



## JOINT MEDIA RELEASE

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### **A DOUBLE-LIFE SENTENCE FOR VICTIM-SURVIVORS IS NOT JUSTICE**

The NT Women's Legal Services have expressed concern to a Parliamentary Committee regarding the potentially harsh impact of new sentencing laws on women who are primary victims of domestic violence and may cause the death of their current or former partner in the context of self-protection from serious and longstanding abuse.

On 4 February, the NT Government put forward a proposed new law that would increase the expected amount of time that a person would have to spend in jail before parole - from 20 years to 25 years - if they are found guilty of murdering an intimate partner or former partner. The Government's intention is to reduce the frequency of intimate partner homicide in the Northern Territory by sending a strong message to the community that this kind of crime results in a life sentence – “no discounts, no excuses, and no second chances”.

While agreeing on the horror of intimate partner homicide, and its entirely unacceptable rate in the Northern Territory, the Women's Legal Services are concerned about the potential for unintended and overly harsh consequences for women who may turn to violence as a last resort to escape an abusive relationship. A spokesperson for the Katherine Women's Information and Legal Service, Brianna Bell, explains:

*“In our practice, we continue to see women who have experienced a lengthy history of the system failing to protect them from domestic violence. The Coroner outlined numerous ways that this can happen, and how victim-survivors can lose confidence to seek external help as a result. Sadly, in some cases, this can influence women to take safety into their own hands and contribute to the use of violence against their abusers as a means of protection or escape.”*

In a public briefing last week, the NT Government outlined its position that the proposed change adequately protects these women because a Judge may consider their situation as “exceptional circumstances” which justify a more lenient approach. However, as CAWLS Principal Legal Officer, Sarah Edwards, explains:

*“The laws across the country that deal with women who cause the death of their abusive partners are different, and complex. In many cases, these women may not be able to use arguments of self-defence because of the current technical requirements.”*

*Although a victim-survivor found guilty of homicide involving their current or former intimate partner may be able to meet the test of “exceptional circumstances” and be eligible for an earlier parole consideration date – this proposed legislation will shift the starting point for them too. The experience of our criminal lawyers indicates that current understandings of the experience of women who use resistive violence are limited, and that any reduction applied through the “exceptional circumstances” consideration is likely to be conservative, maybe in the order of 5 years. This would put these women in the same position as someone else who murdered a stranger – 20 years before consideration of parole.”*

Caitlin Weatherby-Fell, Chief Executive Officer and Principal Lawyer at the Top End Women's Legal Service says that the proposed change should not go through as a narrow stand-alone amendment, but should be more broadly considered in consultation with experts in the field to ensure that any changes are capable of recognising the complex dynamics that arise in cases of intimate partner homicide:

*“In 2019, Australia's National Research Organisation for Women's Safety considered sentencing for murder and manslaughter in the context of intimate partner homicide. They drew attention to the fact that the social dynamics can be very different for men who kill their female partners as part of a pattern of abuse and control, and women who are a primary victim of domestic violence who use violent resistance which causes the death of their abuser.”*

*There is more than one way to prevent harm and ensure accountability. We need to ensure that the legislative framework put in place to deliver justice has enough flexibility to recognise these complexities.”*

The NTWLS has urged the Government not to proceed with the proposed changes without first considering other alternatives to strengthen the protections and opportunities for leniency for women in these situations:

*“Many of these women have already endured a lifetime of pain, suffering and distress. They have lived in fear for their own lives, their silence guaranteed by threats made against them, or other people they love, including their children. The stakes are too high to risk these women suffering further excessive punishment arising from a piecemeal reform. They do not deserve to have their whole life taken away from them in another way. That is not justice.”*

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