

ANROWS

AUSTRALIA'S NATIONAL RESEARCH
ORGANISATION FOR WOMEN'S SAFETY

to Reduce Violence against Women & their Children

Secretary, Legislative Scrutiny Committee
Legislative Assembly of the Northern Territory
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Dear Legislative Scrutiny Committee,

Thank you for the opportunity for Australia's National Research Organisation for Women's Safety (ANROWS) to provide our advice regarding the *Domestic and Family Violence and Victims Legislation Amendment Bill (NT) 2025*.

ANROWS is Australia's leading independent organisation and trusted voice for the development of rigorous, high-quality research in relation to ending violence against women and children. Our role is to broker and mobilise the effective use of research to inform decision-making and drive meaningful change across legislation, policy and practice to end domestic, family and sexual violence in Australia. ANROWS is funded as a partner of the *National Plan to End Violence Against Women and Children*, with bi-partisan support, and works to ensure that members of State, Territory and Australian governments can use the evidence to meet their objectives to drive this key national policy.

ANROWS also sets the *Australian National Research Agenda* (the Research Agenda). The Research Agenda is a framework that develops priority areas of research, with a focus on guiding how research can be developed and implemented in ways that are inclusive, person-centred and action orientated. The Research Agenda prioritises practice knowledge and lived expertise alongside other forms of evidence to inform how decisions are made.

ANROWS deeply understands the need for solutions that urgently address the severity and volume of domestic, family and sexual violence in the Northern Territory (NT). We also understand the necessity for rapid improvements in safety for women, children and communities. Our primary value to our stakeholders is our understanding of the evidence base about what works to reduce the risk of people who use violence. It is in keeping with that role that we raise our concerns about the Government's current position that incarceration will improve the safety of victim-survivors and significantly reduce the risk of ongoing violence.

The evidence shows that improvements in safety come from investments outside of or alongside the criminal justice system. Our research shows that there is no evidence that the reintroduction of mandatory sentencing legislation in the NT will have positive impacts on, or improve the safety of, women, children and the broader community.

Indeed, research from across Australia demonstrates imprisonment does not reduce recidivism¹ and that short terms of imprisonment² in particular can result in *increased* criminal behaviour.³ While imprisonment can be an option, including to enable short-term respite, the evidence is clear that it is not an effective tool for reducing the continued use of violence, beyond the temporary effects while an offender is in custody.

There are also a large number of studies which demonstrate substantially high rates of misidentification of women as domestic, family and sexual violence users, with many of these women having previously experienced one or more assaults themselves.⁴ Research has also found that almost one third of Aboriginal and Torres Strait Islander women killed by men in domestic homicides between 2006 and 2016 were previously (mis)identified by police to have been domestic, family and sexual violence perpetrators.⁵ This is consistent with findings from a literature review undertaken in partnership between ANROWS and First Nations researchers across Australia and submitted to the UN *Committee on the Elimination of Discrimination against Women* in 2024.⁶

Our recent work in the NT includes an evaluation of the two men's behaviour change programs (MBCPs). This work involved investigation into domestic, family and sexual violence user responses across the justice, legal, child protection, health, specialist domestic, family and sexual violence, Aboriginal Community Controlled Organisation (ACCO) and other community services sectors. The evaluation revealed overwhelming relief from stakeholders in relation to the repeal of mandatory sentencing in relation to Domestic Violence Order breaches. Stakeholders across these sectors support the findings of the NT Law Reform Committee⁷ and were hopeful that the repeal of mandatory sentencing would open opportunities for services to address the root causes of offending, through evidence-based and Aboriginal community informed men's behaviour change work. The importance of strengthening rehabilitation and treatment options was validated by Coroner Armitage's final report in the inquest into the deaths of four Aboriginal women in the NT.

¹ 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; Travenza, J., & Poynton, S. (2016). Does a prison sentence affect future domestic violence reoffending? Contemporary Issues in Crime and Justice, no 190. NSW Bureau of Crime and Statistics Research.

² There is no consistent definition of 'short-term' in the literature in relation to imprisonment, but this is often defined as period of twelve months or less.

