

**From:** [Victoria Hay](#)  
**To:** [sentencingcouncil](#)  
**Subject:** review of Section 21A(5A) of the Crimes (Sentencing Procedure) Act 1999 (NSW)  
**Date:** Tuesday, 9 July 2024 3:21:55 PM

---

Dear Mr McClellan and the New South Wales Sentencing Council,

I am writing to express my deep concerns about the use of good character references during criminal sentencing, especially those cases featuring sexual offences, and including those involving children.

The current review of Section 21A(5A) of the Crimes (Sentencing Procedure) Act 1999 (NSW) is particularly pertinent to this issue.

The premise of references of good character on the part of offenders is utilised tactically to prescribe more lenient sentencing for serious crimes. This process in itself undermines the severity of the offence and the impact on victims, whose voices are often distorted and muted by the legal system. It is crucial that the legal system ensures justice and fairness, particularly for the most vulnerable in our society.

As an experienced paediatric and emergency nurse, I have seen the harrowing and long term repercussions that sexual assault has on a life. When this heinous crime is callously perpetrated on a child, who is still constructing their early models of being and important internal ideologies of the nature of the world and their safety within it, the implications are enormous. Not only for the individual, but also to a wider extent on our community.

The words of one rape victim, trying to navigate the trauma of being violently sexually assaulted by a known and trusted male and return to her basic life and routine prior to the assault, seem pertinent to share: "The worst thing he [the perpetrator] did was rape me. The second was not killing me afterwards. This [existing and attempting to reconcile such a heinous offence as sexual assault] is agony".

The effect of someone's actions on their victims should be the priority in sentencing considerations. Whether someone plays an instrument for a church band, or was well respected by people who they did not demonstrate the deviousness of their criminal actions to, should not factor into this dialogue.

By looking at the research on sexual predators, it is established as a well validated and highly salient step within the grooming process of sex offenders (particularly child and institutional sex offenders) to construct a strong support network, usually within the vicinity of the victim's own community and social circle. This vicious step and social networking is taken to better position an offender in orchestrating their crimes, and should not therefore be allowed to serve as the means by which they are entitled to a lighter sentence for said crimes. To allow such negates the concept of justice from our legal system.

I urge you to consider the implications of character references in the sentencing process, and to support amendments that prioritize the gravity of the crime and the protection of victims over the perceived character of the offender. Your attention to this matter is of

utmost importance to uphold the integrity of our justice system and the safety of our community.

Thank you for your consideration.

Regards,

Victoria Hay