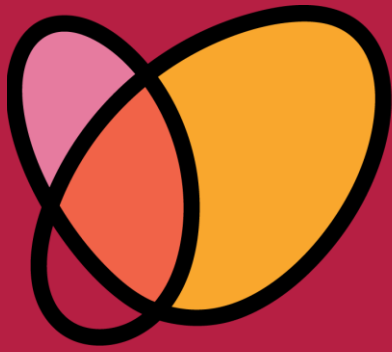




Tasmanian
**Family and
Sexual Violence**
Alliance

**Submission on the Sentencing Amendment
(Good Character) Bill**

July 2026

**Working together for a
Tasmania free from family
and sexual violence**



ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Aboriginal and Torres Strait Islander peoples as the Traditional Custodians and first peoples on the land on which we live, work and play in lutruwita (Tasmania). We pay our respects to the Tasmanian Aboriginal community, to elders past and present and to all those who continue caring for country, sharing stories, and upholding rights. We acknowledge the impacts of colonisation and dispossession, and the contemporary disadvantage experienced by Aboriginal and Torres Strait Islander peoples. We also acknowledge the devastating impacts of family and sexual violence and child removal in Aboriginal communities and recognise the power of truth telling and ongoing leadership by Aboriginal communities in addressing and preventing family and sexual violence.

ACKNOWLEDGEMENT TO VICTIM-SURVIVORS

We acknowledge Tasmania's victim-survivors of family and sexual violence. Victim-survivors hold the insights, knowledge, and expertise to inform primary prevention and systems change, and authentically embedding the lived expertise of victim-survivors is vital in addressing family and sexual violence in Tasmania. We acknowledge children and young people who are victim-survivors also hold expertise that must be valued and respected alongside that of adult victim-survivors. And we recognise the life-long impacts of trauma and acquired disability as a direct result of family and sexual violence.

ABOUT THE TFSVA

The Tasmanian Family and Sexual Violence Alliance is the peak body for family violence, sexual violence, and child abuse and maltreatment services and represents the sector across the continuum of primary prevention, early intervention, response, and healing and recovery. We amplify the voices of lived experience and practice knowledge to improve the family violence, sexual violence and child safeguarding systems, influence policy, and drive cultural change to end gendered violence and child abuse.

SAFETY WARNING

This report explores family and sexual violence and may be distressing and traumatic. We advise readers to consider their personal contexts before proceeding and assess whether it is the right time to read about these matters.

© Tasmanian Family and Sexual Violence Alliance 2026

Suggested citation: Tasmanian Family and Sexual Violence Alliance (2026) *Submission on the Sentencing Amendment (Good Character) Bill*. Hobart: TFSVA.



PREAMBLE

The Tasmanian Family and Sexual Violence Alliance (the Alliance) welcomes this opportunity to comment on the *Sentencing Amendment (Good Character) Bill 2026*.

The Alliance supports the intent of the Bill and welcomes the proposed reforms to limit the use of good character evidence in sentencing. The extension of 2017 provisions barring the use of good character references for sexual violence to all serious offences is a critical and much needed reform for all victim-survivors of family and sexual violence. This approach is increasingly being adopted across Australian jurisdictions and reflects the aim of *Survivors at the Centre*.¹

Victim-survivors have consistently identified the use of offender good character evidence as a source of additional harm within the justice system. Giving weight to an offender's reputation, standing in the community or perceived character can minimise the seriousness of the violence committed, undermine confidence in sentencing outcomes, and compound the trauma experienced by victim-survivors. Restricting the use of good character evidence is an important step towards strengthening victim-survivors' confidence in Tasmania's criminal justice system.

As Tasmania's peak body for family violence, sexual violence and child sexual abuse, the Alliance's role is not to provide detailed legal analysis of the Bill, but rather to consider how the proposed amendments may operate in practice for victim-survivors of family and sexual violence. While we support the intent of the reforms, we consider there are several areas where further clarification and implementation safeguards would strengthen the Bill and improve its operation in practice.

