

**FIRST NATIONS
ADVOCATES AGAINST
FAMILY VIOLENCE**

NTG - Sentencing Amendment (Murder) Bill 2026 (Serial 51)

**Prepared by First Nations Advocates
Against Family Violence**

Submitted to The Legislation Scrutiny
Committee Northern Territory

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Table of Contents

First Nations Advocates Against Family Violence (FNAAFV).....	4
Who are we?	4
Who are our members?	4
What do we do?	4
First Nations Advocates Against Family Violence NTG - Sentencing Amendment (Murder) Bill 2026 Submission	5
Executive Summary	5
1. Context of domestic, family and sexual violence in the Northern Territory	6
2. Overview of the Sentencing Amendment (Murder) Bill 2026	7
3. Issues relating to the Amendments	8
Disproportionate impacts on Aboriginal and Torres Strait Islander women	8
Criminalisation and misidentification of victim survivors	8
Limitations of self defence and exceptional circumstances safeguards	9
Analysis of the exceptional circumstances framework	9
Evidentiary and procedural barriers for Aboriginal women	10
Lack of evidence for deterrence and prevention.....	10
Interaction with existing systemic failures and service gaps.....	11
Need for Aboriginal led and community-controlled responses.....	11
Alternative legislative and policy approaches	11
Recommendations	12
Appendix A: FNAAFV Member List	14
References	16



Acknowledgement of Country

We respectfully acknowledge the Traditional Custodians of the land on which we live and work, and pay our respects to their Elders past, present, and emerging for they hold the memories, traditions, the culture, and hopes for Aboriginal and Torres Strait Islander people. We recognise their enduring connection to land, waters, and community.



First Nations Advocates Against Family Violence (FNAAFV)

Who are we?

First Nations Advocates Against Family Violence (FNAAFV) is the only Aboriginal Community Controlled Organisation (ACCO) National Peak Body that supports Family Violence Prevention and Legal Services (FVPLS) around Australia who provide specialised domestic, family and sexual violence (DFSV) supports through culturally safe, holistic services to First Nations peoples – predominantly women and their children. FNAAFV provides expert national advice in areas of policy, planning and law reform, sector capacity building, supporting innovation and best practice, and advocating for safety and justice for First Nations peoples affected by family and sexual violence. We collaborate across all sectors, both ACCO and mainstream with the aim of delivering safe and supportive self-determined services for our First Nations peoples in line with United Nations Declaration on the Rights of Indigenous Peoples.

Who are our members?

FNAAFV represents 16 FVPLSs, with 14 FVPLSs who are members of FNAAFV. The FVPLSs span more than 30 office locations across all jurisdictions. FVPLSs provide culturally safe and specialist legal and non-legal family and domestic violence assistance to more than 250 Aboriginal and Torres Strait Islander communities. A list of FNAAFV members is included at Appendix A.

What do we do?

FNAAFV works with its members, communities, governments, and other partners to raise awareness about family and sexual violence affecting First Nations people, delivering and advocating for culturally safe legal and holistic responses to family and sexual violence. FNAAFV provides a unified voice for its FVPLS members in areas of national policy, planning and law reform, and representation as a member of the national Coalition of Peaks. FNAAFV's work is informed by evidence, and we aim to ensure that all strategic planning and policy positions link to the **Closing the Gap Agreement and Priority Reformsⁱ**; **National Plan to End Violence against Women and Children 2022-2032ⁱⁱ** and associated **Aboriginal and Torres Strait Islander Action Plan 2023-2025ⁱⁱⁱ**.



First Nations Advocates Against Family Violence NTG - Sentencing Amendment (Murder) Bill 2026 Submission

Executive Summary

First Nations Advocates Against Family Violence welcomes the opportunity to provide this submission in relation to the Sentencing Amendment (Murder) Bill 2026. The purpose of this submission is to examine the proposed amendments through the lens of Aboriginal women's safety, justice and self-determination. While FNAAFV acknowledges the profound harm caused by intimate partner homicide and the intent to denounce such violence, this submission raises serious concerns that the Bill, as currently drafted, risks exacerbating existing systemic harms experienced by Aboriginal women, particularly those who are victim survivors of long-term violence and coercive control.

