



## Shane Rattenbury MLA

Attorney-General  
Minister for Consumer Affairs  
Minister for Water, Energy and Emissions Reduction  
Minister for Gaming

Member for Kurrajong

Our ref: FILE2024/3067

Mr Tom Duncan  
Clerk  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Dear Mr Duncan

*Tom*

Thank you for your letter of 6 February 2024, regarding petition E-PET-027-23, the Petition to Remove the Provision of Good Character References for Paedophiles in the Sentencing Procedure of Child Sexual Abuse Cases. The petition requests the Assembly to amend section 34A(b) of the *Crimes (Sentencing) Act 2005 (ACT)*, by deleting the words “to the extent that the offender’s good character enabled the offender to commit the offence.” Pursuant to Standing Order 100, this letter constitutes my response.

I thank the *Your Reference Ain't Relevant* campaigners for their strong advocacy, for their courage in sharing their lived experiences of child sexual abuse, and for bringing this petition before the Legislative Assembly to call for change. I also thank Mr Andrew Braddock MLA for sponsoring this petition in the Assembly.

I recognise the significant impact that the presentation of ‘good character’ references during sentencing of child sexual abuse offenders has on victim-survivors. I agree it is timely to consider what reform could look like in the ACT to make the sentencing process more trauma-informed.

The sexual abuse of a child is a horrendous crime perpetrated against the most vulnerable in our community, and it cannot be tolerated. It is a fundamental breach of the trust which children are entitled to place in adults. The ACT Government stands committed to the protection of children in our community and to bringing perpetrators of child sexual abuse to justice.

As the ACT Attorney-General, I acknowledge that participating in the criminal justice process can be challenging for all victims of crime, but I particularly acknowledge the tremendous courage, bravery

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and personal sacrifice required by victim-survivors of child sexual abuse to participate in criminal proceedings. Our criminal justice process relies on victim-survivors to not only report but share their experience of these heinous acts of abuse and they should not have to endure further trauma as a result of their participation in this process.

The sentencing process is a highly complex and nuanced process with judicial discretion as a central component.

In recognition of this complexity and the need to make the process more trauma-informed, the Government undertook targeted consultation with key justice stakeholders to inform its response to the petition, including organisations that represent or advocate for victims of crime and for accused persons.

I will convene a roundtable with key justice stakeholders in the ACT, including the advocates of the *Your Reference Ain't Relevant Campaign*, to be held in the next 3-4 weeks to discuss reform options. The purpose of this roundtable is to identify changes that could be implemented which align with the objectives of sentencing, address the legitimate concerns raised by those with lived experience through the petition, and are compatible with the human rights of all persons involved in the criminal justice system. Options to discuss could include, for example, considering revised language (moving away from the concept of 'good character') or reviewing court processes to mitigate the risks of re-traumatisation for victim-survivors.

The ACT Government is committed to listening to victim-survivors and to making the criminal justice process as a whole more trauma-informed. The ACT Government is already working hard to implement recommendations of the Sexual Assault Prevention and Response Steering Committee's *Listen. Take action to prevent, believe and heal* report 2021 (the SAPR Report) which made several recommendations to improve justice system responses to sexual abuse, including improving the collaboration between agencies, and training of legal practitioners, law enforcement personnel and judicial officers.

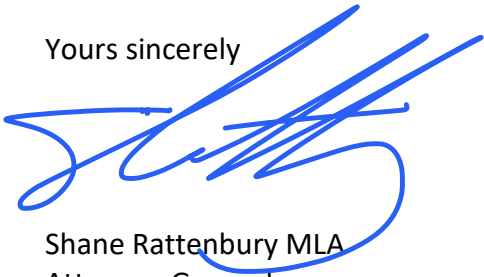
The ACT Government is also working to implement recommendations of the Board of Inquiry into the Criminal Justice System, which arose from the *R v Lehrmann* trial, which highlighted areas where reform is required to improve the criminal justice process and mitigate unnecessary trauma on victims of sexual violence.

Most recently, the Final Report of the Sexual Assault (Police) Review, has presented a number of recommendations for Government's consideration which are drawn from the lived experiences of victim-survivors of sexual violence, including analysis of the experience of victim-survivors of child sexual abuse.

I also note that the use of good character evidence in sentencing has been added to the Standing Council of Attorneys-General's forward work plan as a priority for 2024, and I look forward to productive discussions in this significant national forum.

I again thank the petitioners and Mr Braddock for bringing this petition before the Assembly and reiterate my commitment to consulting further on this important issue.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'S. Rattenbury', written over the 'Yours sincerely' text.

Shane Rattenbury MLA  
Attorney-General

8/5/24