



Ms Sarah Waladan  
Executive Officer  
NSW Sentencing Council  
Box 6 GPO SYDNEY 2001

Dear M/s Waladan,

Thankyou for the opportunity to provide input into the NSW Sentencing Council Consultation on the use of suspended sentences under s12 of the *Crimes (Sentencing Procedure) Act 1999*.

As a Business Centre of the Department of Attorney General and Justice, Victims Services provides support and information to victims of crime across New South Wales. We help victims of crime access services and entitlements to assist in their recovery. The Victims Compensation Tribunal, located in Victims Services assesses applications from victims of personal violent crime for Approved Counselling and Victims Compensation.

Callers to Victims Services do not express widespread concern about the use of suspended sentences. However, callers do express a need to have the sentence imposed on the offender to be explained and for the process of determining sentencing to be transparent. Victims need to have their voices heard and also to feel supported throughout a court case.

The community generally sees suspended sentences as a more lenient sentence than a custodial sentence, largely because they do not always understand the implications for the offender and that he/she appears to "walk free" from the court.

A victim's perspective of suspended sentences is dependant upon the crime which was committed and the victim's general experience of the criminal justice system, such as the level of support and explanation about the court process they felt they received and their sense that they were heard. In many cases, victims of crime are concerned about their own and their family's safety from the offender. If these issues are addressed, then the imposition of a suspended sentence may be seen as reasonable.

Victims Services supports the amendments made to the *Victorian Sentencing (Suspended Sentence) Act 2006*. Suspended sentences should be restricted from being used for "serious offences" such as murder, manslaughter, intentionally causing serious injury, rape, sexual penetration of a child under 16 years and armed robbery, unless there are "exceptional circumstances" and which it is in the "interests of justice" to do so.

It agrees that a court should be required to take into account a number of factors in deciding whether or not to impose a suspended sentence, namely:

- the nature and gravity of the offence, including any loss or damage to the victim.

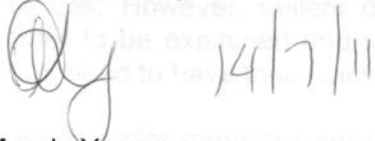
- whether the full or partial suspension of the imprisonment would be so disproportionate to the seriousness of the offence that it would fail to properly denounce the type of conduct, or deter the offender or others from committing the same or similar offences
- the number of occasions where an offender has received a suspended sentence
- whether the offence was committed whilst on a suspended sentence

The aforementioned lack of understanding and perception that an offender "walks free", particularly in relation to more serious offences is likely to have a negative impact on the victims coming forward to report crime. If they see offenders as "getting off" they may think that using the criminal justice system to address their victimisation is futile.

It is important that in using this form of sentencing, the decision to impose a suspended sentence and its conditions are extensively explained and the offence denounced by the court so that the community and victims of crime feel confident that punishment is fair and that they feel safe.

If you would like to discuss this submission further, please do not hesitate to contact me on 8688 8056 or via email at [mandy\\_young@agd.nsw.gov.au](mailto:mandy_young@agd.nsw.gov.au).

Yours Sincerely



Mandy Young  
Director