Legislative reform alone will not necessarily achieve the intended outcomes. Consistently, research identifies that judicial staff, like their peers in the community, continue to hold views that are antithetical to preventing and responding to family and

¹ Tasmanian Government 2022, *Tasmania's Third Family and Sexual Violence Action Plan 2022-2027*. Hobart: Tasmanian Government.



sexual violence,² and perpetrator accountability.³ Providing clear legislative guardrails, particularly around the operation of the “interests of justice” exception, will be essential if these amendments are to be fully operationalised and their intent realised for all victim-survivors of family and sexual violence.

The Alliance acknowledges and supports the more detailed submissions provided by specialist sexual violence services, including Laurel House and the Sexual Assault Support Service, particularly where they address technical legislative matters and operational considerations.

-
- ² Australian Law Reform Commission 2020, *Cognitive biases in judicial decision-making*. Sydney: Australian Law Reform Commission; Spohn, C. 2020, Sexual assault case processing: The more things change, the more they stay the same. *International Journal for Crime, Justice and Social Democracy*, 9(1), 86-94; Al-Othman, H. 2026 (9 June), Family courts show ‘widespread’ gender bias and victim-blaming, report finds. *The Guardian*; Rosato, M. 2020, Judging the Judges: The legal system’s reckoning with its own violence against women. Victoria Women’s Trust. <https://www.vwt.org.au/judging-the-judges/>; Wieberneit, M., Thal, S., Clare, J., Notebaert, L., & Tubex, H. 2024, Silenced Survivors: A Systematic Review of the Barriers to Reporting, Investigating, Prosecuting, and Sentencing of Adult Female Rape and Sexual Assault. *Trauma, Violence, & Abuse*, 25(5), 3742-3757; Sweeney, J. 2020, “Brock Turner Is Not a Rapist”: The Danger of Rape Myths in Character Letters in Sexual Assault Cases. *UMKC Law Review*, 89(1), 121-.
- ³ Fitz-Gibbon, K., Maher, J., Thomas, K., McGowan, J., McCulloch, J., Burley, J., & Pfitzner, N. 2020, *The views of Australian judicial officers on domestic and family violence perpetrator interventions*. Sydney: ANROWS



KEY CONCERNS & SUGGESTED ACTIONS

PURPOSE OF ACT

The Alliance supports Laurel House's recommendation that the explanatory materials accompanying the Bill explicitly recognise that offender "good character" can itself facilitate child sexual abuse, sexual violence and family violence by masking abusive behaviour, increasing credibility and reducing the likelihood that victims will be believed or disclosures acted upon.

Strengthening the stated purpose of the Act to make clear that sentencing processes should not be misused to minimise the harms caused by perpetrators of child sexual abuse, sexual violence and family violence is also supported. Explicit recognition of this purpose would assist in guiding consistent interpretation of the amendments and reinforce the victim-centred intent of the reforms.

ENSURING THE INTENT OF THE REFORMS IS REALISED IN PRACTICE

While the Bill appropriately removes formal consideration of an offender's good character, the Alliance is concerned that similar considerations may continue to influence sentencing through broader discretionary factors.

Although the Bill removes formal good character references, many of the same matters may continue to be raised through broader discretionary sentencing considerations, including employment history, family responsibilities, community standing or prospects of rehabilitation. While these matters may be relevant in some circumstances, without clearer legislative guidance, the reforms risk changing the form in which good character evidence is presented, rather than reducing its influence on sentencing outcomes.

Similarly, proposed section 11AA allows evidence of good character to be considered for non-serious offences where the court is satisfied that doing so is "in the interests of justice". While judicial discretion is an important feature of sentencing, the phrase "in the interests of justice" is broad and undefined. Without further guidance, there is a



risk of inconsistent application and unintended reliance on factors the Bill seeks to remove.

These concerns are particularly significant in the context of family and sexual violence. Misconceptions about perpetrators, victim-survivors and coercive control can influence justice responses. Legislative reform is therefore most effective when accompanied by clear statutory guidance that supports consistent decision-making and reflects contemporary understandings of family and sexual violence.

