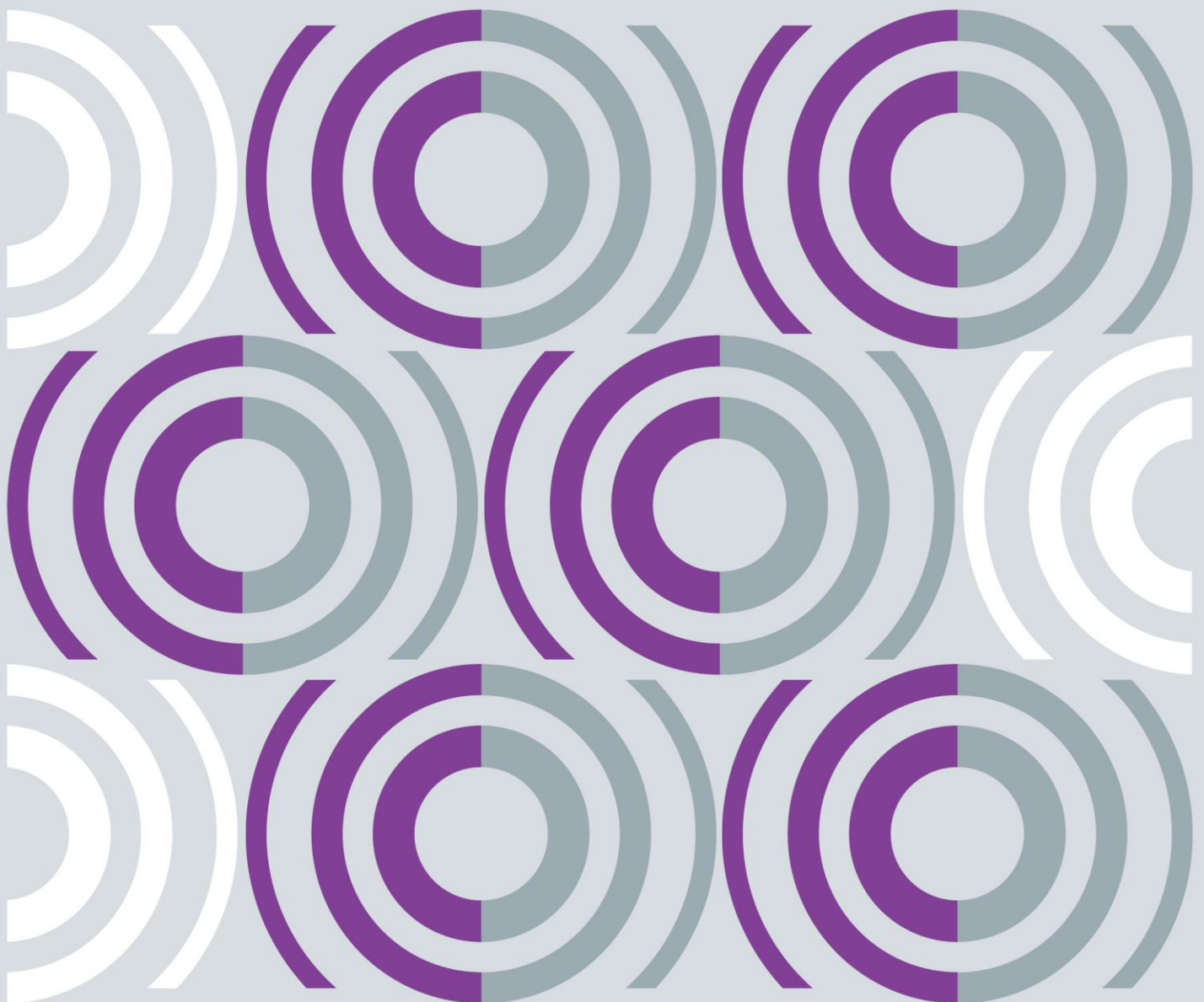


Submission to the Legislative Scrutiny Committee

*Re: Domestic and Family Violence and Victims
Legislation Amendment Bill 2025 (Serial 22)*



Acknowledgement of country

No to Violence acknowledges First Nations Peoples across these lands; the Traditional Custodians of the lands and waters. We pay respect to all Elders, past, present and emerging. We acknowledge a deep connection with country which has existed over 60,000 years. We acknowledge that sovereignty was never ceded, and this was and always will be First Nation's land.

