

Passed by both Houses



New South Wales

Victims Legislation Amendment Bill 2003

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

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2003*



New South Wales

Victims Legislation Amendment Bill 2003

Act No , 2003

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to enable victim impact statements to be read out in court by victims of serious offences or their representatives, to amend the *Victims Rights Act 1996* to provide victims of crime with information about the prosecution of accused persons, and to amend the *Victims Support and Rehabilitation Act 1996* to provide payment for counselling services for family members of certain persons killed by the use of motor vehicles.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Victims Legislation Amendment Act 2003*.

2 Commencement

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

3 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92

The *Crimes (Sentencing Procedure) Act 1999* is amended as set out in Schedule 1.

4 Amendment of Victims Rights Act 1996 No 114

The *Victims Rights Act 1996* is amended as set out in Schedule 2.

5 Amendment of Victims Support and Rehabilitation Act 1996 No 115

The *Victims Support and Rehabilitation Act 1996* is amended as set out in Schedule 3.

Schedule 1 Amendment of Crimes (Sentencing Procedure) Act 1999

(Section 3)

[1] Section 28 When victim impact statements may be received and considered

Omit “filed” from section 28 (4) (a). Insert instead “given”.

[2] Section 30A

Insert after section 30:

30A Reading out victim impact statements in court

- (1) If a victim impact statement has been duly received by a court, a victim to whom it relates, or a member of the immediate family, or other representative, of the victim, is entitled to read out the whole or any part of the statement to the court.
- (2) The statement may be read out at such time as the court determines after it has convicted, but before it sentences, the offender.

Schedule 2 Amendment of Victims Rights Act 1996

(Section 4)

[1] Section 5 Meaning of victim of crime

Insert after section 5 (3):

- (4) If a person dies as a result of the act concerned and there is more than one member of the person's immediate family, members of the immediate family may nominate a representative for the purposes of the Charter of Victims Rights.

[2] Section 6 Charter of rights for victims of crime

Omit item 6.5. Insert instead:

6.5 Information about prosecution of accused

- (1) A victim should be informed in a timely manner of the following:
 - (a) the charges laid against the accused or the reasons for not laying charges,
 - (b) any decision of the prosecution to modify or not to proceed with charges laid against the accused, including any decision to accept a plea of guilty by the accused to a less serious charge in return for a full discharge with respect to the other charges,
 - (c) the date and place of hearing of any 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 should be consulted before a decision referred to in paragraph (b) above is taken if the accused has been charged with a serious crime that involves sexual violence or that results in actual bodily harm, mental illness or nervous shock to the victim, unless:
 - (a) the victim has indicated that he or she does not wish to be so consulted, or
 - (b) the whereabouts of the victim cannot be ascertained after reasonable inquiry.

Schedule 3 Amendment of Victims Support and Rehabilitation Act 1996

(Section 5)

Section 21 Special payments for approved counselling services

Omit “but does not include a person who is the victim of an act of violence arising in the circumstances described in section 24 (2), (3) or (4).” from the definition of *victim* in section 21 (1).

Insert instead:

but does not include a person who is the victim of an act of violence:

- (e) arising in the circumstances described in section 24 (2), unless the person is a family victim of the act and the act apparently occurred in the course of the commission of the offence of murder or manslaughter, or
- (f) arising in the circumstances described in section 24 (3) or (4).