

Victims Register Policy

Essential Summary

This policy provides information to demonstrate how Youth Justice NSW (YJNSW) complies with the requirements of section 100A-D of the *Children (Detention Centres) Act 1987*.

The policy provides detail on the Youth Justice maintained Victims Register including:

- Who can register as a victim of a young person
- How YJNSW will maintain the privacy for a Registered Victim
- How information flows between YJNSW, the Registered Victim, the Serious Young Offenders Review Panel, the Children's Court in their role as the Parole Authority, and the YJNSW centres where offenders of Registered Victims are housed.

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Please check in the [Operations Manual \(TOM\)](#) to ensure you have the latest version before using this document.

Table of Contents

1	Scope	3
2	Purpose	3
3	Definitions	3
4	Victims of crime and their rights	4
4.1	Charter of Victims Rights	4
4.2	How to become a registered victim	5
5	Information for registered victims	6
5.1	Information to be provided to Registered Victims	6
5.1.1	Young Person	6
5.1.2	Serious Young Offenders	6
5.2	Transfer information to the Corrective Services Victims Register	7
5.3	Information not to be given to the Registered Victim	7
5.4	Training and support for the Victims Register Officer	7
6	Confidentiality and Record Management	7
6.1	Confidentiality of Victims Register	8
6.2	Confidentiality of the young people with a Registered Victim	8
7	Notifications	8
7.1	To the Victims Register Officer	9
7.2	To the Registered Victim	9
7.3	To the Serious Young Offenders Review Panel	9
7.4	Timeframes for providing notifications	10
8	Complaint mechanism	13
9	References	13
9.1	Legislation	13
9.2	Policies	13
9.3	Procedures	13
9.4	Forms	13
9.5	Resources	13
	Document information	14
10	Document history	14

1 Scope

This policy applies to those Youth Justice NSW (**YJNSW**) employees who are involved in the management and administration of the Victims Register, or who have an essential need for access to the Victims Register or the list of young people who have a Registered Victim, including the:

- Victims Register Officer (**VRO**), based in Strategy and Engagement Directorate
- Serious Young Offender Review Panel (**SYORP**) Project Officer
- Executive Director, Youth Justice
- Director, Strategy and Engagement
- Manager, Strategic Projects
- Director, Custodial Operation
- Centre Managers, and
- A limited number of delegated employees such as the Assistant Manager (Custody)
- CIMS System Administrator and Database Administrator

2 Purpose

The purpose of this policy is to:

- demonstrate how YJNSW complies with the requirements of the *Children (Detention Centres) Act 1987* in relation to the administration of the Victims Register
- outline how to manage the Victims Register in accordance with applicable privacy legislation and what type of information can and cannot be shared with a victim
- outline the communication channels between the VRO, the SYORP Project Officer and the Centre Manager or Assistant Manager (Custody).

3 Definitions

Centre Manager, as defined by Part 1 of the *Children (Detention Centres) Act 1987* is the person for the time being in charge of the centre.

Charter of Victims Rights outlines the rights for victims of crime (as defined in Division 2 of the *Victims Rights and Support Act 2013*).

General geographical area means informing the Registered Victim of the regional area that the young person is being released to for example, Western Sydney instead of Blacktown, or Central Coast instead of stating Gosford.

Must indicates a mandatory action to be complied with.

Parole Authority determines matters regarding release on parole, breach and revocation matters. The Children's Court in its jurisdiction as parole authority manages all juvenile parole matters.

Registered Victim is a victim of crime who has been registered on the Victims Register in accordance with s100A of the *Child (Detention Centres) Act 1987* and the requirements of this policy.

Serious Young Offender, as defined by Part 4B of the *Children (Detention Centres) Act 1987*, is a young person in custody who has been convicted of a serious children's indictable offence within the meaning of the *Children (Criminal Proceedings) Act 1987*.

