

Victim Impact Statements in South Australia

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South Australia was the first Australian State to legislatively introduce Victim Impact Statements (VIS). The new law which took effect in January 1989 requires that VIS material be put before the court by prosecutors so as to inform the judge of any physical or mental harm, any loss or damage to property suffered by a victim as a result of a crime. This article presents the results of evaluation studies of VIS in South Australia and their implications for the role of victims in the criminal justice process and the effects of VIS on the system. The first study (Erez, Roeger & Morgan 1994) examined the impact of VIS on victim satisfaction and sentencing in the context of the implementation of VIS through interviews of the legal profession, a survey of crime victims and an analysis of sentencing outcomes in the higher courts. In the second study (O'Connell 1995) the attitude of police (largely operational) towards VIS and the role of the police in the preparation of VIS was examined before and after their introduction.

Background to VIS in South Australia

In August 1979, the South Australian Government established a Committee of Inquiry on Victims of Crime to review the needs of crime victims and to recommend the most effective response to those needs. The Committee, which reported in 1981 (South Australia Report of the Committee of Inquiry on Victims of Crime), recommended among other things, that 'prior to sentence, the court should be advised as a matter of routine of the effects of the crime upon the victim.' The Committee observed, that on an accused pleading guilty, the sentencing court would not ordinarily receive information regarding the victim's 'physical, economic, or mental well-being' yet the information was relevant to the determination of sentence.

Such was the impetus for change that by 1985 the majority of the Committee's recommendations, which numbered nearly 70, had been implemented. Recommendation 50 concerning the provision of victim information, however, was not formally dealt with until late in 1985 when the Government promulgated a Declaration of Rights for Victims of Crime. The Declaration, in the form of administrative guidelines, consisted of seventeen principles which were designed to alleviate the trauma suffered by victims. The Declaration was accompanied by an instruction to all government agencies that their practices and procedures were to comply with the principles. According to the then Attorney-General (Sumner, personal communication 1995) the use of the Declaration enabled the government to introduce the changes with minimal opposition and it allowed any deficiencies in the law to be identified from the standpoint of the principles.

Principle 14 of the Declaration concerned the participation of victims in the sentencing process. It stated that a victim shall:

be entitled to have the full effects of the crime upon him/her made known to the sentencing court either by the prosecutor or by information contained in (a victim impact statement) including any financial, social, psychological or physical harm done to or suffered by the victim; any other information that may aid the court in sentencing, including the restitution and compensation needs of the victim, should also be put before the court by the prosecutor.

The provision of victim information during the sentencing process was justified by the Attorney-General on a number of grounds. Allowing victims to participate in sentencing may reduce feelings of retribution and any alienation and dissatisfaction victims feel in their contact with the criminal justice system and that the provision of the information would assist the court in making any compensation or restitution orders. Furthermore, Sumner drew attention to the positive contribution VIS can make to the rehabilitation of offenders. For example, he has suggested that requiring an offender to pay compensation can be likened to a symbolic recognition by the offender of the wrong done to a victim and such recognition on the part of an offender can promote rehabilitation. (Sumner 1987).

Principle 14 of the Declaration was accompanied by a legislative amendment to the effect that whenever the court had before it a structured report on the offender (a pre-sentence report) the report would also contain information, collected by Probation or Parole Officers, about the effect of the crime on the victim. At the time of its introduction, it was proposed that the amendment would be proclaimed after additional staff resources needed had been identified and obtained. Correctional services responded to the Declaration by creating a committee to review that department's current procedures and practices and to develop proposals for implementing the relevant principles and legislative requirements. A report was produced in July 1986 which contained a detailed costed proposal for the implementation of VIS by Probation and Parole Officers. The proposal, however, did not find favour with the Attorney-General who indicated that it 'had a number of resource, philosophical and practical problems' (Sumner & Sutton 1990) and consequently the legislative amendment for pre-

sentence reports to contain victim information was never proclaimed. Instead, it was decided that the police would become responsible for implementing the VIS and an interdepartmental committee comprising representatives of the Attorney-General's Department and the Police Department was formed.

