

DRAFT SECOND READING SPEECH**HON GUY BARNETT MP*****Sentencing Amendment (Good Character) Bill 2026*****check Hansard for delivery**

Honourable Speaker, I move that the Bill now be read a second time.

The Sentencing Amendment (Good Character) Bill 2026 makes important amendments to the *Sentencing Act 1997* (the 'Sentencing Act') by restricting the use of good character evidence when sentencing adult offenders for defined serious offences and in deciding whether or not to record convictions.

The Bill represents a significant, survivor-focused reform. It recognises that a person's reputation, professional standing, community status or history of socially approved conduct should not diminish the seriousness of criminal offending or the harm caused to another person.

This Bill delivers on this Government's commitment to stop the inappropriate use of 'good character' references by offenders being sentenced for serious offences.

At a national level, victim-survivor advocacy groups have been campaigning for change in this area. I want to thank the leader of the 'Your Reference Ain't Relevant' campaign, Harrison James, who met with me to advocate for these reforms. I also thank all of the advocacy groups and victim-survivors for their contributions and ongoing support.

The presentation of good character evidence during sentencing proceedings, typically through the handing up of references, can be profoundly distressing and offensive to victim-survivors and their families. It can further traumatise victim-survivors by trivialising the harm they suffer, especially where it gives the impression that an offender may be less culpable for their offending. It may give the impression that the offender's reputation is a more important consideration than the harm their offending caused. This may undermine victim-survivor confidence in the justice system.

Honourable Speaker, I am pleased to say that today Tasmania joins other leading jurisdictions around Australia who have made these important legislative changes. New South Wales and Queensland have both introduced reforms restricting use of good character evidence. Victoria announced its intention to do so earlier this year.

Public and stakeholder consultation on a draft consultation Bill occurred from 9 June to 5 July 2026. Nineteen responses were received.

We have listened to stakeholder concerns and amended the consultation Bill.

A key concern raised was about abolishing good character evidence outright or to clarify the policy intent in relation to serious offences and the types of “good character” evidence which will be no longer permitted.

The amended version of the Bill will restrict the ability of an offender to rely on evidence or submissions in support of their good character to reduce their sentence if they are being sentenced for a serious offence.

These amendments are not about infringing the important principle of individualised justice or preventing an offender from being able to present the court with evidence in mitigation about their rehabilitation or their lack of previous or relevant convictions.

The Bill targets the use of good character evidence that is used to establish a person’s reputation or to ask the sentencing court to make a broad, moral assessment that the offender is otherwise a ‘good person’. Evidence should not be admissible to establish that the offender deserves leniency because they are generally regarded as a good person.

We have followed the model used in Queensland which has allowed us to focus on the *types* of good character evidence that victim-survivors have reported as problematic for many reasons. These are evidence or submissions such as personal references supporting an offender, or their standing within, or positive contributions to, the community.

The most common form of a personal reference, also known as a character reference, is a letter provided to the judge or magistrate which usually contains subjective and non-professional opinions about an offender’s personality traits. The author may not be aware of the nature or extent of the offending. The author need not attend court to give evidence. There is concern that these often use language which diminishes the experience of victim-survivors by minimising criminal conduct.

Under this Bill, a court will not be able to take into account, as a mitigating factor, personal references or submissions or evidence about standing or contributions to the community *unless* a two-stage test is met. It must be relevant to either the offender’s prospects of rehabilitation or their risk of reoffending *and* the court must consider it appropriate to do so having regard to three criteria. They are the nature and circumstances of the offence, the harm caused to a victim of the offence, and the vulnerability of a victim of the offence.

I note that the same restrictions and exceptions will also apply to a court’s determination of whether to record a conviction for a serious offence.

This addresses criticism that the consultation Bill effectively operated as a blanket prohibition across all offences, with exceptions for offences that were not ‘serious offences’, which then triggered an interests-of-justice test. Stakeholders considered that to be unnecessarily confusing.

