



Legislative Assembly of the Northern Territory

Legislative Scrutiny Committee

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

March 2026



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Legislative Assembly of the Northern Territory

Parliament House  
State Square  
Darwin NT 0800

Web: [www.parliament.nt.gov.au](http://www.parliament.nt.gov.au)

# Contents

Chair’s Preface .....	4
Committee Members .....	5
Committee Secretariat .....	5
Acknowledgments .....	5
Acronyms and Abbreviations .....	6
Terms of Reference .....	7
Recommendations .....	9
<b>1 Introduction .....</b>	<b>10</b>
Introduction of the Bill .....	10
Conduct of the Inquiry .....	10
Outcome of Committee’s Consideration .....	10
Report Structure .....	10
<b>2 Overview of the Bill .....</b>	<b>11</b>
Background to the Bill .....	11
Purpose of the Bill .....	11
<b>3 Examination of the Bill .....</b>	<b>13</b>
Introduction .....	13
Non-Parole Periods for the Offence of Murder .....	14
Mandatory Minimum Non-Parole Period .....	15
Exceptional Circumstances .....	17
<b>Appendix 1: Submissions Received .....</b>	<b>23</b>
<b>Appendix 2: Public Briefing and Hearings .....</b>	<b>24</b>
<b>Bibliography .....</b>	<b>25</b>
<b>Dissenting Report – Mr Chanston Paech MLA .....</b>	<b>26</b>
<b>Dissenting Report – Justine Davis MLA .....</b>	<b>30</b>

## Chair's Preface

This report details the Committee's findings regarding its examination of the Sentencing Amendment (Murder) Bill 2026. Amending the *Sentencing Act 1995*, the Bill introduces a mandatory minimum non-parole period of 25 years imprisonment for the offence of intimate partner murder. The Bill also allows for a non-parole period of less than the 25 year minimum in cases where the court is satisfied there are exceptional circumstances that justify setting a shorter period.

The Committee received 12 submissions to its inquiry, the majority of which did not support the Bill. While acknowledging that the Bill seeks to recognise the seriousness of intimate partner murder, submitters raised concerns that the introduction of mandatory sentencing carries a significant risk of unintended consequences and potentially unjust sentencing outcomes for victim-survivors.

While noting that the Bill provides a degree of protection for victim-survivors, submitters expressed the view that the exceptional circumstances framework is ill suited to cases involving domestic violence. The 'good character' requirement in the exceptional circumstances provision was seen to be particularly problematic given the nature of intimate partner murder.

Following its examination of the Bill, the majority view of the Committee is that the Assembly should pass the Bill with no amendments. However, given the evidence received and the recent findings of the NSW Sentencing Council regarding the use of 'good character' in sentencing, as set out in Recommendation 2 the Committee has also recommended that the Attorney-General conduct or commission a review of the operation of section 53A(7) and other relevant sections of the *Sentencing Act* that relate to the use of 'good character' in sentencing, and make any recommendations for reform that it considers appropriate.

On behalf of the Committee, I would like to thank all those that made submissions to the inquiry. The Committee also thanks the representatives from the Attorney-General's Department that briefed the Committee on the Bill. I would also like to thank my fellow Committee members for their bipartisan commitment to the legislative review process.



**Mrs Oly Carlson MLA**  
**Chair**

## Committee Members

Chair:	Mrs Oly Carlson, MLA Member for Wanguri
Deputy Chair:	Mr Clinton Howe, MLA Member for Drysdale
Members:	Justine Davis, MLA Member for Johnston  Mr Chanston Paech, MLA Member for Gwoja  Mrs Laurie Zio, MLA Member for Fannie Bay

## Committee Secretariat

Committee Secretaries:	Julia Knight Katie Helme
Senior Research Officer:	Dr Will Dreyer
Administration/Research Officer:	Caelan Ikin
Administration Assistant:	Kim Cowcher
Contact Details:	GPO Box 3721 DARWIN NT 0801 Tel: +61 08 8946 1485 Email: <a href="mailto:LSC@nt.gov.au">LSC@nt.gov.au</a>

## Acknowledgments

The Committee acknowledges all those that provided written submissions to its inquiry.

## Acronyms and Abbreviations

ACL	Australian Christian Lobby
AMSANT	Aboriginal Medical Services Alliance Northern Territory
DFSV	Domestic, Family and Sexual Violence
FNAAFV	First Nations Advocates Against Family Violence
LSNT	Law Society NT
NAAJA	North Australian Aboriginal Justice Agency
National Network	National Network of Incarcerated and Formerly Incarcerated Women and Girls
NTCOSS	Northern Territory Council of Social Services
NTWLS	Northern Territory Women's Legal Services
WoSSCA	Womens Safety Services of Central Australia

# Terms of Reference

## Sessional Order 14

### *Establishment of Legislative Scrutiny Committee*

- (1) The Assembly appoints a Legislative Scrutiny Committee
- (2) The membership of the scrutiny committee will comprise three Government Members, one Opposition Member and one crossbench Member.
- (3) The functions of the scrutiny committee shall be to inquire into and report on:
  - (a) any bill referred to it by the Assembly;
  - (b) in relation to any bill referred by the Assembly:
    - (i) whether the Assembly should pass the bill;
    - (ii) whether the Assembly should amend the bill;
    - (iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:
      - (A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
      - (B) is consistent with principles of natural justice; and
      - (C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
      - (D) does not reverse the onus of proof in criminal proceedings without adequate justification; and
      - (E) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
      - (F) provides appropriate protection against self-incrimination; and
      - (G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and
      - (H) does not confer immunity from proceeding or prosecution without adequate justification; and
      - (I) provides for the compulsory acquisition of property only with fair compensation; and
      - (J) has sufficient regard to Aboriginal and Torres Strait Islander tradition; and
      - (K) is unambiguous and drafted in a sufficiently clear and precise way.

- (iv) whether the bill has sufficient regard to the institution of Parliament, including whether a bill:
  - (A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
  - (B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
  - (C) authorises the amendment of an Act only by another Act.

(4) The committee will provide an annual report of its activities to the Assembly.

Adopted 15 October 2024

# Recommendations

## Recommendation 1

The Committee recommends that the Legislative Assembly pass the Sentencing Amendment (Murder) Bill 2026 without amendment.

## Recommendation 2

The Committee recommends that the Attorney-General request the Law Reform Committee to conduct a review of the operation of section 53A(7) and other relevant sections of the *Sentencing Act 1995* that relate to the use of 'good character' in sentencing, and make any recommendations for reform that it considers appropriate.

