



New South Wales

# Victims Legislation Amendment (Victims Registers) Bill 2025

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are as follows—

- (a) to amend the *Children (Detention Centres) Act 1987* (the **CDC Act**) to require the agency responsible for keeping the Victims Register under the CDC Act to notify victims of serious young offenders, or particular family members of those victims, of the register and the victim's or family member's eligibility to be recorded in the register,
- (b) to amend the *Crimes (Administration of Sentences) Act 1999* (the **CAS Act**) to require the agency responsible for keeping the Victims Register under the CAS Act to notify victims of particular serious offenders, or particular family members of those victims, about the register and the victim's or family member's eligibility to be recorded in the register,
- (c) to amend the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* (the **MHCIFP Act**) to require the Commissioner of Victims Rights to notify victims of forensic patients, or particular family members of those victims, about the Victims Register kept under the MHCIFP Act and the victim's or family member's eligibility to be included in the register,
- (d) to amend the *Victims Rights and Support Act 2013* (the **VRS Act**) to—
  - (i) allow a victim's contact details to be shared between particular government agencies for the purpose of informing the victim about available services, support or assistance, including about the victim's eligibility to be recorded or included in a victims register, and
  - (ii) allow particular government agencies responsible for administering matters relating to victims and victims support to disclose personal information to an agency

responsible for keeping a victims register that is reasonably necessary to enable the responsible agency to comply with an obligation under an Act to notify a victim of crime or a family victim about the register.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

## **Schedule 1      Amendment of Children (Detention Centres) Act 1987 No 57**

**Schedule 1** inserts proposed section 100AA into the CDC Act to—

- (a) impose an obligation on the government agency responsible for keeping the Victims Register under the CDC Act to give victims of serious young offenders particular information about the register, including that—
  - (i) the agency keeps the register, and
  - (ii) the victim is eligible to be recorded in the register, and
- (b) require the responsible agency to instead give notice about the register to a family member known to prosecuting authorities in circumstances where a family representative is required to be recorded in the register instead of the victim, and
- (c) allow the Secretary of the Department of Communities and Justice to direct that notice be given to an eligible victim aged 16 or 17 years old instead of the family member after considering the eligible victim's individual circumstances, and
- (d) provide exemptions to the obligation to give notice about the register to a person if—
  - (i) the agency does not have sufficient information to identify the person despite having taken reasonable steps to ascertain the information from prosecuting authorities, or
  - (ii) the agency is aware, on reasonable grounds, that the person does not want to be notified about the register in relation to the offender and the offence, or
  - (iii) the person is already recorded in the register in relation to the offender and the offence, or
  - (iv) the agency is aware that the person has already been notified about the register in relation to the offender and the offence, including by another agency.

## **Schedule 2      Amendment of Crimes (Administration of Sentences) Act 1999 No 93**

**Schedule 2** inserts proposed section 282A into the CAS Act to—

- (a) impose an obligation on the government agency responsible for keeping the Victims Register under the CAS Act to give victims of particular serious offenders particular information about the register, including that—
  - (i) the agency keeps the register, and
  - (ii) the victim is eligible to be recorded in the register, and
- (b) require the responsible agency to instead give notice about the register to a family member known to prosecuting authorities in circumstances where a family representative is required to be recorded in the register instead of the victim, and
- (c) allow the Commissioner to direct that notice be given to an eligible victim aged 16 or 17 years old instead of the family member after considering the eligible victim's individual circumstances, and
- (d) provide exemptions to the obligation to give notice about the register to a person if—

- (i) the agency does not have sufficient information to identify the person despite having taken reasonable steps to ascertain the information from prosecuting authorities, or
- (ii) the agency is aware, on reasonable grounds, that the person does not want to be notified about the register in relation to the offender and the offence, or
- (iii) the person is already recorded in the register in relation to the offender and the offence, or
- (iv) the agency is aware that the person has already been notified about the register in relation to the offender and the offence, including by another agency.

