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Secretary  
Legislative Scrutiny Committee  
Northern Territory Parliament  
[LA.Committees@nt.gov.au](mailto:LA.Committees@nt.gov.au)

**Re: Domestic and Family Violence and Victims Legislation Amendment Bill 2025**

Thank you for your time in considering our submission. As one of Australia's leading policy and research organisations focusing on domestic and family violence, and due to our work with Aboriginal communities in the north of Australia, we would like to comment on some aspects of the proposed bill.

Stopping Family Violence (SFV) is the peak body, non-for profit organisation in Western Australia that supports all sectors and services involved in responding to perpetrators of domestic and family violence (DFV). We differ from traditional peak bodies in the sense that we do not represent a specific sector, and instead focus on an area of practice. This enables us to maintain an independent and unbiased position in the work of perpetrator response.

Our purpose is to work in partnership with other organisations (such as women's and children's services and perpetrator intervention programs) to put an end to DFV and create a better future for women and children experiencing DFV.

SFV and its sub-contractors has provided policy advice, research, evaluation and training across most Australian jurisdictions, including the NT. While we are a Western Australian peak body, we have a significant national role in policy formation and in advising government reforms in DFV perpetrator response across the country. As such we monitor proposed legislative initiatives and amendments that have an impact on perpetrator response, and focus on those that we believe will have the biggest impact (detrimental or positive).

Our submission focuses specifically, and solely, on *Part 2, Division 1, Section 122 Mandatory sentencing for contravention of DVO*. We do not wish to comment on other aspects of the proposed amendments.

We advise against the resumption of mandatory sentencing for the contravention of Domestic

Violence Orders in the NT, for five reasons:

1. The resumption of mandatory sentencing for DVO breaches is not evidence-based nor evidence-informed. The available evidence base suggests that it would lead to an increase in DFV in the NT and compromise community safety.
2. Mandatory sentencing is a highly cost-inefficient means of attempting to address DFV.
3. The resumption or initiation of mandatory sentencing has major implications for a range of government and non-government service system responders to DFV. Any such legislative amendments need to be considered carefully and based on sufficient consultation across relevant government departments, statutory authorities and community service organisations.
4. The proposed amendment will worsen community crime beyond the use of DFV, through the criminalisation of Aboriginal families and communities.
5. The proposed amendment represents the wrong priority in terms of strengthening criminal justice system responses to DFV offending; what is needed is an investment in prison-based programs.

### Resumption of mandatory sentencing is contra-indicated by the evidence

Focusing on offending behaviour as a whole, there is limited evidence that imprisonment in itself reduces future re/offending; if anything, the evidence suggests that in many circumstances the experience of being incarcerated can be criminogenic<sup>1</sup> and leads to increases in crime.<sup>2</sup> The evidence demonstrates that recidivism rates can be particularly high for offenders with short prison sentences, where they bear the significant costs of imprisonment to their lives, potentially learn new pro-crime attitudes and behaviours from others, and do not have access to rehabilitation and treatment programs.<sup>3</sup>

While studies on the impact of imprisonment on family violence reoffending – as distinct from offending behaviour in general – are more limited, research by the NSW Bureau of Crime and Statistics Research,<sup>4</sup> and by the Griffith Criminology Institute,<sup>5</sup> have both found no evidence of imprisonment in itself reducing subsequent DFV offending.

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<sup>1</sup> A factor is considered criminogenic if the evidence base suggests that it facilitates reoffending.

<sup>2</sup> Cullen, F., Jonson, C. & Nagin, D. (2011). Prisons do not reduce recidivism: The high cost of ignoring science. *The Prison Journal*, 91(3); Day, A., Daffern, M., Woldgabreal, Y., & Currie-Powell, N. (2022). Rehabilitation progress in prison: Some challenges and possibilities. *Aggression and Violent Behavior*, 67; Justice Reform Initiative (2024). *Alternatives to incarceration in New South Wales*; Productivity Commission (2021). *Australia's prison dilemma: Research paper*. Commonwealth of Australia. See also the latest statistics from the Productivity Commission showing a recent increase in Victorian recidivism rates in a two-year period after release from prison. <https://www.pc.gov.au/ongoing/report-on-government-services/2024/justice/corrective-services>

<sup>3</sup> Kurti, P., & Khurana, M. (2024). *What is prison good for?* Analysis paper 60. Centre for Independent Studies, Australia.