The purpose of this submission is to examine the proposed amendments through the lens of Aboriginal women's safety, justice and self-determination. Importantly, the findings of the Northern Territory Coroner in the Inquests into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood [2024] NTLC 14 do not recommend the introduction of increased mandatory minimum sentencing for intimate partner homicide. 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.

Aboriginal women are significantly overrepresented within the criminal justice system and are frequently misidentified as perpetrators rather than victims of domestic and family violence. Incident based responses, limited recognition of coercive control, and barriers to accessing culturally safe legal support mean that women who use force in the context of survival are at heightened risk of



criminalisation. A mandatory sentencing regime magnifies these risks by reducing the capacity of courts to impose sentences that reflect the full context of abuse, trauma and systemic failure.

FNAAFV is particularly concerned about the reliance on self defence and exceptional circumstances as safeguards within the Bill. In practice, self defence is often inaccessible to Aboriginal women due to high evidentiary thresholds and narrow legal interpretations. The exceptional circumstances framework applies only after conviction and requires women to meet restrictive criteria that do not reflect the realities of long-term violence, coercive control or cumulative harm. These mechanisms do not prevent criminalisation and do not provide adequate protection against unjust outcomes.

There is limited evidence that longer mandatory sentences deter intimate partner homicide or reduce domestic and family violence. Violence of this nature is rarely responsive to sentencing severity and is driven by complex social, cultural and structural factors. FNAAFV is concerned that the Bill prioritises punitive symbolism over evidence-based prevention and risks diverting attention from the reforms and investments that are known to improve safety for women and children.

The Bill also operates within a broader context of significant service gaps in the Northern Territory, including inadequate access to safe housing, specialist Aboriginal family violence services, healing programs, perpetrator interventions and culturally safe legal assistance. Strengthening sentencing responses without addressing these failures risks reinforcing a reactive justice approach that intervenes only after irreversible harm has occurred.

FNAAFV calls on the Northern Territory Parliament to reconsider the Sentencing Amendment (Murder) Bill 2026 and to ensure that any response to intimate partner homicide aligns with the findings of the Coroner and prioritises safety, fairness and self-determination for Aboriginal women. Addressing lethal violence requires systemic reform, genuine partnership with Aboriginal community controlled organisations, sustained investment in prevention and early intervention, and the development of alternatives to custody. Without these measures, there is a significant risk that the Bill will further criminalise Aboriginal women rather than protect them.

1. Context of domestic, family and sexual violence in the Northern Territory

The Northern Territory continues to experience unacceptably high rates of domestic, family and sexual violence, including lethal violence against women. Aboriginal women in the Territory are



disproportionately impacted due to the intersecting effects of colonisation, dispossession, intergenerational trauma, poverty, racism and systemic exclusion from culturally safe services.

Violence does not occur in a vacuum. It is shaped by structural conditions and compounded by chronic failures in prevention, early intervention, housing, health, child protection and justice systems. Aboriginal women in the Northern Territory often experience repeated violence over long periods, limited access to protection, and inadequate system responses prior to any lethal incident occurring.

FNAAFV acknowledges that intimate partner homicide represents the most extreme manifestation of domestic and family violence. These deaths cause irreparable harm to children, families and communities and demand serious attention from governments and justice systems. Accountability for perpetrators is essential, and sentencing frameworks must reflect the gravity of this violence.

However, effective responses must also recognise the complexity of intimate partner violence, including circumstances where women who have experienced prolonged abuse and coercive control become criminalised through the justice system.

2. Overview of the Sentencing Amendment (Murder) Bill 2026

The Sentencing Amendment (Murder) Bill 2026 proposes amendments to the Sentencing Act 1995 to introduce a mandatory minimum non parole period of 25 years imprisonment for the offence of murder where the victim was, or had previously been, in an intimate personal relationship with the offender. The proposed amendments apply where the victim was a current or former spouse, de facto partner, or in an intimate personal relationship as defined under the Domestic and Family Violence Act 2007.