### **Schedule 3      Amendment of Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12**

**Schedule 3** inserts proposed section 156A into the MHCIFP Act to—

- (a) impose an obligation on the Commissioner for Victims Rights to give victims of forensic patients particular information about the register, including that—
  - (i) the agency keeps the register, and
  - (ii) the victim is eligible to be included in the register, and
- (b) require the Commissioner to instead give notice about the register to a family member, known to prosecuting authorities in circumstances where the victim is under an incapacity or is less than 18 years of age, and
- (c) allow the Commissioner to direct that notice be given to an eligible victim aged 16 or 17 years old instead of the family member after considering the eligible victim's individual circumstances, and
- (d) provide exemptions to the obligation to give notice about the register to a person if—
  - (i) the Commissioner does not have sufficient information to identify the person despite having taken reasonable steps to ascertain the information from prosecuting authorities, or
  - (ii) the Commissioner is aware, on reasonable grounds, that the person does not want to be notified about the register in relation to the forensic patient and the offence, or
  - (iii) the person is already included in the register in relation to the forensic patient and the offence, or
  - (iv) the Commissioner is aware that the person has already been notified about the register in relation to the forensic patient and the offence, including by another agency.

### **Schedule 4      Amendment of Victims Rights and Support Act 2013 No 37**

**Schedule 4[1]** inserts definitions consequent on other amendments in Schedule 4.

**Schedule 4[2]** amends section 7 to provide that the Charter of Victims Rights, section 6.8, which prohibits the disclosure of a victim's residential address and telephone number unless directed by a court, does not apply to particular government agencies responsible for administering matters relating to victims and victims support (*victims rights agencies*) when disclosing, to the extent reasonably necessary, a victim's contact details to another victims rights agency to enable that victims rights agency to inform the victim about services, support or assistance that are available to the victim, including about the victim's eligibility to be recorded or included in a relevant victims register.

**Schedule 4[4]** amends section 112A to allow victims rights agencies to disclose personal information to an agency responsible for keeping a victims register that is reasonably necessary to

enable the responsible agency to comply with an obligation under an Act to notify a victim of crime or a family victim about the register. **Schedule 4[3]** makes a consequential amendment.

**Schedule 4[5]** inserts proposed section 112B to allow victim rights agencies to disclose health information to an agency responsible for keeping a victims register that is reasonably necessary to enable the responsible agency to comply with an obligation under an Act to notify a victim of crime or a family victim about the register.



New South Wales

# Victims Legislation Amendment (Victims Registers) Bill 2025

## Contents

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		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	<b>Amendment of Children (Detention Centres) Act 1987 No 57</b>	<b>3</b>
Schedule 2	<b>Amendment of Crimes (Administration of Sentences) Act 1999 No 93</b>	<b>5</b>
Schedule 3	<b>Amendment of Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12</b>	<b>7</b>
Schedule 4	<b>Amendment of Victims Rights and Support Act 2013 No 37</b>	<b>9</b>

*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Victims Legislation Amendment (Victims Registers) Bill 2025**

No , 2025

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### **A Bill for**

An Act to amend the *Children (Detention Centres) Act 1987*, the *Crimes (Administration of Sentences) Act 1999* and the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* to require agencies responsible for administering victims registers to notify victims of certain offenders of the existence of the registers and the victim's eligibility to be registered; and to amend the *Victims Rights and Support Act 2013* to allow particular personal and health information to be shared between government agencies for keeping victims informed of particular matters.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

*Clerk of the Parliaments*

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**Tabling copy**

<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Victims Legislation Amendment (Victims Registers) Act 2025</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5

## Schedule 1      Amendment of Children (Detention Centres) Act 1987 No 57

### Section 100AA

Insert after section 100A—

#### 100AA      Responsible agency to notify eligible victims or notifiable family members about Victims Register

- (1) As soon as practicable after becoming aware of an eligible victim, the responsible agency must notify the eligible victim of the following matters—
  - (a) that the responsible agency keeps the Victims Register,
  - (b) that the person is, on request, eligible to be recorded in the Victims Register in relation to the serious young offender and the offence,
  - (c) other matters prescribed by the regulations for this section about the following—
    - (i) eligibility for being recorded in the Victims Register,
    - (ii) the process for being recorded in the Victims Register,
    - (iii) the effect of being recorded in the Victims Register.
- (2) However, if a family representative of the eligible victim would, under section 100A, be required to be recorded in the Victims Register instead of the eligible victim, the responsible agency must give notice of the matters under subsection (1) to the following persons instead of the eligible victim—
  - (a) if the eligible victim is dead—each notifiable family member of the eligible victim known to a prosecuting authority,
  - (b) if the eligible victim is under an incapacity or is less than 18 years of age—at least 1 notifiable family member of the eligible victim known to a prosecuting authority,
  - (c) in any other circumstances prescribed by the regulations under section 100A(5), definition of *victim*, paragraph (a)(ii)—at least 1 notifiable family member of the eligible victim known to a prosecuting authority.
- (3) Despite subsection (2)(b), if the eligible victim is 16 or 17 years old, the Secretary may direct that notice under subsection (1) be given to the eligible victim instead of a notifiable family member of the eligible victim.
- (4) In deciding whether to give a direction under subsection (3), the Secretary must consider the eligible victim's individual circumstances.
- (5) The responsible agency is not required to notify a person of a matter under this section if—
  - (a) the responsible agency does not have sufficient information to enable the agency to notify the person of the matter despite having taken reasonable steps to ascertain the information from a prosecuting authority, or  
**Example—** The responsible agency does not know, and cannot reasonably ascertain, the person's identity or the person's full or correct contact details.
  - (b) the responsible agency is aware, on reasonable grounds, the person does not wish to be recorded in, or contacted about, the Victims Register in relation to the serious young offender and the offence, or  
**Examples of reasonable grounds—** The responsible agency has been informed of the fact by the person or a representative of the person, or has been



