**Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025**

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# YourReference AintRelevant

**Submission to the Queensland Parliamentary Committee's Inquiry into Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025.**

*This submission was prepared by Harrison James, Co-Founder of the 'Your Reference Ain't Relevant' Campaign. If you have any questions in relation to this submission, please do not hesitate to contact Harrison directly,* [redacted]

To the Queensland Parliamentary Committee,

I write as a survivor of child sexual abuse and the co-founder of the ***#YourReferenceAintRelevant*** campaign, which is driving legal reform to eliminate "good character" references for convicted child sex offenders, rapists, and perpetrators of domestic violence in the sentencing procedure of court. I am grateful for the opportunity to contribute to the Queensland Parliamentary Committee's Inquiry into the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025 on behalf of victim-survivors and my campaign. In line with my campaign's goals, I strongly urge for the complete abolition of all "good character" considerations in sentencing for sexual violence offences, but particularly for child sexual offending. The draft Bill's partial approach does not go far enough. It would leave an unjust loophole by allowing convicted offenders who abused non-institutional relationships (e.g. neighbours, step-parents, family friends) to still invoke "good character" references, effectively giving a discount for the very trait that enabled their crime. In my view, this is unacceptable both legally and morally.

Practitioners and survivors alike recognise that perpetrators of child sexual abuse leverage perceived "good character" as part of their offence. In cases such as these, it is their perceived 'good character' and trustworthiness that perpetrators use to commit such heinous acts and to avoid detection. In other words, offenders gain access to children precisely because they are viewed as caring, respectable members of the community. To then allow them to argue "I'm a good person; trust me" at sentencing is a cruel irony. It rewards the very trait that facilitated the abuse and deepens survivors' trauma. Indeed, I have often said that good character is actually part of the crime. It facilitates the abuse… It enables these child sex offenders to get into contact with the child and groom not just the victim, but their entire support network around them. When courts give any ounce of weight to an offender's reputation, they are effectively validating that grooming process. Every survivor, advocate, legal scholar, politician, and member of the public I've spoken to agrees: "good character" should have no role in sentencing those who have betrayed a child's trust and autonomy.

The evidence supports this perspective. National media coverage of my campaign has repeatedly highlighted that offenders can only commit abuse by deceiving others about their character. As a news report explained, our campaign seeks to "stop paedophiles using good-character references" in court. Another story observed that while people in authority (teachers, clergy, etc.) are already barred from relying on character references in most jurisdictions across Australia (including Queensland), "family members, step-parents or

neighbours are still well within their rights to utilise these references." This inconsistency is at the heart of our concern: there is no principled reason why a priest's character is irrelevant to sentencing, but a father's or uncle's is not. Child sexual abuse does not respect institutional boundaries, so the law should not either.

Queensland partly followed 2017's *Royal Commission into Institutional Responses to Child Sexual Abuse* recommendations by amending the law to disallow good-character references "if it assisted the offender in committing the offence." This mirrors Recommendation 74 of the Royal Commission, which advised that states "should introduce legislation to provide that good character be excluded as a mitigating factor… where that good character facilitated the offending." In practice, this means Queensland only bars good-character considerations in cases involving a position of trust (for example, a teacher abusing a student). The new s9(6A) (as inserted by the 2020 reforms) states:

"For subsection (6)(h), the court must not have regard to the offender's good character if it assisted the offender in committing the offence."

While this is a step forward for institutional abuse, it fails to address the sexual abuse of a child in a non-institutional setting, which makes up for 80% of all child sexual abuse cases in Australia. For a child sexually abused by a neighbour, coach, or family member, the "assisted the offence" hurdle often goes unchallenged. A priest is held to account; a step-mother is not. This gap is well understood: media reports on our campaign note that "in most states, people in positions of authority like religious leaders, teachers or scout masters have been banned from using good character references. But family members, step-parents or neighbours are still well within their rights to do so." The draft Bill's changes – by repeating the "if it assisted" condition – leave this unsatisfactory distinction intact.

