

# Statements of Harm (Young Offenders Act 1997) Information guide



NSW Police Force



New South Wales Government  
Attorney General's Department  
Victims Services

## Introduction

Following a review of the *Young Offenders Act 1997*, the legislation was amended in 2008 to allow written statements of harm by victims to be read to young offenders receiving a caution.

This information guide is to assist victims who are considering making a statement of harm. It includes information on the format and contents of the written statement and explains how the statement will be given to the young offenders receiving a caution, either from the police or the court.

## Who can make a statement of harm?

A victim can prepare a statement of harm, that is, a person who suffers harm as a direct result of an act committed, or apparently committed, by a child in the course of a criminal offence.

A person suffers harm if, as a result of such an act:

- (a) the person suffers physical harm or suffers mental illness, nervous shock, or other psychological harm (including fear, humiliation, shame or stress), or
- (b) the person's property is deliberately taken, destroyed or damaged or the person suffers financial loss.

A victim can be a representative from an organisation or a Government authority.

## What is a caution?

Being given a caution is considered a serious intervention. The young offender must admit the offence and agree to having it dealt with by a caution and it must be an offence for which a caution can be given. The young offender is accompanied by his or her parent(s) or another adult chosen by the young offender and must face what he/she has done. The person giving a caution may request that the young offender provide a written apology to the victim of the offence.

## Can I read my statement of harm to the young offender?

Most cautions are given in police stations and victims are not permitted to attend while the caution is being given. The police officer or Youth Liaison Officer giving the caution will be able to read all or some of the statement of harm to the young offender during that process. Cautions can take up to an hour to administer and a record is kept of the process.

Some cautions are given in court and it is the decision of the magistrate whether it is appropriate to permit all or part of the statement to be read to the child when giving the caution.

## How long do I have to prepare my statement of harm?

Before a caution is given to a child the police officer must give a written notice to the child. At this time the victim should also be advised that they have the opportunity to prepare a statement of harm.

The caution, and the statement of harm if applicable, is then given not less than 10 days but within 21 days after the young offender is given the written notice.

## Does the young offender receive a copy of my statement of harm?

No, your statement of harm will remain on the file kept by the police or by the court. Your personal contact details will remain confidential and not be given to the young offender.

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## How do I set out my statement of harm?

A statement of harm must:

- be legible, and may be either typed or hand-written
- be no longer than two A4 sized pages
- identify the victim or victims to whom it relates
- include the full name of the person who prepared the statement and must be signed and dated by that person
- include only the victim's description of the incident that is the subject of the caution and its impact on the victim.

A statement of harm must not:

- contain anything that is offensive, threatening, intimidating or harassing
- contain a request for an apology, compensation or reparation.

Refer to *Young Offenders Amendment (Miscellaneous) Regulation 2008*.

## What information should I include in my statement of harm?

The statement of harm should briefly describe the incident and the impact on the victim.

The victim's statement of harm must contain accurate information about the personal harm suffered as a result of the offence. For example, any physical injury, short or long-term and any psychological/emotional harm, short or long-term.

## Can someone help me write a statement of harm?

Yes, you may ask a friend or relative to help you, or you can obtain assistance from the **Victims Support Line** on (02) 8688 5400 or 1800 633 063, or a victim support organisation. Contact details of victim support organisations can be found on the Victims of Crime website [www.lawlink.nsw.gov.au/voc](http://www.lawlink.nsw.gov.au/voc)

## The Victims Support Line

The **Victims Support Line** provides 24 hour information, referral and support to victims of crime. The Victims Support Line is a service of the Victims of Crime Bureau, Attorney General's Department of NSW. Victims Support Line staff can provide confidential emotional support, in addition to practical information on how to access the Approved Counselling Scheme, or how to access other groups and services that may assist you in your recovery. Victims Support Line staff will also give you information on your rights as a victim of crime.

All support and information can be provided in community languages via an interpreter. A person who is hearing impaired and is using a TTY machine may call the TTY number.

**Phone** (Sydney Metropolitan area).....(02) 8688 5400

**Freecall** (Outside Metropolitan area) ..... 1800 633 063

**TTY** ..... (02) 8688 5575 (9am-5pm)

**National Relay Service** ..... 133 677

**Website** ..... [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs)

You can also find practical information on the **Victims of Crime** website on a variety of topics including police and court processes, counselling and support services, obtaining legal redress and compensation, domestic violence and sexual assault, obtaining protection from offenders, and victims' rights.

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