



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



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No. , 2003

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.

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

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

[6] Schedule 2	1
Insert at the end of Schedule 2, with appropriate Part and clause numbers:	2
Part Provisions consequent on enactment of Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2003	3 4 5 6
Victim impact statements	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