



New South Wales

Victims Rights and Victims of Crime Commissioner Bill 2025

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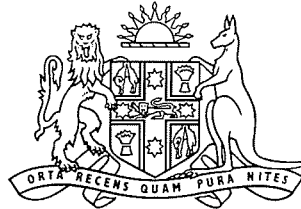
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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2025

Clerk of the Parliaments



New South Wales

Victims Rights and Victims of Crime Commissioner Bill 2025

Act No , 2025

An Act to provide for a Victims of Crime Commissioner; to make consequential amendments to the *Victims Rights and Support Act 2013*; and for related purposes.

The Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of Act

This Act is the *Victims Rights and Victims of Crime Commissioner Act 2025*.

2 Commencement

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

3 Objects of Act

The objects of this Act are—

- (a) to recognise and promote the rights of victims of crime under the Charter of Victims Rights, and
- (b) to establish a Victims of Crime Commissioner.

4 Definitions

The dictionary in Schedule 2 defines words used in this Act.

Note— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

5 Meaning of “victim of crime”

- (1) For this Act, a ***victim of crime*** is a person who suffers harm as a direct result of an act committed, or apparently committed, by another person in the course of—
 - (a) a criminal offence, including a criminal offence involving a motor vehicle, or
 - (b) conduct of a kind referred to in the *Modern Slavery Act 2018*, section 5(1), definition of ***modern slavery***, paragraph (b).
- (2) A person suffers harm if, as a result of an act mentioned in subsection (1)—
 - (a) the person suffers actual physical bodily harm or psychological or psychiatric harm, or
 - (b) the person’s property is deliberately taken, destroyed or damaged.
- (3) If the person dies as a result of the act, a member of the person’s immediate family is also a victim of crime for this Act.
- (4) If a person dies as a result of the act and there is more than one member of the person’s immediate family, the members of the immediate family may nominate a representative for the Charter.

Part 2 Charter of Victims Rights

6 Charter of rights of victims of crime

The following comprises the Charter of rights of victims of crime—

6.1 Courtesy, compassion, cultural sensitivity and respect

A victim will be treated with courtesy, compassion, cultural sensitivity and respect for the victim's rights and dignity.

6.2 Information about services and remedies

A victim will be informed at the earliest practical opportunity, by relevant agencies and officials, of the services and remedies available to the victim.

6.3 Access to services

A victim will have access where necessary to available welfare, health, counselling and legal assistance responsive to the victim's needs.

6.4 Information about investigation of crime

- (1) A victim will, on request, be informed of the progress of the investigation of the crime, unless the disclosure might jeopardise the investigation.
- (2) If the disclosure might jeopardise the investigation, the victim will be advised that the victim cannot be informed of the progress of the investigation of the crime for that reason.

6.5 Information about prosecution of accused

- (1) A victim will be informed in a timely way of the following—
 - (a) the charges laid against the accused or the reasons for not laying charges,
 - (b) a decision of the prosecution to modify or not proceed with charges laid against the accused, including a decision to accept a plea of guilty by the accused to a less serious charge in return for a full discharge in relation to the other charges,
 - (c) the date and place of a hearing of a charge laid against the accused,
 - (d) the outcome of the criminal proceedings against the accused, including proceedings on appeal, and the sentence, if any, imposed.
- (2) A victim will be consulted before a decision referred to in subsection (1)(b) is made if the accused has been charged with a serious crime that involves sexual violence or that results in actual bodily harm or psychological or psychiatric harm to the victim, unless—
 - (a) the victim has indicated the victim does not wish to be consulted, or
 - (b) the whereabouts of the victim cannot be ascertained after reasonable inquiry.

6.6 Information about trial process and role as witness

A victim who is a witness in the trial for the crime will be informed about the trial process and the role of the victim as a witness in the prosecution of the accused.

6.7 Protection from contact with accused

A victim will be protected from unnecessary contact with the accused and defence witnesses during court proceedings.

6.8 Protection of identity of victim

A victim's residential address and telephone number will not be disclosed unless a court otherwise directs.

6.9 Attendance at preliminary hearings

A victim will be relieved from appearing at preliminary hearings or committal hearings unless the court otherwise directs.

6.10 Return of property of victim held by State

If property of a victim is held by the State for investigation or evidence, the inconvenience to the victim will be minimised and the property returned promptly.

6.11 Protection from accused

A victim's need or perceived need for protection will be put before a bail authority by the prosecutor in a bail application by the accused.

6.12 Information about special bail conditions

A victim will be informed about special bail conditions imposed on the accused that are designed to protect the victim or the victim's family.

6.13 Information about outcome of bail application

A victim will be informed of the outcome of a bail application if the accused has been charged with sexual assault or other serious personal violence.

6.14 Victim impact statement

A relevant victim will have access to information and assistance for the preparation of a victim impact statement authorised by law to ensure that the full effect of the crime on the victim is placed before the court.

6.15 Information about impending release, escape or eligibility for absence from custody

A victim will, on request, be kept informed of—

- (a) the offender's impending release or escape from custody, or
- (b) a change in security classification that results in the offender being eligible for unescorted absences from custody.

6.16 Submissions on parole and eligibility for absence from custody of serious offenders

A victim will, on request, be given an opportunity to make submissions about—

- (a) the granting of parole to a serious offender, or
- (b) a change in security classification that would result in a serious offender being eligible for unescorted absences from custody.

6.17 Financial assistance for victims of personal violence

A victim of a crime involving sexual or other serious personal violence is entitled to make a claim under the Scheme.

6.18 Information about complaint procedure where Charter is contravened

A victim—

- (a) may make a complaint about a contravention of the Charter, and
- (b) will, on request, be given information about the procedure for making a complaint.