Should indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action

Victim of crime, as defined in s100A of the *Child (Detention Centres) Act 1987*, and is:

- (1) a victim of an offence for which the Young Offender has been sentenced or of any offence taken into account under Division 3 of Part 3 of the *Crimes (Sentencing Procedure) Act 1990* when dealing with a primary offence, or
- (2) the family representative of a victim, if the victim is dead or under any incapacity, and having suffered actual physical bodily harm, mental illness or nervous shock, or whose property is deliberately taken, destroyed or damaged, as a direct result of an act committed, or apparently committed, by the Young Offender in the course of an offence.

Victims Register is the register kept in accordance with s100A of the *Child (Detention Centres) Act 1987* to record the names and contact details of victims of Young People who have requested that they be given notice of the possible release of the young person concerned.

Victims Register Officer (VRO) is the individual based in Strategy and Engagement Directorate who manages the Register including contact with the Registered Victims.

Victim submission means a submission made by a registered victim regarding a Serious Young Offender to the SYORP, as defined in sections 37Q and 100C of the *Children (Detention Centres) Act 1987*, and to the Parole Authority.

Young person, in the context of this policy, is a juvenile offender as defined by Part 5 of the *Children (Detention Centres) Act 1987*, being a person subject to control or a person who is serving a sentence of imprisonment or parole and who was under the age of 18 years when the person committed the offence.

4 Victims of crime and their rights

Victims of crimes committed by young people who are in Youth Justice custody¹ are eligible to apply to be placed on the Victims Register.

4.1 Charter of Victims Rights

YJNSW is committed to acknowledging and observing the rights of victims of crime as prescribed in the *Victims Rights and Support Act 2013* and the Charter of Victims Rights (the Charter). The objective of the *Victims Rights and Support Act 2013* is to recognise and promote the rights of victims of crime.

The Victims Register records the names of victims who have registered with YJNSW. These victims have the right to be kept informed of events as described in this policy as they relate to young people who are in a YJNSW centre.

The Strategy and Engagement Directorate administers the Victims Register and the list of young people for whom a victim is registered.

The *Children (Detention Centres) Act 1987* enables YJNSW to meet the principles of the Charter as outlined in s6 of the *Victims Rights and Support Act 2013*.

The specific victim's rights as they are applied by YJNSW in the context of the Victims Register are as follows:

- a victim will be treated with courtesy, compassion, cultural sensitivity and respect for the victim's rights and dignity
- a victim will be informed at the earliest practical opportunity, by relevant agencies and officials, of the services and remedies available to the victim
- a victim will have access where necessary to available welfare, health, counselling and legal assistance responsive to the victim's needs.
- a victim's residential address and telephone number will not be disclosed unless a court otherwise directs
- a victim will, on request, be kept informed of the offender's impending release or escape from custody or of any change in security classification that results in the offender becoming eligible for an unescorted absence from custody
- a victim will, on request, be provided with the opportunity to make submissions concerning the granting of parole to a serious offender, or any change in security classification that would result in a serious offender becoming eligible for an unescorted absence from custody
- a victim may make a complaint about a breach of the Charter and will, on request, be provided with information on the procedure for making such a complaint

4.2 How to become a registered victim

Victims must apply for registration to YJNSW using the *Victims Register Information Guide and Registration Form* and are assessed against the definition of a victim of crime by the VRO. The VRO will also assess the applicant's relationship to the victim if it is a family member applying.

The victim must provide evidence of their identity and information about the offence as outlined in the *Information Guide and Registration Form* to enable the VRO to confirm they are the relevant victim. Family representatives need to show evidence of their relationship to the victim through birth certificate or other means.

A victim under 18 years must be asked if they wish to be the 'registered victim/applicant' or if they want to nominate an adult as the applicant for correspondence purposes to ensure the young person is supported when notifications are made. The VRO will support the victim by informing them of what support Victims Services can provide.

When an adult is the applicant for a juvenile victim, the VRO must ask the victim, when they turn 18, if they wish to be the applicant or if they give consent for the adult to continue to be their representative.