In undertaking the review, the Law Reform Committee should consider:

- whether the requirement under section 53A(7)(a)(i) that a person convicted of murder, and in particular intimate partner murder, be of 'good character' in order to establish exceptional circumstances is appropriate, equitable, and fit for purpose;
- the operation of 'good character' as a mitigating factor in sentence proceedings in domestic, family and sexual violence cases more generally;
- the views and experience of victim-survivors and specialist domestic, family and sexual violence services regarding the use of 'good character' in sentencing proceedings; and
- any other matters the Committee considers relevant.

# 1 Introduction

## Introduction of the Bill

- 1.1 The Sentencing Amendment (Murder) Bill 2026 (the Bill) was introduced into the Legislative Assembly by the Attorney-General, the Hon Marie-Clare Boothby, MLA, on 4 February 2026. The Assembly subsequently referred the Bill to the Legislative Scrutiny Committee for inquiry and report by 4 March 2026.<sup>1</sup>

## Conduct of the Inquiry

- 1.2 On 5 February 2026 the Committee called for submissions by 16 February 2026. The call for submissions was advertised via the Legislative Assembly website, Facebook, and email subscription service. In addition, the Committee directly contacted a number of individuals and organisations.
- 1.3 As set out in Appendix 1, the Committee received 12 submissions to its inquiry. On Monday 9 February 2026, the Committee held a public briefing with representatives from the Attorney-General's Department (see Appendix 2).

## Outcome of Committee's Consideration

- 1.4 Sessional Order 14 requires that the Committee after examining the Bill determine:
- whether the Assembly should pass the bill;
  - (ii) whether the Assembly should amend the bill;
  - (iii) whether the bill has sufficient regard to the rights and liberties of individuals; and
  - (iv) whether the bill has sufficient regard to the institution of Parliament.
- 1.5 Following examination of the Bill, and consideration of the evidence received, the Committee is of the view that the Legislative Assembly should pass the Bill without amendment.

### Recommendation 1

**The Committee recommends that the Legislative Assembly pass the Sentencing Amendment (Murder) Bill 2026 without amendment.**

## Report Structure

- 1.6 Chapter 2 provides an overview of the policy objectives of the Bill and the purpose of the Bill as contained in the Explanatory Statement.
- 1.7 Chapter 3 considers the main issues raised in evidence received.

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<sup>1</sup> Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard - Day 2 – 4 February 2026*, <https://hdl.handle.net/10070/1027053>, p.2

## 2 Overview of the Bill

### Background to the Bill

- 2.1 In introducing the Bill, the Attorney-General noted that, according to ABS data, domestic violence murders in the Northern Territory are seven times the national average. The Attorney-General also highlighted the Coroner's findings that over the past 25 years 87 women have been killed by their partners in the Northern Territory.<sup>2</sup>
- 2.2 By increasing the current standard non-parole period from a 20 year sentence to a minimum mandatory sentence of 25 years non-parole, the Attorney-General advised the Assembly that the Bill:
- places intimate partner murder alongside the most serious categories of offending recognised under Territory law, including the murder of a public official acting in the course of their duties and the murder of a child.<sup>3</sup>
- 2.3 Noting that other jurisdictions have also recognised the need to treat this crime differently, the Attorney-General advised the Assembly that 'in November 2025 New South Wales set a standard non-parole period of 25 years for intimate partner murder.'<sup>4</sup>

### Purpose of the Bill

- 2.4 As indicated in the Explanatory Statement, the Bill amends section 53A(3) of the *Sentencing Act 1995* to:
- require the court to set a mandatory minimum non-parole period of 25 years imprisonment in circumstances where the victim was or had been in an intimate personal relationship with the offender, or was or had been the spouse or de facto partner of the offender.<sup>5</sup>
- 2.5 For the purposes of this amendment, the Explanatory Statement notes that spouse or de facto partner are defined in sections 19A(1) and 19A(3) of the *Interpretation Act 1978* (NT). 'Intimate personal relationship' has the same meaning as that set out in section 11 of the *Domestic and Family Violence Act 2007* (NT).<sup>6</sup>
- 2.6 In deciding whether an intimate personal relationship existed between the victim and the offender, the Bill provides that the matters listed in section 11(3) of the *Domestic and Family Violence Act* may be taken into account. For example, the circumstances of the relationship including the level of trust and commitment; the

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<sup>2</sup> Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard - Day 2 – 4 February 2026*, <https://hdl.handle.net/10070/1027053>, p.2

<sup>3</sup> Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard - Day 2 – 4 February 2026*, <https://hdl.handle.net/10070/1027053>, p.2

<sup>4</sup> Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard - Day 2 – 4 February 2026*, <https://hdl.handle.net/10070/1027053>, p.2

<sup>5</sup> Explanatory Statement, Sentencing Amendment (Murder) Bill 2026 (Serial 51), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>, p.1

<sup>6</sup> Explanatory Statement, Sentencing Amendment (Murder) Bill 2026 (Serial 51), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>, p.1

length of time the relationship has existed; the frequency of contact between the persons; and the level of intimacy between the persons. Section 11(4), also applies and provides that 'an intimate relationship may exist whether the 2 persons are the same or the opposite sex', also applies.<sup>7</sup>

- 2.7 The Bill also amends section 53A(6) to allow a non-parole period of less than the non-parole period of 25 years to be fixed by the court under proposed section 53A(3)(g), if it is satisfied there are exceptional circumstances that justify setting a shorter period:

For there to be exceptional circumstances, the court must be satisfied that the offender is otherwise a person of good character, unlikely to reoffend, and the victim's conduct, or the conduct and condition, substantially mitigate the conduct of the offender. 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.<sup>8</sup>

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<sup>7</sup> Explanatory Statement, Sentencing Amendment (Murder) Bill 2026 (Serial 51), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>, p.1

<sup>8</sup> Explanatory Statement, Sentencing Amendment (Murder) Bill 2026 (Serial 51), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>, p.2

# 3 Examination of the Bill

## Introduction

3.1 In introducing the Bill, the Attorney-General indicated that the proposed amendments sought to reflect the seriousness of intimate partner murder and drive down the rates of domestic violence murders in the Northern Territory.<sup>9</sup> During the public briefing, representatives from the Attorney-General's Department (the Department) acknowledged that:

This is obviously an amendment that is looking at bringing recognition to the offending type. It is not really geared at the preventive action other than acting as a further deterrent that you will be jailed for 25 years should you murder your partner.<sup>10</sup>

3.2 Of the 12 submissions received, three supported the intent of the Bill and the proposed amendments. Professor Mirko Bagaric expressed the view that:

The Sentencing Amendment (Murder) Bill 2026 introduces a principled and proportionate sentencing reform addressing the distinctive seriousness of murder committed against a spouse, de facto partner, or person in an intimate personal relationship with the offender. ...

