JUSTICE REFORM INITIATIVE
JAILING IS FAILING

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JUSTICE REFORM INITIATIVE SUBMISSION: DOMESTIC AND FAMILY VIOLENCE AND VICTIMS LEGISLATION AMENDMENT BILL 2025

The Justice Reform Initiative (JRI) welcomes the opportunity to provide this submission to the Legislative Scrutiny Committee on the Domestic and Family Violence and Victims Legislation Amendment Bill 2025.

As highlighted in the Justice Reform Initiative Alternatives to Incarceration in the Northern Territory Report[1], the Justice Reform Initiative position paper Adult Imprisonment in Australia,[2] and in countless other government and non-government reports, research, evaluation, and reviews,[3] there are multiple proven, cost-effective reforms that can work together to build safer communities that do not rely principally on incarceration. We urge the Northern Territory Government to stay focused on **evidence-based justice policies** and best-practice in all areas of justice policy development and note from the outset that there are ways to hold people who use violence accountable for their offending that also work to maintain victims safety and support children, families and communities.

The Justice Reform Initiative echoes the calls of those working directly in the Domestic and Family Violence sector, that any legislative reform that takes place needs to happen in consultation with those that are most impacted. Legislation should not be rushed, especially when the long-term ramifications on people's lives and liberty are significant. The Northern Territory DFV sector have outlined a comprehensive guide to community led solutions that must be adequately funded in order for the community to experience a shift in the current trajectory of high rates violence that women experience. The Justice Reform Initiative supports this call for investment in evidence based, community led responses and notes that there is no research to indicate that prisons have any success in addressing the drivers of violent behaviour.

SUMMARY OF KEY ISSUES

Below we have consolidated a summary of the key issues identified in the Bill. These issues are discussed in further detail throughout our submission.

Issue	Core concern	Implications
Mandatory sentencing undermines justice	Mandatory sentencing removes judicial discretion and prevents courts from considering the unique circumstances of each case including the presence of trauma, coercion, or systemic disadvantage.	This reform is likely to increase the risk of unjust outcomes, drive up imprisonment rates (especially among already overrepresented groups), and reduce victim safety by deterring reporting and removing proportionality from sentencing.
Deterrence theory is misapplied	The Bill relies on deterrence theory despite clear evidence that punitive sanctions do not reduce DFV.	Offending in DFV contexts is often shaped by many complex and non-linear factors including trauma, substance use, systemic disadvantage and emotional escalation. It does not rely on considered or rational cost-benefit analysis. The threat of harsher penalties in the form of mandatory sentencing will not deter people from committing crime.
Increased criminalisation of victims	Rigid legal responses risk misidentifying victims as perpetrators especially women who use force in self-defence or are pressured or coerced into breaching orders.	Victims are criminalised for survival-based behaviours or technical non-violent breaches of orders and may be less likely to seek help for fear of criminal consequences. These outcomes particularly impact already overrepresented groups.
Disproportionate impact on women and children	The Bill will most acutely impact already overrepresented groups including First Nations women, mothers, and women in regional and remote areas who already face often intersecting forms of systemic disadvantage.	Increased incarceration disrupts families, causes intergenerational trauma, and reinforces existing cycles of disadvantage. Children are particularly impacted by the imprisonment of primary caregivers, with long-term developmental and justice-related consequences.
Failure to centre victim agency and safety	The Bill adopts a one-size-fits-all punitive approach that sidelines victim voices and preferences.	Victims are positioned as passive recipients of justice rather than active agents. Without investment in choice, culturally safe services, or trauma-informed supports, the system risks further alienating those it seeks to protect.
Lack of preventative investment or alternatives	There is no corresponding commitment to prevention, early intervention, or non-carceral supports.	Without resourcing community-led, trauma-informed, and culturally safe responses, the Bill reinforces a reactive and punitive system that fails to reduce harm or improve long-term outcomes.

