

Parliament of Victoria

Good character in sentencing: a jurisdictional comparison

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Research Note

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Content warning: This Note contains information that some readers may find distressing as it refers to family, domestic and sexual violence.

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Executive Summary

The concept of ‘good character’ in sentencing has been called into question in recent years across Australian jurisdictions, particularly in relation to sexual offences and child abuse cases. Victim-survivor advocates and legal experts have been campaigning for the removal of ‘good character’ as a mitigating factor and restrictions on the use ‘good character references’ in criminal sentencing, as well as for greater consistency across jurisdictions.

The Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026 was introduced to the Victorian Parliament in August 2026, and among its provisions are amendments to the *Sentencing Act 1991* to remove good character as a mitigating factor for all offences.

This paper provides a brief overview of the Bill’s provisions that relate to the use of good character in sentencing (the Bill has many other provisions that aren’t examined here). It also provides a comparison of how Australian jurisdictions allow, restrict or are moving to remove good character as a mitigating factor.

An accompanying research note from the Library, *Coercive control offence: a jurisdictional comparison*, provides a similar overview and comparison of the Bill’s provisions that create a new standalone offence of coercive control.

1 | Context and key issues

Critiques of ‘good character’ in sentencing

The appropriateness of ‘character’ as a sentencing consideration has been increasingly critiqued in recent years. Victim-survivor advocates and legal experts have argued that it is unsuitable because it can result in the reduction of sentences for convicted perpetrators of serious crimes and yet it can be based on vague concepts of ‘good’ and is unevidenced as a predictor of reoffending or rehabilitation.¹ ‘Good character references’ in particular have also come under increased scrutiny in relation to child sexual abuse and sexual offences, where glowing descriptions of perpetrators have been found to retraumatise and invalidate victim-survivors.²

In their review into justice responses to sexual violence in 2025, the Australian Law Reform Council heard from advocacy groups and state and territory law councils that ‘good character’ should be removed as a consideration during sentencing.³ Others recommended that restrictions should apply at least to cases where an offender uses their ‘good character’ to commit the offence, as is the case in several jurisdictions (see below).⁴ Victoria already restricts the use of ‘good character’ in sentencing for child sexual assault cases, but only in cases where the ‘good character’ assisted the offender in the commission of the crime.⁵

Removing ‘good character’

Most Australian jurisdictions have therefore been moving to remove good character considerations in sentencing to some degree. Although other states and territories had placed restrictions on its use, New South Wales was the first to remove it for all offences in June 2026, following a review from the NSW Sentencing Council in 2025 that recommended the abolition of these references in sentencing.⁶ The review followed the ‘Your Reference Ain’t Relevant’ campaign by advocates Jarad Grice and Harrison James, survivors of child sexual abuse.⁷ Other states and territories have conducted reviews and have since either announced or introduced changes (see ‘Jurisdictional comparison’ section).

There has been some resistance to the removal of ‘good character’ provisions. NSW Sentencing Council’s dissenting members argued that ‘good character’ evidence allows the justice system to deliver more individualised and just outcomes, and such a fundamental change would risk ongoing litigation.⁸ Some First Nations legal advisors also argue that governments should instead improve the justice system experience for victims, particularly Aboriginal victims.⁹

¹ NSW Sentencing Council (2025) [Report: Good character at sentencing](#), July, Sydney, NSW Sentencing Council; P. Buckley (2026) ‘[NSW to remove “good character” from being considered at sentencing hearings in nationwide first](#)’, *The Guardian*, 1 February; A.-J. George & V. Lowik (2026) ‘[Considering character: NSW is ditching good character references in sentencing. Will the rest of the country follow?](#)’, Bond University website.

² George & Lowik (2026) op. cit.; V. Lowik & A.-J. George (2024) ‘[Character references tell a court you’re a good person. Why are convicted rapists allowed to use them?](#)’, *The Conversation*, 25 November; Queensland Sentencing Advisory Council (2025) [Community Summary - Sentencing of Sexual Assault and Rape: The Ripple Effect – Final Report](#), February, Brisbane, QSAC.