A mandatory minimum non-parole period of 25 years appropriately reflects the gravity of this offence, reinforces societal condemnation of lethal domestic and family violence, and enhances the coherence of the Northern Territory's sentencing framework.

The Bill is carefully structured, incorporates appropriately limited judicial discretion through the exceptional-circumstances provision, and operates prospectively. It therefore represents a balanced, targeted and justified legislative reform.<sup>11</sup>

3.3 In a similar vein, Senator Jacinta Nampijinpa Price considered that:

The proposed amendment establishes a clear sentencing baseline for the most serious form of violent offending, while preserving judicial oversight through the exceptional circumstances safeguard and existing appeal mechanisms. In this context, the amendment represents a targeted and proportionate legislative response. ... the Bill represents a reasonable and proportionate exercise of Parliament's legislative responsibility to protect life, reinforce accountability, and support community safety.<sup>12</sup>

3.4 However, Senator Price also acknowledged the importance of recognising that:

sentencing reform alone cannot prevent loss of life. Stronger sentencing must operate alongside effective early intervention, victim protection, evidence capture, and long-term offender risk management. The effectiveness of the reform will depend on its implementation within a broader system response focused on prevention and victim safety.<sup>13</sup>

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<sup>9</sup> Hon Marie-Claire Boothby MLA, Attorney-General, *Draft Daily Hansard - Day 2 – 4 February 2026*, <https://hdl.handle.net/10070/1027053>, pp. 1-2

<sup>10</sup> Committee Transcript, Public Briefing, Monday 9 February 2026, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>, p. 4

<sup>11</sup> Professor Mirko Bagaric, Submission No. 2, pp. 5-6

<sup>12</sup> Senator Jacinta Nampijinpa Price, Submission No. 1, p.4

<sup>13</sup> Senator Price, Submission No. 1, p.4

The Committee notes that the *Northern Territory Domestic, Family and Sexual Violence Reduction Strategy 2025-2028* details specific commitments, actions and funding aimed at preventing and responding to domestic and family violence.<sup>14</sup>

- 3.5 The Australian Christian Lobby (ACL) also supported the Bill ‘in placing domestic violence as one of the most serious categories of offending’<sup>15</sup>. While beyond the scope of the current Bill, ACL proposed a number of other amendments to the *Sentencing Act 1995* and the *Criminal Code Act 1983* to strengthen protections for ‘mothers and the unborn from domestic violence and all other criminal acts’<sup>16</sup>
- 3.6 As discussed below, the remaining nine submissions opposed the Bill and questioned the extent to which the proposed amendments would achieve the intent of the Bill. Significant concerns were also raised regarding the potential unintended consequences for victim-survivors that may arise from the implementation of the proposed amendments.
- 3.7 The lack of consultation with the Domestic, Family and Sexual Violence (DFSV) sector prior to the introduction of the Bill was also identified as particularly concerning. As noted by the Law Society NT (LSNT):

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 [the Law Society NT] 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.<sup>17</sup>

- 3.8 While acknowledging that the Bill seeks to reflect the seriousness of intimate partner murder, the Womens Safety Services of Central Australia (WoSSCA) emphasised that:

if the severity and profound harm experienced by victims, families and communities is to be treated as a genuine priority – namely, at the core of this Amendment – then meaningful consultation with those directly affected must occur before legislative amendments are advanced – particularly where those changes are framed as being made ‘for them’.<sup>18</sup>

## **Non-Parole Periods for the Offence of Murder**

- 3.9 Clause 4 of the Bill amends section 53A of the *Sentencing Act 1995* to a) establish a mandatory minimum non-parole period of 25 years imprisonment for intimate partner murder, and b) provide for the consideration of exceptional

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<sup>14</sup> Northern Territory Government, *Northern Territory Domestic, Family and Sexual Violence Reduction Strategy 2025 – 2028*, Northern Territory Government, Darwin, October 2025, p. 3

<sup>15</sup> Australian Christian Lobby, Submission No. 8, p.1

<sup>16</sup> Australian Christian Lobby, Submission No. 8, p. 5

<sup>17</sup> Law Society NT (LSNT), Submission No. 11, p. 1; see also Submission Nos 7, 10,

<sup>18</sup> Womens Safety Services of Central Australia (WoSSCA), Submission No. 3, pp.2-3

circumstances to allow for the fixing of a shorter non-parole period where justified. The Explanatory Statement also clarifies that the amendments to section 53A are prospective in operation, noting that clause 5 of the Bill:

inserts a new Division 16 to provide for transitional arrangements. the new division establishes new section 158 to confirm the amendments to section 53A of the *Sentencing Act 1995* do not apply to an offence committed before the commencement of section 4. an offence is taken to have been committed before commencement if any of the conduct constituting the offence occurred before the commencement.<sup>19</sup>

- 3.10 The following discussion considers the proposed amendments to section 53A of the *Sentencing Act 1995* in light of the evidence received by the Committee.

### **Mandatory Minimum Non-Parole Period**

- 3.11 As set out in the Explanatory Statement, clause 4 of the Bill amends section 53A(3) of the *Sentencing Act 1995* to provide that where a court sentences an offender to be imprisoned for life for the offence of murder, the court must fix a mandatory minimum non-parole period of 25 years imprisonment in circumstances where:

the victim was or had been in an intimate personal relationship with the offender, or was or had been the spouse or de facto partner of the offender.<sup>20</sup>

As such, the Bill effectively increases the standard non-parole period of 20 years which currently applies in cases of intimate partner murder.<sup>21</sup>

- 3.12 While acknowledging that ‘implementing an increased mandatory non-parole period may operate as public denunciation relating to the abhorrence of intimate partner homicide’<sup>22</sup>, the Northern Territory Women’s Legal Services (NTWLS) noted that they ‘do not know of any evidence that indicates that longer prison sentences act as a deterrent for the specific crime being targeted by the Bill.’<sup>23</sup>

