|  |
| --- |
| Victim Impact Statement form  |
|  |

**This form will help you prepare a Victim Impact Statement (VIS), but it’s only a guide. You don’t have to use this form to prepare a VIS.**

|  |
| --- |
| **Before you Start: Save a copy of this form to your computer.**Click on ‘File’ > ‘Save as...’ and choose where you would like to save it. |

# How to use this Victim Impact Statement form

**If you use this form, you must fill out:**

* **page 1 – Case information**
* **page 10 – Statutory declaration.**

You can leave other sections blank if they don’t apply to you.

You can write your VIS by typing directly into this form, or you can print it out and write it by hand.

If you need more space to write, you can add more typed or handwritten pages to this form.

# Make sure your Victim Impact Statement is legal

**You must complete the statutory declaration on page 10.**

The court will not accept your VIS if the statutory declaration is not completed.

# Help is available

The law in Victoria says that you have the right to get help with your Victim Impact Statement.

The Victims of Crime Helpline can organise a victim support worker to help you.

**Open** every day, 8am-11pm

**Call** 1800 819 817.

**Text** 0427 767 891

**Email** vsa@justice.vic.gov.au

The Victims of Crime Helpline can also help you with:

* information about the legal process, including after the offender is in jail
* applying for compensation and financial assistance.

# What to include in your Victim Impact Statement

The court wants to hear from you in your own words about how the crime affected you. You should explain how the crime has affected you:

* emotionally
* physically
* financially
* socially.

You can also add other materials to your VIS if it helps explain how a crime has affected you. These can be things like letters, poems, photographs, drawings or medical reports.

# Thinking about what to write

Imagine that someone who knows about what happened to you asked “how has the crime changed your life?”. This can be a good way to start. Some people also find it useful to think about how the crime will change their life into the future. If the crime caused the death of a loved one, you might want to describe what you miss most about them.

# What to avoid in your Victim Impact Statement

Because there are laws about what evidence is allowed in court (admissible evidence) and what is not allowed (inadmissible evidence), there are rules about what you can include in your VIS.

**If you include information that is not about the impact of the crime on you, all or part of your VIS might be inadmissible.**

If the judge or magistrate says your VIS is inadmissible, this means the court will not take your VIS into account when sentencing the offender. Your VIS can’t be read aloud in court.

If the judge or magistrate says a part of your VIS is inadmissible, this means the court will not consider that part when sentencing the offender. That part of your VIS can’t be read aloud in court.

Make sure that you:

* **don’t** describe the crime more than what is necessary to explain how it affected you (the judge or magistrate already knows about the crime)
* **don’t** say what sentence you think the offender should get or what should happen to them (this is the judge or magistrate’s decision)
* **don’t** mention crimes the offender may have committed in the past
(the judge or magistrate already knows about the offender’s criminal record, and is only sentencing the offender for the current crime)
* **don’t** give your opinion about the chance of the offender committing other crimes in the future
* **don’t** give your opinion about the offender’s ability to change their ways
* **don’t** give your opinion about the personality or character of the offender
* **don’t** mention how the crime has affected other people (except if you are making a VIS on behalf of someone else)
* **don’t** mention other documents that you haven’t attached to your VIS, or that weren’t part of the court case
* **don’t** use inappropriate or offensive language.

The most important thing to remember is your VIS should only be about how you’ve been affected by the crime.

# Victim Impact Statement form

## Case information

|  |
| --- |
| You must fill this section out.This information helps the court know which case your Victim Impact Statement is for. |

* **Your name**:
* **If you are not the direct (primary) victim of the crime, please write the name of the primary victim below and describe your relationship to the primary victim**:

**Primary victim’s name**:

**Your relationship to the primary victim**:

* **Name of the accused person (if known):**
* **Name of the police informant** (if known):
* **Name of the Office of Public Prosecutions (OPP) solicitor**
(if known or if there is one for the case):
* **Would you like your Victim Impact Statement read aloud in court?**The judge or magistrate will decide if you can read all of your Victim Impact Statement or only some parts of it in court.

**[ ]  No** – I don’t want my Victim Impact Statement read aloud in court

**[ ]  Yes** – I would like my Victim Impact Statement read aloud in court by:

 [ ]  Me

 [ ]  The prosecutor

 [ ]  Someone else that I nominate

**[ ]  I’m not sure yet**

**If you would like your VIS read aloud in court, please discuss this with the OPP solicitor or the police informant as soon as possible.**

# Emotional impact of the crime

**This section is a guide only. You don’t need to fill it out.**

You can use this section to describe any emotional impacts of the crime, including:

* your general feelings of wellbeing or enjoyment of life
* how the crime has affected any relationships
(with your partner, family, friends or co-workers)
* any emotions or feelings related to the crime
(such as hurt, anger, fear, frustration)
* effects on your lifestyle and activities
(such as trouble sleeping, eating, working)
* psychological effects of the crime, including any treatment you need
(such as depression or anxiety)
* how these impacts might change your life into the future.
* The court considers any ‘significant adverse effects’ of a crime. These include grief, distress, trauma or injury experienced or suffered by you because of the crime.

