

# **Submission to the Legislative Scrutiny Committee of the Northern Territory Parliament: Domestic and Family Violence and Victims' Legislation Amendment Bill 2025**



Prepared by Our Watch

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## Acknowledgement of Country

Our Watch acknowledges the Traditional Owners of the land across Australia on which we work and live. We pay respects to Elders past and present and recognise the continuing connection Aboriginal and Torres Strait Islander people have to land, culture, knowledge, and language for over 65,000 years.

As a non-Aboriginal organisation, Our Watch understands that violence against Aboriginal and Torres Strait Islander women and children is a whole of community issue. As highlighted in Our Watch's national resource *Changing the picture*, there is an intersection between racism, sexism and violence against Aboriginal and Torres Strait Islander women.

Our Watch has an ongoing commitment to the prevention of violence against Aboriginal and Torres Strait Islander women and children, who continue to experience violence at significantly higher rates than non-Aboriginal women. We acknowledge all Aboriginal and Torres Strait Islander people who continue to lead the work of sharing knowledge with non-Aboriginal people and relentlessly advocate for an equitable, violence-free future in Australia.

## About Our Watch

Our Watch is a national leader in the primary prevention of violence against women and children in Australia. We are an independent, not for profit organisation established by the Commonwealth and Victorian Governments in 2013. All Australian governments, including the Northern Territory Government, are members of Our Watch.

Our vision is an Australia where women and their children live free from all forms of violence. We aim to drive nation-wide change in the culture, behaviours, attitudes and social structures that drive violence against women.

We work with governments, practitioners and the community, at all levels of Australian society, to address these drivers of violence in all settings where people live, learn, work and socialise.

In addition to its membership of Our Watch, the Northern Territory Government and Our Watch also have a partnership that aims to develop primary prevention infrastructure and capacity in the Northern Territory. Our Watch is also a member of the NT Domestic, Family and Sexual Violence Advisory Forum.

## About this submission

In line with our expertise in primary prevention, the focus of this submission is on the ways in which the Committee and the NT Government can consider and take a primary prevention approach to considering the Domestic and Family Violence and Victims Legislation Amendment Bill 2025 (NT). As a result, Our Watch does not make specific comment in relation to the proposed changes to the levy or expansion of access to information about offenders. Our Watch makes a brief submission in relation to the re-introduction of mandatory sentencing laws.

Our Watch's submission draws on evidence from Our Watch's *Change the Story* (2021),<sup>1</sup> *Changing the picture* (2018)<sup>2</sup>, a national framework to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children; and from the accompanying *Background paper* (2018)<sup>3</sup> that provides the evidence base for the framework.

<sup>1</sup> Our Watch (2021). *Change the story*.

<sup>2</sup> Our Watch (2018). *Changing the picture*.

<sup>3</sup> Our Watch (2018) *Changing the picture, Background paper: Understanding violence against Aboriginal and Torres Strait Islander women*, Our Watch, Melbourne.

## Executive Summary

Our Watch welcomes the NT Government's commitment to working towards ending domestic, family and sexual violence in the Territory.

Our Watch encourages the Committee and the NT Government to take a primary prevention approach, addressing what drives violence against women, as the most effective approach to preventing violence against women in the NT.

Nationally, Commonwealth and state and territory governments have demonstrated strong leadership and commitment through the second National Plan to End Violence Against Women 2023-2032 which includes four pillars of prevention, early intervention, response and recovery. Informed by Our Watch's evidenced-based framework *Change the story*, the National Plan includes a dedicated focus on preventing violence against women and envisages broad-based cultural and systemic change for Australia.

In addition, work is currently underway to develop the first National Aboriginal and Torres Strait Islander Family Safety Plan which will provide a clear national framework focused on preventing violence against Aboriginal and Torres Strait Islander women and children that reflects the vision and priorities of Aboriginal and Torres Strait Islander people and communities. Prevention is also recognised as an important element in the current draft Plan.

The NT Domestic, Family and Sexual Violence Interagency Coordination and Reform Office (DSFV-ICRO) produced the *Domestic Mapping of current investment and activity to prevent and respond to domestic, family and sexual violence in the Northern Territory* report in 2023. As outlined in the DSFV-ICRO Mapping Report,

*'DFS is not inevitable or intractable. It is preventable. Furthermore, its impacts can be reduced. The evidence tells us that to reduce and ultimately end DFS, we need to address its underlying drivers. Generational change is required to reverse gender inequality, discrimination and intergenerational trauma that drive the high rates of DFS in the NT. At the same time, we need to respond to the violence that has already occurred, and reduce the impacts of this violence on victim survivors.'*

*'It is important to emphasise that reducing DFS requires long-term, sustained and collaborative efforts. There are no quick fixes. Change is generational and requires ongoing commitment, investment and monitoring. While it may seem counter-intuitive, demand for services and reporting of DFS is expected to increase in the medium term as a result of improved responses and prevention efforts.'*

In line with these frameworks and reports, Our Watch encourages consideration of whether the proposed introduction of mandatory sentencing provisions in the Bill aligns with this evidence based commitment to taking a primary prevention approach to ending domestic, family and sexual violence in the NT.

## Response to Key Amendments

The focus of this submission is on Clause 5 of the Bill which proposes the insertion of a new section 122 which inserts a mandatory sentencing provision.

Our Watch welcomes the NT Governments commitment to ending violence against women in the NT. However, Our Watch encourages the Committee and the NT Government to take a primary prevention approach, addressing what drives violence against women, as the most effective approach to preventing violence against women in the NT alongside early intervention, response, recovery and healing services.

