



**CAYJ**  
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Youth Justice

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## **Submission for the Domestic and Family Violence and Victims Legislation Amendment Bill 2025**

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Central Australia Youth Justice (CAYJ) network's submission in response to the **Domestic and Family Violence and Victims Legislation Amendment Bill 2025**

### **Central Australia Youth Justice (CAYJ) – Who we are**

The Central Australian Youth Justice (CAYJ) network was established in 1999 and for the last twenty years has put forward evidence-based solutions to address youth issues in Central Australia to make the community a safe place for all. In line with distinct youth community services, CAYJ recognises that young people include those aged between 10-25 years old and subsequently advocate for their rights regardless of their placement in the youth or adult justice system. CAYJ represents a consortium of Legal, Youth, Health, Social Welfare and Community organisations which work with young people in or at risk of entering the justice system. CAYJ has long campaigned for an appropriate youth justice system and youth programs in Alice Springs and the surrounding remote communities. While many of the issues that young people face in the justice system are universal, there are particular issues that are place-based and pertinent to the Central Australian region. It is from our collected professional experience of working in Alice Springs and across the Central Desert region that CAYJ is able speak on Youth Justice matters with grounded knowledge.

### **Our Submission**

CAYJ welcomes the opportunity to provide this submission to the Legislative Scrutiny Committee on the Domestic and Family Violence and Victims Legislation Amendment Bill 2025 ('The Amendment Act').

In their 2021 report the Northern Territory Law Reform committee recommended that the Northern Territory should repeal the existing mandatory sentencing provisions set out in Part 3, Division 6 and Division 6A of the Sentencing Act 1995, ss 121 and 122 of the Domestic and Family Violence Act 2007<sup>1</sup>. The Northern Territory Law Reform final report found that mandatory sentencing, as suggested in the proposed Domestic and Family Violence and Victims Legislation Amendment Bill 2025, while removes an offender from the community for a period of time, does so in a way that is unprincipled, unfair and unjust<sup>2</sup>. Evidence from the Australian Law Reform

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<sup>1</sup> Northern Territory Law Reform Commission, Mandatory Sentencing and Community-based Sentencing Options, Final Report No 47 (2021)

<sup>2</sup> Northern Territory Law Reform Commission, Mandatory Sentencing and Community-based Sentencing Options, Final Report No 47 (2021)



Committee's inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples suggests that mandatory sentencing increases incarceration rates, is costly and does not deter people from offending<sup>3</sup>. As seen when mandatory sentencing was last enforced in the NT, short sentences do not provide opportunities for rehabilitation, and have negative effects on family, employment, income and housing<sup>4</sup>. Furthermore, it is suggested that the proposed changes will disproportionately affect already disadvantaged groups within society such as First Nations people<sup>5</sup>. With rates of recidivism already high within the NT with 6 out of 10 prisoners returning to jail within the 2 years of release, this bill fails to recognise the risk of reoffending and thus further entrenching underlying issues including poor health outcomes, worsened employment prospects, isolation from community and eroding one's connection to culture. We are seeing a crisis within the NT justice system (the NT is the most imprisoned jurisdiction in Australia) with jails at capacity impacting opportunities for professional access, program delivery and any form of rehabilitation. CAYJ urge the NT Government to shift their focus towards policies and practices that address these underlying issues.

### Implications for women experiencing violence

CAYJ recognise that the Northern Territory has the highest rates of domestic family and sexual violence in Australia and agree that urgent action is needed to address this. CAYJ echoes the concerns raised by women's legal services across the NT that express alarm at the lack of consultation with specialist domestic and family violence services regarding the amendment bill. The statement by NT women's legal services outlines the increased risks to women experiencing violence that the bill poses, "We know from experience that the risks to women's safety increase around incarceration and release, and we are deeply concerned that rushed reforms without consultation will increase a real risk to life for NT women".<sup>6</sup> Concerns include that the proposed changes will merely result in users of violence being taken "out of circulation" without addressing the underlying reasons for offending and therefore putting women at an increased risk. The reintroduction of mandatory sentencing does not take into consideration the recommendations made by the NT Coroner, Judge Armitage in the recent inquest into domestic violence deaths in the NT. The coroner's report which included the recommendation that the NT Government develop and fund alternatives to custody, was informed by months of evidence provided by women with lived experience of domestic and family violence and as well as front-line services<sup>7</sup>. Furthermore, national evidence shows that women experiencing domestic and family violence are often misidentified as perpetrators<sup>8</sup>. Misidentification occurs when the judicial system —

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<sup>3</sup> Australian Law Reform Commission, Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Final Report No 133 (2017)

<sup>4</sup> Australian Law Reform Commission, Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Final Report No 133 (2017)

<sup>5</sup> Australian Law Reform Commission, Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Final Report No 133 (2017)

<sup>6</sup> <https://www.abc.net.au/news/2025-03-25/nt-government-to-reinstate-dvo-mandatory-sentencing-parliament/105093750>

<sup>7</sup> Inquests into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood [2024] NTLC 14

<sup>8</sup> <https://www.abc.net.au/news/2024-12-14/misidentification-domestic-violence-police-family-violence/104679406>



usually police — incorrectly identifies which party is the aggressor, and which is the victim. The forementioned recent coronial inquest heard that this was also true in the NT where police were continually misidentifying women as the primary aggressor of violence<sup>9</sup>.