About No to Violence

No To Violence is Australia's largest peak body dedicated to ending men's use of domestic and family violence. For the past 30 years, we have worked directly with men who use domestic and family violence, and we support the sector that helps them change harmful behaviours and attitudes. Our mission is to enhance the safety of women, children and families through collaborative efforts to end men's use of domestic and family violence.

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While certain aspects of the Domestic and Family Violence and Victims Legislation Amendment Bill 2025, such as improving victim-survivor access to information, seem beneficial, No To Violence (NTV) strongly opposes the reinstatement of mandatory sentencing for breaches of Domestic Violence Orders (DVOs) in the Northern Territory. Evidence indicates reintroducing mandatory sentencing is likely to:

1. Increase rates of DFV instead of reducing them
2. Disproportionately affect First Nations communities
3. Place additional strain on an already overwhelmed corrections system
4. Waste valuable public resources
5. Potentially decrease community safety.

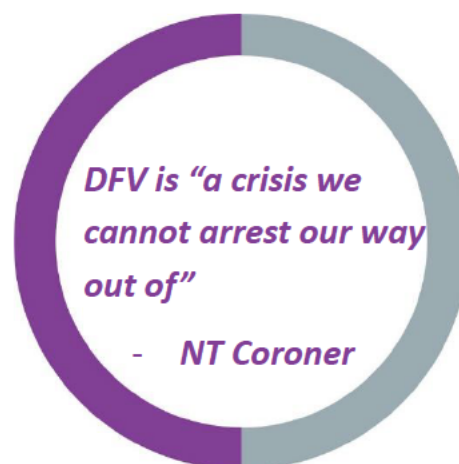
Crucially, the previous Northern Territory Government repealed mandatory sentencing for DVO breaches after evidence showed it was ineffective. The final report by the Northern Territory Law Reform Committee on Mandatory Sentencing and Community-Based Sentencing Options concluded that mandatory sentences were "unprincipled, unfair, and unjust".¹ The report raised concerns that mandatory sentencing did not effectively address the underlying causes of DFV and disproportionately impacted certain groups. These conclusions still stand. Professionals working in frontline DFV services recognise that the risks to women's safety often increase around the time of incarceration and release. Reinstating a policy that has already been proven ineffective represents a regression in the Northern Territory's approach to addressing DFV.

NTV is also disappointed to note that the bill has been created without meaningful input from domestic and family violence (DFV) services, experts in men's behaviour change or victim-survivors. This top-down approach contradicts best practices in policy development and overlooks the wealth of expertise in the sector.

Five reasons not to reinstate mandatory sentencing

1. Likely increases in DFV rates rather than decreases

Research consistently indicates that incarceration does not reduce reoffending rates for DFV. The Northern Territory's recidivism rate of nearly 60% (compared to Australia's national average of 42.7%) underscores this.²



¹[Final Report- Mandatory Sentencing and Community-based Sentencing Options](#)

²[NT-Prison-System-Report-.docx-Google-Docs-1.pdf](#)

Studies conducted by the NSW Bureau of Crime and Statistics Research³ and the Griffith Criminology Institute⁴ have found no evidence incarceration alone leads to a decrease in subsequent DfV offences. Evidence suggests short-term incarceration can increase the likelihood of individuals committing crimes in the future, especially when they lack access to adequate behaviour change programs or interventions while incarcerated. Incarceration can exacerbate risk factors for violence, such as trauma, disconnection from support networks and financial stress.

It is essential to recognise incarcerating someone does not necessarily stop their coercive and controlling behaviour. This has most recently been evidenced through a coronial inquest in South Australia, which revealed a man was able to repeatedly breach a DVO while incarcerated. In the tragic case of nine-month-old Kobi Shepherdson, her father, while incarcerated, called Kobi's mother 149 times before ultimately killing Kobi.⁵

2. Disproportionate impact on First Nations' communities

First Nations people are significantly overrepresented in the corrections system of the Northern Territory. Although they make up about 30% of the Territory's population, they account for approximately 84% of the prison population.⁶ The reintroduction of mandatory sentencing risks worsening this situation.

As highlighted by the Royal Commission into Aboriginal Deaths in Custody and subsequent inquiries,⁷ the overrepresentation of First Nations people in custody is linked to broader social and economic disadvantages, including poverty, unemployment, and a lack of access to education.⁸ The Commission identified systemic issues within the justice system, such as discriminatory policing practices and a shortage of culturally appropriate support services, which contribute to higher arrest and incarceration rates for First Nations people.

