TASMANIA

SENTENCING AMENDMENT (PUBLICATION OF CRIMINAL ACTIVITY) ACT 2026

No. 22 of 2026

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SENTENCING AMENDMENT (PUBLICATION OF CRIMINAL ACTIVITY) ACT 2026

No. 22 of 2026

An Act to amend the *Sentencing Act 1997*

[Royal Assent 20 November 2026]

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 (Publication of Criminal Activity) 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.

4. Section 11BB inserted

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

11BB. Certain actions of offenders to be taken into account when sentencing offenders

(1) In this section –

electronically publish, in relation to a statement, image or video, includes a broadcast or transmission of the statement, image or video –

(a) by electronic or digital means; and

(b) regardless of whether the broadcast or transmission was available to all members of the public or selected persons.

(2) In determining a sentence for an offence in accordance with this Act, a court is to take into account, as an aggravating circumstance, that –

*No. 59 of 1997

(a) the offender has –

(i) electronically published one or more statements, images or videos in respect of the offence or a victim of the offence; or

(ii) caused the electronic publication of any such statement, image or video; and

(b) a reasonable person would consider that –

(i) the material, or the dissemination of the material, is likely to humiliate, intimidate or victimise a victim of the offence; or

(ii) the electronic publication of the statement, image or video was for one or more of the following purposes:

(A) increasing the reputation or notoriety of the offender;

(B) boasting about the commission of the offence;

(C) glorifying the commission of the offence;

(D) encouraging another person to commit the same or a similar offence.

(3) To avoid doubt, this section does not limit any other aggravating or mitigating circumstance that a court may take into account under this Act, any other Act or the common law in determining the appropriate sentence for an offence.

(4) This section does not apply in relation to an offence that was committed before the day on which this section commences.

5. Section 104AF inserted

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

104AF. Review of provisions inserted by *Sentencing Amendment (Publication of Criminal Activity) Act 2026*

(1) The Minister is to cause a review of the operation of section 11BB, as inserted by the *Sentencing Amendment (Publication of Criminal Activity) Act 2026* and as amended from time to time, to be

undertaken as soon as practicable after the fifth anniversary of the commencement of that Act.

(2) The person who undertakes a review under subsection (1) must provide the Minister with a written report on the review as soon as practicable after the review is completed.

(3) The Minister is to cause the written report of the review to be laid before each House of Parliament within 10 sitting-days after the report is provided to the Minister under subsection (2).

6. Repeal of Act

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

Sentencing Amendment (Publication of Criminal Activity) Act 2026
Act No. 22 of 2026

[Second reading presentation speech made in:–
House of Assembly on 1 September 2026
Legislative Council on 10 September 2026]