The Bill operates by elevating intimate partner murder to a category attracting the same mandatory minimum non parole period as other forms of murder considered to involve particularly serious circumstances, including the murder of a child or certain public officials. In doing so, the Bill represents a significant shift in the sentencing framework for intimate partner homicide in the Northern Territory.

The Bill retains an exceptional circumstances mechanism that permits a court to impose a shorter non parole period than 25 years where specific statutory criteria are satisfied. These criteria require the court to be satisfied that the offender is otherwise of good character, unlikely to reoffend, and that the conduct or condition of the victim substantially mitigates the conduct of the offender. The



exceptional circumstances provision applies only after conviction and does not alter the availability or operation of defences at trial.

FNAAFV notes that the amendments are prospective in operation and will not apply retrospectively. However, the Bill does not include any explicit recognition of victim survivor circumstances, coercive control, or systemic failures in responses to domestic and family violence, nor does it provide specific guidance to courts on how such factors should be considered within the sentencing framework.

3. Issues relating to the Amendments

Disproportionate impacts on Aboriginal and Torres Strait Islander women

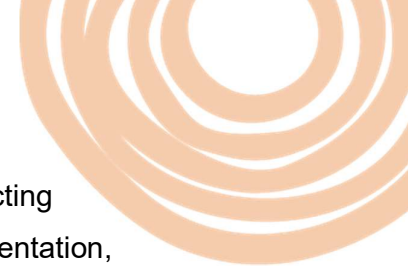
Aboriginal and Torres Strait Islander women experience domestic, family and sexual violence at significantly higher rates than non-Indigenous women and are also disproportionately represented within the criminal justice system. These intersecting realities mean that any expansion of mandatory sentencing regimes carries heightened risks of unintended and unjust outcomes for Aboriginal women.

Mandatory minimum non parole periods constrain judicial discretion and reduce the capacity of courts to impose sentences that reflect the full context in which offending occurs. For Aboriginal women who have experienced prolonged violence, coercive control, and repeated system failures, this lack of flexibility is particularly concerning. Women who use force in the context of survival or self preservation are more likely to be drawn into the criminal justice system and less likely to benefit from early diversion or protective interventions.

Without explicit safeguards, the proposed mandatory minimum non parole period risks entrenching existing racial and gendered disparities. It may further contribute to the over incarceration of Aboriginal women, including women who have been failed by police, child protection, housing and support systems long before a fatal incident occurs.

Criminalisation and misidentification of victim survivors

Misidentification of Aboriginal women as perpetrators rather than victims of domestic and family violence is a persistent and well documented problem across Australian jurisdictions, including the Northern Territory. Police responses often focus on incident based assessments rather than patterns of coercive control, cumulative harm, and power imbalance. This can result in women who have acted defensively being charged as primary aggressors.



Once misidentified, Aboriginal women face significant structural barriers to correcting the narrative. These include limited access to culturally safe legal representation, inadequate understanding of coercive control within justice processes, and systemic bias that undermines women's credibility. Early decisions made by police and prosecutors can shape the trajectory of a case in ways that are difficult to reverse.

The introduction of a mandatory minimum non parole period magnifies the consequences of misidentification. Where judicial discretion is constrained, errors and biases at earlier stages of the system carry far more severe and enduring consequences, including lengthy periods of incarceration.

Limitations of self defence and exceptional circumstances safeguards

Although self defence remains available as a defence to murder, FNAAFV emphasises that it is frequently inaccessible to Aboriginal women in practice. Legal tests for self defence are narrow and often rely on assessments of immediacy, proportionality, and reasonableness that do not align with the lived realities of long term abuse and coercive control.

Evidentiary burdens are significant, particularly for women whose experiences of violence have not been formally documented or whose interactions with authorities have previously resulted in punitive rather than protective responses. Trauma, fear, and cultural barriers further limit women's ability to effectively present their experiences within adversarial legal processes.

The exceptional circumstances safeguard does not address these issues. It applies only at sentencing, after conviction has been secured, and requires women to satisfy restrictive statutory criteria. It does not prevent the initial criminalisation of victim survivors and does not offer a reliable or accessible mechanism for ensuring just outcomes.

