

FIRST PRINT

## CRIMES (SENTENCING) AMENDMENT BILL 1987

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Probation and Parole (Serious Offences) Amendment Bill 1987.

The object of this Bill is to amend the Crimes Act 1900 so as to provide that certain courts may consider victim impact statements before sentencing criminals for indictable offences involving personal violence.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be fixed by proclamation.

Clause 3 is a formal provision giving effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) makes a minor consequential amendment to section 1 (Short title and contents of Act) of the Principal Act so as to insert into that section particulars of the proposed new section 447C.

Schedule 1 (2) inserts proposed section 447C (Victim impact statements) into the Principal Act. The proposed section will enable the Supreme Court or the District Court to receive and consider, after convicting but before sentencing, statements relating to victims of crimes involving violence which have been dealt with on indictment.

*Crimes (Sentencing) Amendment 1987*

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A victim impact statement may contain particulars of personal injuries suffered by any victim in the course of the commission of the offence, but may not be received or considered by a court if the victim to whom it relates objects. A "victim" is defined as a person against whom the offence was committed or who was a witness to violence involved in the offence, and in either case has suffered personal injury.

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# CRIMES (SENTENCING) AMENDMENT BILL 1987

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 40, 1900

SCHEDULE 1—AMENDMENTS

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# CRIMES (SENTENCING) AMENDMENT BILL 1987

NEW SOUTH WALES



No. , 1987

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## A BILL FOR

An Act to amend the Crimes Act 1900 to provide for the tendering of victim impact statements to certain courts before sentencing for offences.

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*Crimes (Sentencing) Amendment 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Crimes (Sentencing) Amendment Act 1987.

**5 Commencement**

2. This Act shall commence on a day to be appointed by proclamation.

**Amendment of Act No. 40, 1900**

3. The Crimes Act 1900 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

10 (Sec. 3)

(1) Section 1 (**Short title and contents of Act**)—

After the matter relating to section 447B, insert:

(13) *Victim impact statements—s. 447C*

(2) Section 447C—

15 After section 447B, insert:

*Victim impact statements*

**Victim impact statements**

20 447C. (1) A court may receive and consider a victim impact statement relating to an offence, if the court considers it appropriate to do so, after a person has been convicted of the offence and before the court determines the punishment for the offence.

25 (2) A victim impact statement is a statement containing particulars of any injury suffered by any victim as a result of the offence.

(3) The victim impact statement shall be in writing and shall comply with such other requirements as may be prescribed by regulations made for the purposes of this section.

30 (4) The court shall not receive or consider a victim impact statement if—

(a) the victim or any of the victims to whom the statement relates (or any person who has a prescribed relationship to the victim or any of the victims) objects to its being given to the court; or



*Crimes (Sentencing) Amendment 1987*SCHEDULE 1—AMENDMENTS—*continued*

(b) it is not given in accordance with or does not comply with any of the requirements prescribed by or under this section.

5 (5) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that is required or permitted to be prescribed under this section or that is necessary or convenient to be prescribed for giving effect to this section.

(6) In this section—

“court” means the Supreme Court or the District Court;

10 “injury”, in relation to an offence, means bodily harm, and includes pregnancy, mental shock and nervous shock resulting from the offence;

15 “offence” means an indictable offence that involves an act of actual or threatened violence (including sexual assault) and that is being dealt with on indictment;

“victim”, in relation to an offence, means a person—

(a) against whom the offence was committed; or

(b) who was a witness to the act of actual or threatened violence,

20 and who has suffered injury as a result of the offence.





# CRIMES (SENTENCING) AMENDMENT ACT 1987 No. 183

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 40, 1900

SCHEDULE 1—AMENDMENTS

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**CRIMES (SENTENCING) AMENDMENT ACT 1987 No. 183**

**NEW SOUTH WALES**



**Act No. 183, 1987**

An Act to amend the Crimes Act 1900 to provide for the tendering of victim impact statements to certain courts before sentencing for offences. [Assented to 4 December 1987]

*Crimes (Sentencing) Amendment 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Crimes (Sentencing) Amendment Act 1987.

**Commencement**

2. This Act shall commence on a day to be appointed by proclamation.

**Amendment of Act No. 40, 1900**

3. The Crimes Act 1900 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

**(1) Section 1 (Short title and contents of Act)—**

After the matter relating to section 447B, insert:

- (13) *Victim impact statements—s. 447C*

**(2) Section 447C—**

After section 447B, insert:

*Victim impact statements*

**Victim impact statements**

447C. (1) A court may receive and consider a victim impact statement relating to an offence, if the court considers it appropriate to do so, after a person has been convicted of the offence and before the court determines the punishment for the offence.

(2) A victim impact statement is a statement containing particulars of any injury suffered by any victim as a result of the offence.

(3) The victim impact statement shall be in writing and shall comply with such other requirements as may be prescribed by regulations made for the purposes of this section.

(4) The court shall not receive or consider a victim impact statement if—

- (a) the victim or any of the victims to whom the statement relates (or any person who has a prescribed relationship to the victim or any of the victims) objects to its being given to the court; or

*Crimes (Sentencing) Amendment 1987*

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SCHEDULE 1—AMENDMENTS—*continued*

(b) it is not given in accordance with or does not comply with any of the requirements prescribed by or under this section.

(5) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that is required or permitted to be prescribed under this section or that is necessary or convenient to be prescribed for giving effect to this section.

(6) In this section—

“court” means the Supreme Court or the District Court;

“injury”, in relation to an offence, means bodily harm, and includes pregnancy, mental shock and nervous shock resulting from the offence;

“offence” means an indictable offence that involves an act of actual or threatened violence (including sexual assault) and that is being dealt with on indictment;

“victim”, in relation to an offence, means a person—

(a) against whom the offence was committed; or

(b) who was a witness to the act of actual or threatened violence,

and who has suffered injury as a result of the offence.