The Attorney-General's/Police interdepartmental committee reported early 1988 and determined, among other things, that the purpose of victim impact statements was 'to provide information to the court for use in the sentencing process, that is to have regard to the effect of the crime upon the victim.' The committee also designed a VIS proforma which after modification was adopted. It was recommended that the proforma be compiled by the investigating police officer as a part of their normal duties. The Attorney-General supported the Committee's recommendation with respect to the use of the proforma and its compilation by the police. He argued that 'collecting and summarising information on the crime's effect' was a task already performed by the police, hence the requirement to prepare victim impact statements was, in simple terms, a formalisation of a traditional 'ad hoc' role (Sumner & Sutton 1990).

During the course of the Attorney-General's/Police interdepartmental committee's deliberations, the government intimated its intention to review the State's sentencing provisions and consolidate these in a single Act. The Criminal Law (Sentencing) bill was introduced and passed late in 1988 and proclaimed in January 1989. The Act provided (*see* Appendix A) that to assist a criminal court to determine an appropriate sentence a prosecutor must furnish a sentencing court with particulars about the effects of the crime on the victim. The victim, however, maintained the right to request a prosecutor not to present this information to the court. To ensure that the information would be considered, Section 10 of the Act stipulated that the effects of a crime on a victim should be, where relevant, taken into account by a sentencing court. The new Act also enabled a court to order compensation and order the return of misappropriated property.

The South Australian Model

In South Australia, the police are responsible for preparing VIS. When police receive the initial complaint that an offence has occurred, the officer receiving such complaint is required, should the victim exercise the right, to take a comprehensive statement including information regarding the harm done and losses incurred. In reality, however, this initial statement is directed towards establishing the nature of the crime and satisfying evidentiary requirements. For summary matters, police prepare the VIS within seven days of the report or arrest of an accused, and within seven days of advice that a matter has been committed for trial/sentence for indictable matters. Until recently the police have prepared VIS using the proforma which originated from the work of the Attorney-General's /Police interdepartmental committee.

Supervisors of investigating officers are required to ensure victim impact statements are correctly submitted. With regards to summary matters the final check in the process is the police prosecutor, whereas for indictable matters either the Victim Impact Coordinator or Witness Scheduling Unit (both within

Police Prosecution Services) monitor the submission of VIS and the Director of Public Prosecutions provides solicitors to ensure statements are suitable for court.

At the time of the introduction of VIS, police agreed to become responsible for VIS without additional resources, although it was agreed that this decision would be reviewed after twelve months. A review was undertaken by the police in early 1990 and found that significant additional resources were required for VIS if police were to continue to prepare them as originally proposed. The Attorney-General in response to this agreed to a less resource intensive approach towards VIS and allocated ten additional positions to the police. Following this decision, and in light of criticisms, since 1992 police have extended to some victims the option of completing a questionnaire themselves or writing a statement in their own words regarding the effects of the crime.

Implementation of VIS: The Perspectives of the Legal Profession

A series of interviews with members of the legal profession were conducted in order to examine the implementation of VIS and assess the effects of VIS on the criminal justice process. Forty-two interviews were conducted with members of the main professional groups in the criminal justice system (prosecutors, defence lawyers, magistrates and judges). These interviews revealed a very uneven and problematic implementation of VIS. In the Magistrates Court where the majority (95 per cent) of cases are dealt with, VIS are rarely tendered. In the Supreme and District Courts where more serious offences are heard, prosecutors and judges stated that the information provided in VIS was highly variable in quality and often was not adequately followed up or updated.

