



## NORTHERN TERRITORY OF AUSTRALIA

# A BILL for AN ACT

to amend the *Juvenile Justice Act*

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Juvenile Justice Amendment Act (No. 3) 1996*.

2. COMMENCEMENT

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. NEW SECTION

The *Juvenile Justice Act* is amended by inserting after section 49 the following:

"49A. VICTIM IMPACT STATEMENTS AND VICTIM REPORTS

"(1) In this section -

'harm' includes -

(a) physical injury;

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- (b) psychological or emotional suffering, including grief;
- (c) pregnancy; and
- (d) economic loss;

'relative' includes a relative according to Aboriginal tradition or contemporary social practice, a spouse and a de facto partner;

'victim' means -

- (a) a person who suffers harm arising from an offence; or
- (b) where the person referred to in paragraph (a) dies as a result of the commission of the offence, a person who was a relative of, or who was financially or psychologically dependent on, the person;

'victim impact statement' means an oral or written statement prepared for the purposes of subsection (2) containing details of the harm suffered by a victim of an offence arising from the offence;

'victim report' means an oral or written statement, prepared by the prosecutor for the purposes of subsection (3), containing details of the harm suffered by a victim of an offence arising from the offence.

"(2) The prosecutor shall present to the Court, before it sentences a juvenile in relation to an offence, a victim impact statement where the victim consents to its presentation.

"(3) The prosecutor shall present to the Court, before it sentences a juvenile in relation to an offence, a victim report in relation to each victim of the offence where -

- (a) the victim has not consented to the presentation to the Court of a victim impact statement in relation to him or her and has been informed of the contents of the victim report and does not object to its presentation; or
- (b) the victim cannot, after reasonable attempts have been made by the prosecutor, be located,

and there are readily ascertainable details of the harm suffered by the victim arising from the offence that are not already before the Court as evidence or as part of a report prepared under section 49 in relation to the juvenile.

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"(4) With the permission of the Court, a person other than the prosecutor may present a victim impact statement.

"(5) Subject to subsections (8) and (9), the Court shall consider each victim impact statement and each victim report, if any, in relation to an offence before determining the sentence to be imposed in relation to the offence.

"(6) A victim impact statement or a victim report may contain details of the harm caused to the victim of the offence to which the statement or report relates arising from another offence -

- (a) for which the juvenile has already been sentenced, or will be sentenced in the proceedings then before the Court; or
- (b) which, under section 90A, has already been taken into account in a sentence or which may be taken into account under that section in the proceedings then before the Court.

"(7) The Court shall not draw an inference in favour of a juvenile or against a victim because a victim impact statement or victim report is not presented to the Court.

"(8) The Court shall not take into account a written victim impact statement unless it has been signed.

"(9) The Court shall not take into account a victim impact statement or a victim report, where the statement or report -

- (a) is in writing, unless a copy of the statement or report is provided to the juvenile; or
- (b) is to be presented to the court orally, unless a written or oral summary of the contents of the statement or report is provided to the juvenile.

"(10) A legal practitioner representing the juvenile or, with the leave of the Court, the juvenile -

- (a) where a victim impact statement is in writing, may cross-examine the person who signed the statement; or
- (b) where a victim impact statement is presented to the court orally, may cross-examine the person, not being the prosecutor, presenting the statement,

about its contents."

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