7 Additional matters for Charter of victims rights of forensic patients

The following comprises the Charter of rights of victims of crime who are victims of forensic patients—

7.1 General matters

Each right referred to in section 6.

7.2 Treatment of victim

- (1) A victim will be treated with respect and compassion, having regard to the fact that proceedings may touch on painful or tragic events in the victim's life and cause the victim to experience further grief and distress.
- (2) A victim making a submission before the Mental Health Review Tribunal should be listened to respectfully and in a way that is cognisant of the effects of the victim's experience and the benefit of expressing views about its impact.

7.3 Information about reviews of and other proceedings relating to forensic patients

A victim will be informed in a timely way of a matter before the Mental Health Review Tribunal, or the release of or granting of leave to a forensic patient or another matter, that the victim must be informed of under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*.

8 Implementation of Charter

- (1) The Charter must, as far as practicable and appropriate, govern the treatment of victims in the administration of the affairs of the State.
- (2) An agency or person exercising official functions in the administration of the affairs of the State, other than judicial functions, must, to the extent it is relevant and practicable, have regard to the Charter in addition to other relevant matters.
- (3) Despite subsection (2), the Charter, 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.

- (4) The Commissioner may make recommendations to the Minister about changes to the Charter, including the following, after conducting research, consultation with victims of crime and consideration of systemic evidence about matters that impact on victims of crime—
 - (a) the addition of new rights to the Charter,
 - (b) the expansion of existing rights set out in the Charter,
 - (c) means of strengthening the enforceability of rights set out in the Charter.
- (5) In this section—
administration of the affairs of the State includes the following—
 - (a) the administration of justice,
 - (b) the provision of police services,
 - (c) the administration of a department of the Government,
 - (d) the provision of services to victims of crime by a person or non-government agency funded by the State to provide the services,
 - (e) the administration of matters relating to forensic patients and victims of forensic patients.

Part 3 Complaints about contraventions of Charter

9 Complaints about alleged contraventions of Charter

A complaint may be made to the Commissioner about an alleged contravention of the Charter.

10 Who may make complaints

- (1) The following persons may make a complaint about an alleged contravention of the Charter—
 - (a) a victim of crime,
 - (b) a person acting on behalf of a victim of crime,
 - (c) for a victim of crime who is less than 18 years of age—a parent of, or person with parental responsibility for, the victim of crime,
 - (d) an immediate family member of a missing person.
- (2) The head of a government sector agency may refer a complaint about an alleged contravention of the Charter to the Commissioner.

11 How complaints to be made

- (1) A complaint must be made in writing in the form approved by the Commissioner.
- (2) If the Commissioner is satisfied a complainant needs help to make a complaint in writing or is unable to make a complaint in writing, the Commissioner may—
 - (a) give reasonable support to the complainant, or
 - (b) allow the complainant to make the complaint other than in writing.

12 Decision to be taken in relation to complaints

- (1) After receiving a complaint about an alleged contravention of the Charter, the Commissioner must decide to—
 - (a) investigate all or part of the complaint, or
Note— See Part 6, which provides for the Commissioner's powers in relation to an investigation of a complaint about an alleged contravention of the Charter.
 - (b) decline to investigate or otherwise deal with all or part of the complaint in accordance with section 13.
- (2) If the Commissioner makes a decision referred to in subsection (1)(b), the Commissioner must, as soon as practicable after making the decision, give the person who made the complaint written notice of the following—
 - (a) the decision,
 - (b) the reasons for the decision.

13 Commissioner may decline to investigate or otherwise deal with complaints

- (1) The Commissioner may decide to decline to investigate or otherwise deal with all or part of a complaint if the Commissioner is satisfied—
 - (a) the conduct the subject of the complaint or part of the complaint would be more appropriately dealt with by another entity, or
 - (b) the subject of the complaint or part of the complaint is being, or has been, dealt with by the Commissioner or another government sector agency, or
 - (c) an internal complaints mechanism relevant to the conduct the subject of the complaint or part of the complaint has not been exhausted, or

- (d) the time that has passed since the conduct the subject of the complaint or part of the complaint occurred makes it impracticable to investigate the complaint or part of the complaint, or
 - (e) the conduct the subject of the complaint or part of the complaint would not amount to a contravention of the Charter, or
 - (f) the complaint or part of the complaint is frivolous or vexatious.
- (2) If the Commissioner declines to investigate or otherwise deal with all or part of the complaint under subsection (1)(a), the Commissioner must refer the complaint or part of the complaint to the other entity.

14 Action after investigation of complaints

- (1) If the Commissioner decides to investigate all or part of a complaint, the Commissioner must decide to—
- (a) make a recommendation that the head of the agency alleged to have contravened the Charter—
 - (i) apologise to the victim of crime or immediate family member of the missing person, or
 - (ii) require staff of the government sector agency to undertake further training in relation to the Charter, or
 - (iii) review a policy or procedure of the government sector agency, or
 - (iv) give the victim of crime or immediate family member of the missing person information, or
 - (b) make another recommendation the Commissioner considers appropriate, or
 - (c) refer the complaint or part of the complaint to another entity if the Commissioner considers the conduct the subject of the complaint or part of the complaint would be more appropriately dealt with by that entity, or
 - (d) take no further action.
- (2) As soon as practicable after making a decision under subsection (1), the Commissioner must give notice of the decision and the reasons for the decision to—
- (a) the person who made the complaint, and
 - (b) the head of the agency the subject of the complaint.