	informed by a prosecuting authority that the person or a representative of the person has informed the authority of the fact.	1 2
(c)	the person is already recorded in the Victims Register in relation to the serious young offender and the offence, or	3 4
(d)	the responsible agency is aware the person has already been notified of the matter, including because the matter has been included in another notice already given to the person by the agency or another government agency under this Act or another Act.	5 6 7 8
(6)	In this section—	9
	<b>eligible victim</b> means a person who—	10
(a)	is the victim of a serious young offender in relation to an offence for which the young offender was sentenced on or after the commencement of this section, and	11 12 13
(b)	is, if the person were to make a request under section 100A(2), required to be recorded in the Victims Register as a victim of the serious young offender in relation to the offence.	14 15 16
	<b>notifiable family member</b> , of an eligible victim, means the following persons—	17 18
(a)	the eligible victim's spouse,	19
(b)	the eligible victim's de facto partner who has cohabited with the eligible victim for at least 2 years,	20 21
(c)	a parent or legal guardian of the eligible victim,	22
(d)	a child or step-child of the eligible victim, or some other child of whom the eligible victim is the guardian,	23 24
(e)	a sibling or half-sibling of the eligible victim,	25
(f)	another person approved by the Secretary as being an appropriate person to notify instead of the eligible victim, having regard to the eligible victim's individual circumstances.	26 27 28
	<b>prosecuting authority</b> means—	29
(a)	the Office of the Director of Public Prosecutions, or	30
(b)	the NSW Police Force.	31
	<b>responsible agency</b> means the government agency responsible, from time to time, under section 100A(3) for keeping the Victims Register.	32 33
	<b>serious young offender</b> has the same meaning as in Part 4B.	34

## Schedule 2 Amendment of Crimes (Administration of Sentences) Act 1999 No 93

### Section 282A

Insert after section 282—

#### 282A Responsible agency to notify eligible victims or notifiable family members about Victims Register

- (1) As soon as practicable after becoming aware of an eligible victim, the responsible agency must notify the eligible victim of the following matters—
  - (a) that the responsible agency keeps the Victims Register,
  - (b) that the person is, on request, eligible to be recorded in the Victims Register in relation to the serious offender and the offence,
  - (c) other matters prescribed by the regulations for this section about the following—
    - (i) eligibility for being recorded in the Victims Register,
    - (ii) the process for being recorded in the Victims Register,
    - (iii) the effect of being recorded in the Victims Register.
- (2) However, if, under section 280(1), a family representative of the eligible victim would be required to be recorded in the Victims Register instead of the eligible victim, the responsible agency must give notice of the matters under subsection (1) to the following persons instead of the eligible victim—
  - (a) if the eligible victim is dead—each notifiable family member of the eligible victim known to a prosecuting authority,
  - (b) if the eligible victim is under an incapacity or is less than 18 years of age—at least 1 notifiable family member of the eligible victim known to a prosecuting authority,
  - (c) in any circumstances prescribed by the regulations under section 280(1)(c)—at least 1 notifiable family member of the eligible victim known to a prosecuting authority.
- (3) Despite subsection (2)(b), if the eligible victim is 16 or 17 years old, the Commissioner may direct that notice be given under subsection (1) to the eligible victim instead of a notifiable family member of the eligible victim.
- (4) In deciding whether to give a direction under subsection (3), the Commissioner must consider the eligible victim's individual circumstances.
- (5) The responsible agency is not required to notify a person of a matter under this section if—
  - (a) the responsible agency does not have sufficient information to enable the agency to notify the person of the matter despite having taken reasonable steps to ascertain the information from a prosecuting authority, or  
**Example—** The responsible agency does not know, and cannot reasonably ascertain, the person's identity or the person's full or correct contact details.
  - (b) the responsible agency is aware, on reasonable grounds, the person does not wish to be recorded in, or contacted about, the Victims Register in relation to the serious offender and the offence, or  
**Examples of reasonable grounds—** The responsible agency has been informed of the fact by the person or a representative of the person, or has been

