

**STANDING COMMITTEE ON LAW AND JUSTICE  
Monday 23 November 2015**

**Inquiry into the Security Classification and Management of Inmates  
Sentenced to Life Imprisonment**

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**Corrective Services NSW**

**responses to Questions on Notice**

**from uncorrected proof**

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(P.61) **The Hon. LYNDA VOLTZ:** Could you provide the Committee on notice with a copy of the written advice that you give to victims when they are registered so we can see exactly what advice they are receiving?

**Ms DAVIES:** Yes.

**A:** There are two main current registration letters. One is used when the inmate is a serious offender (Attachment A). The other letter is used when the inmate is serving a sentence of three years or more, but is not designated as a serious offender. (Attachment B). All standard letters to registered victims are under review.

(P.61) **The Hon. LYNDA VOLTZ:** I do not know whether you can provide this, but can I ask that you take on notice to provide the Committee with any category 1 inmates—the 41 inmates—or any category 2 and category 3 inmates who may have been classified below A and B? Is it possible you can provide that on notice in confidence to the Committee?

**Mr DAVID SHOEBRIDGE:** The natural lifers, cement lifers and those eligible for redetermination.

**Mr SEVERIN:** We can provide that in confidence.

**A:** There are currently no life sentence inmates in category 1, 2 and 3 who are classified below A2. Attached is a list of life sentence inmates who were classified below A and B immediately prior to 21 July 2015. (Attachment C)

**PROVIDED IN CONFIDENCE**

**Mr DAVID SHOEBRIDGE:** It is also very expensive, isn't it, the way you do it at Long Bay? It is a maximum security facility which is enormously expensive to maintain.

**Mr SEVERIN:** The unit is within Long Bay and it is staffed according to the need of the inmate. It would be very expensive if you were to build dedicated maximum security-type facilities for the aged and frail, so we would always look at an arrangement within existing perimeters where you have those costs anyway. So there would not necessarily, as a result of the security classification, be added costs. The added costs are because of the very high needs that these aged and frail people have, requiring specialist care and a different profile of staff.

**Mr DAVID SHOEBRIDGE:** It is a highly secure facility, with all the high-level, maximum security. Yet, when you go in there, there is a whole group of inmates who are so frail that they have trouble getting out of bed. What is the rationale for spending all that money, all those resources, on 30-foot high walls, razor wire, biometric security—layers and layers of security—when the inmates have trouble getting out of bed, let alone escaping out of jail? Why are we doing that?

**Mr SEVERIN:** The rationale, as I understand it—and it is obviously a unit that has been there for quite some time—is that it is co-located to the Long Bay hospital. So you have immediate access to hospital care and it makes good sense to have that co-located.

**Mr DAVID SHOEBRIDGE:** Do you say it makes good sense to put extremely frail, elderly inmates in that level of security? You do not think there is a more rational application of scarce tax dollars or that you should be putting in place a more rational way of dealing with it?

**Mr SEVERIN:** It makes very good sense to have a high-need and high-care unit co-located with a hospital.

(P.62) **Mr DAVID SHOEBRIDGE:** Could you give the cost per day for the inmates in that?

**Mr SEVERIN:** I would have to take that on notice.

**A:** The 2014/15 cost per day to keep inmates in secure facilities is \$190.29. The cost per prisoner per day is based on security type (open / secure). The age of inmates is not taken into account in the calculation of cost per day. There is no information available on the particular cost of inmates housed in the Aged and Frail Unit at Long Bay Hospital.

(P.62) **Mr DAVID SHOEBRIDGE:** You might perhaps, on notice, give the details of the number in the prison hospital, in the maximum security facility, those who are frail and those who are not.

**Mr SEVERIN:** In the hospital itself, plus the unit that is co-located?

**Mr DAVID SHOEBRIDGE:** Yes.

**CHAIR:** You may want to break that down also to lifers.

**Mr SEVERIN:** Yes.

A: Long Bay Hospital Aged Rehabilitation Unit:

as at 4 December 2015:-

14 inmates

13 are considered aged/frail

1 is a life sentence inmate.

Kevin Waller Unit:

As at 4 December 2015:-

19 inmates

17 are considered aged/frail

1 is a life sentence inmate.

(P.65) **CHAIR:** There has been some confusion over the classification and the routine, rewards and various other things that happen. Could you give us a bit of an overview—I am happy for you to take this on notice if the answer would be too detailed—of the clear difference between maximum, medium and low security.

**Mr SEVERIN:** I can refer to an appendix that we attached to our submission.

**CHAIR:** Can you tell us, also, how that might impact on the daily routine.

**Mr SEVERIN:** Sure. We might have to take the detail of daily routine on notice.

**CHAIR:** That is fine.

A: There is little difference in the daily routine for maximum and medium security inmates. Their routine can include work, education or rehabilitation programs. However, a medium security classification may provide more access to particular programs which generally would not apply to life sentence prisoners as they do not participate in programs to address offending behaviour. The security classification also determines an inmate's placement.

