



New South Wales

Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) 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 enable a court on the application of the prosecutor to take a family victim impact statement into account for sentencing purposes on the basis that the impact of an offence on the immediate family of a deceased victim is an aspect of harm done to the community. The Bill overrules the decision in *R v Previtara* (1997) 94 A Crim R 76 that the impact of the death of a victim on the victim's family is not relevant to the determination of the offender's sentence. The Bill does not affect the application of the law of evidence in connection with the use of family victim impact statements in sentencing.

The Bill also makes it clear that the absence of a family victim impact statement does not give rise to an inference that an offence had little or no impact on the victim's family.

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 a day or days to be appointed by proclamation.

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

Schedule 1 [1]–[3] make the amendments described in the Overview to the *Crimes (Sentencing Procedure) Act 1999*.

Schedule 1 [4] requires the Minister to review the amendments described in the Overview 3 years after their commencement and report to Parliament on the results of the review.

Schedule 1 [5] enacts a transitional provision to extend the amendments described in the Overview to existing offences and proceedings (unless the court has already convicted the offender or the offender has already entered a plea of guilty).