<sup>4</sup> Travenza, J., & Poynton, S. (2016). Does a prison sentence affect future domestic violence reoffending? *Contemporary Issues in Crime and Justice*, 190. NSW Bureau of Crime and Statistics Research.

<sup>5</sup> Bond, E., & Nash, C. (2023). *Sentencing domestic and family violence offences: A review of research evidence*. Griffith Criminology Institute, prepared for the Queensland Sentencing Advisory Council.

In our experience, Correctional systems are poorly equipped to respond to the increasing numbers of DFV offenders in custody sentenced to brief periods of imprisonment, despite the significant risk of reoffending amongst this cohort. This adds to the potential of brief periods of imprisonment increasing the risk of reoffending.

SFV also notes the findings of the Northern Territory Law Reform Committee's investigation into mandatory sentencing for DVO breaching and community-based sentencing options, published four years ago:

Managing the exercise of judicial discretion through restrictions on the granting of community-based sentencing options needs to be addressed. We are fortunate in Australia in that we have an independent, well qualified, judiciary. Such judges are in the best position to determine the appropriate sentence based on the nature of the offending, the impact on the victim and the characteristics of the offender. Legislation which fetters judicial discretion has frequently lacked evidential support for effectiveness, has not been based on accepted sentencing principles and has contributed to the unacceptably high rate of Indigenous incarceration.

To ensure that community-based sentencing options achieve their primary objective, which is the successful rehabilitation of the offender, such programs need to be adequately resourced and available to all offenders, regardless of where they live. Given the number of remote communities in the Northern Territory, and the significant over-representation of Indigenous offenders in the criminal justice system, the Committee acknowledges that the funding of rehabilitation programs is challenging. It is important to keep in mind, however, that the Northern Territory, through mandatory sentencing and unnecessary restrictions on the grant of community-based sentencing orders, is defaulting to the most expensive form of sentence, incarceration. While incarceration will always be necessary for many who commit serious crimes, to date this sentencing option has been overused through legislative requirements which preclude a judge from making a different order in an appropriate case.<sup>6</sup>

The evidence is clear: imprisonment does not act as a deterrent for DFV offending, and does not make the community safer. As brief periods of imprisonment can be criminogenic, especially in the absence of treatment programs or other efforts to address the causes of DFV offending behaviour, the resumption of mandatory sentencing is likely to result in an *increase* in community crime, not a decrease. Judicial officers require the flexibility to determine each sentencing option on its merits, mindful of the potential worsening impact of imprisonment and subsequent increased risk to victim-survivor and community safety.

SFV predicts that if mandatory sentencing is resumed, this increase will occur during the life of the current term of NT government, resulting in a reduction in the community's felt experiences of safety by the time of the next territory election.

### Cost-inefficiency

SFV does not know the daily cost to imprison a person in the NT. However, the Australian Institute of Criminology calculated that in the mid 2010's, the total net cost of imprisonment amounted to

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<sup>6</sup> Northern Territory Law Reform Committee (2021). Mandatory sentencing and community-based sentencing options: Final report. Report no. 47. p. 82

\$391.18 per prisoner per day,<sup>7</sup> or approximately \$520 per day in 2025 terms. Other more recent estimate are often slightly lower than this 2025 figure – for example, the Productivity Commission in 2025 estimated an Australian-wide cost of \$435.82 per day based on 2023-24 figures,<sup>8</sup> the equivalent of approximately \$455 today.