The names and contact details of victims who have registered their interest to be given notice of events relating to a young person is recorded on the Victims Register, as outlined in section 6 of this policy.

Registered Victims remain on the Victims Register until:

- the victim notifies YJNSW that they no longer wish to be registered
- the young person is released from custody without parole or transferred to an adult correctional centre or other jurisdiction
- the young person's parole period ends
- the young person is deceased.

5 Information for registered victims

The *Children (Detention Centres) Act 1987* allows certain information to be shared with Registered Victims of young people.

5.1 Information to be provided to Registered Victims

5.1.1 Young Person

YJNSW, may, if requested by a Registered Victim of a young person, or at the Secretary's discretion, provide the following information to the Registered Victim:

- any change to young person's earliest possible release date
- discharge of the young person from custody
- general area of the young person's residence following discharge from custody
- the transfer of a young person from a YJNSW centre to an adult correctional centre or mental health facility
- death of the young person while serving a sentence or released on parole
- escape of the young person while serving a sentence and subsequent re-apprehension
- failure of the young person to return from leave and subsequent re-apprehension
- a decision by the Secretary to grant the young person leave or discharge under s24(1) of the *Children (Detention Centres) Act 1987*

YJNSW must give notice, to a Registered Victim, of the following information:

- when the young person becomes eligible for release on parole or when a parole order has been made and the date of release
- any additional conditions placed on the parole order and any subsequent condition changes
- the young person's parole revocation

Such notice must be given in writing to the Registered Victim. Notice of the revocation of an order is not required to be given until any review of that order has been finally determined.

5.1.2 Serious Young Offenders

Where the young person is a Serious Young Offender, the Registered Victim must be given notice by YJNSW if:

- the Serious Young Offender is due for consideration of release on parole or if the Serious Young Offender is eligible for, or has applied for, release on parole
- the SYORP has been asked to provide advice or make a recommendation about a decision by the Secretary to grant the Serious Young Offender leave or discharge under s24(1) of the *Children (Detention Centres) Act 1987*

The Registered Victim must also be informed of their right to make submissions to the:

- Children's Court, in its jurisdiction as a Parole Authority, prior to the consideration for granting of parole

- SYORP, prior to the consideration for granting leave, the written notice to the Registered Victim must include:
 - the matter being notified
 - that they may make a submission to the Children’s Court or SYORP (as relevant) about the matter
 - the form that a submission may take and when the submission is due
 - that the Children’s Court or SYORP (as relevant) will consider the submission made

5.2 Transfer information to the Corrective Services Victims Register

When the VRO notifies the Registered Victim that a young person will transfer to the adult correctional system, the VRO will advise the Registered Victim that, with their consent, the VRO can transfer their registration to the Corrective Services Victims Register.

The *Victims Register Procedure* outlines the agreed procedure for transferring a Registered Victim from Youth Justice Victims Register to the Corrective Services Victims Register using the [Victims Register Online Application Form](#).

5.3 Information not to be given to the Registered Victim

To safeguard the rights, safety and welfare of young people in accordance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Children (Detention Centres) Act 1987*, Registered Victims must **NOT** be provided with the following information:

- the actual date of a young person’s initial day or overnight leave, or any subsequent occasions on which leave is granted
- the specific location where leave will be taken
- the location where the young person is being detained
- the actual date of a young person’s release or discharge from custody
- any information about the young offender’s medical and psychological history
- any information that would contravene YJNSW’s legislative responsibility

5.4 Training and support for the Victims Register Officer

The VRO, at times, may be affected by the information provided to them and the reactions of victims. YJNSW must provide training and support to the VRO to enable them to appropriately and professionally communicate with victims and reduce the effects of vicarious trauma.

6 Confidentiality and Record Management

The *Privacy and Personal Information Protection Act 1998* governs how public sector agencies deal with personal information that is collected and held by the division. This Act provides for legally enforceable rights and allows people the opportunity to make complaints about misuse of their personal information and/or to apply for an internal or an independent review concerning an alleged misuse of their personal information. **These rights apply to both Registered Victims and young people in custody.**

Under section 37D of the [Children \(Detentions Centre \) Act 1987](#), a person who discloses any information obtained in connection with the administration or execution of that Act is guilty of an offence and liable to a penalty not exceeding 10 penalty units or imprisonment for a period not exceeding 12 months, or both, unless an exception applies.