Part 4 Appointment of Commissioner

15 Appointment of Victims of Crime Commissioner

- (1) The Governor may appoint a Victims of Crime Commissioner.
- (2) The Commissioner holds office for the term, not more than 5 years, specified in the Commissioner's instrument of appointment, but is eligible for reappointment.
- (3) A person is not eligible to be appointed for more than 2 terms of office as Commissioner, whether or not consecutive terms.
- (4) The office of Commissioner is a full-time office and the holder of the office must hold the office on that basis, except to the extent permitted by the Minister.

16 Employment and remuneration

- (1) The employment of the Commissioner must, subject to this Act, be governed by a contract of employment between the Commissioner and the Minister.
- (2) The following provisions of, or made under, the *Government Sector Employment Act 2013* relating to the employment of Public Service senior executives (the **relevant provisions**) apply to the Commissioner—
 - (a) provisions relating to the band in which an executive must be employed,
 - (b) provisions relating to the contract of employment of an executive,
 - (c) provisions relating to the remuneration, employment benefits and allowances of an executive.
- (3) For subsection (2), a reference in the relevant provisions to the employer of a Public Sector senior executive is taken to be a reference to the Minister.
- (4) The office of Commissioner is a statutory office and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to the office, except as provided by this section.

17 Vacancy in office

- (1) The office of Commissioner becomes vacant if the Commissioner—
 - (a) dies, or
 - (b) completes a term of office and is not reappointed, or
 - (c) resigns the office by written instrument addressed to the Minister, or
 - (d) is removed from office by the Governor under section 18, or
 - (e) becomes personally insolvent, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is convicted—
 - (i) in New South Wales of an offence punishable by imprisonment for 12 months or more, or
 - (ii) elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence punishable by imprisonment for 12 months or more, or
 - (h) is imprisoned—
 - (i) in New South Wales in relation to a conviction for an offence, or
 - (ii) elsewhere than in New South Wales in relation to a conviction for an offence that, if committed in New South Wales, would be an offence punishable by imprisonment.

- (2) If the office of Commissioner becomes vacant, a person must, subject to this Act, be appointed to fill the vacancy.

18 Removal from office

- (1) The Governor may remove the Commissioner from office only for incompetence, incapacity or misbehaviour.
- (2) The Commissioner must not be removed from office under the *Government Sector Employment Act 2013*, Part 6.

19 Acting Commissioner

- (1) The Minister may appoint a person to act as the Commissioner during—
 - (a) the illness or other absence of the Commissioner, or
 - (b) a vacancy in the office of Commissioner.
- (2) The Minister may remove a person acting in the office of Commissioner.
- (3) A person acting in the office of Commissioner is entitled to be paid the remuneration, including travelling and subsistence allowances, determined by the Minister.

20 Staff and related matters

- (1) Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commissioner to exercise the Commissioner's functions.

Note— The *Government Sector Employment Act 2013*, section 59 provides that the persons employed under this section, or whose services the Commissioner makes use of, may be referred to as officers or employees, or members of staff, of the Commissioner. The *Constitution Act 1902*, section 47A precludes the Commissioner from employing staff.

- (2) The Commissioner may—
 - (a) arrange for the use of the services of staff of a government sector agency, or
 - (b) arrange for the use of facilities of a government sector agency, or
 - (c) with the Minister's approval, engage persons as consultants or contractors as necessary to enable the Commissioner to exercise the Commissioner's functions.

21 Delegation

The Commissioner may delegate any of the Commissioner's functions, other than this power of delegation, to—

- (a) a member of staff of the Commissioner, or
- (b) a person of a class prescribed by the regulations.

Part 5 Functions of Commissioner

22 Commissioner's functions

- (1) The Commissioner's functions are as follows—
 - (a) to advocate for the rights of victims of crime at a systemic level,
 - (b) to identify and review systemic issues relating to victims of crime,
 - (c) to conduct and promote research into systemic issues relating to victims of crime,
 - (d) to consult victims of crime, community victims support groups and government sector agencies on systemic matters relating to victims of crime,
 - (e) to make recommendations to the Minister about systemic issues relating to victims of crime,
 - (f) other functions conferred or imposed on the Commissioner by this Act or another Act.
- (2) The Commissioner has the following functions in relation to the Charter—
 - (a) to promote and oversee the implementation of the Charter, including by publishing codes, guidelines and other practical guidance on the implementation of the Charter,
 - (b) to make recommendations to assist agencies to improve their compliance with the Charter, including conducting training and recommending changes to policies and procedures,
 - (c) to—
 - (i) receive complaints from persons who, under section 10, may make complaints about alleged contraventions of the Charter, and
 - (ii) use the Commissioner's best endeavours to resolve the complaints,
 - (d) to provide information and education to victims of crime about their rights under the Charter.
- (3) A Minister or agency to whom a recommendation is made by the Commissioner in exercising the Commissioner's functions must provide a written response to the Commissioner advising—
 - (a) whether or not the recommendation has been adopted, and
 - (b) if the recommendation has not been adopted—the reasons for the refusal or failure to adopt the recommendation.
- (4) A response under subsection (3) must be provided by—
 - (a) the day that is 6 months after the recommendation is made, or
 - (b) the later day requested by the Minister or agency and agreed by the Commissioner.
- (5) In exercising the Commissioner's functions, the Commissioner must act independently and in the public interest.

23 Limitation on Commissioner's functions

- (1) The Commissioner's functions do not include—
 - (a) advocating for individual victims of crime, or
 - (b) inquiring into individual decisions made in relation to victims of crime, including decisions about eligibility for support under the Scheme, or

- (c) investigating a complaint about an alleged contravention of the Charter if the investigation would—
 - (i) prejudice criminal proceedings, or
 - (ii) prejudice the investigation of a criminal offence, or
 - (iii) result in interference with the exercise of the jurisdiction of a court or tribunal, or
 - (d) inquiring into or reviewing decisions involving the exercise of prosecutorial discretion.
- (2) The Commissioner must liaise with the following persons and bodies to avoid the Commissioner's functions being exercised in a way that duplicates the functions of the persons and bodies—
- (a) the Anti-slavery Commissioner under the *Modern Slavery Act 2018*,
 - (b) the Ageing and Disability Commissioner under the *Ageing and Disability Commissioner Act 2019*,
 - (c) another person or body prescribed by the regulations.

