

Consequences, media impact and disclosure

Objectives

This section will help you:

- understand the criminal justice system and sentencing
- understand the impact that your conviction can have on your family, insurance coverage, and employment
- develop strategies for dealing with media coverage
- learn how to tell your partner, children, employer and friends about your offences

Legal consequences of a conviction

Being convicted of a sexual offence has lots of significant consequences. One of the main outcomes is being involved with the police and the criminal justice system. When the police become involved, they will investigate the offence. Based on the evidence they will proceed in two ways.

No further action

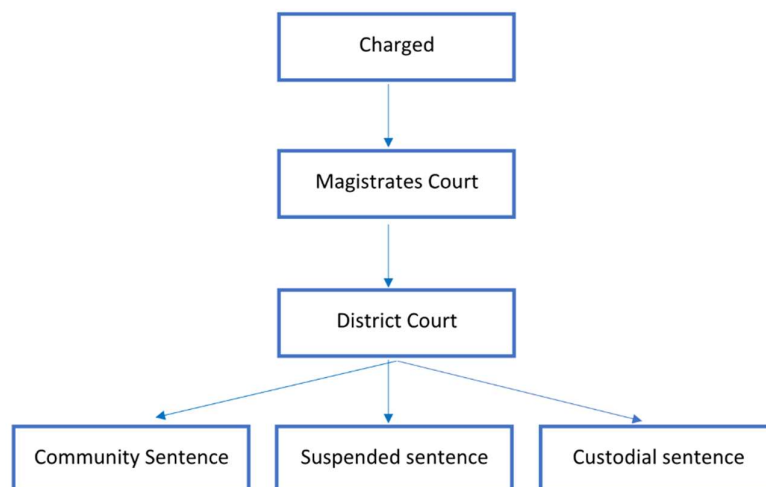
If the police do not find substantial evidence or believe that there is insufficient proof to press charges, no further legal action will be taken.

Charged

In cases where you are charged with offences, a court date will be assigned for your appearance. This initial hearing typically takes place in a Magistrates Court, but depending on the nature of the offences, your case might be transferred to a District Court.

During the court appearance, you will have the opportunity to enter a plea of guilty or not guilty. If you plead not guilty, a trial date will be set. If you enter a guilty plea, a sentencing date will be scheduled.

The various sentencing options are detailed below. However, predicting the specific outcome of sentencing can be challenging, and is therefore important to seek legal advice in all cases.



Sentencing options

If you plead or are found guilty, there are several penalties the court can issue. Where an offence is of a sexual nature, committed in relation to a child, the courts are more likely to order a term of imprisonment.

Community sentence

This involves serving the sentence within the community under the supervision of Probation services. It may come with a requirement to engage in rehabilitation, which could encompass offence-related work or community service activities.

Suspended sentence

A suspended sentence is a custodial sentence wherein the individual is not required to go to prison as long as they refrain from committing further offences and comply with imposed requirements. Failure to comply or committing additional offences can lead to the activation of the suspended sentence, requiring the individual to serve the suspended period in custody. A suspended sentence can include specific conditions, such as offence-related work.

Custodial sentence

Upon receiving a custodial sentence, the offender will be taken directly from the court to the designated prison where the sentence will be served.

The court decides how long an offender will be sentenced to prison. This is determined by considering different factors such as victim impact, reports or references, maximum penalty for each offence, and/or early plea of guilty.

Other outcomes

Sex Offender Register

Anyone convicted of a prescribed sexual offence is put on the National Child Offender System (NCOS). This national scheme requires child sex offenders, and other defined categories of serious offenders against children, to keep police informed of their whereabouts and other personal details for a period of time after they are released into the community.

You can find more information about the sex offenders register at Protection services: Australian Criminal Intelligence Commission (acic.gov.au).

Other consequences

Department of Child Safety

The Department of Child Safety may become involved if you have interactions with children, as the police will inform them of an arrest. The level of involvement can change during an investigation, and sometimes restrictions may be re-evaluated, especially during the sentencing phase.

We strongly encourage open and honest communication with Children's Services to ensure the welfare of your child or children.

Insurance

Criminal convictions can affect your insurance policies. Individuals with such convictions statistically face a higher risk of becoming victims of crime, leading insurers to view them as higher-risk clients.

Employment

During an investigation for a sexual offence, you may be at risk of losing your employment. It's important to review your employment contract to understand whether you need to disclose any criminal conviction.

When looking for a new job, certain roles may not be suitable for you, particularly those involving children or vulnerable adults. When applying for specific jobs, you'll likely be asked to declare any convictions. Such convictions might be revealed if your employer conducts their own police check.

Dealing with the media

The media don't publish information about every online child sexual abuse offence but people often worry about this being a possibility.

Court reporters attend criminal courts and may choose to cover any case. These reporters are overseen by the Australian Institute of Judicial Administration (AIJA), adhering to clear reporting guidelines. They are permitted to report information presented in court about the criminal case, as long as the details are publicly available.

