



February 16, 2003

**CARR GIVES VICTIMS A SAY**

**VERBAL VICTIM'S STATEMENTS AND NSW SENTENCING COUNCIL**

If elected next month, the State Government will introduce new laws giving victims of crime the right to make a verbal statement to the court, explaining how the crime had affected them.

This would occur after a guilty verdict, but before the judge determines the sentence.

The Premier of NSW, Mr Bob Carr made the announcement today.

Mr Carr also announced the Government had appointed the representatives of the three major victim's support groups in the State to the newly established 10-member NSW Sentencing Council.

The victims' support group representatives are:

- Ken Marslew -- Enough is Enough;
- Martha Jabour -- Homicide Victims Support Group; and
- Howard Brown -- Victims of Crime Assistance League (VOCAL).

The Sentencing Council's first job would be to report on how to make sentencing in local courts more consistent.

"This is important because about 98 per cent of crimes are dealt with in the local courts," Mr Carr said.

"Victims of crime and victims support groups have helped me make a number of major changes to the criminal law.

"This includes our new Standard Minimum Sentences, our knife laws, and our legislation to keep the killers of Anita Cobby, Janine Balding and Virginia Morse behind bars.

"I take their experiences and their advice very seriously. They have told me they want the right to tell the court how the crime affected them.

"Today's changes build on our record of assisting victims of crime," Mr Carr said.

**Verbal Victim's Statements**

"This is about giving victims a louder voice in the court room," Mr Carr said.

- Recommending other offences for Standard Minimum Sentences,
- Monitoring sentencing trends and practices, and
- Preparing special reports for the Attorney General.

The Council would be supported by a Secretariat, located in the Attorney General's Department.

The cost of the Council will be met from within the existing budget allocation to the Attorney General's Department and will have no impact on the projected budget surplus.

The Council would also be supported by the NSW Judicial Commission and the NSW Bureau of Crime Statistics and Research, which would provide information on crime and sentencing trends.

The Council would formally commence operations in the next few weeks.

Last year, the State Government changed the law to give victims the right to make verbal submissions to the NSW Parole Board.

The introduction of verbal victims statements brings NSW into line with all other Australian States.

Currently, a written Victim's Impact Statement can be tendered in court.

Victims would now be able to read out these statements – subject to the existing rules concerning content.

The victim, a family member or a representative of the victim will be able to read out the statement.

They will apply to any crime that results in the death of, or actual physical bodily harm to, any person.

They will also apply to any crime involving an act of actual or threatened violence or an act of sexual assault.

### **NSW Sentencing Council**

The laws to set up the NSW Sentencing Council were passed last year.

Premier Bob Carr said putting three major victims' support groups on the new Sentencing Council would make sure victims of crime have a real voice in advising the Government on sentencing.

"Ken Marslew, Martha Jabour and Howard Brown all have an outstanding record of fighting for victim's rights and justice.

"They have never been afraid of speaking their mind on behalf of victims of crime and the community. That's why they have been selected" Mr Carr said.

They are three of the four community members to sit on the Council. The fourth community member is Mrs Jenny Fullford, Maitland Citizen of the Year 2002.

Mrs Fullford is President of Maitland Public School P&C, Registrar of Maitland RSL Youth Club and a community volunteer.

The 10-member Council would also include prosecution, defence and law enforcement specialists. These positions will be confirmed shortly.

The Council would be chaired by former Supreme Court Justice, Alan Abadee QC.

Former Justice Abadee is a highly respected judicial figure who brings a wealth of experience (including on the Court of Criminal Appeal) to this new body.

The Sentencing Council is based on similar models in the UK and North America.

The terms of reference for the NSW Sentencing Council include: