



Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Bill 2026

EXECUTIVE SUMMARY

This submission supports the New South Wales Government's proposed legislative amendment to abolish the use of good character references in the sentencing of convicted sexual offenders.

The reform is evidence-based, Survivor-centred, and long overdue. It aligns directly with the findings and recommendations of the NSW Sentencing Council's expert review and represents a significant step toward a justice system that does not compound the harm and retraumatisation experienced by Survivors.

National Survivors Foundation calls on the Parliament of New South Wales to:

- Pass the proposed amendment to the Crimes (Sentencing Procedure) Act 1999 without delay;
- Ensure the legislation is framed broadly enough to cover all sexual offences, not only those involving children;
- Confirm that evidence of prospects for rehabilitation and likelihood of reoffending may still be tendered, preserving necessary judicial discretion; and





- Encourage other Australian jurisdictions to consider equivalent reforms.

BACKGROUND

1.1 What Are Good Character References?

Good character references are letters submitted to a court during the sentencing phase by friends, family members, employers, religious figures, or other community members. They are typically presented as evidence of the offender's standing as a valued family member, reliable employee, or respected contributor to the community, with the stated purpose of assisting the sentencing judge to form a more complete picture of the person before the court.

In practice, however, in sexual offence matters these references frequently describe convicted perpetrators as possessing "high moral values", being "kind-hearted" or "loving", or exhibiting a strong work ethic. Such narratives are not merely irrelevant to the gravity of the offending; they replicate and reinforce the very power, control, and authority that enabled the abuse to occur.

Allowing perceived community standing to be weaponised during sentencing permits the justice process itself to become another mechanism through which harm is inflicted. It elevates the offender's social identity over the reality of the offence, uses reputation to soften accountability, and risks positioning Survivors once again as less credible than those who speak on behalf of the perpetrator. This directly contradicts the verdict of the court and undermines a justice system that must prioritise accountability, recognise harm, and protect Survivors from further institutional retraumatisation.

This amendment is intended to ensure that sentencing proceedings for sexual offences do not operate as a further forum in which an offender's power, authority, or perceived community standing is rehabilitated or affirmed at the expense of accountability and survivor dignity.





The admission of so-called good character references in sexual offence matters has the effect of foregrounding reputation, social status, and personal relationships—factors that are frequently integral to the commission and concealment of sexual abuse. Reliance on such material risks re-legitimising the very dynamics of trust, influence, and control that enabled the offending conduct.

The Legislature recognises that permitting these references to be relied upon at sentencing may compound harm by elevating social validation over the established facts of the offence, softening accountability, and undermining the recognition of harm already affirmed by a finding of guilt.

The purpose of this reform is therefore to prevent sentencing processes from reproducing power-based harm, to ensure that community standing is not treated as mitigating of sexual violence, and to affirm that accountability, recognition of harm, and the dignity of Survivors are central to the administration of justice.

1.2 The Existing Partial Restriction

New South Wales has since 2009 prohibited the use of good character references for child sexual offenders who used a position of influence or authority to access their victims. This partial reform acknowledged the harm such references cause. However, it left significant gaps: offenders who did not exploit a position of authority, and all adult victim sexual offence cases, remained outside the restriction.

The *Your Reference Ain't Relevant* campaign, led by advocates Harrison James and Jarad Grice—both Survivors of child sexual abuse—has been instrumental in advancing the call for comprehensive reform. Since 2024, Harrison James has served as an Ambassador for National Survivors Day, Australia's only public-facing awareness and advocacy day dedicated to the recognition of Survivors of sexual assault and abuse.





1.3 New South Wales as a National Leader

New South Wales is set to become the first jurisdiction in Australia to end the use of good character references in the sentencing of convicted sexual offenders. The Government's decision to introduce a bill to amend the state's sentencing laws reflects both the weight of expert evidence and the sustained advocacy of Survivor communities.

It is a decision that acknowledges the potential for re-traumatisation when unsubstantiated character references from family and friends are submitted for consideration during sentencing hearings.

REFORM

2.1 The NSW Sentencing Council's Expert Review

The NSW Sentencing Council conducted a meticulous, expert-led review involving years of consultation with legal practitioners, Survivor advocates, community organisations, and the judiciary. ***That review ultimately recommended the full abolition of good character references in sexual offence sentencing.*** This submission endorses those findings in their entirety.

It is evident that the Sentencing Council's recommendation was not reached lightly. It followed careful consideration of submissions from across the spectrum of interests in the criminal justice system. The Government's willingness to act on that recommendation is consistent with its obligation to implement evidence-based policy in the administration of justice.

2.2 The Harm Caused to Survivors

There is overwhelming evidence of the harm that the provision of good character references causes to Survivors in courtrooms. Every day, Survivors sit in court and are forced to hear the person who harmed them described





as a 'good person', a 'pillar of the community', or someone who made a 'one-off mistake'. National Survivors Foundation team members have been on hand to assist with the support to Survivors for exactly this reason on countless occasions.

This experience is not peripheral to the trial process. It is a formal, court-sanctioned event in which the offender's social standing is used to diminish the gravity of what was done to the Survivor.

Survivors have consistently stated that this process can make them feel the courts do not care about, or take seriously, the harm they have experienced. This perception undermines confidence in the justice system and can deter Survivors from reporting offences and pursuing prosecution in the first instance. This reform would be a significant factor in remedying that.

2.3 Privilege, Influence, and Social Standing

Good character references do not provide an objective assessment of character. They function as evidence of access, influence, and proximity. In sexual offence matters, the ability of an offender to produce such material frequently reflects the extent to which their conduct was embedded within, and facilitated by, social, professional, and institutional environments.

Far from demonstrating isolated or aberrant behaviour, these references may instead reveal the deliberate and sustained grooming practices undertaken to establish trust, credibility, and legitimacy within families, workplaces, faith communities, and other institutions. Such grooming is often premeditated and strategic, designed to secure ongoing access to victims while suppressing suspicion, scrutiny, or disclosure.

The capacity to marshal supportive references from employers, clergy, community leaders, and respected professionals is not neutral. It is a function of socioeconomic advantage, professional networks, and institutional affiliation. These same structures are frequently implicated in





the failure to detect, challenge, or interrupt offending behaviour, and in some cases, actively operate to protect perpetrators from accountability.

In this respect, the current sentencing framework confers a structural advantage on offenders who are wealthy, well-connected, or occupy positions of authority or community standing—attributes that may have directly enabled their offending and its concealment.

The subjective weight afforded to good character references therefore reflects privilege and institutional reinforcement rather than reduced culpability or genuine mitigation. Their abolition would remove a significant inequity within the justice system and address a practice that sits at the intersection of power, institutional failure, and criminal justice, reaffirming that sentencing must be grounded in accountability for harm rather than social validation.

LIMITS

3.1 What the Reform Does Not Remove

This reform does not prevent courts from considering the individual before them. Judges will retain the ability to consider prior criminal history, demonstrated remorse, prospects for rehabilitation, and the likelihood of reoffending. References attesting specifically to these matters, prospects for rehabilitation and likelihood of reoffending will still be permitted.

The only thing being removed is the subjective weight given to character references from friends and family, which too often reflect proximity and loyalty to the offender rather than any meaningful measure of culpability or risk. This is a narrow, targeted, and proportionate reform.

3.2 Judicial Discretion Is Preserved

The amendment does not constrain judicial discretion in the exercise of sentencing functions. Courts remain empowered to weigh all relevant





factors in arriving at an appropriate sentence. The reform removes one category of inadmissible material, one that expert review has found to be more harmful than illuminating in sexual offence cases.

NATIONAL IMPLICATIONS

The question of whether other Australian states and territories will follow the lead of New South Wales is a matter of significant public interest and one that National Survivors Foundation is actively following and supporting.

The alignment of this reform with expert evidence provides a strong foundation for national adoption. We encourage the Government to share its legislative model and implementation experience with its counterparts to facilitate consistent reform across the country.

CONCLUSION

The abolition of good character references in the sentencing of convicted sexual offenders is a reform grounded in clear evidence, informed by survivor experience, and consistently supported by expert legal analysis. It is a measured and targeted amendment that corrects an identified source of harm within sentencing practice while fully preserving judicial independence and discretion. It does not impede justice; it strengthens it.

This reform affirms that justice must be experienced equitably by all participants in the courtroom, not disproportionately shaped by an offender's social standing, professional networks, or capacity to marshal community support. It ensures that sentencing outcomes are anchored in accountability for harm, rather than mitigated by reputation or perceived respectability.

National Survivors Foundation identifies this reform as a core advocacy priority and urges the Federal Government, as well as state and territory





governments, to implement equivalent measures within their own jurisdictions. The extensive evidence base established by the NSW Sentencing Council demonstrates that the harms addressed by this amendment are not jurisdiction-specific, but systemic in nature and directly relevant across Australian sentencing frameworks.

National Survivors Foundation strongly supports the passage of this legislation and commends the New South Wales Government for taking decisive, evidence-based action to prevent the justice process from perpetuating further harm. We welcome the opportunity to provide additional evidence or to appear before any parliamentary committee considering this Bill.

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National Survivors Foundation is a national not-for-profit organisation that provides and engages with a range of community and support groups, focusing on empowering Survivors, families, whistle-blowers and communities impacted by institutional abuses. For almost 30 years, we have worked with Survivors and assisted with co-ordinating referrals for mental health care, legal representation, police liaison, social welfare and support.