Despite the poor implementation of VIS, many judges and prosecutors believed that information about victim harm has improved since the introduction of VIS. Two thirds of judges and most of the prosecutors stated that they would recommend the introduction of VIS in other Australian jurisdictions. All groups believed that the introduction of VIS has not led to court delays, additional expenses or mini trials on VIS content. Many of those interviewed actually suggested that VIS saved court time. Judges and prosecutors felt that only rarely did VIS contain exaggerations or inappropriate remarks. Defence lawyers stated that they were often suspicious of material relating to the emotional harm suffered by victims; however, they rarely challenged VIS because of the damaging effect a cross-examination of the victim might have on sentencing.

One-third of the judges interviewed stated that VIS were important for sentencing; a third thought that the VIS itself was not very important; and the remaining judges were of the view that VIS were only important in some cases, in particular, offences against the person and cases in which the defendant pleaded guilty. Most of the professionals believed that VIS have not increased the severity of sentencing. In fact, some judges were of the opinion that in the few cases where VIS affect penalties, VIS are just as likely to lead to more lenient sentences as to harsher sentences. Most judges did not believe that VIS have led to sentencing disparity.

Differences of opinion surfaced among the legal professionals concerning responsibility for the minimal implementation of VIS. Judges, Crown prosecutors and some police prosecutors viewed the police, who are charged with VIS preparation, as the culprits. The police, it was suggested, treated VIS as only a formality, were slack, or simply did not appreciate VIS importance. Some judges also viewed prosecutors as negligent in their duty to provide VIS. A few prosecutors thought that judges do not consider VIS in their decisions, so additional demands should not be placed on already overburdened police. Defence lawyers knew that vague or terse VIS are in the defence interest, so they did not concern themselves with this issue. The police perceived themselves as the true ‘victims’ of the movement to improve the crime victims lot, and as the government’s ‘dumping ground’ in its attempt to win political gains with minimal investment. The police agreed that they are neither trained to prepare VIS, nor do they have the time and resources to do it.

The ideal person or agency to prepare the VIS was also disputed. Generally, the legal professionals objected to victims completing their own VIS, and emphasised the importance of an independent agency charged with VIS preparation. Some thought a professional (such as medical or psychological), whose expertise would normally not be questioned, should be assigned the task. A reliance on experts for the majority of crimes, or even the more serious ones, however, is potentially problematic. As several judges noted, it would result in unjustifiably slower and more expensive justice. Further, judges believe that they are already educated about the effects of crimes on victims. Several judges therefore suggested that only in very unusual cases, those with victims exhibiting uncommon or unique reactions, is there a need for an expert to testify. Several judges suggested, however, that victims should at least sign the VIS. This idea was also expressed in a recent court decision. In the words of Justice Olsen in *R v. Nicholls* (1990):

... a serious weakness in the present system is that (victim impact statements) are not signed or even acknowledged as accurate by the victims concerned and, at best, reflect the attitude and impression of the police officer preparing them. It would be far preferable for the future for the actual victim or victims to be required to subscribe to such documents as being an accurate reflection of their factual situation (p. 206).

Despite a common observation that the current implementation of VIS is highly problematic, the sentiment of the legal professionals was that VIS provide the symbolic recognition and voice that victims deserve, and that through the VIS the system further approaches a balanced justice. The legal professionals interviewed in general felt that victims should have input into sentencing, but disagreed about its kind, form, scope and who should prepare it. They objected to victims expressing preference concerning the sentence and were generally reluctant to allow victims to complete VIS on their own.

VIS and Victims: The Perspective of the Police

The aim of this section of the paper is to present the results of two studies of police attitudes toward VIS and the role of the police in the preparation of VIS. These studies were undertaken before and after the introduction of VIS. In the first study a content analysis was conducted on a set of essays on the Declaration of Rights for Victims of Crime written by police in 1988 as part of study towards promotion to the rank of sergeant in 1988. The second study conducted in January 1990, involved a questionnaire survey of operational police with respect to their views on VIS. Between them the studies allowed an opportunity to appraise any change in police attitude to VIS and the police role in their preparation.