It is crucial to put this expenditure in context. Fourteen days imprisonment is sufficient to pay for the costs of putting a DFV offender through the entire length of a men's behaviour change program (MBCP), even allowing for the significantly greater costs of service provision in the NT. The evidence is clear that imprisonment is unlikely to reduce DFV offending and increase community safety. Whereas MBCPs, while not a panacea and not designed to operate as a standalone 'silver bullet', have a proven, evidence-based track record of producing incremental (and sometimes more substantial) changes in DFV offending for some (but not all) offenders.<sup>9</sup>

Five recent evaluations of Australian MBCPs, covering programs run across over ten sites in Queensland, Victoria and South Australia, have shown promising results in terms of significant impacts in reducing family violence recidivism and/or in enhancing victim-survivor felt safety.<sup>10</sup> Two multi-site evaluations of MBCPs are also underway in Australia, including one focusing on a number of program providers in Victoria that is due to publish findings in late 2025 or 2026,<sup>11</sup> and a NSW evaluation of the state's 19 program providers that will produce findings in the second half of 2026.<sup>12</sup>

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<sup>7</sup> Morgan, A. (2018). How much does prison really cost? Comparing the costs of imprisonment with community corrections. Research report 5. Australian Institute of Criminology.

<sup>8</sup> <https://www.pc.gov.au/ongoing/report-on-government-services/2025/justice/corrective-services>

<sup>9</sup> Arce, R., Arias, E., Novo, M., & Fariña, F. (2020). Are interventions with batterers effective? A meta-analytical review. *Psychosocial Intervention*, 29(3), 153–164; Babcock, J., Gallagher, M., Richardson, A., Godfrey, D., Reeves, V., & D'Souza, J. (2024). Which battering interventions work? An updated Meta-analytic review of intimate partner violence treatment outcome research. *Clinical Psychology Review*, 102437; Bell C., Coates D. (2022). *The effectiveness of interventions for perpetrators of domestic and family violence: An overview of findings from reviews*. Australia's National Research Organisation for Women's Safety (ANROWS); Cheng, S-Y, Davis, M., Jonson-Reid, M., & Yager, L. (2021). Compared to what? A meta-analysis of batterer intervention studies using non-treated controls or comparisons. *Trauma, Violence & Abuse*, 22(3), 496-511; Day, A., Vlasis, R., Chung, D., & Green, D. (2019), *ibid*; Jansson, P. (2024). Can we trust that CBT-based batterer intervention programmes are effective? Use of evidence for the treatment of IPV offenders in the prison and probation service. *Violence: An International Journal*, online first 31 October 2024; Travers, A., McDonagh, T., Cunningham, T., Armour, C., & Hansen, M. (2021). The effectiveness of interventions to prevent recidivism in perpetrators of intimate partner violence: A systemic review and meta-analysis. *Clinical Psychology Review*, 84, online access; Turner, W., Morgan, K., Hester, M., Feder, G., & Cramer, H. (2023). Methodological challenges in group-based randomised controlled trials for intimate partner violence perpetrators: a meta-summary. *Psychosocial Interventions*, 32(2), 123-136; Vall, B., López-i-Martín, X., Grané Morcillo, J., & Hester, M. (2024). A systematic review of the quality of perpetrator programs' outcome studies: toward a new model of outcome measurement. *Trauma, Violence, & Abuse*, 25(3), 1985-1997; Wilson, D., Feder, L., & Olaghere, A. (2021). Court-mandated interventions for individuals convicted of domestic violence: An updated Campbell systematic review. *Campbell Systematic Reviews*, 17(1), open access.

<sup>10</sup> Carswell, S., & Taylor, A. (2022). *Evaluation of UnitingCare's men's behaviour change program: Stage three report*. Queensland Centre for Domestic and Family Violence Research, Central Queensland University; Gatfield, E., O'Leary, P., Tsantefski, M., Meyer, S., & Baird, K. (2024). Differential intervention outcomes among fathers who commit domestic and family violence: the influence of parental relationship status. *Journal of Family Violence*, 1-13; Meyer, S., McGowan, J., Helps, N., and Williamson, H. (2021) *Evaluation of the TaskForce Early Intervention for Family Violence Program (U-Turn) Final Report*. Monash Gender and Family Violence Prevention Centre, Faculty of Arts, Monash University; Meyer, S., & Evans, B. (2024). Evaluation of the YFS Responsible Men's behaviour change program. <https://www.yfs.org.au/wp-content/uploads/2024/11/YFS-Evaluation-Summary-Responsible-Men-2024.pdf>; the author of this report has been informed of a yet-to-be-published evaluation of a contemporary MBCP running across several sites that can't yet be named in this report, as a fifth recent example.