- 3.13 As pointed out by the North Australian Aboriginal Justice Agency (NAAJA):

To the extent that increased sentences can be said to have any type of deterrent effect, they only operate as a deterrent in premeditated offending where a person considers in advance the commission of an offence and potential consequences. In the context of DFSV [Domestic, Family and Sexual Violence], increasing the minimum non-parole period by five years is unlikely to prevent intimate partner homicide because this type of offending is rarely premeditated. 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. Intimate partner homicide is often preceded by an ongoing historical pattern of DFSV, highlighting the importance of early intervention and prevention strategies.<sup>24</sup>

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<sup>19</sup> Explanatory Statement, Sentencing Amendment (Murder) Bill 2026 (Serial 51), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>, p.2

<sup>20</sup> Explanatory Statement, Sentencing Amendment (Murder) Bill 2026 (Serial 51), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>, p.1

<sup>21</sup> *Sentencing Act 1995*, s 53A

<sup>22</sup> Northern Territory Women’s Legal Services (NTWLS), Submission No. 10, p. 3

<sup>23</sup> NTWLS, Submission No. 10, p. 3

<sup>24</sup> North Australian Aboriginal Justice Agency (NAAJA), Submission No. 5, pp. 1-2

3.14 WoSSCA noted that the Coroner’s inquest into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood served to highlight the fact that ‘prior periods of incarceration for the perpetrators of violence were no deterrents to future offending, even when they have prior records of manslaughter and longer terms of imprisonment.’<sup>25</sup> The First Nations Advocates Against Family Violence (FNAAFV) also noted that the Coroner did not recommend amendments to the *Sentencing Act* in relation to intimate partner murder:

Rather, the Coroner’s findings emphasise systemic reform, early intervention and prevention. Recommendation 20 specifically calls for the Northern Territory Government to commit to enhancing, developing and funding alternatives to custody for perpetrators of domestic and family violence within the Northern Territory. The Bill’s focus on increasing mandatory minimum non parole periods sits in tension with this recommendation and risks moving policy settings in the opposite direction to those identified by the Coroner as necessary to prevent further deaths.<sup>26</sup>

3.15 The Law Society NT made a similar point, explaining 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. Notably, the introduction of mandatory sentencing was not recommended by the Coroner.<sup>27</sup>

3.16 The National Network of Incarcerated and Formerly Incarcerated Women and Girls (the National Network) and others also raised concerns that the introduction of mandatory sentencing as proposed in the Bill will constrain judicial independence and discretion, noting that:

while presented as a response to the seriousness of domestic and family violence homicide, the measure removes the capacity of courts to meaningfully consider the full context in which an offence occurred.<sup>28</sup>

3.17 The National Network further submitted that:

Cases involving prolonged domestic and family violence, coercive control, cumulative trauma, or systemic harm do not lend themselves to rigid sentencing frameworks. A mandatory minimum non-parole period of 25 years will inevitably apply in circumstances where it produces outcomes that are disproportionate, unjust, and inconsistent with the purposes of sentencing. ...

A mandatory minimum sentencing framework assumes that all intimate partner homicides are equivalent in nature and moral culpability. It does not allow sufficient space for courts to distinguish between vastly different factual circumstances, including cases where a victim-survivor of prolonged violence is criminalised for their response to that violence. By constraining judicial discretion, the amendment risks imposing uniform punishment on

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<sup>25</sup> WoSSCA, Submission No. 3, p. 3

<sup>26</sup> First Nations Advocates Against Family Violence (FNAAFV), Submission No. 6, p.5

<sup>27</sup> LSNT, Submission No. 11, p. 3

<sup>28</sup> National Network of Incarcerated and Formerly Incarcerated Women and Girls (the National Network), Submission No. 7, p. 1; see also Submission Nos 3, 6, 9 and 11

non-uniform circumstances and undermines the capacity of the courts to deliver proportionate and just sentencing outcomes.<sup>29</sup>

3.18 In a similar vein, LSNT expressed the view that:

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 Coroners' landmark report or the expertise of the specialist DFSV sector.

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.<sup>30</sup>

### Exceptional Circumstances

3.19 With regards to concerns that the introduction of mandatory sentencing will 'negatively impact victim-survivors of DFSV who kill their abusive partners through the use of physical force or weapons when defending themselves against violent attacks'<sup>31</sup>, the Committee notes that clause 4 of the Bill also amends section 53A(6) to provide that the sentencing court may fix a non-parole period of less than 25 years if satisfied there are exceptional circumstances that justify setting a shorter non-parole period.<sup>32</sup> The Explanatory Statement further clarified that 'in such cases, the penalty of life imprisonment will still apply but a shorter non-parole period may be fixed.'<sup>33</sup>

3.20 As the Department pointed out:

While the setting of a 25-year non-parole period raises murder of an intimate partner to recognise the severity and profound harm that domestic, family and sexual violence causes in our community, it is equally important to allow a court to consider exceptional circumstances to reflect the complex nature of domestic violence – for example, where 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. For there to be exceptional circumstances, the court must be satisfied that the offender is otherwise of good character, unlikely to reoffend and the victim's conduct or condition substantially mitigate the conduct of the offender.<sup>34</sup>

3.21 While acknowledging that the proposed amendment provides a degree of protection for victim-survivors, a number of submitters raised concerns that the exceptional circumstances framework is 'ill-suited to cases involving domestic violence.'<sup>35</sup> Although the exceptional circumstances provision is already applicable to the offence of murder, including intimate partner murder, that are

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<sup>29</sup> National Network, Submission No. 7, pp. 2-3

<sup>30</sup> LSNT, Submission No. 11, p. 3

<sup>31</sup> LSNT, Submission No. 11, p. 2

<sup>32</sup> Explanatory Statement, Sentencing Amendment (Murder) Bill 2026 (Serial 51), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>, p.1

<sup>33</sup> Explanatory Statement, Sentencing Amendment (Murder) Bill 2026 (Serial 51), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>, p.1

<sup>34</sup> Committee Transcript, Public Briefing, Monday 9 February 2026, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>, p. 3

<sup>35</sup> FNAANV, Submission No. 6, p. 9, see also Submission Nos. 3, 4, 7 and 11

currently subject to the standard non-parole period of 20 years, Legal Aid NT noted that:

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'. ... 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.<sup>36</sup>

### 3.22 Similarly, the National Network observed that:

the definition of exceptional circumstances is extremely narrow and will be inaccessible to many criminalised women.