Essays by Police in 1988

A total of 49 police completed essays on the topic of the impact of the Declaration of Rights for Victims of Crime on policing. To assist in writing their essay each officer was expected to interview at least five other police in addition to expressing their own opinion. The majority of writers addressed the issue of VIS in their discussion of the Declaration but four did not. Half (51 per cent) viewed one of the purposes of VIS as useful for obtaining compensation/restitution orders. Others (11 per cent) indicated VIS were fundamental to fair sentencing and 7 per cent suggested VIS were useful to the pre-trial process pointing out the value of VIS to the determination of appropriate charges and the alleviation of unnecessary charges. An important proportion (13 per cent) felt VIS added balance to the sentencing process. One essayist foresaw that VIS had advantages, although none were specified, for both victims and offenders insofar as justice could be better delivered. Another essayist mentioned that VIS 'remedied shortfalls' in the sentencing process, and another pointed out that VIS provided a victim with the opportunity to seek redress in a civilised manner. Only three writers (7 per cent) specifically stated that VIS had benefits for the victim, rather the clearly dominant focus was in the area of sentencing, in particular, compensation.

In contrast to those viewing VIS as serving the delivery of justice, one essayist argued that VIS do not 'fit the adversarial process', and added that much of the information in a VIS may be irrelevant to sentencing. Whereas one essayist noted the benefits for victims in linking civil and criminal justice systems, another essayist observed some danger in 'confusing' civil remedies with criminal sanctions.

The most significant reason against police preparing VIS was increased workload (87 per cent). Two writers suggested that the preparation of VIS would require numerous contacts between the police and victims. Most argued that police lacked the resources and time to perform the task. Some saw the workload problem could be reduced by establishing networks of experts to whom the police could refer victims, while others mentioned the need for better training and education of the police. Three writers argued that the expectation that the police would prepare VIS was impractical, with one of the three using the example of itinerant tourists to substantiate the difficulties. Other reasons against

VIS included that VIS may delay the court process and that the right to a VIS was wasted on some victims.

Concerning the responsibility for the preparation of VIS, opinions were fairly evenly divided. While some acknowledged that the police had a role, most argued for the establishment of a specialist police unit. Those opposed to the police preparing VIS pointed to the lack of expertise among police in dealing with the emotional and psychological needs of traumatised people. Only one student mentioned that there may be an unanticipated by-product for police; that is, improved relations with victims.

In summary, police writers favoured the introduction of VIS in the sentencing process. Generally, however, the police did not consider they had the time, resources or expertise to deliver the extent of service victims rightly deserved. To provide only a public relations exercise was seen as detrimental to both victims and the police. In fact, while VIS had the potential to ensure better delivery of justice, VIS also had the potential to hamper justice if the right for victims was little more than tokenism.

Questionnaire of Operational Police in 1990

A total of 34 questionnaires were completed by operational police twelve months after the introduction of VIS in 1990. Respondents were first asked to state when VIS were required to be done in terms of the existing policy. Three respondents did not answer this question but of those that did around a third (30 per cent) correctly separated those cases to be heard and determined summarily from those committed for trial and/or sentence. All other respondents incorrectly stated the policy. For example, a few respondents (13 per cent) answered that VIS should not be prepared until sentencing.

Respondents were also asked to stipulate when they thought VIS ought to be completed. Almost one-fifth (19 per cent) of those answering this question stated just prior to sentence. Two respondents suggested on receipt of the initial report of crime, whereas two other respondents suggested VIS should be completed post-investigation, pre-adjudication. Notably, only one respondent indicated that the existing policy should remain. Other answers included: only when the defendant pleads not guilty; only when a person suffers, or a person endures 'real' injury; and, when called for by the prosecuting authority.

Just under half (45 per cent) stated that VIS provide the court with an opportunity to hear the effects of crime on victims. Almost a fifth (19 per cent) claimed VIS assist with the determination of compensation. Only three respondents suggested VIS help victims by allowing them to be heard, and similarly, three respondents mentioned that VIS enhanced recognition of the victim.