THE FAILURE OF MANDATORY SENTENCING

The Justice Reform Initiative opposes any sentencing initiatives, including mandatory sentencing that seek to reduce judicial discretion. Mandatory sentencing laws require judicial officers to deliver a minimum or fixed penalty. Such initiatives fail to take into account the particular circumstances involved in a particular criminal offence and do not allow a judge or magistrate to tailor a sentencing decision to suit the particular circumstances of the person who committed the offence, so as to address some of the underlying factors that contributed to the offending behaviour. Moreover, there is little evidence to suggest mandatory sentencing initiatives lead to a reduction in criminal offending or reduce the likelihood of recidivism. [4]

It is appropriate judges and magistrates retain significant judicial discretion in sentencing decisions given the multitude of factors and principles that must be considered and that many of these are context specific to the case before them.

As noted by senior barrister and former National Security Legislation Monitor Brett Walker SC in February 2025:

> *The whole point about a mandatory minimum is that it requires a sentence to be imposed from time to time that would be more harsh than the merits of the case would deserve. There is no other reason for the minimum to be mandatory. It is the parliament telling the courts, even though everything else about the case would combine to produce a particular result, I insist you must impose a sentence which is more harsh.*[5]

The introduction of mandatory sentencing provisions in the Northern Territory risks compounding the very harms the justice system seeks to address. These reforms strip courts of the discretion necessary to consider the full context of FDV, where the dynamics are often complex, gendered, and deeply shaped by trauma, coercion, and systemic disadvantage. Consequently, the proposed reforms raise significant concerns about fairness, proportionality, and effectiveness. Mandating minimum penalties removes the capacity for judicial officers to consider the unique context of each case and as a result address the underlying drivers of the offending behaviour. It also undermines the fundamental sentencing principle of individualised justice, removing victim's agency and decision-making, and risks the inadvertent criminalisation and further harm of victims. While there is no evidence that mandatory sentencing deters instances of offending, there is well-documented evidence (as discussed below) to demonstrate that it deters reporting. This can mean that mandatory sentencing for DFV inadvertently exacerbates existing harms to victims.

Mandatory sentencing prevents judges from exercising their professional judgment to impose penalties that are proportionate and appropriate to the nature of the offence and offer an opportunity to address the underlying drivers of the crime. As the NT Law Reform Committee cautioned, removing discretion with the imposition of mandatory sentencing "erode the ability of courts to arrive at just and equitable outcomes," and are likely to disproportionately affect and exacerbate people experiencing multiple and intersecting forms of marginalisation, and in fact intensify the impacts of existing marginalisation.[6]

These concerns are not merely theoretical, they are based on decades of evidence demonstrating that mandatory sentencing laws have consistently failed to reduce reoffending and instead exacerbate the underlying drivers of crime and subsequently increase the risk of further harm through recidivism. This view was also shared by the Australian Law Reform Commission in its 2017 Pathways to Justice Report which found that

mandatory sentencing provisions had little deterrent effect, particularly where offending was shaped by complex factors such as substance use, trauma, and poverty which is often the case for instances of DFV.[7] Likewise, the Sentencing Advisory Council of Victoria found mandatory sentencing was unable to respond flexibly to individual circumstances and subsequently increased the risk of injustice, particularly in DFV contexts.[8] The claim that mandatory sentencing acts as an effective deterrent is simply not supported by the evidence. In fact, multiple consecutive inquiries have shown that mandatory sentencing often has the opposite effect by weakening public and victim confidence in the judiciary by removing the discretion of judges and magistrates to tailor sentencing outcomes that are proportionate and responsive to both the seriousness of the offence and the needs of victims, offenders, and the broader community. Consequently, this reform is likely to influence systemic deterrence, but of victims, not perpetrators. When victims fear that seeking help will lead to their own harm, they become less likely to report violence or cooperate with legal processes, exacerbating existing issues within the criminal justice system and undermining the very goals of safety and accountability that the Bill seeks to achieve. Rather than enhancing safety, mandatory sentencing is more likely to undermine it.