In short, Queensland's approach still permits child sex offenders (outside institutions) to invoke their social standing. The result is precisely what our campaign's title condemns: *'Your Reference Ain't Relevant.'* Yet under the draft, many references would remain legally "relevant." This is not only unjust to survivors; it can also create procedural complications. Courts would be forced to litigate whether each reference "assisted" the offence, effectively asking survivors to relive the grooming details. Such a contested factual inquiry is inherently flawed and insensitive. It also ignores the reality that grooming and deception are universal to these crimes. As a practical matter, every child sex offender uses lies and a good reputation to abuse. Therefore, the provision as written applies only on paper. Allowing any residual space for "good character" undermines the purpose of these reforms.

This distinction overlooks a critical truth: good character is integral to the commission of child sexual abuse. Abuse of this nature is almost never a crime of opportunity; it is typically a crime of grooming. Perpetrators work extremely hard to establish trust and a positive reputation so they can access and manipulate their child victims. Allowing good-character references rewards the very strategies perpetrators exploit to gain access to children. As campaign co-founder and a survivor of child sexual abuse, I understand firsthand that abusers

create a persona to gain the trust of their victims, relying on perceived trustworthiness to facilitate their abuse. Expert analysis of recent cases confirms this pattern: in one NSW child-rape trial, each offender had roughly 20 glowing references (including from priests) attesting to their upstanding persona. These attestations are not irrelevant side-issues – they are evidence of grooming in action.

In light of this, the current sentencing framework in Queensland is backwards. Under present law the offender may tender character references unless the court is satisfied that it "was of assistance to the offender in the commission of the offence￼." In other words, good character can be used to mitigate unless someone can prove it helped commit the crime. This sets the wrong standard. Grooming by definition makes proving "assistance" ex post facto almost impossible; it hides the truth behind a polite facade. The only way to reflect reality is to remove good character as a mitigating factor altogether for all child sexual offences, rather than create a high evidentiary bar. (For comparison, NSW's Sentencing Council is reviewing exactly this issue – which our campaigning efforts were the cause of – their terms of reference expressly ask whether Queensland-style laws should drop the "was of assistance" requirement for all child sex offences). Given that other states (SA, WA, TAS) are already waiting on NSW's review outcome before acting ￼, Queensland should similarly defer finalising this Bill until that report is released later this year. This will allow us to align with best practice and avoid a piecemeal approach.

If the Bill proceeds as drafted, we urge the Committee and the Queensland Government to explicitly abolish good character references as a mitigating factor in the sentencing of all convicted child sex offenders, not just those in institutional roles. Victim-survivors consistently report that hearing an offender described as a "good person" or "valued community member" in court is deeply distressing ￼. It minimises their suffering and legitimises the abuser's deception – it suggests the system cares more about the reputation of offenders than the harm that they've caused￼.

Indeed, QLD's own Sentencing Advisory Council noted that hearing such references can be "deeply traumatic and retraumatising" for victims. Yet the Council's recent report stopped short of a full ban. Its key proposal was merely to "limit" good character references and let courts disregard it when irrelevant￼. This half-measure still permits good character references unless the offender proves it "assisted" the crime – the very standard we have criticised. It leaves intact the legal fiction that character and offense are separable, which we know is false in grooming cases. On this point the 2023 Qld report fails survivors: it does not fully appreciate that "good character" is often itself a tool of abuse.

Even the Queensland Victims of Crime Commissioner, Beck O'Connor, has now publicly stated that the recommendations proposed by the Queensland Sentencing Advisory Council will not resolve the harms caused by good character references. In a statement responding to recent bipartisan support for reform, she acknowledged QSAC's recommendation that courts should only consider such references if it relates to risk of reoffending – but she made clear that this does not go far enough. Instead, Commissioner O'Connor called for the complete

abolition of good character references in sentencing, in any circumstance. Her statement reflected the consistent feedback from victim-survivors, who report deep distress and retraumatisation at the acceptance of character references in court. As Commissioner O'Connor put it, "Completely preventing the use of good character references is the best way to show victims they are being listened to." I strongly support this position. If even the state's independent advocate for victims believes QSAC's limited reforms are insufficient, then it is incumbent on this Committee to act decisively – and abolish the use of good character references altogether.