To depart from the mandatory minimum, the court must be satisfied that the convicted person is of good character, unlikely to reoffend, and that the victim's conduct substantially mitigates the offending. This threshold is extraordinarily high and creates significant barriers for those whose lives have been shaped by poverty, racism, trauma, criminalisation, and systemic disadvantage.

The requirement that a convicted person be a person of "good character" is particularly troubling. Many women who become criminalised, especially those who have lived through prolonged violence, carry prior convictions related to survival, including minor property offences, substance-related offences or breaches linked to coercive control. These histories often reflect systemic harms rather than inherent criminality. Yet under the proposed framework, such histories may disqualify women from accessing the only mechanism through which a court can depart from the mandatory minimum.

This creates a two-tiered system of justice in which mercy becomes contingent on conformity to narrow standards of respectability. Women who have lived lives marked by disadvantage, state intervention, and criminalisation will be far less likely to be seen as meeting the "good character" threshold, regardless of the context in which the offence occurred. The effect is that those most failed by systems of protection will be the least likely to benefit from judicial discretion.<sup>37</sup>

### 3.23 LSNT expressed the view that '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.'<sup>38</sup> FNAAFV also noted that:

the requirement to focus on victim conduct risks shifting attention away from patterns of abuse, coercive control, and systemic failure, and instead places the victim's behaviour under scrutiny. This framing can be deeply retraumatising for women and reinforces harmful narratives that implicitly blame victims for the violence they have experienced.

This framework also fails to account for the cumulative impacts of trauma, intergenerational violence, and survival responses. It does not recognise the role of state systems in failing to protect women, nor does it provide a meaningful avenue for courts to consider these broader contextual factors.<sup>39</sup>

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<sup>36</sup> Legal Aid NT, Submission No. 4, p. 2

<sup>37</sup> The National Network, Submission No. 7, p.3

<sup>38</sup> LSNT, Submission No. 11, p. 2

<sup>39</sup> FNAAFV, Submission No. 6, pp. 9-10

3.24 Submitters also raised concerns that the proposed amendments will have a negative impact on Aboriginal women in particular. As LSNT pointed out:

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.<sup>40</sup>

3.25 The National Network also observed that:

Aboriginal women experience disproportionately high rates of victimisation, including domestic and family violence, and state violence. They are more likely to be racially identified as primary aggressors, more likely to be criminalised for actions connected to survival, and more likely to have prior criminal records due to zealous policing and systemic discrimination. They also face substantial barriers in accessing legal representation, culturally safe support, and appropriate defences.

The requirement to demonstrate “good character” will disproportionately exclude Aboriginal women from accessing exceptional circumstances provisions. This raises serious concerns about indirect racial discrimination and the likelihood that the amendment will further entrench the mass-incarceration of Aboriginal women in the Northern Territory. Rather than addressing the structural drivers of violence and criminalisation, the amendment risks deepening them.<sup>41</sup>

3.26 Given the above, submitters raised concern that the introduction of a mandatory minimum 25 year non-parole period will effectively exacerbate existing issues associated with establishing exceptional circumstances in cases of intimate partner murder. As NTWLS noted:

The Bill’s Explanatory Statement, and information discussed at the public briefing, both suggest that the “exceptional circumstances” provision is adequate protection for cases where a woman has killed an abusive partner (or former partner). While the NTWLS acknowledge there is precedent for domestic violence history to be considered as “exceptional circumstances” where the person killed was the primary user of violence, we remain concerned that the practical operation of the legislation (if the amendment is passed) will cause unduly harsh consequences in cases of this nature. This is because:

- A woman who may successfully establish the requirements of the “exceptional circumstances” provision would only be able to access a reduction in the minimum non-parole period of *around* 5 years; and
- The result of this reduction would be a sentence of *around* 20 years – the same as any other person found guilty of murder without a circumstance of aggravation in s 53A(3).<sup>42</sup>

### **Committee’s Comments**

3.27 While acknowledging the concerns regarding the introduction of a mandatory minimum non-parole period of 25 years imprisonment for intimate partner murder, the majority view of the Committee is that the proposed amendment is

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<sup>40</sup> LSNT, Submission No. 11, p. 2; see also Submission Nos. 3, 5, 6, 7 and 9

<sup>41</sup> The National Network, Submission No. 7, pp. 3-4

<sup>42</sup> NTWLS, Submission No. 10, pp. 2-3

integral to achieving the policy objective of the Bill. As the Department pointed out:

The amendments are required to reflect the true gravity of intimate partner murder and ensure the justice system reflects that in sentencing and holds perpetrators to account. The Bill will bring intimate partner homicide in line with the Territory's most serious offences, such as the murder of a child, and sharing the same minimum non-parole period of 25 years.<sup>43</sup>

- 3.28 The Committee further notes that the proposed amendment conforms with the sentencing guidelines as set out in section 5(1)(d) of the *Sentencing Act 1995*, which provide that sentences may be imposed on an offender 'to make it clear that the community, acting through the court, does not approve of the sort of conduct in which the offender was involved.'
- 3.29 Nevertheless, the Committee was particularly concerned to hear that the 'good character' requirement of the exceptional circumstances provision may lead to unintended consequences and potentially unjust sentencing outcomes. Relevantly, the Committee notes that on 10 February 2026 the NSW Legislative Assembly passed the Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Bill 2026.<sup>44</sup>
- 3.30 Introduced by the Attorney-General, Mr Michael Daley MP, the Bill responds to the 'recommendations of the NSW Sentencing Council and longstanding and significant concerns of victim-survivors and victim advocacy groups about the use of good character evidence when sentencing offenders.'<sup>45</sup> As such, the Bill seeks to remove the requirement for courts to take into account 'good character' as a mitigating factor at sentencing.<sup>46</sup>
- 3.31 In introducing the Bill, the Attorney-General advised the Assembly that the NSW Sentencing Council's investigation and subsequent report, *Good character at sentencing*, found 'there are significant issues with the use of good character in sentencing' and recommended that 'good character should be abolished as a mitigating factor at sentencing for all offences.'<sup>47</sup>
- 3.32 The Attorney-General noted that the Sentencing Council's reasoning that the good character of an offender is not an appropriate reason to mitigate a sentence includes the following:

first, that the concept of good character is an inherently subjective, vague and uncertain concept and is often conflated with other sentencing factors

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<sup>43</sup> Committee Transcript, Monday 9 February 2026,