THE MYTH OF SENTENCING DETERRENCE

Proposals such as mandatory sentencing for particular offences and proposals advocating for increases in sentencing severity are usually justified on the basis that more severe sentencing furthers the deterrence purpose of sentencing (in other words that a more severe sentence is more likely to deter criminal behaviour). This position is based on Deterrence Theory, that people can be deterred from certain modes of behaviour by establishing punishments for those acts. The theory has an underlying expectation that people who have the potential to commit criminal offences will compare the expected benefit of committing a crime with the benefit of not committing a crime. According to the theory, by imposing a severe sentence for criminal acts, a rational actor would conclude that the cost of committing the criminal act would outweigh any potential benefit from the act.[9]

The fact that Deterrence theory heavily relies on the rationality of the actors that commit criminal acts illustrates the failing of the theory and explains why there is little evidence to support the effectiveness of severe sentencing regimes in deterring criminal behaviour. Deterrence assumes people will know the specifics of particular offences, the likely penalties attached to particular offences, and that they will be apprehended, prosecuted and convicted of those offences. The over-representation of people (children and adults) with trauma, alcohol and drug use, mental health conditions and neurodiversity in the criminal justice system immediately creates significant doubt as to whether such people have the requisite knowledge or capacity to undertake the rational deliberations required to deter from criminal conduct. In addition, for criminal behaviour that occurs in the context of rage, anger or passion, people are not deliberating in a rational way as to whether the severity of the punishment outweighs the benefit of the conduct.[10]

The assumptions underlying Deterrence Theory also fail to acknowledge the contextual factors that increase the likelihood of criminal justice system involvement. These include (but are not limited to) having been in out of home (foster) care; receiving a poor school education; having early contact with police; systemic discrimination and disadvantage; experiencing homelessness or unstable housing; and coming from or living in a disadvantaged location.[11]

While deterrence remains one of the commonly identified legislative purposes of sentencing, the Justice Reform Initiative is concerned the purpose of deterrence is often given

disproportionate attention, given the limited effectiveness of punitive sentencing in achieving deterrence and in reducing reoffending.

STRENGTHENING OUTCOMES FOR VICTIMS

The Justice Reform Initiative acknowledges the significant impact domestic and family violence has on individual victims, their families and the wider community. The Northern Territory has the highest rates of domestic and family violence in Australia. [12]

We support the Northern Territory Government's commitment to reducing crime and are equally concerned about the significantly high rates of victims of domestic and family violence that we see across the community. However, it is important to acknowledge victims are not a homogenous group, and victims of domestic and family violence have different needs, experiences and perspectives. Not all victims of crime support tougher penalties, longer sentences and/or use of imprisonment.[13] We urge the Northern Territory Government to adequately consult with the sector in relation to these amendments.

Victims of domestic and family violence are often failed by the criminal justice system, particularly when it comes to having their voices and experiences acknowledged. Many victims of crime who contact the Justice Reform Initiative talk about the need for a justice system that reduces the likelihood of further violence or harm being committed. The Justice Reform Initiative shares this vision, and we seek to work alongside people with lived experienced of domestic, family and sexual violence to ensure there is choice for victims of crime, and to build safer communities. This includes promoting justice processes that ensure people who commit domestic, family and sexual violence are held accountable for their actions **in ways that work** to address the root causes of offending, and that people with lived experience of crime victimisation have the ability to participate in a way that is meaningful, trauma-informed and healing (for example, through evidence-based mechanisms such as transformative and restorative justice processes). Prior research has shown there are numerous supports that can put in place, alongside access to transformative and restorative processes, to strength outcomes for victims. This includes ensuring all victims have access to:

- a strong and trusting relationship with a caseworker;
- support and assistance (whether emotional, psychological, financial, physical and indirect) before, during and after legal proceedings;
- connection and support with people who have been through similar experiences;
- long-term, flexible and accessible individual and family support (including on weekends and out of business hours);
- regular and timely information on the criminal justice system processes and the progress of their case.[14]

