



Legislative Assembly of the Northern Territory

Legislative Scrutiny Committee

Inquiry into the Domestic and Family Violence and Victims Legislation Amendment Bill 2025

April 2025



Inquiry into the Domestic and Family Violence and Victims Legislation Amendment Bill 2025



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Chair's Preface

This report details the Committee's findings regarding its examination of the Domestic and Family Violence and Victims Legislation Amendment Bill 2025. The Bill amends the *Domestic and Family Violence Act 2007*, the Domestic and Family Violence Regulations 2008, the *Victims of Crime Assistance Act 2006*, the *Victims of Crime Rights and Services Act 2006* and the Victims of Crime Rights and Services Regulations 2010.

The Bill inserts mandatory sentencing provisions for breaches of domestic violence orders; expands the functions of the victims register; improves the Victims Assistance Scheme application and assessment process; and replaces reference to monetary amounts with reference to revenue units for calculation of the Victims Assistance Fund levy.

The Committee received 21 submissions to its inquiry. All submissions opposed introduction of mandatory sentencing, with various submissions also seeking clarification regarding the intended operation of several provisions within the Bill and putting forward suggestions as to how the Bill could be improved.

Following its examination of the Bill and consideration of the evidence received, the Committee has recommended that the Assembly pass the Bill with the proposed amendments as set out in recommendations 3 and 4.

Recommendation 3 proposes that section 24 be amended to provide that a person who is appointed as a Victims Financial Assistance Scheme assessor by the Director of the Crime Victims Services Unit must have the skills, qualifications, training and experience to properly perform the functions of the role.

Recommendation 4 proposes the Bill's Explanatory Statement be amended to clarify the policy intent of the clause 13 amendment to section 28 and explain the full extent of the proposed amendments to section 24.

In addition to the above, recommendation 2 seeks to ensure the approved victim financial assistance form, lodgement process and any associated policy or guidance materials are easily accessible for those who face English and digital literacy barriers, and/or digital accessibility challenges.

On behalf of the Committee, I would like to thank all those that provided submissions to the Committee's inquiry. The Committee also thanks the representatives from the Attorney-General's Department for their advice. I also 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 Andrew Mackay, MLA Member for Goyder
Members:	Justine Davis, MLA Member for Johnston Mr Clinton Howe, MLA Member for Drysdale Mr Chanston Paech, MLA Member for Gwoja

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Acknowledgments

The Committee acknowledges all those that provided written submissions and the Attorney-General's Department for providing advice on the Bill at a public briefing.

Acronyms and Abbreviations

AMSANT	Aboriginal Medical Services Alliance Northern Territory
ANROWS	Australia's National Research Organisation for Women's Safety
CAAFLU	Central Australian Aboriginal Family Legal Unit
CVSU	Crime Victims Services Unit
DCASV	Ruby Gaea, Darwin Centre Against Sexual Violence
DFV	Domestic and family violence
DFSV	Domestic, family and sexual violence
DV	Domestic violence
DVO	Domestic violence order
NAAFLS	North Australian Aboriginal Family Legal Service
NAAJA	North Australian Aboriginal Justice Agency
NPYWC	Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council
NT	Northern Territory
NTCOSS	Northern Territory Council of Social Services
NTWLS	Northern Territory Women's Legal Service
WoSSCA	Women's 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 Domestic and Family Violence and Victims Legislation Amendment Bill 2025 with the proposed amendments set out in recommendations 3 and 4.

Recommendation 2

The Committee recommends that the approved victim financial assistance form, lodgement process and any associated policy or guidance materials be reviewed to ensure the process is easy to navigate, flexible, simple and accessible for those who face English and digital literacy barriers, and/or digital accessibility challenges.

Recommendation 3

The Committee recommends that proposed section 24 be amended to provide that the Director must not appoint a person to be an assessor for the Victims Financial Assistance Scheme unless satisfied that the person has the skills, qualifications, training and experience to properly perform the functions of the role.

Recommendation 4

The Committee recommends that the Explanatory Statement be amended to clarify the policy intent of the clause 13 amendment and explain the full extent of the proposed amendments to section 24.

1 Introduction

Introduction of the Bill

- 1.1 The Domestic and Family Violence and Victims Legislation Amendment Bill 2025 (the Bill) was introduced into the Legislative Assembly by the Attorney-General, the Hon Marie-Clare Boothby MLA, on 26 March 2025. The Assembly subsequently referred the Bill to the Legislative Scrutiny Committee for inquiry and report by 7 May 2025.¹

Conduct of the Inquiry

- 1.2 On 27 March 2025, the Committee called for submissions by 4 April 2025. 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 21 submissions to its inquiry. On 1 April 2025, 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:
- (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; 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 with the proposed amendments set out in recommendations 3 and 4.

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Domestic and Family Violence and Victims Legislation Amendment Bill 2025 with the proposed amendments set out in recommendations 3 and 4.

Report Structure

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

¹ Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard – Day 5 – 26 March 2025*, <https://territorystories.nt.gov.au/10070/992863>, p. 3

2 Overview of the Bill

Background to the Bill

- 2.1 In presenting the Bill, the Attorney-General advised the Assembly that the Bill seeks to 'strengthen protections, streamline processes for victims, and keep domestic violence offenders off the streets.'²
- 2.2 With regards to the proposed amendments to the *Domestic and Family Violence Act 2007*, the Attorney-General noted that the Bill will restore mandatory sentencing for breaches of certain domestic violence orders (DVOs):

In 2024 under the Labor government, amendments were made repealing mandatory sentencing from section 121 of the *Domestic and Family Violence Act 2007*. The repealed sections previously provided that mandatory sentencing of seven days' imprisonment was required for a repeat breach of a domestic violence order ... This Bill will reinstate mandatory sentencing for certain breaches of a DVO.

