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Dear Committee

Re: Domestic and Family Violence and Victims Legislation Amendment Bill 2025

About us

The National Network of Incarcerated and Formerly Incarcerated Women & Girls (The National Network) is an organisation made up of ciswomen, transwomen, gender diverse people, and girls who are currently incarcerated or have been in cages across so-called Australia. We aim to end the incarceration, exile, surveillance and punishment of women and girls by organising against the intersecting gendered, racial and class violence that produce prisons and police. We are committed to Indigenous sovereignty which requires the abolition of the Prison-Industrial-Complex, and we believe that only women and girls who have been trapped in cages across so-called Australia should be determining the terms through which we endeavour to free all women and girls in cages. Our membership is drawn from all-over so-called Australia.

The National Network is providing input into the Domestic and Family Violence and Victims Legislation Amendment Bill 2025 consultation due to the high numbers of women in prison who are victim-survivors of domestic and family violence. During our most recent visit to Darwin, domestic violence emerged as one of the most pressing concerns, alongside poverty, racism and mass incarceration. It is the position of our Network that victim-survivors must be at the centre of all advocacy and solutions. Any legislative amendments must be shaped by those with lived experience, ensuring that the voices of criminalised women, Aboriginal women, and those most affected by systemic violence are heard and acted upon.

Consultation

We understand that the Central Australian Family Violence and Sexual Assault Network (CAFVSAN) Katherine Women's Information and Legal Service (KWILS), Top End Women's Legal Service (TEWLS) and the Central Australian Women's Legal Service (CAWLS), expresses serious concern over the lack of consultation with specialist Domestic, Family, and Sexual Violence (DFS) services have raised serious concerns about the CLP Government's proposed domestic and family violence legislation amendments, criticising the lack of consultation with frontline experts and those directly impacted. While acknowledging that some changes may be positive, the groups have stressed that without transparency, it has been impossible for them to assess the effectiveness or potential harm of the amendments.



The organisations listed above have warned that past reliance on punitive approaches, such as mandatory sentencing, has not worked and could make women less safe. They have highlighted the urgent need for interventions and programs for users of violence, which are currently lacking. The groups have criticised the CLP Government for failing to respond to Coroner Armitage's 35 recommendations on reducing domestic and family violence, and have ultimately called for greater consultation and evidence-based changes, emphasising that victim-survivors deserve a say in shaping policies that directly affect their safety.

We reject the imposition of Mandatory Sentencing

Mandatory sentencing has long been justified as a way to deter crime and ensure "justice," but in reality, it has devastating consequences—particularly for Aboriginal women, criminalised victim-survivors of domestic violence, and those experiencing systemic oppression. Mandatory sentencing has consistently been proven to not just be ineffective; it entrenches state violence, expands the prison system, and removes the possibility of real justice and safety for communities.

1. Mandatory Sentencing Ignores Context and Criminalises Survival

Mandatory sentencing treats all offences as if they occur in a vacuum, stripping the judiciary of the ability to consider context, coercion, and systemic factors that lead to criminalisation. For many women in prison, their so-called "crimes" are directly linked to surviving domestic and family violence—whether through defending themselves, acting under coercion, or being criminalised for poverty-related offences. A system that does not allow for these realities only perpetuates gendered and racialised violence.

2. It Fails to Address the Root Causes of Violence

The state is presenting mandatory sentencing as a measure to protect victim-survivors, but increased incarceration does not stop violence—it removes resources from community-based interventions that could actually prevent harm. Victim-survivors of domestic and family violence have long called for housing, economic security, and community-based support—not more prisons, police, or punitive responses that only create further harm. We note that Clara Mills, of the Katherine Women's Information and Legal Service has called for the government to address the social determinants of violence, including reducing housing waitlist times to provide women with safe and secure accommodation, and ensuring food security and access to essential services.

3. Mandatory Sentencing Expands the Prison-Industrial Complex

It is the position of the National Network that the prison system is not a response to harm—it is itself a site of harm. Mandatory sentencing laws feed more people into the prison-industrial complex, where corporations and governments profit from mass incarceration. Incarceration does not rehabilitate, nor does it provide justice. Instead, it entrenches colonial systems of control over Aboriginal communities, separating families and increasing state surveillance.



4. It Makes Women Less Safe

For many women, prison is simply another site of abuse. The same state that failed to protect them from violence outside will continue to subject them to strip searches, solitary confinement, and denial of essential healthcare inside. If the goal is to make women safer, then the solution is not more carceral policies but decarceration, investment in support services, and structural change to end gendered and racialised violence at its roots.

