

**Crimes (Sentencing Procedure)  
Amendment (Victim Impact  
Statements) Bill 2003**

**Explanatory note**

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

Overview of Bill

The object of this Bill is to expand the category of offences in relation to which a Local Court may receive and consider victim impact statements.

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 to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the amendments to the *Crimes (Sentencing Procedure) Act 1999* set out in Schedule 1.

**Schedule 1 Amendments**

Currently, a Local Court may receive and consider a victim impact statement under Division 2 of Part 3 of the *Crimes (Sentencing Procedure) Act 1999* (the **Principal Act**) in relation to the following offences:

- (a) an offence that results in the death of any person,
- (b) an offence for which a higher maximum penalty may be imposed if the offence results in the death of any person than may be imposed if the offence does not have that result.

**Schedule 1 [1]** amends section 27 (3) of the Principal Act to expand the category of offences in relation to which a Local Court may receive and consider a victim impact statement to include an offence that is referred to in Table 1 of Schedule 1 to the *Criminal Procedure Act 1986* and that is:

- (a) an offence that results in actual physical bodily harm to any person, or
- (b) an offence that involves an act of actual or threatened violence or an act of sexual assault.

Table 1 of Schedule 1 to the *Criminal Procedure Act 1986* sets out indictable offences that are to be dealt with summarily unless the prosecutor or person charged elects otherwise.

**Schedule 1 [2]–[4]** provide for consequential amendments.

**Schedule 1 [5]** enables the making of regulations of a savings and transitional nature as a consequence of the enactment of the proposed Act.