

## Specialist Victims Support Service

### Fact sheet: Specialist Victims Register

If you are a victim/survivor of a **forensic patient**, this fact sheet can help you understand:

- what is the Specialist Victims Register (**the Register**),
- whether you are eligible to register as a victim,
- who is allowed to see the information contained in the Register,
- what information registered victims can receive about a forensic patient,
- how and when registered victims will receive this information, and
- how you can register.

► **Note:** “Victim” includes family victim. Although we will be referring to you as a victim in this fact sheet, we (the Specialist Victims Support Service) will ask you for your preferred term (for example, client or survivor), which we will use in future.

► **For the purposes of the Register**, a person is a **forensic patient** if a court has found them:

- **act proven but not criminally responsible**, or
- **unfit to stand trial (after a special hearing)** and a **limiting term** has been imposed (this is the court’s estimate of the sentence that would have been imposed at an ordinary trial).

► A person can also be a forensic patient if a court has found them unfit and they have been detained **before a special hearing**, or if the Supreme Court has extended their status as a forensic patient. However, this fact sheet will **not apply** to those forensic patients.

## What is the Specialist Victims Register?

The Specialist Victims Support Service (**our team**) maintains a list of victims of forensic patients on behalf of the Commissioner of Victims Rights. It is called the Specialist Victims Register (**the Register**). The Register only contains the names of people who have requested to be on the Register. If you are listed on the Register (**registered victim**), we will include the following information under your name:

- The name of the forensic patient who committed the act of violence (this includes sexual assault).
- The information that has been used to verify your identity as a victim of the forensic patient (for example, the police event number).
- Whether you have made a victim impact statement to the court.
- Whether you have requested (or will be requesting) the Mental Health Review Tribunal (**the Tribunal**) to impose a non-association condition or place restriction condition on the forensic patient.
- Any dates that may be sensitive or distressing for you (for example, the date of the act of violence), so that hearings are not scheduled on these dates.

▶ The Register ensures that victims of forensic patients are informed when certain decisions are made (for example, when the forensic patient is transferred from one facility to another, or when they are granted leave or release). If you are a registered victim, you have the right to be told when these things happen.

### ▶ We will protect your privacy

Our team understands that you may be concerned about people (like the forensic patient or the Tribunal) accessing your private information. **No one** will have access to your information in the Register without your consent.

If a registered victim consents, we may provide details contained in the Register to the Tribunal. Nobody (including you or your advocate) is allowed to publish information contained in the Register unless the Tribunal or court has given permission.

To protect your privacy, the Commissioner of Victims Rights' function is also exempt from all requests for information under section 9(1) of the *Government Information (Public Access) Act 2009*, where that information is about a victim on the Register. This means that if the forensic patient requests information under the Act, the Commissioner will not be required to provide them with your confidential information.

## Am I eligible to register?

You can request to be listed on the Register if you are a:

### Victim

Person who has **suffered personal harm** as a direct result of the offence carried out by a forensic patient (for example, a person who was assaulted by the forensic patient).

### Family victim

Member of the **immediate family of the victim**, where the victim has died as a direct result of the offence carried out by a forensic patient (for example, the mother or father of a person who was killed by the forensic patient).

## What information can I receive if I am a registered victim?

If you are registered victim, our team can tell you if:

- the forensic patient is due for a mandatory Tribunal hearing,
- an application is made for a review of the forensic patient (outside of the regular mandatory hearings),
- the Tribunal makes or changes an order granting the forensic patient leave or release,
- the Tribunal makes an order to apprehend and detain a forensic patient who has breached their leave or release conditions,
- the forensic patient appeals against the Tribunal's decision, or
- the forensic patient is no longer a forensic patient.

You also have the right to be told about:

- the orders that the forensic patient (or their treating team) is seeking at a Tribunal hearing,
- the location of a Tribunal hearing,
- the outcome of a Tribunal review hearing,
- the Tribunal's general reasons for any decision about leave or release, and
- any known safety concerns that may affect you, in relation to a Tribunal hearing or the breach of an order by the forensic patient.

