



New South Wales

# Victims Legislation Amendment Act 2003 No 10

## 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
4 Amendment of Victims Rights Act 1996 No 114	2
5 Amendment of Victims Support and Rehabilitation Act 1996 No 115	2

## Schedules

1 Amendment of Crimes (Sentencing Procedure) Act 1999	3
2 Amendment of Victims Rights Act 1996	4
3 Amendment of Victims Support and Rehabilitation Act 1996	5

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Victims Legislation Amendment Act 2003 No 10

Contents

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Page



New South Wales

## **Victims Legislation Amendment Act 2003 No 10**

Act No 10, 2003

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An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to enable victim impact statements to be read out in court by victims of serious offences or their representatives, to amend the *Victims Rights Act 1996* to provide victims of crime with information about the prosecution of accused persons, and to amend the *Victims Support and Rehabilitation Act 1996* to provide payment for counselling services for family members of certain persons killed by the use of motor vehicles. [Assented to 5 June 2003]

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

**1 Name of Act**

This Act is the *Victims Legislation Amendment Act 2003*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

The *Crimes (Sentencing Procedure) Act 1999* is amended as set out in Schedule 1.

**4 Amendment of Victims Rights Act 1996 No 114**

The *Victims Rights Act 1996* is amended as set out in Schedule 2.

**5 Amendment of Victims Support and Rehabilitation Act 1996 No 115**

The *Victims Support and Rehabilitation Act 1996* is amended as set out in Schedule 3.

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## **Schedule 1 Amendment of Crimes (Sentencing Procedure) Act 1999**

(Section 3)

**[1] Section 28 When victim impact statements may be received and considered**

Omit “filed” from section 28 (4) (a). Insert instead “given”.

**[2] Section 30A**

Insert after section 30:

**30A Reading out victim impact statements in court**

- (1) If a victim impact statement has been duly received by a court, a victim to whom it relates, or a member of the immediate family, or other representative, of the victim, is entitled to read out the whole or any part of the statement to the court.
- (2) The statement may be read out at such time as the court determines after it has convicted, but before it sentences, the offender.

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## **Schedule 2 Amendment of Victims Rights Act 1996**

(Section 4)

### **[1] Section 5 Meaning of victim of crime**

Insert after section 5 (3):

- (4) If a person dies as a result of the act concerned and there is more than one member of the person's immediate family, members of the immediate family may nominate a representative for the purposes of the Charter of Victims Rights.

### **[2] Section 6 Charter of rights for victims of crime**

Omit item 6.5. Insert instead:

#### **6.5 Information about prosecution of accused**

- (1) A victim should be informed in a timely manner of the following:
  - (a) the charges laid against the accused or the reasons for not laying charges,
  - (b) any decision of the prosecution to modify or not to proceed with charges laid against the accused, including any decision to accept a plea of guilty by the accused to a less serious charge in return for a full discharge with respect to the other charges,
  - (c) the date and place of hearing of any charge laid against the accused,
  - (d) the outcome of the criminal proceedings against the accused (including proceedings on appeal) and the sentence (if any) imposed.
- (2) A victim should be consulted before a decision referred to in paragraph (b) above is taken if the accused has been charged with a serious crime that involves sexual violence or that results in actual bodily harm, mental illness or nervous shock to the victim, unless:
  - (a) the victim has indicated that he or she does not wish to be so consulted, or
  - (b) the whereabouts of the victim cannot be ascertained after reasonable inquiry.

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## **Schedule 3 Amendment of Victims Support and Rehabilitation Act 1996**

(Section 5)

### **Section 21 Special payments for approved counselling services**

Omit “but does not include a person who is the victim of an act of violence arising in the circumstances described in section 24 (2), (3) or (4).” from the definition of *victim* in section 21 (1).

Insert instead:

but does not include a person who is the victim of an act of violence:

- (e) arising in the circumstances described in section 24 (2), unless the person is a family victim of the act and the act apparently occurred in the course of the commission of the offence of murder or manslaughter, or
- (f) arising in the circumstances described in section 24 (3) or (4).

[Second reading speech made in—  
Legislative Assembly on 7 May 2003  
Legislative Council on 28 May 2003]

BY AUTHORITY