

# Victim Impact Statement Nsw

**Arie Freiberg, Asher Flynn**

The Use of Victim Impact Statements in Sentencing for Sexual Offences Rhiannon Davies, Lorana Bartels, 2021-03-17

Drawing on extensive research from Australia, this book examines the experiences of sexual offence victims who submit a victim impact statement. Victim impact statements are used in sentencing to outline the harm caused to victims. There has been little research on the impact statement experiences of sexual offence victims. This book fills this gap, examining the perspectives of six adult female victims and 15 justice professionals in Australia. This is supplemented by analysis of 100 sentencing remarks, revealing how courts use such statements in practice. This book examines victims' experiences of preparing and submitting statements, justice professionals' experiences of working with victims to submit statements, and the judicial use of impact statements in sentencing. It identifies an overarching lack of clarity around the purpose of impact statements, which affects the information that can be included and the way they can be used by the court. It consequently explores issues associated with balancing the expressive and instrumental purposes of such statements, and the challenges in communication between professionals and victims of crime. The findings highlight several issues with the operation of impact statement regimes. Based on these findings, the book makes recommendations to clarify such regimes, to improve communication between justice professionals and victims of crime, and to enhance the therapeutic goals of such statements. An accessible and compelling read, this book is essential reading for all those engaged with victimology, sentencing, and sexual violence.

*Victimology and Victim Rights* Tyrone Kirchengast, 2016-10-04 This book examines the international, regional and domestic human rights frameworks that establish victim rights as a central force in law and policy in the twenty-first century. Accessing substantial source material that sets out a normative framework of victim rights, this work argues that despite degrees of convergence, victim rights are interpreted on the domestic level, in accordance with the localised interests of victims and individual states. The transition of the victim from peripheral to central stakeholder of justice is demonstrated across various adversarial, inquisitorial and hybrid systems in an international context. Examining the standing of victims globally, this book provides a comparative analysis of the role of the victim in the International Criminal Court, the ad hoc tribunals leading to the development of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, together with the Extraordinary Chambers of the Courts of Cambodia, Special Panels of East

Timor (Timor Leste), and the Internationalised Panels in Kosovo. The instruments of the European Parliament and Council of Europe, with the rulings of the European Court of Justice, and the European Court of Human Rights, interpreting the European Convention of Human Rights, are examined. These instruments are further contextualised on the local, domestic level of the inquisitorial systems of Germany and France, and mixed systems of Sweden, Austria and the Netherlands, together with common law systems including, England and Wales, Ireland, Scotland, USA, Australia, Canada, New Zealand, India, South Africa, and the hybrid systems of Japan and Brazil. This book organises the authoritative instruments while advancing debate over the positioning of the victim in law and policy, as influenced by global trends in criminal justice, and will be of great interest to scholars of international law, criminal law, victimology and socio-legal studies.

**Victims and the Criminal Trial** Tyrone Kirchengast, 2016-08-10 This book addresses the idea that victims remain contested and controversial participants of justice in the twenty-first century adversarial criminal trial. Victims are increasingly participating in all phases of the criminal trial, with new substantive and procedural rights, many of which may be enforced against the state or defendant. This movement to substantive rights has been contentious, and evidences a contested terrain between lawyers, defendants, policy-makers and even victims themselves. Bringing together substantial source materials from law and policy, this book sets out the rights and powers of the victim throughout the phases of the modern adversarial criminal trial. It examines the role of the victim in pre-trial processes, alternative pathways and restorative intervention, the jury trial, sentencing, appeal and parole. Preventative detention, victim registers, criminal injuries compensation and victim assistance, restitution and reparations, and extra-curial rights and declarations are examined to set out the rights of victims as they impact upon and constitute aspects of the modern criminal trial process. The adversarial criminal trial is also assessed in the context of the increased rights of victims in international law and procedure, and with reference to policy transfer between civil and common law jurisdictions. This timely and comprehensive book will be of great interest to scholars of criminology, criminal law and socio-legal studies.

*The Victim in Criminal Law and Justice* T. Kirchengast, 2016-07-18 Utilizing Foucault's genealogical method, this book traces the development of the victim from feudal law, arguing that the historical power of the victim to police, prosecute and punish offenders informed the modern criminal law and justice system. This book advocates the victim as an agent of change, a new perspective for today's justice system.

