

Explanatory Statement

SENTENCING AMENDMENT (MURDER) BILL 2026

SERIAL NO. 51 LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

ATTORNEY-GENERAL

GENERAL OUTLINE

The Bill amends the *Sentencing Act 1995* to require the court to set a mandatory minimum non-parole period of 25 years' imprisonment for the murder of a person who was at the time of the murder, or had been at any time prior to the murder, the spouse, de facto partner, or in an intimate personal relationship with the offender, except in exceptional circumstances.

NOTES ON CLAUSES

Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill. The Bill when passed will be cited as the *Sentencing Amendment (Murder) Act 2026*.

Clause 2. Commencement

This clause sets out how the amendment Act will be commenced. In this case the Act will commence on the day after the Administrator assents to the Act.

Clause 3. Act amended

This clause provides that the Act amends the *Sentencing Act 1995*.

Clause 4. Section 53A amended (Non-parole periods for offence of murder)

In the *Inquests into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kamanjayi Haywood* [2004] NTLC 14, the Coroner recorded the domestic and family violence related homicide rate in the Northern Territory is seven times higher than the national average. The amendment is intended to reflect the severity and profound harm to victims, families and communities caused by the murder of a current or former intimate partner.

This clause amends section 53A(3) 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. Intimate personal relationship has the same meaning as in section 11 of the *Domestic and Family Violence Act 2007*. The matters listed in section 11(3) of the *Domestic and Family Violence Act 2007* may be taken into account in deciding whether an intimate personal relationship existed between the victim and offender, and section 11(4) of the *Domestic and Family Violence Act 2007* also applies. Spouse and de facto partner have the meaning given in the *Interpretation Act 1978*.

This clause also amends section 53A(6) to allow a non-parole period that is shorter than the non-parole period of 25 years to be fixed if the court is satisfied there are exceptional circumstances that justify setting a shorter non-parole period. This exception only applies to sentences for murder of a person who was at the time of the murder, or had been at any time prior to the murder, the spouse, de-facto partner, or in an intimate personal relationship with the offender. The exception does not apply to the circumstances of murder where a minimum non-parole period of 25 years is already prescribed.

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 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.

Clause 5. Part 12, Division 16 inserted

This clause 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.

Clause 6. Repeal of Act

This is a standard clause that provides that the Act will be repealed on the day after it commences. On commencement, the provisions in the Bill automatically amend the *Sentencing Act 1995*, thereby completing the Bill's purpose. This is a standard provision to ensure that amendment Acts do not remain on the Statute Book after their commencement.