

2 August 2017

The Hon James Wood AO QC
Chairperson
NSW Sentencing Council
GPO Box 31
Sydney NSW 2001

Attention: Ms Erin Gough, Policy Manager, Law Reform and Sentencing Council Secretariat

Dear Mr Wood,

Re: Review of victims' involvement in sentencing

Thank you for the opportunity to make a preliminary submission to the Sentencing Council's review of victims' involvement in sentencing.

Legal Aid NSW notes that the terms of reference focus on victim impact statements (VIS) pursuant to the provisions of the Crimes (Sentencing Procedure) Act 1999 (NSW).

Legal Aid NSW supports frameworks that provide the opportunity for victims to make a VIS. The VIS can be an important opportunity for victims to share their experiences in an empowering way.

We further support the focus of the review being on the level of support and assistance provided to victims. Making a VIS can be distressing and re-traumatising for victims, including victims of domestic and family violence. We suggest that the Council should consider the extent to which support provided to victims is trauma-informed; that is, grounded in an understanding of the impact of trauma, and emphasising emotional and psychological safety for victims. Trauma Informed Care and Practice (TICP) is an approach which recognises and acknowledges trauma and its prevalence, alongside awareness and sensitivity to its dynamics, in all aspects of service delivery.¹

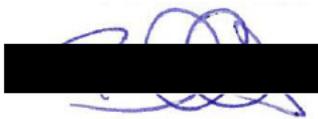
¹ See further the Mental Health Coordinating Council's material concerning TICP, available at: www.mhcc.org.au/sector-development/recovery-and-practice-approaches/trauma-informed-care-and-practice.aspx

Victims' involvement in restorative justice sentencing processes, such as circle sentencing, forum sentencing and youth justice conferences, can also be empowering, but we note that these processes are outside the terms of reference of the review.

We look forward to making a formal submission to the review in due course.

If you have any questions about this letter, the responsible officer within Legal Aid NSW is Harriet Ketley, Senior Legal Project Manager, who can be contacted on [REDACTED] or [REDACTED].

Yours sincerely,



Brendan Thomas
Chief Executive Officer