

Justice Legislation (Strengthening Victims' Rights) Amendment Bill 2026

Explanatory Notes

Short title

The short title of the Bill is the Justice Legislation (Strengthening Victims' Rights) Amendment Bill 2026.

Policy objectives and the reasons for them

The objectives of the Bill are to:

- implement recommendation 21 of the Queensland Sentencing Advisory Council's (QSAC) *Sentencing of Sexual Assault and Rape: The Ripple Effect Report* (the Ripple Report) by amending the *Penalties and Sentences Act 1992* (Qld) (PS Act) to provide a strengthened, trauma-informed approach for victims to provide a Victim Impact Statement (VIS) as part of a sentencing proceeding;
- introduce the ability to provide a Community Impact Statement (CIS) as part of sentencing proceedings for limited offences; and
- clarify the notification requirements under the *Coroners Act 2003* (Coroners Act) to ensure a family member of the deceased person is made aware of a decision or order made to hold an inquest or to re-open an inquest or investigation into a death.

The Ripple Report found strong dissatisfaction from victim survivors and community members with the current regime for providing a VIS. This included: unclear agency roles and inadequate support to prepare a VIS; poor understanding of the purpose or use of VISs, leading to inconsistent and often unmet expectations about their purpose in sentencing; dissatisfaction with the practice of redacting or content editing of VISs; lack of opportunity to provide a VIS; and need for greater acknowledgement by courts of the harm suffered by victims.

Recommendation 21 of the Ripple Report called for a comprehensive review of the VIS regime under the PS Act including consideration of the purpose of providing a VIS, the content, form of presentation, arrangements for cross-examination, timeframes, and degree of acknowledgement by the sentencing court of the victim survivor and the harm they have suffered as a result of the offending.

Achievement of policy objectives

The Bill will achieve its policy objectives by amending Part 10B of the PS Act to:

- create a dual purpose that recognises the therapeutic benefit for victims of having the opportunity to provide a VIS, in addition to informing the court about harm to the victim caused by an offence;

- expand the scope of offences for which a person may provide a VIS, to include all indictable offences and summary offences which result in death or bodily harm;
- expand the definition of who is a victim (i.e., who may provide a VIS) or who may provide a VIS on behalf of a victim;
- remove the requirement for a prosecutor to redact or edit a VIS prior to its use as part of sentencing proceedings, except for a limited ability to remove details of harm that are offensive, threatening, intimidating or harassing;
- provide that a VIS is permitted to be given to a prosecutor for the purpose of a sentence proceeding;
- clarify the court's power to adjourn sentencing proceedings to provide more time for victims to prepare a VIS;
- limit when cross-examination of a victim on their VIS during sentencing may occur; and
- expand options for how a VIS may be presented to the court.

The Bill also amends the PS Act to introduce Part 10C, which enables the Victims' Commissioner to prepare a CIS to inform the sentencing court about harm caused, or likely harm caused, to an affected community. This will be limited to serious vilification and prohibited symbols and child exploitation material-related offences under the *Criminal Code Act 1899* (Qld) (Criminal Code) in the first instance, with the ability to prescribe further offences by regulation.

The Bill will further achieve its objectives by amending the Coroners Act to require the Coroners Court to notify a family member of the deceased person of a decision or order made to hold an inquest or reopen an investigation or inquest.

Victim Impact Statements regime

Purpose of a VIS

The Bill amends section 179K of the PS Act to recognise that the purpose of a VIS is also to provide a therapeutic benefit to a victim, in addition to the prosecutor informing the sentencing court of the harm caused to the victim by the offence. This recognises the importance of a victim being able to tell the court their story in their own words and underpins other amendments, including amendments to redactions and cross-examination of a victim on their VIS.

Scope of offences

The Bill replaces section 179J which limits the scope of offences to which the VIS regime applies to a *relevant offence*. This is defined under section 39 of the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Victims' Commissioner Act) and generally focuses on offences against the person and domestic violence offences.

The Bill expands the scope of offences to which Part 10B of the PS Act applies to also enable a VIS to be provided by a victim of:

- all offences which result in the death of, or bodily harm to, a person (both indictable and summary offences); and

- all other indictable offences (including those that can be dealt with summarily).

The expansion of the scope of offences ensures that victims of other serious offences, beyond offences against the person, may provide and present a VIS to inform the sentencing court of the harm caused by the offence. For example, this will include: property-related offences (such as burglary and arson); fraud offences; unlawful use of a motor vehicle; and offences of possession, distribution or administering child exploitation material (CEM) offences (beyond the offence of making CEM) under the Criminal Code.

This amendment also implements part of Transformational Recommendation 7 of the Child Death Review Board's report *In Plain Sight: Review into System Responses to Child Sexual Abuse* (In Plain Sight report), to implement legislative reforms to enable the use of VISs in Queensland cases involving CEM. The Board considered that offences 'against the person' did not seem to contemplate offences of possession and distribution of CEM under the Criminal Code, which makes these crimes seem victimless and less harmful than they truly are.