Average time out of cells for maximum and medium security inmates in 2013/14 was 6.9 hours.

Minimum security classification has three levels – C1 inmates are confined by a security physical barrier comprising at least one perimeter fence with detection systems. Daily routine can include work, education or rehabilitation programs.

The lowest minimum security classifications are C2 and C3. C2 inmates may be permitted to perform community work projects off the correctional centre complex. C3 inmates have access to external leave programs, including day leave and work release.

The average time out of cells for minimum security inmates in 2013/14 was 10.5 hours.

**Mr DAVID SHOEBRIDGE:** I am asking for your guidance and assistance from a prison management perspective. There is nothing inherently wrong, provided that you satisfy yourself as to the risks and as to the behaviour the prisoner. There is nothing from a prison management perspective inherently wrong with categorising life prisoners as C1.

**Mr SEVERIN:** I do not think it is a question that I can answer with yes or no because C1 in itself has different connotations. I would still believe the main criterion is a secure custody facility and secure custody management arrangements. I would not like to see a life sentence prisoner on a C1 classification being able to sort of walk from a gate to another secure area loosely supervised, really because of public concerns—and rightly so.

**Mr DAVID SHOEBRIDGE:** The inmates would need to be confined by a secure physical barrier comprising at least one perimeter fence with detection systems at all times. That is what C1 is.

**Mr SEVERIN:** That is when they are in their accommodation area. That is correct, yes.

**Mr DAVID SHOEBRIDGE:** Provided that was in place and those other matters were ticked, I am asking you for your evidence as to whether or not there would be circumstances where that would be appropriate to have a life prisoner classified a C1.

**Mr SEVERIN:** If we strictly look at the physical restrictions—that is, the physical restriction that is absolutely minimum—and if we ignore all the other arrangements that could go along with this classification.

**Mr DAVID SHOEBRIDGE:** Give me all of them that we should be concerned about.

**The Hon. LYNDA VOLTZ:** For example, would work release be part of that?

**(P.68) Mr DAVID SHOEBRIDGE:** We are not talking work release and C1 has no work release. They are never released from the facility. I am talking about the C1 classification. What are the other considerations you would have in mind?

**Mr SEVERIN:** As I mentioned, there are certain considerations in relation to work placements due to physical arrangements within our system. There are other considerations that I would have to take on notice—the detail of it.

**A:** When considering a serious offender's progression in classification, careful attention is paid to their behaviour, attitude, conduct and the extent to which they have satisfied the requirements of their case plan. Before any progression to the next classification level, inmates must have demonstrated a period of stability at their existing level. Any decision regarding reclassification will also take the particular inmate's public interest into account. Public interest inmates are those who have committed certain types of offences including drug related and sex offences. The length of sentences imposed for the particular offence is also taken into consideration before defining an inmate as 'public interest'.

**(P.70) Mr DAVID SHOEBRIDGE:** Could you provide this Committee with the paperwork that shows the rectification—how you went back to SORC and the advice you got from SORC—so that we can satisfy ourselves?

**Mr SEVERIN:** I would have to take that on notice and just get some advice as to whether that is the type of material they can be made available.

**Mr DAVID SHOEBRIDGE:** It could be provided on a confidential basis, if needed.

**Mr SEVERIN:** It could only be provided on a confidential basis.

**A:** My request to SORC and their recommendations in relation to 11 inmates who had their classification regressed to A2 in July 2015 is attached. (Attachment D)

**PROVIDED IN CONFIDENCE**

**Mr DAVID SHOEBRIDGE:** Commissioner, 5.9 of the Inspector of Custodial Services report on lifers' classification and regression has four of the 12 inmates who are on C1 classification: one who had been on C1 since 1986; one who had been on C1 since 1987; one who had been on C1 since 1993; and one who had been on C1 since 2007. Is that not right?

**Mr SEVERIN:** I would have to take that—to the best of my recollection it was two, but it could have been four at the time.

**Mr DAVID SHOEBRIDGE:** You also said that one of them was a classification made by you.

**Mr SEVERIN:** One of them that was the —

**Mr DAVID SHOEBRIDGE:** When did you start being the Commissioner?

**Mr SEVERIN:** —classification decision. Just let me have a look.

**Mr DAVID SHOEBRIDGE:** None jumps out as being ones that you made?

**Mr SEVERIN:** I am pretty sure—I am absolutely certain—that I made one of those decisions. This might be an inaccurate table. I would have to look at that.

**(P.71) Mr DAVID SHOEBRIDGE:** Could you look at this table and clarify it?

**Mr SEVERIN:** Yes. I certainly made one of those decisions some time earlier this year, I think.

**A:** The dates for the three life sentence inmates who were classified as C1 prior to 21 July 2015 are:  
8 January 1993  
22 October 2007  
15 May 2015

These dates are the most recent progression to C1 classification. One inmate had progressed to C1 earlier, but was later regressed.

