

16 February 2026

Legislation Scrutiny Committee
Committee Secretariat
GPO Box 3721
Darwin NT 0801

By email to LSC@nt.gov.au

Dear Committee,

Submission – Inquiry into the Sentencing Amendment (Murder) Bill 2026 – Northern Territory Women's Legal Services

We write to provide a submission to the Committee's inquiry into the Sentencing Amendment (Murder) Bill 2026 ('the Bill').

1 – Our perspective

This submission puts forward the joint view of the Northern Territory Women's Legal Services ('NTWLS'), comprising the Top End Women's Legal Service ('TEWLS'), Katherine Women's Information and Legal Service ('KWILS'), and Central Australia Women's Legal Service ('CAWLS').

Collectively, the NTWLS deliver legal services for women and non-binary people across the entire Northern Territory, with a significant focus on domestic, family and sexual violence ('DFSV'). We operate in a holistic, trauma-informed, and culturally-appropriate manner, recognising our clients' legal needs as one small part of their complex lived reality. Daily, we help women navigate a variety of challenges to keep themselves and their children safe. This experience gives us deep insight into the needs and experiences of victim-survivors of DFSV, which has informed our submission with respect to the Bill.

RECOMMENDATIONS

The Committee should recommend to the Assembly that:

- 1. The Bill should **not** be passed in its current form.*
- 2. If the Government wishes to pursue legislative amendments to implement harsher consequences for intimate partner homicide, further consultation should be undertaken with stakeholders having expertise in DFSV law and criminal law, including but not limited to the NTWLS and the Criminal Lawyers Association of the Northern Territory, to strengthen the protections and opportunities for leniency afforded to women who may kill as a means of escaping serious and longstanding abuse.*

2 – Our Submission

A – The gendered context of intimate partner homicide must be recognised

Intimate partner DFSV is the most prevalent and serious violence committed against women that can result in fatal consequences.¹ While we know that women are more likely to be the victim of intimate partner homicide than the perpetrator,² when women do kill a male partner (or former partner), it is most often out of fear and self-preservation in response to prolonged abuse.³ This gendered context was directly considered by ANROWS in 2019.⁴

Issues of misidentification of the primary perpetrator of DFSV continue in the Northern Territory, with Aboriginal and Torres Strait Islander women continuing to be disproportionately impacted by a system that is ill-equipped to provide culturally-safe first response assistance. NTWLS continue to see failings such as delayed responses, unintentional collusion, and the issuing of reciprocal domestic violence orders – all of which operate to silence the victim survivor, contribute to ongoing coercive control for the family, and eventually, result in serious misidentification. The impacts of these failings on women and children are serious and longstanding.

Despite efforts made to improve these systemic failings,⁵ the reality that we continue to see is lengthy histories of inadequate response impacting on victim-survivors' willingness to continue seeking assistance.⁶ This can influence women to take safety into their own hands and contribute to the use of violence against their abusers as a means of protection or escape.

The amendment proposed by the Bill does not adequately recognise and provide for this context. The Bill's Explanatory Statement,⁷ and information discussed at the public briefing,⁸ both suggest that the "exceptional circumstances" provision is adequate protection for cases where a woman has killed an abusive partner (or former partner). While the NTWLS acknowledge there is precedent for domestic violence history to be considered as "exceptional circumstances" where the person killed was the primary user of violence, we remain concerned

¹ Nash, C & Dioso-Villa, R, Australia's Divergent Legal Responses to Women Who Kill Their Abusive Partners, Sage Journals Online Volume 30, Issue 9 (16 February 2023).

² Australian Bureau of Statistics. "Partner violence." *ABS*, 2021-22, <https://www.abs.gov.au/statistics/people/crime-and-justice/partner-violence/latest-release>.

³ See above n 1.

⁴ Australia's National Research Organisation for Women's Safety (ANROWS), Submission to the New South Wales Sentencing Council – Review of sentencing for murder and manslaughter, 8 March 2019 <<https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2019/03/19030046/PMU12.pdf>>.

⁵ For example, the 2023 amendments to the *Domestic and Family Violence Act 2007* (NT) to recognise coercive control and require consideration of which party is most in need of protection, and deliverables under the Northern Territory DFSV Reduction Strategy 2025-2028 such as the co-responder model and PART training.