Scope of who can provide a VIS (as a victim)

The PS Act allows an *affected victim* to prepare a VIS. *Affected victim* is currently defined under section 38 of the Victims' Commissioner Act to generally include: a person who suffers harm because a relevant offence is committed against them (primary victim); they are a family member (which is limited to immediate family such as a spouse, child, parent, brother or sister) or dependent of the primary victim; or as a direct result of intervening to help a primary victim. The PS Act also provides that a VIS may be prepared by the victim, or by another person if the victim cannot do so due to age or impaired capacity.

The Bill establishes a stand-alone definition of a victim under new section 179IA. The definition includes the existing scope of *affected victim* under the Victims' Commissioner Act which includes a person who is a victim:

- because an offence mentioned in section 179J is committed against the person;
- because the person is a family member or dependant of another person who suffers harm or dies because an offence mentioned in section 179J is committed against the other person; or
- as a direct result of intervening to help another person who suffers harm or dies because of an offence mentioned in section 179J is committed against the other person.

The Bill expands this scope to also include:

- a *witness* to an offence mentioned in section 179J committed against another person who suffers harm or dies because of the offence; and
- a person who suffers harm because the person has a *close personal relationship* with another person who suffers harm or dies because an offence mentioned in section 179J is committed against the other person.

These amendments acknowledge the potential impact of a crime on individuals who are deeply connected to the victim but may not meet existing definitions that focus on familial relationships to the primary victim (e.g., a chosen family member or informal carer). The amendment also aims to include innocent bystanders who may witness profound acts of violence and suffer harm which may be provided to a sentencing court in a VIS.

The Bill also expands on the definition of a *family member* to include a grandparent, grandchild and stepchild at section 179I (noting the existing scope of *affected victim* already included step-parents and step-siblings).

Expanded scope of who may provide a VIS (on behalf of a victim)

The PS Act currently allows another person to provide a VIS on behalf of a victim if the victim cannot provide one due to age or impaired capacity. The Bill expands the scope of, and provides flexibility for, who can provide a VIS at section 179L on behalf of a victim, to include another person if the prosecutor or the court considers it appropriate. Relevant considerations include the relationship between the victim and the other person, the victim's wishes and the victim's capacity to give consent to the other person. For example, this may include victims who have a language barrier, there are cultural considerations, or another person may assist the victim to convey harm such as an elder, interpreter, trusted family member, friend, carer, or victim advocate.

Content and redactions

The Bill amends section 179K of the PS Act to remove the ability for prosecutors to decide what details of harm, if it is in the form of a VIS, are appropriate to give to the sentencing court. This means prosecutors will not be required to redact or edit a VIS prior to tendering it to the court. However, the Bill includes a limited ability at section 179K(3) for prosecutors to remove any details of harm in a VIS that are offensive, threatening, intimidating or harassing.

The Bill retains, under section 179K(3A), the existing ability for prosecutors to give details of harm, which are not in the form of a VIS, to the sentencing court, and consider which details are appropriate to provide. This may include, for example, verbal information from the victim or from a medical report.

The Bill introduces new section 179LA to provide that the court must not refuse a VIS if it contains irrelevant material or inadmissible evidence but is not required to have regard to this material in imposing a sentence. Whilst judicial officers must have regard to harm to a victim provided in a VIS, in accordance with the sentencing guideline under section 9(2)(c)(i) of the PS Act, they retain their discretion to determine what information is relevant and appropriate to consider in making a sentencing decision.

Process

The Bill outlines at section 179K(1)(a) that a victim may give the prosecutor a VIS for the purpose of the prosecutor informing the sentencing court. This aims to clarify that a VIS is intended to inform sentencing proceedings and not form part of trial evidence.

However, this approach retains flexibility for prosecutors in practice, for example, who may request a VIS prior to sentencing in anticipation of a plea of guilt.

Further, the Bill clarifies at section 179K(2) that the sentencing court may adjourn the sentencing proceeding to permit the victim or other person more time to give the prosecutor details of the harm if it is reasonable. When determining this, the court may have regard to the following:

- whether the victim or person has had a reasonable opportunity to prepare the details;
- the interests of justice;
- whether adjourning the proceeding would unreasonably delay the sentencing of the offender.

This approach is intended to balance a victim's right to provide a VIS with the need to maintain procedural flexibility, avoid undue delays in proceedings, and ensure courts can continue to operate efficiently and responsively.

Restrictions on cross-examination of a VIS

The Ripple Report observed that the lack of clarity about the primary purpose of providing a VIS has flow on impacts for cross-examination of a victim. The fear of being cross-examined on a VIS may discourage some victims from making a VIS and presents a distressing and traumatising experience for victims.

The Bill restricts cross-examination of a person who prepared a VIS, at section 179O, unless the court is satisfied:

- the content may materially affect the sentence the court may impose in the sentencing proceeding; and
- it is in the interests of justice for the person to be cross-examined.

In addition, the Bill provides that if the court is satisfied a person may be cross-examined, the court may make arrangements or give any directions the court considers appropriate to:

- protect the person from unnecessary trauma, intimidation or distress; and
- facilitate the person's effective participation in the proceeding.

