



The Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
Brisbane QLD 4000

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The Queensland Domestic Violence Services Network (QDVSN) is a network of regional and state-wide domestic violence services, funded by the Queensland Government's Department of Communities, Child Safety and Disability Services. The QDVSN works collaboratively and strategically to advance understanding of structural inequalities and other factors which result in violence against women, particularly domestic and family violence. Its primary role is to provide a mechanism for state-wide coordination of its members' activities, peer support, information sharing and debriefing within its membership; and to be a change agent by providing a reference point and a collective voice to Government, non-government and member services on state and national issues relating to domestic and family violence.

### **Submission to the Legal Affairs and Community Safety committee**

Criminal Law (Domestic Violence) Amendment Bill (No 2) 2015

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

QDVSN supports this recommendation (118) in the Not Now, Not Ever report. The seriousness of domestic violence is often overlooked when considering penalties for perpetrators. Adding aggravation as a factor at the point of sentencing will help change the culture of minimising domestic violence offences, and will send a clear message to the community at large.

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

Strangulation is a common occurrence during a domestic violence attack. It is a sign that the perpetrator is considering murdering the victim. Its effects are dire, and very often result in an acquired brain injury, or indeed, in death. We at frontline services prefer the term strangulation, to clarify that it is a deliberate act, not an accident that choking could describe. We endorse the addition of this offence to the Criminal Code.

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.

QDVSN considers the ability of a party involved in a domestic violence related crime to make a submission on an appropriate sentence, to be worthy of inclusion. We caution, however, that in our experience, that a female victim is often too traumatised and fearful to make such a recommendation in a court of law, in the presence of her abuser.

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