³ Kurti, P., & Khurana, M. (2024). What is Prison Good for? Analysis Paper 60. Centre for Independent Studies, Australia.

⁴ Boxall, H., Dowling, C., & Morgan, A. (2020). Female perpetrated domestic violence: Prevalence of self-defensive and retaliatory violence. Trends & issues in crime and criminal justice, no. 584. Canberra: Australian Institute of Criminology; Larence, L., & Miller, S. (2017). In her own words: women describe their use of force resulting in court-ordered intervention. Violence Against Women, 23(12), 1536-1559; Mansour, J. (2014). Women defendants of AVOs: What is their experience of the justice system? Women's Legal Service NSW; Nancarrow, H., Thomas, K., Ringland, V., & Modini, T. (2020). Accurately identifying the "person most in need of protection" in domestic and family violence law (Research report, 23/2020), Sydney: ANROWS; No to Violence (2019). Predominant aggressor identification and victim misidentification. Identifying predominant aggressors remains a challenge to family violence responses. NTV discussion paper, Melbourne; Warren, A., Martin, R., Chung, D. (2020). Women who use force: Final report. Vol. 2 – International literature review. University of Melbourne; Women's Legal Service of Victoria (2018a). Snapshot of police Family Violence Intervention Order applications: January – May 2018; Women's Legal Service of Victoria (2018b). "Officer she's psychotic and I need protection": Police misidentification of the 'primary aggressor' in family violence incidents in Victoria. Policy Paper 1.

⁵ Emma Buxton-Namisnyk, Domestic Violence Policing of First Nations Women in Australia: 'Settler' Frameworks, Consequential Harms and the Promise of Meaningful Self-Determination, *The British Journal of Criminology*, Volume 62, Issue 6, November 2022, Pages 1323–1340

⁶ Bevan, C., Lloyd, J., & McGlade, H. (2024). *Missing, murdered and incarcerated Indigenous women in Australia: A literature review*. ANROWS.

⁷ Northern Territory Law Reform Committee (2021). Mandatory Sentencing and Community-Based Sentencing Options: Final Report. Report no. 47.

In the NT, approximately 60% of Aboriginal offenders (of DFV or other crimes) who are imprisoned return to prison or community corrections within two years of release from custody.⁸ We note data from the North Australian Aboriginal Justice Agency that the number of Aboriginal people taken into custody has more than doubled over the past six years.⁹

The established evidence base demonstrates that criminal justice responses focused on punitive policies are not effective approaches to enhancing the safety of women, children and the community, nor do they provide holistic rehabilitation options for those who use violence. It is rare, if ever, to find evidence that criminal justice responses are effective before they are implemented. Yet, alternative solutions such as holistic, therapeutic responses are often held to a higher evidentiary standard. In this case, the evidence is not there to demonstrate that the proposed criminal justice responses are effective. The evidence clearly points to the strong risk that a re-introduction of mandatory sentencing will contribute to further escalations of domestic, family and sexual violence across the NT. There is significant potential for this to lead to an increase of more severe incidents of injury and fatality as well.

Research from ANROWS has developed a clear picture of best practice. We also share this advice alongside, and as allies to, the many organisations across the NT who have expressed their concern about the proposed legislative changes. We are informed by the knowledge held in these organisations and their specialist, community-led expertise for preventing and responding to domestic, family and sexual violence in this context. These organisations and networks have valuable insights and hold relationships with individuals and communities with lived experience who must be centred in the decision-making process.

We welcome the opportunity to discuss the evidence base with you as it relates to this legislation, and to work with the Northern Territory Government in the use of evidence to drive meaningful change to enhance the safety of women, children and the community.

Yours sincerely,



Tessa Boyd-Caine
CEO

⁸ SCRGSP (Steering Committee for the Review of Government Service Provision) 2024, Report on Government Services 2024, Productivity Commission, Canberra.

⁹ <https://www.abc.net.au/news/2025-01-12/nt-why-is-the-number-of-aboriginal-people-in-custody-increasing/104804288>