The amendments recognise that cross-examination is a distressing and traumatic experience for victims, and provides protections against this to support the therapeutic purpose of a VIS.

Presentation of VIS to the court

The Bill amends section 179M to expand the ways in which a victim may present their VIS to the court, to allow a victim to provide the court with a pre-recorded audio or audio-visual recording of themselves reading their VIS aloud, to be played in court.

In addition, the Bill permits the victim to nominate a person to read their written VIS to the court, which is currently restricted to the person who prepared the statement or the prosecutor. These amendments enhance flexibility and trauma-informed measures

as it provides victims with greater choice as to how they wish to participate and have a voice in the sentencing process.

Community Impact Statements

The Bill introduces new Part 10C which provides an ability for the Victims' Commissioner to give the prosecutor a CIS for certain offences, which a prosecutor must provide to the sentencing court to inform their sentencing decisions. Under the new provisions, the Victims' Commissioner may provide a CIS to a prosecutor to give to a sentencing court if the Commissioner considers there is an affected community for the offence, and it would be in the interests of justice to give the statement. In considering these matters, the Victims' Commissioner may have regard to any information considered relevant. For example, this may include information provided by a member of the public, or other persons such as prosecutors or police.

In preparing a CIS, the Victims' Commissioner may consult with the affected community. Under section 179S(4), the Victims' Commissioner may consult with the prosecutor to decide what details are appropriate to be given to the sentencing court. This is anticipated to include, for example, determining appropriate matters where a CIS may be provided, or to review details of offending described in the CIS. The Victims' Commissioner will be responsible for approving final content to be included as part of a CIS, and prosecutors must provide a copy of the CIS to the sentencing court and, as soon as practicable after a conviction, the offender and their legal representative.

The offences where a CIS may be provided to a prosecutor are child exploitation material offences (sections 228A to 228DC of the Criminal Code); serious vilification and prohibited symbols offences (chapter 7A of the Criminal Code); and an offence of attempting, or conspiring to commit, these offences. These offences were considered appropriate to prescribe, in the first instance, as they may affect a broader community. The Bill allows further offences to be prescribed by regulation.

The Child Death Review Board in its In Plain Sight report, noted that a CIS may enable greater understanding of the impacts of certain offence types on society. This includes offences such as possession and distribution of child exploitation material. The Board emphasised that a CIS would speak to the wider, general consequences carried by a community due to an individual's criminal conduct as well as providing context for sentencing judges, prosecutors, defence and perpetrators in understanding the wider consequences of online child exploitation.

The CIS framework gives a voice to victims who would otherwise not be represented in the justice process including where individual victims cannot be identified, or where victims cannot, or choose not, to make a VIS. It is also intended to highlight the broader community impacts of offending behaviour.

Review of the VIS and CIS reforms

The Bill requires the Minister to review the operation and effectiveness of Parts 10B and 10C two years after their commencement. This will provide an opportunity to

assess if the victim experience in preparing VISs has improved and ensure these reforms operate effectively in practice, as well as reviewing the operation of the new CIS model.

Coroners Act Amendment

Coronial investigations, particularly inquests, may be a difficult and often re-traumatising experience for family members. Keeping family members informed during coronial investigations helps them understand the process, access information and feel respected while seeking answers about their loved ones' death. Providing clear communication and appropriate support promotes fairness, transparency and trust in the coronial system.

To ensure a family member is notified of important changes to the status of a coronial investigation into the death of their loved one, amendments to the Coroners Act will require reasonable steps to be taken, as soon as reasonably practicable, to notify a family member of the deceased person when a decision or order is made to:

- hold an inquest into a reportable death on the coroner's own initiative under section 28 or upon application under section 30;
- reopen an inquest, on application, pursuant to section 50;
- reopen an inquest on the initiative of the coroner who held the inquest, or the State Coroner, pursuant to section 50A; or
- reopen a coronial investigation on the initiative of the coroner who conducted the investigation, or the State Coroner, pursuant to section 50B of the Coroners Act.

An investigating coroner will determine who constitutes a 'family member' of the deceased for this purpose in accordance with Schedule 2 to the Coroners Act. Schedule 2 establishes a hierarchy of people that may be recognised as the deceased person's 'family member' for the purpose of the Act: a person nominated by the deceased in a document (for example, an Advance Health Directive); a spouse; an adult child of the deceased; a parent; an adult sibling of the deceased person; an adult who was in a relationship with the deceased; or an Aboriginal person or Torres Strait Islander family member in circumstances where the deceased person was an Aboriginal or Torres Strait Islander person and a spouse, adult child, parent or adult sibling is not reasonably available.

For the purpose of this hierarchy, 'family member' may include an adult who, immediately before the deceased person's death, had a relationship with the deceased person that the coroner investigating the death considers is sufficient for being a family member of the deceased person.

