


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

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Our sense of safety is like stained glass. Precious, beautiful, casting unique light on us and anyone who spends a moment in our presence. This is true across the lifespan, but particularly for children and young people.

I was eight when my stained glass was shattered. What little was left of it was again demolished from 13-15. And again from 17-18. By the time I was 24-27, no evidence of its precious existence remained. My light has never returned. The five perpetrators all had good qualities, best friends, and people who loved them.

I didn't know the first, but I'm sure he was beloved by some and had some admirable skills. The second was a bus driver, who always had a friendly wave and kind word for his passengers and maintained a safe driving record. The third came from a good family, held in high regard within their community. A son of doctors, he was a loyal friend and had a knack for engineering useful treasures from what others might consider unusable. The fourth was a stranger, but like the first, he was somebody's somebody. The fifth was my husband. At one point, he was my somebody. When we first met, my favourite thing about him was how deeply he listened. We would talk until the sun came up and still feel like we hadn't had enough time together. It's why I fell in love with him. But all too quickly, that love turned into his fist coming at my face in slow motion, whilst I held and shielded my baby from his impending blow.

They were (probably) all 'of good character'. I made one historical report of child sexual violence, but after being told how devastating the process is for victim-survivors (somehow, we become the ones on trial?), I decided not to pursue it further. If I'd ever felt able to report all the childhood sexual assaults, grooming, rapes, abuse, and domestic violence I'd experienced, the men who shattered my light and harmed me irreparably, would have had people lining up around the block to speak to - and defend - their good character. Because they weren't monsters. People who commit these offences generally aren't. They don't look how we think monsters look, they don't exist in the world in the way we think monsters exist. They're our neighbours. Our friends. Our acquaintances. Many have well-paying, professional careers. They're well-respected in their communities. They're normal, likeable people. And so, it stands to reason that more people than not, would attest to their good character.

Character witnesses would attest to this because it's their experience of the convicted person. Because the convicted person hasn't raped their character witness, beaten them, strangled them, or threatened to kill them. The convicted person hasn't told their character witness "nobody will ever believe you". The character witness hasn't felt the convicted person's hot, shuddering breath on their face as they watched the convicted person's eyes turn black and inhuman as they squeezed the life out of them. The convicted person hasn't made their character witness fear for their life, silently pray for air, or beg for mercy. So why would judges, courts, lawmakers, or society take *their* experience of the convicted person into account? Why would they consider it in calculating an appropriate sentence for crimes their character witnesses were never subjected to?

So many of us are victim-survivors. From the age of 15 and over (remembering that these are just the people we know of, and these offences are horrendously under-reported):

- 31% of women and 42% of men have experienced physical violence;
- 22% of women and 6.1% of men have experienced sexual violence (ABS, 2023).

So few victim-survivors report to police:

- Approximately 20% of DFV victim-survivors (ABS, 2012);
- 8% of sexual violence victim-survivors over the age of 15 (ABS, 2023);
- 3% of victim-survivors of childhood sexual violence (Alaggia, 2017).

Less than 15% of reports of sexual assaults result in charges being laid (BOSCAR, 2024). So few of those reports result in a proven charge:

- 8.1% of reported contemporary child sexual assaults;
- 6.5% of reported historic sexual assaults;
- 5.7% of reported adult sexual assaults (BOSCAR, 2024).

By the time these few victim-survivors actually make it through to the point of having their experiences proven in court, isn't it logical to conclude that a convicted person's offence **IS** their character witness? Let their offence/s speak for themselves – not loving and trusting friends, family, colleagues, and community members, who've haven't had their unique light absolutely decimated by the convicted person... who've never silently started saying goodbye to this life with the hands of the convicted person wrapped around their neck.

Convicted persons aren't being sentenced for actions against their character witnesses – their experience of the convicted person and the 'good character' references they provide are irrelevant. They're being sentenced for heinous crimes against innocent persons. Let those crimes speak for themselves. After all, it's victim-survivors who must live with the consequences of the convicted person's actions. Forever. If they'd been 'of good character' towards the victim-survivor, they wouldn't have committed the offence/s to begin with.

ABS, 2023. <https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/latest-release>

ABS, 2012. <https://www.abs.gov.au/ausstats/abs@.nsf/Previousproducts/25AF91125718ADF1CA257C3D000D856A?opendocument>

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