

**Submission  
No 3**

## **SENTENCING OF CHILD SEXUAL ASSAULT OFFENDERS**

**Name:** Mr Jonathan O'Dea MP  
**Position:** Member for Davidson  
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# Jonathan O'Dea MP

Member for Davidson



Mr Troy Grant  
Chair  
Joint Select Committee on Sentencing of Child Sexual Assault Offenders  
Parliament of NSW  
Macquarie Street  
Sydney NSW 2000

5 December 2013

Dear Mr Grant *Troy*

I believe that many judges are currently not reflecting the view of the broad community when making decisions about minimum sentences for perpetrators of crimes on children and those committing violent assault against innocent individuals in public.

It is my belief that parliament needs to set both minimum and maximum sentencing parameters for perpetrators of most such crimes. These random acts are committed on individuals who are often vulnerable and innocent, and are not aggressors. In the case of child sexual offences the perpetrator is commonly unable to defend themselves or report their concerns to authorities due to their age, emotional and physical immaturity, the threat of violence made against their family by the perpetrator and in many cases, the relationship of the perpetrator to the victim. This often leads to repeat offences over many years.

The community abhors sexual crimes against children and the fact that paedophiles are spending an average of only two years in jail is unacceptable. We need to address the highly subjective and inconsistent sentencing being delivered by judges in NSW and introduce minimum sentences that reflect community expectations.

Judges are not always fair to victims, and families of victims, when deciding the fate of offenders. The impact of violent crime on innocent parties is sometimes underestimated by judges. By introducing minimum sentences we can ensure that all those who are affected by the results of violent crime can be satisfied that justice has been served and that their loss is fully understood and recognised.

While I support minimum sentencing for many violent crimes, I am also open to other suggestions with broad community support. How are these best identified? I suggest that citizen juries be utilised by the committee to establish both community feeling and develop non-partisan parameters within which sentencing is acceptable.

NewDemocracy is an organisation already involved in this area, helping to develop a new approach to tackling alcohol fuelled late night violence, in collaboration with the Thomas Kelly Foundation.

NewDemocracy is an independent, non-partisan research organisation that aims to:

- identify improvements to our democratic process;
- replace the adversarial nature of decision making with a deliberative approach; and
- move out of a continuous campaign cycle to make consistent and objective decisions based on what the community wants.

Members of a citizen's jury can hear from a range of experts and stakeholders for a given issue rather than relying on superficial responses to 'shock-jock' sensationalism. The jury style process seeks to better identify considered and measured views of a sample of everyday citizens. These community representatives are typically provided with access to information and expertise across a 2-3 month period. They discuss and deliberate to see whether a consensus can be reached among them.

The Parliament's Public Accounts Committee, which I Chair, successfully used the citizen jury process with NewDemocracy in 2012 to inform its inquiry on Economics of Energy Generation. The Committee recommended consideration of further deliberative democracy processes to consult with the NSW public on policy issues as appropriate.

Thank you for the opportunity to make this submission.

Yours sincerely,



Jonathan O'Dea MP  
Member for Davidson