The State Coroner's Guidelines 2013 (Guidelines) assist an investigating coroner in their determination of who is a family member of the deceased. The Guidelines provide that coroners should first consider the nature of each person's relationship to the

deceased person with reference to the 'family member' hierarchy established by the Coroners Act. Not infrequently, there will be more than one person who qualifies as the family member under the hierarchy; for example, an estranged husband or wife and a recent de facto spouse, or several adult children. In practice, in circumstances where the deceased has no family members reasonably available, the coroner may consider representatives from outside the deceased's immediate family. The Guidelines note it is prudent for the coroner to give each person an opportunity to be heard, and this may entail inviting written submissions substantiating their respective claims and the closeness of their relationship with the deceased.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives other than by legislative amendment.

Estimated cost for government implementation

Implementation of legislative amendments related to the VIS and CIS regime will be met within existing resources for key Government stakeholders, noting the establishment of the Victim Advocate Service (VAS) will also assist with the development of updated guidance material and information for victims.

Any implementation costs associated with the amendments in the Bill to the Coroners Act will be met from within existing resources.

Consistency with fundamental legislative principles

The Bill has been drafted having regard to the fundamental legislative principles (FLPs) in the *Legislative Standards Act 1992* (LS Act). Potential breaches of FLPs associated with the Bill are addressed below.

Content and redaction of VIS

Section 4(3)(b) of the LS Act provides that legislation must have sufficient regard to the rights and liberties of individuals which may depend on whether it is consistent with principles of natural justice. Part of the principles of natural justice is the absence of bias in decision-making. This includes considering whether the relevant circumstances would give rise, in the mind of a party or a fair-minded member of the public, to a reasonable apprehension or suspicion of a lack of impartiality on the part of the decision-maker.

Clause 12 of the Bill removes the requirement at section 179K of the PS Act for prosecutors to redact a VIS, which may represent a departure from this FLP. Courts may receive VISs which contain inadmissible or irrelevant material, or opinions about the defendant or the sentence they should receive. This may result in an actual or perceived risk that a judicial officer has improperly considered prejudicial information in the VIS which has affected the sentence imposed.

Any risk of perceived bias is mitigated by key safeguards. This includes that judicial officers already regularly exercise their discretion when considering material for sentencing to ensure it is relevant to their sentencing decision and must reflect reasons for their decisions in sentencing remarks. Prosecutors and defence may make submissions on admissibility and weight to be attributed to content in the VIS. The departure is justified noting the purpose of the amendment is to support the legislated therapeutic benefit of the VIS, by allowing victims to inform the court, in their own words, of harm they have experienced from the offence.

The Bill includes a limited ability for prosecutors to redact content that is offensive, threatening, intimidating or harassing. The Bill also provides that the sentencing court may be given a VIS under section 179K(4)(a) but must disregard the irrelevant or inadmissible material.

Restrictions on cross examination of a victim on a VIS

Section 4(3)(b) of the LS Act provides that legislation must have sufficient regard to the rights and liberties of individuals which may depend on whether it is consistent with principles of natural justice including ensuring procedural fairness.

Clause 16 introduces a new section 179O of the PS Act to provide that a person must not be cross-examined on the content of the VIS unless the court is satisfied that the content may materially affect the sentence the court may impose in the sentencing proceeding; and it is in the interests of justice for the person to be cross-examined. Similarly, the Bill also includes a restriction on cross-examination under section 179W regarding the contents of a CIS, including any submission or statement included as part of the CIS. These amendments may represent a departure from this FLP due to their impact on procedural fairness. This requires that individuals affected by a decision have a reasonable opportunity to know and respond to adverse material relied on by the decision-maker. Introducing a legislated threshold for cross-examination on a VIS or CIS may reduce the ability to challenge adverse material and test evidence relied upon in sentencing. There is an evidentiary burden on the offender to satisfy the court that cross-examination on the contents of the VIS, or CIS content, may materially affect the likely sentence to be imposed on an offender.

However, this potential departure is considered justified as the limitation is considered reasonable and aligns with the existing threshold established by Queensland case authority, where an appeal against a trial or sentencing outcome has been made based on the lack of disclosure of a VIS. Cross-examination on a VIS should only be allowed in limited circumstances including where it could have made a difference to the sentence based on a forensic disadvantage which could lead to a miscarriage of justice.

Community Impact Statements

Procedural fairness

Section 4(3)(b) of the LS Act provides that legislation must have sufficient regard to the rights and liberties of individuals which may depend on whether it is consistent with principles of natural justice including ensuring procedural fairness.

Clause 16 of the Bill inserts new Part 10C to the PS Act to create a framework where a CIS can be provided to the court to inform sentencing proceedings. The CIS may be prepared by the Victims' Commissioner who may consult with relevant stakeholders including seeking submissions from community members, and gather research, expert analysis or data to inform the CIS. It is intended to include information regarding actual, or likely, harm caused to an affected community by an offence listed in section 179R.