6.1 Confidentiality of Victims Register

Confidentiality of information is a primary consideration with respect to Registered Victims. YJNSW employees must protect the identity of Registered Victims and implement risk management strategies, including responses to breaches of confidentiality. Employees must be informed of the requirements for protecting the identity of Registered Victims.

The Victims Register is **highly-confidential**, and access is strictly limited to the following employees:

- Victims Register Officer
- Director, Strategy and Engagement
- Executive Director, Youth Justice
- Manager – Strategic Projects
- CIMS System Administrator and Database Administrator

The Victim Register must **NOT** be placed on a young person's 'D' file. All records relating to the Victims Register, including communication with a registered victim, copies of advice from the Centre Manager or Assistant Manager (Custody) and notices to victims must be in a confidential file in EDRMS, marked highly protected with access only to the above employees.

All communication received by the Centre Manager or Assistant Manager (Custody) from the VRO is highly confidential and should be deleted once diary notifications are made.

6.2 Confidentiality of the young people with a Registered Victim

The 'young person list' (not the victim's details) is confidential and access is limited to the following YJNSW employees:

- Director, Custodial Operations
- SYORP Project Officer
- Centre Managers (where there are young people with Registered Victims)
- Assistant Managers (Custody)

The young person must not be informed that a victim has registered with YJNSW. The 'young person list' must NOT be placed on a young person's 'D' file, but in a confidential administrative file created at the YJNSW centre and placed securely in the Centre Manager's office.

7 Notifications

For YJNSW to meet its obligations under the *Children (Detention Centres) Act 1987*, it is essential that clear communication channels are maintained between the VRO, the SYORP Project Officer, the Centre Manager, and the Assistant Manager (Custody).

7.1 To the Victims Register Officer

The Centre Manager or Assistant Manager (Custody) is responsible for notifying the VRO of events relating to young people with a Registered Victim. Notifications can be made by email or phone. Notifications must be made according to the timeframes (section 7.4 of this policy; *Victim Register Procedure*).

Notifications relating to a young person's escape or failure to return from leave must be made immediately or no later than 24 hours after the event. If the VRO is not contactable or if the event occurs after hours, the Centre Manager or Director, Custodial Operations must advise the Director, Strategy and Engagement or Manager, Strategic Projects.

7.2 To the Registered Victim

All communication between Registered Victims and YJNSW will be undertaken by the VRO. If the VRO is not available or if the young person escapes or any unauthorised absence occurs after office hours, the Director, Strategy and Engagement or the Manager, Strategy & Engagement may fulfil this role and must provide notification to the victim as soon as practicable, and no later than 24 hours after the event.

The VRO must make notifications to the victim via email unless only a telephone number has been recorded on the Victims Register. The notice must set out the outcome of the decisions made regarding leave, as well as informing the victim that any submissions relating to the young person must be made in writing. See also section 5.1 above for requirements about written notices to Registered Victims.

If the notification relates to an unauthorised absence, the Registered Victim must be notified as soon as practicable, and in any case, no later than 24 hours after the event.

The onus to maintain accurate contact details for the Victims Register lies with the Registered Victim. Attempts made by YJNSW to contact a Registered Victim whose details are incorrect or have changed must be recorded and placed on the Registered Victim's file.

7.3 To the Serious Young Offenders Review Panel

The SYORP provides independent advice to the YJNSW Executive Director regarding applications for reclassification for young people charged with a mandatory A1(o) offence between A1 & B1 and leave for Serious Young Offenders or any other matter referred to it by the Executive Director or the Minister. SYORP convenes monthly to consider young people's applications for leave.

Young people with a Registered Victim may also be subject to SYORP consideration.