24 Commissioner's independence

The Commissioner is not subject to the control and direction of the Minister in exercising the Commissioner's functions under this Act.

25 Victims Advisory Committee

- (1) The Commissioner must establish an advisory committee (the *Victims Advisory Committee*).
- (2) The function of the Victims Advisory Committee is to provide a consultative body to advise the Commissioner, at the Commissioner's request, about the exercise of the Commissioner's advocacy functions.
- (3) The Victims Advisory Committee consists of the following members—
 - (a) the Commissioner, who is the chairperson of the Committee,
 - (b) not more than 6 members (*appointed members*) of the general community, appointed by the Commissioner, who—
 - (i) reflect the diversity of the general community and includes—
 - (A) at least one person who is an Aboriginal person, and
 - (B) at least one person who is a person living with a disability, and
 - (ii) have relevant knowledge of and experience in matters relating to victims of crime or are victims of crime, including, for at least one member, relevant knowledge of and experience in matters relating to victims of domestic and family violence or victims of sexual violence crime,
 - (c) a member nominated by the Commissioner of Police to represent the NSW Police Force,
 - (d) a member nominated by the Director of Public Prosecutions to represent the Office of the Director of Public Prosecutions,
 - (e) a member nominated by the Chief Executive Officer of the Legal Aid Commission to represent the Commission,
 - (f) a member nominated by the Secretary of the department in which this Act is administered to represent the department,
 - (g) the Scheme Executive.

- (4) An appointed member—
 - (a) holds office for 3 years, and
 - (b) is eligible for reappointment as a member.
- (5) In this section—
advocacy functions means the functions referred to in section 22(1)(a)–(e).

Part 6 Powers of Commissioner

26 Definition

In this part—
information includes documents.

27 Powers of Commissioner to compel giving of information

- (1) For the purposes of investigating an alleged contravention of the Charter, the Commissioner may, by written notice—
 - (a) require an agency to give the Commissioner information, or
 - (b) ask a person to give the Commissioner information.
- (2) A notice under subsection (1)—
 - (a) for a notice under subsection (1)(a)—must specify a day on or before which the information must be given, and
 - (b) for a notice under subsection (1)(b)—may specify a day on or before which the information must be given.
- (3) A person who gives the Commissioner information the person knows is false or misleading in a material particular is guilty of an offence.
Maximum penalty—
 - (a) for an individual—50 penalty units, or
 - (b) otherwise—100 penalty units.
- (4) If documents are given to the Commissioner under this section, the Commissioner—
 - (a) may take possession of, and make copies of or take extracts from, the documents, and
 - (b) may keep possession of the documents for the period necessary for exercising the function, and
 - (c) during that period, must permit the documents to be inspected at all reasonable times by the persons who would be entitled to inspect the documents if the documents were not in the Commissioner's possession.

28 Exemption from requirement to give information

Despite section 27, an agency or person is not required to give information under that section if—

- (a) there is an overriding public interest against disclosure of the information under the *Government Information (Public Access) Act 2009* or if access to the information would otherwise be denied under that Act, or
- (b) the information is subject to legal professional privilege, or
- (c) the information is subject to an order made by a court or tribunal that prohibits or restricts the disclosure of information, by publication or otherwise, or
- (d) giving the information would prejudice an ongoing criminal investigation or proceedings for a criminal offence, or
- (e) giving the information would endanger a person's life or physical safety.

29 Exchange of information with relevant agencies

- (1) The Commissioner may give relevant information to a relevant agency to enable or assist the relevant agency to exercise the relevant agency's functions.

- (2) A relevant agency may give relevant information to the Commissioner to enable or assist the Commissioner's exercise of the Commissioner's functions.
- (3) Without limiting subsection (1), the Commissioner may enter into an arrangement (an **information sharing arrangement**) with a relevant agency or the head of the relevant agency to share or exchange relevant information held by the Commissioner or the agency.
- (4) The **relevant information** held by the Commissioner or a relevant agency that may be given under this section is limited to information about the following—
 - (a) a complaint about a contravention of the Charter made under this Act,
 - (b) matters relating to systemic issues relating to victims of crime,
 - (c) matters prescribed by the regulations.
- (5) Under an information sharing arrangement, the Commissioner and the relevant agency are, despite another Act or law, authorised to—
 - (a) request and receive information held by the other party to the arrangement, and
 - (b) disclose information to the other party.
- (6) Subsection (5) applies only to the extent the information is reasonably necessary to assist in the exercise of the functions of the Commissioner under this Act or the functions of the relevant agency.
- (7) This section does not—
 - (a) require the Commissioner to give information to a relevant agency only in accordance with subsection (1), or with an information sharing arrangement, if the information may otherwise be lawfully given, or
 - (b) limit the operation of another Act or law under which a relevant agency is authorised or required to disclose information to another person or body.
- (8) In this section—
 - relevant agency** means the following—
 - (a) a government sector agency,
 - (b) another entity prescribed by the regulations.