The QLD Sentencing Advisory Council also participated in a very dangerous practice, conflating two very different concepts: character evidence and good character references. While character evidence during trial can play a legitimate role in assessing an offender's prospects for rehabilitation, good character references – the specific focus of my campaign – are a different matter entirely. These are letters submitted at sentencing, often from individuals in the offender's personal network who have been groomed just like the victim. Because child sex offenders rarely operate in isolation – they manipulate not only the child, but entire communities into believing they are trustworthy. To allow these references in court is to reward the very deception that enabled the abuse. It's not justice – it's retraumatisation dressed as mitigation.

This inquiry presents a defining opportunity for Queensland to lead with clarity, consistency, and a survivor-centered vision of justice. Survivors are watching, and we are tired of half-measures. The Queensland Sentencing Advisory Council's (QSAC) proposal to merely limit good character references – allowing them only when linked to rehabilitation or reoffending risk – is not enough. As a survivor and advocate, I can assure you that such compromises fall short of true reform. We do not need yet another cautious "step in the right direction" – we need decisive change. Justice should never involve hearing your abuser praised as a "good bloke" in court[OBJ].

Queensland's current law (section 9(6A) of the Penalties and Sentences Act 1992) attempts to address this issue by excluding good character as a mitigating factor only if the offender's reputation "assisted" in the offence's commission. In theory, this provision acknowledges what survivors have long known: many sexual predators trade on their respected status to gain access to victims and avoid suspicion. In practice, however, this "assistance to the offence" test is ineffective and riddled with ambiguity. It forces courts to draw artificial distinctions – essentially requiring proof that an offender's standing in the community actively enabled the crime – which is an unreasonably high bar. How often will there be explicit evidence that a rapist's good reputation directly facilitated their offence? Unsurprisingly, Queensland courts have rarely applied this clause, as it's difficult to prove and interpret consistently[OBJ]. The result is that in the vast majority of cases, character references continue to be admitted, compounding survivors' trauma.

Moreover, the very premise of the "assistance" test is too narrow. It presumes that only in some exceptional cases does an offender's reputation play a role. The reality is far different.

Grooming is the mechanism by which sexual abuse is enabled, and reputation is its vehicle. Offenders – especially those who commit crimes against children within a community – often cultivate trust and goodwill for years. They appear to be upstanding citizens, beloved teachers, devoted coaches, or caring relatives. This public mask of good character is precisely what enables their private crimes. Even in cases without institutional settings, an offender's clean record or friendly reputation often lulls families and communities into letting their guard down. Yet under the current test, unless a court can pinpoint that reputation explicitly "assisted" the offence, the offender still gets to invoke their supposed goodness as a shield during sentencing. This is a fundamental flaw – one that a partial limitation cannot cure.

To illustrate, consider a recent Queensland case discussed in legal analysis: an offender with no prior convictions committed a "violent and disgusting" sexual offence. The court still treated his lack of criminal history as a mitigating factor – but why? His clean record certainly did not prevent him from committing the crime, and it would be naïve to assume he "broke character" only this once. As experts observed, all that good character references really demonstrated was the offender's ability to appear law-abiding while still being capable of abhorrent abuse. In other words, a spotless reputation is no guarantee of safety; if anything, it can indicate a perpetrator who was adept at hiding their offences. Allowing such a reputation to lighten punishment obscures accountability [illegible] and undercuts the truth of the harm done.

In pushing for reform, it's important to clarify terminology. We are not talking about "good character" evidence in the trial phase (for example, where a defendant might cite their reputation to suggest they're unlikely to have committed a crime). Rules of evidence already place strict limits on that. Instead, our focus is specifically on good character references at sentencing – the practice of tendering letters or testimony from friends, family, employers, or community members attesting to the offender's good character after a guilty verdict, in an attempt to reduce their sentence[illegible]. These sentencing references serve one purpose: to ask the court for leniency based on the offender's prior demeanor or community standing.

