

The Law Reform and Sentencing Council Secretariat
sentencingcouncil@agd.nsw.gov.au

30 July 2017

Re: Preliminary submission - Victims' involvement in sentencing

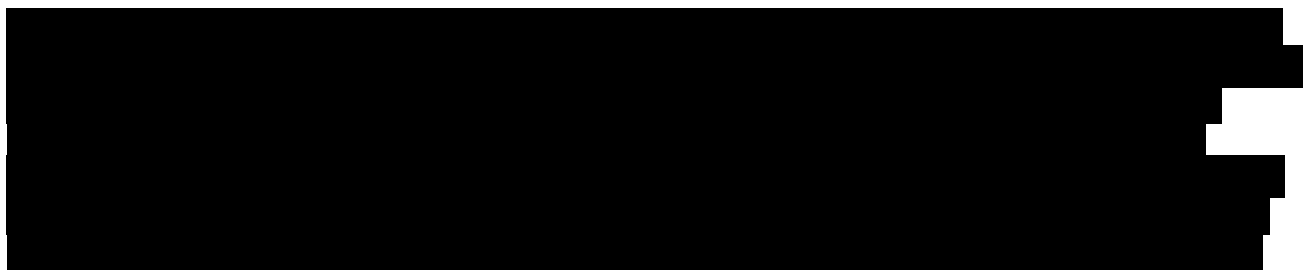
That children should be warned

I'm an advocate for pardons and compensation for Fiona Barbieri and her son Mitchell over the death of Detective Inspector Bryson Anderson (and related harms).

The approach of the DPP and courts, and the media, has been that Anderson was a hero just doing his duty when killed by the Barbieris. One of Anderson's sons was reported in the media as having given a victim's impact statement. I do not know his age but believe he was well below 18 years.

Media accounts of the proceedings (although not necessarily at the same time as that boy's statement) described Mitchell Barbieri as sobbing and being comforted by his mother: his tears, and the comfort she gave him, became one topic in another relative's victim impact statement.

Mother and son had been psychotic for years, and untreated. The court proceeded on the basis that they had recovered in gaol, although there was no evidence of their current mental states at the sentencing. The victim impact statements must have been exceedingly traumatic for them.



I see no worthwhile social movement promoting unnecessary police violence towards people with psychosis. There are numerous organisations (including all schools) which promote compassion towards people with psychosis and other mental illness. Such education is routinely targeted at children.

Children permitted to give victim impact statements should be warned that their contributions may be judged very negatively in the future by some communities.

That the statements should not harm the prisoner through mental illness

Where the offences for which the prisoner is being sentenced arose through involuntary mental illness, statements likely to harm them through mental illness should not be permitted. Given the apparent ease with which mentally ill prisoners plead guilty, there must be a need for an independent authority to protect such prisoners in court proceedings

(so not their own defence lawyers). It should not be open to the state to punish someone by say worsening their arthritis or breathlessness: it should not be open to worsen their mental illness by an unnecessary aspect of court proceedings.

Yours sincerely

Robert Wade