The CIS framework may be a departure from this FLP as it may impact on the offender's right to procedural fairness. Procedural fairness requires that individuals affected by a decision have a reasonable opportunity to know and respond to adverse material relied on by the decision-maker. Procedural fairness may be undermined as, unlike a VIS, there is no clear author of the CIS, rather the Victims Commissioner represents the community of victims and the collective harm, as a result of the offending. Whilst the scope of the material provided to the court (through the CIS) must align with the definition of harm, by nature a CIS may include views based on community consultation and or expert opinions on the type of offending. This creates potential limitations on the offender's reasonable opportunity to respond to any adverse material of which the decision-maker has informed themselves via the CIS.

This departure is justified as the offender is still afforded a reasonable opportunity to respond to, and make submissions on, the CIS as necessary. The Bill inserts section 179T(3)(b) which provides that the prosecutor must give the CIS to the offender and their legal representative as soon as practicable after the sentencing court convicts the offender. The Bill also provides that the court may be given a CIS under section 179T(3)(a) but must disregard irrelevant or inadmissible material in imposing a sentence for the offence.

The CIS model provides an opportunity for a sentencing court to consider the broader impact of an offence or type of offending beyond particular victims, particularly in cases where a VIS has not, or cannot, be provided.

Potential impact on sentence

The general rights and liberties of the defendant and the use of a CIS as part of sentencing proceedings are relevant to the consideration of whether the Bill has sufficient regard to the principles of natural justice and the rights and liberties of individuals.

The Bill creates potential inconsistencies with the FLPs regarding the general rights and liberties of the defendant, which must be justified.

Due to the scope and nature of the CIS, there are potential for issues and content to be included in a CIS that is outside the immediate scope of the matters before the court. The inclusion of extraneous material may have an adverse outcome on the defendant if taken into account at sentence and may have the potential to aggravate a sentence, result in a custodial sentence or increase the possibility of harsher sanctions being imposed. The common law right to personal liberty is considered 'the most elemental and important of all common law rights' and protects a person from arbitrary imprisonment or deprivation of liberty.

The potential inconsistencies regarding the rights and liberties of the defendant are mitigated by current safeguards within the criminal justice system. These safeguards include the central notion that judicial officers use judicial discretion when making determinations including determining what information is relevant to inform sentencing. Further, the Bill aligns with existing sentencing guidelines that require the court to have regard to the nature and seriousness of an offence and any damage, injury or loss caused by the offender under sections 9(2)(c) and 9(2)(e) of the PS Act.

Additionally, in the event the defendant believes the sentencing court gave too much weight to the contents of a CIS, or the CIS has adversely impacted the severity of the sentence, the criminal justice system has appropriate review mechanisms to ensure decisions are subject to an appeal, where necessary.

Consultation

Review of the VIS regime

The amendments to the PS Act were informed by consultation undertaken by QSAC. Stakeholder consultation is detailed in Appendix 3 of the Ripple Report.

Consultation during drafting of the amendments to the PS Act was also undertaken with key Government departments, statutory bodies, legal stakeholders, and victims' support and advocacy stakeholders. Stakeholders provided written feedback which informed the finalisation of the Bill. Further, two roundtable sessions were held in Townsville and Brisbane with key victims' support, advocacy and legal stakeholders. Feedback from these sessions was also taken into account in finalising the Bill.

Coroners Act consultation

The State Coroner was consulted on the amendments to the Coroners Act.

Consistency with legislation of other jurisdictions

Victim Impact Statements

There is no uniform approach to the VIS regime across Australian jurisdictions. All jurisdictions have legislation allowing for VISs during sentencing, with the primary purpose being to inform the court about the harm suffered by victims as a result of the offence. While there are common themes across states and territories, there is no consistent approach to the regulation of how VISs are prepared and provided to the court to inform sentencing.

Community Impact Statements

The amendment to introduce CIS is comparable to the framework in South Australia (SA). SA is the only jurisdiction to legislate the use of a CIS in Australia. The CIS framework in SA commenced in 2010 and was considered as part of the development of the provisions in Part 10C of the PS Act.

Coroners Act

The amendments to the Coroners Act to notify a family member of the deceased person when a decision or order is made to hold an inquest, or to re-open an inquest or investigation into a death, are unique to Queensland.

Notes on provisions

Part 1 Preliminary

Clause 1 states that this Act may be cited as the *Justice Legislation (Strengthening Victims' Rights) Amendment Act 2026*.

Clause 2 provides for Part 2 of the Bill to commence 7 days after the date of assent and Parts 3 and 4 and schedule 1 of the Bill to commence on a day to be fixed by proclamation.

Part 2 – Amendment of Coroners Act 2003

Clause 3 provides that this part amends the *Coroners Act 2003*.

Clause 4 inserts a new section 31A (Notifying family member of inquest) to require the Coroners Court, as soon as practicable after the decision or order is made, to take all reasonable steps to notify a family member of the deceased person, of the decision or order if:

- the coroner investigating a death decides to hold an inquest under section 28(1); or
- under section 30, the coroner investigating a death decides, on the application of a person, to hold an inquest or the State Coroner or District Court, on the application of a person, orders that an inquest be held.

