

**Legislative Council—No 161**

As introduced and read a first time, 11 April 2024

South Australia

**Statutes Amendment (Victim Impact Statements)  
Bill 2024**

A BILL FOR

An Act to amend the *Sentencing Act 2017* and the *Victims of Crime Act 2001*.

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement

### Part 2—Amendment of *Sentencing Act 2017*

- 3 Amendment of section 16—Statements to be provided in accordance with rules

### Part 3—Amendment of *Victims of Crime Act 2001*

- 4 Insertion of section 9C  
9C Victim to be informed about right to have impact of offence considered by sentencing court
- 

## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Statutes Amendment (Victim Impact Statements) Act 2024*.

#### 2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

### Part 2—Amendment of *Sentencing Act 2017*

#### 3—Amendment of section 16—Statements to be provided in accordance with rules

- (1) Section 16, heading—delete "Statements to be provided in accordance with rules" and substitute:

Provision and use of statements

- (2) Section 16(1)—delete "A statement" and substitute:

Subject to this section, a statement

- (3) Section 16—after subsection (1) insert:

- (1a) The court must, on application by the prosecution, adjourn sentencing proceedings for the purposes of allowing a person referred to in section 14(1) to prepare a victim impact statement if—

- (a) the court is of the opinion that the person has not been provided a reasonable opportunity to prepare a victim impact statement; or
- (b) the person has requested more time to prepare a victim impact statement.

(1b) Subsection (1a) does not apply if the court is satisfied that special reasons exist that justify refusing the adjournment.

(1c) A court must not refuse to receive a victim impact statement provided by a person under section 14(1) on the grounds that the statement includes material that is irrelevant or otherwise should not be included in the statement (but nothing in this section requires the court to have regard to any such material in determining sentence).

### **Part 3—Amendment of *Victims of Crime Act 2001***

#### **4—Insertion of section 9C**

After section 9B insert:

#### **9C—Victim to be informed about right to have impact of offence considered by sentencing court**

A victim should be informed about—

- (a) their entitlement to have the matters referred to in section 10(1) considered by the sentencing court; and
- (b) the manner in which the court will use the material provided in the course of the victim exercising that entitlement, including the circumstances in which certain material may be disregarded by the court or not be read aloud to the court.