³ Australian Law Reform Commission (2025) [Final Report: Safe, Informed, Reported: Reforming Justice Responses to Sexual Violence](#), January, Canberra, Australian Government, p. 599.

⁴ Law Council of Australia (2024) [Submission - Issues Paper: Justice responses to sexual violence Australian Law Reform Commission](#), 4 July, Canberra, Law Council of Australia, pp. 35–36.

⁵ [Sentencing and Other Acts \(Amendment\) Act 1997](#), ss 5(2), 5AA.

⁶ NSW Sentencing Council (2025) op. cit.; Buckley (2026) op. cit.

⁷ L. Twyford (2023) ‘[Mates Harrison James and Jarad Grice are on a mission to scrap good-character references for convicted paedophiles](#)’, *ABC News*, 3 November.

⁸ NSW Sentencing Council (2025) op. cit.

⁹ Buckley (2026) op. cit.

Victorian changes

In February 2026, Victorian Attorney-General Sonya Kilkeny announced that the government intended to remove ‘good character references’ at sentencing for all cases.¹⁰ On 11 August 2026, Premier Ben Carroll announced the introduction of legislation to take ‘good character references off the table so perpetrators can’t use their reputation for less jail time’.¹¹ The Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026 (‘the Bill’) was introduced to the Legislative Assembly by the Minister for Prevention of Family Violence on 11 August 2026 and was second read the following day.

While the Bill proposes many changes to the justice and family violence system, a key set of provisions propose to prevent the use of ‘good character’ as a mitigating factor in sentencing for all offences. Under its provisions, courts will no longer be able to draw on evidence of a convicted offender’s character to reduce their sentence (although information relevant to rehabilitation, reoffending risk and personal circumstances will remain admissible).

Laws and reforms across jurisdictions

Table 1 provides an overview of the main laws relating to using ‘good character’ in sentencing and provides details on recent reforms in each jurisdiction. The table is intended as an overview of recent updates to ‘good character’ in sentencing and should not be considered legislative interpretation or legal expertise or advice.

¹⁰ S. Kilkeny, Attorney General (2026) ‘[Labor scrapping ‘good character’ references in court](#)’, media release, 27 February.

¹¹ B. Carroll, Premier ‘[Labor protects victim-survivors with landmark laws](#)’, media release, 11 August.

2 | Jurisdictional comparison

Table 1: Laws and recent reforms concerning the use of ‘good character’ in sentencing in Australian jurisdictions

	Principal Act	Recent reforms	Consider ‘good character’ in sentencing’?	Restrictions	Relevant section/clause	Relevant inquiries/Notes
Victoria (current)	Sentencing Act 1991	--	Yes, with restrictions	‘Good character’ cannot be used as a mitigating factor for child sexual offences if it assisted in the commission of the offence	ss 5(2), 5AA	
Victoria (provisions in new Bill)	Sentencing Act 1991	Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026 Second read August 2026	No	‘Good character’ cannot be used as a mitigating factor for any offence	cl 40 would amend s 5(2) of the Sentencing Act cl 41 would insert a new section 5AAA(1)	
Australian Capital Territory	Crimes (Sentencing) Act 2005	Family, Personal and Sexual Violence Legislation Amendment Bill 2025 Presented to Legislative Assembly December 2025	Yes, with restrictions	‘Good character’ cannot be used in sentencing for all child sexual offences	cl 4 would amend s 34A to remove instances when good character can be used in child sexual offences	Under current law , good character is disregarded for child sexual offences only if it assisted in the commission of the offence (s34A(b)). Inquiry into the Family, Personal and Sexual Violence Legislation Amendment Bill 2025 , Standing Committee on Legal Affairs, April 2026