The VRO must be informed of the outcomes of SYORP applications when the young person also has a Registered Victim.

7.4 Timeframes for providing notifications

The Centre Manager or Assistant Manager (Custody) must notify the Victims Register Officer (VRO) via JJVictimsRegister@justice.nsw.gov.au or by calling 8346 1406, of any event listed in the table below regarding a young person with a registered victim and within the listed timeframes. The VRO will in turn notify the registered victim.

Event	Advice to the Victims Register Officer from Centre	VRO advice to the Registered Victim	Comments
<p>Appeal or change to earliest possible release date</p>	<p>Within 5 working days of an appeal being actioned by the offender</p> <p>And</p> <p>Within 2 working days following the change to the earliest release date.</p>	<p>Within 5 working days of the change.</p>	<p>Centre's should notify the VRO if a young person appeals their custodial sentence so the VRO can monitor court dates and remind the Centre to inform VRO of any change to earliest release date.</p>
<p>Leave for Serious Young Officers</p> <p>SYROP submission</p> <p>Initial approval</p>	<p>At least 3 weeks prior to submission to SYROP.</p> <p>Decision by SYROP immediately following notification from SYROP.</p>	<p>At least 10 working days prior to SYROP meeting inform of ability to provide submission.</p> <p>Must advise immediately or at least within 24 hrs.</p>	<p>Young people subject to SYORP who achieve B2 will not go off site until submission for supervised community activities goes to SYORP. The victim must be provided with an opportunity to forward a submission to SYORP prior to leave approval.</p> <p>The SYORP Project Officer will notify the VRO who will notify the victim of:</p> <ul style="list-style-type: none"> - the outcomes of young people's applications, the type of leave approved - any specific conditions that relate to the leave - the <i>general geographical</i> area in which the young person will conduct their leave. <p>Specific locations or addresses <i>must not</i> be divulged to the registered victim.</p>
<p>Leave for young offenders (not SYO)</p> <p>Initial approval</p>	<p>Immediately after the AM (Custody) receives notification of a change in classification to B2 or B3</p>	<p>Immediately after the VRO receives notification of a change in classification to B2 or B3</p>	<p>The VRO will notify the victim of:</p> <ul style="list-style-type: none"> - that the young person has moved to a classification which allows them to be approved for day or overnight leave - that each leave application must be approved by the Centre Manager - any specific conditions that relate to any future leave including if there are any particular conditions limiting the <i>general geographical</i> area in which the young person will conduct their leave. <p>Specific locations or addresses <i>must not</i> be divulged to the registered victim.</p>

Event	Advice to the Victims Register Officer from Centre	VRO advice to the Registered Victim	Comments
Escape/Fail to return from leave	Must advise immediately .	Must advise immediately or at least within 24 hrs.	The Director, Custodial Operations must inform the VRO or the Director, Strategy and Engagement of the escape. If the VRO is not available or the escape/fail to return occurs out of office hours, the Director, Strategy and Engagement must inform the Registered Victim.
Apprehension of a young person back to custody	Must advise immediately .	Must advise immediately or at least within 24 hrs	Apprehension of Escapee advice must be emailed to the VRO along with other required notifications. The VRO must in turn inform the victim that the young person is back in custody.
Transfer to adult custody/community parole or a mental health facility (permanently from YJ)	At least 10 working days prior to transfer.	At least 5 working days prior to transfer.	The VRO will facilitate the registration of a victim to the Corrective Services Victims Register.
Parole (in the Children's Court in its Parole Jurisdiction) Note: for sentences issued in the District or Supreme Court, parole is determined in the Children's Court	10 days prior to submission of the Parole Jurisdiction Report to Children's Court (must beat least 60 days prior to earliest release date.) Within 2 working days after being notified of the Parole court date. Immediately after parole decision.	4 weeks prior to parole board hearing and option to write submission. Immediately or at least within 24 hrs of parole decision.	Where the young person for whom the victim is registered is a Serious Young Offender as defined by the <i>Children (Detention Centre) Act 1987</i> , the registered victim must be advised of his or her right to make a submission to the Children's Court in its Parole jurisdiction. Where a YJNSW Caseworker, in consultation with the Assistant Manager (Custody) recommends to the President of the Children's Court that a young person's release on parole not be granted, the Centre Manager or Assistant Manager (Custody) must provide that the VRO is advised immediately and is kept informed of revised discharge dates. The VRO must in turn inform the registered victim.
Conditional Discharge 24(1)(c)	5 working days prior to submission of a Conditional Discharge Assessment Report to the Executive Director. 10 working days prior to the impending release.	5 working days prior to the young person's release.	Serious Young Offenders and all young people sentenced as an adult (classified) are not eligible for conditional release under 24(1)(c) of the <i>Children (Detention Centres) Act</i> . The VRO must be advised of the area in which the young person will reside on release. The registered victim must be advised of the <i>general geographical</i> area in which the young person will be residing. Specific locations or addresses <i>must not</i> be divulged to the registered victim.

