

1 July 2024

Dear Council Members

Submission: Good Character in Sentencing

Private and Confidential

I would like to add my voice to submissions, to The Sentencing Council review of the operation of section 21A(5A) and other relevant sections of the Crimes (Sentencing Procedure) Act 1999 and the common law that relate to the use of "good character" in sentencing, and make any recommendations for reform that it considers appropriate in regards to the removal of character references from sentencing for convicted child sex offenders.

I have a lived experience to offer, however, my story involves other victims and identifying me in any way has the potential to identify them. it is not permissible to do so as per relevant legislation.

While I am willing to speak about my experience, I would appreciate if the following information be redacted from my submission. [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

As a Victim and Survivor of Child Sexual Abuse by multiple different perpetrators which I reported in 2020 to NSW Police, I strongly believe that the removal of good character references for **convicted** Child Sex Offenders is crucial for ensuring accountability of these violent perpetrators and protection for survivors. Children

In January 2023, after a three-year investigation, and almost 40 years after the crimes were committed, I was successful in Convicting one of those perpetrators. [REDACTED] pled guilty to multiple Historical Child Sex Offences in [REDACTED] Local Court for violent child sex crimes committed against me.

I was just 10 years old.

[REDACTED] was convicted of

1x Sexual Assault Category 3 of a child under 16 without consent (penetration of vagina)

1x Count Indecent Assault Category 4 of a child under 16 without consent

1x Sexual Assault CAtegory 3of a child under 16 without consent on a FORM 1

A fourth count of 1x indecent Assault Category 4 of a child under 16 without consent was dropped to obtain the plea.

These crimes do not entirely encompass the fortnightly abuse I was subjected to at sleepovers at my [REDACTED]'s house for two years. Where I was meticulously preyed upon as a vulnerable, lonely child to be groomed and finally raped over two years. If he were charged with legislation today, the charges would better reflect the crimes.

At age 11, after he raped me, I went home in the middle of the night significantly distressed, confused, shamed, and traumatised. A short time later I disclosed.

There was a confrontation at his home, where he called me “a dirty little liar”, and denied everything I had said. The adults did nothing else to protect the children involved- which were many. Even after this deceptive man confessed to assaulting both myself and his [REDACTED] - “but only once”. Again nothing was done until my [REDACTED]'s [REDACTED] also disclosed. Then my [REDACTED]'s mother acted for [REDACTED]. Mine did not. He was not held accountable for crimes against me and I was threatened into silence.

After my disclosure, he was charged with three other victims. He was convicted of **8 counts of Indecent Assault** for two of those victims. The third victim had charges for her crimes dropped due to the young age of the child.

[REDACTED] received an 18-month sentence with 12 months non-parole period which he later appealed.

I was silenced until almost 45 years of age.

In my impact statement to the court, I described a lifetime of further abuse including significant Domestic Violence and further Sexual Assault, homelessness, loss of opportunity, career, and employment and isolation. Ostracised from family, friends, and my community. I have lived in significant poverty. I reacted with erratic risk-taking behaviours, drug and alcohol abuse, self-harm, and suicide. I have passed my trauma on to my children.

Today I live with CPTSD (complex trauma) depression, anxiety, fibromyalgia, and autoimmune conditions that are strongly linked as adverse effects of childhood trauma.

[REDACTED] was sentenced in November 2024 to **just 18 months with 6 months non-parole of the maximum total of 17 years for the Child Sex Offences he was convicted of** committing against me. He was released in May 2024

For all 3 victims who experienced the relentless rape, sexual assault, and grooming of his child victims a total of 18 months of non-parole.

The character references [REDACTED] supplied during sentencing in my case, were from his own family.

- His wife [REDACTED]: married a convicted Child Sex Offender some years after his first conviction. Her two children were the same age, three of his four victims were at the time the crimes occurred.
- [REDACTED]'s son and his wife [REDACTED]
- [REDACTED]'s daughter [REDACTED] did not provide a reference.
- The Minister of his Presbyterian church he is an elder at, [REDACTED]. This minister has known him only for the last 3 years of the 40 years since his crimes.