	Principal Act	Recent reforms	Consider 'good character' in sentencing'?	Restrictions	Relevant section/clause	Relevant inquiries/Notes
Commonwealth	<i>Crimes Act 1914</i>	--	Yes	No specific restriction on the mitigating use of 'good character' identified Use of the offender's standing in the community to aid commission of the offence is an aggravating factor	s 16A(2)(m) states character is a sentencing consideration s 16A(2)(ma)	The Act uses the term 'character', not 'good character'
New South Wales	<i>Crimes (Sentencing Procedure) Act 1999</i>	<i>Crimes (Sentencing Procedure) Amendment (Good Character) Act 2026 No 10</i> Assented May 2026	Yes, with restrictions	Removed 'good character' as a mitigating factor in sentencing for sexual offences	ss 2, 4	<i>Good character in sentencing</i> , NSW Sentencing Council, July 2025
		<i>Crimes (Sentencing Procedure) Amendment (Good Character) Act 2026 No 17</i> Assented June 2026 but not commenced	No	Removed 'good character' as a mitigating factor in sentencing for all offences	s 3 amended s 21A(3)(f) of the Principal Act to remove 'good character' from the list of mitigating factors	
Northern Territory	<i>Sentencing Act 1995</i>	<i>Criminal Justice Legislation Amendment (Sexual Offences) Act 2023</i> Commenced March 2024	Yes, with restrictions	'Good character' cannot be used as a mitigating factor for child sexual offences if it assisted in the commission of the offence	s 29 inserted new section s 5(3A) to outline when good character must be disregarded in child sexual offences	

	Principal Act	Recent reforms	Consider 'good character' in sentencing'?	Restrictions	Relevant section/clause	Relevant inquiries/Notes
Queensland	<i>Penalties and Sentences Act 1992</i>	<i>Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025</i> Assented September 2025	Yes, with restrictions	'Good character' can only be used in sentencing for a sexual offence if it is relevant to rehabilitation or the risk of reoffending The court may also decide to not use 'good character' as a mitigating factor in other offences based on the seriousness of the offence and the physical, mental or emotional harm to the victim and the victim's vulnerability	s 12 amended s 9(2)(f) and ss 9(3A)–9(3C) of the Principal Act to outline when and where 'good character' may be used in sentencing	<i>Sentencing of Sexual Assault and Rape: The Ripple Effect</i> , Queensland Sentencing Advisory Council, December 2024.
South Australia	<i>Sentencing Act 2017</i>	--	Yes, with restrictions	'Good character' cannot be used as a mitigating factor for child sexual offences if it assisted in the commission of the offence	s 11(1) determines factors courts must take into account s 11(4) restricts 'good character' use in sentence for child sexual offences	
Tasmania	<i>Sentencing Act 1997</i>	<i>Sentencing Amendment (Good Character) Bill 2026</i> Introduced August 2026	Yes, with restrictions	'Good character' can be considered for non-serious offences 'Good character' cannot be considered for all serious offences, including sexual offences Allowed for serious offences if it relates to rehabilitation or reoffending and if the judge considers it appropriate after considering the nature of the offence and the vulnerability of and harm to the victim	cl 5 inserted s 11AA	Under current law , 'good character' cannot be used in sentencing for sexual offences if it assisted in the commission of the offence (s 11A(2)(b)).

	Principal Act	Recent reforms	Consider 'good character' in sentencing'?	Restrictions	Relevant section/clause	Relevant inquiries/Notes
Western Australia	<i>Sentencing Act 1995</i>	--	Yes	Not listed in mitigating factors specifically Only referred to in sentencing for spent convictions or release without sentence	ss 8, 45, 46	Despite only being referenced in relation to spent convictions and release without sentence in the Act, judicial discretion still applies. This was evident in a recent high-profile case which saw a judge reduce a sentence for a sexual offence citing 'good character' in his reasoning. The WA government also plans to ban 'good character' references in sentencing for child sexual offences, and is considering extending this to all sexual offences.

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Criminal Justice Legislation Amendment (Sexual Offences) Act 2023 (NT)

Family, Personal and Sexual Violence Legislation Amendment Bill 2025 (ACT)

Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026 (VIC)

Penalties and Sentences Act 1992 (QLD)

Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025 (QLD)

Sentencing Act 1991 (Vic)

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