Clause 5 inserts a new section 50C (Notifying family member of new inquests or reopening inquests and investigations) to require the Coroners Court, as soon as practicable after a decision or order is made, to take all reasonable steps to notify a family member of the deceased person, of the decision or order made if:

- the State Coroner decides to reopen an inquest or hold a new inquest under section 50(6)(a), or direct another Coroner to reopen an inquest, or hold a new inquest under section 50(6)(b); or
- the District Court orders the State Coroner to reopen an inquest or hold a new inquest under section 50(7)(a) or direct another coroner to reopen an inquest or hold a new inquest under section 50(7)(b); or
- the coroner who held an inquest, or the State Coroner, decides to reopen an inquest or hold a new inquest under section 50A(1); or
- the State Coroner decides to reopen an investigation or direct the coroner who conducted an investigation into a death, or another coroner, to reopen the investigation under section 50B(1); or
- the coroner who conducted an investigation into a death decides to reopen an investigation under section 50B(3).

Part 3 Amendment of Penalties and Sentences Act 1992

Clause 6 provides that this part amends the *Penalties and Sentences Act 1992*.

Clause 7 amends definitions under section 4.

Subclause (1) omits the definition of *harm*.

Subclause (2) inserts the definitions for *affected community*, *approved carer*, *bodily harm*, *community impact statement*, *family member*, *harm*, *parent* and *victims' commissioner*.

Subclause (3) amends the definition of *victim* to insert section 179IA.

The definition of *harm*, for parts 10B and 10C, includes physical, mental and emotional harm. This is not intended to exclude other forms of harm that a victim may experience and provide in their VIS, such as financial or economic loss.

The definition of *bodily harm* has the meaning given under section 1 of the Criminal Code.

Clause 8 amends section 151G(1)(b) (Particular matters for offences involving violence against another person) to omit 'within the meaning of the Criminal Code, section 1'.

Clause 9 amends section 179I (Definitions for part) which includes definitions for part 10B.

Subclause (1) omits definitions of *harm* and *victim*.

Subclause (2) inserts a definition of *approved carer* of a child, to mean an approved foster carer or approved kinship carer under the *Child Protection Act 1999*. This is intended to clarify the definition of a *family member* of a victim, which is defined to include a *parent* which includes an *approved carer*.

Subclause (2) also inserts a definition of *family member* of a person to include the person's spouse, child, stepchild, grandchild, parent, grandparent, brother, sister, stepbrother, stepsister, or a person who, under Aboriginal tradition or Island custom, is regarded as a family member mentioned in paragraphs (a),(b),(c), or (d).

Subclause (2) also inserts a definition of *parent of a child* to include a step-parent, approved carer, a person in whose favour a parenting order is in force under the *Family Law Act 1975* (Cwlth), or a person who otherwise has the right and responsibility to make decisions about the child's daily care. *Parent* does not include a person standing in the place of a parent of a child on a temporary basis, or a person granted a temporary order in relation to a child.

Clause 10 inserts section 179IA to provide the meaning of *victim*. A victim is a person who suffers harm because:

- an offence under section 179J is committed against them; or
- the person is a family member or dependant of another person who suffers harm or dies as a result of an offence under section 179J. *Family member* and *dependant* are defined under section 179I; or
- the person has a close personal relationship with another person who suffers harm or dies because of an offence under section 179J. This is intended to

include victims close to the primary victim, but outside of familial relationships and definitions of *family member* and *dependant*; or

- as a direct result of intervening to help another person harmed or killed by an offence under section 179J; or
- as a direct result of witnessing an offence under section 179J committed against another person who suffers harm or dies. This is intended to include, for example, innocent bystanders who do not have an existing relationship to the person who suffers harm or dies.

Subsections (2) and (3) provide that the definition of *victim* includes circumstances where an offence is committed against a pregnant person and results in the destruction of the life of the person's unborn child. In these circumstances, a victim includes a person who would, if the unborn child had been born alive, have been a family member of the child.

Subsection (4) inserts a definition of *dependant* of a person to include another person who is entirely or substantially dependant on the person's income; or if the person has died as a result of an act of violence or crime, a person who was entirely or substantially dependant on that person's income when the person died; or another person who would have been entirely or substantially dependent on the person's income had they not died, including a child of the person who is born after the person's death.

Clause 11 replaces section 179J to clarify the application of part 10B. New section 179J (Application of Part) provides that the part applies for sentencing an offender for a domestic violence offence under the *Domestic and Family Violence Protection Act 2012*; an offence resulting in the death of, or bodily harm to, a person; or another indictable offence, including an indictable offence dealt with summarily.

New section 179J(d) further provides that the part applies to an offence of attempting to commit, or conspiring to commit, any of the offences to which the part applies.

A note is included to clarify that, under section 256A of the *Youth Justice Act 1992*, the part also applies in relation to an offender who is a child.

Clause 12 amends section 179K (Giving details of impact of crime on victim during sentencing) to set out how victims may provide details of harm caused by an offence to inform a sentencing proceeding.

Subclause (1) omits section 179K(1) to (3) and inserts new subsections.

