



ENDING VIOLENCE AGAINST WOMEN QUEENSLAND INC.

Peak Body for Sexual Violence, Women's Health and Domestic & Family Violence Services

1 February 2016

EVAWQ Submission to the Legal Affairs and Community Safety Committee - Criminal Law (Domestic Violence) Amendment Bill (No 2) 2015

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
Brisbane QLD 4000
Submitted via email: lacsc@parliament.qld.gov.au

The Ending Violence Against Women Queensland Inc. (EVAWQ) Peak Body provides the following submission with on the whole support for each of the proposals detailed in the Criminal Law (Domestic Violence) Amendment Bill (No 2) 2015. In addition, EVAWQ recommends that guidance for all amendments be consistent with the preamble of the *Domestic and Family Violence Protection Act 2012* which acknowledges that domestic violence is most often perpetrated by men against women.

- 1. Amend the *Penalties and Sentences Act 1992* to make provision for Domestic and Family Violence to be an aggravating factor on sentence:** EVAWQ supports the proposed amendment to recognise domestic and family violence (DFV) as an aggravating factor in sentencing. This amendment highlights the mitigating circumstances and seriousness of DFV, makes provision for greatly accountability for perpetrators on sentencing, and sends a strong message to the judiciary and the community that strengthens (rather than diminishes) penalties for domestic violence.
- 2. Amend the Criminal Code to create an offence of choking, suffocation or strangulation [*and/or attempted choking, suffocation or strangulation*] in a domestic setting.** Further to our submission on strangulation, EVAWQ recognises the very serious offence of choking, suffocation or strangulation within a domestic assault (and/or sexual assault in a domestic setting). These offences are criminal, and the highest indicator of long-term impacts that lead to serious and permanent injury, or death. We strongly support the amendment of the Criminal Code to reflect the criminality of same. As a side-note, and without knowing the legalities of this suggestion, is there any benefit in stating "choking, suffocation or strangulation" and also defining "attempted choking, suffocation or strangulation" as part of the amended offence.
- 3. Amend the *Penalties and Sentences Act 1992* and the *Youth Justice Act 1992* to allow a court to receive a submission from a party on what they consider to be the appropriate sentence range for the court to impose.** With recognition that the victim (predominantly women) may find it difficult to provide submissions without support due to ongoing fear and trauma, disability, or language barriers, EVAWQ supports the inclusion of the opportunity for "a party" to make submissions in relation to sentencing that the Court will impose. The victim/woman can have options to provide written submission, and/or be supported by an advocate, legal representative and the system to have her 'voice heard' at such a critical point in the process.

Thank you for the opportunity to provide this submission.

Linda-Ann Northey

EVAWQ President, on behalf of the statewide membership of EVAWQ.