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Mentally Impaired Accused Review Board

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Victim Considerations



Pursuant to section 33(5)(f) of the *Criminal Law (Mentally Impaired Accused) Act 1996 (WA)* (https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a199.html) (the Act), the Board is required to consider any submission received from a victim of an alleged offence. Victims can either write directly to the Board or can be contacted through the Victim-Offender Mediation Unit. The Victim-Offender Mediation Unit falls under the jurisdiction of the Corrective Services division of the Department of Justice (Corrective Services). The Board often receives reports from the Victim-Offender Mediation Unit which can recommend protective conditions to ensure the rights and safety of both the offender and the victims are protected.

Pursuant to section 33(6) victim of an alleged offences, means -

- a. a person who suffered injury, loss or damage as a direct result of the alleged offence, whether or not that injury, loss or damage was reasonably foreseeable by the alleged offender; or
- b. where the alleged offence results in death, any member of the immediate family of the deceased.

Victim submissions are provided in the majority of matters considered by the Board. The Board places great emphasis on these submissions and they are taken into account when the Board determines the conditions of release for a mentally impaired accused.

All victim submissions received by the Board are treated with the highest level of confidentiality. In the event that the Board does not receive a written submission from a victim, victim issues are still considered through alternative sources of information.

Victims who are registered with the Victim Notification Register are advised when the Board will review an accused's case. Following the review, the Victim Notification Register is notified of the outcome of the Board and the victim's will be notified of the Board's outcome accordingly by the Victim Notification Register. The [Victim Notification Register](https://www.correctiveservices.wa.gov.au/victim-services/victim-notification-register.aspx) (<https://www.correctiveservices.wa.gov.au/victim-services/victim-notification-register.aspx>) falls under Corrective Services.

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