The C1 classification approval of 15 May 2015 was made by Commissioner Severin, current Commissioner of Corrective Services.

**Mr DAVID SHOEBRIDGE:** You say you have received further submissions from SORC. You made your initial decision without the input of SORC and you then retrospectively sought the views of SORC?

**Mr SEVERIN:** That is correct.

**Mr DAVID SHOEBRIDGE:** And you say that they gave you some comfort. Have there been submissions since then from SORC?

**Mr SEVERIN:** Again, I need to check the details there, but I am quite sure I received a submission on not all of them but the majority of the inmates from SORC.

**Mr DAVID SHOEBRIDGE:** What was the submission from SORC? Was it to reclassify them?

**Mr SEVERIN:** I would have to take that on notice.

**Mr DAVID SHOEBRIDGE:** Did you agree or disagree with the recommendation from SORC?

**Mr SEVERIN:** I did not change my decision from July. Once I received the SORC recommendations I upheld my decision, as I mentioned.

**(P.71) Mr DAVID SHOEBRIDGE:** Could you please provide us with the SORC recommendations and your decision?

**Mr SEVERIN:** Like I said before, I would have to take some advice on that.

**A:** There have been no further recommendations from SORC concerning life sentence inmates since September 2015 (refer to Attachment D).

**Mr SEVERIN:** What we also clearly identified is that we need to have more telephone contact. Rather than just having a letter there needs to be more opportunity for victims to call and know that there will be somebody that will deal with the issue. The group is doing that exceptionally well already and we get very good feedback, but that is certainly an area that we can improve because, like Dr Martin said, the forms are pretty formal. They will be more standardised in a better way, but there will still be forms. The direct contact, I think, is important, plus those biannual forms.

**(P.72) The Hon. LYNDA VOLTZ:** Could you also provide us on notice with copies of the forms as they currently are? If you have any draft forms ready can we have copies of those as well?

**Dr MARTIN:** That is fine.

**A:** A copy of the Victims Registration Form and Information is attached (Attachment E).

**(P.73) CHAIR:** Do you know how many women are serving life sentences and if there is a difference between the classifications for men and women when dealing with life sentences?

**Mr SEVERIN:** There is one woman currently serving a life sentence and there is no difference. It is just that the classification there goes from category 1 to category 5. I would have to take on notice the classification of the woman but she should be at the same sort of category 4 level, I think, which is the same as the A2.

**A:** There is one woman serving a term of 'natural life' who is a Category 4 inmate. Two other women in custody are serving life with a non-parole period (so fall outside the terms of reference of this Committee).

**(P.73) Mr DAVID SHOEBRIDGE:** The Prisoners Legal Service from Legal Aid say that when they want to get access to the records of a prisoner in order to review the classification determination they are forced to go through a Government Information (Public Access) Act [GIPA] process with Corrective Services and wait the time for a GIPA, have the formalised process and eventually get a response. Surely that is a ridiculously bureaucratic process to engage in. Surely there should be some protocol between Corrective Services and Legal Aid to allow for the ready provision of that information without GIPA?

**Mr SEVERIN:** That is certainly something that I have no knowledge of.

**Mr DAVID SHOEBRIDGE:** Would you take it on notice?

**Mr SEVERIN:** The arrangement would have been made before my time. I am happy to take that on notice.

**A:** The advice letter that is sent to the inmate following the SORC review includes both the SORC recommendations and the decision. In cases where the SORC recommendation has not been approved, reasons are included, where appropriate. The only information not included in the letter to the inmate is the points noted by SORC when making the recommendations.

The information contained in the SORC recommendations can vary depending on the inmate and matters being considered. It may contain personal information of third parties and security/intelligence information which must be deleted. Documents containing this information would not be available to the inmate or their legal representative without first being considered through a GIPA application. A \$30.00 application fee applies, however inmates receive a 50% discount.

An example of an advice letter is attached. (Attachment F)

(P.73) **Mr DAVID SHOEBRIDGE:** Could you on notice provide us with the number of occasions in the last period—probably the last financial year—when you have disagreed with the recommendation from SORC and give us the number of occasions when you have given reasons?

**Mr SEVERIN:** Yes, again I need to take—

**Mr DAVID SHOEBRIDGE:** I do not expect you to have this—

**Mr SEVERIN:** —the availability of that information as I am not sure how long the records are kept in that context. I am not sure if this is a question you asked the chair of SORC. I certainly provide reasons if I disagree with recommendations or where I have slightly differing views. I do that in the context of quite unambiguous clarity.

**CHAIR:** To clarify that, the question was not put to SORC. It came, as Mr Shoebridge said, from Legal Aid.

**Mr DAVID SHOEBRIDGE:** After we heard from SORC, so we did not have the opportunity to ask SORC.

**A:** During the 2014/15 financial year, SORC made a total of 1034 recommendations to the Commissioner in relation to a serious offender's security classification and/or access to Section 6.2 off-complex permits. Of these:

700 were recommendations that a serious offender's security classification 'Stay As Is'. All 700 were approved.