Accountability and consequences for action **and** evidence-based rehabilitation/healing for people who commit crime do not have to be mutually exclusive. Accountability and restoring harm caused are key features of many evidence-based holistic and therapeutic programs that also address the root causes of offending and it has been acknowledged that such responses benefit not only the people who participate in these programs, but also victims of crime and the wider community, in a way that is much more cost-effective than repeated imprisonment.[15]

MANDATORY SENTENCING MAY PLACE VICTIMS OF DOMESTIC AND FAMILY VIOLENCE AT GREATER RISK

Both Women's and Family legal services across the Northern Territory have identified that measures such as mandatory sentencing will not increase women's safety. These measures will contribute to further overcrowding an already over capacity prison system, which further impacts on users of violence ability to connect with and engage in meaningful and useful programs within prison, therefore further risking further offending and harm upon release.

> 'These reforms will exacerbate these problems, only taking people "out of circulation" without addressing the reasons for their behaviour and then exacerbating the risk to the victim-survivor at the time of release'[16]

There is a substantial risk this provision will place victim-survivors of domestic and family violence in greater danger as victim-survivors may be feel compelled, coerced or threatened not to report breaches of DVOs given the operation of a mandatory sentence provision. The added complexities of this for Aboriginal victim-survivors in the Northern Territory have been articulated by the Central Australian Aboriginal Family Legal Unit and Northern Australian Aboriginal Family Legal Service in recent media releases noting that 'mandatory sentencing is not a response that addresses the complexities of DFSV and lacks a culturally appropriate and tailored solution for Aboriginal communities'.[17]

RISK OF INCREASED MISIDENTIFICATION OF FEMALE VICTIMS AS THE PRIMARY AGGRESSORS OF DOMESTIC AND FAMILY VIOLENCE

This Bill risks further entrenching the criminalisation of victims of FDV particularly women who use force in response to ongoing abuse. The proposed expansion of mandatory sentencing and the reduction of judicial discretion fail to account for the complex and often non-linear dynamics of FDV including the use of violence as self-defence, actions taken under coercive control, or behaviours shaped by survival strategies in the face of systemic disadvantage. When rigid legal frameworks are applied to these situations, they can often obscure their complex realities resulting in a justice system that frequently misidentifies victims as primary aggressors and criminalises women for non-violent and technical breaches of domestic violence orders (DVOs), a failure with serious and long-lasting consequences.

Police and prosecutorial misidentification are not an isolated problem. National research has documented widespread concern about the over-policing of women, especially First Nations women, and the systemic failure to distinguish between primary perpetrators and those who use violence as a means of resistance or survival.[18] In the Northern Territory where rates of FDV far exceed any other jurisdiction, the issue is acute, especially for First Nations women. who compared with other demographics are significantly more likely to be held on remand due to misidentification, bail breaches linked to poverty or homelessness, and/or systemic discrimination.[19]

In addition to being misidentified as primary aggressors, victims can also be criminalised for non-violent and technical breaches of DVOs or bail conditions that do not reflect the reality of their lives. For example, needing to return to a shared residence for housing or to care for children, being coerced into non-compliance, or for actions that occur in the context of cumulative trauma and unaddressed need. These laws make little room for examining that nuance and place victims, especially victims experiencing complex realities of

socioeconomic exclusion and coercive control at an additional risk of harm.

They also increase the likelihood victims especially those with lived experience of criminalisation or over-policing will be deterred from reporting violence in the first place, for fear their disclosures will result in criminal consequences for themselves rather than protection. This is particularly true for women who are socially and economically excluded, live in remote communities, or are navigating intersecting systems of discrimination. Finally, there are real risks that mandatory sentencing will influence upstream decision-making such as police charging practices and judicial decisions on bail by increasing the perceived seriousness or inevitability of custodial outcomes. This is likely to exacerbate already high rates of remand and overcrowding in NT prisons, without delivering improvements in safety or justice for victims.

