



Submission to the NSW Sentencing Council on the Use of "Good Character" in Sentencing

Submitted by: We Are W/M

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Introduction

We Are W/M is a grassroots charity dedicated to dismantling systems that enable sexual violence and advocating for survivor-centred justice reforms. Through trauma-informed education, research, and advocacy, we empower young people with the knowledge and tools to foster a culture of consent, respect, and accountability. Our work is deeply rooted in evidence-based practices, and we are committed to challenging structural inequities that perpetuate harm.

We welcome the opportunity to provide our submission on the use of "good character" in sentencing, particularly in cases involving child sexual offenses, sexual violence offences and domestic violence offences. Survivors deserve a justice system that unequivocally prioritises their safety and dignity over the reputational interests of perpetrators.

About We Are W/M

We Are W/M has engaged over 20,000 young people across Australia in critical conversations about consent, healthy relationships, and sexual violence prevention. Our programs are peer-led, evidence-based, and trauma-informed, designed to address the unique needs of marginalised communities, including LGBTQIA+ individuals and Aboriginal and Torres Strait Islander women.

Beyond education, we advocate for systemic change in legal and policy frameworks that continue to fail survivors. We have presented our research at national and international conferences, contributed to the development of freely accessible consent resources, and delivered programs in schools across the country.

As an organisation committed to justice, we strongly oppose the use of "good character" as a mitigating factor in sentencing for child sexual offenses and call for its immediate abolition.

Position Statement

We firmly believe that "good character" should never be used to reduce the sentence of someone convicted of a child sexual offense. This practice reinforces a culture of impunity, silences survivors, and perpetuates systemic inequalities. Our position is based on the following key points:





1. IT UNDERMINES JUSTICE

- Allowing "good character" to mitigate sentences for child sexual offenses, sexual violence offences and domestic violence offences minimises the severity of the crime and the profound harm inflicted on survivors.
- It sends a dangerous message that prior good behaviour can excuse acts of sexual violence, which directly contradicts principles of justice and accountability.
- A fair and just legal system must reflect the gravity of these offenses and ensure that sentencing aligns with the lifelong impact on survivors.

2. IT RE-TRAUMATISES SURVIVORS

- Survivors of child sexual abuse, sexual violence and domestic violence experience lasting psychological and emotional trauma. When perpetrators receive leniency due to "good character," it invalidates the survivor's suffering and reinforces a system that protects abusers over victims.
- The introduction of good character evidence shifts attention away from the crime and onto the perpetrator's social status, further marginalising survivors.
- This practice contributes to secondary victimisation, where survivors feel disbelieved, silenced, or dismissed by the very system meant to deliver justice.

3. IT ENABLES ABUSERS

- Sexual offenders often construct and maintain "good character" as a tool of manipulation, using their social standing to gain access to victims and avoid suspicion.
- Courts must recognise that "good character" is often a calculated facade used to facilitate abuse, rather than a legitimate indicator of moral integrity.

4. IT REINFORCES SYSTEMIC INEQUITIES

- The ability to present "good character" evidence is largely a privilege afforded to perpetrators from socioeconomically advantaged backgrounds, exacerbating existing inequalities in the justice system.
- Offenders from privileged communities are more likely to have access to character references and legal resources, resulting in disproportionate sentencing outcomes.
- This creates a two-tiered system where those with power and status evade consequences while marginalised individuals face harsher penalties.

5. IT ERODES PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM

- A justice system that prioritises the reputations of offenders over the lived realities of survivors loses credibility.





- Allowing "good character" as a mitigating factor undermines public trust in the legal process and reinforces the perception that powerful perpetrators are protected.
- Sentencing must unequivocally reflect the seriousness of offenses to restore faith in the system's ability to deliver justice.

Recommendations

We urge the NSW Sentencing Council to implement the following reforms:

1. PROHIBIT THE USE OF "GOOD CHARACTER" IN SENTENCING FOR CHILD SEXUAL OFFENSES AND SEXUAL AND GENDER-BASED VIOLENCE

- Introduce legislation that explicitly excludes "good character" as a mitigating factor in sentencing for all child sexual offenses.
- Recognise that these offenses cause profound, long-lasting harm and that an offender's prior reputation is irrelevant to the gravity of their crimes.
- Expand prohibitions on good character evidence to adult sexual offenses and domestic violence cases, where leniency for perpetrators compounds harm for victims.
- Ensure that sentencing policies prioritise the voices of survivors and the impact of their trauma over an offender's prior standing in the community.

2. STRENGTHEN VICTIM-CENTRED SENTENCING PRACTICES

- Implement survivor-informed sentencing guidelines that centre the needs, voices, and well-being of victims.
- Increase support services for survivors navigating the legal system, including trauma-informed advocacy and mental health resources.
- Reduce traumatisation in court proceedings by limiting the admission of character references that diminish the seriousness of the crime.

Conclusion

The use of "good character" as a mitigating factor in sentencing for child sexual offenses, sexual violence offences and domestic violence offences perpetuates injustice, silences survivors, and protects abusers. We Are W/M calls on the NSW Sentencing Council to take decisive action to ensure that sentencing practices reflect the severity of these crimes and the lifelong impact on victims.

A legal system that truly serves survivors must not allow social standing or prior reputation to lessen the consequences for perpetrators. The rights, dignity, and safety of survivors must always come first.

We appreciate the opportunity to contribute to this review and urge the Council to take meaningful steps toward a justice system that prioritises accountability over privilege.

Submitted by Kate Raston, Co-founder We Are W/M

A handwritten signature in black ink that reads 'Kate Raston'.

