

TASMANIA

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**SENTENCING AMENDMENT (GOOD  
CHARACTER) BILL 2026**

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# SENTENCING AMENDMENT (GOOD CHARACTER) BILL 2026

*(Brought in by the Minister for Justice, Corrections and  
Rehabilitation, the Honourable Guy Barnett)*

## 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 (Good Character) Act 2026*.

#### 2. Commencement

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

#### 3. Principal Act

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

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\*No. 59 of 1997

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**4. Section 9 amended (Conviction or non-conviction)**

Section 9 of the Principal Act is amended as follows:

- (a) by renumbering the text of the section as subsection (1);
- (b) by inserting the following subsections after subsection (1):

- (2) Despite subsection (1), a court is not to take into account the following submissions or evidence in exercising its discretion whether or not to record a conviction for a serious offence within the meaning of section 11AA:

- (a) a personal reference in support of the offender;
    - (b) submissions or evidence in support of the offender's standing within, or positive contributions to, the community.

- (3) Despite subsection (2), a court may take into account submissions or evidence referred to in that subsection if –

- (a) the court considers it relevant to –

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- (i) the offender's prospects of rehabilitation; or
  - (ii) the risk of the offender re-offending; and
- (b) the court considers it appropriate to do so having regard to –
  - (i) the nature and circumstances of the offence; and
  - (ii) the harm caused to a victim of the offence; and
  - (iii) the vulnerability of a victim of the offence.

**5. Section 11AA inserted**

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

**11AA. Matters not to be taken into account in sentencing offenders**

- (1) In this section –

*serious offence* means –

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- (a) a sexual offence within the meaning of section 11A; or
  - (b) a family violence offence within the meaning of the *Family Violence Act 2004*, other than an offence under section 35 of that Act; or
  - (c) an attempt to commit an offence referred to in paragraph (b) of this definition; or
  - (d) a crime under section 178 or 192 of the *Criminal Code*; or
  - (e) an offence involving violence by one person against another, that is dealt with on indictment; or
  - (f) an attempt to commit an offence referred to in paragraph (d) or (e) of this definition; or
  - (g) an offence, or crime, under Commonwealth legislation that is substantially similar to an offence or crime referred to in this definition.
- (2) This section applies only in relation to an offender who had attained the age of 18 years at the time the conduct constituting the serious offence occurred.
- (3) In determining the appropriate sentence for an offender convicted of a serious

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offence, a court is not to take into account, as a mitigating factor, the following submissions or evidence:

- (a) a personal reference in support of the offender;
  - (b) submissions or evidence in support of the offender's standing within, or positive contributions to, the community.
- (4) Despite subsection (3), a court may take into account, as a mitigating factor, submissions or evidence referred to in that subsection if –
  - (a) the court considers it relevant to –
    - (i) the offender's prospects of rehabilitation; or
    - (ii) the risk of the offender re-offending; and
  - (b) the court considers it appropriate to do so having regard to –
    - (i) the nature and circumstances of the offence; and
    - (ii) the harm caused to a victim of the offence; and
    - (iii) the vulnerability of a victim of the offence.

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- (5) For the avoidance of doubt, nothing in this section prevents a court from taking into account evidence, other than evidence specified in subsection (3), when determining the appropriate sentence for an offender convicted of a serious offence.
- (6) For the avoidance of doubt, nothing in this section requires a court to give mitigating weight to submissions or evidence referred to in subsection (3) when determining the appropriate sentence for an offence that is not a serious offence, if the court considers it inappropriate to do so.

**6. Section 11A amended (Matters to be taken or not taken into account in sentencing certain sexual offenders)**

Section 11A of the Principal Act is amended as follows:

- (a) by omitting paragraph (a) from the definition of *sexual offence* in subsection (1) and substituting the following paragraph:
  - (a) a crime under section 124, 124A, 124B, 124C, 125, 125A, 125B, 125C, 125D, 125E, 126, 127, 127A, 129, 130, 130A, 130B, 130C, 130D, 133 or 185 of the *Criminal Code*; or



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- (b) by omitting “definition.” from paragraph (c)(ii) of the definition of *sexual offence* in subsection (1) and substituting “definition; or”;
  - (c) by inserting the following paragraphs after paragraph (c) in the definition of *sexual offence* in subsection (1):
    - (d) an offence under section 35(3) of the *Police Offences Act 1935*; or
    - (e) an offence under section 9 of the *Sex Industry Offences Act 2005*; or
    - (f) an attempt to commit an offence referred to in paragraph (d) or (e) of this definition.
  - (d) by omitting from subsection (2)(b) “the court is not” and substituting “despite section 11AA, the court is not”.

**7. Section 104C inserted**

After section 104B of the Principal Act, the following section is inserted in Part 12:

**104C. Application of *Sentencing Amendment (Good Character) Act 2026***

A provision of this Act, as amended by the *Sentencing Amendment (Good Character) Act 2026*, applies in relation to –

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- (a) a court imposing a sentence on an offender in relation to an offence;  
or
- (b) a court making an order, or taking an action, under this Act in relation to an offence or offender –

whether the offence was committed before or after the day on which that Act commenced.

**8. Repeal of Act**

This Act is repealed on the first anniversary of the day on which it commenced.