## How and when will I receive this information?

If you are a registered victim, our team will provide the information you have requested to receive in writing, which means it could be delivered:

- in person,
- by post to a postal address you provided us,
- by post to your residential address /business address (if you have not provided a different postal address), or
- by email.

▶ In the rare case that there is a **risk of immediate harm** to you or another person, we will inform you by telephone first (and then again in writing).

When you register as a victim, you can choose your level of contact with our team and let us know how you would like to receive information. For example, if you would prefer to be contacted by phone, we will notify you by phone before providing you with information in writing. You can also change your preferences and your level of involvement at any time by advising our team.

## How can I register and what information will I need to provide?

If you would like to register, you will need to complete a *Specialist Victims Register registration form*, which is available on the Victims Services website [www.victimsservices.justice.nsw.gov.au](http://www.victimsservices.justice.nsw.gov.au). You can also call our team on **1800 633 063**.

You will need the following information when you register:

- a **current Australian drivers licence, passport or birth certificate**,
- the **name of the forensic patient**, and
- if available, at least one of the following documents, which allows our team to verify that you are a victim:
  - The case number of the Director of Public Prosecutions (for each offence committed by the forensic patient),
  - The hearing number for the Tribunal,
  - The police event number (for each offence committed by the forensic patient), or
  - The claim number for any assistance claimed under the Victims Support Scheme.

We will inform you in writing once you have been successfully registered.

## Can I be removed from the Register?

You will be removed from the Register if:

- the forensic patient is no longer a forensic patient (for reasons related to the offence),
- all limiting terms related to the offence have expired,
- an extension order is in force (which extends the person's status as a forensic patient), or
- you request for your name to be removed.

If the forensic patient remains a forensic patient, for reasons unrelated to the offence, you will no longer be a registered victim. However, you can contact our team for more information about hearings after you have been removed from the Register.

# What does the registration form look like?



Victims Services NSW Department of Communities and Justice

## Specialist Victims Support Service Specialist Victims Register registration form

Client's details		Preferred contact		
Title <input type="text"/>	Full name <input type="text"/>	<input type="radio"/> Landline	<input type="radio"/> Mobile	
Date of birth (dd/mm/yyyy) <input type="text"/>	Gender <input type="text"/>	<b>Preferred time of contact</b> (between 9am and 5pm)		
Residential address <input type="text"/>		<input type="text"/>		
Postal address <input type="text"/>		<input type="checkbox"/> I agree the team can leave a voicemail if unable to make phone contact		
<i>(if preferred address for correspondence)</i>		<input type="radio"/> Email		<input type="radio"/> Post
Contacts	Landline <input type="text"/>	Mobile	<input type="text"/>	
Email address	<input type="text"/>			
Are you of Aboriginal or Torres Strait Islander origin?				
<input type="radio"/> No <input type="radio"/> Yes, Aboriginal <input type="radio"/> Yes, Torres Strait Islander				
Are you from a culturally and linguistically diverse background?				
<input type="radio"/> Yes <input type="radio"/> No				
Do you require an interpreter? <input type="radio"/> No <input type="radio"/> Yes ▶ Preferred language <input type="text"/>				
Do you have specific needs, for example disability?				
<input type="text"/>				
Name of Forensic Patient <input type="text"/>				
Relationship to Forensic Patient (if relevant) <input type="text"/>				
If client has an existing Victims Services claim, please list here <input type="text"/>				
If Family Victim		Victim's name <input type="text"/>	Relationship to victim <input type="text"/>	

Please feel welcome to contact our team at the Specialist Victims Support Service if you have any questions.

**Phone:** Victims Access line 1800 633 063 | Aboriginal Contact Line 1800 019 123 | **Email:** svss@dcj.nsw.gov.au

**Post:** Locked Bag 5118, Parramatta NSW 2124 | **Web:** www.victimsservices.justice.nsw.gov.au

(VS REV 03/2021)