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To: sentencingcouncil
Subject: Good character in sentencing

I wish to remain anonymous.

I have been following with interest, Harrison James and his calls to action around 'good character' referencing, particularly in cases of child abuse.

Much is now known about grooming and manipulation but still, within the justice system, and society more broadly, there is still shame and victim blaming.

There are those who will blame the parents of children for not keeping their children safe and not seeing the signs that their children were being groomed or even abused. Some will ask how a parent could not see it, not know it? Some even blame children who are teenagers when it happened as though they had the ability to protect themselves from it, that they made choices and the decision to put themselves in harm's way and that they dressed or behaved as if they 'wanted' it.

I'll tell my own story here; I was 15 in 1983 and my parents, deciding I was not 'fit for school' any longer, for various reasons, arranged for me to take a job as a nanny to a family in the capital city of my state. Up until this time I had lived a fairly safe childhood in a loving home and with wonderful friends. I was still naive about the world. The family I was sent to work for were well known in the city and were hoteliers. They were also well connected with other people of money and apparent respectability, including a male family GP. I was to be sexually assaulted by the family GP and three of his sons. This GP had a solid, respectable reputation and I, naive and fearful, was never going to tell the family I worked for that this had happened. I knew I would not be believed over him and his sons. When these families got together there was always sexual innuendos being thrown around and derogatory comments about women. It was very unsettling for a small town girl who had not experienced this before. The family continued to send me to this GP as a patient so not only did I have to be subjected to his assaults at family gatherings, I also was subjected to them in his practice. A young girl who goes to see a doctor about an eye infection should not have to remove her shirt so the doctor can inspect her breasts and comment about their appearance. This GP would most certainly have been given good character references by others who would have chosen his word over mine. The family is very well known in the medical world. He had a position of power over me and he knew it. I have never told my parents about any of this because, they too would have blamed me and made suggestions that maybe I invited it or they wouldn't have believed it of such a good man. He was my mother's GP also. So was the thinking of the day back then.

The two years I spent in that environment would lead to a path of questioning my self-worth. I believed I was only of value if I was attractive and that the attention of men was something I should look forward to. This led to a period in my life where I had very short lived, unsatisfactory sexual relationships because I believed if men wanted it, it was a girl's job to give it. Many of them were rape by definition of the word because I did not consent and sometimes believed my safety was at risk if I said no.

Fast track to 19 years of age, just barely legal, and I was groomed by a much older man. 25 years older than me. He literally harassed me in my work place and found out where I lived and came to my home under the guise of just

being so attracted to me. I was encouraged by my friends just to go out with him on one date to shut him up. He raped me on that date. And my self worth was so low and he had paid for my dinner so I thought I 'owed' him. Again, I said nothing to anyone. I left the state and went across the country. He followed me there. I fell pregnant to him with my daughter. This caused mixed emotions for me. He insisted we marry. I at least had the foresight to know that I never wanted to marry him and considered aborting my baby because I knew that meant I would have a tie to him forever. I did not go through with it but managed to try to keep a relationship with him going for another 18 months, hating every minute of being with him and recoiling at his touch but society said my daughter needed a father and that I was obliged to stay with him for her sake.

At that time, Centrelink, or as it was known then, DSS, Department of Social Security, paid any support payments automatically to the male member of the couple so I was financially abused by him. He controlled what I spent money on and how much I could have. He also refused to allow me to work as I needed to take care of the baby.

When I did manage to finally extricate myself from that relationship, I managed, with the help of family and friends, to find work to support myself and my daughter because he refused to pay child support and stopped any kind of income earning work so that on paper, it looked like he earned nothing. I quickly realised it was better to just accept that I would get nothing from him to help raise his daughter than endure the daily drama of dealing with him.

Before she was born we had an early morning knock on the door by local detectives. A young girl, a friend of his daughter from a previous marriage had accused him of molesting her when he had taken them to the pool for the day for a swim. I knew, in my heart of hearts, that he was guilty but after questioning, he was let go and there was never any more heard about it. At least not that he shared with me. Because of this I was on high alert when it came to my daughter and had, in age appropriate ways, taught her to identify occasions when someone touching her felt inappropriate and that she was always safe to tell me. She never did and did not ever share any instances with me.

Prior to an incident during a weekend visitation with her, in which he, angry with me, did not return her on the allotted return day at the allotted time, we did not have a child custody order in place. Because we did not, there was nothing the police at the time could do as he technically wasn't 'kidnapping' his own child. This was a time when very few people had mobile phones so there was no way to contact him to even find out where they were. After he returned her, I sought legal help and a formal custody agreement was put in place. He could have visited with her every second weekend and half the school holidays, if he chose to but he came and went as he pleased and rarely actually used the time he had been granted.

Even though, as her parent, I had thought I had covered every angle and tried to educate her without frightening her what child abuse looked like, she has recently disclosed that he had indeed abused her, sexually and in other ways. She blamed me for not keeping her safe and rightly so. I had moved to put protective factors in place but I did not succeed. There were special conditions in the child custody agreement that also did not protect her. She is now a parent herself and has ceased all contact with me.

He could have also, at the time, found himself many people willing to provide a 'good character' reference if it had come to that.

I have shared the above as an example as to how the 'system' still fails victim survivors. There are so many aspects and many of them are related to shame and victim blaming. Many will never speak up because they feel they won't be believed or are simply too ashamed because people will automatically say 'why didn't you leave?', or 'why didn't you speak up?' or 'why didn't you protect your children, surely you must have known?'

The truth is, many parents know nothing. And in those days, men were getting much more say in the family courts around access to their children as 'parent alienation' was gaining momentum as a movement. Women could leave abusive and unhealthy relationships as there was support from DSS thanks to Gough Whitlam. But, there was also a blanket belief that ALL parents have the right to have access to their children. My daughter's father used to threaten all the time to take me to court to get full custody of her.

We have come a long way but we still have a long way to go in understanding child and sexual abuse. And of course, every accused has the right to a defense but at sentencing, 'good character references' should not be a mitigating

factor if found guilty. No victim survivor will tell you that the guilty person is of 'good character' but yet, it's often the 'good character' references of others who do not know the extent of the abuse, who will provide them. Those offering the references were clearly not abused by the abuser. Abuse has many long term consequences and the effects of trauma are forever lasting.