Mandatory sentencing removes judicial discretion, preventing judges from considering the complexities of each case.⁹ This includes the risk of misidentifying victim-survivors as the predominant aggressors. First Nations women, along with migrant and refugee women, and women living with disability, are at increased risk of misidentification.¹⁰ Consequently, mandatory sentencing can unintentionally criminalise victim-survivors, particularly in cases involving self-defence, further contributing to the high incarceration rates of First Nations people.

The reintroduction of mandatory sentencing and a 'tough on crime' approach will perpetuate the ongoing impacts of colonisation and disproportionately affect First Nations communities, exacerbating existing social inequities. NTV is deeply concerned with this approach. This places First Nations people at greater risk of criminalisation and further disadvantage, significantly increasing the likelihood of

³Travenza, 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.

⁴Bond, 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.

⁵[Man who killed daughter in murder-suicide manipulated ex-partner to drop domestic violence charges, inquest hears- ABC News](#)

⁶[First Nations imprisonment is already at a record high. Unless government policy changes, it will only get worse](#)

⁷[Royal Commission into Aboriginal Deaths in Custody | naa.gov.au](#) and [Indigenous Deaths in Custody: Report Summary | Australian Human Rights Commission](#)

⁸[Royal Commission into Aboriginal Deaths in Custody | naa.gov.au](#)

⁹[Final Report- Mandatory Sentencing and Community-based Sentencing Options](#)

¹⁰[FVRIM Predominant Aggressor December 2021.pdf](#)

entrenching a cycle of incarceration. NTV advocates for non-punitive, culturally appropriate, and therapeutic-based healing responses to be prioritised for First Nations people.

3. Further strain on an already overwhelmed justice system

NTV supports Coroner Armitage's conclusion that DFV is "a crisis we cannot arrest our way out of".¹¹ For many years, Northern Territory Correctional Services has exceeded its budget allocation and struggled with increasing demand,¹² which has compromised staff-to-prisoner ratios and programs for incarcerated individuals.

As of early 2025, the Northern Territory's prison population reached a record high.¹³ Mandatory sentencing will only exacerbate this already high incarceration rate, which is significantly higher than in any other Australian state or territory and ranks as the second-highest incarceration rate in the world.¹⁴

NTV argues it is time to address DFV at its source by prioritising intervening earlier and not waiting for risk and violence to escalate to crisis mode before responding.

4. Waste of valuable Government resources

Currently, across Australia, a minimal amount is spent on directly responding to perpetration, and even less is allocated for early intervention. To ensure safer families and stronger communities, a substantial increase in investment is necessary.

The financial implications of mandatory sentencing are significant, especially considering that the Northern Territory is already approximately \$11 billion in debt.¹⁵ Recent data from the Productivity Commission's Report on Government Services (2025) indicates that the cost of incarceration in Australia is approximately \$159,510 per prisoner per year.¹⁶

In contrast, funding a person to participate in a Men's Behaviour Change Program (MBCP) is a fraction of that amount. MBCPs have proven effective in reducing DFV recidivism and enhancing the safety of victim-survivors.¹⁷ Several recent evaluations of MBCPs have shown promising results. Social return on investment analyses indicate that even if only a small percentage of participants (around 10%) demonstrate positive behaviour changes, these programs are cost-effective.¹⁸ Therefore, investing in measures that address DFV at its source is a prudent use of public funds.

Commitment and funding are essential to expand the range of interventions available for individuals who use violence, including community-centred responses, and to rapidly enhance the types of

¹¹[A landmark inquiry and 35 recommendations: What's next for the NT's fight to end domestic violence? - ABC News](#)

¹²[Northern Territory Correctional Services organisational review - Executive summary and recommendations](#)

¹³[Data shows the NT's prison population has surged to a new high - ABC News](#)

¹⁴[Data shows the NT's prison population has surged to a new high - ABC News](#)

¹⁵[NT Treasury reveals budget may 'further deteriorate' due to big spending in police and prisons - ABC News](#)

¹⁶[Australia's prison dilemma - Commission Research Paper - Productivity Commission](#)

¹⁷Helps, N., Bell, C., Schulze, C., Vlasis, R., Clark, O., Seamer, J., & Buys, R. (2025). The role of men's behaviour change programs in addressing men's use of domestic, family and sexual violence: An evidence brief (ANROWS Insights, 01/2025). ANROWS. <https://doi.org/10.71940/snn3-m344>

¹⁸ 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.

services available for individuals, families and their communities. Victim-survivors, including children and young people, deserve to live safe and dignified lives. Achieving this requires growing and expanding our responses to prevent violence at its source and to intervene early.