You can add a medical report to this form if you think it will help the court understand the emotional or psychological effects of the crime on you.

Describe the emotional impact of the crime here

# Physical impact of the crime

**This section is a guide only. You don’t need to fill it out.**

Use this section to describe:

* injuries as a result of the crime (such as broken bones, nerve damage)
* how injuries have affected your life (such as work, sport or leisure activities)
* any long term impacts of injuries on your life
* any ongoing medical treatment you need.

You can add a medical report to this form if you think it will help the court understand the physical effects of the crime on you.

Describe the physical impact of the crime here

# Financial impact of the crime

**This section is a guide only. You don’t need to fill it out.**

Use this section to describe:

* loss of future earnings because of the crime
(if a physical or psychological injury has affected your ability to work)
* general expenses caused by the crime (such as home security, replacing items)
* travel expenses because of the crime (such as court appearances)
* cost of medical treatment needed because of the crime.

You can add a medical report or other documents such as receipts or invoices if you think it will help the court understand the financial impacts of the crime on you.

Describe the financial impact of the crime here

# Social impact of the crime

**This section is a guide only. You don’t need to fill it out.**

Use this section to describe any other problems the crime has caused in your life, including how the crime has affected:

* work or study commitments
* family or social life (friendships, social events, sporting commitments)
* how safe you feel.

Some people find it useful to think about how their life has changed since the crime, and how they see their future.

When a crime has caused the death of a loved one, you might want to describe how your life has changed, and what you miss most about them.

You can add materials such as letters, poems, or drawings to this form if they help you express how the crime has affected you.

Describe the social impact of the crime here

# Statutory declaration

**You must complete this section. The court will not accept your VIS if this section is not completed.**

A statutory declaration is a statement you sign that you declare to be true and correct.When you have finished your Victim Impact Statement, you must print it, then fill out and sign thisstatutory declaration in front of an authorised witness.

An authorised witness is a lawyer, police officer, doctor, dentist, pharmacist, vet, bank manager or State school principal. For a full list of authorised witnesses, visit <https://www.justice.vic.gov.au/statdecs>.

|  |
| --- |
| **Instructions for completing a statutory declaration**Please complete the following form using the notes in the left-hand margin for guidance. More guidance on making statutory declarations can be found at [www.justice.vic.gov.au](http://www.justice.vic.gov.au).When making the statutory declaration the declarant must say aloud: I*, [full name of person making declaration]* declare that the contents of this statutory declaration are true and correct. |

|  |  |
| --- | --- |
| *Insert the full name of person making the statutory declaration.* | I,make the following statutory declaration under the **Oaths and Affirmations Act 2018:** |
| **I declare that the contents of this Victim Impact Statement are true and correct and I make it knowing that making a statutory declaration that I know to be untrue is an offence.** |
|  |
| *Signature of person making the declaration* |  |
| *Place (City, town or suburb)**Date* | **Declared at** |  | **\*in the state of Victoria** |
| on  |
| *Signature of authorised statutory declaration witness**Date* | **I am an authorised statutory declaration witness and I sign this document in the presence of the person making the declaration:**on |
| *Name, capacity in which authorised person has authority to witness statutory declaration, and address (writing, typing or stamp)* | A person authorised under section 30(2) of the **Oaths and Affirmations Act 2018** to witness the signing of a statutory declaration. |

|  |
| --- |
| **Note: Only complete this section if the person making the statutory declaration is illiterate, blind or cognitively impaired and the statutory declaration is read to them.** |
| *The witness must only sign this section if the person making the statutory declaration is illiterate, blind or cognitively impaired and the statutory declaration is read to them.* | **I certify that I read this statutory declaration to** *[name of the person making the statutory declaration]* at the time the statutory declaration was made. |
| **Note: Only complete this section if someone has assisted the person making the statutory declaration for example, by translating the document. A person who has assisted a client to prepare the Victim Impact Statement in a professional capacity does not need to sign this section.**  |
| *This section must be signed by any person who has assisted the person making the statutory declaration, for example by translating the document or reading it aloud. If no assistance was required, this section does not need to be completed.* *Date**Name of person providing assistance* | **Icertify that I have assisted** *[name of the declarant]* by *[insert assistance provided, for example translating the document*]. Signed:On:Name of person providing assistance: |

|  |
| --- |
| **What happens now?**If the case is being heard in the Magistrates’ Court, give your completed VIS to the police informant.If the case is being heard in the County Court or Supreme Court, give your VIS to the OPP solicitor, police informant or Witness Assistance Service worker. |