Analysis of the exceptional circumstances framework

The exceptional circumstances framework requires the court to be satisfied that the offender is otherwise of good character, unlikely to reoffend, and that the victim's conduct or condition substantially mitigated the offending. FNAAFV is concerned that this framework is ill suited to cases involving domestic and family violence.

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.

The 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.

Evidentiary and procedural barriers for Aboriginal women

Aboriginal women face multiple and compounding barriers in presenting evidence of domestic and family violence. These include limited access to documentation such as police reports or medical records, mistrust of government institutions, language and communication barriers, and cultural obligations that shape how experiences are shared.

Fear of child removal and further system involvement can deter women from disclosing violence or seeking assistance, resulting in limited evidentiary records. Under resourcing of Aboriginal legal services and family violence services further constrains women's ability to mount effective legal defences or sentencing submissions. As a result, many Aboriginal women are unable to meet the evidentiary thresholds required to establish self defence or exceptional circumstances, even where their experiences of violence and coercive control are extensive and well known within their communities.

Lack of evidence for deterrence and prevention

There is limited evidence that longer mandatory sentences deter intimate partner homicide or reduce rates of domestic and family violence. Violence of this nature is rarely premeditated in a way that is responsive to sentencing settings, and is often driven by factors such as power, control, trauma, substance use, and systemic disadvantage.

FNAAFV notes that even during the parliamentary briefing on the Bill, evidence of deterrent effect was not identified. This raises concerns that the Bill prioritises punitive symbolism over evidence based policy and risks diverting attention from measures that are known to prevent violence and improve safety.



Interaction with existing systemic failures and service gaps

The Bill operates within a broader context of chronic under investment in prevention, early intervention and support services in the Northern Territory. Many Aboriginal women lack access to safe housing, specialist family violence services, culturally appropriate healing programs, and legal assistance.

System failures often occur repeatedly and over long periods, with missed opportunities for intervention by police, courts, child protection and health services. Strengthening sentencing responses without addressing these failures risks reinforcing a reactive justice approach that intervenes only after irreversible harm has occurred.

Need for Aboriginal led and community-controlled responses

Aboriginal community-controlled organisations are central to effective prevention and response to domestic and family violence. These organisations are embedded in community, operate with cultural authority, and provide holistic, trauma informed support to victim survivors.

Evidence consistently demonstrates that Aboriginal led responses are more effective, trusted and sustainable. Any reform aimed at reducing intimate partner homicide must therefore be developed in genuine partnership with Aboriginal organisations and accompanied by long term, flexible and adequate funding for community-controlled services.

Alternative legislative and policy approaches

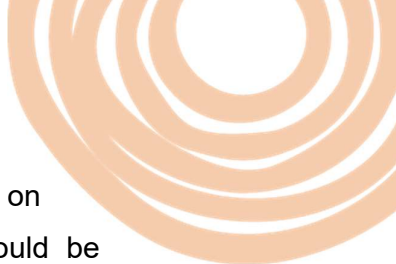
FNAAFV urges consideration of alternative approaches that prioritise safety, fairness and justice for Aboriginal women. Legislative options may include explicit exclusions for victim survivors from mandatory minimum sentencing provisions, stronger statutory recognition of coercive control, and clearer guidance to courts on considering cumulative abuse and systemic failure.

Policy responses should also focus on strengthening primary aggressor identification, improving police and judicial training, and embedding Aboriginal expertise within justice processes. These measures must be supported by non-legislative investment in prevention, early intervention, housing, healing and culturally safe legal services.