The court must now sentence an offender to a term of actual imprisonment if there was harm involved or a threat of harm to the victim, a prior breach of a DVO or a situation where the offender repeatedly breaches the DVO in a short amount of time. This will ensure that perpetrators of domestic violence face real consequences for their actions. Offenders who breach these orders must be sent a strong message that this behaviour will not be tolerated, and they will face the strong likelihood of imprisonment.³

- 2.3 With regards to proposed amendments to the *Victims of Crime Rights and Services Act 2006* and the *Victims of Crime Rights and Services Regulations 2010*, the Attorney-General advised the Assembly that the Bill also addresses what information victims are able to receive from the Crime Victims Services Unit (CVSU) about an offender:

Section 17 of the *Victims of Crime Rights and Services Act 2006* provides that the information available from the register is only in relation to an offender who is sentenced to a term of imprisonment. The Bill amends the Act to expand its application and remove the reference to a term of imprisonment ensuring it will also apply to sentences which do not result in imprisonment which means more information is provided to victims about the perpetrator so they are not kept in the dark.

The Bill also addresses a further concern related to breaches of orders. For example, if a parolee, subject to electronic monitoring, cuts off their monitoring device, the registered victim may be at high risk. Currently, the Crime Victims Services Unit are unable to notify the registered victim of the breach in a timely manner. The Crime Victims Services Unit need the ability to notify a registered victim in particular circumstances.

The amendments ensure that information regarding electronic monitoring breaches of certain orders be communicated. These include breaches of electronic monitoring conditions of parole orders, suspended sentences, intensive community corrections orders and supervision orders.

² Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard – Day 5 – 26 March 2025*, <https://territorystories.nt.gov.au/10070/992863>, p. 2

³ Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard – Day 5 – 26 March 2025*, <https://territorystories.nt.gov.au/10070/992863>, p. 3

These amendments send a message to offenders that domestic and family violence is unacceptable and is just one of many steps this government intends to take to improve responses to domestic and family violence and increase support for victims.⁴

- 2.4 The Bill also amends the *Victims of Crime Assistance Act 2006*. The Attorney-General outlined changes to the victims of crime financial assistance application form, the CVSU assessor requirements, and the victims of crime levy:

This Bill amends section 8 of the Act to allow for a modernised electronic application process aimed at speeding up applications. This includes removing the unnecessary and outdated processes to facilitating electronic forms which are used as a standard practice across government.

The Bill also amends this Act to remove the requirement for the Crime Victims Services Unit assessors to be lawyers. This will assist in increasing available assessors and more assessors will increase efficiency.

...

Finally, this Bill modernises the *Victims of Crime Assistance Act 2006* by updating the calculation method of the victims levy a person has to pay when they are found guilty of an offence but not sentenced to a term of imprisonment. As a result the victims of crime levy will increase which means more money available to be used for victims' services.⁵

Purpose of the Bill

- 2.5 As noted in the Explanatory Statement, this Bill amends the *Domestic and Family Violence Act 2007*, the *Domestic and Family Violence Regulations 2008*, the *Victims of Crime Assistance Act 2006*, the *Victims of Crime Rights and Services Act 2006* and the *Victims of Crime Rights and Services Regulations 2010*.⁶

- 2.6 The purpose of the Bill is to:

- insert mandatory sentencing provisions for breaches of DVOs.
- expand the functions of the Victims Register to ensure victims can be notified when an offender breaches various orders; and
- address minor administrative amendments including conversion to revenue units.⁷

⁴ Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard – Day 5 – 26 March 2025*, <https://territorystories.nt.gov.au/10070/992863>, p. 2

⁵ Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard – Day 5 – 26 March 2025*, <https://territorystories.nt.gov.au/10070/992863>, p. 2

⁶ Explanatory Statement, *Domestic and Family Violence and Victims Legislation Amendment Bill 2025 (Serial 22)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>, p. 1

⁷ Explanatory Statement, *Domestic and Family Violence and Victims Legislation Amendment Bill 2025 (Serial 22)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>, p. 1

3 Examination of the Bill

Introduction

3.1 All 21 submissions received outlined their opposition to the introduction of mandatory sentencing for contraventions of a Domestic Violence Order (DVO), with 16 submissions raising this issue as their only objection to the Bill. Various submitters sought clarification regarding the intended operation of a number of other provisions within the Bill, while others put forward suggestions as to how the Bill could be improved. The following discussion considers the main issues raised in the evidence received by the Committee, along with the advice provided by the Attorney-General's Department (the Department) as the agency responsible for the legislation.

Mandatory sentencing for contravention of DVO

3.2 Clause 5 of the Bill inserts new section 122 into the *Domestic and Family Violence Act 2007* which provides for mandatory sentencing for contravention of a DVO. The new section requires the court to impose a term of actual imprisonment if an offender has committed an offence against section 120(1) and either section 121(2), 121(4) or 121(5) of the Act applies.⁸

- Section 120(1) outlines the offence of contravening a DVO.
- Section 121(2) addresses the situation where there are three or more breaches of a DVO occurring in a 28-day period. The maximum penalty that the court may impose is three years.
- Section 121(4) addresses the situation where there has been a prior breach of a DVO. The maximum penalty that the court may impose is three years.
- Section 121(5) addresses the situation where the breach of a DVO involves harm or a threat to commit harm to the protected person. The maximum penalty that the court may impose is five years.

