



Victims Of Crime Assistance League Inc NSW



Office of the General Counsel  
Department of Justice  
GPO Box 6  
Sydney NSW 2001

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### **Submission: Review into Royal Prerogative of Mercy**

Thank you for inviting Victims of Crime Assistance League Inc NSW (VOCAL) to contribute to this review. VOCAL's primary concern lies with the impact of a Royal prerogative of mercy (RPOM) undertaking or review of a conviction of sentence (RCS) upon a direct victim or deceased victim's next of kin.

The key premise upon which this submission is based is that all victims of a petitioner should be kept informed of any RPOM or RCS activity instigated by their respective perpetrators. This is in keeping with Part 2 Section 6 of the *Victims Rights and Support Act 2013 (NSW)* and Division 2 Part 7 of the *Crimes (Appeals and Review) Act 2001 (NSW)*. Additionally, petition material should be made publicly available where possible. Such information should be provided in different formats for the victim and for the general public.

With regards to public knowledge, VOCAL proposes the following responses to the terms of reference:

1. Where the result of either a Royal prerogative of mercy or review of a conviction or sentence is successful for the petitioner, both the outcome and the reasons should be made available to the public, in the interest of community safety and public knowledge.
2. The outcome and reasons for any and all successful petitions should be published via weblink on the Attorney General's website – black strip redacted where appropriate.
3. Unsuccessful or rejected petitions need not be publicised.

In regard to the direct victim of crime or their next of kin, VOCAL believes that these parties should be given the opportunity to receive a copy of the whole petition, if desired, via the NSW Victims Register. Information regarding the petition should be made available from the time of its lodgement. As the stages involved in the petition and the duration of the investigation has the potential to affect each victim differently, we stress the importance of clear and effective communication with the victim throughout this process.

Given the complex nature of trauma and grief, each victim of crime will respond differently to their experiences. It follows that in our experience, many victims of crime wish to be notified of all matters concerning the convicted person while in custody. Therefore, if the whole petition is made available to the direct victim at the time of lodgement, we would suggest that a suppression order may be



appropriate to protect the petitioner's personal details, until a final decision has been made. If the petition is unsuccessful, the suppression order could remain in place but if it petition is successful, the order may be lifted so to make the information publically available.

Given the sensitivity of the information in question, VOCAL believes that special consideration should be made by the NSW Victims Register in contacting the victim/next of kin regarding any petition to the Governor for a Royal prerogative of mercy or a review of a person's conviction or sentence. Included in such correspondence should be a clear, easy to understand description of a RPOM or RCS and a point of contact if they require further information and/or emotional support during the application process.

In relation to the Charter of Victims' Rights, VOCAL would call for the insertion of a new provision specifically obliging the Attorney General to keep victims informed of any relevant RPOM or RCS process. This insertion would ideally also give the victim(s) a right to voice their comments for the record in response to a successful petition.

Thank you for providing us with the opportunity to provide comment, and we follow with great interest the outcome of this inquiry.

Kerrie Thompson  
Acting CEO  
Victim Support Unit

Hannah Stenstrom  
Victim Support Specialist  
Victim Support Unit