Because of these character references made by people who knew [REDACTED] only many years *after* these events occurred, Judge [REDACTED] deemed [REDACTED] of good character. They held considerable weight during his sentencing and had a significant impact in reducing his sentence.

It's reprehensible that an offender's family can have so much weight in the accountability. It would be remiss to believe they would want anything but to prevent a custodial sentence.

We are also well aware due to the Royal Commission into Institutional Abuse the lengths that Institutions will go to to protect Child Sex Offenders and yet, this reference is deemed high standing.

Along with the use of Good character, [REDACTED]'s sentence was further reduced due to

- His age
- His health

- The health of his wife!
- COVID risk
- Accumulation of Sentencing
- Early plea
- Remorse
- The belief he had rehabilitated himself. The only evidence given he had rehabilitated himself was that no further reports had been made to the police. It takes 25.8 years on average for survivors to disclose. Just because there are no reports, does not mean there are no further victims.
- He did not live his life under false character.

Not one of these should matter. Not one of these should hold any weight. Not one should even be considered. It is all irrelevant. He committed serious crimes and was found guilty of serious Child Sex Crimes. That should mean he is held accountable to the expectations of society. Of what victims of these crimes deserve. What I deserve. What that 10-year-old girl deserves. Not be able to negotiate to reduce accountability with information of irrelevant actions, or perceived character after the events. The only piece of information that is relevant is his guilt.

The use of good character references in sentencing procedures undermines the severity of the crimes committed and often results in leniency for perpetrators. This is unacceptable and goes against the principles of justice and accountability. They are outdated and do not reflect the evidence-based research we now have access to regarding the manipulative and secretive lengths these callous and devious perpetrators are. Thanks to evidence-based research and outstanding advocacy from those with lived experience like The Grace Tame Foundation, we now know that Child Sex Offenders groom not only their prey, they also successfully groom the support network around the child and the greater community.

We know that perpetrators undermine the victims by using maintenance behaviors to continue the abuse and avoid detection, perpetrators use tactics of coercion, threats,

and other forms of control making the person experiencing the abuse feel guilt and shame so that the person experiencing the abuse will not report it, will not be believed, or may be unable to leave the situation. This post-abuse maintenance phase appears to be synonymous with the coercive control strategies described in the domestic. This abuse tactic is further employed in the networks surrounding the child and achieves isolation and control.

While perpetrators undermine their victims, and continue their crimes undetected, they manipulate an image of themselves they use to strategically create a false narrative about their character. With this knowledge, how can any character reference be valid enough to be taken seriously? It is a persona falsely created to escape accountability. And how can we accept a legal system that willingly allows the application of such character references to such serious crimes and still claims to hold accountable perpetrators?

From the perspective of a victim and survivor, it's completely astounding that systems continue to ignore the knowledge we have on the complex and intricate systems Child Sex Offenders use to continue child sexual abuse. Nor, acknowledge and prevent the meticulous and devious extents offenders pursue to psychologically manipulate an entire society so they can continue their heinous crimes undetected and without accountability that reflects these crimes.

Survivors of Child Sexual Abuse deserve better, and it is imperative that our legal system reflects this.

With statistics reflecting just a **0.3%** conviction rate for these serious crimes, legislation is failing to hold them accountable and is significantly failing in its duty of care and human rights of children and the community.

I urge you to do everything in your power to support the Your Reference Ain't Relevant campaign which asks for the removal of good character references in cases of child sexual abuse. It is time for decisive action to prioritise the protection

of our children and ensure that justice is balanced, and to the expectations of accountability in society today.

Thank you for considering my concerns, and I hope to see meaningful progress on this issue in the near future.

Yours sincerely

 (Ellie)