

Submission regarding the operation of s21A(5A) of the Crimes (Sentencing Procedure) Act 1999

Dear Mr McClellan and the NSW Sentencing Council,

My name is Louise McIntosh and I was a Senior Investigator at a federal regulatory body. I have given my support and care to a number of friends who suffered sexual abuse as a child at the hands of those who they should have been able to trust. I am a survivor of sexual assault as an adult and I believe that the reasons I did not want to go through the reporting and possible court process is somewhat similar to the reasons that those who have been assaulted as children. I know that many victims do not have not want to be re-traumatised by the legal system, only to have a miniscule sentence being given to the convicted perpetrator.

To have the bravery and strength to go through every excruciating step with the police and then to finally make it to court is a monumental series of tasks and would no doubt take everything out of the victim. Then to survive the harrowing and gruelling court process would again take almost inhuman levels of strength. Then to see that the perpetrator, having being found guilty is then allowed the avenue of character references from various people who are inexplicably happy to sing their praises, and to have to sit there as the

Justice declares what a good person they are, is reprehensible. The predator can use their position(s) and 'friendships' with certain people in society to mitigate their sentencing. It is not less than abhorrent. No person would find that acceptable in any way. You are not a good person if you have sexually assaulted a child. In fact it is well known that predators go to great trouble to curate an appearance in society of being a 'good' person so that they can continue their crimes undetected. People in our society are way too quick to say 'he doesn't seem like the type' or 'I'm shocked, he's such a nice/good/friendly guy or he's so good with kids'. Many times they only saw them at fundraising events. It is how predators get away with it. It is a huge problem and it means that victims do not want to talk about what they've gone through, even with people close to them. Every time I hear people say they were shocked because of the position that he held or that 'he was always very nice to me, it solidifies my personal decision not to take my matter forward.

We can't have this disgusting way of thinking validated and rewarded in Court. We need to side with, support and validate victims. The current weighting towards these irrelevant and quite frankly insulting considerations, is reprehensible and a blight on our so-called justice system. Offenders with 'friends' in the high end of town will fair incredibly well during sentencing consideration and that is yet another indictment on our 'justice system'. These references are irrelevant and the people submitting them don't know the

convicted perpetrator at all, clearly. Even if they did, the irrelevance stands. You should not be able buy off the court because you did a lot of other things calculated to look good. I think it sends a clear message to current offenders that as long as they continue to develop a smoke screen of roles and impressive and local societal relations, they will be able continue their crimes with only a miniscule sentence to deal with, if anything at all. As a former senior investigator with a federal regulatory body, our aim was to not only deter and punish individual offenders, but to send a clear, strong message of deterrence to other would be offenders. I want perpetrators to know that justice will be done and it will be a very lengthy deprivation of their liberties.

Currently, convicted offenders are allowed to mitigate sentencing because they volunteered in positions that were only to get access to children or to convince society that they are upstanding members of society, or because people think that they are a 'really nice guy'. Let me be clear, absolutely nothing else that a convicted predator has done remedies or lessens what they have done to an innocent child. We need to make sure that victims of child sexual abuse feel that they will be properly supported and not re-traumatised repeatedly even when the guilt of the offender has been proven in a court of law. We also need to make sure that the sentences are adequate. At the current time, I believe they are often sorely lacking. This is not only a horrible reality for the victims involved in each case but more broadly to other

victims who see these ridiculous sentence lengths and are filled with despair and the resolve that there is no point bringing their matter forward because they will go through all that for virtually nothing. There is no telling the damage that can be done to victims' mental health. That should be front of mind when sentencing deliberations are taking place. I am in complete and total support of the 'Your Reference Ain't Relevant' Campaign's call to remove the last 21 words of the current provision of the Sentencing (Procedure) Act.

We have the chance, with the amendment of this Act to finally do the right thing by victims. We need to validate them and give the perpetrator the longer sentence that they absolutely deserve. It is the least that we owe the survivors in these cases and those in society. I fully support the changing of the operation of s21A(5A) and I think there is no other choice but to proceed in a manner that would finally assist victim survivors.

Thank you for considering my submission.

Kind regards,

Louise McIntosh