

# Should Prominent People Give References to Sex Offenders?

Luke Lazarus, son of prominent nightclub owner Paul Lazarus, has had a tumultuous few weeks.

After being found guilty of sexually assaulting an 18-year-old girl in an alleyway behind his father's nightclub earlier this year, Lazarus was sentenced in Downing Centre District Court to five years imprisonment with a non-parole period of three years. This means that he must spend at least three years in prison before being eligible for release.

During the hearing, the court heard that Lazarus had approached the young woman at Soho nightclub and offered to take her to a VIP area. Instead, he led her to an alleyway behind the club where they kissed before he demanded that she put her hands on a fence and bend over. He then pulled down her underwear and engaged in anal sex with her, during which she informed him that she was a virgin.

He bragged to his friends the following day about taking the girl's virginity.

## **Prominent Figures Criticised for Giving Character References**

Following the outcome of the case, the 'spontaneous and opportunistic' attack was widely condemned by the media and general public, with several women's advocacy groups campaigning for Mr Lazarus' sentence to be reviewed on appeal.

But the matter took on another element of controversy when it emerged that prominent public figures lent their names to Mr Lazarus by writing 'glowing' character references that were handed-up during his sentencing hearing.

Amongst those who reportedly penned references were Waverley

Mayor Sally Betts, South Sydney Rabbitohs chairman Nick Pappas, and the secretary of the Honorary Consul-General of Greece, Tsambico K Athanasas.

The distinguished figures have since faced a public backlash after Minister for the Prevention of Domestic Violence and Sexual Assault, Pru Goward, [publicly slammed their actions.](#)

Ms Goward believes that the character references could potentially discourage other victims from coming forward, and that 'glowing references about [victim's] attackers will not help justice to be done.'

Several others have expressed the view that people should not receive favourable treatment simply because their family is well-connected.

However, key members of the Bar Association have hit back, with Junior Vice President Arthur Moses SC saying that while Mr Lazarus' actions should not go unpunished, 'no member of the community should be deterred from providing evidence in a criminal matter.'

Mr Moses went on to say that humiliating or victimising those who give references may constitute a contempt of court.

### **What Is A Character Reference?**

Criminal lawyers often advise clients who are pleading, or who have been found guilty, to obtain [character references](#) to be handed up to the court, or call witnesses to give testimony of good character during sentencing proceedings.

This is because evidence that the offending conduct was out of character and that the defendant is unlikely to reoffend can be taken into account during the sentencing process.

A written character reference is a letter from another person, known as a 'referee,' which sets out who they are, how they know the defendant and which contains positive observations

about the defendant's conduct, personality and character.

The letter should also state that the referee is aware of the nature and seriousness of the offence, and of any previous offences that the defendant has committed.

The referee may also discuss any concerns about the possible impact of a particular penalty – for example, 'John is very concerned about losing his licence as it would prevent him from working as a truck driver,' but most criminal lawyers will strongly recommend that they refrain from telling the magistrate or judge what penalty to impose.

This is because it is for the court to assess all relevant factors and decide the most appropriate penalty, not the referee. Magistrates and judges will have many years of legal education and experience practising the law. They will consider a wide range of information during the sentencing process which will assist in the determination of sentence.

### **Were Lazarus' Referees Out of Line?**

Unfortunately in Luke Lazarus' case, it appears that some of the referees went one step too far, assuming that they are in a better position than the judge to know the appropriate sentence.

For example, it has been reported that Father Gerasimos Koutsouras, a priest at Mr Lazarus' church, stated that 'the possibility of imprisonment is completely undeserved for this promising young man.'

Waverley Mayor Sally Betts has reportedly been inundated with requests to stand down, with some alleging that she broke the councillors Code of Conduct by providing the reference. However, Ms Betts has stood by her decision, arguing that she provided the reference in a personal capacity, and that she did not deny that Lazarus should be punished for his actions.

Despite the public backlash, the Bar Association maintains that all offenders – regardless of their crimes – are entitled to present material in their own support, and that prominent figures should not be prohibited from providing character references or testimony just because of their position in the community