GILSHENAN & LUTON
LEGAL PRACTICE



The use of good character evidence in sexual offence sentencing

Author: Jessica Rosengren
Email: jrosengren@gnl.com.au
Phone: 0420 577 977
Date: Sunday January 4, 2026

From 1 November 2025, Queensland courts will no longer accept “good character” references in sentencing for sexual offences unless those references are directly relevant to an offender’s rehabilitation prospects or likelihood of reoffending. This article addresses the changes to the current sentencing regime, specific legislative amendments, and the potential implications for legal practitioners, the court and our clients.

Major changes to Queensland’s sentencing laws

This amendment is one aspect of the major changes to Queensland’s sentencing laws through the introduction of the *Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025*. The Bill marks a deliberate move away from traditional mitigation practices that allow general statements of good character to be taken into account when determining sentencing outcomes, even in serious cases of sexual violence.

Under the reforms, the use of “good character” evidence will be restricted for sexual offences, and recognition of the harm caused to a complainant will become an express purpose of sentencing. This means a defendant’s “good character” can only be treated as a mitigating factor in circumstances where it is relevant to the defendant’s prospects of rehabilitation or likelihood of reoffending.

What is “good character” evidence?

Under Queensland’s sentencing framework, courts have historically been permitted to consider a defendant’s character and background as relevant factors when determining an appropriate sentence.

In practice, "good character" evidence is commonly presented to the court in the form of character references or statements regarding a defendant's standing in the community. These references may demonstrate positive aspects of a defendant's character, background, or conduct, which may be relevant to sentencing outcomes.

This type of evidence is generally introduced by the defence, and in some instances, has been treated as a basis for reducing the severity of the sentence.

Key legislative amendments to Queensland's sentencing laws

"Good character" evidence

The 2025 legislative amendments restrict how certain forms of good character evidence can be used in mitigation when sentencing defendants for sexual offences.

Specifically, sentencing courts must not give weight to character evidence unless the material:

- relates directly to the offender's rehabilitation; or
- is demonstrably relevant to the offender's risk of reoffending.

This means that the familiar practice of introducing character evidence which recognises a defendant's prior good conduct, reputation, or community service, without addressing the above features, will be considered irrelevant and inadmissible for mitigation purposes in sexual offence cases.

For example, statements about the offender being a "good person", a "respected member of the community", or someone who has "never been in trouble before" will **not** be admissible in sentencing for sexual offences.

Character evidence must now show:

- how the offender has taken steps toward rehabilitation (e.g. attending counselling, therapy or participating in treatment programs);
- evidence of genuine remorse and behavioural change; and
- how support networks may reduce the chance of the defendant reoffending.

Other amendments

Even where the above forms of character evidence are found relevant to rehabilitation or reoffending, courts are permitted to decline to mitigate the sentence. In exercising that discretion, the court may have regard to:

- the nature and seriousness of the offence;
- the harm caused to the complainant (including physical, mental, or emotional harm); and
- the vulnerability of the complainant.

These factors are now expressly identified as relevant to the sentencing process in sexual offence matters.

The legislation also amends section 9(1) of the *Penalties and Sentences Act* to make explicit that recognising the harm done to complainants is a purpose of sentencing. This adds to the existing list of sentencing purposes, such as punishment, deterrence, and rehabilitation.

Will this apply to current cases?

The amendments apply to all sentencing hearings conducted on or after 1 November 2025, regardless of when the offence occurred or when the matter was listed for sentence.

Practical impacts on practitioners and the court

The amendments are likely to have a range of effects on sentencing practices and court procedure, including:

- practitioners will need to advise clients of the more limited role character evidence may now play in sentencing for sexual offences;
- practitioners will need to consider and demonstrate how any good character evidence presented is relevant to the defendant's rehabilitation or low risk of reoffending (rather than relying on general community standing or testimonials);
- judges must not give weight to general good character unless it relates to rehabilitation or risk of reoffending; and
- courts are now required to exclude or disregard character references that do not meet the statutory relevance threshold.

What does this mean for persons charged with sexual offences?

The team at Gilshenan &Luton understand that preparing for sentence is one of the most important stages in any criminal matter. These legislative amendments mean:

- careful preparation of supporting material is more critical than ever;
- we will advise you about ensuring your supporting material meets the new requirements; and
- we will help you engage with appropriate rehabilitation services and prepare documents in a way that courts will recognise.

The law has changed. If you or someone you know is facing a sexual offence charge, it is important to seek advice about how to best prepare your matter for sentencing.

Contacting Gilshenan &Luton Lawyers

07 3361 0222 (24/7)

gnl@gnl.com.au

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.