Consistent with the anticipated workload problem raised by police writers, all survey respondents answering the question indicated that the requirement to prepare VIS had had an impact on their workload. On a scale of 0-10 with 0 being no impact and 10 being significant impact, almost half (47 per cent) rated the impact at 6 or above. No respondent rated the impact at zero, that is, no impact at all.

When asked to estimate the longest time spent preparing a VIS, respondents presented a time range between 15 minutes and 7 months. The variance in times most likely shows the question lacked clarity. On disregarding the 7-month response a more realist range became obvious. The mode was 2 hours (n=7) and the mean 1 hour 24 minutes.

Like the police writers, police respondents were divided on who should prepare VIS. Although ten respondents suggested an independent body, ten other respondents stated that the police should maintain the task. To this later figure can be added four respondents who indicated a specialist police group should be created to prepare and update VIS. Only one respondent answered in favour of the victims preparing their own VIS.

Effect of VIS on Victim Satisfaction

The relationship between victims' involvement and the impact of providing information for a VIS on satisfaction with justice was examined through a mail survey of victims of crime. The sample consisted of all victims whose offender was processed and sentenced by the District and Supreme Courts between January 1990 through July 1992. These courts deal with the more serious offences and they were chosen because court records and interviews with legal professionals revealed that VIS were rarely tendered in the Magistrates' Court which deals with the less serious offences. A total of 427 victims responded to the survey giving a response rate of 67 per cent.

Based on an examination of court records, victims provided VIS information in the overwhelming majority of the cases. However, a major finding emerging from the victim survey is that about half of the victims stated they did not provide information for a VIS when in reality they did provide VIS material. The victims who stated they provided VIS information were mostly victims of offences against the person. Most of the victims who provided input for VIS did so 'to ensure that justice was done'. Only a small minority (5 per cent) provided the input with the purpose of influencing the sentence. Yet, almost three-quarters of victims who stated they provided VIS material expected the VIS to have an impact on the sentence. Less than half of them felt that their input had an effect on the sentence. For about a third of the victims who stated they provided VIS material, expectations concerning the effect of VIS on sentencing went unfulfilled.

On a scale from 1 (very dissatisfied) to 5 (very satisfied) the mean overall satisfaction with the criminal justice system was found to be 2.8 (SD=1.3). While 30 per cent of victims were satisfied and 7 per cent were very satisfied with the manner in which the criminal justice system handled their case a significant proportion were dissatisfied (20 per cent) or very dissatisfied (22 per cent). Analysis of the factors related to victim satisfaction with justice did not identify the provision of VIS material as one of these factors. For victims who knew the sentence of their offender (about half of the sample), satisfaction with the sentence was the major determinant of their satisfaction with justice. For victims who did not know the sentence, satisfaction with justice was predicted by the type of victimisation (personal crime) and their level of distress. Whereas

providing VIS material did not affect victim satisfaction with justice, unfulfilled expectations concerning VIS effect on sentencing were associated with increased victim dissatisfaction with the sentence. Providing victims with a realistic range of penalties and with explanations about the considerations judges use when they impose sentences may reduce victim dissatisfaction.

Almost half of the victims who stated that they provided VIS material felt relieved or satisfied after providing the information, and for the other half, providing VIS material did not make any difference. Only a small number of victims (6 per cent) were upset or disturbed by this experience. The overwhelming majority of victims who provided information stated they wanted or agreed to the VIS being used in sentencing. Practically all these respondents felt that if they were a victim again they would want a VIS presented in court.

Over two-thirds of the victims who knew the sentence of their offender thought the sentence was too lenient. Victims wanted a greater use of, and longer, prison sentences. They also wanted more license revocations, community service orders, restitution and compensation orders than the courts imposed. Over three-quarters of the victims believed that the system does not give adequate attention and help to victims. They wanted more information and efficient processing of the case. Yet, almost all victims stated they would report victimisation and cooperate with law enforcement efforts if they were victimised again.