<sup>11</sup> Mosso Tupper, N, Letch, J, Diemer, K, Gallant, D (forthcoming) Recent evidence on the outcomes of men's behaviour change programs (MBCPs) for the reduction of family violence, University of Melbourne.

<sup>12</sup> This evaluation is being conducted by ANROWS and the University of Melbourne Institute of Applied Economic and Social Research.

UK and European evaluations of MBCPs tend to, on average, show more promising results than those of programs in the U.S., though still with mixed results. In addition to the renowned Project Mirabal multi-site UK study of the mid-2010's,<sup>13</sup> more recent evaluations using the IMPACT outcomes measurement tool, based in part on victim-survivor reports, have produced highly promising results.<sup>14</sup> These are important findings as the implementation context for MBCPs in the UK and in some European countries is more similar to those in Australia than batterer intervention programs in the U.S.

It is also important to emphasise that effect sizes only need to be small for MBCPs to provide both a budgetary, and a social, return on investment. An Australian Social Return on Investment analysis found that due to the substantial budgetary and community costs borne by the perpetration of DFV, and the costs of statutory authority and service system responses to the violence itself and to the impacts on adult and child victim-survivors, positive behaviour change outcomes are required for only a minority for these programs to more than pay for itself.<sup>15</sup> Based on this analysis, significant behaviour change outcomes might be required for only approximately 10% of referrals into the program for it to pay for itself in budgetary savings, let alone in terms of the even greater social return.

Mandatory incarceration for DFV offenders is poor use of taxpayer dollars. The NT Government, struggling to fund services at the coverage and scale required due to continued Commonwealth insistence in allocating funding on a population rather than on a needs basis, cannot afford to squander funds on a proven *ineffective* approach that will only make the community be and feel less safe.

### Unintended negative consequences of rushed reforms

The proposed amendment represents a return to a significant former approach that was abandoned in the NT due to its deleterious impacts. SFV's understanding is that there was widespread support for the repeal of mandatory sentencing laws in relation to DVO breaches, including within government and NGO sectors.

Reintroducing an ineffective and unpopular approach towards addressing DFV requires very careful consideration. To use a simple analogy, if a hammer failed to make any progress in driving in a nail, and if anything resulted in the nail becoming more stuck, reintroducing the same hammer, used in the same way by the same people, is likely to produce the same result. Especially when nothing has changed in the small amount of time that has passed since the last attempt. Any reforms like this need to be re-designed, so that they do something different that might have a chance of succeeding. The DFV sector in the NT is a crucial source of expertise in this respect. SFV understands that NT DFV and legal services have not been consulted about the government's plans.<sup>16</sup> This amplifies the risk that the reintroduction of mandatory sentencing will backfire, and worsen actual and felt community safety.

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<sup>13</sup> <https://projectmirabal.co.uk/>

<sup>14</sup> Vall, B., Morcillo, J., Pauncz, A., & Hester, M. (2023). Measuring the Outcome of Perpetrator Programmes through a Contextualised and Victim-Centred Approach: The Impact Project. *Social Sciences*, 12(11), 613; Vall, B., & Regos, N. (2024). *Guidance on programme effectiveness based on IMPACT Toolkit data analyses*. Work with Perpetrators European Network.

<sup>15</sup> See chapter nine of Chung, D., Upton-Davis, K., Cordier, R., Campbell, E., Wong, T., Salter, M. ... Bissett, T. (2020). *Improved accountability: The role of perpetrator intervention systems* (Research report, 20/2020). Sydney: ANROWS.