334 were recommendations that a serious offender's security classification and/or access to Section 6.2 off-complex permits be changed

- 256 (76%) were approved
- 11 (3%) were approved with amendments
- 67 (21%) were not approved

The Commissioner (or Acting Commissioner) provided comments and/or reasons for 65 of the 67 SORC recommendations that were not approved. The two with no comments were in relation to the granting of a Section 6.2 off-complex permit, not in relation to progression in security classification.

**STANDING COMMITTEE ON LAW AND JUSTICE  
INQUIRY INTO SECURITY CLASSIFICATION AND MANAGEMENT  
OF INMATES SENTENCED TO LIFE IMPRISONMENT**

**Supplementary questions: Corrective Services NSW**

1. On 1 November 2015 the *Sun Herald* reported that the Minister for Corrective Services had 'changed the law to allow prisoners to be reclassified without first consulting the Serious Offenders Review Council'. Could you please provide detail about this change?

A: The *Crimes (Administration of Sentences) Amendment (National Security Interest Inmates) Regulation 2015* introduced a limited exception to the provision that requires the Commissioner to seek and consider advice from SORC before changing a serious offender's security classification. The amendment enables the Commissioner to make a change without SORC's advice only in 'exceptional circumstances'.

The Commissioner is required to notify SORC of any such change, and SORC will be able to recommend that the Commissioner reconsider the decision. This provides flexibility in exceptional circumstances while maintaining SORC's important role in providing advice to the Commissioner. This provision is similar to clause 23(3) of the *Crimes (Administration of Sentences) Regulation 2014*, which enables the Commissioner to transfer a serious offender without seeking advice from SORC, if the Commissioner considers that there are urgent reasons for doing so.

2. In his report 'Lifers: Classification and Regression' the former Inspector of Custodial Services made four recommendations to Corrective Services NSW. What is Corrective Service NSW's response to each of these recommendations?

A: A copy of the Corrective Services NSW response to the recommendations has been published on the Inspector's internet site:

<http://www.custodialinspector.justice.nsw.gov.au/Pages/Reports-and-publications.aspx>

3. What progress has Corrective Services NSW made to improving communication with registered victims following the workshop held in August 2015?

A: The link to Victims Support information on the Corrective Services NSW internet has been relocated to enable ease of access. All standard letters and templates used by the Victims Register are being reviewed. The registration form is being updated to enable contact more in line with the interest of individual registered victims.

4. Please describe the relationship between the Victims Services Branch managed by the NSW Commissioner of Victims' Rights and the Victims Register managed by Corrective Service NSW?

A: Victims Services and Support and the Victims Register are in different Divisions of the Department of Justice.



The Victims Services Branch provides support services, including free counselling and financial assistance to victims of crime. Victims Services can refer their clients to the Corrective Services NSW Victims Register.

The Corrective Services NSW Victims Register is part of the Restorative Justice Unit and can provide registered victims with information concerning the offender, such as their consideration for pre-release leave or parole.

5. What input has the NSW Commissioner of Victims' Rights had in improving communication between victims and Corrective Services NSW?

A: The NSW Commissioner of Victims' Rights is responsible for promoting and overseeing the implementation of the Victims Charter and reports on agency performance in relation to the Code. The Commissioner of Victims' Rights has not raised any issues or suggestions concerning the need to improve communication between victims and Corrective Services NSW.

6. Justice Action's submission to this inquiry discusses inmates' right to privacy. What are the current policies regarding the privacy of inmates serving life imprisonment?

A: Section 41 of the *Privacy and Personal Information Act 1998* allows sharing of information with registered victims. This direction expires on 31 December 2015.

The *Privacy and Personal Information Protection Amendment (Exemptions Consolidation) Act 2015* will revoke Section 41 and replace it by a new section 112A of the *Victims' Rights and Support Act 2013*. This section will permit the disclosure of information about inmates to a victim of crime or a family victim in certain circumstances. The amendments are expected to commence by the end of 2015.

7. How many of the current inmates serving life imprisonment have been granted access to rehabilitation programs? Please state the programs.

A: Since 2011, there have been six (6) life sentence inmates who have participated in rehabilitation programs. The programs they accessed were:

- Managing Emotions
- Getting SMART (Self-Management and Recovery Training)
- SMART Recovery
- Alcoholics Anonymous

8. Given the extremely serious nature of their offending, what is considered a reasonable range of security classification levels to allow effective management of Life sentenced prisoners?

A: Inmates serving life sentences, without parole will not, unless exceptional circumstances suggest otherwise, be considered for progression below a 'B' medium security rating for a male inmate or 'Category 3' security rating for a female.