Impact of VIS Sentencing Patterns

The aim of this part of the research was to assess whether the VIS requirement, which took effect in January 1989, resulted in any changes to sentencing. One of the arguments against the introduction of VIS has been that they will result in harsher sentences. One of the arguments in their favour is that they will lead to increased restitution and compensation orders.

Assessing the impact of the VIS requirement on sentencing present some methodological difficulties. Comparing sentences issued before the introduction of VIS with sentences following VIS might be misleading because of other changes influencing sentences occurring during the time period. For example, other sentencing policy developments may be taking place around the same time that VIS are introduced or the average seriousness of offences may change. An alternative approach of selecting only cases following the introduction of VIS and comparing the sentences of cases with and without a VIS is also problematic because of the possibility that cases including a VIS are systematically different on factors related to the sentence from cases not possessing a VIS. For example, more serious cases may be more likely to attract a VIS than less serious cases.

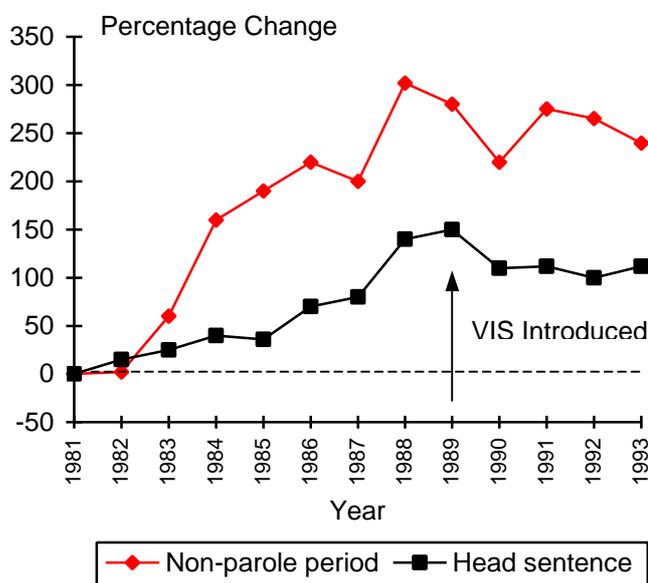
In order to overcome possible systematic bias in the comparisons, the approach adopted in the present study is to examine overall sentencing trends in South Australia before and after the introduction of VIS. The length of sentences of imprisonment and also the proportion of cases receiving a sentence of imprisonment are examined. In addition, a multivariate analysis of one offence type (assault cases) is performed in order to identify whether VIS made a

significant contribution to sentences after controlling for other factors thought to be important in sentencing for these offences.

One possible impact of VIS on sentencing is that VIS influenced the distribution of dispositions, for example imprisonment might be issued more frequently. The percentage of cases receiving a sentence of imprisonment in the higher courts during the period 1987 to 1993 was: 1987 (39 per cent); 1988 (36 per cent); 1989 (38 per cent); 1990 (34 per cent); 1991 (36 per cent); 1992 (37 per cent); and 1993 (41 per cent). Based on this data the introduction of VIS in early 1989 does not appear to have significantly influenced the percentage of cases receiving a sentence of imprisonment.

The second issue addressed was the length of prison sentences. Figure 1 shows the average percentage change in head sentence and non-parole period imposed for all convicted cases in the higher courts for the period 1981 to 1993. A significant upward trend and considerable volatility is exhibited in both data series. During this period, however, there were a number of changes to the manner in which remissions and parole operated and the timing of these changes correspond very closely to the movements in sentencing patterns shown in Figure 1.

Figure 1: Average head sentences and non-parole periods 1981-1993 (taking 1981 as a base year)



As shown in Figure 1, the introduction of VIS in early 1989 does not appear to have had any significant adverse impact on the average length of sentences of imprisonment issued in the higher courts. Sentences in fact fell during 1990 (the year after the introduction of VIS) but the reason for this is most likely to be related to a High Court ruling indicating that remissions should not be taken into account during sentencing. This was later corrected legislatively but sentences of imprisonment have not yet returned to their previous levels.

