



16 February 2026

Secretary, Legislative Scrutiny Committee
Via email: LA.Committees@nt.gov.au

Dear members of the Legislative Scrutiny Committee

Submission to the Sentencing Amendment (Murder) Bill 2026

The North Australian Aboriginal Justice Agency (NAAJA) provides high quality, culturally appropriate legal advice, representation and justice related services to Aboriginal people throughout the Northern Territory (NT). For over 50 years NAAJA has played a leading role in policy and law reform in areas affecting Aboriginal peoples' legal rights and access to justice.

We welcome the opportunity to make this submission to the Legislative Scrutiny Committee in relation to the Sentencing Amendment (Murder) Bill 2026. NAAJA submit that the proposed amendments to the *Sentencing Act 1995* (NT) (the Act) increases the severity of existing punitive responses to domestic family and sexual violence (DFSV) despite ample evidence to suggest that this approach is ineffective at reducing DFSV offending. NAAJA is also concerned that the amendments will have unintended consequences for victim-survivors and that the Bill detracts from evidence-based reforms that are urgently needed to address DFSV in the NT.

Mandatory sentences do not deter offending

Amendments to Section 53A(3) of the Act require the court to fix a mandatory minimum non-parole period of 25 years' imprisonment where the victim is, or has been, the offender's spouse or de facto partner; or is, or has been, in an intimate personal relationship with them. The Act currently sets a standard non-parole period of 20 years for murder.¹

NAAJA has consistently opposed mandatory sentencing as evidence unequivocally demonstrates that it does not deter offending.² To the extent that increased sentences can be said to have any type of deterrent

¹ *Sentencing Act 1995* (NT) s. 53.

² Australian Law Reform Commission, *Pathways to Justice - Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report No 133, 2018) https://www.alrc.gov.au/wp-content/uploads/2019/08/final_report_133_amended1.pdf; NAAJA, Submission to the Australian Law Reform Commission Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (NAAJA, October 2017); NAAJA, Submission to the Legislative Scrutiny Committee inquiry into the Domestic and Family Violence and Victims Legislation Amendment Bill 2025 (NAAJA, April 2025); Law Council of Australia, 'You know what creates unsafe communities? Mandatory sentencing' (Web Page, 27 May 2025) <https://lawcouncil.au/media/news/you-know-what-creates-unsafe-communities-mandatory-sentencing>

1800 989 842

reception@naaja.org.au

www.naaja.org.au

ABN: 63 118 017 842

Darwin

61 Smith Street

Darwin NT 0801

Tel: 08 8982 5100

Fax: 08 8982 5190

Katherine

10 Third Street

Katherine NT 0851

Tel: 08 8972 5000

Fax: 08 8972 5050

Alice Springs

55 Bath Street

Alice Springs NT 0870

Tel: 08 8950 9300

Fax: 08 8953 0784

Tennant Creek

61 Paterson Street

Tennant Creek NT 0860

Tel: 08 8962 1332

effect, they only operate as a deterrent in pre-meditated offending where a person considers in advance the commission of an offence and potential consequences. In the context of DFSV, increasing the minimum non-parole period by five years is unlikely to prevent intimate partner homicide because this type of offending is rarely premeditated.³ It most often occurs in the context of acute conflict or crisis, where the length of a future non-parole period is unlikely to be a factor in the offender's decision making at the time of the offence.⁴ Intimate partner homicide is often preceded by an ongoing historical pattern of DFSV, highlighting the importance of early intervention and prevention punitive approaches.⁵

The proposed amendments pose a risk to victim-survivors of DFSV

This amendment also increases the risk that women who are victim-survivors of prolonged DFSV will be misidentified as the primary aggressor, including in contexts where systems focus on a single incident rather than patterns of coercive control and ongoing abuse.⁶ In such cases, women may be incorrectly treated as the person responsible for the violence, rather than as the person most in need of protection, particularly where their actions arose from self-protection, cumulative coercive control, or a trauma-related response.⁷ The patterns of offending by (usually) female victim-survivors of DFSV are relatively well documented. Stemming from accumulated trauma, often accompanied by a degree of acquired brain injury, a victim survivor is more likely to use a weapon to attack a family member – either a pre-emptive attack or retaliation against the perpetrator of violence, or a form of lateral violence against another family member triggered by a relatively minor incident. Tragically, it is likely that this Bill will lead to increased time in prison for Aboriginal women who are themselves victim-survivors of DFSV. In this regards, the Bill is likely to punish the people it purports to protect.

Resources should be focused on early intervention and prevention based on sector consultation

National policy frameworks and specialist DFSV evidence consistently emphasise sustained investment in prevention and early intervention to reduce the risk of DFSV and prevent escalation, rather than relying on punitive sentencing reforms as the primary mechanism for preventing future harm.⁸

The findings from the inquest into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood [2024] NTLC 14 set out a roadmap for DFSV sector reform in the context of the NT and aligns with national evidence. The Bill's Explanatory Statement references this inquest as a rationale for the amendment, even though the coroner does not recommend increasing minimum non-parole periods.

NAAJA notes the lack of consultation on this Bill and strongly recommends that the NT Government undertake genuine consultation with specialist DFSV experts, including Aboriginal Community-Controlled Organisations and the NT DFSV Advisory Board, on the likely negative impacts of the proposed legislation. The NT Government should implement and build on the inquest recommendations and prioritise evidence-

³ Australian Institute of Criminology, *Pathways to Intimate Partner Homicide Project* (Report, February 2022) <https://www.aic.gov.au/sites/default/files/2023-08/pathways-to-intimate-partner-homicide-project.pdf> (accessed 13 February 2026).

⁴ Ibid.

⁵ Australian Domestic and Family Violence Death Review Network and ANROWS, *Data Report: Intimate Partner Violence Homicides 2010–2018* (Data Report, February 2022) <https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2022/02/21133950/ADFVDRN-ANROWS-Data-Report-Update.pdf>.

⁶ Heather Nancarrow, Kate Thomas, Valerie Ringland and Tanya Modini, *Accurately Identifying the "Person Most in Need of Protection" in Domestic and Family Violence Law* (Research Report, ANROWS, October 2019) <https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2019/10/25104930/Nancarrow-PMINOP-RR.3.pdf>.

⁷ Ibid.

⁸ Department of Social Services (Cth), 'National Plan to End Violence against Women and Children 2022–2032' (Web Page) <https://www.dss.gov.au/national-plan-end-violence-against-women-and-children/resource/national-plan-end-violence-against-women-and-children-2022-2032>; Our Watch, *Change the Story: A Shared Framework for the Primary Prevention of Violence against Women in Australia* (2nd ed, 2021) <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

based prevention and early intervention responses, instead of expanding mandatory minimum non-parole periods. This change will likely have no positive impact in reducing DFSV deaths, whilst increasing time in prison for victim-survivors who are themselves driven to an act of violence.

Yours sincerely



Ben Grimes
Chief Executive Officer