9. Should there be a mandatory requirement to notify registered victims of Life sentenced prisoners of any change in their security classification and provide details of any possible change to their management regimes resulting from the classification change?

A: At present, there is no mandatory requirement to notify registered victims of any change to security classification of life sentenced inmates, and Corrective Services NSW does not consider it necessary that there should be one. Any change will always only result in corrections specific management regime changes and never have any bearing on possible community implications. However, it is acknowledged that stronger and more meaningful engagement with victims of life sentence inmates should occur to ensure that registered victims understand the system and can raise any concerns or request clarification on policy and other matters.

10. What does the Department intend to do to further enhance the communication and engagement with registered victims?

A: In addition to the response to 3), the Victims Register team now provides increased assistance to victims in regard to the preparation of submissions to SORC and the State Parole Authority.

A second workshop with Corrective Services NSW staff and registered victims is expected to be held in February 2016 with meetings to be conducted twice a year in future. More meaningful engagement with victims is a key objective for improvement of the system.

11. Given that the security classification system is complex, how does the Department plan to better inform the community and registered victims of crime on that system and its meaning for prisoner management?

A: Corrective Services NSW has a series of Fact Sheets which have recently been updated. Subjects include:

- NSW Prison System
- Offender Programs
- Classification and Placement of Inmates

The Corrective Services NSW internet contains a link to open access information including some policy documents such as the Offender Classification and Case Management Policy and Procedures Manual. Also refer to response under 9.



**'Private and Confidential'**

<<VICTIM\_FULL\_NAME>>

<<VICTIM\_ADDRESS>>

Dear <<VICTIM\_FIRST\_NAME>>

I acknowledge receipt of your Victims Register application form and confirm that your name has been placed on the Victims Register. The offender <<OFFENDER\_NAME>> is presently in the custody of Corrective Services, serving the following sentence:

**Sentence:** <<SENTENCE\_LENGTH>> dating from  
<<SENTENCE\_FROM\_DATE>> and expiring on  
<<SENTENCE\_TO\_DATE>>

*(This is the total sentence imposed)*

**Non parole period:** <<NON\_PAROLE\_PERIOD>> , this expires  
<<NPP\_EXPIRY\_DATE\*\*\*>>

*(\*\*\*This is the earliest date on which the offender **MAY** be released from prison, on parole, if approved by the NSW State Parole Authority)*

The State Parole Authority is responsible for determining applications by offenders for release on parole, which it must consider at least sixty (60) days before the expiration of the non parole period. We would propose to write to you about 6-8 weeks prior to that time and advise you concerning the parole consideration process. You would then be given the opportunity to make written submissions to the Parole Authority if you wished, as to any concerns you may have about the release of the offender, or as to parole conditions. **If you wish to be written to earlier than that please let us know.** The State Parole Authority will consult with you directly should they form an initial intention to grant parole.

This offender is classed by Corrective Services as a Serious Offender and as such is managed by the Serious Offenders Review Council. The offender currently has a <<CLASSIFICATION>> security classification. This classification does not allow external unsupervised leave. As a registered victim of a Serious Offender, Corrective Services has a statutory obligation to consult you should the offender be considered, at a later date for a lower security classification which would allow participation in pre-release programs such as Day Leave, Weekend Leave or Works Release.

Please note that whilst we do not advise of routine transfers within the prison system you may enquire at any time. We do not advise of classification changes unless, as mentioned above, the offender is to be considered for external leave programs. While every endeavour is made to respect and protect your privacy, in certain circumstances information on the Victims Register may need to be made available to approved officers within Corrective Services and/ or to the Minister. Please note that this information is not available to offenders or other unauthorised persons.

If you wish to discuss any of this with me please contact me during business hours on (02) 8346 1374. Otherwise it may be some time before one of the events for which we would notify you occurs. Feel free to contact us at any time if you need to, and please be sure to keep us advised of any change in your contact details.

Yours sincerely,

<<STAFF\_NAME>>

Co-ordinator, Victims Register

<<CURRENT\_DATE>>



**'Private and Confidential'**

<<VICTIM\_FULL\_NAME>>

<<VICTIM\_ADDRESS>>

Dear <<VICTIM\_FIRST\_NAME>>

I acknowledge receipt of your 'Victims Register – Application Form' and confirm that your name has been placed on the Victims Register. The offender <<OFFENDER\_NAME>> is presently in the custody of Corrective Services, serving the following sentence:

**Sentence:** <<SENTENCE\_LENGTH>> dating from  
<<SENTENCE\_FROM\_DATE>> and expiring on  
<<SENTENCE\_TO\_DATE>>  
*(This is the total sentence imposed)*

**Non parole period:** <<NON\_PAROLE\_PERIOD>> , this expires  
<<NPP\_EXPIRY\_DATE\*\*\*>>  
*(\*\*\*This is the earliest date on which the offender **MAY** be released from prison, on parole, if approved by the NSW State Parole Authority).*

The NSW State Parole Authority is responsible for determining applications by offenders for release on parole, which it must consider at least sixty (60) days before the expiration of the non parole period. We would propose to write to you about 6-8 weeks prior to that time and advise you concerning the parole consideration process. You would then be given the opportunity to make written submissions to the Parole Authority if you wished, as to any concerns you may have about the release of the offender, or as to parole conditions. **Please let me know if you wish to be written to earlier than the standard 6-8 weeks so I can make a note on the file of your preferred timeframe.**

The offender currently has a <<CLASSIFICATION>> security classification. This classification does not allow external unsupervised leave. If consideration were to be given to a lower security classification which would allow such leave later in the sentence and prior to release to parole, we would advise you.

