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

Submission No:	133
Submitted by:	Millie Tizzard
Publication:	Making the submission and your name public
Attachments:	No attachment

Submitter Comments:

The proposal to abolish good character references for convicted rapists, child sex offenders, and domestic violence perpetrators represents a crucial step toward genuine justice reform. This practice fundamentally undermines the integrity of our legal system and compounds the trauma experienced by survivors.Character references in these cases create a dangerous hierarchy where an offender's social connections become more influential than the documented harm they've caused. When judges receive glowing testimonials about a perpetrator's community involvement, professional achievements, or family relationships, it shifts focus away from the victim's suffering and the gravity of the crimes committed. This system essentially allows privilege and social capital to function as mitigating factors in cases where the harm inflicted demands accountability, not sympathy.The weaponisation of social status through character references perpetuates systemic inequalities within the justice system. Well-connected offenders can mobilise networks of colleagues, community leaders, and family members to vouch for their character, while their victims often face isolation and disbelief. This disparity sends a chilling message that certain individuals are somehow above full accountability for their actions simply because they've cultivated positive relationships in other spheres of their lives.Consider the psychological impact on survivors who must witness their abuser's character being publicly celebrated while their own trauma is minimised. These references often portray perpetrators as having "made a mistake" or as being "good people who did a bad thing," language that fundamentally mischaracterises deliberate acts of violence and abuse as momentary lapses in judgment.The argument that character references provide necessary context about an offender's likelihood of reoffending is fundamentally flawed in these cases. Research consistently shows that domestic violence, sexual assault, and child abuse often occur behind closed doors, perpetrated by individuals who maintain respectable public personas. The ability to compartmentalise behaviour and present differently in various social contexts is, in fact, a common characteristic among these offenders.Justice must be anchored in the reality of what occurred, the impact on victims, and the need for appropriate consequences that reflect the seriousness of these crimes. Character references introduce irrelevant variables that corrupt this process, essentially arguing that some perpetrators deserve lighter sentences because they've successfully maintained positive relationships in contexts where they weren't abusive.The current system fails survivors by suggesting their trauma matters less than their abuser's reputation. It fails society by reinforcing the notion that certain individuals are entitled to different standards of justice based on their social standing. Most importantly, it fails the fundamental principle that justice should be blind to factors irrelevant to the crime and its impact.Abolishing character references for these specific categories of offences would create a more equitable system where sentences reflect the true gravity of the harm caused, rather than the perpetrator's ability to mobilise social support. This reform is not about denying the complexity of human behaviour, but about ensuring that justice centres victims and accountability rather than the preservation of offenders' reputations.