



New South Wales

Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Bill 2026

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes (Sentencing Procedure) Act 1999* to prevent good character from being taken into account as a mitigating factor in determining appropriate sentences for offences and to make consequential and related amendments.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Schedule 1 **Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

Schedule 1[6] gives effect to the object of this Bill. The proposed amendment provides that—

- (a) the principle or rule of common law that requires or allows good character to be considered by a court as a mitigating factor in determining the appropriate sentence for an offence is abolished, and
- (b) a court, in determining the appropriate sentence for an offence, must not consider evidence adduced solely for the purpose of establishing good character, but this does not prevent a court from considering evidence adduced for another purpose or principle of, or factor in, sentencing.

Schedule 1[1]–[5] and [7] make consequential amendments.

Schedule 1[8] provides for a review of the operation of the amendments made by this Bill.

Schedule 1[9] is a transitional provision.



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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Bill 2026

No. _____, 2026

A Bill for

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to prevent good character from being taken into account as a mitigating factor in determining appropriate sentences for offences; and for related purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Act 2026*.

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4

2 Commencement

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This Act commences on a day to be appointed by proclamation.

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Schedule 1	Amendment of Crimes (Sentencing Procedure) Act 1999 No 92	1
		2
[1]	Section 9 Conditional release orders	3
	Omit “character,” from section 9(2)(a).	4
[2]	Section 10 Dismissal of charges and conditional discharge of offender	5
	Omit “character,” from section 10(3)(a).	6
[3]	Section 21A Aggravating, mitigating and other factors in sentencing	7
	Omit section 21A(3)(f).	8
[4]	Section 21A(5A)	9
	Omit “good character or”.	10
[5]	Section 21A(5A)	11
	Omit “the factor concerned”. Insert instead “this factor”.	12
[6]	Section 21A(5D)–(5F)	13
	Insert after section 21A(5C)—	14
	(5D) The principle or rule of common law that requires or allows good character to be considered by a court as a mitigating factor in determining the appropriate sentence for an offence is abolished.	15 16 17
	(5E) A court, in determining the appropriate sentence for an offence, must not consider evidence adduced solely for the purpose of establishing good character.	18 19 20
	(5F) Subsection (5E) does not prevent a court from considering evidence adduced for another purpose or principle of, or factor in, sentencing.	21 22
[7]	Section 45 Court may decline to set non-parole period	23
	Omit “antecedent character” from section 45(1)(a). Insert instead “antecedents”.	24
[8]	Section 108	25
	Insert after section 107—	26
108	Review of Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Act 2026	27 28
	(1) The Minister must review the operation of the amendments made by the <i>Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Act 2026</i> , including—	29 30 31
	(a) the operation of section 21A(5A) after the commencement of the amendments, and	32 33
	(b) the impact of the removal of good character as a mitigating factor in domestic and family violence matters.	34 35
	(2) The review must be undertaken as soon as possible after the period of 2 years from the commencement of the amendments.	36 37
	(3) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the end of the period of 2 years.	38 39

[9] Schedule 2 Savings, transitional and other provisions	1
Insert at the end of the schedule, with appropriate part and clause numbering—	2
Part Provision consequent on enactment of Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Act 2026	3
	4
	5
Application of amendments	6
The amendments made by the <i>Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Act 2026</i> (the amending Act) apply to sentencing proceedings begun but not finalised before, and a sentence imposed after, the commencement of the amending Act in relation to the following—	7
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(a) an offence committed before or after the commencement of the amending Act,	11
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(b) criminal proceedings commenced before or after the commencement of the amending Act.	13
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