Please note that whilst we do not advise of routine transfers within the prison system, you may enquire at any time as to the offender's gaol location. We do not advise of classification changes unless, as explained above, the offender is to be considered for external leave programs.

While every endeavour is made to respect and protect your privacy, in certain circumstances information on the Victims Register may need to be made available to approved officers within Corrective Services. Please note that this information is not available to offenders or other unauthorised persons.

Should you have any enquiries please do not hesitate to contact me during business hours on **(02) 8346 1374**. In the event that your contact address or telephone details change please be sure to advise us so that we can keep you informed.

Yours sincerely

<<STAFF\_NAME>>

Co-ordinator, Victims Register

<<CURRENT\_DATE>>



**Corrective Services New South Wales**

# **Victims Register**

## Registration Form & Information Guide

The Victims Register  
Corrective Services New South Wales  
GPO Box 31  
Sydney NSW 2001

Phone No: (02) 8346 1374  
Fax No: (02) 8346 1141

[restorative.justice@dcs.nsw.gov.au](mailto:restorative.justice@dcs.nsw.gov.au)

[www.justice.nsw.gov.au](http://www.justice.nsw.gov.au)

MARCH 2015 VERSION

## INFORMATION FOR VICTIMS OF CRIME

*We understand that this may be a very difficult time for you. Our aim is to provide you with a responsive and supportive service. The information which follows is lengthy and maybe confusing. We welcome you to call us on 8346 1374 to ask questions or discuss any concerns.*

*Co-ordinator, Victims Register*

### WHAT KIND OF INFORMATION IS AVAILABLE?

- Details of the sentence imposed, eligibility for pre release leave and parole
- Location of the offender while in custody
- Information about providing submissions regarding eligibility for pre-release leave or parole (where applicable)
- Parole revocation
- Escapes from custody and recaptures
- Death of the offender

### WHO CAN APPLY TO GO ON THE REGISTER?

You can apply to go on the Victims Register if:

- you are a victim of an offence for which the adult offender has been sentenced, or
- you are a family representative of such a victim of crime - if the victim of crime is deceased, incapacitated or under 18 years of age.

There are situations in which more than one family representative can be registered. If this could apply to your circumstances, please give us a call to further discuss the issues.

A victim of an offence may also register when the offender is serving a sentence by way of an Intensive Correction Order, Home Detention or is serving a community based order. Once a victim is registered they will be able to request information as to the term and duration of the order.

### WHAT IF THE OFFENCE WAS COMMITTED SOME TIME AGO?

As long as the offender is still serving a sentence in respect of the relevant offence, you are still eligible to apply.

### WHY DO CHECKS NEED TO BE MADE THAT THE PERSON IS A VICTIM OF THIS OFFENCE?

Information about an offender's status is highly confidential. Registrations must be authenticated before approval is granted. Applicants must consent to have their status as victims of the offence verified via other government agencies. We will contact you for more information if required.

### WHO IS NOT ELIGIBLE TO BE REGISTERED ON THE VICTIMS REGISTER?

You are not eligible to go on the Victims Register if you are:

- Not directly involved in the offence for which the offender is currently sentenced
- A witness or bystander uninjured by the offence
- A member of the family but not the victim of the offence (other than a family representative)
- An unrelated individual interested in following the progress of the offender
- A community representative or group

### HOW OFTEN WILL I RECEIVE INFORMATION ON THE OFFENDER?

Initially, you will receive a compilation of information about the offender including: sentence details, location and classification. This will usually take about ten working days. However, in exceptional circumstances, we will prioritise registrations.

From then on, you will receive correspondence when there is some significant change to the offender's status – for example before pre release leave or parole consideration.

Please note that the Victims Register will not as a matter of course advise registered victims of changes in security classification, routine transfers between correctional centres or for medical treatment. A victim may however enquire at any time about the offender's location.