⁶ See, eg, *Inquests into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood* [2024] NTLC 14, [398].

⁷ Explanatory Statement, Sentencing Amendment (Murder) Bill 2026 (Serial No.51), Legislative Assembly of the Northern Territory, Attorney-General, 2.

⁸ Public Briefing Transcript, Sentencing Amendment (Murder) Bill 2026, Legislative Scrutiny Committee (9 February 2026), 3-4.

that the practical operation of the legislation (if the amendment is passed) will cause unduly harsh consequences in cases of this nature. This is because:

- A woman who may successfully establish the requirements of the “exceptional circumstances” provision would only be able to access a reduction in the minimum non-parole period of *around* 5 years;⁹ and
- The result of this reduction would be a sentence of *around* 20 years – the same as any other person found guilty of murder without a circumstance of aggravation in s 53A(3).

If the Government intends to pursue sentencing reforms regarding intimate partner homicide, it should also be considered as an opportunity to recognise the contextual differences and systemic barriers that impact upon women who are trapped in a cycle of abuse and may turn to violence as a means of protection or escape. Appropriately worded and structured reforms may be able to clearly distinguish the appropriate degree of punishment and public censure of offending in this context, being mindful of the intense suffering and distress already experienced by the victim-survivor within the abusive relationship.

B – Absence of evidence regarding longer sentences as a deterrent

The NTWLS note the comments of both the Attorney-General and Attorney-General's Department that the intent of the Bill is to “act as a further deterrent” for perpetrators of DFSV homicide.¹⁰ While we accept that implementing an increased mandatory non-parole period may operate as public denunciation relating to the abhorrence of intimate partner homicide,¹¹ the NTWLS do not know of any evidence that indicates that longer prison sentences act as a deterrent for the specific crime being targeted by the Bill.

C – The Northern Territory's DFSV crisis

The statistics in respect of the Northern Territory's DFSV crisis are not in dispute – we know that the Northern Territory continues to have the highest recorded rates of both DFSV and stand-alone incidents of sexual violence,¹² and that without adequate and long-term investment,¹³ the crisis will continue to worsen. At the current levels of investment by the Northern Territory, the DFSV crisis will cost our jurisdiction more than \$3 billion over five (5) years, with current levels of investment to remedy the issue accounting for 6% of the total cost.¹⁴

For the Committee's awareness and background when considering the Bill, the NTWLS take this opportunity to submit that current levels of investment are manifestly inadequate to address the DFSV crisis.

⁹ Per practice experience of the NTWLS.

¹⁰ Northern Territory, Parliamentary Debated, Legislative Assembly, 4 February 2026, 2 (Marie-Clare Boothby, Attorney-General); see above n 8, 4.

¹¹ This is recognised as a reason for imposing sentences in the sentencing guidelines: s 5(1)(d) of the *Sentencing Act 1995* (NT).

¹² Australian Bureau of Statistics. (2021-22). *Personal Safety, Australia*. ABS.

<https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/2021-22>.

¹³ See above n 6, [711].

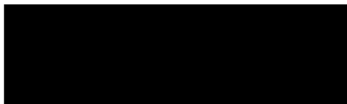
¹⁴ See above n 6, [113]; \$180 million contribution by the Northern Territory Government over five (5) years, where cost to the Northern Territory is estimated to be up to \$606.1 million per one (1) year.

3 – Further consultation

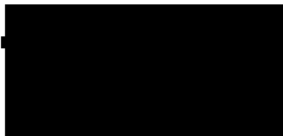
As noted in previous submissions to the Committee, the NTWLS remain deeply invested in creating strong and effective measures to respond to the current DFSV crisis in the Northern Territory. We share the Government's vision for a safer community and reiterate our aim to work alongside policy makers to develop more comprehensive, evidence-based strategies to improve victim-survivor safety.

We confirm that we would welcome any further consultation regarding the Bill, noting our services' expertise in experiences of DFSV across the Northern Territory. Please do not hesitate to reach out to any one of our services if we can assist further.

Yours Sincerely,
NTWLS



Hannah George
Chief Executive Officer,
KWILS



Anna Ryan
Chief Executive Officer,
CAWLS



Caitlin Weatherby-Fell
Chief Executive Officer and
Principal Lawyer, TEWLS