3.3 As noted in the Explanatory Statement, where the court is required to impose a term of actual imprisonment, the court must record a conviction against the offender and sentence the offender to a term of imprisonment which may be partly, but not wholly, suspended or the court may make an intensive community correction order subject to a home detention condition.⁹

3.4 The majority of submissions expressed concern that mandatory sentencing is not an evidence-based approach to deterring Domestic and Family Violence (DFV) related offending.¹⁰

⁸ Explanatory Statement, *Domestic and Family Violence and Victims Legislation Amendment Bill 2025* (Serial 22), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>, p. 2

⁹ Explanatory Statement, *Domestic and Family Violence and Victims Legislation Amendment Bill 2025* (Serial 22), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>, p. 2

¹⁰ See for example: Submissions 2, 8, 14 and 19

- 3.5 Submissions noted that mandatory sentencing has previously been in place in the Northern Territory (NT) for DFV-related offences and was recommended to be repealed by the 2021 NT Law Reform Committee's report into 'Mandatory sentencing and community-based sentencing options'.¹¹ As the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPYWC) noted:

The Committee was cognisant to the legitimate concerns in the community over incidents of DFV and therefore considered whether mandatory sentencing was a necessary and effective way to manage such offending. The Committee ultimately found that mandatory sentencing was "unprincipled, unfair and unjust." Pursuing this reform further delays progress, forcing organisations to work to again undo ineffective measures rather than implement urgently needed and evidenced based recommendations.¹²

- 3.6 Regarding the evidence-base for the usefulness of mandatory sentencing, the Department advised the Committee that:

There is a general absence of longitudinal data on long term effects of mandatory sentencing in the Northern Territory. However, in the context of domestic and family violence offending, mandatory sentencing may act as a circuit breaker and allow for victim support services to be put in place ...

The effect of mandatory sentences for DVO breaches is often likely to be overshadowed by the impact of other sentences received simultaneously. For example, individuals charged with a breach of a DVO are frequently also charged with aggravated assault. In such a case, the mandatory sentence for the breach of a DVO may be only a small additional period compared with the assault sentence. There are several interrelated considerations which mean data is unlikely to clearly measure the impact of a mandatory imprisonment sentence for breaches of a DVO in isolation.¹³

- 3.7 A number of submissions raised concern that mandatory sentencing fails to address the root causes of DFV and is ineffective in reducing recidivism. Australia's National Research Organisation for Women's Safety (ANROWS) stated that:

research from across Australia demonstrates imprisonment does not reduce recidivism and that short terms of imprisonment in particular can result in increased criminal behaviour. While imprisonment can be an option, including to enable short-term respite, the evidence is clear that it is not an effective tool for reducing the continued use of violence, beyond the temporary effects while an offender is in custody.¹⁴

Submissions emphasised the need to focus on social determinants of DFV including secure housing, food security, access to on-country healing, and access to culturally safe services.¹⁵

- 3.8 A majority of submissions expressed concern that mandatory sentencing for DFV-related offences can result in increased risks to women's safety and escalation of

¹¹ See for example: Submissions 8, 17 and 18

¹² NPYWC, Submission 17, p. 2

¹³ Attorney-General's Department, *Answers to Questions Taken on Notice*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>, p. 1-2

¹⁴ ANROWS, Submission 18, p. 2

¹⁵ See for example: Submissions 3, 5, 13 and 14

violence.¹⁶ Submitters noted that this is especially likely directly following a DFV offender's release from prison.¹⁷ NPYWC noted that:

We know from experience that the risks to women's safety increase around times of separation and release from prison, and we are deeply concerned that rushed reforms without consultation will result in an increased risk of homicide for NT women.¹⁸

Submissions also highlighted the potential for violent retribution against a victim and their family and friends. The Central Australian Aboriginal Family Legal Unit and the North Australian Aboriginal Family Legal Service (CAAFLU and NAAFLS) stated in their joint submission that:

to reinstate mandatory sentences also disregards cultural practices and sensitivities, particularly regarding risk and/or threat of violent retribution or 'payback' by the perpetrator or the perpetrator's family against the victim or their family and friends. This risk is considerable and acutely felt by victims, as can be seen from it being one [of] the most cited reasons why Aboriginal women refrained from reporting victimisation in a survey conducted by Matthew Willis in 2010.¹⁹

- 3.9 Over half of the submissions received highlighted that the removal of judicial discretion undermines the ability of courts to consider the context of the offending.²⁰ The majority of these submissions were of the view that this will result in mandatory sentencing of victims who are misidentified as perpetrators, a matter that disproportionately affects Aboriginal women.²¹ For example, the NT Women's Legal Service (NTWLS) noted that:

a vital reason that we must retain judicial discretion in relation to DV offences is due to the large number of women who are misidentified as users of violence, often by police, and named as a defendant on a DVO. Subsequent breaches can be controlled or initiated by the actual user of violence and coercive control. Under a mandatory sentencing regime, judicial officers would have no choice but to sentence victims of coercive control to a sentence of actual imprisonment, even in the face of clear evidence that they have been misidentified by the justice system.²²

- 3.10 However, as noted previously, the mandatory sentence required to be imposed may be an intensive community correction order subject to a home detention condition.²³ As per section 44 of the *Sentencing Act 1995*, an intensive community correction order is to ensure that an offender is held accountable and addresses the personal factors that contribute to their criminal behaviour. Section 48(1) provides that a court may impose conditions on an intensive community correction order, including that the offender satisfactorily complete a rehabilitation program in relation to DFV or participate in an approved project as directed by a probation and parole officer. The

¹⁶ See for example: Submissions 10, 13, 18, 19 and 20

¹⁷ Submissions 8, 12 15 and 17

¹⁸ NPYWC, Submission 17, p. 3

¹⁹ CAAFLU and NAAFLS, Submission 2, p. 3

²⁰ See for example: Submissions 5, 6, 9, 13 and 14

²¹ See for example: Submissions 3, 4, 8, 11 and 12

²² NTWLS, Submission 5, p. 3

²³ Explanatory Statement, *Domestic and Family Violence and Victims Legislation Amendment Bill 2025 (Serial 22)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>, p. 2

Department further advised the Committee that the proposed amendment does not affect judges' ability to order an offender to attend a men's behaviour change program.²⁴

- 3.11 A number of submissions also stated that mandatory sentencing is a highly cost-inefficient means by which to attempt to address DFV.²⁵ The Women's Safety Services of Central Australia (WoSSCA) noted that:

In 2023-2024, the Productivity Commission estimated the costs of housing prisoners in Australia to be \$435.82 per day per person. This expenditure could be more efficiently distributed for the purpose of community based programs and services which could then address the anticipated increase in demand of those services.²⁶

