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The Honourable Mrs Oly Carlson MLA
Chair of the Legislative Scrutiny Committee
Legislative Scrutiny Committee
Committee Secretariat
Via email only: LSC@nt.gov.au

15 February 2026

Dear Minister,

Re. Sentencing Amendment (Murder) Bill 2026

Thank you for the invitation to make a submission to the Legislative Scrutiny Committee in relation to the *Sentencing Amendment (Murder) Bill 2026*.

Legal Aid NT have provided criminal law services to Territorians since 1990. We are grateful for the opportunity to assist the Legislative Scrutiny Committee.

Legal Aid NT note that the intent of the Bill is to introduce a 25 year mandatory minimum non-parole period for murder where the victim has been in an intimate personal relationship with the offender. However, as explained in the Explanatory Statement, the intent of the Bill is also to provide an exception to this proposed 25 year mandatory minimum non-parole period for people who have been victims of violence who kill their perpetrator:

There may be exceptional circumstances established where, for example, the victim has a history of abusing the offender or where a loved one is given assistance to end their suffering in the last days of a terminal illness. In such cases, the penalty of life imprisonment will still apply but a shorter non-parole period may be fixed. (Explanatory Statement Clause 4, page 2)

Legal Aid observes that the definition of 'exceptional circumstances' that the Bill adopts may not achieve the intent of the Bill.

The 'exceptional circumstances' provision that the Bill contemplates is the 'exceptional circumstances' provision at section 53A (7) of the *Sentencing Act 1995 (NT)* (hereafter 'the Act'). The 'exceptional circumstances' in 53A (7) is restricted in its application,

leaving the Court with very little discretion to determine whether the matter before it is 'exceptional'.

It is our experience, that people who are victims of abuse, particularly longstanding abuse, often suffer psychological consequences that impact upon their behaviour. Victims of abuse often lead lives of poverty (whether through the control of their monetary resources by an abusive partner or by being incapable of work due to the abuse suffered). Victims of abuse often use drugs and alcohol as a way of coping with the trauma they have endured.


The symptoms of being a victim of violence, make it more likely that victims have themselves appeared before the Courts. They may have stolen food for their families in the context of poverty, they may have been drunk and disorderly when attempting to cope with the trauma of their abuse. These victims, as a direct result of the abuse they have suffered, may struggle to meet the requirement of 'good character' that is a prerequisite to a finding of 'exceptional circumstances'. Research on this topic supports our direct experience¹. Without 'good character' being found, the exceptional circumstances provision in 53A (7) would not be established.

A broader definition of 'exceptional circumstances' would assist to ensure the Court is empowered to do justice to victims of abuse who offend against their partners.

Legal Aid opposes mandatory sentencing. Our position is informed by years of working with various iterations of mandatory sentencing legislation. In our experience, it does not deter offending and creates resourcing difficulties for the criminal justice sector.

There was a limited time frame provided in which to provide this submission. With the time frame and with our resource constraints, we have attempted to identify a matter that may be of assistance to the Committee. It is possible that there are other unintended consequences of this Bill that we have not addressed. We welcome you to contact us if we can be of assistance in sharing our front- line experience.

Yours sincerely,



CATHERINE VOUMARD

Director

Northern Territory Legal Aid Commission

¹ Caitlin Nash, Rachel Dioso Villa, 'Australia's Divergent Responses to Women Who Kill their abusive partners', (2024) Vol. 30 (9) *Violence against women*, 2275-2301 (Page 12 includes a table of defendant characteristics and records that: 'Nearly half (49%, n = 34) of the women were identified as having a history with substance abuse or dependence. Over a third (39%, n = 27) had a prior criminal history...' <[Australia's Divergent Legal Responses to Women Who Kill Their Abusive Partners](#)>