According to the 'Review of Legislation and the Justice Response to Domestic and Family Violence' the prison census conducted in June 2021, approximately 74 females were incarcerated for domestic family violence related offences. Of this total, 72 were First Nations women encompassing approximately 97.29% of this population<sup>10</sup>. CAYJ are particularly concerned with the likelihood that mandatory sentencing will result in an increase in already alarmingly high rates of incarceration for First Nations women.

### Implications for Young People

As mentioned above, CAYJ recognise young people to include those aged 10-25 years old, meaning that the proposed amendment bill would see those young people aged 17 years and older impacted by the changes. In the Northern Territory incarceration rates are higher than anywhere else in Australia<sup>11</sup> with 80% of young people (nationally) re-offending within a two-year period of leaving detention<sup>12</sup>. CAYJ raises concerns that mandatory sentencing would further perpetuate the cycle of incarceration and disadvantage that young people involved in the justice system are currently trapped in. CAYJ calls for further investment in supports within the community for those young people coming into contact with the justice system which a focus on healing and addressing the social drivers of domestic and family violence. In line with the recommendations handed down by the NT Coroner following the inquest last year, CAYJ urge the NT Government to "fund and implement "timely and intensive" early interventions for young people engaged in violence"<sup>13</sup>.

### Cost of incarceration and funding alternatives

Incarceration, including the reintroduction of mandatory sentencing, is costly and ineffective in preventing re-offending and rehabilitation. Mandatory sentencing perpetuates overuse of a justice system whilst the cost of incarceration is extortionate. In 2022/2023 the total annual spending on adult prisons in the Northern Territory was \$224 million whilst \$47 million was spent on youth incarceration.

CAYJ is supportive of the allocation of funding to ensure culturally, and community led wrap-around supports are implemented that provide prevention and post-release services and address the core systemic issues impacting First Nations young people and their families. Alternate culturally and community led interventions that are currently operating and proving successful at reducing youth crime the Aboriginal led initiative Olabud Doogethu (Kimberley,

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<sup>9</sup> <https://www.theguardian.com/australia-news/2024/apr/21/epidemic-of-violence-against-aboriginal-women-in-nt-is-getting-worse-exasperated-experts-warn>

<sup>10</sup> Review of Legislation and the Justice Response to Domestic and Family Violence,

<sup>11</sup> Alternatives to Incarceration in the Northern Territory, Justice Reform Initiative, 2023 (page 33)

<sup>11</sup> Alternatives to Incarceration in the Northern Territory, Justice Reform Initiative, 2023 (page 2)

<sup>12</sup> Youth Justice group conferencing, Jesuit Social Services [Youth Justice Group Conferencing - Jesuit Social Services](#)

<sup>13</sup> Inquests into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood [2024] NTLC 14



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WA). Significant reductions in youth crime have been achieved through this justice reinvestment initiative through community and Aboriginal led initiatives that increase “community cohesion, tackle disadvantage; and create local justice support opportunities.”. 90% of staff throughout service programs at Olabud Doogethu are First Nations reinforcing the importance of creating culturally safe spaces for young people and their families<sup>14</sup>. Another example of a First Nations community led early intervention program that has proven to have real effects of rates of youth incarceration is the Anindilyakwa Groote Peacemakers Program. This program saw a significant decrease in youth crime with a 95% drop in recorded offences in 2018 – 2019 from 346 offences to 17. The success of the project has been being attributed to youth mentoring, community mediation, and a return of local decision making in areas such as housing, justice, education and health<sup>15</sup>.

Evidence demonstrates that the prison system does not deter crime or successfully rehabilitate offenders, its overuse can cause significant and intergenerational harm to vulnerable populations including First Nations communities. The NT Government needs to commit further resourcing of early intervention, culturally safe and community led responses to domestic and family violence including substantial and sustained investment in frontline services.

This concludes CAYJ’s submission in response to the *Domestic and Family Violence and Victims Legislation Amendment Bill 2025*. Thank you for providing CAYJ with this opportunity. Please reach out if you have any further questions.

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<sup>14</sup> Smart Justice in the Heart of Kimberley, Olabud Doogethu

<sup>15</sup> Alternatives to Incarceration in the Northern Territory, JRI, 2023 (page 33)