There are steps you can take to mitigate the impact of media coverage.

What to do

- - You might want to think about whether to tell close family or friends if you're worried they'll discover the situation through the media.
- - For people under investigation and their families, we recommend temporarily deactivating social media accounts or adjusting privacy settings during sentencing hearings to minimise exposure to media coverage.
- - If you are worried about potential targeting by people in the community, it's advisable to get in touch with the police, who can assess the possibility of implementing added security measures.

What not to do

- - Don't look for similar cases covered by the media. It can be distressing and sentencing outcomes vary from case to case.

How to tell people about your sexual offences

It can be very difficult to talk about sex, particularly sexual offences. It's hard to know how to approach these conversations and who to share with. This section aims to give you the communication skills and insight to help talking to other people about your offending.

Understanding reactions

Understanding how other people might feel can help you anticipate how they might react. Sexual thoughts or behaviours involving children are unexpected and naturally raise numerous questions. For instance, your partner might wonder about your motivations, the consequences for you, how it impacts them, the well-being of any children you have, and the implications for

the future. Think about your own emotions of fear and distress. Other people are likely to share these emotions and will also be shocked by finding out about your behaviour through you or the police.

People's reactions might not align with your predictions. Shock could stop people being able to think of questions, while others might have many questions or repeatedly ask the same thing. Tears, anger, and even self-blame are possible responses.

It's important to tell people that you know you are accountable for your actions and try to listen to them and respect their needs, such as requiring space to process the situation.

Active listening

Communication involves both speaking and listening. To understand other people's emotions, it's important to ask questions and genuinely listen. This can be tough, especially if they express negativity or intense anger due to your behaviour.

How listening can help

- Understanding of the other person's perspective.
- Show respect and that you value their thoughts.
- Improve their sense of value and interest in you.
- Improves positivity and encourages future conversations.

Indicators of effective listening

- Body language: nodding and appropriate gestures signal your engagement.
- Verbal responses: offering relatable comments, sounds, and relevant questions displays active involvement.
- Eye contact: maintaining eye contact shows the speaker they have your attention.

Mastering these communication skills will aid you in navigating challenging conversations surrounding sexual offences and foster a supportive environment for discussions.

Talking to others

Talking with your partner

When discussing the situation with your partner, remember all the skills we've discussed. Your partner can be deeply affected by your actions, and they might have questions. It's crucial to be honest without sharing graphic details. This helps them understand and decide how they want to proceed in the relationship. It's better for them to hear about this from you than from the police or other people.

- Give time for processing: understand that partners need time to grasp the situation's impact
- Monitor how they cope: the arrest can be distressing for them, possibly leading to mental health challenges. Offer support, and if needed, suggest contacting professionals.
- Understand their feelings: partners might experience anger, worry, and anxiety. Be a listening ear and guide them toward trusted individuals if they wish to talk more.
- Help them understand sexual offending: help your partner understand the complexity of the situation by offering information about sexual offending. Refer them to reliable resources or helplines.

Talking to children

Telling children about offending can be tough for parents. Think about these points when speaking to them.

- Address changes clearly: if significant changes occur, children might speculate and make assumptions. Provide a clear explanation to prevent misconceptions.
- Answer the “why” question: children will likely want to know why their parent did what they did. Explain that it’s complex and that even adults struggle to understand. Assure them that their parent is seeking help.
- Embrace their feelings: children will have various emotions about the situation. Give them time to process, encourage communication, and offer another trustworthy adult for them to confide in.

Talking to employers

When disclosing convictions to employers, these suggestions might help.

- Be prepared: have a script ready for explaining past offences.
- Know your record: understand your criminal record’s content and how it impacts job applications.
- Check employer policies: understand your potential employer’s policy on hiring individuals with convictions.
- Honesty in interviews: you don’t always need to disclose details on application forms. Instead, confirm you have a conviction and are happy to discuss at interview where you can explain in more detail and the changes you have made in your life.
- Present progress: explain the offence simply, discuss positive changes made since then, and express your commitment to not re-offend.
- Positivity and honesty: stay confident, honest, and true to yourself while discussing the situation.

Talking to friends

When disclosing to friends, prioritise their feelings and reactions. These tips might help.

- Choose a neutral location: meet at a neutral place to reduce pressure and discomfort.
- Conversation setup: set up the seating to ensure privacy and comfort.
- Calm and clear: speak calmly and clearly, explaining that you’re about to discuss a difficult topic.
- Agenda: provide a structured discussion agenda for clarity and comfort.
- Offer breaks: recognise the weight of the conversation and take breaks if needed.
- Moderation in details: avoid graphic details that might disturb them.
- Know your limits: share as much as you’re comfortable with, based on your knowledge of them.
- Take responsibility: emphasise that you recognise the wrongness of your offending and take full responsibility.
- Ending respectfully: end by thanking them for listening and acknowledging their choice to stay in touch or not.

*Please return to the website and complete the **Reflection** questions at the end of this module.*