Subsection (1) provides that a victim of the offence, or another person mentioned in section 179L(1)(b) or (c), is to be permitted to give the prosecutor for the offence details of the harm caused to the victim by the offence for the purposes of the prosecutor informing the sentencing court and, if the details are given in the form of a victim impact statement, providing a therapeutic benefit to the victim. A note is included to refer to other sections that may be relevant to informing the court of harm under the *Youth Justice Act 1992*, *Mental Health Act 2016*, and *Victims' Commissioner and Sexual Violence Review Board Act 2024*.

Subsection (2) provides that the sentencing court may adjourn the sentencing proceeding to allow a victim, or other person, additional time to give details of harm if

it is reasonable to do so in the circumstances having regard to whether the victim or person has had a reasonable opportunity to prepare the details, the interests of justice, and whether an adjournment would unreasonably delay the sentencing of the offender.

Subsection (3) provides that the prosecutor may remove any details of harm provided by the victim or other person that are offensive, threatening, intimidating or harassing.

Subsection (3A) inserts requirements for the prosecutor, if a victim, or other person gives details of harm. If the details are given in the form of a victim impact statement, the prosecutor must give the victim impact statement to the sentencing court. Otherwise, the prosecutor must decide what details, if any, are appropriate to be given to the sentencing court and give those details to the court.

Subclause (2) amends section 179K(4) to provide that in deciding what details are appropriate for subsection (3A)(b)(i), the prosecutor must have regard to the victim's wishes.

Subclause (3) replaces the reference to section 179M in section 179K(7) with references to sections 179LA and 179M.

Subclause (4) renumbers sections 179K(3A) to (7) as sections 179K(4) to (8).

Clause 13 amends section 179L (Preparation of victim impact statement).

Subclause (1) omits the reference to section 179K(3) in section 179L(1).

Subclause (2) inserts new subsection 179L(1)(c). Subsection (1)(c) expands on the existing scope to allow another person to prepare a victim impact statement, on behalf of a victim, where the prosecutor or the court considers it appropriate having regard to the victim's relationship with the person, victim's wishes and their capacity to give consent for the person to give the statement.

Subclause (3) inserts new section 179(1A) which provides that a victim impact statement must not contain anything that is offensive, threatening, intimidating or harassing.

Subclause (4) renumbers sections 179L(1A) and (2) as sections 179L(2) and (3).

Clause 14 inserts new section 179LA to provide that a sentencing court may be given a victim impact statement that includes material that is irrelevant to, or would otherwise be inadmissible in, the sentencing proceeding for the offence. However, the court must disregard the irrelevant or inadmissible material.

Clause 15 amends section 179M (Reading aloud of victim impact statement during sentencing) to expand the ways in which a victim impact statement may be presented to the sentencing court.

Subclause (1) amends section 179M(2) to refer to a victim impact statement being played to the court.

Subclause (2) replaces section 179M(2)(b) to provide that, if the person who prepared the statement wishes the prosecutor or another person to read the statement, the prosecutor or other person may read the statement aloud before the court.

Subclause (3) replaces section 179M(3) to provide that, if a request is made under subsection (2), the court must allow the person stated in the request to read all or part of the victim impact statement aloud before the court, or allow an audio visual recording or audio recording of the victim reading all or part of the victim impact statement identified in the request to be played to the court, unless the court considers it is inappropriate to do so having regard to all relevant circumstances.

Subclause (4) amends section 179M(4)(a) to refer to the playing of the victim impact statement to the sentencing court, as also providing a therapeutic benefit to the victim.

Subclause (5) amends section 179M(4)(b) to provide it is not necessary for a person reading the victim impact statement aloud before the court or in a recording under this section to read the statement under oath or affirmation.

Clause 16 inserts new sections 179O and 179P and new part 10C.

New section 179O (Restriction on cross-examination) applies if a person's victim impact statement is given to the sentencing court under section 179K(4)(a).

Subsection (2) provides that a person who prepares a victim impact statement must not be cross-examined on the content of the statement unless the court is satisfied that the content may materially affect the sentence the court may impose and that it is in the interests of justice for the person to be cross-examined.

Subsection (3) provides that if the court is satisfied a person may be cross-examined under subsection (2), the court may make any arrangements or give any directions the court considers appropriate to protect the person from unnecessary trauma, intimidation or distress; and facilitate the person's participation in the proceeding.

New section 179P (Review of part) provides that the Minister must review the operation and effectiveness of part 10B as soon as practicable after 2 years after commencement.

New part 10C inserts provisions to enable the victims' commissioner to provide community impact statements to inform sentencing proceedings.

New section 179Q inserts definitions for part 10C, including *affected community*, *community impact statement* and *victims' commissioner*.

An *affected community* is defined as the community generally, or a particular section of, or group within, the community, that suffer actual harm because of an offence or is likely to suffer harm having regard to the harm typically caused by an offence of that kind.

