



# Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Bill.

## Second Reading

**Mr BRYCE GAUDRY** (Newcastle—Parliamentary Secretary) [11.13 a.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Carr Labor Government has demonstrated a deep commitment to assisting victims of crime since first coming to office more than eight years ago.

**Mr Brad Hazzard:** What about that paedophile? What about that 11-year-old girl?

**Mr BRYCE GAUDRY:** We have done more than any previous Government to recognise and promote the legitimate role that victims of crime can have in the justice system. I thank the honourable member opposite for agreeing with us on that matter. We have worked closely with victims and their families and victim support groups to identify the services and resources they need most. For too long, victims of serious violent crime had been denied an appropriate role in the criminal justice system, but the Victims Rights Act 1996 changed that. Among other significant achievements, such as the statutory Charter of Victims Rights, it produced victim impact statements. For the first time victims of serious violent crime in New South Wales were able to detail for a Supreme Court judge or a District Court judge just what impact the crime for which the accused was convicted had on their lives.

Further changes commenced in 1998 to extend victim impact statements to the Local Court in cases involving a death. Earlier this year the Government built further on these gains. The Victims Legislation Amendment Act 2003, which passed with unanimous support, further enhanced the current regime by giving victims who were eligible to present a victim impact statement to the Supreme Court or the District Court the right to read their statement aloud in the courtroom prior to sentencing. Victim impact statements play an important role in the criminal justice system. In most cases a victim impact statement is a description of the personal harm suffered as a direct result of a crime. Tragically, in some cases it is a statement describing the impact of the death of a loved one, the primary victim of a crime, on immediate family members. When read aloud in court it directly confronts the offender with the human consequences of his or her crime.

In line with the Government's continuing commitment to victims of crime, the bill represents another step in promoting victims' rights. As the Premier announced in August 2003, the Government will expand the circumstances allowing victims of violent crimes to have their victim impact statement presented to the Local Court. At present, a victim impact statement may be received by the Local Court only when the offence being dealt with resulted in a death, or it is an offence for which a higher maximum penalty may be imposed when death is occasioned. However, many very serious offences are dealt with in the Local Court that are not covered by the existing provision. The proposed change would enable the Local Court to receive victim impact statements when an indictable offence listed in table 1 of schedule 1 to the Criminal Procedure Act 1986 is dealt with summarily and results in either actual physical bodily harm to any person or involves an act of actual or threatened violence, or an act of sexual assault.

Once the Local Court has received a victim impact statement, the victim would be entitled to read out the statement at such time as the Local Court determines following conviction, but prior to sentencing. The offences listed in table 1 of schedule 1 to the Criminal Procedure Act 1986 are indictable offences to be dealt with summarily unless the prosecutor or the person charged elects otherwise. This includes offences such as malicious wounding, maliciously inflicting grievous bodily harm, aggravated indecent assault and dangerous driving occasioning grievous bodily harm. These serious offences result in actual physical violence or threatened violence, or an actual sexual assault. Allowing victim impact statements in these cases will assist magistrates to impose appropriate sentences, and will provide a reminder prior to sentencing of the objective seriousness of an offence. I commend the bill to the House.

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