Recommendations

1. **Do not proceed with the Bill in its current form: FNAAFV recommends that the Sentencing Amendment (Murder) Bill 2026 not proceed as currently drafted.** The Bill introduces a mandatory minimum non parole period that risks producing unjust and disproportionate outcomes for Aboriginal women, particularly victim survivors of prolonged domestic and family violence, without demonstrable evidence of deterrent or preventative effect.
2. **Explicitly exclude victim survivors of domestic and family violence from the operation of mandatory minimum non parole periods:** If the Bill proceeds, FNAAFV strongly recommends the inclusion of an explicit statutory exclusion that prevents the mandatory minimum non parole period from applying where the offender is a victim survivor of domestic and family violence, including where the offending occurred in the context of coercive control, cumulative abuse or survival responses. This exclusion should operate at the sentencing stage and should not require women to meet narrow or exceptional thresholds.
3. **Strengthen legislative recognition of coercive control and cumulative abuse:** FNAAFV recommends that the Sentencing Act 1995 be amended to expressly require courts to consider coercive control, cumulative abuse and patterns of violence in sentencing for intimate partner homicide. This recognition should move beyond incident-based assessments and align with contemporary understandings of domestic and family violence.
4. **Reform the exceptional circumstances framework:** FNAAFV recommends a comprehensive review of the exceptional circumstances framework as it applies to intimate partner homicide. The current framework should be amended to remove the emphasis on victim conduct and to allow consideration of broader contextual factors, including systemic failures, trauma, intergenerational harm and the offender's experiences of violence. Consideration should also be given to whether exceptional circumstances are an appropriate safeguard at all in cases involving victim survivors.
5. **Improve primary aggressor identification and police practice:** FNAAFV recommends strengthened legislative and policy guidance on primary aggressor identification, supported by mandatory, ongoing training for police that is trauma informed and Aboriginal led. Improved identification at the earliest stages of system contact is critical to preventing misidentification and subsequent criminalisation of victim survivors.
6. **Expand judicial guidance and education:** FNAAFV recommends the development of detailed sentencing guidance for courts on intimate partner homicide, including guidance



informed by Aboriginal women's lived experiences and expert evidence on coercive control. Judicial education and professional development should be strengthened to ensure consistent and informed application of the law and to mitigate unintended consequences of sentencing reforms.

7. **Invest in Aboriginal community-controlled prevention and early intervention:** FNAAFV recommends sustained investment in Aboriginal community-controlled organisations delivering prevention, early intervention, healing and perpetrator accountability programs. Reducing intimate partner homicide requires addressing the drivers of violence long before crisis points are reached, and this work is best led by community.
8. **Address systemic service gaps that contribute to lethal violence:** FNAAFV recommends coordinated investment to address critical service gaps, including access to safe and appropriate housing, specialist family violence services, culturally safe legal assistance and long-term healing supports. Sentencing reform in isolation will not improve safety without parallel system reform.
9. **Commit to genuine partnership and consultation with Aboriginal organisations:** FNAAFV recommends that any reform relating to domestic and family violence sentencing be developed through genuine partnership with Aboriginal community-controlled organisations. This includes early and ongoing engagement, shared decision making, and adequate resourcing to support participation in law reform processes.
10. **Undertake an independent review of impacts on Aboriginal women:** FNAAFV recommends that, prior to the introduction of any mandatory sentencing reform, an independent review be undertaken to assess likely impacts on Aboriginal and Torres Strait Islander women. This review should be Aboriginal led and should examine potential consequences for incarceration, misidentification, victim safety and intergenerational harm.

End notes

For any further information, please contact FNAAFV at info@fnaafv.org.au.