A *community impact statement* is defined as a written statement signed and dated by the victims' commissioner that states the actual or likely harm caused to an affected community by an offence and may attach supporting documents such as relevant

research, reports, statistics, submissions made by members of the affected community or personal statements, or photographs, drawings and other images.

Victims' commissioner is defined as the victims' commissioner appointed under the *Victims' Commissioner and Sexual Violence Review Board Act 2024*.

New section 179R (Application of part) provides that part 10C applies when sentencing an offender for an offence against the *Criminal Code*, part 2, chapter 7A or sections 228A to 228DC, another offence prescribed by regulation, or an offence of attempting or conspiring to commit those offences. A note is included to clarify that, under section 256A of the *Youth Justice Act 1992*, the part also applies in relation to an offender who is a child.

New section 179S (Preparation of community impact statement) provides that the victims' commissioner may give the prosecutor a community impact statement for an offence mentioned in section 179R if the commissioner considers there is an affected community for the offence, and it would be in the interests of justice to give the statement.

Subsection (2) provides that the victims' commissioner may have regard to any information considered relevant when considering whether to provide a community impact statement under subsection (1). This is intended to allow the flexibility to consider information to inform the decision to prepare a community impact statement, for example, any submissions by a member of the public.

Subsection (3) provides that, in preparing a community impact statement, the victims' commissioner may consult with the affected community.

Subsection (4) provides that the victims' commissioner may also consult with the prosecutor to decide what, if any, details are appropriate to be given to the sentencing court.

Subsection (5) provide that if a CIS is given to the prosecutor electronically, the statement is taken to have been signed by the victims' commissioner.

New section 179T (Giving details of impact on the community during sentencing) provides that the victims' commissioner is to be permitted to give the prosecutor for the offence a community impact statement for the purpose of the prosecutor informing the sentencing court.

Subsection (2) allows the sentencing court to adjourn the sentencing proceeding if the victims' commissioner needs more time to give the prosecutor a community impact statement, if it is reasonable to do so in the circumstances, having regard to whether the victims' commissioner has had a reasonable opportunity to prepare the statement; the interests of justice; and whether adjourning the proceeding would unreasonably delay the sentencing of the offender.

Subsection (3) sets out disclosure obligations. If a community impact statement is given to the prosecutor, the prosecutor must give the statement to the sentencing court. As soon as practicable after the sentencing court convicts an offender for the offence, the

prosecutor must give the statement to the offender and the offender's legal representative.

Subsection (4) clarifies that the absence of a community impact statement does not infer that the offence caused little or no harm to the affected community.

Subsection (5) provides that, subject to section 179V which sets out provisions regarding reading aloud, the sentencing court is to decide if, and how, the community impact statement is to be given to the court in accordance with the rules of evidence and the practices and procedures applying to the court.

New section 179U (Sentencing court may be given community impact statement despite irrelevant or inadmissible material) provides a sentencing court may be given a community impact statement that includes material that is irrelevant to, or would otherwise be inadmissible in, the sentencing proceeding for the offence. However, the court must disregard the irrelevant or inadmissible material.

New section 179V (Reading aloud of community impact statement during sentencing) applies if the victims' commissioner has prepared a community impact statement under section 179S.

Subsection (2) provides that the prosecutor may request, orally or in writing, that all or part of a community impact statement be read aloud before the court by the victims' commissioner, prosecutor or another person.

Subsection (3) provides that the court must allow the person stated in the request under subsection (2) to read all or part of the statement aloud, or allow an audio-visual recording or audio recording of the statement, to be played in the court unless the court considers it inappropriate having regard to all relevant circumstances.

Subsection (4) clarifies that a person reading the statement aloud is not required to do so under oath or affirmation.

New section 179W (Restriction on cross-examination) applies to a community impact statement given to the sentencing court under section 179T(3)(a), or any submission or personal statement attached to the community impact statement.

Subsection (2) provides that a person must not be cross-examined on the content of the community impact statement, submission or personal statement unless the court is satisfied the content may materially affect the sentence the court may impose in the sentencing proceeding; and it is in the interests of justice for the person to be cross-examined.

Subsection (3) provides that if a person is cross-examined under subsection (2), the court may make arrangements or give any directions the court considers appropriate to protect the person from unnecessary trauma, intimidation or distress, and facilitate the person's participation in the proceeding.

New section 179X (Review of part) provides that the Minister must review the operation and effectiveness of part 10C as soon as practicable after 2 years from commencement.

Clause 17 inserts new division 28, which provides transitional arrangements for the *Justice Legislation (Strengthening Victims' Rights) Amendment Act 2026*.

New section 267 provides that new parts 10B and 10C apply in relation to a sentencing proceeding for an offence started after commencement, regardless of whether the offence the subject of the proceeding was committed before commencement. The section also defines *new parts 10B and 10C* to mean parts 10B and 10C as in force from commencement.

Part 4 Other amendments

Clause 18 provides that Schedule 1 makes consequential amendments to the *Evidence Act 1977*, the *Victims' Commissioner and Sexual Violence Review Board Act 2024* and the *Youth Justice Act 1992* to support the operation of the amendments made by the Bill.