

The Hon Michael Daley MP
Attorney General



Ref: EAP23/7609

Mr David Blunt AM
Clerk of the Parliaments
Clerk of the Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

By email: david.blunt@parliament.nsw.gov.au

Dear Mr Blunt,

Petition - Remove Good Character References For Paedophiles In The Sentencing Procedure Of Child Sexual Abuse Cases

I write in response to the petition presented by Ms Abigail Boyd MLC on 22 August 2023 seeking an amendment to section 21A(5A) of the *Crimes (Sentencing Procedure Act) 1999* (NSW).

I wish to acknowledge the terrible harm caused by the sexual abuse of children, and to denounce in the strongest terms those who are found guilty of these crimes. It is vitally important that the criminal justice system provide an adequate response to these offences, including through the imposition of condign punishment on offenders.

Section 21A(5A) of the *Crimes (Sentencing Procedure) Act 1999* provides that a court, in sentencing an offender for a child sexual offence, must not take into account the offender's good character or lack of previous convictions as a mitigating factor if the court is satisfied that the factor assisted the offender in the commission of the offence. The provision is intended to stop an offender who has misused their perceived trustworthiness and honesty from using their good character and clean record as a mitigating factor in sentencing.

It is important to ensure that this provision operates effectively. I have therefore requested that the Department of Communities and Justice undertake a review of s 21A(5A) of the *Crimes (Sentencing Procedure) Act 1999* and the use of good character in child sexual offence matters. In conducting the review, the Department will consult victim-survivors and victim-survivor advocacy groups, along with legal stakeholders, on options for reform to improve the experiences and outcomes for victim-survivors.

Sincerely,


Michael Daley MP
Attorney General