It was suggested that this funding could be more effectively and efficiently used to reduce rates of DFV offending by instead allocating it to culturally appropriate and community-led prevention and support programs.²⁷

- 3.12 Several submissions noted that implementation of the new section 122 may result in a reduction of reporting by women experiencing DFV due to feeling the 'burden' to protect the offender from prison; the fear of payback from the offender's family;²⁸ or fear their report will result in criminal consequences for themselves.²⁹

- 3.13 Submissions also expressed concerns about the increased pressure of the proposed amendment on the NT corrections systems. The NT Council of Social Services (NTCOSS) and Aboriginal Medical Services Alliance NT (AMSANT) raised in their joint submission that:

NT Corrections systems are not equipped for increasingly high numbers of DSFV offenders generally and particularly for the increase of offenders on short sentences as a result of this amendment. NT Corrections facilities do not have suitable programs for DSFV offenders and as a result mandatory sentencing will not reduce offending.³⁰

- 3.14 Various submissions highlighted that introduction of mandatory sentencing will disproportionately impact Aboriginal people and is misaligned with key NT Government, Australian Government and international frameworks and commitments including:

- Closing the Gap
- National Plan to End Violence Against Women and Children 2022-2032
- Aboriginal and Torres Strait Islander Action Plan 2023-2025
- National Women's Safety Alliance

²⁴ Attorney-General's Department, *Answers to Questions Taken on Notice*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>, p. 1

²⁵ See for example: Submissions 8, 9, 12, 16 and 19

²⁶ WoSSCA, Submission 19, p. 2

²⁷ See for example: Submissions 3, 5, 8, 12 and 16

²⁸ NTWLS, Submission 5, p. 3

²⁹ JRI, Submission 14, p. 7

³⁰ NTCOSS and AMSANT, Submission 11, p. 4

- NT Domestic and Family Violence Framework
- NT Aboriginal Justice Agreement.³¹

Committee's Comments

- 3.15 While acknowledging the opposition to mandatory sentencing, the Committee notes that the courts retain the discretion to make an intensive community correction order subject to a home detention condition which can include a requirement to complete a rehabilitation program in relation to DFV.
- 3.16 The majority view of the Committee is that the introduction of the mandatory sentencing provision is integral to achieving the policy objective of the Bill and should therefore not be removed from the Bill.

Form of applications and lodgement at CVSU

- 3.17 Clause 12 of the Bill repeals section 8 of the *Victims of Crime Assistance Act 2006* that:
- requires an application to the CVSU for financial assistance be in the approved form;
 - requires the form to be lodged at a CVSU office or with a person acting for the CVSU; and
 - prescribes methods of acceptable lodgement which were limited to personal delivery, postal delivery, facsimile transmission or email.
- 3.18 The new section 8 now provides that the only requirement is that an application to the CVSU be in the approved form. The Department advised the Committee that this will enable electronic lodgement of forms via, for example, an online portal.³² The purpose of this amendment is to improve accessibility for victims in making applications for financial assistance.³³
- 3.19 However, NAAJA, CAAFLU and NAAFLS, and Ruby Gaea Darwin Centre Against Sexual Violence (DCASV) expressed concern regarding accessibility of the form and lodgement process for those who have limited English and/or digital literacy, or for those who have limited access to digital technology. These submissions noted that this is the case for many Aboriginal Territorians, especially those living in remote areas, and subsequently recommended that language and literacy barriers be addressed, and flexibility and simplicity in the application process be safeguarded to ensure the scheme is accessible.³⁴

³¹ See for example: Submissions 2, 6, 9 and 13

³² Committee Transcript, Public Briefing, 1 April 2025, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>, p. 3

³³ Committee Transcript, Public Briefing, 1 April 2025, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>, p. 3

³⁴ See submissions 2, 4 and 9

Committee's Comments

3.20 The Committee understands that accessibility mechanisms are built into the current application process through:

- the provision in the forms which enable a trusted person to talk to the CVSU on behalf of an applicant if English is not their first language; and
- availability of officers at the CVSU via email or freecall to answer queries or support an applicant to complete their form.³⁵

3.21 However, the Committee is of the view that review of the form, the lodgement process and associated documents may be beneficial to ensure the process is as accessible as possible.

Recommendation 2

The Committee recommends that the approved victim financial assistance form, lodgement process and any associated policy or guidance materials be reviewed to ensure the process is easy to navigate, flexible, simple and accessible for those who face English and digital literacy barriers, and/or digital accessibility challenges.

Assessors for the Victims Financial Assistance Scheme

3.22 Clause 13 amends section 24 of the *Victims of Crime Assistance Act 2006* which provides for who may be an assessor for the Victims Financial Assistance Scheme. The amended section 24:

- Omits the requirement that assessors of the Victims Financial Assistance Scheme must be a lawyer.
- Retains the provision outlining that an assessor is a person who is authorised under section 8(4)(b) of the *Law Officers Act 1978* which outlines that the CEO of the Department may, by signed written instrument, authorise an officer of the Department who is a legal practitioner to act in the name of the Solicitor for the NT generally or as otherwise provided for in the instrument.
- Inserts that the Director of the CVSU may, in writing, appoint a person as an assessor, replacing the previous subsection which allowed the Minister to appoint a person without recording the decision in writing.
- Inserts that the Director is an assessor, replacing the previous subsection which outlined that the Minister may appoint the Director as an assessor.

