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LEGISLATIVE SCRUTINY COMMITTEE

Public Briefing Transcript

Sentencing Amendment (Murder) Bill 2026

1.00 pm – 1.30 pm, Monday, 9 February 2026

Litchfield Room, Level 3 Parliament House, Darwin

Members: Mrs Oly Carlson MLA, Chair, Member for Wanguri
Mr Clinton Howe MLA, Deputy Chair, Member for Drysdale
Justine Davis MLA, Member for Johnston
Mr Chanston Paech MLA, Member for Gwoja
Mrs Laurie Zio MLA, Member for Fannie Bay

Witnesses: *Attorney-General's Department*
Erin McAuley, Acting Deputy Chief Executive Officer
Hannah Clee, Acting Director of Legislation and Legal Policy, Strategic Policy
Coordination

INQUIRY INTO THE SENTENCING AMENDMENT (MURDER) BILL 2026
Attorney-General's Department

Madam CHAIR: Welcome to 2026. On behalf of the committee, I welcome everyone to this public briefing into the Sentencing Amendment (Murder) Bill 2026. I welcome to the table to give evidence to the committee from the Attorney-General's Department Erin McAuley, Acting Deputy Chief Executive Officer, and Hannah Clee, Acting Director of Legislation and Legal Policy, Strategic Policy Coordination. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligations not to mislead the committee apply. This is a public briefing and is being webcast through the Assembly's website. A transcript will be made for the use of the committee and may be put on the committee's website. If at any time during this hearing you are concerned that what you say should not be made public, you may ask the committee to go into closed session and take your evidence in private.

Today I have the Member for Drysdale, the Member for Fannie Bay, the Member for Johnston online, and the Member for Gwoja.

Could you please state your name and the capacity in which you are appearing.

Ms CLEE: Hannah Clee, Acting Director of Legislation and Legal Policy, Strategic Policy Coordination.

Ms McAULEY: Erin McAuley, Acting Deputy Chief Executive Officer of the Attorney-General's Department.

Madam CHAIR: Thank you. Ms McAuley, would you like to make an opening statement?

Ms McAULEY: I might leave that to Hannah, if that is okay.

Madam CHAIR: Thank you.

Ms CLEE: Thank you to the committee for the opportunity to brief you on the Sentencing Amendment (Murder) Bill 2026. The purpose of the Bill is to amend the *Sentencing Act 1995* to apply a minimum non-parole period of 25 years' imprisonment for the offence of murder where the victim was or has previously been in an intimate personal relationship with the offender or the spouse or the de facto partner of the offender. The Bill therefore makes amendment to the *Sentencing Act 1995*. Through this briefing our intention is to provide the committee with a short overview of the key amendments in the Bill.

Over the past 25 years the NT has seen almost 100 women killed by their domestic partners. The extent of deaths as a result of domestic, family and sexual violence was more recently highlighted in 2024, with the NT Coroner findings into the inquests into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood. In those findings, the Coroner recorded at least 87 women had been killed by their domestic partners in the years since 2000.

The domestic and family violence homicide rate in the Northern Territory is seven times higher than the national average. This Bill is intended to reflect the severity and profound harm to victims, families and communities caused by the murder of a current or former intimate partner by increasing the minimum non-parole period from 20 years to 25 years for those matters.

The Bill therefore amends section 53A of the *Sentencing Act 1995* to require the court to set a mandatory minimum non-parole period of 25 years' imprisonment for the murder of a person who was the spouse or de facto partner of, or in an intimate personal relationship with, the offender except in exceptional circumstances. The current mandatory minimum non-parole period for murder is otherwise 20 years. The Bill amends section 53A to establish murder of an intimate partner as circumstances where a 25-year non-parole period is applied by the court in sentencing.

Prior to these amendments the person convicted of murdering their intimate partner, spouse or de facto partner would have the mandatory 20-year non-parole period set, unless exceptional circumstances were established. This provision provides the same function, although reflecting the higher mandatory minimum non-parole period.

There is an exceptional circumstance provision that allows for the setting of a shorter non-parole period. This Bill extends the exceptional circumstances to allow a non-parole period that is shorter than the minimum mandatory 25 years to be fixed in circumstances where the murder is of an intimate partner if the court is satisfied that there are exceptional circumstances which justify setting a shorter non-parole period.

This amendment does not extend the scope of exceptional circumstances to any other circumstance where a 25-year mandatory minimum non-parole period is already required. Those circumstances where a 25-year mandatory minimum non-parole period is required include the murder of a child, police officer, emergency services worker, correctional services officer, judicial officer, health professional, teacher, community worker or other occupation involving the performance of a public function or the provision of a community service, or where there is more than one murder being taken into account by the court.

While the setting of a 25-year non-parole period raises murder of an intimate partner to recognise the severity and profound harm that domestic, family and sexual violence causes in our community, it is equally important to allow a court to consider exceptional circumstances to reflect the complex nature of domestic violence—for example, where the victim has a history of abusing the offender or where a loved one is given assistance to end their suffering in the last days of a terminal illness. For there to be exceptional circumstances, the court must be satisfied that the offender is otherwise of good character, unlikely to reoffend and the victim's conduct or conduct and condition substantially mitigate the conduct of the offender.

The amendments are required to reflect the true gravity of intimate partner murder and ensure the justice system reflects that in sentencing and holds perpetrators to account. The Bill will bring intimate partner homicide in line with the Territory's most serious offences, such as the murder of a child, and sharing the same minimum non-parole period of 25 years.

The practical implications: the amendments will take effect for offences committed after the commencement of the Act and will not be applied retrospectively.