Such references are inherently different from evidence relevant to guilt or innocence. By the time of sentencing, the offender has been found guilty (often "100% guilty", as we say[illegible]). The character references do not speak to the facts of the offence or the offender's culpability; they speak only to the offender's public persona or past deeds unrelated to the crime. In essence, they amount to special pleading: "Yes, he did this terrible thing, but look at all the good things we can say about him." This has no legitimate place in determining a just penalty for a serious sexual offence. Sentencing should weigh factors like the gravity of the offence, the harm to the victim, the offender's risk to the community, and prospects of rehabilitation – not a popularity contest of how many people still think the offender is a nice person. By clearly distinguishing character evidence (at trial) from character references (at sentencing), we can see that eliminating the latter will not affect fair trial rights, individualised justice, or the truth-finding process – it will only remove an archaic practice that tilts the scales in favour of offenders post-conviction.

The movement to abolish good character references in sexual offence cases is gaining momentum across Australia. In New South Wales, where the **#YourReferenceAintRelevant** campaign began, the law already prohibits judges from treating an offender's prior good character as mitigating in child sexual abuse cases if that good character helped them commit the offence (for example, if their respected position enabled access to children). However, NSW's current provision – like Queensland's – is limited by the "assistance to the offence" requirement. Recognising the shortcomings of this approach, the NSW Sentencing Council has been tasked with reviewing the law, a review that was established by the NSW Attorney-General, Michael Daley thanks to my advocacy. They are now considering removing the 'assistance' qualifier altogether for child sexual offences, which would mean an offender's lack of prior convictions or community standing could no longer ever reduce a sentence in those cases. This review is also examining whether broader reforms to character in sentencing are warranted. In short, even the jurisdiction that once led on this issue is acknowledging that its half-step did not go far enough.

Queensland has a chance to leapfrog these incremental changes and become a true leader in survivor-focused justice. Rather than copy a model that only applies to certain cases or requires complex tests, Queensland can implement a clear, blanket rule: in sentencing for sexual offences, an offender's good character or reputation must not be used to reduce their sentence in any circumstance. This would extend the principle to all sexual and domestic violence offences, reflecting the reality that adult victims, too, are harmed by hearing their rapist or abuser lauded in court. It would also avoid the pitfalls of NSW's current law by eliminating any requirement to prove how the offender's standing facilitated the crime. Queensland can look to the direction NSW is headed – towards complete abolition of good character mitigation in these cases – and confidently set a higher standard now.

To be clear, no one is arguing against forgiveness, redemption, or acknowledging an offender's capacity to change. But those considerations belong in rehabilitation programs and parole decisions, not in the moment of sentencing for a grave offence. At sentencing, the court's duty is to denounce the crime, honour the harm done to the victim, and protect the community. Allowing the courtroom to become a stage for the offender's friends to sing their praises perverts that purpose. As Queensland's Victims' Commissioner, Ms. Beck O'Connor, has noted, "victim-survivors continue to share their distress and trauma" about the use of character references, which they see as "an attempt to minimise or counteract the hurt caused by an offender." Ms. O'Connor has unequivocally stated that "these limited amendments proposed by QSAC will not resolve these issues" and that completely preventing the use of good character references is the best way to show victims they are being listened to. I echo her expert insight: nothing short of complete abolition of these references will adequately respect and protect survivors.

My #YourReferenceAintRelevant campaign's message is simple – and I urge this Committee to embrace it in full. Good character references for child sexual offenders are an affront to justice and must be abolished, not merely limited. We recommend that the Penalties and Sentences Act be amended to explicitly prohibit courts from considering any evidence of an

offender's past good character or lack of prior convictions in mitigation for sexual offences. Such a reform can be elegantly drafted to leave no ambiguity. For example, the law could state that when sentencing for a sexual offence (including rape, sexual assault, child sexual abuse, and related crimes), the court must not consider personal 'good character' references or testimonials attesting to the offender's 'good character', nor regard the absence of prior convictions as a mitigating factor. This would not preclude courts from considering genuine evidence of rehabilitation potential (such as participation in treatment) or other relevant factors. It would simply remove the unwarranted bonus that some offenders currently receive for having a clean image or a network of supporters. It would ensure that sentencing hearings focus squarely on the facts of the offence and the offender's accountability, not on how well-regarded they remain in certain circles.