- informed by a prosecuting authority that the person or a representative of the person has informed the authority of the fact. 1  
2
- (c) the person is already recorded in the Victims Register as— 3  
(i) a victim of the serious offender in relation to the offence, or 4  
(ii) the family representative of a victim of the serious offender in relation to the offence, or 5  
6
- (d) the responsible agency is aware the person has already been notified of the matter, including because the matter has been included in another notice already given to the person by the agency or another government agency under this Act or another Act. 7  
8  
9  
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- (6) In this section— 11  
**eligible victim** means a person who— 12
- (a) is the victim of a relevant serious offender in relation to an offence for which the offender was sentenced on or after the commencement of this section, and 13  
14  
15
- (b) is, if the person were to make a request under section 279(2), required to be recorded in the Victims Register as a victim of the serious offender in relation to the offence. 16  
17  
18
- notifiable family member**, of an eligible victim, means the following persons— 19  
20
- (a) the eligible victim's spouse, 21  
(b) the eligible victim's de facto partner who has cohabited with the eligible victim for at least 2 years, 22  
23  
(c) a parent or legal guardian of the eligible victim, 24  
(d) a child or step-child of the eligible victim or some other child of whom the eligible victim is the guardian, 25  
26  
(e) a sibling or half-sibling of the eligible victim, 27  
(f) another person approved by the Commissioner as being an appropriate person to notify instead of the eligible victim, having regard to the eligible victim's individual circumstances. 28  
29  
30
- prosecuting authority** means— 31
- (a) the Office of the Director of Public Prosecutions, or 32  
(b) the NSW Police Force. 33
- relevant serious offender** means the following serious offenders— 34
- (a) an offender who is serving a sentence for life, 35  
(b) an offender who is serving a sentence for which a non-parole period has been set in accordance with the *Crimes (Sentencing Procedure) Act 1999*, Schedule 1, 36  
37  
38  
(c) an offender who is serving a sentence, or one of a series of sentences, of imprisonment, where the term of the sentence, or the combined terms of all of the sentences in the series, is such that the offender will not become eligible for release from custody, including release on parole, until the offender has spent at least 12 years in custody, 39  
40  
41  
42  
43  
(d) an offender who has been convicted of murder and who is subject to a sentence in relation to the conviction. 44  
45
- responsible agency** means the government agency responsible, from time to time, under section 282(1) for keeping the Victims Register. 46  
47

## Schedule 3      Amendment of Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12

### Section 156A

Insert after section 156—

#### **156A    Commissioner of Victims Rights to notify victims of forensic patients or notifiable family members about Victims Register**

- (1) As soon as practicable after becoming aware of an eligible victim, the Commissioner of Victims Rights must notify the eligible victim of the following matters—
  - (a) that the Commissioner keeps the Victims Register,
  - (b) that the person is, on request, eligible to be included in the Victims Register in relation to the forensic patient and the offence,
  - (c) other matters prescribed by the regulations for this section about the following—
    - (i) eligibility for being included in the Victims Register,
    - (ii) the process for being included in the Victims Register,
    - (iii) the effect of being included in the Victims Register.
- (2) However, if the eligible victim is under an incapacity or is less than 18 years of age, the Commissioner of Victims Rights must give notice of the matters under subsection (1) to at least 1 notifiable family member of the eligible victim known to a prosecuting authority instead of the eligible victim.
- (3) Despite subsection (2), if the eligible victim is 16 or 17 years old, the Commissioner of Victims Rights may direct that notice under subsection (1) be given to the eligible victim instead of a notifiable family member of the eligible victim.
- (4) In deciding whether to give a direction under subsection (3), the Commissioner of Victims Rights must consider the eligible victim's individual circumstances.
- (5) The Commissioner of Victims Rights is not required to notify the person of a matter under this section if—
  - (a) the Commissioner does not have sufficient information to enable the Commissioner to notify the person of the matter despite having taken reasonable steps to ascertain the information from a prosecuting authority, or  
**Example—** The Commissioner does not know, and cannot reasonably ascertain, the person's identity or the person's full or correct contact details.
  - (b) the Commissioner is aware, on reasonable grounds, the person does not wish to be included in or contacted about the Victims Register in relation to the forensic patient and the offence, or  
**Examples of reasonable grounds—** The Commissioner has been informed of the fact by the person or a representative of the person, or has been informed by a prosecuting authority that the person or a representative of the person has informed the prosecuting authority of the fact.
  - (c) the person is already included in the Victims Register as a victim of the forensic patient in relation to the offence, or
  - (d) the Commissioner is aware the person has already been notified of the matter, including because the matter has been included in another notice

