

c2026-114I
OPP--Opposition

LEGISLATIVE COUNCIL

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

First print

Proposed amendments

- No. 1 **Conditional release orders and conditional discharge**
Page 3, Schedule 1[1] and [2], lines 3–6. Omit all words on the lines.
- No. 2 **Good character as a mitigating factor**
Page 3, Schedule 1[3], line 8. Omit all words on the line. Insert instead—
Insert after section 21A(3)—
 (3A) Despite subsection (3)(f), the court, having taken into account the
 good character of the offender, may decide to give no weight to
 this factor in determining the appropriate sentence for the
 offence.
- No. 3 **Good character as a mitigating factor**
Page 3, Schedule 1[6], lines 13–22. Omit all words on the lines. Insert instead—
 [6] Section 21A(5AA)
 Insert after section 21A(5A)—
 (5AA) **Special rules for sexual offences**
 Despite subsection (3)(f), in determining the appropriate sentence for a
 sexual offence, the good character of the offender must not be
 considered as a mitigating factor.
- [6A] Section 21A(5AB)**
 Renumber section 21A(5AA) (**Special rule for self-induced intoxication**) as
 section 21A(5AB).
- [6B] Section 21A(5B)**
 Omit “Subsections (5A) and (5AA)”.
 Insert instead “Subsections (5A)–(5AB)”.
- [6C] Section 21A(6)**
 Insert in alphabetical order—
 sexual offence means—

-
- (a) an offence against the *Crimes Act 1900*, Part 3, Division 10, 10A, 10B, 15 or 15A, or
 - (b) an offence against a provision set out in the *Crimes Act 1900*, Schedule 1A, Column 1 where the person against whom the offence was committed was then under the age of 16 years, or
 - (c) an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in paragraph (a) or (b), or
 - (d) an offence under a previous enactment that is substantially similar to an offence referred to in paragraphs (a)–(c).

No. 4 **Good character as a mitigating factor**

Page 3, Schedule 1[7], lines 23 and 24. Omit all words on the lines.

No. 5 **Good character as a mitigating factor**

Page 3, Schedule 1[8], proposed section 108(1), lines 31–35. Omit all words on the lines. Insert instead—

Act 2026, including the operation of section 21A(5AA) after the commencement of the amendments.

No. 6 **Long title**

Insert “certain” before “offences”.