Crucially, this reform would also spare survivors from the pain of what is, in effect, a second victimisation in the courtroom. Under the status quo, QSAC found that over 90% of rape sentencing hearings in Queensland feature positive character references for the offender[OBJ]. Imagine the burden on a survivor – having survived sexual abuse, gone through a harrowing trial, achieved a conviction – to then sit in court and hear their abuser celebrated as an upstanding citizen or loving family man. Even if judges claim to take such references "with a grain of salt," the damage is done. It undermines the survivor's experience, making them feel that the system still privileges the offender's social standing over the victim's suffering. Enough is enough. As my campaign's name states: Your Reference Ain't Relevant. The only reputation that should matter now is the offender's reputation as established by the facts of their offence and conviction.

In closing, I urge the Committee and the Queensland Parliament to act with clarity, consistency, and courage. Clarity – by adopting a straightforward legislative ban, you remove doubt and complexity. Every participant in the justice system will know that personal character pleas have no place in these sentencing proceedings. Consistency – by applying the rule across all sexual offences, you ensure uniform justice for all survivors, whether the crime was against a child or an adult, within a family or by a respected stranger. No survivor should be subjected to courtroom character testimonials, and no offender should expect special treatment by virtue of social privilege. And most importantly, courage – the courage to put survivors at the centre of the reform. This means listening to those of us who have endured these proceedings and are speaking out. It means heeding the Royal Commission's warning that an abuser's prior standing (often the very tool of their abuse) should never mitigate punishment[OBJ]. It means having the strength to lead Australia in a new direction, one where survivors truly feel seen, heard, and protected by the law.

I would also like to sincerely thank the Hon. Deb Frecklington, Queensland's Attorney-General, for her collaboration and humanity throughout this process. Her willingness to listen with empathy, to engage thoughtfully with my campaign team and I, and to understand the lived experience behind these proposed reforms has meant a great deal. I genuinely hope that, through this Committee process, we will arrive at a stronger, clearer

reform – one that ensures the Queensland Government stands firmly with victim-survivors and reflects the justice we have long called for.

Queensland can set a powerful example. By abolishing good character references in sentencing for sexual offences, this state will broadcast a clear message: in Queensland, justice will not be derailed by an offender's reputation. Instead, our courts will centre on truth, accountability, and the lived trauma of survivors. As a survivor and advocate, I commend the positive intent behind QSAC's recommendations, but I implore you to go further – to embrace the full measure of reform that survivors need and deserve. Completely abolishing these references is not a radical step; it is a rational and just one, supported by survivors, advocates, and common sense. It will bring our sentencing laws in line with community expectations and ethical practice, ensuring that no survivor has to endure this unnecessary indignity ever again.

Thank you for the opportunity to contribute to this inquiry. I sincerely hope the Committee will seize this moment to deliver a truly survivor-centred reform. Let Queensland be bold and uncompromising on this issue. Our legislative recommendation is clear, and our voices are united: Your Reference Ain't Relevant. It's time to put an end to it, once and for all, and let healing and justice proceed unimpeded by relics of the past. Queensland has the chance to lead – please, lead with us.

Respectfully submitted,

**Harrison James,**
Survivor and Co-Founder,
#YourReferenceAintRelevant Campaign.

**Key Recommendations:**

- Remove all provisions allowing "good character" as mitigation in child sexual offence sentencing (strike existing clauses).

- Insert a clear statutory ban: e.g. *"In sentencing a person for any child sexual offence, the court must not treat evidence of the offender's good character as a mitigating factor."* (modeled on NSW s21A(5A) without the last 21 word exceptions) .

- Apply the ban to all relevant laws (Penalties and Sentences Act, Children's Court Act, etc.) so that *all* child sex offenders are treated the same under this rule.