Part 7 Reporting

30 Annual reports to Parliament

- (1) The Commissioner must, by 31 October in each year—
 - (a) prepare a report (an ***annual report***) on the activities of the Commissioner during the financial year ending on the previous 30 June, and
 - (b) give the report to the Minister.
- (2) An annual report must include the following for the financial year to which the report relates—
 - (a) a description of the Commissioner's activities in relation to each of the Commissioner's functions,
 - (b) information about the number of—
 - (i) complaints made or referred to the Commissioner, and
 - (ii) complaints resolved by the Commissioner, and
 - (iii) complaints that have not been resolved by the Commissioner, other than complaints the Commissioner has refused to deal with, and
 - (iv) complaints the Commissioner has refused to deal with, and
 - (v) recommendations made under section 14(1)(a)–(c), and
 - (vi) decisions to take no further action under section 14(1)(d),
 - (c) information about recommendations made by the Commissioner to the Minister or agencies and the responses to the recommendations, including whether the recommendations have been adopted and the reasons for not adopting recommendations.
- (3) The Minister must, within 14 days after receiving an annual report, give the report to the Presiding Officer of each House of Parliament.
- (4) A copy of an annual report given to the Presiding Officer of a House of Parliament under subsection (3) must be laid before the House within 5 sitting days of the House after the report is received by the Presiding Officer.
- (5) If an annual report includes a recommendation by the Commissioner that the report be made public immediately, the Presiding Officer of a House of Parliament may make the annual report public whether or not the House is in session and whether or not the report has been laid before the House.

31 Special reports to Parliament and Minister

- (1) The Commissioner may, on the Commissioner's own initiative or at the request of the Minister—
 - (a) prepare a report (a ***special report***) on a matter relating to the functions of the Commissioner, including the implementation of the Charter and contraventions of the Charter, and
 - (b) give the special report to the Minister.
- (2) The Minister must, within 14 days after receiving a special report, give the report to the Presiding Officer of each House of Parliament.
- (3) A copy of a special report given to the Presiding Officer of a House of Parliament under subsection (2) must be laid before the House within 5 sitting days of the House after the report is received by the Presiding Officer.
- (4) If a special report includes a recommendation by the Commissioner that the report be made public immediately, the Presiding Officer of a House of Parliament may make

the special report public whether or not the House is in session and whether or not the report has been laid before the House.

Part 8 Miscellaneous

32 Disclosure of information

A person must not disclose information obtained in connection with the administration or execution of this Act unless the disclosure is made—

- (a) with the consent of the person from whom the information was obtained, or
- (b) in connection with the administration or execution of this Act, or
- (c) for the purposes of legal proceedings arising out of this Act or a report of the proceedings, or
- (d) in accordance with a requirement imposed under the *Ombudsman Act 1974*, or
- (e) with another lawful excuse.

Maximum penalty—50 penalty units.

33 Personal liability

- (1) A matter or thing done or omitted to be done by any of the following persons does not, if the matter or thing was done or omitted to be done in good faith for the purposes of executing this Act, subject the person personally to any action, liability, claim or demand—

- (a) the Commissioner,
- (b) a member of staff of the Commissioner,
- (c) a member of an advisory committee.

- (2) However, the liability attaches instead to the Crown.

34 Review of Act

- (1) The Minister must review this Act to determine whether—
 - (a) the policy objectives of the Act remain valid, and
 - (b) the terms of the Act remain appropriate for achieving the objectives.
- (2) The review must be undertaken as soon as practicable after the period of 3 years from the commencement of this Act.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 4 years after the commencement of this Act.

35 Regulations

The Governor may make regulations about a matter that is—

- (a) required or permitted by this Act to be prescribed, or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Schedule 1 Savings, transitional and other provisions

Part 1 General

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the commencement of—
 - (a) a provision of this Act, or
 - (b) a provision amending this Act.
- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement.
- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement.
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before—
 - (a) for a provision of this Act—the date of assent to this Act, or
 - (b) for a provision amending this Act—the date of assent to the amending Act.
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not—
 - (a) affect the rights of a person existing before the publication in a way prejudicial to the person, or
 - (b) impose liabilities on a person for anything done or omitted to be done before the publication.
- (6) In this section—
person does not include the State or an authority of the State.

Part 2 Provisions consequent on enactment of this Act

2 Breach of Charter

- (1) This section applies if a complaint under the *Victims Rights and Support Act 2013* about a breach of the Charter of Victims Rights has been made but not finally resolved before the commencement of this section.
- (2) From the commencement of this section, the complaint must be dealt with by the Scheme Executive under the *Victims Support Act 2013* as if this Act had not commenced.

3 References to Act and functions

- (1) A reference in an Act or instrument to the *Victims Rights and Support Act 2013* may, after the commencement of this section and if the context permits, be taken to be a reference to either—
 - (a) this Act, or
 - (b) the *Victims Support Act 2013*.
- (2) A reference in an Act or instrument to the Commissioner of Victims Rights under the *Victims Rights and Support Act 2013* may, after the commencement of this section and if the context permits, be taken to be a reference to—

- (a) for a matter that is, or relates to, a function of the Victims of Crime Commissioner—the Victims of Crime Commissioner, or
- (b) for a matter that is, or relates to, a function of the Scheme Executive—the Scheme Executive.

Schedule 2 Dictionary

section 4

agency means—

- (a) a government sector agency, or
- (b) an entity funded by the State to provide support services to victims of crime.

Charter means the Charter of Victims Rights comprising—

- (a) the Charter of rights of victims of crime set out in section 6, and
- (b) the Charter of rights of victims of crime who are victims of forensic patients set out in section 7.

Commissioner means the Victims of Crime Commissioner.

exercise a function includes perform a duty.

function includes a power, authority or duty.

government sector agency has the same meaning as in the *Government Sector Employment Act 2013*.

information, for Part 6—see section 26.

relevant victims register has the same meaning as in the *Victims Support Act 2013*.