*We welcome you to contact us for an update at any stage; call 8346 1374*



#### WHEN WILL I BE INFORMED IF THE OFFENDER ESCAPES FROM CUSTODY?

- ♦ In the unlikely event of an escape from custody, we will attempt to inform you on the next working day. **Upon request we will phone you outside normal business hours. Please indicate on the application form, if this is your preference.**

#### LIMITATIONS OF THE NSW VICTIMS REGISTER

- ♦ It is important for people wanting to register to understand that the information permitted to be supplied to persons named on the Victims Register is limited by law.
- ♦ Given the confidential nature of offender information, you can only receive information on the sentence or aggregate sentences that relate to the specific crime against you (or your relative, in the case of a victim who is a minor, incapacitated or deceased).
- ♦ If the offender completes their sentence for the offence against you and subsequently re-offends, we cannot provide information relating to their new sentence.
- ♦ Not all information about the offender can be released; only certain information, as outlined in this brochure. Information about an offender's medical and psychological history cannot be released.

#### IMPORTANT POINTS TO NOTE

- ♦ It is important to keep your personal information up to date and to let us know of any changes to ensure that you are kept informed.
- ♦ If you supply us with information that may assist in the management of the offender, this can be referred to the relevant prison or community offender services office.
- ♦ If you are concerned about potential future contact with an offender, we may be able to assist so please contact the Victims Register to discuss.



#### WHO DO I CONTACT IF I AM UNSURE ABOUT ANY OF THE INFORMATION?

Please contact the Co-ordinator of the Victims Register. The Co-ordinator will be able to answer your questions and discuss the registration process with you.

The Co-ordinator can be contacted by:

- ♦ telephone on **(02) 8346 1374**
- ♦ fax on **(02) 8346 1141**
- ♦ email at [restorative.justice@dcs.nsw.gov.au](mailto:restorative.justice@dcs.nsw.gov.au)
- ♦ mail at:

**The Victims Register  
Corrective Services NSW  
GPO Box 31  
Sydney NSW 2001**

This information and additional copies of the application form can also be found on the Corrective Service's website at [www.justice.nsw.gov.au](http://www.justice.nsw.gov.au)

#### OTHER SERVICES FOR VICTIMS OF CRIME

*Restorative Justice:* (02) 8346 1366 or 8346 1050. Coordinators, trained and accredited in mediation and Restorative Justice Conferencing facilitate the exchange of information between the victims of crime and offenders. The aim of Restorative Justice is to give victims of crime a chance to ask questions about the offence and to say how they've been affected.

*Victim Support Line,  
Department of Justice*  
Support, information and referral available twenty four hours and seven days a week.  
Phone: (02) 8688 5511  
Free call: 1800 633 063

*Forensic Patients Victims Register, Mental Health Review Tribunal* (02) 9816 5955  
A register for victims of forensic patients

*Victims Register, Juvenile Justice* (02) 9219 9400  
A register for victims of juvenile offenders

**Community Victim Support and Advocacy groups**  
*Homicide Victims Support Group* (02) 8833 8400 or 1800 191 777  
*Enough is Enough* (02) 9542 4029  
*NSW Victims of Crime Assistance League*  
(02) 4926 2711

# Registration Form

Please complete all questions as fully as possible

Before completing, please ensure you have read and understood the attached Information for Victims of Crime. The Information you provide on this form will be used to assist Corrective Services to provide you with relevant information and will be treated in the strictest of confidence.

**Applicant** (please circle)

Mr Mrs Ms Miss

Date of birth

Family name

Given Names

If you have previously been known by another name, please provide details

Home Address

Address for correspondence if different

Telephone Numbers

Home

Work

Mobile

Fax

Email

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The register will normally communicate with you in writing. If this is not suitable, would you like an officer to contact you to discuss this further?

yes / no

Do you require an interpreter?

yes / no

If yes, please indicate language required

Do you wish to identify yourself as a member of the following groups?

Aboriginal or Torres Strait Islander

Person from a non-English speaking background

Person with a disability

Other

**Relationship to the victim**

Are you the direct victim of the offence? yes / no

If so, please proceed to 'Details of offence' section below

Are you a family representative of the direct victim of the offence? yes / no

If so, please provide details of the victim of crime and your relationship to that person

Full name of the victim

Date of birth

Your relationship to the victim

NB: current legislation allows for only one family representative. Please contact this office if you believe there are special circumstances to warrant more than one family representative.

**Details of offence**

Please fill out as much information as you can

Name of offender/s

Date of court appearance

Location of court

Nature of offence/s

EITHER DPP Case #

OR Police Event #

Investigating officer/station

Date of offence

Location of offence

**Alternative contact person**

You may wish to nominate another contact person who is likely to know your whereabouts, in case Corrective Services is unable to contact you. Detailed information will not be disclosed to this person.

Mr	Mrs	Ms	Miss
----	-----	----	------

Family name

Given Names

Relationship to victim of crime

**Telephone Numbers**

Home

Work

Mobile

Fax

Email

**Proof of Identity**

**As the applicant you are required to provide evidence to prove your identity.** Please attach a copy of either a current Australian driving licence, or a birth certificate or a passport. Please indicate which document you have attached.

