

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

Submission No:	20
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Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	

To whom it may concern,

I am writing as a victim-survivor of childhood sexual violence. I am writing in support of the #yourreferenceaintrelevant campaign and request for the removal of good character references in all sentencing crimes related to child and adult sexual abuse, domestic and family violence.

As a person with lived experience of being cross examined in court, hearing my offenders “good character” referenced during the court proceedings was a highly traumatic experience. I had to endure hearing language that referenced him as a person of good character, a person who contributed to society, and even referred to him as being a good father. It was highly traumatic to hear my abuser be spoken about in such a positive light and for this to be considered when delivering a sentence that was supposed to bring about justice.

The harm that was inflicted on me and just like many others with similar experience of violence, is life long. This is diminished in court proceedings when the perpetrator is allowed too often bring in people of power to speak of the irrelevant good actions they have done, outside of these crimes. Hearing these words was re-traumatising and made me feel invalidated, particularly as I was only a child when these crimes occurred.

My experiences of sexual abuse was almost 20 years ago and the good character references provided are not reflective of the person who committed these crimes. I highly support the removal of these good character references as they are not relevant to the harm in which is inflicted on victim-survivors, rather they serve to discredit victim-survivors experience.

The court system should treat all perpetrators of violence, including child/adult sexual, family and domestic violence equally, not allowing discount for those who are better at presentation to be someone of “good character”. Regardless of presentation, perpetrators should be held to account and sentenced according to the character reflecting of the crime alone which is reflective of not being of good character. Particularly in cases where child sexual abuse is occurring, the perpetrator is often in a position of power. This unequal balance of power in child sexual offenses often lead to the abuse occurring. Perpetrators see an opportunity to exploit the victim-survivor by presenting in a trusting manner. This has been my experience and the experience of many other survivors who have shared their stories with me.

There is now a stronger understanding of perpetrators of violence using techniques such as coercive control and grooming which highlight their ability to use trustworthiness to commit these harmful acts. This is reflected in my personal experience where a perpetrator used techniques such as favouring me over other children (e.g. telling me I was their favourite, buying me the special more expensive food/toy), leading me to have a strong trusting relationship with the person. They were in a position of power within the context of the community and looked up to. Other seemingly kind or actions of “good character” outside of this abuse does not excuse any cause of lifelong harm and therefore should not be relevant in sentencing. Their seemingly “good character” does not provide context to who they are as a person, as they used their position of power in the context of the community to take advantage of a young child, me, who was unable to tell right from wrong. Their ability to present in a manner which is seeming of “good character” is what allowed them to gain access and abuse me in the first place.

Allowing “good character” references does not allow the court to obtain an accurate reflection of the offender’s prospects of rehabilitation. This is due to the nature of harm inflicted, particularly in context of child sexual abuse where the perpetrator often utilises forms of

grooming to manipulate the victim-survivor. Due to the success of previous manipulation in successfully abusing the child and ability to present in a manner of good character, this therefore cannot be a relevant means of determining someone's prospects of re-offending or rehabilitation.

"Good character" references send a strong message to the community that society will accept and allow for lesser punishment for child sexual abusers so long as the person has presented in a manner of good character in other actions which are not relevant to the crime.

My hope in writing this submission is that the Sentencing council recommend the removal of good character references from these cases so that future victim-survivors do not have to endure the re-traumatisation that I did. I wish for a legal system which prioritises victim-survivors and reflects the life-long impacts of these crimes in the court proceedings.

Thank you for considering my submission,

Chanelle