3.23 As the Attorney-General pointed out in introducing the Bill, the purpose of these changes is to increase available assessors and therefore to increase efficiency by giving the Director discretion to appoint non legally qualified people to be assessors.³⁶

³⁵ NT Government, *Apply for victim financial help*, [Financial Assistance for Victims of Crime](#)

³⁶ Hon Marie-Claire Boothby MLA, Attorney-General, *Draft Daily Hansard*, Day 5 – Wednesday 26 March 2025, <https://territorystories.nt.gov.au/10070/992863>, p. 2

- 3.24 Several submissions outlined their opposition to the proposed amendment, and expressed the view that assessors of the scheme should be required to have legal qualifications to ensure that accurate and high-quality decisions are made for victim compensation applications which often involve complex legal issues and require strong cultural competency skills.³⁷
- 3.25 CAAFLU and NAAFLS submitted that retaining minimum-level legal qualifications for assessors will mitigate against:
- further traumatising victim/survivors;
 - an increased volume of reviews of decisions and further delays to victims' access to compensation; and
 - assessments becoming administrative processes rather than legal determinations, diminishing the rights-based nature of the scheme.³⁸
- 3.26 NAAJA was of the view that the proposed amendment will not result in increased efficiency as they deemed the main reason for delayed assessment of applications is difficulty in obtaining relevant information from NT Police and NT Health as outlined below:
- increasing the numbers of assessors does not address the root cause of the delay. In our experience, the primary cause of delay is in obtaining records necessary to determine applications from NT Police (and to a lesser extent NT Health). Expanding the pool of assessors to include non-lawyers risks further diminishing the quality and consistency of decision-making within the CVSU without any concomitant benefit to speeding up applications. If the government aims to streamline the CVSU process, it would be more effective to support and resource the NT Police Information Management Section to ensure the timely provision of information to CVSU.³⁹
- 3.27 If the Bill is passed as currently drafted, submissions recommended:
- Determinations made by non-legally qualified assessors include legal oversight.⁴⁰
 - Inclusion of cultural competency requirements for assessors, the inclusion of Aboriginal Liaison Officers to support the assessment process⁴¹ and embedded language/interpreter requirements.⁴²
 - CVSU develop guidelines and training for assessors which are informed by DFV and trauma-informed theory, and that CVSU be adequately resourced to complete this work.⁴³
 - Support and resource the NT Police Information Management Section to ensure the timely provision of information to CVSU.⁴⁴

³⁷ See for example: Submissions 2, 4, 11 and 17

³⁸ CAAFLU and NAAFLS, Submission 2, p. 4

³⁹ NAAJA, Submission 9, p. 3

⁴⁰ CAAFLU and NAAFLS, Submission 2, p. 4

⁴¹ CAAFLU and NAAFLS, Submission 2, p. 4

⁴² NPYWC, Submission 17, p. 4

⁴³ NTWLS, Submission 5, p. 6

⁴⁴ NAAJA, Submission 9, p. 4

Committee's Comments

- 3.28 The Committee notes that the requirement for the Director to appoint a person in writing provides a safeguard against ad-hoc and unprincipled appointments. However, the Committee is of the view that the amendment could be strengthened by explicitly stating that individuals appointed must be suitable for the role.
- 3.29 Similar to the delegation requirements in the *National Disability Insurance Scheme (Authorisations) Act 2019* and the *Environment Protection Act 2019*, the Committee has recommended that the Bill be amended accordingly.

Recommendation 3

The Committee recommends that proposed section 24 be amended to provide that the Director must not appoint a person to be an assessor for the Victims Financial Assistance Scheme unless satisfied that the person has the skills, qualifications, training and experience to properly perform the functions of the role.

Imposition of levy for Victims Assistance Fund

- 3.30 Clause 14 of the Bill amends section 61 of the *Victims of Crime Assistance Act 2006* to replace reference to monetary amounts with reference to revenue units when calculating the levy payable to the Victims Assistance Fund.
- 3.31 Subject to limited exceptions prescribed by the *Victims of Crime Assistance Regulations 2007*, a levy is imposed on a person:
- a) who is found guilty of an offence but not imprisoned for the offence; or
 - b) who expiates an offence by paying an amount specified in an infringement notice issued to the person; or
 - c) against whom an enforcement order is made.⁴⁵
- 3.32 NTWLS provided in-principle support for this amendment as it is in keeping with other legislative fiscal penalty provisions and raises funds for victims. However, they noted that the levy may increase the risk of retaliatory violence and/or may result in fines ordered against victim/survivors for behaviours associated with DFV history. Their submission therefore recommended consideration of whether judicial officers should be given discretion to choose not to impose the levy and/or consider whether unpaid fines could be used as a pathway to voluntary therapeutic treatment for victim/survivors.
- 3.33 NAAJA did not support the proposed amendment due to their concern that it will have a disproportionate impact on Aboriginal people, expressing that:
- The increased fines are particularly punitive for individuals with limited financial resources, as they are unlikely to afford these higher penalties. This could lead to a cycle of debt, with government resources directed towards enforcement actions that fail to promote compliance. Instead of deterring offending, the increased

⁴⁵ *Victims of Crime Assistance Act 2006* (NT), s 61(2)

finances risks entrenching criminalisation by increasing interactions with the Fines Recovery Unit for those who are fundamentally unable to pay.⁴⁶

Committee's Comments

- 3.34 The Committee notes that replacing reference to monetary amounts with reference to revenue units modernises the legislation⁴⁷ and is a simple way of maintaining the real value of NT fees and charges while accounting for inflation.⁴⁸
- 3.35 The Committee also notes that consideration of excluding breaches of DVO offences from the imposition of the levy is beyond the scope of the current Bill.

Information to be given to registered persons

- 3.36 Clause 18 of the Bill amends section 17 of the *Victims of Crime Rights and Services Act 2006* which, as it stands, provides that information can only be given to registered persons when the offender is sentenced to a term of imprisonment. The proposed amendment removes the reference to 'a term of imprisonment' so that the section will also apply to sentences which do not result in imprisonment.
- 3.37 Clause 21 of the Bill inserts Regulation 5 into the *Victims of Crime Rights and Services Regulations 2010* which will enable additional information to be given to persons registered on the Victims Register than is currently provided for under section 22(1) of the *Victims of Crime Rights and Services Act 2006*. The new regulation provides that a registered person must be notified by CSVU if the relevant offender breaches or fails to comply with, or is alleged to have breached or failed to comply with, an electronic monitoring condition of a parole order, a suspended sentence order, an intensive community correction order or a supervision order.⁴⁹
- 3.38 While Her Story Mparntwe's submission fully supported the proposed amendments⁵⁰, NTLWS and NPYWC provided in-principle support but raised the following issues:
- Individuals have difficulty obtaining information under current funding and resourcing arrangements⁵¹ and little information is available regarding changes to funding and resourcing to operationalise this amendment.⁵²
 - There is no explanation around the process for when the CSVU are unable to contact a registered person and how the information is prioritised for those deemed high risk.⁵³

