



New South Wales

# 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.

First print



New South Wales

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

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92	2
Schedule 1 Amendments	3

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

Contents

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Page

---

Contents page 2



New South Wales

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

No. , 2003

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## **A Bill for**

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to expand the category of offences in respect of which a Local Court may receive and consider victim impact statements; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2003</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on a day to be appointed by proclamation.	6
<b>3 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92</b>	7
The <i>Crimes (Sentencing Procedure) Act 1999</i> is amended as set out in Schedule 1.	8 9

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## Schedule 1 Amendments

(Section 3)

### [1] Section 27 Application of Division

Insert at the end of section 27 (3) (b):

, or

(c) an offence that is referred to in Table 1 of Schedule 1 to the *Criminal Procedure Act 1986* and that:

- (i) results in actual physical bodily harm to any person, or
- (ii) involves an act of actual or threatened violence or an act of sexual assault.

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

Omit “the Supreme Court, Industrial Relations Commission or District Court” wherever occurring.

Insert instead “a court”.

### [3] Section 28 (5)

Omit “The Supreme Court, Industrial Relations Commission or District Court”.

Insert instead “A court”.

### [4] Section 28 (6)

Omit the subsection.

### [5] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

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

<b>[6] Schedule 2</b>	1
Insert at the end of Schedule 2, with appropriate Part and clause numbers:	2
<b>Part Provisions consequent on enactment of Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2003</b>	3 4 5 6
<b>Victim impact statements</b>	7
The amendments made to sections 27 and 28 of this Act by the <i>Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2003</i> extend to offences committed before the commencement of those amendments, whether or not proceedings were commenced before that commencement.	8 9 10 11 12