<sup>16</sup> <https://www.abc.net.au/news/2025-03-25/nt-government-to-reinstate-dvo-mandatory-sentencing-parliament/105093750>

The reintroduction of mandatory sentencing was not a recommendation of the most comprehensive inquiry into NT's approach towards addressing DFV for some years – the Coronial Inquiry by Coroner Armitage. The reintroduction of mandatory sentencing is at odds with the 35 recommendations handed down by the NT Coroner. By not consulting and working with the DFV and legal sectors, the NT Government is on very shaky grounds if the reintroduction makes no dent in DFV offending or in community perceptions of safety.

## Worsening other forms of crime and violent behaviour

As reviewed earlier, imprisonment is criminogenic. The social and economic issues driving violent behaviour in the NT are complex and interlocking. However, it is clear that imprisonment increases the risk of further violent behaviour. Just under 60% percent of NT prisoners return to prison within two years of release, significantly higher than the Australian average sitting at 42.5%.<sup>17</sup> The significant majority of these are Aboriginal men and women.

DFV offenders who reoffend after a period of imprisonment do so across a range of violent and other crimes. While some DFV offenders in the NT use violence only in family situations, others do so in more than one context. Men's use of violence against other men in the NT is as common, if not more so, than men's use of violence against women and children.

Increasing the incarceration of Aboriginal communities will increase crimes across the board. Imprisonment, particularly in the NT, is a risk factor for continued violent and criminal behaviour. The reintroduction of mandatory sentencing will, if anything, make the community feel less safe. SFV predicts that NT communities will experience this reduction in felt safety within the term of the current government, and before the 2028 territory election.

## Investing in prison-based programs

Coroner Armitage's recommendations included investing in prison-based programs for DFV offenders. Currently, there are limited specialist DFV program being offered for offenders in custody. The RAGE program, while helpful for some offenders, is not designed to address DFV. Furthermore, only a very small proportion of incarcerated offenders are eligible to participate in this program. NT Corrections' only DFV-focused program – the Family Violence Program – is a brief awareness-raising program that has insufficient power to work towards behavioural and attitudinal changes.

While NT Corrections has a minimal history of providing DFV-focused treatment programs, there is expertise within the community sector to do so. Organisations such as Tangentyere Council and CatholicCare have significant experience providing MBCP work, including outreach into NT prisons. There is substantial potential for these and other community service organisations to begin behaviour change work with DFV offenders in prisons, and to continue this work after their release, as part of a clinical case management approach addressing a range of complex needs.

There is also substantial potential for MBCPs in the NT to work with men *diverted* from a potential prison sentence. The Alice Springs Local Court family violence initiative is an example of this. Putting

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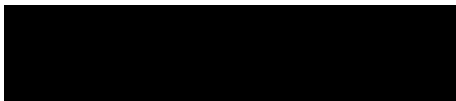
<sup>17</sup> <https://www.pc.gov.au/ongoing/report-on-government-services/2025/justice/corrective-services> and <https://www.sentencingcouncil.vic.gov.au/sentencing-statistics/released-prisoners-returning-to-prison>

more resources into integrated approaches involving courts, corrections, victim-survivor services and MBCP providers – rather than automatically incarcerating offenders – has much more potential to work towards actual and felt community safety.

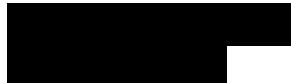
These approaches can work with offenders for months, integrated with specialist women's and children's DFV services to assess and monitor risk to family and community safety while the offender participates in the program. Rather than an offender being imprisoned for a short period, becoming more aggravated through the process and being released with no support, diversionary men's behaviour change work can be part of an integrated approach that manages risk and that works towards community safety over a considerable period of time. This work needs to begin *before* the offender is released from prison, and continue for some time afterwards.

In summary, SFV expects that the reintroduction of mandatory sentencing in response to DVO breaches would compromise actual and felt community safety. It would be a very expensive and ineffective approach towards addressing domestic and family violence in the Northern Territory. The NT Government was not elected to make crime worse.

Yours sincerely,

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Damian Green  
Chief Executive Officer  
Stopping Family Violence

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