

**NSW Legislative Council**  
Portfolio Committee No. 5  
Justice and Communities  
[PortfolioCommittee5@parliament.nsw.gov.au](mailto:PortfolioCommittee5@parliament.nsw.gov.au)

**Re: Inquiry into the Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Bill 2026**  
**Schedule 1 - Amendment of the Crimes (Sentencing Procedure) Act 1999**

Dear Members of Portfolio Committee No. 5 - Justice and Communities,

Thank you for the opportunity to provide feedback on the Terms of Reference and the *Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Bill 2026* (the Bill).

Domestic Violence NSW (DVNSW) is the peak body for specialist domestic and family violence (DFV) services in New South Wales, representing approximately 200 member organisations across the state. DVNSW advocates for improved policy and legislative responses to DFV and supports high-quality, integrated service delivery across the sector.

DVNSW acknowledges the tireless advocacy of survivor-advocates Harri James and Jarad Grice, co-founders of the #YourReferenceAintRelevant campaign, which brought critical attention to the use of character references at sentencing in cases of childhood sexual abuse and the profound harm this can cause to victim-survivors.

In February 2025, DVNSW provided feedback to the NSW Sentencing Council in response to the consultation paper *Good Character at Sentencing*. DVNSW's position remains that while the removal of good character evidence as a mitigating factor may be appropriate in certain matters, significant concerns arise for victim-survivors who have been misidentified as the person using violence in domestic and family violence related criminal matters.

The consequences of criminalisation for misidentified victim-survivors can be severe and long-lasting, including impacts on safety, recovery, housing stability, parenting arrangements, employment and long-term wellbeing.

DVNSW also notes the broader context of judicial reform in NSW, including the introduction of the coercive control offence and increasing recognition of the complexity of domestic and family violence perpetration, victimisation and victim-survivor resistance.

In this context, DVNSW reiterates that a systemic review of the *Crimes (Domestic and Personal Violence) Act 2007* should be prioritised to ensure legislative settings align with contemporary evidence and lived experience.

## Terms of Reference

### **1. That the Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Bill 2026 be referred to Portfolio Committee No. 5 - Justice and Communities for inquiry and report.**

DVNSW welcomes the referral of the Bill for inquiry and report.

The proposed amendments aim to abolish the common law principle allowing good character to be considered as a mitigating factor at sentencing and to prevent courts from considering evidence adduced solely to establish good character. DVNSW recognises that in domestic and family violence matters, character evidence may be used by defendants as part of broader patterns of minimisation and denial, and as a further tactic of abuse against victim-survivors. In these circumstances, sentencing processes can become an additional site of coercive control and re-traumatisation.

However, DVNSW remains concerned about the potential impact of these amendments on victim-survivors who are misidentified as the person using violence. Misidentification of the person most in need of protection and the reliance on incident-based policing, continues to occur across NSW and is well documented by frontline specialist services.

DVNSW members report the profound and lasting impacts of criminalisation on victim-survivors who are misidentified, including increased safety risks, loss of trust in the justice system, housing instability, child protection involvement and barriers to employment.

While other mitigating factors remain available to defendants under the *Crimes (Sentencing Procedure) Act 1999*, the removal of good character as a mitigating factor may create unintended and disproportionate consequences for misidentified victim-survivors. This includes individuals with no prior criminal history, as well as those with previous minor or poverty-related convictions who may be charged following incidents of resistance or defensive conduct in the context of domestic and family violence.

DVNSW members also report that many victim-survivors feel compelled to plead guilty to charges such as common assault because the process of a defended hearing is too onerous, retraumatising, costly or uncertain. Additionally, women in regional, rural and remote areas are restricted from attending court on a number of occasions due to transportation issues and parenting responsibilities. For many, the potential risks to children, housing stability, immigration status or existing protection orders mean that decisions are often driven by risk management rather than legal culpability.

These dynamics are likely to have a disproportionate impact on marginalised communities, particularly Aboriginal women, women with disabilities, LGBTIQ+ communities and women from migrant and refugee backgrounds. These groups already experience systemic over-policing, heightened surveillance, structural barriers to legal representation and significant mistrust of statutory systems.

In this context, removing good character as a mitigating factor, without parallel safeguards to address misidentification and systemic bias, risks compounding existing inequities within the justice system.

### **2. That the Committee report by 14 April 2026.**

DVNSW supports the Legislative Council, Portfolio Committee No. 5 reporting its findings by 14 April 2026. Certainty regarding the operation of these provisions is important for victim-survivors and for the specialist services that support them.

## DVNSW Recommendations

DVNSW recommends that:

1. **Domestic and family violence matters should not automatically be subject to the proposed amendment**, due to the complexity of DFV dynamics and the well-documented issue of misidentification of the person most in need of protection.
2. **The Special Rules for Child Sexual Offences (Part 3, Division 5A of the Crimes (Sentencing Procedure) Act 1999) should be reintroduced and expanded to include all sexual violence related offences.**
3. **A comprehensive review of the Crimes (Domestic and Personal Violence) Act 2007 should be undertaken** to ensure legislative responses to domestic and family violence align with contemporary evidence and the lived experience of victim-survivors.
4. **Mandatory, ongoing trauma-informed and domestic violence-informed training should be provided to all judicial officers and court staff**, including specific modules on:
  - Misidentification of the person most in need of protection
  - Victim-survivor resistance and defensive actions
  - Patterns and tactics of coercive control
5. **Improved procedural safeguards should be implemented to identify and address misidentification early in DFV-related criminal proceedings.**

Strengthening systemic and legislative capability in this way will better equip the justice system to identify the person most in need of protection and ensure that judicial processes, including sentencing outcomes, do not compound injustice for victim-survivors.

## Conclusion

DVNSW supports the reintroduction and expansion of the Special Rules for Child Sexual Offences (Part 3, Division 5A of the *Crimes (Sentencing Procedure) Act 1999*) to include all sexual violence related offences.

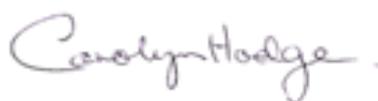
However, DVNSW remains concerned that the removal of good character evidence as a mitigating factor for all offences at sentencing could inadvertently disadvantage the very people the justice system is intended to protect. People who use violence frequently exploit multiple systemic pathways to perpetuate abuse and control, including statutory and legal processes.

Systemic reform must proceed alongside a commitment to addressing misidentification and ensuring that victim-survivors are not inadvertently further criminalised or disadvantaged.

Without parallel reforms and targeted training, the justice system risks compounding harm to victim-survivors of domestic and family violence.

DVNSW welcomes continued engagement with the Committee and would be pleased to provide further information if required.

For additional information on the above feedback, please contact Angie Gehle, Senior Policy and Advocacy Officer, on (02) 9698 9777.



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## References

Domestic Violence NSW (DVNSW), 2025. Good Character at Sentencing  
Your Reference Aint Relevant Campaign, 2026