

Passed by both Houses



New South Wales

Victims Legislation Amendment (Victims Registers) Bill 2025

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2025



New South Wales

Victims Legislation Amendment (Victims Registers) Bill 2025

Act No , 2025

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Victims Legislation Amendment (Victims Registers) Act 2025*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

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.

- (c) the person is already recorded in the Victims Register in relation to the serious young offender and the offence, or
- (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.

(6) In this section—

eligible victim means a person who—

- (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
- (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.

notifiable family member, of an eligible victim, means the following persons—

- (a) the eligible victim's spouse,
- (b) the eligible victim's de facto partner who has cohabited with the eligible victim for at least 2 years,
- (c) a parent or legal guardian of the eligible victim,
- (d) a child or step-child of the eligible victim, or some other child of whom the eligible victim is the guardian,
- (e) a sibling or half-sibling of the eligible victim,
- (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.

prosecuting authority means—

- (a) the Office of the Director of Public Prosecutions, or
- (b) the NSW Police Force.

responsible agency means the government agency responsible, from time to time, under section 100A(3) for keeping the Victims Register.

serious young offender has the same meaning as in Part 4B.

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.

- (c) the person is already recorded in the Victims Register as—
 - (i) a victim of the serious offender in relation to the offence, or
 - (ii) the family representative of a victim of the serious offender in relation to the offence, or
 - (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.
- (6) In this section—
- eligible victim** means a person who—
- (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
 - (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.

notifiable family member, of an eligible victim, means the following persons—

- (a) the eligible victim's spouse,
- (b) the eligible victim's de facto partner who has cohabited with the eligible victim for at least 2 years,
- (c) a parent or legal guardian of the eligible victim,
- (d) a child or step-child of the eligible victim or some other child of whom the eligible victim is the guardian,
- (e) a sibling or half-sibling of the eligible victim,
- (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.

prosecuting authority means—

- (a) the Office of the Director of Public Prosecutions, or
- (b) the NSW Police Force.

relevant serious offender means the following serious offenders—

- (a) an offender who is serving a sentence for life,
- (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,
- (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,
- (d) an offender who has been convicted of murder and who is subject to a sentence in relation to the conviction.

responsible agency means the government agency responsible, from time to time, under section 282(1) for keeping the Victims Register.

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.

(6) In this section—

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.

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**.

notifiable family member, of an eligible victim, means each of the following persons—

- (a) the eligible victim's spouse,
- (b) the eligible victim's de facto partner who has cohabited with the eligible victim for at least 2 years,
- (c) a parent or legal guardian of the eligible victim,
- (d) a child or step-child of the eligible victim, or some other child of whom the eligible victim is the guardian,
- (e) a sibling or half-sibling of the eligible victim,
- (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.

prosecuting authority means—

- (a) the Office of the Director of Public Prosecutions, or
- (b) the NSW Police Force.

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.

[5] Section 112B

Insert after section 112A—

112B Provision of health information for benefit of victims of crime and family victims

A victims rights agency is not required to comply with the *Health Records and Information Privacy Act 2002*, 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.