

29 January 2016

Submission to the Legal Affairs and Community Safety Committee on the Criminal Law (Domestic Violence) Amendment Bill (No.2)

Relationships Australia (Queensland)

Relationships Australia was founded over 60 years ago, with the aim of providing support and advice to people experiencing difficulties in their marriages, during the social upheaval of the post war period. Counselling services have since expanded to encompass family dispute resolution, relationships counselling, education programs, domestic and family violence and referral for active intervention programs and gambling help services. We have an extensive Queensland-wide service footprint with over 20 physical venues, ranging from the Gold Coast to Thursday Island, employing over 350 staff.

Relationships Australia, Queensland has used its significant experience in delivering human services to high conflict/distressed families, to develop holistic and effective models of working within all aspects of domestic and family violence service delivery. This has been demonstrated through the provision of services to over 3000 people affected by domestic and family violence court orders in the past year, including victims, survivors, perpetrators, children and the community in general.

We submit the following to the Legal Affairs and Community Safety Committee for their consideration:

Amend the *Penalties and Sentences Act 1992* to make provision for domestic and family violence to be an aggravating factor on sentence

We support this recommendation. A significantly high number of perpetrators who attend our Domestic and Family Violence services minimise violence in the home, stating it is “an anger issue” or “just a fight” whilst they, contradictorily, report having more respect for the law in relation to assault on those outside of an intimate relationship. Historically, the related Acts have also treated these two identical abuse situations as different. Consequently, reinforcing perpetrator justifications relating to domestic and family violence and reducing criminal accountability.

Furthermore, Douglas (2008)¹ states that criminal law tends to operate in a top down linear fashion rather than reflecting webs of connection with responses being general rather than specific to particular persons and situations. The manner in which the Amendment Bill proposes to use domestic and family violence as an aggravating factor addresses both these issues and assists in making perpetrators more accountable for all behaviours, in both public and private arenas.

Amend the Criminal Code to create an offence of choking, suffocation or strangulation in a domestic setting

We support this recommendation. People subjected to domestic and family violence who present at our services are consistently reporting an increase in the use of strangulation, choking and/or suffocation (although the term “choking” is often used as a term that minimises actual strangulation), as a form of physical abuse used by perpetrators. This is also reflected in the number of Domestic Violence Orders, recording these acts as an increasingly common occurrence in intimate relationships.

- 2 -

As reported by the Queensland Domestic and Family Violence Death Review Unit, and reaffirmed by the “Not Now, Not Ever” report and subsequent recommendations, strangulation is a very common feature of domestic and family violence that is also seen as a predictive risk factor for more severe violence and homicide. This is further supported in statistic provided by the NSW Government Attorney General and Justice, which states that suffocation/strangulation was the second-most common cause of death in female domestic violence homicides during the 2011 - 2012, and was the cause of death in 14.85% of female domestic violence homicides involving intimate partners during the same reporting period. As a result, our domestic and family violence services have included these acts in our risk assessments with clients for a number of years.

The inclusion of these acts in the Criminal Code, in particular, specific to a domestic setting may decrease the likelihood of increased harm in an already dangerous situation. It will most certainly act as a deterrent to perpetrators through the recognition of it as a criminal offence with the appropriately increased penalties attached.

Yours faithfully



Ian Law
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