Our Watch is concerned that the introduction of the mandatory sentencing provision in the way proposed in the Bill does not reflect a primary prevention approach which underpins the National Plan.

As an organisation, Our Watch is committed to providing evidence-based advice to the NT Government and state and territory governments across Australia. *Change The Story* and our related frameworks *Changing the picture* and *Changing the Landscape* have been developed using extensive review of the national and international evidence into what works to prevent violence against women.

Our Watch has particular concerns about the disproportionate impact the introduction of a mandatory sentencing provision is likely to have on Aboriginal and Torres Strait Islander people in the NT. *Changing the picture* in particular discusses the many complex factors that make up each driver of violence against Aboriginal and Torres Strait Islander women and the interactions between them and outlines actions that directly address its underlying drivers. Two key actions are of particular relevance to the introduction and operation of this Bill:

### **Key Action 1 in *Changing the picture***

*Changing the picture* outlines the key actions required to violence against Aboriginal and Torres Strait Islander woman.

Key Action 1 is "Address the legacies and ongoing impacts of colonisation for Aboriginal and Torres Strait Islander people, families and communities". One of the specific actions identified as part of this action is 'increase access to justice and reduce rates of imprisonment of Aboriginal and Torres Strait Islander people'.

The proposed introduction of mandatory sentencing under section 122 does not align with this action. Mandatory sentencing is at odds with attempts to reduce rates of imprisonment. As a result, our Watch encourages a primary prevention approach to domestic, family and sexual violence which encompasses a broad range of strategies and actions designed to address the underlying drivers of violence. In the context of the Bill and this section, the focus of which is on the actions of offenders which are more often men, Our Watch encourages an approach which balances accountability for violence against women with actions that work with men and boys and contribute to reducing rates of imprisonment of Aboriginal and Torres Strait Islander people.

## Key Action 2 in Changing the picture

Key Action 2 is “addressing the legacies and ongoing impacts of colonisation for non-Indigenous people, and across Australian society”. Changing the picture outlines that this requires identifying and amending racist and discriminatory laws, policies and organisational and institutional practices.<sup>4</sup>

Our Watch is concerned that the introduction of mandatory sentencing in the way proposed in the Bill does not reflect a primary prevention approach or address the underlying drivers of violence against women.

*The Inquests into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood*<sup>5</sup> in the NT Coroner’s Court (2024) made substantial recommendations to address the underlying drivers of DFSV against Aboriginal and Torres Strait Islander women. Our Watch gave evidence to the Coroner as part of the inquest, including in relation to the evidence base and value of a primary prevention approach in the NT. The Coroner highlighted system failures and recommended culturally appropriate services that address the underlying causes of gender-based violence, including full implementation of the DFSV Action Plan 2 (including \$180 million investment over five years). The Coroner also recommended investment in the “development of culturally appropriate prevention and education programs, initially in schools, but also in the wider media, including social media, so that young people have the opportunity to learn about DFSV and interpersonal violence (IPV) and, conversely, respectful relationships”.

The NT DFSV Reduction Framework aligns with the Coroner’s recommendations for evidence-based actions on violence against women.

Our Watch commend the NT Government’s commitment to preventing domestic, family and sexual violence, and suggest addressing the drivers of offending, particularly the drivers of violence against women as outlined in *Changing the story* and *Changing the picture* would more closely align with the evidence base about effective ways to do so. While urgent action is needed to address domestic, family and sexual violence in the NT, amendments that do not align with the suggested actions in *Changing the picture* and may increase incarceration without tackling the root causes of offending risks limiting the opportunities to end violence against women in the NT.

Our Watch suggests a more effective way to address this issue could include:

### 1. Deliver on current primary prevention commitments in NT Government Frameworks

Our Watch encourages ongoing investment in and support for the current activities in the DFSV Reduction Framework 2018-2028, Action Plan 1 and Action Plan 2 and delivering on existing primary prevention commitments. There are also opportunities to build momentum through increased investment and commitment to ending violence against women and children.

### 2. Focus on preventing violence against Aboriginal and Torres Strait Islander women

There are opportunities to commit to primary prevention approaches and initiatives that address the gendered drivers of violence against Aboriginal and Torres Strait Islander women by engaging with Aboriginal and Torres Strait Islander people, organisations and communities to ensure local decision making, ownership and control are at the heart of prevention in NT.

### 3. Develop a dedicated primary prevention strategy

Primary prevention is included to some extent in existing strategies such as the DFSV Reduction Framework 2018-2028 and the Northern Territory Gender Equality Action Plan.

<sup>4</sup> Our Watch (2018). *Changing the picture*, 28.

<sup>5</sup> *Inquests into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood* [2024, NTLC 14 Findings of Territory Coroner Elisabeth Armitage In The Coroners Court Of The Northern Territory, 25 November 2024, 218

However, there is a significant opportunity to strengthen this focus through a dedicated primary prevention strategy. A dedicated strategy developed in consultation with key stakeholders could provide a strong foundation for a coordinated approach to primary prevention in the NT. Development of the strategy could further encourage building and strengthening systems and structures across the whole-of-government and priority areas to ensure primary prevention in the Northern Territory is strategic, coordinated, effective, and sustained.

A primary prevention strategy could draw from existing work and expertise across the Northern Territory to establish strengths-based, locally relevant processes to identify priorities and sustainably address the intersecting drivers of violence at both community and structural levels, to help break the cycle of violence in the Northern Territory.

## Conclusion

Our Watch welcomes the opportunity to provide additional information, evidence or advice in relation to the issues discussed in this submission.

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