At the same time, the definition of 'serious offence' has been expanded, but in a considered way. For instance, it includes all *Criminal Code* offences involving violence and dealt with on indictment. This means that an offender convicted of an indictable offence dealt with summarily will not be unfairly prejudiced by being categorised in the same way as an offender convicted of that offence on indictment in the Supreme Court.

All family violence offences are captured under this definition, except for breaches of orders which necessarily cover an extremely broad range of conduct.

We have clarified that the ability to consider a lack of prior convictions remains as a separate sentencing consideration. This ensures that the sentencing process remains individualised, focused on the specific matter before the court, without restricting other sentencing principles.

However, it is important to point out that this reform complements, rather than replaces, existing legislative guidance on matters to be taken or not taken into account in sentencing certain sexual offenders in section 11A of the Sentencing Act. In fact, the reach of that section is broadened by the addition of further offences to the definition of 'sexual offence' in that provision.

Specifically, subsection (2)(b) of section 11A is not amended. It stands to require that in determining the appropriate sentence for an offender convicted of a sexual offence, the court is not to take into account the offender's good character or lack of previous convictions if the court is satisfied that the offender's alleged good character or lack of previous convictions was of assistance to the offender in the commission of the sexual offence. Our Government introduced that amendment in 2016.

The Bill's definition of serious offence is targeted at those which cause physical and psychological harm to victims. Grouping a cohort of serious offences under this term is a legislative tool used consistently in our criminal justice legislation.

The definition of 'serious offence' imports a new, expanded version of the definition of 'sexual offence' from section 11A of the Sentencing Act. The Bill makes that expansion by adding further offences from the *Criminal Code*, *Sex Industry Offences Act 2005* and *Police Offences Act 1935*.

This means that Criminal Code offences of distributing, possessing and accessing child exploitation material will all be captured as serious offences for the purpose of the good character evidence reform and for the Sentencing Act's definition of 'sexual offence' generally. So too will the offences of communicating with intent to procure a child or young person and failure by a person in authority to protect a child from a sexual offence.

This expands both definitions to capture a broader range of child sexual offences, not just those involving physical contact or attempted physical contact. It demonstrates that the law will apply a consistent approach to all child sexual offenders.

The offence of assault with indecent intent under subsection 35(3) of the *Police Offences Act* has been added to the definition of sexual offence. This broadens the

good character reform's scope regarding sexual offending, even that which is dealt with summarily. It is the sexual nature of this summary offence that makes it distinct from, for example, an offence of violence dealt with summarily which would not fall within the definition of 'serious offence' in new section 11AA.

Finally, offences under the *Sex Industry Offences Act 2005* have been added. These are procuring, causing or permitting a child to provide sexual services in a sexual services business and receiving a fee or reward known to be derived, directly or indirectly, from sexual services provided by a child in a sexual services business. These child prostitution offences have maximum penalties of 15 years' imprisonment.

The Bill also touches on offences outside the definition of 'serious offence'. It makes clear that a sentencing court is not required to treat good character evidence as a mitigating factor when sentencing for a non-serious offence, as defined, if this is not appropriate in the circumstances.

Honourable Speaker, the reforms in this Bill will not apply to children and young people who were aged under 18 when they committed the offence. In some circumstances, a child can be sentenced as an adult under the *Sentencing Act 1997*. This happens when the *Youth Justice Act 1997* excludes them from its reach, because the offence in question falls within its definition of 'prescribed offence'.

The consultation Bill did not include this restriction, which meant that children being sentenced under the *Sentencing Act* as adults would have been impacted by this reform. That outcome is inconsistent with one of the principles of our Youth Justice Blueprint, being diversion of young people from the criminal justice system. While the impacts of serious offences can be the same regardless of the age of the offender, children and young people are still developing cognitively and emotionally. Evidence of character will be particularly relevant to their rehabilitation prospects and future offending risk.

The Act would commence on Royal Assent. The amendments will apply to relevant court sentences and orders regarding offences committed both before and after commencement.

I sincerely thank the stakeholder groups and members of the public who contributed to the development of this Bill in the consultation process. This Bill reflects several changes made as a result of stakeholder feedback.

Honourable Speaker, I commend the Bill to the House.