



Justice
Corrective Services

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Dear Director Civil Law,

Corrective Services NSW (**CSNSW**) welcomes the opportunity to provide a submission in response to the statutory review of the *Victims Rights and Support Act 2013* (NSW) (**the VRS Act**). CSNSW has considered the policy objectives of the VRSA and provides the following information for consideration.

Reference to victims of 'Serious Offenders' in the Charter of Victims Rights

CSNSW proposes that the criteria for making victims submissions in relation to parole and eligibility for absence from custody (VRS Act section 6.16) be expanded to provide that registered victims of offenders serving a sentence of greater than three years be provided with the opportunity to make a submission concerning the granting of parole. In addition, any registered victim should be invited to make a submission about a change in security classification that would result in an offender being eligible for unescorted absence from custody.

The reference to serious offenders should be omitted as victims will be confused by the different definitions of 'serious offender' in the VRS Act and the *Crimes (Administration of Sentences) Act 1999* (**CAS Act**). Furthermore this label will be inappropriate if eligibility is expanded as proposed.

The definition of serious offender in the CAS Act (Part 1-3) consists of six unique criteria including an offender who is serving a sentence for life or an offender who is serving a sentence that the offender will not become eligible for release from custody, including release on parole, until he or she has spent at least 12 years in custody.

Serious Offender in the VRS Act means a person who has been convicted of an indictable offence that is punishable by imprisonment for life or for a term of 5 years or more.

While victims of serious offenders have a legal right to make submissions in certain instances CSNSW believes that any victim, or a family representative of a victim, should have the opportunity to make submissions to CSNSW concerning eligibility for absence from custody. Setting the sentence limit at greater than three years is consistent with State Parole Authority (SPA) releases and provides a legislative basis for victims to make submissions to the SPA. The discrepancy between the VRS Act and the CAS Act definitions regarding sentence length is considerable. In practice CSNSW already provides services to victims of non-serious offenders.

Definition of Victim

CSNSW notes that the differing definitions of victim can lead to confusion for victims regarding their right to be placed on the Victims Register. Victims (of crime) are defined in both the VRS Act and CAS Act and their right to information and make submissions in relation to an offender are also set out in both acts.

The definition of victim in the VRS Act is broader than that used for the Victims Register. The definition of victim in the VRS Act does not require the offender to be sentenced and in terms of acts of violence extends the definition of victim beyond the person who is injured or dies as a direct result of that act to include 'secondary and 'family' victims.

The breadth of publicly available information for victims assists with addressing the confusion noted. Once placed on the Victims Register the victim is able to access services and support provided by the CSNSW Restorative Justice Unit. This includes victim/offender conferencing that can provide support to victims in their recovery from crime and repair some of the harm that was caused by the offending.

Yours Sincerely,



PETER SEVERIN

Commissioner

12-8-2016