5. Real Justice Means Abolition, Not More Laws

Mandatory sentencing is built on the false belief that the legal system can deliver justice. Justice does not come from the courts or the prison system—it comes from communities, from self-determination, and from dismantling the structures that uphold violence in the first place. Abolition demands that we stop relying on punitive laws and instead imagine and build new systems of accountability and safety that do not rely on cages.

Why We Oppose Mandatory Sentencing for Breaches of Domestic Violence Orders, specifically

Mandatory sentencing for breaches of Domestic Violence Orders (DVOs) fails to consider the complexities of domestic and family violence and ultimately harms the very people it claims to protect. Many women, particularly Aboriginal women and criminalised victim-survivors, are themselves misidentified as perpetrators when trying to navigate coercive control, state intervention, and systemic racism. Automatically jailing someone for a breach assumes all violations are the same, disregarding context, power dynamics, and the realities of survival.

These laws do not increase safety; they increase incarceration—often of the very people experiencing harm. Women who breach DVOs under duress, coercion, or necessity (such as maintaining contact for housing, financial, cultural or family reasons) face punitive consequences instead of support. At the same time, these provisions do nothing to address why breaches occur or provide meaningful interventions for users of violence. Mandatory sentencing expands the prison system without addressing the root causes of domestic and family violence, reinforcing state control while failing to deliver real justice or protection.

What We Need Instead

- Community-based responses to harm led by those most affected
- Investment in housing, income support, and health services, not prisons
- Self-determined solutions for Aboriginal women and families
- Repeal of mandatory sentencing laws, no new mandatory sentencing laws, and an end to carceral expansion

We oppose mandatory sentencing because it is a tool of state violence, not justice. Our safety will never come from prisons—it comes from tearing them down and building real solutions that centre care, dignity, and liberation.



What We Could Do Instead: An Abolitionist Approach to Addressing Breaches of DVOs

Rather than relying on punitive responses that funnel more people—especially Aboriginal women and criminalised victim-survivors—into the prison system, we must rethink how breaches of Domestic Violence Orders (DVOs) are addressed. An abolitionist approach means moving away from carceral solutions and investing in community-based, survivor-led responses that focus on safety, accountability, and healing.

1. Address the Root Causes of Breaches

Many breaches occur because people lack housing, financial stability, or access to support services—not because they intend to cause harm. Instead of automatic incarceration, we should provide:

- Safe and secure housing for victim-survivors and those attempting to leave violent relationships
- Financial and legal support to help women navigate complex systems without criminalisation
- Culturally safe, trauma-informed interventions rather than punishment

2. Create Community-Led Accountability and Support

Prison does not stop violence—it simply hides it. Survivors need options beyond the legal system, such as:

- Community-led transformative justice programs that allow victim-survivors to define what safety and accountability look like for them
- Indigenous-run programs that work within cultural frameworks to address harm and healing
- Transformative justice models that are safe and survivor-centred, to address breaches in a way that prioritises harm reduction

3. Shift Funding from Prisons to Prevention and Support

Instead of pouring resources into courts and jails, funding should go toward expanding domestic violence services, crisis support, and early intervention programs. This means:

- More accessible, wraparound support for victim-survivors, including healthcare and counselling.
- Programs for users of violence that focus on real change—not punitive control.
- Community-based crisis response teams trained in de-escalation and safety planning, rather than relying on police.

4. End the Criminalisation of Women Who Are Misidentified as Perpetrators

We know that many Aboriginal women and victim-survivors of violence are wrongly criminalised under DVO frameworks, particularly when defending themselves or being coerced into breaches. Instead of using mandatory sentencing, we should:

- Remove legal barriers for criminalised victim-survivors and ensure their voices are heard
- Create non-carceral safety plans that do not rely on police or incarceration



- End punitive responses that disproportionately target marginalised communities

Real Safety Comes from Community, Not Cages

Mandatory sentencing for DVO breaches does nothing to stop violence—it expands the very system that enables it. Instead of locking people up, we must focus on solutions that empower victim-survivors, address systemic racism and inequalities, and build genuine pathways to safety and healing outside of the carceral state.

We would welcome the opportunity to speak to our submission.

Yours sincerely



DEBBIE KILROY
31 March 2025



TABITHA LEAN