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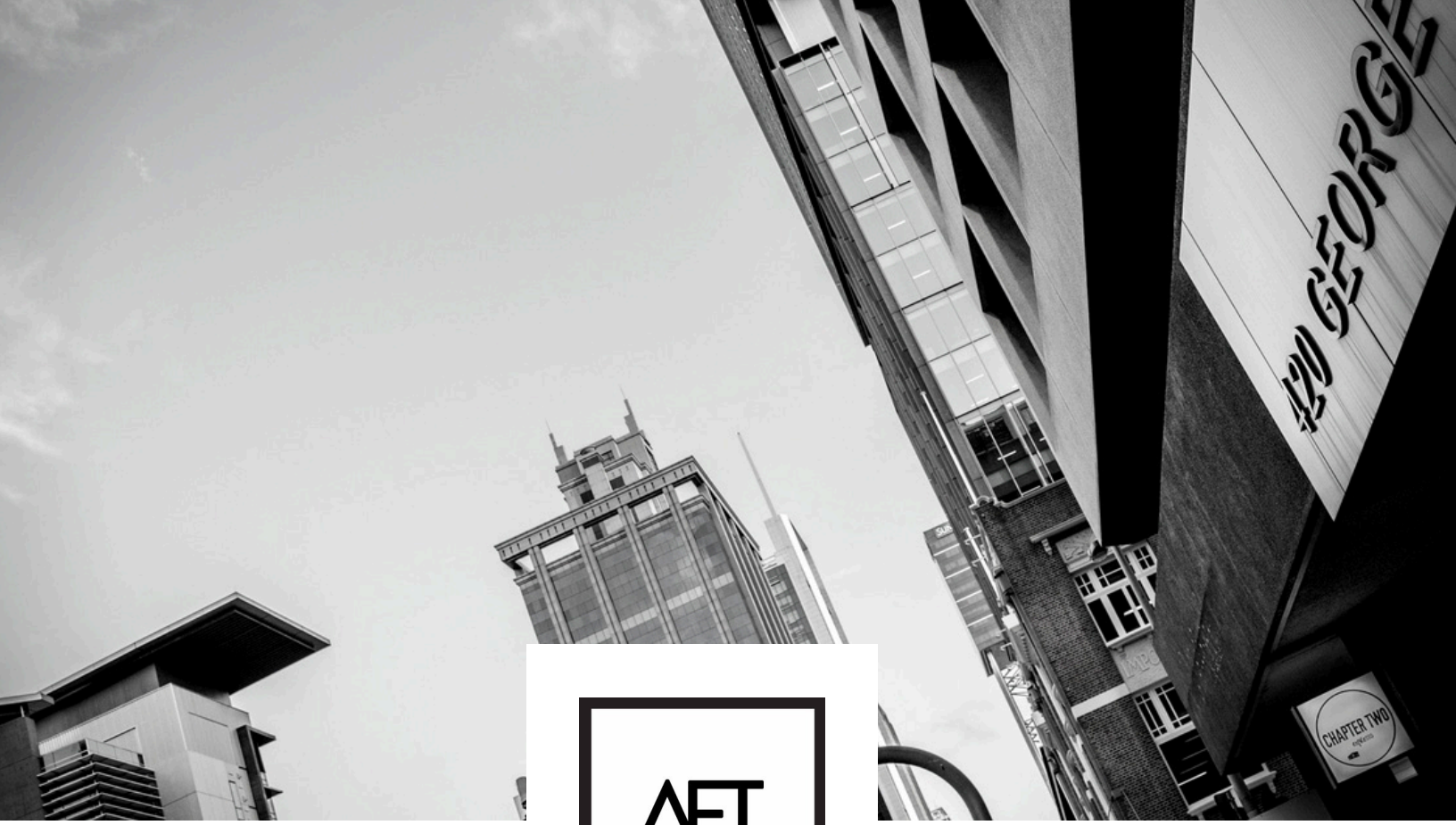
CHARACTER REFERENCE GUIDE



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WHAT YOU NEED TO KNOW

Anderson Fredericks Turner is an independent and progressive law firm based in Queensland, with offices in Brisbane, Townsville, Toowoomba and on the Sunshine Coast. We focus on employment law, criminal law and regulatory compliance.

This guide is designed to answer some of the most frequently asked questions we encounter about writing a character reference for court. It may assist you to understand the format and the content of character references, as well as who may be appropriate to write a reference.