<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>, p. 3

<sup>44</sup> Parliament of New South Wales, *Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Bill 2026*, <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18856>

<sup>45</sup> Mr Michael Daly MP, *Legislative Assembly Hansard – 04 February 2026 – Proof*, <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1323879322-161175'>, pp. 1-4

<sup>46</sup> Explanatory Note, *Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Bill 2026*, [https://www.parliament.nsw.gov.au/bill/files/18856/XN\\_Crimes%20\(Sentencing%20Procedure\)%20Amendment%20\(Good%20Character%20at%20Sentencing\)%20Bill.pdf](https://www.parliament.nsw.gov.au/bill/files/18856/XN_Crimes%20(Sentencing%20Procedure)%20Amendment%20(Good%20Character%20at%20Sentencing)%20Bill.pdf), p. 1

<sup>47</sup> Mr Michael Daly MP, *Legislative Assembly Hansard – 04 February 2026 – Proof*, <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1323879322-161175'>, p. 2

... second, that it is not justifiable to mitigate a sentence based on the offender's perceived moral worth and reputation; third, that there is no reliable empirical evidence that good character by itself can predict prospects of rehabilitation and risk of reoffending; fourth, that the continued use of good character as a mitigating factor can cause harm to victims, including through re-traumatisation and minimisation of their experiences, particularly in cases involving sexual offences and abuse of trust; and fifth, that the availability of good character as a mitigating factor at sentence may contribute to inequality in the sentencing process, because it is likely to be more readily available to some groups than others. This may result in a person being sentenced more favourably because of social position or perceived respectability.<sup>48</sup>

3.33 With regards to the latter point, the Sentencing Council further noted that:

The risk of inequality in the application of the mitigating factor may disadvantage Aboriginal and Torres Strait Islander offenders, in particular.

The culturally narrow construction of good character means that it may not align with the values or lived realities of Aboriginal and Torres Strait Islander peoples. This may exclude them from access to the factor to mitigate their sentence.<sup>49</sup>

3.34 In light of the concerns raised in the evidence received and the findings of the NSW Sentencing Council, the Committee considers that, as set out in Recommendation 2 below, it would be prudent to recommend that the Attorney-General conduct or commission a review of the operation of section 53A(7) and other relevant sections of the *Sentencing Act 1995* that relate to the use of 'good character' in establishing exceptional circumstances and in sentencing more generally.

## **Recommendation 2**

**The Committee recommends that the Attorney-General conduct or commission a review of the operation of section 53A(7) and other relevant sections of the *Sentencing Act 1995* that relate to the use of 'good character' in sentencing, and make any recommendations for reform that it considers appropriate.**

**The review should consider:**

- **whether the requirement under section 53A(7)(a)(i) that a person convicted of murder, and in particular intimate partner murder, be of 'good character' in order to establish exceptional circumstances is appropriate, equitable, and fit for purpose;**
- **the operation of 'good character' as a mitigating factor in sentence proceedings in domestic, family and sexual violence cases more generally;**

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<sup>48</sup> Mr Michael Daly MP, *Legislative Assembly Hansard – 04 February 2026 – Proof*, <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-161175>, p. 2

<sup>49</sup> NSW Sentencing Council, *Good character at sentencing*, New South Wales Sentencing Council, Sydney, 2025, [https://sentencingcouncil.nsw.gov.au/documents/our-work/good-character/Report\\_Good\\_Character\\_at\\_Sentencing.pdf](https://sentencingcouncil.nsw.gov.au/documents/our-work/good-character/Report_Good_Character_at_Sentencing.pdf), pp. 41-2

- **the views and experience of victim-survivors and specialist domestic, family and sexual violence services regarding the use of ‘good character’ in sentencing proceedings; and**
- **any other matters that are considered relevant.**

# Appendix 1: Submissions Received

## Submissions Received

1. Senator Jacinta Nampijinpa Price
2. Professor Mirko Bagaric
3. Womens Safety Services of Central Australia
4. Legal Aid NT
5. North Australia Aboriginal Justice Agency
6. First Nations Advocates Against Family Violence
7. National Network of Incarcerated and Formerly Incarcerated Women and Girls
8. Australian Christian Lobby
9. Northern Territory Council of Social Services
10. Northern Territory Women's Legal Services
11. Law Society NT
12. Aboriginal Medical Services Alliance NT

**Note:** Copies of submissions are available [here](#).

## Appendix 2: Public Briefing and Hearings

### Public Briefing: Darwin 9 February 2026

#### *Attorney-General's Department*

- Erin McAuley, Acting Deputy Chief Executive Officer
- Hannah Clee, Acting Director of Legislation and Legal Policy, Strategic Policy Coordination

**Note:** Copies of briefing transcript is available [here](#).

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Armitage, E., *Inquests into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood [2024]* NTLC 14, [rabuntja-haywood-yunupingu-ragurk.pdf](#)

*Criminal Code Act 1983* (NT)

*Domestic and Family Violence Act 2007* (NT)

Explanatory Note, *Crimes (Sentencing Procedure) Amendment (Good Character at Sentencing) Bill 2026*,

[https://www.parliament.nsw.gov.au/bill/files/18856/XN\\_Crimes%20\(Sentencing%20Procedure\)%20Amendment%20\(Good%20Character%20at%20Sentencing\)%20Bill.pdf](https://www.parliament.nsw.gov.au/bill/files/18856/XN_Crimes%20(Sentencing%20Procedure)%20Amendment%20(Good%20Character%20at%20Sentencing)%20Bill.pdf)

Explanatory Statement, *Sentencing Amendment (Murder) Bill 2026 (Serial 51)*,

<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>

*Interpretation Act 1978* (NT)

Legislative Assembly of New South Wales, *Hansard – Wednesday 4 February 2026*,

<https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#docid/'HANSARD-D-1323879322-161175>

Northern Territory Government, *Northern Territory Domestic, Family and Sexual Violence Reduction Strategy 2025 – 2028*, Northern Territory Government, Darwin, October 2025

NSW Sentencing Council, *Good character at sentencing*, New South Wales Sentencing Council, Sydney, 2025, [https://sentencingcouncil.nsw.gov.au/documents/our-work/good-character/Report\\_Good\\_Character\\_at\\_Sentencing.pdf](https://sentencingcouncil.nsw.gov.au/documents/our-work/good-character/Report_Good_Character_at_Sentencing.pdf)