⁴⁶ NAAJA, Submission 9, p. 4

⁴⁷ Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard*, Day 5 – Wednesday 26 March 2025, [Territory Stories - Territory Stories](#), p. 2

⁴⁸ NT Government, *Territory Revenue Office*, <https://nt.gov.au/employ/money-and-taxes/taxes-royalties-and-grants/territory-revenue-office/revenue-units>

⁴⁹ Explanatory Statement, *Domestic and Family Violence and Victims Legislation Amendment Bill 2025 (Serial 22)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>, p. 4

⁵⁰ Her Story Mparntwe, Submission 12, p. 4

⁵¹ NTLWS, Submission 5, p. 4

⁵² NPYWC, Submission 17, p. 3

⁵³ NPYWC, Submission 17, p. 3

NTLWS and NPYWC recommended increased funding to relevant services to address the issues outlined above.⁵⁴

- 3.39 NTLWS also suggested that if an individual on the Victims Register cannot be contacted:

it should be considered whether the victim-survivor could stay on the Register but have CVSU excused from further attempts at contact in such circumstances. This would enable the victim-survivor, when they do have an opportunity, to still reach out for the information they may require.⁵⁵

- 3.40 Additionally, CAAFLU and NAAFLS noted that it is critical to ensure notifications are culturally sensitive and take into consideration a person's remote context to ensure the safety of the registered person.⁵⁶

Committee's Comments

- 3.41 In relation to the concerns raised by NTLWS regarding the CVSU's ability to contact a registered person, the Committee notes that individuals remain on the register subject to Regulation 4(1)(b)(i) which outlines that a person may be removed if the CVSU is unable to contact the person after making reasonable attempts to do so using the details provided. Removal is an option and not a requirement. Additionally, Regulation 4(2) requires the Director of the CVSU to notify a person in writing of their removal and the reason for doing so.
- 3.42 The Committee also notes that it is general practice for responsible agencies to draft policies and guidelines, to ensure staff effectively undertake their role within the confines of any authorising legislation. Similarly, such materials are routinely reviewed and updated following any amendments to relevant legislation.

Explanatory Statement

- 3.43 The Explanatory Statement that accompanies a Bill is designed to assist both Members of the Legislative Assembly and members of the public to gain a thorough understanding of the legislation. As stated in the *NT Government Legislation Handbook*:

The Explanatory Statement explains the general intent of the Bill and describes the purpose of each clause of the Bill. It is to more than merely paraphrase the clauses of the Bill; it should explain the policy purpose of each clause and what the effect of the Bill would be if passed. ... The sponsoring Minister uses the Explanatory Statement as a reference document in the Consideration in Detail Stage debate on the Bill ... the courts may refer to the Explanatory Statement to help ascertain the intent of the legislation in the event of related litigation or prosecution action, so it is critical the material in the Explanatory Statement is clear and comprehensive.⁵⁷

- 3.44 However, in relation to clause 13 in particular, the Committee notes that the full extent of the amendment is not adequately explained in the Explanatory Statement.

⁵⁴ NTLWS, Submission 5, p. 4 and NPYWC, Submission 17, p. 3

⁵⁵ NTLWS, Submission 5, p. 4

⁵⁶ CAAFLU and NAAFLS, Submission 2, p. 5

⁵⁷ Northern Territory Government, *Northern Territory Government Legislation Handbook*, (unpublished), Northern Territory Government, Darwin, December 2024, pp. 14-15

The statement only refers to the repealing of the previous provisions requiring assessors to be lawyers which is somewhat misleading.

- 3.45 While this clause removes the requirement for assessors of the Victims Financial Assistance Scheme to be lawyers, it also amends the powers and role of the Director of the CVSU as an assessor, and retains the provision that a person who is authorised to act in the name of the Solicitor for the NT is authorised to be an assessor. The Explanatory Statement also fails to outline that the purpose of this change is to increase the number of assessors and therefore to increase efficiency of the assessment process.⁵⁸

Committee's Comments

- 3.46 The Committee notes that, overall, the Explanatory Statement satisfactorily explains the policy purpose of the clauses of the Bill. However, as noted above, the policy intent of the clause 13 amendment is unclear, and the explanation of the changes made by clause 13 is incomplete and misleading.
- 3.47 As such, the Committee is of the view that the Explanatory Statement should be amended to clarify the policy intent of the clause 13 amendment and explain the full extent of the proposed amendments to section 24.

Recommendation 4

The Committee recommends that the Explanatory Statement be amended to clarify the policy intent of the clause 13 amendment and explain the full extent of the proposed amendments to section 24.

⁵⁸ Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard – Day 5 – 26 March 2025*, <https://territorystories.nt.gov.au/10070/992863>, p. 2

Appendix 1: Submissions Received

Submissions received

1. Stopping Family Violence
2. Central Australian Aboriginal Family Legal Unit and the North Australian Aboriginal Family Legal Service
3. National Network of Incarcerated and Formerly Incarcerated Women and Girls
4. Ruby Gaea Darwin Centre Against Sexual Violence
5. Northern Territory Women's Legal Services
6. First Nations Advocates Against Family Violence
7. Stephen Enciso
8. Central Australian Youth Justice
9. North Australian Aboriginal Justice Agency
10. Olivia Conan-Davies
11. Northern Territory Council of Social Services and Aboriginal Medical Services Alliance Northern Territory
12. Her Story Mparntwe
13. Northern Territory Women Lawyers' Association, Criminal Lawyers Association of the Northern Territory, Law Society Northern Territory
14. Justice Reform Initiative
15. Tangentyere Aboriginal Corporation
16. No to Violence
17. Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council
18. Australia's National Research Organisation for Women's Safety
19. Women's Safety Services of Central Australia
20. Yolande Turnbull
21. Our Watch