- already given to the person by the Commissioner or another government agency under this Act or another Act. 1  
 2
- (6) In this section— 3
- eligible victim** means a victim of a forensic patient whose name is, if the victim were to make a request under section 156(2)(a), required to be included in the Victims Register as a victim of the forensic patient in relation to an offence for which the forensic patient was sentenced on or after the commencement of this section. 4  
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- Note—** A victim of a forensic patient means a primary victim, or a family victim, of an act of violence, within the meaning of the *Victims Rights and Support Act 2013*, committed by the forensic patient—see section 3, definition of **victim**. 9  
 10  
 11
- notifiable family member**, of an eligible victim, means each of the following persons— 12  
 13
- (a) the eligible victim’s spouse, 14
  - (b) the eligible victim’s de facto partner who has cohabited with the eligible victim for at least 2 years, 15  
 16
  - (c) a parent or legal guardian of the eligible victim, 17
  - (d) a child or step-child of the eligible victim, or some other child of whom the eligible victim is the guardian, 18  
 19
  - (e) a sibling or half-sibling of the eligible victim, 20
  - (f) another person approved by the Commissioner of Victims Rights as being an appropriate person to notify instead of the eligible victim, having regard to the eligible victim’s individual circumstances. 21  
 22  
 23
- prosecuting authority** means— 24
- (a) the Office of the Director of Public Prosecutions, or 25
  - (b) the NSW Police Force. 26

## Schedule 4 Amendment of Victims Rights and Support Act 2013 No 37

### [1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

**relevant victims register** means the following—

- (a) the Victims Register within the meaning of the *Children (Detention Centres) Act 1987*,
- (b) the Victims Register within the meaning of the *Crimes (Administration of Sentences) Act 1999*,
- (c) the Victims Register within the meaning of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*.

**responsible agency**, for a relevant victims register, means the following—

- (a) for the Victims Register kept under the *Children (Detention Centres) Act 1987*—the government agency responsible, from time to time, under that Act, section 100A(3) for keeping the Victims Register,
- (b) for the Victims Register kept under the *Crimes (Administration of Sentences) Act 1999*—the government agency responsible, from time to time, under that Act, section 282(1) for keeping the Victims Register,
- (c) for the Victims Register kept under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*—the Commissioner.

**victims rights agency** means the following—

- (a) the Department of Communities and Justice,
- (b) the Cabinet Office,
- (c) a local health district or statutory health corporation within the meaning of the *Health Services Act 1997*,
- (d) the Mental Health Review Tribunal constituted under the *Mental Health Act 2007*,
- (e) the NSW Police Force,
- (f) the Office of the Director of Public Prosecutions,
- (g) a responsible agency for a relevant victims register.

### [2] Section 7 Implementation of Charter

Insert after section 7(2)—

- (2A) Despite subsection (2), the Charter of Victims Rights, section 6.8 does not apply to a victims rights agency when disclosing, to the extent reasonably necessary, a victim's contact information to another victims rights agency to allow that victims rights agency to inform the victim about services, support or assistance available to the victim, including about the victim's eligibility to be recorded or included in a relevant victims register.

### [3] Section 112A, heading

Omit "to victims". Insert instead "for benefit of victims".

### [4] Section 112A(1)(c)

Omit "victim." from section 112A(1)(b). Insert instead—  
victim, or

	(c) the disclosure of information to the responsible agency for a relevant victims register that is reasonably necessary to enable the responsible agency to comply with an obligation under an Act to notify a victim of crime or a family victim about the relevant victims register.	1 2 3 4
<b>[5] Section 112B</b>		5
	Insert after section 112A—	6
<b>112B Provision of health information for benefit of victims of crime and family victims</b>		7 8
	A victims rights agency is not required to comply with the <i>Health Records and Information Privacy Act 2002</i> , Schedule 1, clause 3, 4, 10 or 11 if compliance by the agency would prevent the disclosure of information to the responsible agency for a relevant victims register that is reasonably necessary to enable the responsible agency to comply with an obligation under an Act to notify a victim of crime or a family victim about the relevant victims register.	9 10 11 12 13 14