adults Surviving Child Abuse (ASCA)	0	0	0	0	1	1
IDRS manager	0	0	0	0	1	1
Total	5 14%	7 20%	7 20%	4 11%	12 35%	35 100%

VSP experience of the purpose of VIS from their clients' perspective

In discussion, VSP stated other reasons they felt victims make a VIS (see Table A1.21). Five of 15 suggested victims wish to use their VIS to redress the balance of power between the victim and the offender in court, and four participants from victim support agencies stated some of their clients report being told by the prosecutor to provide a VIS, which concurs with VOC data (see Table A1.10), where 10% of VOC reported that they had felt obligated or influenced to make a VIS due to indications from the police or prosecutor that the submission of a VIS would be useful.

Other reasons stated by VSP included a need to inform the offender or their family of the impact of the crime, seeing the VIS as a form of rehabilitation for the offender, being able to present emotional rather than factual detail to the court, and because victims feel guilty if they do not prepare one.

Table A1.21: VSP: other reasons clients give for wanting to make a VIS

Reasons clients provide for wanting to make a VIS	Number
To redress the balance of power from offender to victim	5
The prosecutor told them to provide one	4
They feel guilty if they do not provide one	1
To provide emotional rather than factual detail regarding the impact of the crime	1
They want the offender to hear about the consequences of their actions on the victim	1
To get acknowledgement that they are not to blame	1

Templates

VSP were asked how often they provide their clients with VIS templates (see Table A1.22). Just over half the VSP said that VIS templates were not routinely provided for their clients' use as this was seen to be too prescriptive, negating the intention of the provision of the VIS—namely, to provide the victim with an opportunity to convey to the court in their own words the personal, individual

impact of the crime. Despite this, nearly 40% reported that they ‘often’ or ‘sometimes’ provide templates.

Table A1.22: VSP: How regularly were VIS templates provided?

	Often	Sometimes	Rarely	Never	N = 33
Number of VSP	1 3%	12 36%	3 9%	17 52%	33 100%

The importance of the VIS as a provision for VOC

Towards the end of the interview, VSP participants were asked to consider both the positives and negatives of the VIS experience of their clients. At this point in the interview, nearly 80% of participants working with clients eligible to make a VIS stated that the VIS was an important provision, although 22% felt VIS importance to the victim was crime specific (see Table A1.23).

Table A1.23: VSP: Do you see the VIS as being important to your clients?

VIS important to clients	N = 23
Yes	18 78%
Dependent on crime	5 22%
Total = N	23 100%