DISPROPORTIONATE IMPACT ON WOMEN AND CHILDREN

Women living in regional and remote parts of the Northern Territory, which comprise close to the majority of the Northern Territory's overall population, face distinct and compounded challenges when navigating the justice system including limited access to legal assistance, interpreters, safe housing, transport, and culturally appropriate support services. These structural barriers heighten the risks of criminalisation and diminish access to safety and justice. This issue is acute for First Nations women in regional and remote communities who are already disproportionately criminalised, more likely to be misidentified as offenders, less likely to receive culturally appropriate legal support, and significantly more likely to be imprisoned.

Research consistently shows that geographic isolation reduces the availability of early intervention and therapeutic responses to domestic and family violence.[20] It also shows this is heightened for First Nations women who make up 88% of the adult female prison population in the NT, despite comprising less than 17% of the NT's adult female population.[21] Many of the First Nations women in prison in the NT are charged with low-level, non-violent offences including breaches of DVOs or bail conditions which are often linked to underlying issues such as housing instability, substance use, and in many instances experiences of FDV which have been ineffectively taken into account during sentencing. In the NT, services are concentrated in urban centres like Darwin and Alice Springs, leaving many women, particularly in remote First Nations communities without meaningful pathways to report violence, seek help, or comply with complex legal requirements. This can increase the risk of being charged with breaches of bail or DVO conditions due to factors outside their control, such as lack of transport, language barriers, or limited access to safe housing. Mandatory sentencing compounds these risks. Without judicial discretion, courts are unable to account for the lack of alternatives or services in remote areas. This means that women are more likely to be imprisoned not because their behaviour warrants a custodial response, but because no appropriate supports exist in their community. These outcomes disproportionately affect First Nations women in remote areas, where incarceration has become the default in the absence of proper infrastructure and support.

A national survey found 90% of women in prison are also mothers, and a large proportion were caring for dependent children prior to imprisonment , often as single parents.[22] Additionally, almost one in every 50 women enters prison pregnant with the median age for a woman in prison's first pregnancy being notably young at 18 years old, reflecting patterns of early motherhood that often coincide with socioeconomic disadvantage.[23] As a result, the imprisonment of mothers, particularly single mothers often has an immediate and deeply disruptive impact on children and family networks . It disrupts maternal bonds, often causes children to be placed in out-of-home care and perpetuates intergenerational cycles of trauma and disadvantage. Having an incarcerated parent is recognised as an adverse childhood experience placing children of incarcerated women at heightened risk of developmental

trauma, attachment issues, stigma, and later offending with around 18% of people entering prison having had a parent who had been imprisoned, with higher rates for First Nations women in prison.[24] Even short sentences can sever the mother-child bond, having lasting and even life-long impacts for both mothers and their children far beyond the sentence served. Further, prison visitation policies and distances especially if a mother is held far from home, as often happens in NT for women living in regional and remote communities can make maintaining contact very difficult.

Upon release, regaining custody is another challenge with many women facing significant legal barriers and a lack of resources and support to reunite with children. According to one analysis, women who were supported to maintain contact with their children had better post-release outcomes, whereas those who lost custody were more likely to return to prison and at higher risk of self-harm in custody.[25] It's also important to note that more than half of young girls and women in detention were or had been at the time of their imprisonment under the responsibility of the child protection system.[26] This highlights how increasing the risk of imprisonment for mothers, many of whom are victims of FDV contribute to cycles of imprisonment across generations. Any reforms to DFV legislation must be responsive to these realities. Without meaningful investment in localised, community-led alternatives and infrastructure including crisis accommodation, legal services, and culturally safe support to address the underlying drivers of crime these laws risk further marginalising the very women and children they purport to protect.

MISSED OPPORTUNITY TO CENTRE VICTIM AGENCY AND SAFETY

While the Bill aims to strengthen justice responses to domestic and family violence, it falls short of meaningfully centring the voices, needs, and agency of victims. The reforms risk reinforcing a system in which victims particularly women have limited say in how justice is pursued, and where their safety, autonomy, and long-term wellbeing may be undermined by rigid, punitive measures.

