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NEW RIGHTS FOR VICTIMS IN SENTENCING

Individual victims and entire neighbourhoods will have the right to have the impact of crimes on them heard in court for a wider range of offences under new legislation being introduced to Parliament today by Attorney-General Michael Atkinson.

For the first time in the State's legal history, the Government is giving victim-of-crime advocates the absolute right to make **victim impact statements at sentencing hearings in summary offences** in which there has been a death or total permanent incapacity of a victim.

Mr Atkinson described it a major leap forward for victims' rights.

"There have been some prominent cases where, for example, the relevant offence has been negligent driving that has resulted in a death," Mr Atkinson says.

"It's right that in such circumstances, the victim's family should have an opportunity to set out what the impact of the death or permanent incapacity has been for the family, for the court to consider when sentencing the offender."

The new law will also apply to industrial accidents constituting summary offences under workplace-safety law and extended so that victim impact statements may be given in occupational health, safety and welfare prosecutions.

Company officials may be required to appear in court when a victim impact statement is given.

"Death or permanent incapacity obviously has a broader impact that may not be reflected in the charge being faced by the offender. The charge may be one of negligence and therefore at the low end of the fault spectrum but the magnitude of the harm caused could be colossal.

"We believe it is important that the families of these victims have a voice in the process that is dealing with the offence.

"People need to know that the criminal justice system is listening to them. The Rann Government is giving them that voice."

Another new initiative is the introduction of two kinds of **community impact statements**:

- Neighbourhood-impact statements; and
- Social-impact statements.

A common example of a **neighbourhood-impact statement** could be in the sentencing of a person whose home is used to deal drugs.

The neighbours suffer the effects – discarded syringes, increased levels of street and petty crime, traffic at all hours, intimidating atmosphere etc. Under the new law those neighbours could together submit a statement on how the drug-dealing offence affects their daily lives.

Using the home-based drug dealer example with a **social-impact statement**, the Commissioner for Victims' Rights could use medical professionals to present evidence on the harmful effects of drugs on individuals and the health consequences of drug abuse.

“These kinds of offences are portrayed by the Greens and Democrats as victimless crimes. They are not. The victim is society.”

The Attorney-General says that after consultation with the Commissioner for Victims' Rights he is also proposing to make it possible for victim-impact statements to be made via audio or audio-visual recording as well as C.C.T.V.

“I will also generally require the defendant to be in court to hear the statement.”

Mr Atkinson says the new laws will also toughen **restitution orders** to give the court greater powers to enforce an order to have, for example, a particular stolen item returned to its owner.

“I want an authorised officer of the Court to have the power to seize and remove the property where a restitution order has been ignored.”

Mr Atkinson says that what he is announcing today is the final part of the Government's extensive victims' rights legislation.

“Since this Government came to office in 2002, we have been pledged to giving victims of crime a voice and the protection they deserve. We have strengthened victims' rights to complain and gain information about the laws affecting them and to seek compensation.”

Earlier this year the Attorney-General introduced reforms that would give victims the right:

- to be consulted before the D.P.P. enters into a charge bargain, or decides to modify or not to proceed with charges, or decides to apply for an investigation of the offender's mental competence;
- to ask the prosecuting authority to consider an appeal;
- to details of any supervision order on an offender and to be informed if that order is later varied, revoked or reviewed.
- to information about the offender's compliance with a community-service order or good behaviour bond;
- to know if a mentally-incompetent offender is detained, escapes, is recaptured or released;
- to have their safety concerns known to bail authorities and reasonable efforts made to notify victims of the outcomes of bail proceedings; and
- to be present in court proceedings against the offender or alleged offender.

“These are ambitious reforms that confirm our State's reputation as a leader in giving victims a bigger say in the criminal justice system.

“Victims are not bystanders to crimes. These reforms show that, in the Government's eyes, victims are not bystanders in the criminal justice system, either.”