Criminal Code (Non-Fatal Strangulation) And Other Legislation Amendment Bill 2026

Statement of Compatibility

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Meaghan Scanlon MP, Shadow Attorney-General, Shadow Minister for Justice, Shadow Minister for Housing, Homelessness and Home Ownership make this statement of compatibility with respect to the *Criminal Code (Non-Fatal Strangulation) And Other Legislation Amendment Bill 2026*

In my opinion, the Bill is compatible with the human rights protected by the *Human Rights Act 2019* (HR Act). I base my opinion on the reasons outlined in this statement.

Overview of the amendments

The intent of the Bill is to restore a improve protections for victim-survivors of non-fatal strangulation, particularly in a domestic setting, building on the work commenced in 2016. The policy objectives and overview of the Bill are outlined in the detailed Explanatory Notes of the Bill.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, the human rights under the HR Act that are relevant to the Bill are, but not limited to:

- Recognition and equality before the law (section 15)
- Protection from torture and cruel, inhuman or degrading treatment (section 17)
- Privacy and reputation (section 25)
- Protection of families and children (section 26)
- Right to liberty and security of person (section 29)
- Fair hearing (section 31)
- Rights in criminal proceedings (section 32)

In my opinion any impacts on any relevant human right are limited and proportionate to the outcome being sought by the Bill.

Enhancing s 315A of the Criminal Code and addressing non-fatal strangulation beyond s 315A of the Criminal Code

Enhancing s 315A seeks to promote human rights, particularly women's right not to be subject to torture or cruel, inhuman or degrading treatment or punishment in line with s 17 of the HR Act.

Any potential limitations in relation to rights under sections 15 and 29 of the HR Act that arise from the Bill are deemed reasonable and demonstrably justifiable as it reflects the serious nature of the offending.

Reducing delays for victims

Reducing time to finalise non-fatal strangulation charges to encourage guilty pleas and reduce victim-survivor attrition are deemed to promote the rights of victim-survivors in line with sections 17, 26 and 32 of the HR Act.

Any potential limitations that arise from the Bill in relation to a defendant's rights to privacy, right to a fair hearing and rights in criminal proceedings are deemed reasonable, proportionate and demonstrably justifiable. It is also considered that, in some cases, the human rights of a defendant may be expanded in relation to their rights under section 29(5) of the HR Act.

Improving evidence collection and decision making (jury directions)

The Bill seeks to allow jury direction in some, not all, criminal proceedings involving non-fatal strangulation conduct. The jury directions may also give rise to the perception that the judge is partial to the victim-survivor, which may result in the jury considering their evidence through a more favourable lens. This could potentially limit the right to a fair hearing under section 32 of the HR Act.

However, the impact of this change is deemed fair and reasonable, and consistent with those that already exist in the *Evidence Act 1977* for sexual offences and reflect findings from medical and social scientific research.

Conclusion

In my opinion, the Bill is compatible with human rights under the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

THE HONOURABLE MEAGHAN SCANLON MP
SHADOW ATTORNEY-GENERAL AND SHADOW MINISTER FOR JUSTICE
SHADOW MINISTER FOR HOUSING, HOMELESSNESS AND HOME OWNERSHIP

© The State of Queensland 2026