



New South Wales

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

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2026



New South Wales

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

Act No , 2026

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 certain offences; and for related purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

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

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

[1] Section 21A Aggravating, mitigating and other factors in sentencing

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.

[2] Section 21A(5A)

Omit “good character or”.

[3] Section 21A(5A)

Omit “the factor concerned”. Insert instead “this factor”.

[4] Section 21A(5AA)–(5AD)

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.

- (5AB) To avoid doubt, 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 a sexual offence is abolished.

- (5AC) A court, in determining the appropriate sentence for a sexual offence, must not consider evidence adduced solely for the purpose of establishing good character.

- (5AD) Subsection (5AC) does not prevent a court from considering evidence adduced for another purpose or principle of, or factor in, sentencing.

[5] Section 21A(5AE)

Renumber section 21A(5AA) as section 21A(5AE).

[6] Section 21A(5B)

Omit “Subsections (5A) and (5AA)”.

Insert instead “Subsections (5A)–(5AE)”.

[7] 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 16 years of age, 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).

[8] Section 108

Insert after section 107—

108 Review of Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Act 2026

- (1) The Minister must review the operation of the amendments made by the *Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Act 2026*, including the operation of section 21A(5AA) after the commencement of the amendments.
- (2) The review must be undertaken as soon as possible after the period of 2 years from the commencement of the amendments.
- (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.

[9] Schedule 2 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Act 2026

Application of amendments

The amendments made by the *Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Act 2026* (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—

- (a) an offence committed before or after the commencement of the amending Act,
- (b) criminal proceedings commenced before or after the commencement of the amending Act.