Another area where VIS may have influenced sentencing patterns is in the number of restitution and compensation orders. Theoretically, information contained in VIS can assist sentencing courts to order restitution or compensation. The VIS indicates whether compensation is sought by the victim, provides details of injury or property loss suffered by the victim, shows whether restitution has been offered by the offender and finally it provides, when it is known, details of the offender's ability to pay compensation. Unfortunately, data relating to the number of compensation or restitution orders made in the Magistrates' Court (where the majority of matters are heard) are not available. In the Supreme and District Courts the number of restitution or compensation orders was increasing prior to the formal introduction of VIS in 1989. It continued to increase in 1990 (to around 129 orders or 8 per cent of cases) but since that date numbers have fallen significantly each year. In 1993, only 33 (2 per cent of cases) restitution or compensation orders were made. The reason(s) for decline in orders was not able to be established. It appears that the introduction of VIS has either had little effect on the number of orders made or that the effect has been significant but not sufficient to counteract the downward trend.

A multivariate statistical study of Assault Occasioning Actual Bodily Harm (AOABH) cases was undertaken to examine in closer detail possible effects on sentencing patterns resulting from the introduction of VIS. The multivariate analysis of the factors related to sentences for Assault Occasioning Actual Bodily Harm identified as predictors of prison sentences: a previous record of imprisonment, the presence of aggravating factors, an absence of mitigating circumstances and the defendant's age. However, the presence of a VIS in the court file, the judges remarks about the VIS or whether the case was finalised before or after the introduction of VIS were not found to be related to sentencing disposition.

Discussion and Conclusion

The evaluation studies summarised in this paper provide valuable insights to the way VIS have been implemented in South Australia. Overall, the research findings provide evidence to dispel several arguments raised against VIS, but at the same time has revealed problems in its present implementation. The difficulties experienced with the implementation of VIS in South Australia are consistent with the view that for successful legal change, the support of all organisational parts involved in the reform is necessary. Support is generally forthcoming where participants are convinced about the need for change and where accompanying resources to effect the reform reinforce the perception of

its significance. In the present case, neither condition was present. Further, the reform, as spelled out in the law, did not change drastically the way in which the system recognises victims' harm. Although the law mandated the presentation of VIS, it did not confer any recognised legal status on it (such as a deposition), nor did it specify any sanctions for non-compliance.

Criminal justice practitioners had (and still have) reservations about victims' integration in the criminal justice process, and doubts concerning the VIS utility as a vehicle for presenting victim harm to the court. The results from the studies of largely operational police, however, showed consistent police support for VIS. The two studies revealed that over time the police came to appreciate a wider range of benefits that could be achieved from VIS. Initially, the primary focus concerned sentencing but in the later study after the introduction of VIS, police were able to identify a more diverse range of benefits for victims including therapeutic aspects and empowerment through participation in the criminal justice process. A recurring theme from the studies was that it was believed that VIS would assist victims to gain compensation/restitution. Mitigating this support, however, was a perceived lack of resources for VIS and this was interpreted as a statement about VIS importance.

In the final analysis whether one interprets the results of the South Australian evaluation study as supporting VIS depends heavily on one's philosophical stance and moral conviction concerning the need for victim integration in the criminal justice process. The South Australian implementation of VIS has not led to any radical change in sentencing process or outcomes and indeed the consideration of victim harm was not seen to violate established principles of sentencing (Sumner 1987). As a consequence, the reform presents a dilemma to both opponents and supporters of VIS. Opponents, while taking relief from the absence of any aggregate effects on sentencing, may claim that any benefits of VIS can be achieved by other means which would guarantee the integrity of established sentencing principles. Supporters on the other hand may doubt that the South Australian system goes far enough in entrenching the victim's place in the sentencing process, even though the VIS seems to have symbolised greater recognition of this place.

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