
From: Team <team@enoughisenough.org.au>
Sent: Monday, 31 July 2017 12:23 PM
To: sentencingcouncil
Subject: Submission - Victim's Involvement in Sentencing
Attachments: Dr Martin R J Unit 31.07.2017.docx

Dear Chairperson,

I wish to make a submission to the NSW Sentencing Council with regard to the review of Victims Involvement in Sentencing.

Let me first say that in reading the terms of reference I was disappointed, as in my opinion the terms lacked imagination, insight into the needs of victims and leadership to progressively move forward in this area.

I offer the following comments

- **Current Victims Impact Legislation.**

The current format for the delivery of Victim Impact Statements is appropriate as there is a need for information to cover the impact of the incident, not to pursue a revenge agenda or offer sentencing options (Justice begins where revenge ends), except in the case of a charge negotiation where the charge may be downgraded and yet the impact on the victims remains the same. Some allowances should be afforded the victim to fully articulate the impact.

- **Who can deliver a Victims Impact Statement.**

This area requires review to allow victims, victims' families and victims' advocates to deliver the Victims Impact Statement. There needs to be a limit on the number of Victims Impact Statements made in any one case, be it written or verbal.

- **Victims Impact Statements for Victims affected by crimes committed by mentally ill offenders**

This is an opportunity to address the needs of victims in this area as they are denied the opportunity of other victims.

Changes in legislation to find offenders guilty but not accountable due to reasons of mental health, it will also allow other issues such as retaining DNA and inheritance matters to be dealt with more effectively.

- **Circle Sentencing.**

The role this process has for victims of crime particularly in indigenous communities.

- **Forum Sentencing.**

The role this process has for victims of crime (see attached letter to R.J. Unit of Corrective Services NSW).

- **Restorative Justice.**

Diversivory – engaging victims and as an alternative to prison.

Pre-sentence – gathering information from victim's and offenders in appropriate cases to assist judicial officers in sentencing.

Post sentence – to support victims satisfaction (Note BOCSAR statistics on Victims Restorative Justice satisfaction) and give offenders an opportunity to understand and address their behaviour.

There is a real opportunity to address the needs of victims within the legal process and explore better outcomes for all concerned.

If you continue to do what you have always done, you will continue to get what you always got.

We can make the system work better.

Yours faithfully,

Ken B Marslew AM

Chief Executive Officer & Founder

Enough is Enough Anti Violence Movement Inc.

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Dr Anne Marie Martin
Restorative Justice Unit
Corrective Services NSW

Thank you for your letter regarding the Forum Sentencing Program.
There are a range of issues around Forum Sentencing that have caused me concern for some time.
Those issues are

- A. The appropriateness of the referrals made to the process – requires judicial education.
- B. The management of the process – facilitator's not following correct protocol during the conference itself.
- C. The process has become offender focused with victims or victims' advocates not in attendance.
- D. Lack of resources – not even out of pocket expenses to get victims or victims' advocates to attend (or as encouragement)
- E. No support for victims or advocates following the process.
- F. I am not sure that outcome plans are followed up by Corrective Services or the appropriate authorities.

It has appeared to me that over the past few years the process has been set up for failure, with little focus on the best outcomes for both victims and offenders.

May I suggest rather than terminate what has the potential to be a valuable tool in both reducing crime and giving victim's satisfaction with the process, that the process be revisited and given the resources required to make it work, and renewed research into the outcomes when done as it was designed to be done.

It is my belief that restorative processes have been taken too lightly in the past few years.

For further information please contact me directly.

Yours faithfully,



Ken B Marslew AM
Chief Executive Officer and Founder
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20 July 2017.

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