Committee Secretariat
GPO Box 3721
Darwin NT 0801
Email: LSC@nt.gov.au

Dear members of the Committee

Re: Sentencing Amendment (Murder) Bill 2026

Introduction

The National Network of Incarcerated and Formerly Incarcerated Women and Girls welcomes the opportunity to provide input on the *Sentencing Amendment (Murder) Bill 2026*.

Our Network is comprised of criminalised and formerly incarcerated women across Australia, including women who have been imprisoned for homicide-related offences, many in the context of prolonged domestic and family violence. We bring lived expertise of the criminal legal system and direct knowledge of how sentencing laws operate in practice, including their disproportionate impact on women, particularly Aboriginal and Torres Strait Islander women.

We acknowledge the profound harm caused by domestic and family violence and the devastating impact of homicide on families and communities. Every life lost to violence is a tragedy. However, laws framed as protecting victims must be carefully scrutinised to ensure they do not simultaneously deepen the criminalisation of victim-survivors or further entrench systemic injustice.

We hold serious concerns that the proposed amendments will not prevent domestic and family violence homicide and will instead produce unjust and disproportionate outcomes. In particular, we are concerned that the Bill will significantly increase the number of criminalised women, especially Aboriginal women, serving extremely long periods of imprisonment, including women who have themselves experienced sustained violence and systemic harm and neglect.

Mandatory minimum sentencing and the removal of judicial discretion

The introduction of a mandatory minimum non-parole period of 25 years for the murder of a current or former intimate partner represents a significant expansion of mandatory sentencing in the Northern Territory. While presented as a response to the seriousness of domestic and family violence homicide, the measure removes the capacity of courts to meaningfully consider the full context in which an offence occurred.

The Northern Territory has already seen the profound injustice that can arise from mandatory sentencing frameworks. The case of Aboriginal man Zak Grieve illustrates how rigid sentencing laws can produce outcomes that do not reflect either culpability or justice.

Zak Grieve had been imprisoned since October 2011, serving a life sentence with a non-parole period of 20 years for the murder of Raffaeli Niceforo. The killing itself was carried out by two other men. The evidence before the court established that the murder was planned following extreme domestic violence and death threats directed toward the mother of one of the co-accused. While Mr Grieve

initially agreed to participate in the plan, he later withdrew and did not take part in the killing. He did not physically commit the murder.

Despite this, he was convicted and sentenced for murder under the Northern Territory's mandatory sentencing framework. At the time of sentencing, he was 19 years old, had no prior convictions, had a work history, and was described by the sentencing judge as a person of good character and a non-violent character who was unlikely to "reoffend." Yet because of the mandatory sentencing regime, the court was unable to impose a sentence that reflected these circumstances. Mr Grieve received a harsher sentence than one of the individuals who physically carried out the killing.

Mr Grieve himself described his case as a "nightmare scenario of what can go wrong with mandatory sentencing", noting that such laws impose a pre-determined punishment regardless of individual circumstances or demonstrated capacity for change. Legal experts and advocates have similarly highlighted his case as emblematic of how mandatory sentencing can produce unjust outcomes, particularly for Aboriginal people and young people in the Northern Territory.

The relevance of this example to the proposed amendment is clear. Mandatory sentencing frameworks inevitably capture cases that fall outside the scenarios legislators imagine when drafting such laws. They operate bluntly, without sufficient capacity to account for nuance, context, or individual circumstances. Once enacted, they cannot be confined to only the "worst cases" that often justify their introduction in public discourse.

In the context of intimate partner homicide, this risk is particularly acute. Cases involving prolonged domestic and family violence, coercive control, cumulative trauma, or systemic harm do not lend themselves to rigid sentencing frameworks. A mandatory minimum non-parole period of 25 years will inevitably apply in circumstances where it produces outcomes that are disproportionate, unjust, and inconsistent with the purposes of sentencing.

The experience of mandatory sentencing in the Northern Territory demonstrates that such laws do not operate in the abstract. They operate on real people, in complex circumstances, often producing consequences that cannot be remedied once imposed. Expanding mandatory sentencing through this amendment risks repeating and deepening these harms.

Intimate partner homicide cases are among the most complex matters that come before the courts. They frequently involve long histories of coercive control, violence, entrapment, and cumulative trauma. Many women imprisoned for homicide offences have lived for years in violent relationships, often attempting repeatedly to seek assistance from police, courts, housing services, and other systems that failed to provide meaningful protection. In some cases, women have been racially identified as primary aggressors. In others, their actions occur in contexts of survival, resistance, or desperation.

A mandatory minimum sentencing framework assumes that all intimate partner homicides are equivalent in nature and moral culpability. It does not allow sufficient space for courts to distinguish between vastly different factual circumstances, including cases where a victim-survivor of prolonged violence is criminalised for their response to that violence. By constraining judicial discretion, the

amendment risks imposing uniform punishment on non-uniform circumstances and undermines the capacity of the courts to deliver proportionate and just sentencing outcomes.

There is no evidence that mandatory minimum sentencing reduces domestic and family violence homicide. Such measures operate after a death has occurred and do nothing to address the structural drivers of violence or the systemic harms that often precede these tragedies. Instead, they function primarily as symbolic demonstrations of punitive intent, expanding the reach and severity of incarceration without contributing to prevention.

The narrow and exclusionary nature of "exceptional circumstances"

The Bill provides that a court may set a non-parole period shorter than 25 years only where "exceptional circumstances" are established. However, the definition of exceptional circumstances is extremely narrow and will be inaccessible to many criminalised women.