**The Criminal Trial in Law and Discourse** T. Kirchengast, 2010-10-13 This book examines how the modern criminal trial is the result of competing discourses of justice, from human rights to state law and order, that allows for the consideration of key stakeholder interests, specifically those of victims, defendants, police, communities and the state.

Victim Participation Rights Kerstin Braun, 2019-02-14 This book traces victims' active participatory rights through different procedural stages in adversarial and non-adversarial justice systems, in an attempt to identify what role victims play

during criminal proceedings in the domestic setting. Braun analyses countries with different legal traditions, including: the United States, England, Wales and Australia (as examples of mostly adversarial countries); Germany and France (as examples of inquisitorial systems); as well as Denmark and Sweden with their mixed inquisitorial-adversarial background. Victim Participation Rights is distinctive in that it assesses the implementation of formal processes and procedures concerning victim participation at three different procedural stages: first, investigation and pre-trial; second, trial and sentencing; and third, post-trial with a focus on appeal and parole. In addition, Braun provides an in-depth case study on the general position of victims in criminal trials, especially in light of national criminal justice policy, in Germany, a mostly inquisitorial system and Australia, a largely adversarial system. In light of its findings, the book ponders whether, at this stage in time, a greater focus on victim protection rather than on active procedural rights could be more beneficial to enhancing the overall experience of victims. In this context, it takes a close look at the merits of introducing or expanding legal representation schemes for victims.

**Handbook of Victims and Victimology** Sandra Walklate, 2017-07-14 This second edition of the Handbook of Victims and Victimology presents a comprehensively revised and updated set of essays, bringing together internationally recognised scholars and practitioners to offer substantial research informed overviews within their specialist fields of investigation. This handbook is divided into five parts, with each part addressing a different theme within victimology: Part I offers a scene-setting exploration of new developments in the field, enduring issues that remain relatively unchanged and the gaps and traps within the contemporary victimological agenda Part II examines of the complex dimensions to victim experiences as structured by gender, age, ethnicity, sexuality and intersectionality Part III reflects on the problems and possibilities of formulating policy responses in the light of the changing appreciation of the nature and extent of victimhood Part IV focused on the value of a comparative lens and the problems and possibilities of victim policies when seen through this lens, explored along three geographical axes: Europe, Australia and Asia Part V considers other ways of thinking about who counts as a victim and what counts as victimhood and extends the boundaries of the victimological imagination outward Building on the success of the previous edition, this book provides an international focus on cutting-edge issues in the field of victimology. Including brand new chapters on intersectionality, child victims, sexuality, hate crime and crimes of the powerful, this handbook is essential reading for students and academics studying victims and victimology and an essential reference tool for those working within the victim support environment.

**Environmental Crime and Restorative Justice** Mark Hamilton, 2021-03-01 This book explores the use of restorative justice approaches in the context of environmental crimes. It critically assesses regular criminal justice approaches with regard to green crimes and explores restorative justice conferencing as an alternative. Focussing on justice approaches in Australia and New Zealand, it argues that court processes following environmental offending provide minimal to no offender

and victim voice, interaction, and input, rendering them invisible. It proposes a third measure of justice – that of meaningful involvement, beyond that of fair procedure and outcome. It suggests the use of restorative justice conferencing, a facilitated dialogue between stakeholders to crime or conflict, as a vehicle to operationalise and achieve justice as meaningful involvement. This book speaks to those interested in green criminology, victimology and environmental law.

*The University of New South Wales Law Journal* ,1996

**Modern Criminal Law of Australia** Jeremy Gans,2016-12-05 Modern Criminal Law of Australia, 2nd edition is a comprehensive guide to interpreting and understanding every statutory offence provision in every Australian jurisdiction. The text takes a unique approach to explaining Australian criminal law, emphasising the importance of statutory interpretation, official discretion, element analysis and sentencing, in order to appreciate the meaning and effect of any offence provision. This book sets out the rules and skills needed to advise clients on the potential application of criminal law throughout Australia. Its scope extends to both serious and minor regulatory regimes, as well as the entire contemporary breadth of criminal law, ranging from pollution to public order, traffic to trafficking, and domestic violence to work safety. It covers the common law, traditional code and model code systems, and includes detailed examples from all states. As such, this unique book provides students with the skills to practice law anywhere in Australia.

