

**From:** [Lauren Davis](#)  
**To:** [sentencingcouncil](#)  
**Subject:** Sentencing procedure review  
**Date:** Tuesday, 9 July 2024 3:58:02 PM

---

To Mr McClellan and the NSW Sentencing Council

I am writing to provide my input into the review of section 21A(5A) of the Crimes (Sentencing Procedure) Act 1999 (NSW) and other relevant sections concerning the use of 'good character' in sentencing, especially for cases involving child sex abuse and sexual violence in general.

I am a psychologist with over 20 years of experience working with vulnerable populations, including victims and perpetrators of violent and sexual offences. I have a better understanding that most about the corrosive nature of child sexual abuse, and sexual violence, the startling prevalence of these crimes and how the legal system is yet to properly balance the interconnected issues of fair proceedings, trauma based approaches and victim/survivor-first priorities.

I am deeply concerned about the use of character references in such offences as a sentencing consideration. Particularly in the case of child sex offences, having or appearing to have 'good character' is often at the core of what enabled the offence to occur in the first place. Child sex offenders are by and large not strangers on the street - they are our fathers, our uncles, our mother's boyfriends, our babysitters, our neighbours, our sports coaches, our teachers, our family friends, our cousins... the list goes on. They are people we know. They are people who groom children, the children's parent/caregiver, and the broader community, by showing their 'good character'. They are people who can be loving, and kind, and helpful, and an important part of our social and family network... while simultaneously being child rapists. Grappling with these nuances and inconsistencies often compounds the distress and trauma associated with being a victim of these offences, and the focus on a perpetrator's attributes and potential, rather than the victim's experiences and arrested potential, is unfortunately repeatedly perpetuated within media and through sentencing decisions.

Consider a simple analogy. Imagine if when sentencing people for break and enter, we accepted and took into account references from people who could attest to how easily and quickly the person is able to gain access to a house without a key, and reduced their sentences if these were provided? The very thing that enables a prospective child sex offender to have opportunity to offend and access to their victims is mitigating their sentence - we can, and we must, do better. We must say to victims and perpetrators that 'good character' in one aspect of life is irrelevant when there is victimisation in another. In fact, I would suggest that when a convicted child sex offender is able to garner written positive references from others that attest to their 'good character', this should be weighted as an indicator of their dangerousness and the need for further education and support to be made available to their network with respect to grooming, not as a mitigating factor in sentencing.

Thank you for reading and considering this submission.

Lauren Davis