5. Potential impact on community safety

The Northern Territory (NT) has the highest rates of domestic, family and sexual violence in the country, with the rate of intimate partner homicide seven times the national average.¹⁹ According to the Northern Territory Coroner's inquiry, the NT Police Force recorded a 117 per cent increase in the number of DFSV calls over the past decade. They predict a further 73 per cent increase in the next ten years without a "radical" change.²⁰ This situation is unsustainable, and the reintroduction of mandatory sentencing will only worsen the crisis. The lives of women and children in the Northern Territory depend on the Government prioritising long-term community safety over short-term political gains.

It is time for the Northern Territory Government to respond to the findings and recommendations of the Northern Territory Coroner Judge Elizabeth Armitage.²¹ These evidence-based recommendations informed extensive testimony from women, front-line community services and government organisations, provide a more comprehensive framework for addressing DFV than the proposed legislation.

Importantly, the proposed reinstatement of mandatory sentencing was not among Coroner Armitage's 35 recommendations. Several of the Coroner's recommendations contradict the mandatory sentencing approach, including:

- **Recommendation #20: Develop and fund alternatives to custody for DFSV perpetrators:** This recommendation explicitly advocates for alternatives to incarceration, which directly opposes mandatory sentencing that enforces imprisonment. The Coroner recognised that custody is not always the most effective response and that alternative approaches may more effectively address the underlying causes of violence while ensuring accountability.
- **Recommendation #23 & #29 (combined): Increase funding for men's prison-based behaviour programs and counselling AND Boost funding for community-based behavioural change and prevention programs:** These recommendations emphasise rehabilitation and behaviour change rather than punishment alone. They acknowledge that addressing the root causes of violence is essential for long-term change—an approach that mandatory sentencing fails to address. The Coroner prioritises investment in interventions that can actually change behaviour rather than simply removing offenders from society temporarily.
- **Recommendation #17 & #18 (combined): Replicate the specialist DFSV court in Alice Springs in other regions AND Fund culturally-appropriate, trauma-informed,**

¹⁹[NT coroner makes 35 recommendations after landmark inquest into DV deaths of Aboriginal women- ABC News](#)

²⁰[NT coroner makes 35 recommendations after landmark inquest into DV deaths of Aboriginal women- ABC News](#)

²¹https://justice.nt.gov.au/_data/assets/pdf_file/0010/1463707/74c7ad06daceae11bd2c0534cdc274fe6e61b06e.pdf

mediation/peacekeeping²² for family and community violence: These recommendations promote specialised, context-sensitive approaches that allow for judicial discretion and culturally appropriate responses—directly contradicting the one-size-fits-all approach of mandatory sentencing. Specialist courts can consider the specific circumstances of each case and apply appropriate interventions, while culturally appropriate mediation recognises the importance of community-based solutions, particularly for First Nations communities.

Collectively, these recommendations show that the Coroner's report advocates for a nuanced, evidence-based approach that prioritises effective interventions, rehabilitation, and cultural sensitivity over mandatory sentencing.

NTV urges the Northern Territory Government to prioritise the implementation of these evidence-based recommendations instead of reverting to a previously unsuccessful approach.

Conclusion

Evidence clearly demonstrates that mandatory sentencing for DVO breaches fails to reduce domestic and family violence while disproportionately impacting First Nations communities and straining an already overwhelmed corrections system. The Northern Territory's previous experience with this policy proved it to be, in the words of the Northern Territory Law Reform Committee, 'unprincipled, unfair, and unjust.' NTV acknowledges the Northern Territory Government's commitment to addressing DFV. However, based on our extensive knowledge and experience working with men who use violence, NTV recommends the Committee stop the introduction of mandatory sentencing.