University of Tasmania Law Review ,2005

*Contrasts in Punishment* John Pratt,Anna Eriksson,2014-06-03 Why do some modern societies punish their offenders differently to others? Why are some more punitive and others more tolerant in their approach to offending and how can these differences be explained? Based on extensive historical analysis and fieldwork in the penal systems of England, Australia and New Zealand on the one hand and Finland, Norway and Sweden on the other, this book seeks to answer these questions. The book argues that the penal differences that currently exist between these two clusters of societies emanate from their early nineteenth-century social arrangements, when the Anglophone societies were dominated by exclusionary value systems that contrasted with the more inclusionary values of the Nordic countries. The development of their penal programmes over this two hundred year period, including the much earlier demise of the death penalty in the Nordic countries and significant differences between the respective prison rates and prison conditions of the two clusters, reflects the continuing influence of these values. Indeed, in the early 21st century these differences have become even more pronounced. John Pratt and Anna Eriksson offer a unique contribution to this topic of growing importance: comparative research in the history and sociology of punishment. This book will be of interest to those studying criminology, sociology, punishment, prison and penal policy, as well as professionals working in prisons or in the area of penal policy across the six societies that feature in the book.

*The Lived Sentence* Maggie Hall,2017-03-29 This book examines the lives of the sentenced to argue that 'sentencing' should be re-conceived to consider the human perspective. It combines a range of modern criminological and legal theories

together with interviews with prisoners in New South Wales, to examine their lives during and beyond completing the terms of imprisonment, for a more continuous and coherent perspective on the process of 'sentencing'. This book makes a strong argument for the practical advantages of listening to the voices of the sentenced and it is therefore a useful tool for the correctional community engaged in providing services and programmes to reduce recidivism. A methodological and well-researched text, this book will be of particular interest to scholars of criminal justice and the penal system, as well as policy makers and practitioners.

**Revise HSC Legal Studies in a Month** Belinda Brassil, 2001

*Victims and Plea Negotiations* Arie Freiberg, Asher Flynn, 2020-11-02 This book explores victims' views of plea negotiations and the level of input that they desire. It draws on the empirical findings of the first in-depth study of victims and plea negotiations conducted in Australia. Over the last 50 years, the criminal justice system has seen major changes in both the role that victims play in the justice process and in how the vast majority of criminal cases are finalised. Guilty pleas have become the norm, and many of these result from negotiations between the prosecutor and the defence. The extent to which the victim is one of the participating parties in plea negotiations however, is a question of law and of practice. Drawing from focus groups and surveys with victims of crime, *Victims and Plea Negotiations* seeks to privilege victims' voices and lived experiences of plea negotiations, to present their perspectives on five options for enhanced participation in this legal process. This book appeals to academics and students in the areas of law, criminology, sociology, victimology and legal studies, those who practice in the criminal justice system generally, those who work with victims, and policy makers.

**Australian legal monthly digest**, 1997

**Australian Feminist Judgments** Heather Douglas, Francesca Bartlett, Trish Luker, Rosemary Hunter, 2014-11-20 This book brings together feminist academics and lawyers to present an impressive collection of alternative judgments in a series of Australian legal cases. By re-imagining original legal decisions through a feminist lens, the collection explores the possibilities, limits and implications of feminist approaches to legal decision-making. Each case is accompanied by a brief commentary that places it in legal and historical context and explains what the feminist rewriting does differently to the original case. The cases not only cover topics of long-standing interest to feminist scholars – such as family law, sexual offences and discrimination law – but also areas which have had less attention, including Indigenous sovereignty, constitutional law, immigration, taxation and environmental law. The collection contributes a distinctly Australian perspective to the growing international literature investigating the role of feminist legal theory in judicial decision-making.

**Australian Current Law Reporter**, 2004

**Australian Current Law**, 2002

*Report*, 1996

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