Victims are not a homogenous group. Their experiences, preferences, and safety needs vary significantly. Some seek traditional legal consequences, while others prioritise healing, protection, or non-carceral responses that preserve family or cultural ties. A victim-centred approach must accommodate this diversity. It should be grounded in principles of self-determination, trauma-informed practice, and procedural justice enabling victims to shape the process in ways that feel safe and meaningful to them.[27]

Instead, this Bill tends to position victims as passive recipients of state action, rather than active agents in their own recovery and protection. Mandatory sentencing, reduced discretion, and a focus on deterrence may further alienate victims who are unwilling or unable to engage with a system that they perceive as punitive, unsafe, or unresponsive to their realities. This is particularly true for women with lived experience of criminalisation, coercive control, or systemic racism many of whom already report deep distrust in police and courts.

A more effective legislative framework would actively prioritise victim choice and voice not only by expanding access to restorative or therapeutic options where appropriate, but also by ensuring that victims have timely access to culturally safe legal assistance, wraparound supports, and caseworkers they trust. These are the interventions most strongly associated with long-term safety and recovery not sentencing severity.

ABSENCE OF EVIDENCE-BASED ALTERNATIVES AND INVESTMENT IN PREVENTION

The bill risks reinforcing a reactive, punitive system that responds to violence only after it has escalated often through incarceration rather than interrupting the cycles that lead to it. The focus of the Northern Territory Government should be on significant resourcing of First Nations led, evidence-based prevention, early intervention, and community-led responses that are proven to reduce harm and build long-term safety.

Extensive national and Northern Territory-based research demonstrates that early and sustained access to housing, mental health support, culturally safe legal services, and family-focused therapeutic programs are key to preventing both victimisation and offending. At the same time as examining legislation, it is critical that the NT Government explore accompanying reforms and resourcing to expand access to these services, especially in remote and regional areas where needs are most acute.

The absence of funding commitments is particularly concerning given the strong evidence base for alternatives to incarceration that reduce reoffending, increase victim safety, and deliver better outcomes for families and communities. Programs that are place-based, community-led, and trauma-informed including justice reinvestment models, Aboriginal-led healing initiatives, and integrated case management services have been shown to improve outcomes while reducing reliance on police and prisons.[28] Preventing violence and improving community safety requires a whole-of-system shift that starts long before the court process. Legislative reform without corresponding investment in these pathways risks entrenching a justice system that responds to violence too late, and in ways that may cause further harm.

ABOUT THE JUSTICE REFORM INITIATIVE

The Justice Reform Initiative was established in September 2020 with a goal to reduce Australia's harmful and costly reliance on incarceration. We seek to reduce incarceration in Australia by 50% by 2030 and build a community in which disadvantage is no longer met with a default criminal justice system response.

Our patrons include 120 eminent Australians, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges, including High Court judges, and many other community leaders who have added their voices to the movement to end the cycle of incarceration in Australia.

We also have a rapidly growing number of supporter organisations (more than 200 at the time of writing) that have joined the movement to reduce incarceration. These include the Australian Medical Association, The Law Council of Australia, the Federation of Ethnic Community Councils, the Australian Council of Churches, the Australian Catholic Bishops Conference, and multiple First Nations-led organisations and service-delivery organisations that have expertise working with people who have been impacted by the justice system.

The Justice Reform Initiative seeks to work with parliamentarians from all sides of politics, policy makers, people with experience of the justice system, and people of goodwill across the country to embrace evidence-based criminal justice policy in order to reduce crime, reduce recidivism and build safer communities.

We are working to shift the public conversation and public policy away from building more prisons as the primary response of the criminal justice system and move instead to proven alternative evidence-based approaches that break the cycle of incarceration. We are committed to elevating approaches that seek to address the causes and drivers of contact with the criminal justice system. We are also committed to elevating approaches that see Aboriginal and Torres Strait Islander-led organisations being resourced and supported to provide appropriate support to Aboriginal and Torres Strait Islander people who are impacted by the justice system.