Instead, we suggest focusing on implementing Coroner Armitage's recommendations. This includes an immediate, long-term increase in funding for DFV services, as well as alternatives to custody, providing PARt training to all current police officers,²³ investment in behaviour change programs, culturally appropriate mediation and peacekeeping models. Additionally, we advocate for evidence-based alternatives to incarceration and recommend that the following evidence-informed initiatives are prioritised:

- **Investment in a broader suite of effective interventions:**²⁴ NTV's members and sector colleagues, including Tangentyere Council and CatholicCare Northern Territory, have demonstrated their expertise in providing behaviour change programs, including prison

²²Evidence provided to the Northern Territory Coroner's Inquest highlighted that traditional peacemaking, continues to be practiced throughout the Northern Territory (see pp. 177-178, [Inquests into the deaths of ... \[2024\] NTLC 14](#)). For First Nations people, peacekeeping often involves cultural sensitivity (see for example, [Mi'kmaw peacekeepers program launches in 7 N.B. communities | CBC News](#)) and holistic approaches addressing underlying issues such as historical trauma and aims to create a safer, more supportive environment that respects cultural traditions and promotes healing and reconciliation (see for example, [How Indigenous-led peacekeeping is making Manitoba First Nations safer](#)).

²³ PARt (prevent, assist, respond) training was developed by Tangentyere Council Aboriginal Corporation with their partners Women's Safety Services of Central Australia, Domestic Violence Legal Services, and NT Legal Aid (see [PARt – Prevent. Assist. Respond. Training](#)).

²⁴ This NTV recommendation encompasses multiple Coroner's recommendations, including recommendations #18, #19, #20, #25 and #30 (i.e. "Fund culturally-appropriate, trauma-informed, mediation/peacekeeping", "Regulate and fund mediation and peacemaker groups", "Develop and fund alternatives to custody for DFSV perpetrators", "Develop and implement a prison program for men who are 'deniers' of their violence", and "Invest in culturally-appropriate prevention and education programs").

outreach. There is significant potential to broaden this work and invest in a comprehensive suite of appropriate, effective and available interventions to address DFV at its source.

- **Ensure best practice MBCPs:**²⁵ Service providers are currently underfunded to deliver critical components of best practice MBCPs. This includes case management, advocacy for women and children, supervision and professional development for facilitators, and post-program support. This can be achieved by building workforce and sector capacity, such as improving pay and working conditions, increasing professional development opportunities to support workforce upskilling, and expanding pathways into the workforce
- **Enhance cross-sectoral work:**²⁶ Investment in integrated, collaborative approaches involving communities, courts, corrections, mental health services, alcohol and other drug (AOD) services, victim-survivor services and MBCP providers offers great potential for sustained community safety.
- **Promote systems accountability:**²⁷ It is essential to ensure government accountability in ending systems abuse, including improving the justice system's role in breaking cycles of violence.

NTV stands firmly with our expert sector colleagues and members who advocate for the safety of women and children in the Northern Territory. Legislative and policy reforms should always be informed by evidence and involve thorough consultation with affected stakeholders, particularly to minimise potential unintended consequences. We urge the Northern Territory Government to look to the evidence and prioritise meaningful engagement with stakeholders. We support the voices of First Nations and family violence organisations, asking the Government to focus on evidence-based, consultative reform that will bring about meaningful change for all Territorians.

NTV is prepared to provide further advice on effective interventions for men who use violence and welcomes the opportunity to consult with the Government on legislative responses that can be more effective.

Thank you for considering our submission.

²⁵ Directly aligns with recommendations #3, #23 and #24 from the Northern Territory's Coroner's 2024 Inquiry (i.e. "Amend the DFSV workforce plan to better engage Aboriginal workers, communities and universities", "Increase funding for men's prison-based behaviour programs and counselling" and "Improve access to men's prison programs"). This is further supported by recommendations #2, #28, #29 and #34, (i.e. "Establish an NT peak body to represent the sector on a national level", "Better support for Aboriginal liaison officers in hospitals and clinics", "Boost funding for community-based behavioural change and prevention programs" and "Increase baseline funding for frontline DFSV crisis services by about 10 percent").

²⁶ Strongly aligns with recommendation #7 from the Coroner's Inquiry, "Implement the police and children and families department co-responder model", and is supported by recommendation #9, "Consider establishing a multi-agency protection service", and also connects with recommendation #17, "Replicate the specialist DFSV court in Alice Springs in other regions", and #26 "Establish reintegration programs for men leaving prison and returning to community".

²⁷ Aligns with recommendation #1 from the Coroner's Inquiry, "Establish a permanent, whole-of-government unit to lead DFSV policy and practice", and is supported by recommendations #13, "Expand NT police's family harm coordination daily auditing program", #22 "Embed the charter of victims' rights in NT law", and #33 "Full implementation of the DFSV Action Plan 2".