Note: Copies of submissions are available at:

<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>

Appendix 2: Public Briefing

Public Briefing – Darwin – 1 April 2025

Attorney-General's Department

- Janet Hanigan: Executive Director, Strategic Policy Coordination
- Hannah Clee: Acting Director, Legal Policy

Note: Copies of the briefing transcript and answers to questions taken on notice are available at: <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>

Bibliography

Attorney-General's Department, *Answers to Questions Taken on Notice*,
<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>

Committee Transcript, Public Briefing, 1 April 2025,
<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>, p. 3

Explanatory Statement, *Domestic and Family Violence and Victims Legislation Amendment Bill 2025 (Serial 22)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/22-2025>

Hon Marie-Clare Boothby MLA, Attorney-General, *Draft Daily Hansard – Day 5 – 26 March 2025*, <https://territorystories.nt.gov.au/10070/992863>

Northern Territory Government, *Apply for victim financial help*, [Financial Assistance for Victims of Crime](#)

Northern Territory Government, *Northern Territory Government Legislation Handbook*, (unpublished), Northern Territory Government, Darwin, December 2024

Northern Territory Government, *Territory Revenue Office*,
<https://nt.gov.au/employ/money-and-taxes/taxes-royalties-and-grants/territory-revenue-office/revenue-units>

Dissenting Report – Mr Chanston Paech MLA

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



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Dear Secretariat,

Dissenting Report; Legislative Scrutiny Committee's Process and the Domestic and Family Violence and Victims Legislation Amendment Bill 2025


The Domestic and Family Violence and Victims Legislation Amendment Bill 2025 was referred to the Legislative Scrutiny Committee to examine its proposed applications and potential consequences.

The committee called for submissions and received 21 comprehensive and well-researched responses from a diverse range of expert stakeholder organisations and community members.

Notably, several submissions were developed in collaboration with victim-survivors who have lived experience of domestic and family violence, adding invaluable insights to the consultation process. However, it is deeply regrettable that the committee did not proceed to hold public hearings, denying submitters the opportunity to further elaborate on their submissions or directly address committee members regarding this significant bill.

This omission falls short of best-practice consultation and is a disappointing decision by the government members of the committee. By not providing a platform for testimony, the voices of Territory organisations and community members were effectively sidelined, depriving the process of essential perspectives that could have strengthened the bill.

The Legislative Scrutiny Committee should not be shying away from engaging with community organisations and individuals on draft legislation without justification. Submitters dedicated considerable time and effort to preparing their responses, many of which contained actionable



recommendations. Public hearings would have allowed for the exploration of these ideas and provided a forum for questions and lived experiences to inform the bill further.

It is concerning that resistance to holding public hearings appears to have been influenced by government members' prior experiences with unrelated hearings, citing concerns that hearings into the Territory Coordinator Bill included significant criticism of the Bill from witnesses. It is concerning that fear of criticism is being used by CLP Government members to partly justify not holding public hearings.

Concerns Regarding Mandatory Sentencing

While the opposition supports many provisions of the bill, it does not support the reintroduction of mandatory sentencing. Through the committee process, the government has been unable to provide substantial evidence demonstrating that mandatory sentencing is effective in deterring domestic and family violence.

During departmental briefings, it was acknowledged that the bill's provision for mandatory sentencing establishes maximum terms of imprisonment but no minimum term. This creates the possibility of sentences as short as seven days for breaches of Domestic Violence Orders (DVOs). Such short sentences offer no opportunity for offenders to participate in meaningful behavioural change programs.

Furthermore, there is no mechanism to allow mandatory sentences to be served in alternative custody facilities or through residential programs that address criminogenic behaviour.

As highlighted in submissions, mandatory sentencing, particularly for shorter terms, often results in a revolving door of offenders cycling through the prison system. This approach fails to address the underlying behaviours contributing to violence, leaving the community no safer as a result.

Additionally, the period immediately following the release of individuals who have used violence is one of heightened risk for women and children. Without adequate post-release support and monitoring, this risk remains unmitigated. Investing in post-release services and support systems is crucial to improving the safety and well-being of families.

Calls for Evidence-Based Solutions

The opposition supports the numerous submissions calling for evidence-based approaches to address the unacceptably high rates of domestic and family violence. This includes fully implementing the recommendations from the coronial inquest into the deaths of four Aboriginal women, which remain vital to achieving meaningful progress.

We encourage the Government to further consider the submissions and the action driven outcomes the submitters have identified.

Conclusion

The opposition extends its gratitude to the organisations and community members who contributed their submissions to this inquiry. These thoughtful and well-prepared contributions are a testament to the commitment of our community to addressing domestic and family violence.

While the opposition acknowledges and supports many of the bill's provisions that reflect best practices and enhance community safety, it remains concerned about the lack of effective measures to address the root causes of violence and improve outcomes for victims.

Moving forward, it is imperative Government must not be afraid of consultation and must work with stakeholders to collaborate and ensure that legislative reforms genuinely enhance the safety and well-being of families and hold perpetrators accountable in a meaningful way.

As with the Sacred Sites Act, it is extremely concerning that the Government is choosing to minimise scrutiny despite its stated commitment to transparency and accountability.

So far, the CLP Government has only sent four pieces of legislation to the Scrutiny Committee. This suggests the re-establishment of the Scrutiny Committee has largely been an exercise in public relations than good governance.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'CPaech'.

Chansey Paech MLA
Member for Gwoja

Dissenting Report – Justine Davis MLA



Dear Secretariat,

**Dissenting Report: Domestic and Family Violence and Victims Legislation
Amendment Bill 2025**

The Domestic and Family Violence and Victims Legislation Amendment Bill 2025 was referred to the Legislative Scrutiny Committee to assess its potential impact and the effectiveness of its provisions. In line with its mandate to ensure the legislation's alignment with fundamental rights and principles, the committee sought submissions from a range of stakeholders. The 21 submissions received were comprehensive, well-researched, and diverse in nature. All 21 submissions outlined their opposition to the introduction of mandatory sentencing for contraventions of a Domestic Violence Order (DVO).