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[1] Justice Reform Initiative. (2023). Alternatives to Incarceration in the Northern Territory. https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1684122983/JRI_Alternatives_NT_Full_FINAL-2_copy.pdf?1684122983

[2] Justice Reform Initiative. (2024). Adult Imprisonment in Australia. https://assets.nationbuilder.com/justicereforminitiative/pages/441/attachments/original/1733879377/Dec_2024_PRISONS.pdf?1733879377

[3] For example, as detailed in Australian Law Reform Commission (2018). 'Social determinants of incarceration', *Pathways to Justice–Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133), https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the- incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/2-context/social-determinants-of-incarceration/; Atkinson, B. (2022). Youth justice reforms review: Final Report. https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/reviews-inquiries/youth-justice-reforms-review-march-2022.pdf.

[4] Australian Law Reform Commission (ALRC). 2017. *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Final Report*. December 2017. Paragraphs 8.9, 8.13..

[5] ABC Radio National Breakfast. 2025. *Warning on mandatory sentences for Nazi symbols*. 7 February 2025 at 7.30am. https://www.abc.net.au/listen/programs/radionational-breakfast/warning-on-mandatory-sentences/104906710

[6]Northern Territory Law Reform Committee. (2021). Mandatory Sentencing and Community Based Sentencing Options – Final Report https://justice.nt.gov.au/__data/assets/pdf_file/0007/1034638/Final-report-Mandatory-sentencing-and-community-based-sentencing-options.pdf

[7] Australian Law Reform Commission (2018) Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (ARLC Report 133) https://www.alrc.gov.au/publication/pathways-to-justice-an-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/

[8]Sentencing Council of Australia (2008) Sentencing Matters: Mandatory Sentencing https://www.sentencingcouncil.vic.gov.au/publications

[9] Cesare Bonesana di Beccaria, "An Essay on Crimes and Punishment, By the Marquis Beccarioa. 16, 47; Jeremy Bentham, An Introduction to the Principles of Morals and Legislation (introduction to the Principles) (Oxford: Clarendon Press, 1907). 6-7.

[10] Ben Knight. 2020. *Do harsher punishments deter crime? University of NSW Newsroom*. 16 July 2020. <https://www.unsw.edu.au/newsroom/news/2020/07/do-harsher-punishments-deter-crime>.

[11] Ruth McCausland and Eileen Baldry. 2023. 'The Social Determinants of Justice: 8 Factors that increase your risk of imprisonment'. *The Conversation*. Available online https://theconversation.com/the-social-determinants-of-justice-8-factors-that-increase-your-risk-of-imprisonment-203661

[12] Territory Families, 'The Northern Territory Gender Equality Framework 2019-2024 - Consultation Document', 2019, Northern Territory Government

[13] Fitz-Gibbon, K., Walkate, S., Meyer,S., & Reeves, E. (2024). The criminalisation of coercive control: A national study of victim-survivors' views on the need for, benefits risks and impacts of criminalisation; https://www.aic.gov.au/sites/default/files/2024-12/crg_criminalisation_of_coercive_control_v9.pdf; Women's Safety Justice Taskforce. (2024). Hear her voice report 2. https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0009/723843/Hear-her-voice-Report-2-Volume-2.pdf; Little, T. (2025, March 3). Crowd hears powerful statement by alleged rape victim at Cairns rally. https://www.ntnews.com.au/news/sexual-assault-survivors-and-terrified-community-members-told-their-stories-at-cairns-rally/news-story/a335026a5b321aaf91d4d7f096e773a2?btr=9bb1dc16adc269bc1cfe0ca6b3a58623.

[14] Dinisman, T., & Moroz, A. (2017). Understanding victims of crime: The impact of crime and support needs. Victim Support. https://www.researchgate.net/profile/Tamar-Dinisman/publication/316787563_Understanding_victims_of_crime_The_impact_of_the_crime_and_support_needs/links/59118a70458515bbcb917314/Understanding-victims-of-crime-The-impact-of-the-crime-and-support-needs.pdf