To depart from the mandatory minimum, the court must be satisfied that the convicted person is of good character, unlikely to "reoffend", and that the victim's conduct substantially mitigates the offending. This threshold is extraordinarily high and creates significant barriers for those whose lives have been shaped by poverty, racism, trauma, criminalisation, and systemic disadvantage.

The requirement that a convicted person be a person of "good character" is particularly troubling. Many women who become criminalised, especially those who have lived through prolonged violence, carry prior convictions related to survival, including minor property offences, substance-related offences, or breaches linked to coercive control. These histories often reflect systemic harms rather than inherent criminality. Yet under the proposed framework, such histories may disqualify women from accessing the only mechanism through which a court can depart from the mandatory minimum.

This creates a two-tiered system of justice in which mercy becomes contingent on conformity to narrow standards of respectability. Women who have lived lives marked by disadvantage, state intervention, and criminalisation will be far less likely to be seen as meeting the "good character" threshold, regardless of the context in which the offence occurred. The effect is that those most failed by systems of protection will be least likely to benefit from judicial discretion.

Disproportionate impact on Aboriginal women

Any expansion of mandatory sentencing in the Northern Territory must be examined in light of the Territory's extreme rates of Aboriginal incarceration and the broader context of colonisation and systemic racism. Aboriginal women are already among the fastest growing prison populations in Australia and are significantly represented in homicide prosecutions linked to domestic and family violence contexts.

Aboriginal women experience disproportionately high rates of victimisation, including domestic and family violence, sexual violence, and state violence. They are more likely to be racially identified as primary aggressors, more likely to be criminalised for actions connected to survival, and more likely to have prior criminal records due to zealous policing and systemic discrimination. They also face substantial barriers in accessing legal representation, culturally safe support, and appropriate defences.

The requirement to demonstrate "good character" will disproportionately exclude Aboriginal women from accessing exceptional circumstances provisions. This raises serious concerns about indirect racial discrimination and the likelihood that the amendment will further entrench the mass-incarceration of Aboriginal women in the Northern Territory. Rather than addressing the structural drivers of violence and criminalisation, the amendment risks deepening them.

Criminalised victim-survivors and systemic failure

A significant number of women imprisoned for the death of an intimate partner have experienced sustained violence prior to the offence. Their pathways into prison often include repeated attempts to seek help that were ignored or inadequately addressed by state systems. Many have encountered police responses that failed to provide protection, housing systems that left them unsafe, and legal frameworks that did not adequately recognise coercive control or cumulative trauma.

When these women are prosecuted, the complexity of their experiences is often flattened into a singular narrative of offending. Mandatory sentencing will further entrench this flattening by limiting the capacity of courts to consider context, history, and systemic failure in sentencing decisions. The result is a legislative framework that risks punishing victim-survivors rather than protecting them.
It is essential to recognise that domestic and family violence does not occur in a vacuum. It is shaped by structural inequality, poverty, colonisation, and gendered power dynamics. A purely punitive response that focuses on increasing sentence severity after death has occurred does nothing to address these underlying factors. Instead, it expands the reach of incarceration while leaving the conditions that produce violence unchanged.

Carceral expansion framed as protection

The framing of this amendment as a measure to address domestic and family violence homicide reflects a broader pattern in which carceral expansion is presented as a form of protection. However, increased sentence severity has not been shown to reduce violence or prevent homicide. What it does do is extend the time that criminalised people, often themselves victims of violence, spend in prison.

Prevention requires investment in housing, income security, culturally safe services, and community-led responses. It requires addressing the systemic harms that leave many women trapped in violent relationships without viable options for safety. Legislative reforms that focus exclusively on punishment after death has occurred risk diverting attention and resources away from these necessary interventions.

Recommendations

The National Network of Incarcerated and Formerly Incarcerated Women and Girls recommends that the Northern Territory Government:

1. Do not proceed with the introduction of a mandatory minimum non-parole period of 25 years for the murder of a current or former intimate partner.
2. Retain full judicial discretion in sentencing for murder, allowing courts to consider the totality of circumstances, including histories of violence, coercive control, systemic harms, and the lived realities of victim-survivors who are criminalised.

3. Remove any requirement that a convicted person be of "good character" in order for mitigating circumstances to be considered. This requirement entrenches structural inequality and disproportionately disadvantages criminalised and Aboriginal women.
4. Undertake meaningful consultation with criminalised and formerly incarcerated women, particularly Aboriginal women in the Northern Territory, regarding the likely impacts of sentencing reform.
5. Invest in prevention and community-led responses to domestic and family violence, including safe housing, income support, culturally safe services, and early intervention, rather than expanding punitive sentencing frameworks.

Conclusion

The National Network urges the Northern Territory Government to carefully reconsider this amendment. Laws that are presented as protecting victims of domestic and family violence must not simultaneously deepen the criminalisation of victim-survivors or further entrench systemic inequality.

Expanding mandatory sentencing will not prevent homicide. It will, however, increase the number of women, particularly Aboriginal women, serving extremely long prison sentences, including women whose actions occurred in contexts of survival and prolonged violence. A just and effective response to domestic and family violence requires investment in prevention, support, and structural change, not the expansion of punitive sentencing measures that operate only after tragedy has already occurred.

Yours sincerely

[redacted]

Debbie Kilroy
13 February 2026

Tabitha Lean