Scheme has the same meaning as in the *Victims Support Act 2013*.

Scheme Executive has the same meaning as in the *Victims Support Act 2013*.

victim of crime—see section 5.

Victims of Crime Commissioner means the person appointed under section 15.

victims rights agency has the same meaning as in the *Victims Support Act 2013*.

Schedule 3 Amendment of Victims Rights and Support Act 2013 No 37

[1] Long title

Omit the long title. Insert instead—

An Act to establish the Victims Support Scheme; to provide for the administration of the Victims Support Scheme by the Scheme Executive; and for related purposes.

[2] Section 1 Name of Act

Omit “*Rights and*”.

[3] Section 3 Definitions

Omit section 3(1), definitions of *Charter of Victims Rights, Commissioner, victim of crime* and *Victims Advisory Board*.

Insert in alphabetical order—

Charter of Victims Rights means—

- (a) the Charter set out in the *Victims Rights and Victims of Crime Commissioner Act 2025*, section 6, and
- (b) in relation to a victim of a forensic patient—the Charter set out in the *Victims Rights and Victims of Crime Commissioner Act 2025*, section 7.

Scheme Executive means the person employed under the *Government Sector Employment Act 2013* as the Scheme Executive.

victim of crime has the same meaning as in the *Victims Rights and Victims of Crime Commissioner Act 2025*.

Victims of Crime Commissioner has the same meaning as in the *Victims Rights and Victims of Crime Commissioner Act 2025*.

[4] Section 3(1), definition of “responsible agency”, paragraph (c)

Omit “Commissioner”. Insert instead “Scheme Executive”.

[5] Part 2 Victims Rights

Omit the part.

[6] Part 3, Division 1, heading

Omit the heading. Insert instead—

Division 1 Scheme Executive

[7] Sections 8 and 63, headings

Omit “Commissioner” wherever occurring. Insert instead “Scheme Executive”.

[8] Section 8(1)

Omit “Commissioner of Victims Rights”. Insert instead “Scheme Executive”.

[9] Sections 8(2), 9–12, 16(b), (c) and (c1), 18, definition of “approved”, 19(4)(b) and (5), 19A(3)(b) and (4), 25(5) and (6), 30(1), 31, 33(1), 38(2), 41–44, 45(1) and (2), 46–49, 51, 54(1) and (2), 56(1), 58, definitions of “confirmed order” and “order for restitution”,

59–62, 63(1) and (2), 64–66, 68(1), (3) and (4), 70A(1), 70B(1), 72(1), excluding note, 75, 113(1)(a), 114 and 117(2) and Schedule 2, clause 29

Omit “Commissioner” wherever occurring. Insert instead “Scheme Executive”.

[10] Section 10(1)(a)

Omit “, and to assist victims of crime in the exercise of their rights”.

[11] Section 10(1)(c)–(h)

Omit the paragraphs.

[12] Sections 12(1), 43(7), 49(1), 59, heading, 60, heading, 64(5) and 66(1)(a) and (4)(a)

Omit “Commissioner’s” wherever occurring. Insert instead “Scheme Executive’s”.

[13] Section 13

Omit the section. Insert instead—

13 Annual report of work of Scheme Executive

An annual report of the work of the Scheme Executive must be included in the annual report of the department in which this Act is administered.

[14] Section 16 Payments from Fund

Omit “and the Victims Advisory Board” from section 16(c).

[15] Section 16A Arrangements with Commissioner of Fines Administration

Omit “The Commissioner” from section 16A(1). Insert instead “The Scheme Executive”.

[16] Section 40 Time for making, and duration of, applications

Omit “*Rights and*” from section 40(7).

[17] Section 42 Consideration of applications

Omit “or any other Public Service employee” from section 42(2).

Insert instead “, another Public Service employee or the Victims of Crime Commissioner”.

[18] Section 68 Arrangements for reduction of amount payable

Omit “The Commissioner” from section 68(5). Insert instead “The Scheme Executive”.

[19] Section 71 Orders for restitution to be subject to administrative review of relevant approvals of victims support

Omit “the Commissioner” wherever occurring in section 71(4).

Insert instead “the Scheme Executive”.

[20] Section 72 Enforcement of order for restitution

Omit “the Commissioner” wherever occurring in section 72(2) and (3).

Insert instead “the Scheme Executive”.

[21] Section 80 Interpretation

Omit “means the Commissioner” from section 80(1), definition of *appropriate officer*.

Insert instead “means the Scheme Executive”.

[22] Part 8 Victims Advisory Board

Omit the part.

[23] Schedule 1 Provisions relating to Victims Advisory Board

Omit the schedule.

[24] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 29—

- (2) The regulations may provide for the provision of approved counselling services, and authorisation of payments for the services, to persons who are relatives, other than family victims, of persons who died as a result of road crimes that occurred—
 - (a) after the commencement of the *Victims Rights and Support Amendment (Victims Support Counselling) Act 2024*, or
 - (b) within 2 years before the commencement of the *Victims Rights and Support Amendment (Victims Support Counselling) Act 2024*, or
 - (c) more than 2 years before the commencement of the *Victims Rights and Support Amendment (Victims Support Counselling) Act 2024* if the Scheme Executive is satisfied there are exceptional circumstances.

[25] Schedule 2

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Victims Rights and Victims of Crime Commissioner Act 2025

Note— See also the *Victims Rights and Victims of Crime Commissioner Act 2025*, Schedule 2, Part 2, which provides for additional savings and transitional matters consequent on the enactment of that Act.