Event	Advice to the Victims Register Officer from Centre	VRO advice to the Registered Victim	Comments
<p>Death of the young person while serving a sentence or parole</p>	<p>For in custody, within 2 days after death of young person.</p> <p>For in community on parole, within 5 days after death of young person.</p>	<p>Within 5 days of death of the young person.</p>	<p>VRO should be aware of any media or contentious issues when considering the timing of informing the Registered Victim.</p> <p>For young people on parole in the community the</p>
<p>Parole revocation</p>	<p>Within 5 working days of young person returning to custody.</p>	<p>Within 10 working days of young person returning to custody.</p>	<p>VRO to inform the Registered Victim if the young person's parole is revoked and they are returned to custody and their new earliest release date.</p>
<p>New Victim Register Application Processing</p>	<p>At least 7 working days after receiving confirmation & info request from VRO.</p>	<p>Acknowledge receipt immediately.</p> <p>At least 10 working days after initial acknowledgement.</p>	<p>VRO to inform the Registered Victim that they are on the Register and provide initial confirmation of young person's earliest release date.</p>

8 Complaint mechanism

YJNSW encourages registered victims to make a complaint if they feel that they have been treated badly or unfairly or if they believe that their rights as a victim of crime have not been respected.

Victims must be provided with details of how to make a formal complaint upon request as outlined in the *Victims Register Information Guide and Registration Form*. Details of external complaint mechanisms are included. All victims' complaints and action taken to resolve the complaints are monitored by the Strategy and Engagement Directorate.

9 References

Note: The effectiveness of this document may be reduced if it is printed due to intranet and website links incorporated in this section by hyperlink.

9.1 Legislation

- *Children (Detentions Centre) Act 1997*
- *Victims Rights and Support Act 2013*
- *Privacy and Personal Information Protection 1998*

9.2 Policies

- Case Management
- Objective Classification of Young People
- Serious Young Offenders Review Panel (SYORP)
- Leave

9.3 Procedures

- Case Management
- Objective Classification of Young People
- Serious Young Offenders Review Panel (SYORP)
- Admissions and Discharge
- Leave

9.4 Forms

- *Victims Register Online Application Form*; <https://forms.dcj.nsw.gov.au/csnsw/victimsregistration/>

9.5 Resources

- **Victims Register**; <https://www.youthjustice.dcj.nsw.gov.au/Pages/youth-justice/about/victimsregister.aspx>
- **Corrective Services Victim Support** <https://correctiveservices.dcj.nsw.gov.au/csnsw-home/support/victim-support.html>

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10 Document history

Version	Date	Reason for Amendment
0.3	15/2/2022	Corrective Service NSW implemented a new online process and form, titled <i>Victims Register Online Application Form</i> . This new form replaced the <i>Transfer to Corrective Services Victims Register Form</i> and <i>Victims Register Information Guide and Registration Form</i> .
0.2		Reviewed to match new legislation
0.1	June 2009	New policy.