I support the majority of the Bill's provisions, as did many of the submitters. I provide this dissenting report to highlight the concerns raised regarding the mandatory sentencing provisions.

I also note that the majority of the committee voted against holding public hearings on this bill. Public hearings would have allowed submitters to present their views directly to the committee and given the committee an opportunity to fully explore the concerns raised. This represents a significant oversight and fails to meet community expectations for engagement on such a critical issue.

Domestic and family violence is the biggest cause of harm and crime in our community, and we must do everything we can to address it. However, we must also ensure that we do what works—this includes using evidence-based approaches that effectively reduce DFSV, rather than relying on measures that have been shown to be ineffective.



The following issues were highlighted in submissions.

There is no evidence demonstrating that mandatory sentencing is an effective deterrent to DFSV-related offences. The 2021 NT Law Reform Committee's report into 'Mandatory sentencing and community-based sentencing options'.¹ highlighted that pursuing this measure would delay the implementation of more effective, evidence-based solutions.

In departmental briefings, the government also acknowledged the absence of long-term data on the impact of mandatory sentencing in the Northern Territory. Additionally, the bill only sets maximum sentences, with no minimum sentence requirements. As a result, offenders could receive short sentences as brief as seven days, which do not provide sufficient time for rehabilitation or participation in meaningful programs aimed at behavioural change.

Mandatory sentencing does not address the root causes of DFSV. Short-term imprisonment fails to address the underlying social determinants of violence, such as insecure housing, food insecurity, and lack of access to culturally safe services. Research from the Australian National Research Organisation for Women's Safety (ANROWS) demonstrates that imprisonment, especially short sentences, does not reduce recidivism or prevent future violence. In contrast, long-term solutions such as addressing socio-economic factors and investing in prevention and support services are crucial to breaking the cycle of DFSV.

Mandatory sentencing can pose an increased risk to women's safety, particularly following the offender's release from prison. A majority of submissions, including those from the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPYWC), emphasized that the period immediately after an offender's release is one of heightened risk for victims of DFSV. *'We know from experience that the risks to women's safety*

¹ See for example: Submissions 8, 17 and 18





increase around times of separation and release from prison, and we are deeply concerned that rushed reforms without consultation will result in an increased risk of homicide for NT women.²

Without adequate post-release support and monitoring, this vulnerable period could lead to an escalation of violence, including retribution against victims or their families.

Mandatory sentencing disproportionately impacts on Vulnerable Groups,

particularly Aboriginal women. Several submissions raised concerns that mandatory sentencing undermines judicial discretion, which is crucial for considering the context of each case, including instances where victims are misidentified as offenders. Over half of the submissions received highlighted that the removal of judicial discretion undermines the ability of courts to consider the context of the offending.³ The NT Women's Legal Service (NTWLS) highlighted the potential for mandatory sentences to imprison victims of coercive control or domestic violence who have been wrongly identified as perpetrators. This risk is particularly high for Aboriginal women, who are already disproportionately represented in the justice system.

Mandatory sentencing is a highly cost-inefficient approach to addressing DFSV. The cost of housing prisoners is significant, with the Productivity Commission estimating the daily cost at \$435.82 per prisoner. This expenditure could be more effectively allocated to community-based programs that focus on prevention, rehabilitation, and support services. Redirecting funds to these initiatives would address the root causes of DFSV and provide more sustainable solutions than relying on short-term imprisonment.

² NPYWC, Submission 17, p. 3

³ See for example: Submissions 5, 6, 9, 13 and 14



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Mandatory sentencing risks Reduced Reporting and undermining Community

Trust: The introduction of mandatory sentencing could also have unintended consequences for reporting. Fear of criminal consequences for themselves or retribution from offenders' families could deter women from reporting DFSV.

Mandatory sentencing increases Strain on Correctional Systems: The NT Council of Social Services (NTCOSS) and Aboriginal Medical Services Alliance NT (AMSANT) noted that corrections facilities are not equipped to handle the projected increase in offenders, particularly those serving short sentences. The lack of appropriate programs for DFSV offenders means that mandatory sentencing will not effectively reduce reoffending or contribute to rehabilitation.

Mandatory sentencing is unaligned with important national and international frameworks. These include *Closing the Gap*, the *National Plan to End Violence Against Women and Children 2022–2032*, and the *NT Aboriginal Justice Agreement*. These frameworks emphasize a holistic, evidence-based approach to addressing DFSV, one that prioritizes prevention, support, and restorative justice, rather than relying on punitive measures like mandatory sentencing.

Conclusion and Recommendations

Based on the overwhelming evidence from submissions and the concerns raised throughout the committee process, I do not support the reintroduction of mandatory sentencing for breaches of Domestic Violence Orders. The evidence does not support its effectiveness in reducing DFSV, and it poses significant risks to the safety of victims, particularly women and vulnerable groups in particular Aboriginal women.



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Domestic and family violence is the biggest cause of harm and crime in our community, and we must do everything we can to address it. However, we must also ensure that we do what works. The reintroduction of mandatory sentencing does not meet this standard. The government should instead focus on implementing evidence-based, long-term solutions to address the root causes of DFSV. This includes investing in prevention programs, expanding support services, and ensuring that offenders are provided with rehabilitation opportunities that target the underlying behaviours contributing to violence.

I strongly recommend that the government work collaboratively with stakeholders, victim-survivors, and experts to develop a legislative response that is grounded in best practices and focused on the safety and well-being of families, rather than relying on ineffective punitive measure

I thank all those who provided submissions to the Committee and in particular pay respect to those services, frontline workers, and those with lived experience who understand so deeply the impact of DFSV and what we need to do to effectively address it.

Yours sincerely

Justine Davis

Independent Member for Johnston



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