Actions of Commissioner of Victims Rights taken to be done by Scheme Executive

- (1) From the commencement of this clause, anything done by the Commissioner of Victims Rights before the commencement may, after the commencement and if the context permits, be taken to have been done by the Scheme Executive.
- (2) Without limiting subclause (1), from the commencement of this clause—
 - (a) an application for an internal review of a decision made by the Commissioner before the commencement may be made, reviewed and determined as if the decision the subject of the application had been made by the Scheme Executive, and
 - (b) an order for restitution made by the Commissioner under Part 5 and in force immediately before the commencement is taken to have been made by the Scheme Executive, and
 - (c) a debt notice served by the Commissioner is taken to have been served by the Scheme Executive, and
 - (d) the Scheme Executive may enforce an order for restitution made by the Commissioner and in force immediately before the commencement.

Approved professional counsellors

A person who, immediately before the commencement of this clause, was approved by the Commissioner of Victims Rights as a professional counsellor who may provide approved counselling services for the *Victims Rights and Support Act 2013* is taken, from the commencement, to have been approved by the Scheme Executive to provide approved counselling services for the *Victims Support Act 2013*.

Existing applications

An application for victims support made but not finally determined under section 43 before the commencement of this clause may be determined by the Scheme Executive as if the application had been made after the commencement.

Commissioner of Victims Rights

On the commencement of this clause—

- (a) the person who, immediately before the commencement, was the Commissioner of Victims Rights under the *Victims Rights and Support Act 2013* becomes the Scheme Executive under the *Victims Support Act 2013*, or
- (b) if the office of Commissioner of Victims Rights under the *Victims Rights and Support Act 2013* was vacant immediately before the commencement and a person was acting in the office—the person acting in the office becomes the acting Scheme Executive under the *Victims Support Act 2013*.

Administrative reviews and appeals

An application for an administrative review of or appeal against a decision of the Commissioner of Victims Rights made but not decided before the commencement of this clause continues under this Act as if the decision being reviewed or appealed against had been made by the Scheme Executive.

Schedule 4 Amendment of other legislation

4.1 Anti-Discrimination Act 1977 No 48

Section 111A Compensation to offenders in custody—payment to Victims Support Fund

Omit “*Rights and*” from section 111A(2).

4.2 Children and Young Persons (Care and Protection) Act 1998 No 157

Section 29 Protection of persons who make reports or provide certain information

Omit “*Rights and*” from section 29(1)(d)(iv).

4.3 Children (Criminal Proceedings) Act 1987 No 55

Section 36 Compensation

Omit “*Rights and*” from section 36(1).

4.4 Civil and Administrative Tribunal Act 2013 No 2

Schedule 3 Administrative and Equal Opportunity Division

Omit “*Rights and*” wherever occurring in clauses 3(1)(a), 13(c), 13B and 15(g).

4.5 Civil Liability Act 2002 No 22

Sections 3B(1)(h) and 26J(2), (3) and (3C)

Omit “*Rights and*” wherever occurring.

4.6 Coroners Act 2009 No 41

Section 101E Members of Team

Omit section 101E(5)(b). Insert instead—

- (b) the Victims of Crime Commissioner appointed under the *Victims Rights and Victims of Crime Commissioner Act 2025*,

4.7 Crimes (Administration of Sentences) Act 1999 No 93

Sections 138(1B), 141(3B) and 151(1B)

Omit “*Rights and*” wherever occurring.

4.8 Crimes (Appeal and Review) Act 2001 No 120

Section 3 Definitions

Omit “*Rights and*” from section 3(1), definition of *sentence*, paragraph (a)(iv).

4.9 Crimes (Sentencing Procedure) Act 1999 No 92

Section 10 Dismissal of charges and conditional discharge of offender

Omit “*Rights and*” from section 10(4)(b).

4.10 Crimes (Sentencing Procedure) Regulation 2024

Section 11 Persons who may assist victim—the Act, s 30(4)

Omit “*Rights and*” from section 11(5), definition of *qualified person*, paragraph (a).

4.11 Criminal Appeal Act 1912 No 16

Section 2 Definitions

Omit “*Rights and*” from section 2(1), definition of *Sentence*, paragraph (f).

4.12 Criminal Assets Recovery Act 1990 No 23

Section 32 Establishment and use of Proceeds Account

Omit “*Rights and*” from section 32(3)(c).

4.13 Criminal Procedure Act 1986 No 209

Sections 306ZA(d) and 306ZK(1)(d)

Omit “*Rights and*” wherever occurring.

4.14 Criminal Procedure Regulation 2017

Clauses 32, definition of “victim” and 97(1), definition of “victim”

Omit “*Victims Rights and Support Act 2013*” wherever occurring.

Insert instead “*Victims Rights and Victims of Crime Commissioner Act 2025*”.

4.15 District Court Act 1973 No 9

Section 171 Criminal procedure rules

Omit “*Rights and*” from section 171(2)(j).

4.16 Fines Act 1996 No 99

- [1] **Sections 3(1), definition of “victims support levy”, 112B, definitions of “order for restitution” and “relevant offence”, 112C, 112D(d), 112K(2) and (4), 112L and 117A(1)(c)(vi)**

Omit “*Rights and*” wherever occurring.

- [2] **Section 112B Definitions**

Insert in alphabetical order—

Scheme Executive has the same meaning as in the *Victims Support Act 2013*.

- [3] **Sections 112C, 112J and 112L**

Omit “Commissioner of Victims Rights” wherever occurring.

Insert instead “Scheme Executive”.

4.17 Government Information (Public Access) Act 2009 No 52

- [1] **Schedule 2 Excluded information of particular agencies**

Omit “Commissioner of Victims Rights” from clause 4.

Insert instead “Scheme Executive under the *Victims Support Act 2013*”.

