

18 December 2015

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE Q 4000
Email: lacsc@parliament.qld.gov.au

Dear Sir/Madam

Re: Criminal Law (Domestic Violence) Amendment Bill (No. 2) 2015

We refer to the letter from the Chair dated 4 December 2015 in relation to the review of the Criminal Law (Domestic Violence) Amendment Bill (No. 2) 2015. We would like to commend the Queensland Government on their commitment to protecting victims of domestic and family violence.

Protect All Children Today Inc. (PACT) is a non-profit community organisation established in 1986 as a service provider of court support as well as advocating for vulnerable children, young people and their families. PACT's Child Witness Support Program provides support for children and young people who are required to give evidence in criminal court matters, either as victims of, or witnesses to, a crime. PACT recruits Child Witness Support Volunteers to provide child victims and witnesses with support and information about the Criminal Justice System.

PACT is supportive of any legislative reforms that better protect vulnerable children and young people who have been victims or witnesses of domestic or family violence. It is through our experience that we offer the following comments:

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

- As a proportion of the children and young people PACT support are victims or witnesses to domestic violence, we strongly support any increases in penalties that would strengthen child protection and discourage further family violence.
- We believe that reporting a person's history of domestic violence will provide more appropriate sentencing, based on an accurate reflection of the offenders past behaviour. Sadly, escalated violence if not addressed successfully, can lead to the death of a spouse or offspring, as we've seen in the media recently. Therefore, we support the introduction of the aggravating factor to protect vulnerable members of our community, discourage this type of offending and provide adequate deterrence to perpetrators.
- We support the amendment of the *Evidence Act 1977* to ensure the availability of protections for special witnesses as these practices have provided significant benefits to the child victims and witnesses of crime that PACT support. Having safe, secure environments within the courts for families to wait, protected from harassment by the offender and their supporters, will enable the provision of better evidence. We further believe, that children are likely to benefit indirectly if their caregiver is less traumatised by their involvement in the court process.

- In addition, PACT strongly support the reinstatement of the Sentencing Advisory Council and believe that it played an important impartial role in relation to sentencing.
- We suggest that consideration should also be given to assisting perpetrators to access appropriate intervention services such as counselling/therapy etc. as this could lead to better overall outcomes for the family and reduce recidivism.

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

- PACT does not have the expertise to offer a meaningful comment. However, we support the consistency with fundamental legislative principles to protect vulnerable members of our community.

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 or sentence range for the court to impose.

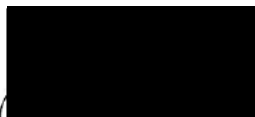
- PACT strongly believe that sentencing should be determined by senior members of the judiciary on a case by case basis based on the seriousness of the perpetrator's actions, the history of domestic and family violence and other extenuating facts relevant to each particular case.
- We express concern over the capacity of a victim of domestic violence to provide meaningful input, especially where poor literacy is evident, when the victim is a child or young person and so on, and this should be taken into consideration by the courts. We would not like to see victims further disadvantaged if they do not have the ability to make an adequate submission or recommendations in regard to sentencing.
- In addition, we would express caution in establishing a precedent in the area of sentencing as it could open the door to retaliation, vigilantism and so on.

Thank you for the opportunity to provide comment on this piece of legislation and trust that our input has been of value.

Yours sincerely



Alexandra Marks
Chairperson



Jo Bryant
Chief Executive Officer