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Committee Secretariat
Legislative Scrutiny Committee
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Dear Committee Secretariat

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Inquiry into the *Sentencing Amendment (Murder) Bill 2026*

ABN 62 208 314 893

The Law Society Northern Territory (**Society**) is a statutory body constituted under the *Legal Profession Act 2006* (NT). It is responsible for the regulation of the legal profession in the Northern Territory and represents the interests of its legal practitioner members whose work is core to the maintenance of fair commerce, the rule of law and the administration of justice.

The Society writes with respect to the Committee's inquiry into the *Sentencing Amendment (Murder) Bill 2026 (the Bill)*.

The Society makes the following points in relation to the proposed amendments:

1. The Society welcomes legislation and policy directed to addressing and combatting the high incidence and devastating impact of Domestic, Family and Sexual Violence (**DFSV**) in the Northern Territory, noting the disproportionate rate of DFSV and particularly DFSV related murder.
2. The Society equally welcomes the opportunity for consultation on the proposed legislative amendments. In accordance with the Regulation-Making Framework adopted on 1 November 2017, best practice principles for effective consultation should "*start when policy objectives and options are being identified*" and allow sufficient time for stakeholders to provide considered responses. It understands that, prior to its introduction to Parliament, neither an exposure draft of the *Sentencing Amendment (Murder) Bill 2026* nor the broader proposal to adopt mandatory sentencing for murder by an intimate partner, were subject to consultation including with the specialised DFSV sector. The Society notes in this regard that the government's DFSV Reduction Strategy 2025-2028 (**the Strategy**) does not contemplate mandatory sentencing.¹
3. While the Society is pleased to see that the opportunity to provide submissions to this Committee has been provided, it continues to urge the Northern Territory government to engage in broader consultation and provide sufficient time frames for response to allow for meaningful contributions on underlying policy and proposed legislation.

¹ Northern Territory Domestic, Family and Sexual Violence Reduction Strategy 2025 – 2028
https://families.nt.gov.au/data/assets/pdf_file/0009/1572228/dfsv-reduction-strategy-2025-2028.pdf

4. It is noted that in the Strategy, this government commits to investing in and implementing consistent, evidence-based justice policies. There is no evidence that mandatory sentencing deters crime.²
5. Mandatory sentencing prioritises retribution and punishment over prevention and rehabilitation. It also restricts Judicial independence and discretion by removing the ability of the courts to consider the unique circumstances of each case.
6. The Society echoes the concerns expressed by DSFV specialist services that the introduction of mandatory sentencing proposed in the Bill will negatively impact victim-survivors of DSFV who kill their abusive partners through the use of physical force or weapons when defending themselves against violent attacks.³
7. The Society is pleased to note that the Bill does provide some protection in this regard, as the proposed amendment to s 53A(6) allows for the fixing of a shorter period if satisfied there are exceptional circumstances that justify fixing a shorter non-parole period, those “exceptional circumstances” being that the offender is otherwise a person of good character; and unlikely to re-offend; and the victim’s conduct, or conduct and condition substantially mitigate the conduct of the offender.”
8. However, there is a risk that a victim-survivor who has killed their partner when defending against a violent attack may still be subject to a non-parole period of 25 years where they do not otherwise meet the test of good character or low likelihood of re-offending, as all three of the criteria listed in s 53A(7) must apply for exceptional circumstances to apply. This carries the risk that vulnerable persons acting in self-defence are not otherwise able to receive a sentencing reduction if there are character concerns in relation to them or a prior criminal history.
9. It should not be the case that only victim-survivors who meet character requirements are protected from punitive sentencing as a result of acting to defend themselves from harm.
10. Research regarding similar legislation in Canada found that incarceration of misidentified victims of DFSV who fight back have been shown to disproportionately impact First Nations women, migrant women and women living in poverty.⁴
11. The passing of the Bill will limit the ability of judicial decision makers to apply proportionate and just sentences for misidentified victim-survivors of DFSV.⁵

² *Policy Discussion Paper on Mandatory Sentencing*, Law Council of Australia, May 2014; *Assessing the impacts of domestic and family violence sentencing reforms in Queensland*, Queensland Sentencing Advisory Council, March 2025; *Mandatory Sentencing: Pathways to Justice*, ALRC, 19/07/2017.

³ *Australia’s divergent legal response to women who kill their abusive partners*, Nash C and Dioso-Villa R, Sage Choice 16/02/2023.

⁴ *Instruments of Injustice: The Emergence of Mandatory Sentencing in Victoria*, Stanton M.D., Monash University Law Review (Vol 48, No 2), 2023; *Swift, Certain and Fair Approaches to Sentencing Family Violence Offenders Report*, Sentencing Advisory Council Victoria, 2017; *Assessing the impacts of domestic and family violence sentencing reforms in Queensland*, Queensland Sentencing Advisory Council, March 2025.

⁵ *Instruments of Injustice: The Emergence of Mandatory Sentencing in Victoria*, Stanton M.D., Monash University Law Review (Vol 48, No 2), 2023; *Swift, Certain and Fair Approaches to Sentencing Family Violence Offenders*

There are examples of DFSV victim-survivors who have killed their abusive partners and have had their sentences reduced or overturned by Judges appropriately considering their circumstances and applying their discretion to the law, such as the matter of Helen Secretary in the Northern Territory.

12. The Society is additionally concerned that the valuable and limited resources of the justice system may be caught up in an increase in murder trials, as defendants will no longer gain a sentence discount by entering a guilty plea in such matters. Resources siphoned for this purpose could instead be used to actively address the systemic and structural causes of DFSV.
13. Families of DFSV victims who have been murdered may be further traumatised by longer court processes, and DFSV victim-survivors awaiting the outcomes of non-murder charges may have to wait longer.⁶
14. The Society notes that the Northern Territory Coroner made 35 recommendations in her landmark coronial inquest in 2024. These recommendations were made following an 18-month investigation by the Coroner, with input from dedicated community organisations and professionals seeking systemic change, as well as the families and circumstances of the four murdered women.⁷ Notably, the introduction of mandatory sentencing was not recommended by the Coroner.
15. The introduction of mandatory sentencing carries significant risk of unintended consequences for victim-survivors of DFSV and consumes significant resources. It is without supporting evidence of its effectiveness at reducing harm from DFSV and is not in line with the government's Strategy, the recommendations of the Coroner's landmark report or the expertise of the specialist DFSV sector.
16. The Society would suggest that resources are better allocated to ensuring investment in specialist DFSV services, including legal services, and to implement and invest in consistent, evidence-based policies and the recommendations of the Territory Coroner.

We are pleased to provide this submission to the Committee and are grateful to our colleagues at the Domestic Violence Legal Service for their assistance in this regard. Please contact Ms Aislinn McIntyre, CEO and Ms Georgia Kalyniuk, Senior Policy and Regulatory Solicitor, on [REDACTED] in the first instance if you require clarification.

Yours faithfully,

[REDACTED]

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Report, Sentencing Advisory Council Victoria, 2017; Assessing the impacts of domestic and family violence sentencing reforms in Queensland, Queensland Sentencing Advisory Council, March 2025.

⁶ *Mandatory Sentencing: Pathways to Justice*, ALRC, 19/07/2017; *Policy Discussion Paper on Mandatory Sentencing*, Law Council of Australia, May 2014.

⁷ *Inquests into the deaths of Miss Yunupirju, Ngeygo Ragurk, Kumam Rubuntja and Kumanjayi Haywood* [2024] NTLC 14.