This guide will assist by answering the following questions:

1. What is a character reference?
2. What is the purpose of a character reference?
3. What should be contained in a character reference?
4. What is the correct format for a character reference?
5. Who should write a character reference?
6. How many character references are needed?
7. Where should a character reference be sent?

CHARACTER REFERENCES



A character reference is a document designed to allow a court insight into the life of the person before the court beyond the charge or charges under consideration. When going to court to be sentenced for an offence, a character reference may help the court to determine the appropriate sentence to be imposed.

Ultimately, it may be provided to the judge or magistrate in order for them to better understand the general character of the person before the court.

PURPOSE OF A CHARACTER REFERENCE

A character reference can convey to the court the reasons or circumstances that led to the offending, or the general character of the person before the court and their future plans. A character reference may influence the court when determining the appropriate sentence, as it may provide relevant information for the court to take into account.



CHARACTER REFERENCE CONTENT

The writer of a character reference should seek to address:

1. The Offence

That they are aware of the offences and whether they are aware the person before the court is pleading guilty to those offences (if the person is pleading guilty to the knowledge of the writer).

2. Relationship

The nature and length of the relationship between the writer and the person before the court.

3. Known Background

If possible, any known background, history or circumstances that led to the charge or charges before the court.

4. Personal Qualities and Character

The personal qualities and general character of the person before the court. This could be their demeanour, work ethic or positive contributions made to the community. Comment may be made, for example, that the offending is out of character, but only if that is actually the case. A statement that something is out of character may be likely to carry no weight if it is untrue.

5. Impact

Any impact the writer has observed about the person before the court in terms of the impacts, if any, on their life and outlook as a result of being charged. This may include, if appropriate, expressions of or indications of remorse, anxiety or depression.

6. Lifestyle Changes

Any positive lifestyle changes the person before the court has made since the offending. This should be set out to give the court a proper appreciation of any relevant changes.

FORMATTING

A character reference should be formatted so as to be easily read by the judicial officer. The following is generally recommended as a format that is appropriately formal for a court proceeding (when possible):

- It should be typed instead of hand written.
- If the case is in the Magistrates Court it should be addressed to the 'Presiding Magistrate'. If the case is in the District or Supreme Court it should be addressed to the 'Presiding Judge'.
- It should commence with 'Your Honour', instead of 'Dear Sir/Madam', which is a respectful way to address a judicial officer.
- It should be signed, dated and include the contact details of the author. A signed character reference gives the court greater confidence the statements are honestly and genuinely made.

[Writer's Name] or [Company Letterhead]
[Street Address]
[City]
[State] [Postcode]

[Day] [Month] [Year]

[Judicial Officer Title]
[Court]
[City]

Your Honour,

1. State your name, age, occupation and address.
2. State that you have been asked to provide a character reference to the court.
3. State that you understand the nature and circumstances of the offences with which the defendant is charged (describe understanding).
4. State that you understand the defendant is pleading guilty to the charge/s (if applicable).
5. State the nature of the relationship with the defendant and how long you have known them for.
6. State any relevant characteristics , qualities or circumstances about the defendant.
7. State your contact details and if you are willing to attend the court to confirm the truth of the character reference if required to do so.

Yours faithfully,

[Your Name]

WHO SHOULD WRITE A CHARACTER REFERENCE?

Character references should be written by a person who knows the person before the court well and is able to provide relevant details about their character to the court. References may be from people such as:

- Close friends or family members;
- Present or former employers;
- Teachers;
- Community members with some knowledge of the person; or
- Support person or counsellors.

HOW MANY CHARACTER REFERENCES ARE NEEDED?

There is no set rule on the number of character references to be given to a court. A general guide is that the person who is best to comment on an issue going to character should write a reference.

For instance, it may be appropriate for an employer to write to the court about employment issues, such as the work ethic of an individual, but they may not be in a position to make broader comments about character if it is not within their knowledge. A family member, for instance, may be better suited to outline the general reputation of the person before the court and the circumstances that led to the offending. However, there is no set rule and the number and nature of character references will vary from case to case.

WHERE SHOULD A CHARACTER REFERENCE BE SENT?

Once a character reference has been finalised, it should be provided to either the person before the court or their lawyer at Anderson Fredericks Turner. Generally, a character reference should not be sent directly to court.

We can help.

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