

TASMANIA

**SENTENCING AMENDMENT (RACIAL
MOTIVATION) BILL 2016**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 11B inserted
 - 11B. Racial motivation to be taken into account in sentencing offenders
5. Repeal of Act

SENTENCING AMENDMENT (RACIAL MOTIVATION) BILL 2016

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
17 November 2016

*(Brought in by the Deputy Premier, the Honourable Jeremy
Page Rockliff)*

A BILL FOR

An Act to amend the *Sentencing Act 1997*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Sentencing Amendment (Racial Motivation) Act 2016*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

Sentencing Amendment (Racial Motivation) Act 2016
Act No. of

s. 3

3. Principal Act

In this Act, the *Sentencing Act 1997** is referred to as the Principal Act.

4. Section 11B inserted

After section 11A of the Principal Act, the following section is inserted in Part 2:

11B. Racial motivation to be taken into account in sentencing offenders

In determining the appropriate sentence for an offender, the court is to take into account, as an aggravating circumstance in relation to the offence, whether the offence was motivated to any degree by –

- (a) hatred for or prejudice against, on racial grounds, any victim of the offence; or
- (b) hatred for or prejudice against, on racial grounds, a person or group of persons with whom at the relevant time any victim of the offence was associated or believed by the offender to have been associated.

*No. 59 of 1997

Sentencing Amendment (Racial Motivation) Act 2016
Act No. of

s. 5

5. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.