Parliamentary Record, *Draft Daily Hansard - Day 2 – 4 February 2026*,

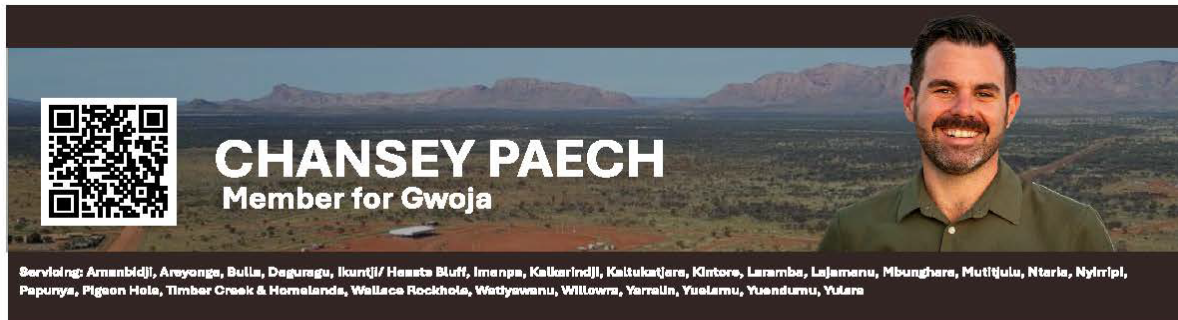
<https://hdl.handle.net/10070/1027053>

*Sentencing Act 1995* (NT)

*Sentencing Amendment (Murder) Bill 2026 (Serial 51)*,

<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/51-2026>

# Dissenting Report – Mr Chanston Paech MLA



Secretariat  
Legislative Scrutiny Committee  
Northern Territory Legislative Assembly  
Darwin, NT 0800

Dear Secretariat,

## **DISSENTING REPORT Sentencing Amendment (Murder) Bill 2026**

As a member of the Committee, I have carefully considered the Sentencing Amendment (Murder) Bill 2026 (the Bill), the public briefings, and the written submissions received during the inquiry.

While I acknowledge the seriousness of intimate partner homicide and the need for strong community responses to domestic, family and sexual violence (DFSV), I am unable to support the Bill in its current form.

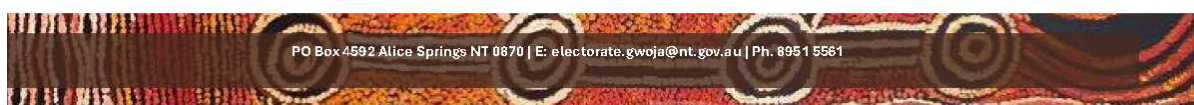
In particular, I am persuaded by the concerns raised by the Northern Territory Women's Legal Services (NTWLS), Northern Territory Legal Aid Commission, Law Society and other expert women services whose lived experiences frontline expertise across the Territory provides critical insight into how this legislation may operate in practice especially for victim-survivors of prolonged domestic and family violence.

For the reasons set out below, I respectfully dissent from any recommendation that the Bill proceed without substantial amendment and further consultation.

### Recommendations

I recommend that the Assembly:

1. Not pass the Bill in its current form.
2. If the Government wishes to pursue legislative amendments to implement harsher consequences for intimate partner homicide, undertake further consultation with stakeholders with expertise in DFSV law and criminal law, including but not limited to:







mandatory non-parole period is limited and may still result in sentences that do not meaningfully distinguish between:

- A primary perpetrator of violence; and
- A victim-survivor acting in the context of prolonged abuse.

Legislation that increases mandatory sentencing without properly accounting for these contextual difference's risks producing unjust outcomes.

## 2. Lack of Evidence of Deterrent Effect

The stated intent of the Bill is, in part, to act as a further deterrent to perpetrators of intimate partner homicide.

However, no compelling evidence has been presented to the Committee demonstrating that longer mandatory non-parole periods operate as an effective deterrent in the context of intimate partner homicide.

While denunciation is a recognised purpose of sentencing, public denunciation alone does not address the underlying drivers of DFSV. Without evidence of deterrent effect, the expansion of mandatory sentencing provisions warrants careful scrutiny.

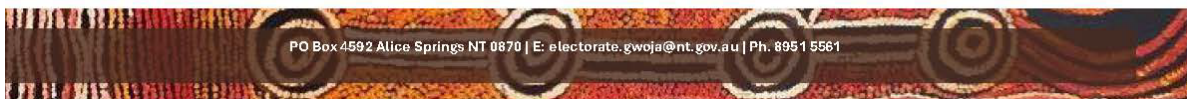
In a majority of the submission, it clearly states that Mandatory sentencing as a deterrent has not work and is not working in its current forms of Territory law,

## 3. The Broader DFSV Crisis in the Northern Territory

Whilst the inquiries scope was centred about a particular aspect of increasing the non-parole period it's important to note that The Northern Territory continues to experience the highest recorded rates of domestic, family and sexual violence in the country.

The evidence before the Committee makes clear that:

- The scale of the crisis is severe and ongoing.
- Without sustained and adequate long-term investment, it will worsen; and
- Current levels of funding represent only a fraction of the estimated social and economic cost of DFSV in the Territory.





In this context, a singular focus on increasing sentences does not, in itself, address prevention, early intervention, or victim-survivor safety. Sentencing reform must not occur in isolation from broader systemic reform and investment.

#### Need for Further Consultation

Nearly of all the submissions expressed a clear willingness to work collaboratively with government and policymakers to develop stronger, evidence-based responses to DFSV.

Given their frontline experience supporting women and non-binary people across the Territory, and their expertise in both DFSV and criminal law contexts, further consultation is not only appropriate but necessary before any significant sentencing reform proceeds.

Intimate partner homicide is among the most serious offences before our courts. The community rightly expects strong denunciation of such conduct.

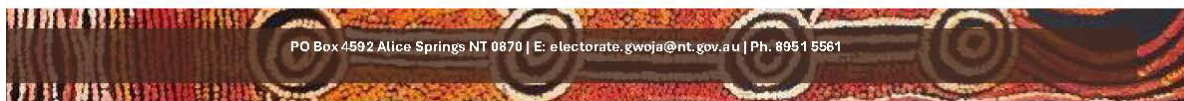
However, legislation must also be just, proportionate, and informed by evidence. It must recognise the lived realities of victim-survivors, particularly Aboriginal women in remote communities who face systemic barriers to protection and safety.

