



The Hon Peter McClellan
NSW Sentencing Council
Department of Communities and Justice

The use of good character to mitigate sentences.

Thank you for giving The Road Trauma Support Group the opportunity to express our concerns via the round table meeting discussion on the 26th February 2025.

Road Trauma Support Group NSW was established by family members who have lost loved ones due to a road criminal act. We offer specialised trauma-informed grief counselling, peer support, and ongoing care while advocating passionately for legislative and systemic changes that ensure safer roads for everyone.

We also accompany our members to court where all the evidence as to how their loved one was brutally killed is presented, this as you can imagine is an extremely traumatic time in the justice process. Coming face to face with the person that brutally took the life of their loved one re-opens wounds and adds to the trauma that our members are already experiencing.

We constantly witness the defence attempting to portray the offender in court as a person of good character, providing references from so called high standing members of society. This not only adds to the re-traumatisation of our members it is also an attempt by the defence to undermines and diminish the seriousness of the offence.

In my personal situation in sentencing hearings the defence described the person that killed my father as a person of good character and someone that had prospect of rehabilitation even though the offender has had five licence disqualifications and had been involved in arson.

The use of good character to mitigate sentences is only an opportunity for the defence to portray the offender in a light that cannot be truly questioned or challenged. It is impossible to fully delve into the offender's past and character, the justice system should be based on fact, as reference to good character cannot be based on fact it should not be relevant in serious criminal offences.

The justice system is heavily weighted in favour of the offender with little regard to the victims. The scales of justice must be re-balanced if it is to be a true justice system.

Our members should not have to endure a process that prioritises an offender's so called good character over their voices and the trauma they have endured.

We do understand as discussed in our meeting that parliament may be reluctant to have a blanket cover removal of the use of good character to mitigate sentences for all crimes, we strongly urge you to advocate for the removal of good character reference for serious crimes that have resulted in the harm or death of an individual such as Dangerous driving occasioning death or grievous bodily harm, murder, manslaughter, sexual assaults and domestic violence.

As you mentioned, there will be opposition from the law defence community, this only confirms the fact that the justice system is already heavily weighted in the offenders favour at the expense of the victims.

Your honour, this is a true opportunity to deliver meaningful reform. A message needs to be sent to offenders that society will not tolerate these heinous crimes and will not tolerate victims in court been re-traumatised by having to listen to statements that cannot be substantiated.

I urge the Sentencing Council to deliver meaningful reform by recommending abolishing good character references in these cases. It's time to create a legal system that truly prioritises justice and the well-being of victims.

Thank you for considering this submission.

Tom Daher

Founding member of the Road Trauma Support Group NSW

