

From: [Jess Helinski](#)
To: [sentencingcouncil](#)
Subject: Preliminary Submission on Good Character in Sentencing
Date: Monday, 8 July 2024 11:52:10 PM

Dear Mr. McClellan and the NSW Sentencing Council,

I am writing to share my thoughts on section 21A(5A) of the Crimes (Sentencing Procedure) Act 1999 (NSW) and related sections concerning the use of “good character” in sentencing, particularly in cases of child sexual abuse.

As a sexual assault survivor advocate, a court clerk at the Supreme Court of NSW, and a concerned community member, I have seen firsthand the devastating impacts of child sexual abuse and the enduring injustice that victims face throughout their lives, especially within the justice system. Seeking justice in these cases is an exhausting, complex, and invariably traumatising process.

I have observed how child sex offenders exploit their 'good character' to manipulate those around them and continue abusing children. The grooming process involves building relationships, trust, and emotional connections not only with the victim but also with those close to them. The use of good character references in these cases fails to acknowledge this dynamic, allowing such behaviour to persist in environments where victims should be protected and supported.

Moreover, for a victim of child sexual abuse, reaching the point where their abuser is finally held accountable, only to have the abuser's 'good character' highlighted in court, completely undermines the seriousness of the crimes committed and the trauma the victim has endured. Often in these cases, the perpetrator has spent a lot of time asserting their importance and power over their victim. By having this reinforced and accepted in a court of law, we fail to prioritise the protection and well-being of victim-survivors of child sexual abuse.

I am in full support of the ‘Your Reference Ain’t Relevant’ Campaign and call for the urgent review of section 21A(5A) of the *Crimes (Sentencing Procedure) Act 1999* (NSW), and other relevant sections, and the common law relating to the use of “good character” in sentencing convicted child sex offenders.

Thank you for your time and consideration.

Sincerely,

Jessica Helinski