



Mark Speakman
Attorney General

MEDIA RELEASE

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MORE SUPPORT FOR VULNERABLE VICTIMS IN COURT

Vulnerable people will be spared the ordeal of giving evidence multiple times in sexual assault trials, under legislation introduced to NSW Parliament today.

Attorney General Mark Speakman said the new provisions are designed to reduce the trauma and stress on witnesses whose evidence is needed in retrials or other court proceedings.

“There are already laws in place which allow the evidence of sexual assault victims to be recorded in a trial and replayed if there are further proceedings. These laws will now apply to other vulnerable witnesses in sexual offence hearings including children and people with a cognitive impairment,” Mr Speakman said.

In addition, a recording of a sexual assault victim’s evidence will now be able to be used as tendency evidence in separate proceedings.

“Tendency evidence can show a person has a pattern of behaving in a certain way and it can lead to sexual offenders being convicted of crimes against other victims,” Mr Speakman said.

The changes are part of a package of government reforms to support victims of crime.

A complainant’s existing right to have a dedicated support person in court during apprehended violence order (AVO) proceedings will be extended to associated criminal proceedings. All child complainants or witnesses in AVO and all criminal matters will also be allowed a support person to be by their side during these proceedings.

“The victim’s support person – who could be a friend, family member or counsellor – will provide them with practical and emotional assistance that will help reduce stress and create an appropriate environment where they can give their best evidence,” Mr Speakman said.

In addition, there will be a legal presumption that AVO proceedings will be held in a closed court if they involve any person under the age of 18. Previously the entitlement to a support person and the presumption of closed courts for AVO proceedings did not apply to children aged 16 and 17.

The NSW Government will also introduce laws to support victims giving a victim impact statement, allowing them to explain more comprehensively the harm they have suffered. The statements will now be able to include details of emotional distress, damage to other relationships and any harm to members of the victim’s immediate family.

“While physical injuries often heal, the emotional damage caused to victims can last a lifetime. Empowering victims to share the true extent of how the crime has affected their lives is an important step that will assist them in their recovery,” Mr Speakman said.

The legislation will also enable all victims eligible to make a victim impact statement to ask a court to allow them to read it using CCTV or other special arrangements. Currently only victims of some sexual offences, or people with cognitive impairments are entitled to deliver their statements in this way.

The changes to victim impact statements are in response to the Sentencing Council’s recommendations in its report on victims’ involvement in sentencing. More information about the report is at www.sentencingcouncil.justice.nsw.gov.au

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