Suggested Action 1: That the circumstances in which evidence may be admitted ‘in the interests of justice’ is further defined and included

Suggested Action 2: That greater clarity be provided regarding the operation of broader discretionary sentencing factors to ensure they do not operate as proxy good character considerations

Suggested Action 3: That implementation of the reforms be supported by judicial education to:

- ensure contemporary understandings of family and sexual violence including coercive control
- ensure greater understanding of contemporary forms of technology-facilitated sexual violence
- ensure greater understanding of contemporary understandings and language related to disability

Suggested Action 4: That the operation of the reforms be evaluated following implementation to assess whether they have reduced reliance on offender good character and improved victim-survivors' confidence in sentencing processes

AVOIDING UNINTENDED CONSEQUENCES FOR VICTIM-SURVIVORS

These amendments will operate alongside the existing legislative definition of family violence. As the Tasmanian Government is currently reviewing the *Family Violence Act 2004*, consideration should be given to ensuring these reforms operate consistently with any future expansion of that definition, so that victim-survivors are afforded equitable protections regardless of the nature of their family relationship.



The potential unintended impact of these amendments on victim-survivors who themselves become defendants within the criminal justice system are concerning. Family violence victim-survivors may be charged with offences arising from their experiences of violence, including where offending has occurred in the context of coercion, trauma, exploitation, self-protection, protection of children, or where they have been misidentified as the predominant aggressor.

In these circumstances, information from family members, support people or others who understand the context of the victim-survivor's experiences may assist the court to properly understand the offending behaviour. While this information may not traditionally be characterised as “good character” evidence, the practical effect of these amendments may limit opportunities for that context to be placed before the court.

As the amendment extends beyond family and sexual violence offences, it may also capture victim-survivors whose offending arises directly from their own experiences of violence. Of particular concern is the extension of the prohibition to all indictable offences captured under the *Victims of Crime Assistance Act 1976*, as this may have unintended consequences for victim-survivors whose offending is directly connected to their victimisation.

The legislation should provide greater clarity regarding how these provisions are intended to operate where offending occurs in the context of family violence, coercive control, victimisation, trauma, disability or systemic disadvantage.

Suggested Action 5: That consideration be given to whether additional legislative guidance or exceptions are required where offending arises directly from victimisation, coercion or family violence is considered

Suggested Action 6: That guidance be developed regarding the operation of these provisions where victim-survivors have been misidentified as the predominant aggressor

Suggested Action 7: The implementation and impact of the reforms be monitored and evaluated to ensure they do not create unintended barriers to justice for victim-survivors.



RECOGNISING THE DISTINCT CIRCUMSTANCES OF YOUNG PEOPLE

Issues identified by Laurel House regarding the operation of these amendments for young people, particularly those involved in harmful sexual behaviours are acknowledged and supported by the Alliance.

Young people present distinct developmental considerations, and sentencing responses appropriately place significant emphasis on rehabilitation, developmental maturity and responsiveness to intervention. In these circumstances, letters of support may provide important information regarding a young person's engagement with education, family supports, treatment participation and capacity for positive behavioural change.

Suggested Action 8: That contemporary understandings of brain development, and the intersection of brain development and exposure to adverse childhood experiences are incorporated into judicial education

The Alliance supports further consideration of these issues and endorses Laurel House's recommendations regarding:

- ➡ The application of these amendments to young people involved in harmful sexual behaviours
- ➡ Reviewing the definition of sexual offences to ensure it captures contemporary forms of technology-facilitated sexual violence
- ➡ Reviewing the statutory definition of disability to ensure it reflects contemporary understandings and language

CONCLUSION

The intent of the *Sentencing Amendment (Good Character) Bill 2026* is strongly supported, and the Alliance welcomes the continued strengthening of victim-centred approaches within Tasmania's justice system.

The proposed reforms have the potential to improve victim-survivors' confidence in sentencing processes by reducing reliance on offender good character evidence. However, legislative reform alone will not achieve these outcomes. Clear statutory



guidance, careful implementation, judicial education and ongoing evaluation will be essential to ensure that the intended benefits of the reforms are realised in practice.

If the concerns raised in this submission, and those of Laurel House and SASS are addressed, the Alliance considers the Bill has the potential to strengthen victim-survivors' confidence in sentencing processes, improve perpetrator accountability, and promote greater consistency in the application of these important reforms.