**INFORMATION CONCERNING THE COLLECTION OF PERSONAL INFORMATION**

*Please read before signing this form  
Please consider keeping a copy for your records*

Information which you provide will be held on the Victims Register, Restorative Justice Unit, Corrective Services NSW.

The provision of personal information for the purposes of the Victims Register is entirely voluntary on the part of the applicant.

Once an application has been made, the information provided will be treated confidentially and will not be made available to the offender.

The information is being collected for the purpose of enabling the Victims Register to advise you:

- If an offender is to be considered for a change in security which may result in eligibility for unescorted leave of absence
- If the offender is due for parole consideration
- If the offender is due for release
- If the offender escapes from custody.

The information held may also be used by staff of the Restorative Justice Unit to advise you of other victim services provided by Corrective Services.

In some circumstances, the information held may be provided to the NSW State Parole Authority or the Serious Offenders Review Council in order that those agencies may fulfil their obligations towards you as a victim.

Under section 9(1) of the Government Information (Public Access) Act 2009 (GIPA Act), a third-party, including the offender, may apply for access to any information held by Corrective Services. Nevertheless, there is provision under the GIPA Act to deny access to your personal information. Information can be denied if it is in the public interest to do so. The privacy and protection of victims are considered public interest reasons to not release information.

**General**

Under section 9(1) of the Government Information (Public Access) Act 2009 (GIPA Act), if you make an access application for information held by CSNSW, you have a right to be provided with access to the information unless there is an overriding public interest against disclosure of the information. Under section 8 of the GIPA Act, you may make an informal request for the release of information held by CSNSW.

Under section 15 of the Privacy and Personal Information Protection Act 1998 (PPIP Act), you have the right to request the amendment of personal information about you that is held by CSNSW.

For the full privacy notice, refer to our [website](#). Alternatively, you may request a copy of the notice.

**YOU MUST COMPLETE AND SIGN THIS SECTION:**

I,  request that my details be entered onto the Victims Register, operated by Corrective Services NSW, until such time as I notify Corrective Services in writing that I no longer wish to be registered.

- I certify that all information that I have provided is true and correct
- I give permission for Corrective Services to verify my details via other government agencies
- I understand and accept that the information supplied to me through the Victims Register is confidential and I agree not to release this information for the purpose of public dissemination without approval from Corrective Services
- I agree not to use any information supplied to me through the Victims Register for any purposes other than those for which it has been supplied to me. In particular, I agree not to use any information supplied to me for any purpose which would cause harm or detriment to any person or agency
- I understand that legislation restricts the type of information that may be provided
- I understand that provision by me of any personal information is entirely voluntary, but if I choose not to provide my home address, or fail to advise of a change of address, Corrective Services may not be able to provide a complete service to me

Applicant Signature

Date

In the event of escape of an offender, I wish to be contacted as soon as possible or during standard business hours (please circle your preference)

ASAP /  Business hours

Please attach supporting documents and send completed form to:

**The Victims Register  
Corrective Services New South Wales  
GPO Box 31  
Sydney NSW 2001**

Fax No: 02 8346 1141

[restorative.justice@dcs.nsw.gov.au](mailto:restorative.justice@dcs.nsw.gov.au)

**If you have any questions about completing this form or the function and role of Corrective Services and the Victims Register please phone the Co-ordinator on (02) 8346 1374**



# SERIOUS OFFENDERS REVIEW COUNCIL

Pre-Release Leave Committee    Escape Review Committee    High Security Inmate Management Committee

4 December 2015

Our ref: [REDACTED]

Mr [REDACTED]  
MIN [REDACTED]  
Metropolitan Special Programs Centre

Dear Mr [REDACTED]

As you are aware, the Serious Offenders Review Council (the Council) provides advice and makes recommendations to the Commissioner of Corrective Services concerning your security classification, placement and any participation in developmental programs as outlined in your case plan.

At its meeting on 24 November 2015 the Council considered your matter and made the following recommendations to the Commissioner (Commissioner's decisions bolded).

1. Your security classification be reduced from C2 s 6.2 ON and s 26 (1) permits to C3 external leave programs at the discretion of the General Manager.

**Commissioner's Decision 28/11/2015: Not Approved**

2. Your centre of placement remain Metropolitan Special Programs Centre.

**Commissioner's Decision 28/11/2015: Approved**

3. Your case plan be adopted.

**Commissioner's Decision 28/11/2015: Approved**

The Commissioner has, however, approved progression from your current classification of C2 s 6.2 ON correctional centre permit to include s 6.2 OFF correctional centre permit and that external leave program can be reviewed 6 months after you have commenced utilising s 6.2 OFF permit.

**Therefore your security classification is now C2 s 6.2 ON/OFF correctional centre and s 26 (1) permits, Metropolitan Special Programs Centre.**

Yours sincerely

Secretary  
**Serious Offenders Review Council**

cc: General Manager  
Classification & Case Management Review Coordinator, please place on inmate's case file.