Madam CHAIR: Thank you, Ms Clee. I will now open up the floor for questions.

Mr HOWE: Thank you for covering off on the exceptional circumstances, because that is mainly what I want to ask questions on. You spoke of situations where a victim of domestic violence, if they have been charged with the murder of that offender there are still—correct me if I am wrong—provisions that can be self-defence on that charge. Is that correct?

Ms CLEE: In terms of murder?

Mr HOWE: Yes.

Ms CLEE: There is always the ...

Ms McAULEY: With all offences, it comes under the Criminal Code. There are self-defence provisions that will allow for a person to claim that.

Mr HOWE: Yes; okay. That was my only question, thank you.

J DAVIS: Just following on from the Member for Drysdale's question, I just want to ensure—given that the misidentification by police of women, particularly Aboriginal women, as perpetrators of domestic violence continues to be a significant problem here, how will this legislation stop victims of domestic violence from being jailed for 25 years when they act in self-defence? You partly answered this, but I would just like to make sure that it is clear for everyone, and also whether it will be expressly recognised

in the legislation that the court could impose a shorter non-parole period in the category of misidentification cases.

Ms CLEE: The provision that allows for the application of exceptional circumstances is broad in nature in that the court will be able to take into account a wide variety of circumstances, including the history. There is scope for it to be taken into account. As part of the court processes, it should be brought to the court's attention.

J DAVIS: Sorry; what should be brought to the court's attention?

Ms CLEE: If there was that history and the circumstances that would give rise to the exceptional circumstances applying that would allow for the shorter non-parole period to be applied.

J DAVIS: Under the current *Sentencing Act*?

Ms CLEE: Yes. The current provisions there—this Bill allows for the application of exceptional circumstances to be applied in the circumstance where the murder is in relation to an intimate partner.

J DAVIS: More broadly, I am just interested in what kind of evidence and intent this amendment is based on, given that the last 23 of 25 sentences have been minimum 20 years non-parole and most were higher. I am just wondering what the need for this amendment is.

Ms CLEE: It gives recognition to the number of domestic violence murders in the Territory, and it is meaning rather than the 20-year minimum that it is a minimum 25 years that must be imposed by the court in sentencing.

J DAVIS: I am anticipating this may be a policy question, but I just wonder in terms of drafting this if the intent is to make women safer. Are you aware of the evidence on what actually causes intimate partner violence and how this amendment is going to address any of that at all?

Ms CLEE: This is obviously an amendment that is looking at bringing recognition to the offending type. It is not really geared at the preventive action other than acting as a further deterrent that you will be jailed for 25 years should you murder your partner.

J DAVIS: Just on that, is there any evidence that longer prison sentences act as a deterrent in crimes of this nature?

Ms CLEE: I do not have that information. I am sorry; I cannot answer that question.

J DAVIS: Would you be happy to take that on notice?

Ms CLEE: I think when you started the question you referred to whether it is a question of policy, and I think it possibly is more a question of policy that does not really go to the underlying intent of the legislation.

J DAVIS: Okay. So just to be clear, I think you said two things about the underlying intent of the legislation. One was to send a very clear message. Sorry; I am not going to remember exactly what you said and I do not want to misquote you. One was to bring sentencing laws into line—sorry; I cannot remember the first bit you said. The second thing you said was, I think, to act as a deterrent, but the primary aim is to strengthen the sentencing—the length of time. Is that right?

Ms CLEE: It is recognising the gravity of the offending and ensuring that perpetrators are held to account.

J DAVIS: Thank you. I have no further questions.

Madam CHAIR: Member for Gwoja, did you have any questions?

Mr PAECH: Thank you, Madam Chair [call audio indistinct]. I just wanted to follow on from Justine ...

Madam CHAIR: Member for Gwoja, we are actually experiencing some delayed—technical issues at the moment. Do you want to ask that again? Chansey, if you ...

Mr PAECH: [call audio indistinct] This legislation is a follow-on from legislation that has been developed in New South Wales, and I know that ANROWS has [call audio indistinct].

Mr HOWE: Sorry, Chansey; this is Clinton. We are not getting your audio. Could you possibly write your question in the message section, and we can ask it here?

Mr PAECH: Yes.

Madam CHAIR: Member for Gwoja, just while you do that, I will check in with the Member for Fannie Bay. Do you have any questions?

Mrs ZIO: No questions from me.

Madam CHAIR: The Member for Gwoja's question is just coming through: will the gender difference be considered in sentencing principles—female offenders? What training, education and professional development opportunities will there be for legal professionals re this change and any unintended consequences?

Ms McAULEY: I think in relation to the first part of the question, sentencing principles and the matters that are able to be brought before the court are wide, so if that is an issue that is raised before the court then there will be consideration of those issues.

Do you mind repeating the second part of that question?

Madam CHAIR: What training, education and professional development opportunities will there be for legal professionals re this change and any unintended consequences? He has gone on to say that this has been done in New South Wales. Has the department sought feedback from that legislation?

Ms CLEE: While New South Wales has introduced a non-parole period of 25 years for intimate partner violence, it does operate slightly differently in that it is more of a guidepost in sentencing in New South Wales, whereas here it would be a mandatory minimum period that is to be applied. There are some differences between the New South Wales and our legislation which would mean that any training and so forth would necessitate being different in terms of how it is actually applied in practice. In terms of training there is the standard judicial training that occurs.

Madam CHAIR: Thank you. Are there any further questions on that? If there are no further questions, thank you to Ms McAuley and Ms Clee for coming before the committee. We thank you for your time today.

The committee concluded.