Appendix A: FNAAFV Member List



QIFVLS

Queensland Indigenous
Family Violence Legal Service



**Ngaanyatjarra
Pitjantjatjara
Yankunytjatjara
Women's Council**



Binaal Billa
Family Violence Prevention Legal Service



NAAFLS

**NORTH AUSTRALIAN
ABORIGINAL FAMILY
LEGAL SERVICE**



**Family Violence Legal Service
Aboriginal Corporation (SA)**

**Aboriginal
Family Violence
Legal Service**



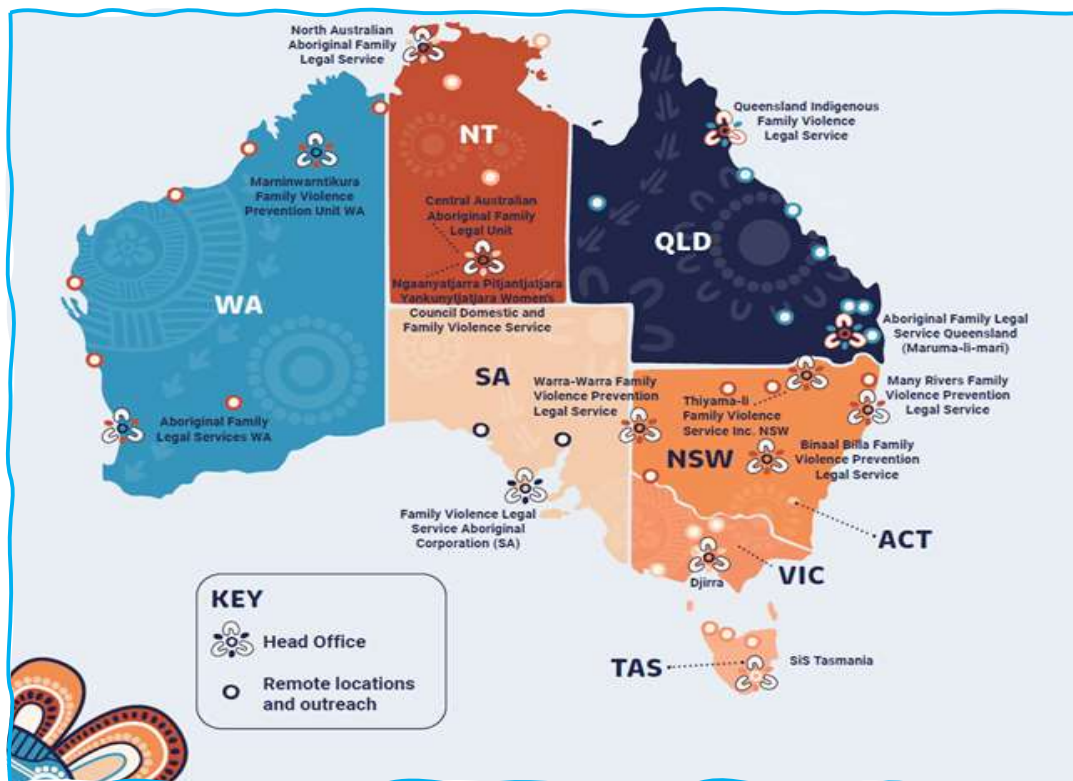
**Aboriginal
Family
LEGAL
SERVICES**



MANY RIVERS
FAMILY VIOLENCE PREVENTION
LEGAL SERVICE

- Aboriginal Family Legal Services Western Australia (Perth Head Office, Broome, Derby, Carnarvon, Kununurra, Geraldton, Kalgoorlie and Port Hedland)
- Aboriginal Family Legal Services Queensland (Toowoomba Head Office, Roma, Murgon and Gympie)

- Binaal Billa Family Violence Prevention Legal Service (Forbes)
- Central Australian Aboriginal Family Legal Unit Aboriginal Corporation (Alice Springs Head Office, Tennant Creek)
- Djirra (statewide service with head office in Melbourne and 8 regional offices in Bairnsdale, Warrnambool, Bendigo, Echuca, Shepparton, Morwell, Melton and Mildura)
- Family Violence Legal Service Aboriginal Corporation (Port Augusta Head Office, Ceduna, Pt Lincoln)
- Many Rivers Family Violence Prevention Legal Service (Kempsey Head Office, Grafton)
- Marninwarnitkura Family Violence Prevention Legal Service (Fitzroy Crossing)
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service (Alice Springs, NPY Tri-state Region)
- Queensland Indigenous Family Violence Legal Service (Cairns Head Office, Townsville, Mackay, Rockhampton, Mount Isa, Bamaga, Thursday Island and Brisbane)
- Thiyama-li Family Violence Service Inc. NSW (Moree Head Office, Bourke, Walgett)
- Warra-Warra Family Violence Prevention Legal Service (Broken Hill)
- North Australian Aboriginal Family Legal Service (Darwin Head Office, Katherine)
- SIS Tasmania (Hobart Head Office, Tasmania)





References

ⁱ <https://www.closingthegap.gov.au/national-agreement>

ⁱⁱ <https://www.dss.gov.au/national-plan-end-violence-against-women-and-children>

ⁱⁱⁱ <https://www.dss.gov.au/national-plan-end-gender-based-violence/resource/aboriginal-and-torres-strait-islander-action-plan-2023-2025>