

**Legislative Council—No 14**

As received from the House of Assembly and read a first time, 5 June 2014

South Australia

**Criminal Law (Sentencing) (Character Evidence)  
Amendment Bill 2014**

A BILL FOR

An Act to amend the *Criminal Law (Sentencing) Act 1988*.

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**The Parliament of South Australia enacts as follows:**

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Criminal Law (Sentencing) (Character Evidence) Amendment Act 2014*.

#### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

#### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Criminal Law (Sentencing) Act 1988*

#### 4—Amendment of section 10—Sentencing considerations

Section 10(3)—after paragraph (b) insert:

(ba) the good character or lack of previous convictions of the defendant if—

- (i) the offence is a class 1 or class 2 offence within the meaning of the *Child Sex Offenders Registration Act 2006*; and
- (ii) the court is satisfied that the defendant's alleged good character or lack of previous convictions was of assistance to the defendant in the commission of the offence;

#### 5—Amendment of section 20AAC—Sentence of imprisonment not to be suspended

- (1) Section 20AAC(2)(a)—delete "primary policy of the criminal law in respect of firearms offences as set out in section 10(3a)" and substitute:

need for general and personal deterrence to be the paramount consideration in the sentencing (as set out in section 10(2)(e))

- (2) Section 20AAC—after subsection (2) insert:
  - (3) If subsection (2) applies, section 10(2)(e) is taken not to apply in relation to the sentencing.