



New South Wales

Crimes (Sentencing Procedure) Amendment (Victim Impact Statements—Mandatory Consideration) Bill 2014

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes (Sentencing Procedure) Act 1999*:

- (a) to require courts to receive and consider victim impact statements, and
- (b) to provide for the giving of a victim impact statement to assist a court in relation to sentencing, and
- (c) to provide for the giving of a community impact statement where the court has received no primary victim impact statement or family victim impact statement.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 **Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

Schedule 1 [2] removes a court's discretion to receive and consider victim impact statements and instead requires the court to receive and consider different kinds of victim impact statements in different circumstances.

If the primary victim of an offence has not died as a direct result of the offence the court must receive and consider a *primary victim impact statement*. If the primary victim has died as a direct

result of the offence the court must receive and consider a *family victim impact statement* or, if the court receives no family victim impact statement and no family victim objects, a *community impact statement*.

The giving of a victim impact statement remains discretionary and, accordingly, the court is not required to receive and consider a victim impact statement if none is given.

Schedule 1 [2] also provides for the giving of a victim impact statement by the prosecutor on behalf of the person who made the statement to assist the court in relation to sentencing the offender. **Schedule 1 [3]** repeals provisions inconsistent with, or made redundant by, the amendments made by **Schedule 1 [2]**. **Schedule 1 [4] and [6]** make consequential amendments.

Schedule 1 [1] expands the definition of *victim impact statement* in the *Crimes (Sentencing Procedure) Act 1999* to include a *community impact statement*, which is defined as a statement by or on behalf of the Commissioner of Victims Rights containing particulars of the impact of the offence, or the impact of offences of the same kind, on people living or working in the location in which the offence was committed or on the community generally or any particular sections of the community. **Schedule 1 [5]** revises terminology.