[15] Women's Safety Justice Taskforce. (2024). Hear her voice report 2. https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0009/723843/Hear-her-voice-Report-2-Volume-2.pdf; Little, T. (2025, March 3). Crowd hears powerful statement by alleged rape victim at Cairns rally. https://www.ntnews.com.au/news/sexual-assault-survivors-and-terrified-community-members-told-their-stories-at-cairns-rally/news-story/a335026a5b321aaf91d4d7f096e773a2?btr=9bb1dc16adc269bc1cfe0ca6b3a58623

[16] Katherine Women's Legal Service [website] https://kwils.com.au/creating-change/media-releases accessed 4 April 2025

[17] https://naafls.com.au/joint-media-release-naafls-and-caaflu-respond-to-nt-governments-domestic-violence-reforms/

[18] CLANT Conference (2024) Misidentification – and its impacts on justice https://www.dpp.act.gov.au/__data/assets/pdf_file/0006/2554872/Misidentification-and-its-impact-on-Justice-speech-2024-ACT-DPP.pdf; Women's Legal Service Victoria (2018) Policy Paper 1 "Officer she's psychotic and I need protection"; Police misidentification of the 'primary aggressor' in family violence incidents in Victoria https://womenslegal.org.au/files/file/WLSV%20Policy%20Brief%201%20MisID%20July%202018.pdf; ANROWS (2019) Women who kill abusive partners: understanding of intimate partner violence in the context of self defence. Key findings and future directions https://www.anrows.org.au/publication/women-who-kill-abusive-partners-understandings-of-intimate-partner-violence-in-the-context-of-self-defence-key-findings-and-future-directions/

[19] Productivity Commission (2024) Report on government services 2024Tables 6A.18 & 6A.19 https://www.pc.gov.au/ongoing/report-on-government-services/2024/data-downloads/rogs-2024-partc-overview-and-sections.pdf

[20] Australian Law Reform Commission (2018) Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (ARLC Report 133) https://www.alrc.gov.au/publication/pathways-to-justice-an-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/

[21] Productivity Commission (2024) Report on Government Services 2024, table8A.4 https://www.pc.gov.au/ongoing/report-on-government-services/2024/data-downloads/rogs-2024-partc-overview-and-sections.pdf

[22] Royal College of General Practitioners (2019) Majority of women in prisons are mothers: Report https://www1.racgp.org.au/newsgp/clinical/majority-of-women-in-prison-have-dependent-childre#:~:text=The%20report%20confirms%20that%20the,being%20pregnant%20when%20entering%20prison

[23] Royal College of General Practitioners (2019) Majority of women in prisons are mothers: Report https://www1.racgp.org.au/newsgp/clinical/majority-of-women-in-prison-have-dependent-childre#:~:text=The%20report%20confirms%20that%20the,being%20pregnant%20when%20entering%20prison
[24] Royal College of General Practitioners (2019) Majority of women in prisons are mothers: Report https://www1.racgp.org.au/newsgp/clinical/majority-of-women-in-prison-have-dependent-childre#:~:text=The%20report%20confirms%20that%20the,being%20pregnant%20when%20entering%20prison
[25] Centre for Innovative Justice (2021) Leaving custody behind: A fact sheet on drivers and alternatives to women's incarceration https://cij.org.au/cms/wp-content/uploads/2021/07/leaving-custody-behind-fact-sheet_final.pdf#:~:text=profoundly%20devastating%20impacts%20on%20the,children%20separated%20from%20their%20mothers
[26] Debbie Kilroy (2016) Women in Prison in Australia: Current Issues in Sentencing Conference https://www.njca.com.au/wp-content/uploads/2023/03/Kilroy-Debbie-Women-in-Prison-in-Australia-paper.pdf#:~:text=schooling,of%20women
[27] Domestic and Family Violence Death Review and Advisory Board (2021-22) Collaborative responses to risk, safety and dangerousness Annual Report 2021-22 https://www.coronerscourt.qld.gov.au/__data/assets/pdf_file/0009/753318/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2021-22.pdf
[28] Justice Reform Initiative. (2023). Alternatives to Incarceration in the Northern Territory. https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1684122983/JRI_Alternatives_NT_Full_FINAL-2_copy.pdf?1684122983