



Speech By  
**Hon. Yvette D'Ath**

**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 19 April 2016

**CRIMINAL LAW (DOMESTIC VIOLENCE) AMENDMENT BILL (NO. 2)**



**Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (5.25 pm), in reply: I thank all honourable members for their contributions to the debate on the Criminal Law (Domestic Violence) Amendment Bill (No. 2) 2015. This bill affirms the Queensland government's unwavering commitment to combat domestic and family violence by giving effect to criminal justice recommendations from the Special Taskforce on Domestic and Family Violence in Queensland's report, *Not now, not ever: putting an end to domestic and family violence in Queensland*. The bill reinforces this government's intention to ensure that our justice system holds perpetrators to account to end the violence.

Firstly, the bill amends section 9 of the Penalties and Sentences Act 1992 to make provision for domestic and family violence to be an aggravating factor on sentence. The effect of the amendment is that an offender should receive a higher sentence within the existing sentencing range for any offence. The impact of this amendment will be evaluated by the Queensland Sentencing Advisory Council once reinstated as part of a reference to consider the impact that maximum penalties have on the commission of domestic violence offences.

Secondly, the bill contains a new offence of non-fatal strangulation in a domestic setting. The new offence has two limbs. The first limb of the offence is that a person unlawfully chokes, suffocates or strangles without consent another person. The second limb requires that either the offender is in a domestic relationship with the victim or the choking, suffocation or strangulation is associated domestic violence under the Domestic and Family Violence Protection Act 2012. The offence will have a maximum penalty of seven years imprisonment. This new offence acknowledges the dangerous nature of the offending behaviour and recognises the importance of deterring this sinister conduct. The bill also amends the Penalties and Sentences Act 1992 and the Youth Justice Act 1992 to overcome impediments to the court hearing submissions on sentencing ranges from the prosecution. These amendments restore a longstanding sentencing practice in Queensland that existed prior to the 2014 High Court decision in *Barbaro & Zirilli v The Queen*.

All members contributing to this debate have spoken about the prevalence of domestic and family violence in their electorates and in our community as a whole. The fact that a number of members of this House have reflected both today and on previous occasions about how their own lives have been touched by domestic violence is a stark reminder of that prevalence. The collegiate and constructive tone taken by all members contributing to this debate today gives me much hope for our ability to continue our work in tackling both the incidence and the effect of this horrendous violence. I certainly welcome the bipartisanship that has been shown on this bill but more importantly the respectful debates that have occurred in this chamber to support that bipartisanship, and I am truly grateful for that support.

Many would say that you would expect nothing less, but I truly believe it is worth acknowledging the contributions of everyone in this chamber to this debate and I thank you all. In conclusion, the bill represents a significant milestone in the government's plan to defeat domestic and family violence. I once again thank all honourable members for their contributions during the debate. I commend the bill to the House.