

TASMANIA

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

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SENTENCING AMENDMENT (GOOD CHARACTER) BILL 2026

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.

LAURA ROSS, *Clerk of the House*
3 September 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.

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3. Principal Act

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

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.

*No. 59 of 1997

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- (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 –
 - (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.
- (4) Subsections (2) and (3) apply only in relation to an offender who had attained the age of 18 years at the time the conduct

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constituting the serious offence
occurred.

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 –

- (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

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- (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 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 –

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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) 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.

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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
- (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

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- (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 –

- (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.

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8. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.