I acknowledge and thank all of the submitters who took the time to prepare submissions for the inquiry.

For these reasons, I cannot support the Bill in its current form. I recommend that it not be passed and that further, targeted consultation be undertaken to ensure that any reform appropriately balances denunciation, deterrence, fairness, and victim-survivor protection.

Yours sincerely,

**Chansey Paech MLA**  
Member for Gwoja



PO Box 4592 Alice Springs NT 0870 | E: electorate.gwoja@nt.gov.au | Ph. 895 1 5561

# Dissenting Report – Justine Davis MLA

## Justine Davis MLA Independent Member for Johnston

Alawa - Jingili - Millner - Moil

integrity | action | community



2/3/2026

Dear Chair and Members of the Legislative Scrutiny Committee,

### Re: Sentencing amendment (murder) Bill 2026

I acknowledge the work of the Legislative Scrutiny Committee and the Committee Secretariat for their diligent work in examining this Bill and preparing a report for Parliament.

I also acknowledge those who provided submissions to the committee. As noted in the committee report, the Inquiry received 12 submissions, the majority of which did not support the Bill.

The Committee report records that:

*While acknowledging that the Bill seeks to recognise the seriousness of intimate partner murder, submitters raised concerns that the introduction of mandatory sentencing carries a significant risk of unintended consequences and potentially unjust sentencing outcomes for victim-survivors. While noting that the Bill provides a degree of protection for victim-survivors, submitters expressed the view that the exceptional circumstances framework is ill suited to cases involving domestic violence. The 'good character' requirement in the exceptional circumstances provision was seen to be particularly problematic given the nature of intimate partner murder.*

Given the seriousness of these concerns, I do not support the law in its current form. The evidence before us indicates that, without amendment, this Bill risks making some women less, not more, safe.

The Committee recognises these risks and recommends that section 53(7) is referred to the Law Reform Committee. This is precisely the work that should happen before a law is passed, not afterwards. The evidence before the Committee already demonstrates a real risk of unjust and disproportionate outcomes under the proposed framework.

Our role on this Committee is to ensure that legislation is effective, proportionate and evidence-based. In line with that responsibility, I provide this dissenting report. My commitment is that every law passed by this Parliament must strengthen safety, including for women who are victim-survivors of intimate partner violence.

### Mandatory Minimum Non-Parole Period and Exceptional Circumstances

There is no disputing that intimate partner homicide is among the most serious and devastating forms of violence. The community is entitled to expect strong denunciation of such offending. However, public denunciation alone is not a sufficient basis for sound criminal justice policy. The evidence before the Committee raises serious doubt that increasing the minimum non-parole period from 20 to 25 years will prevent further deaths.

# Justine Davis MLA

*Independent Member for Johnston*

Alawa - Jingili - Millner - Moil

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Expert submitters consistently advised that longer mandatory sentences do not operate as an effective deterrent in the context of domestic, family and sexual violence. The evidence indicates that intimate partner homicides most often occur in contexts of acute conflict, escalation and crisis, usually following a history of domestic and family violence. In such circumstances, the length of a future non-parole period is unlikely to factor into an offender's decision-making at the time of the offence.

The Committee also heard compelling evidence that prior incarceration has not prevented repeat serious violence in the Northern Territory. The Territory Coroner's recent inquest into multiple domestic violence homicides did not recommend mandatory sentencing. Instead, the Coroner emphasised the urgent need for systemic reform, early intervention, and properly resourced prevention responses, including alternatives to custody for perpetrators of domestic and family violence. This Bill moves policy settings in the opposite direction.

### **Exceptional circumstances**

I acknowledge that the Bill seeks to address concerns regarding victim-survivors who kill abusive partners by retaining and modifying the "exceptional circumstances" mechanism in section 53A(6). The Explanatory Statement indicates that courts may fix a non-parole period of less than 25 years where exceptional circumstances are established, while still imposing life imprisonment. The Department submitted that this safeguard is intended to reflect the complex nature of domestic violence.

However, the evidence before the Committee raises serious concern that the exceptional circumstances framework is too narrow to operate as an effective safeguard in practice.

Submitters consistently described the test as ill-suited to domestic violence contexts. These concerns are outlined comprehensively in the committee report and they note that the current test is inaccessible to many women, particularly those whose lives have been shaped by poverty, trauma, racism and systemic disadvantage.

Many victim-survivors, especially Aboriginal women, may have prior convictions linked to survival, coercion, or systemic over-policing. These histories may exclude them from accessing the only available pathway for a court to depart from the mandatory minimum, regardless of the context of prolonged abuse.

I am particularly concerned about the likely disproportionate impact of this Bill on Aboriginal women. Evidence before the Committee indicates that Aboriginal women are more likely to be misidentified as primary aggressors, more likely to have prior criminal records, and more likely to face barriers in accessing legal representation and culturally safe support. The requirement to demonstrate "good character" risks entrenching these inequities and may contribute to further over-incarceration.



[www.justinedavis.com.au](http://www.justinedavis.com.au)  
[@justine4johnston](https://twitter.com/justine4johnston)



08 8999 6620  
[electorate.johnston@nt.gov.au](mailto:electorate.johnston@nt.gov.au)



Millner Village Plaza, Cnr of Fitzgerald St  
and Bagot Rd, Millner NT 0810

# Justine Davis MLA

*Independent Member for Johnston*

*Alawa - Jingili - Millner - Moil*

integrity | action | community



I am not persuaded that deferring these concerns to a future review is sufficient. The evidence before the Committee already demonstrates a real risk of unjust and disproportionate outcomes under the proposed framework. The work of carefully testing whether a law will achieve its intended aims must occur *before* it is passed, not after.

In the absence of clear evidence that the increased mandatory minimum will prevent domestic and family violence deaths, and given the significant risks identified regarding the operation of the exceptional circumstances test. I am not satisfied that Clause 4 represents an effective or evidence-based reform.

For these reasons, I do not support Clause 4 of the Bill.

To reduce the risk of unintended harm, the Bill should be amended to make clear that the “exceptional circumstances” framework expressly includes circumstances where the offender is a victim-survivor of intimate partner violence, including where their offending is connected to coercion, control, cumulative trauma, or survival behaviour.

This clarification would help ensure the law does not inadvertently capture victim-survivors and would preserve the court’s ability to deliver sentences that are just, proportionate, and consistent with community safety.

Justine Davis  
Independent Member for Johnston