[2] Schedule 2, clause 4

Omit “*Rights and*”.

4.18 Government Information (Public Access) Regulation 2018

Schedule 3 Agencies declared to be part of other agencies

Omit “Victims Advisory Board”. Insert instead “Victims Advisory Committee”.

**4.19 Mental Health and Cognitive Impairment Forensic Provisions Act 2020
No 12**

[1] Section 3 Definitions

Omit section 3(1), definition of *Commissioner of Victims Rights*.

Insert in alphabetical order—

Scheme Executive has the same meaning as in the *Victims Support Act 2013*.

[2] Section 3(1), definition of “victim”

Omit “*Rights and*”.

[3] Section 145 Victims and reviews by Tribunal

Omit “*Victims Rights and Support Act 2013*” from section 145(7).

Insert instead “*Victims Rights and Victims of Crime Commissioner Act 2025*”.

**[4] Sections 156(4), 157(1), 159(d) and 161(3) and (9), definition of “associated agency”,
paragraph (d)**

Omit “Commissioner of Victims Rights” wherever occurring.

Insert instead “Scheme Executive”.

[5] Section 156(4)

Omit “determined by the Commissioner”.

Insert instead “determined by the Scheme Executive”.

[6] Sections 156(5) and 157(4) and (5)

Omit “Commissioner” wherever occurring. Insert instead “Scheme Executive”.

[7] Section 156A, heading

Omit “**Commissioner of Victims Rights**”. Insert instead “**Scheme Executive**”.

[8] Section 156A(1)–(6)

Omit “Commissioner of Victims Rights” wherever occurring.

Insert instead “Commissioner”.

[9] Section 156A(1)(a) and (5)(a), (b) and (d)

Omit “the Commissioner” wherever occurring. Insert instead “the Scheme Executive”.

[10] Section 156A(5)(b), note

Omit “The Commissioner”. Insert instead “The Scheme Executive”.

[11] Section 156A(6), definition of “eligible victim”, note

Omit “*Rights and*”.

[12] Section 161(3)

Omit “the Commissioner”. Insert instead “the Scheme Executive”.

4.20 Mental Health and Cognitive Impairment Forensic Provisions Regulation 2021

[1] Clauses 23(1), 24(1) and (2), 25(1) and 26

Omit “Commissioner of Victims Rights” wherever occurring.

Insert instead “Scheme Executive”.

[2] Clauses 23(2)–(4) and (6) and 25(1)(d), (2) and (3)

Omit “Commissioner” wherever occurring.

Insert instead “Scheme Executive”.

[3] Clause 23 Verification of identity and status before registration

Omit “*Rights and*” from clause 23(2)(c)(iv).

[4] Clause 25, heading

Omit “**Commissioner of Victims Rights**”. Insert instead “**Scheme Executive**”.

[5] Clause 25(4), note

Omit “Section 6A of the *Victims Rights and Support Act 2013*”.

Insert instead “The *Victims Rights and Victims of Crime Commissioner Act 2025*, section 7”.

4.21 Residential Tenancies Act 2010 No 42

Section 105A Definitions

Omit “Commissioner of Victims Rights under the *Victims Rights and Support Act 2013*” from the definition of *competent person*, paragraph (e).

Insert instead “Scheme Executive under the *Victims Support Act 2013*”.

4.22 Residential Tenancies Regulation 2019

[1] Schedule 3 Declaration by competent person

Omit “Commissioner of Victims Rights under the *Victims Rights and Support Act 2013*” wherever occurring.

Insert instead “Scheme Executive, within the meaning of the *Victims Support Act 2013*”.

[2] Schedule 3

Omit “approved counsellors under the *Victims Rights and Support Act 2013*”.

Insert instead “approved counsellors under the *Victims Support Act 2013*”.

[3] Schedule 3

Omit “approved counselling services under the *Victims Rights and Support Act 2013*” wherever occurring.

Insert instead “approved counselling services under the *Victims Support Act 2013*”.

4.23 Terrorism (High Risk Offenders) Regulation 2024

Schedule 2 Compellable persons

Omit item 10. Insert instead—

- 10** The Scheme Executive within the meaning of the *Victims Support Act 2013*

4.24 Victims Rights and Support Regulation 2019

[1] Clause 1 Name of Regulation

Omit “*Rights and*”.

[2] Clause 3 Interpretation

Omit “*Rights and*” from clause 3(1), definition of *the Act*.

[3] Clauses 4–8

Omit “Commissioner” wherever occurring. Insert instead “Scheme Executive”.

[4] Clause 5(9)

Omit “Commissioner’s”. Insert instead “Scheme Executive’s”.

[5] Clause 5A

Insert after clause 5—

5A Authorisation of payments for approved counselling services for certain relatives of persons killed in road crimes—the Act, Sch 2, cl 29(2)

- (1) The Scheme Executive may, if the Scheme Executive considers it appropriate, authorise the provision of approved counselling services to a person who is a relative of a person killed in a road crime, but is not a family victim, if—
 - (a) the road crime occurred on or after 1 February 2023, or
 - (b) the road crime occurred before 1 February 2023 and the Scheme Executive is satisfied there are exceptional circumstances.
- (2) The Scheme Executive may also authorise payments for approved counselling services within Australia for a person who is a relative of a person killed in a road crime, but is not a family victim, if the road crime occurred during a period referred to in subclause (1)(a) or (b).
- (3) The Scheme Executive may authorise payments under subclause (2)—
 - (a) for a period of up to 22 hours of counselling, and
 - (b) for a further period of counselling if requested by the person receiving the counselling.

- (4) Payments for approved counselling services provided under this clause to a person who is resident in Australia must be made from the Fund directly to the service provider.