



Queensland Law Reform Commission
PO Box 13312
George Street Post Shop
Brisbane
QLD 4003

Via email: [REDACTED]

5th June 2025

Re: A REVIEW of Section 315A Non Fatal Strangulation Offence

GCCASV welcomes the opportunity to provide a submission to this inquiry

Dear Commissioners,

This submission is drawn from the GCCASV experience of responding to strangulation incidents of our client group both in and outside of a domestic violence setting.

1. Introduction

About Gold Coast Centre Against Sexual Violence (GCCASV)

GCCASV (formerly Gold Coast Sexual Assault Support Service) was founded on the Gold Coast in 1990. The agency is a feminist community based, not for profit, charitable organisation that has been providing free, confidential, specialist sexual violence intervention and prevention programs for the past 35 years. Our vision is safe communities free from sexual, domestic, and family violence. GCCASV provides a safe, supportive, woman-centred environment in which sexual, domestic and family violence survivors can begin their healing journey become aware of their own strengths and gain confidence and control of their lives.

The organisation also provides community education and training to the public, schools, and other professionals. Since 2018, GCCASV has also delivered specialist counselling to domestic violence victim/survivors through our Women's Health and Wellbeing Program.

GCCASV has provided court support to hundreds of sexual offence complainants through the criminal justice system from reporting to the police through to trial, sentencing and beyond. This submission is based on their experiences and staff observations in bearing witness to the impact of the crime/s and the criminal justice system on these victim/survivors.

GCCASV is committed to systems advocacy, policy and legislative reform that will enhance the safety of victim/survivors of strangulation, domestic and sexual violence in Queensland.

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2. Specific Consultation Proposals and Questions

PROPOSAL 1

Section 315A of the Criminal Code should be repealed and replaced with three new offences:

- **Offence 1: unlawfully doing particular conduct that restricts respiration and/or blood circulation in the context of a domestic setting. This offence would prescribe a maximum penalty of 14 years' imprisonment.**
- **Offence 2: unlawfully doing particular conduct in the context of a domestic setting. This offence would prescribe a maximum penalty of 7 years' imprisonment.**
- **Offence 3: unlawfully doing particular conduct that restricts respiration and/or blood circulation. This offence would prescribe a maximum penalty of 10 years' imprisonment.**

Q1: What are your views on proposal 1?

GCCASV supports the three proposed offences, including Offence 3, which appropriately broadens the scope to apply to all members of the community, not solely those in domestic or family relationships.

Q2: What conduct should each of the three new offences criminalise?

GCCASV considers that the following conduct should be criminalized in all 3 offences

- Any intentional or reckless act by an offender that applies pressure to the neck, throat or chest, obstructs the nose or mouth of another person, resulting in the complete or partial restriction of respiration and/or blood circulation. Not only manual strangulation but the use of ligatures, objects, or any other means, regardless of whether visible injury is present.

Q3: What are your views about consent, including:

- whether the 'without consent' requirement should be removed or retained?
- the circumstances in which the requirement should apply?
- whether lack of consent should be an element or a defence?
- how consent should be defined?

GCCASV supports the 'without consent' requirement being removed.

GCCASV does not support the lack of consent as an element or as a defence.

Q4: When should non-fatal strangulation be lawful?

GCCASV contends that lawful non-fatal strangulation should only be in the context of highly regulated combat and grappling sports where strict safeguards, safety protocols and direct supervision is inherent.

PROPOSAL 2

The existing defences in the Criminal Code of provocation to assault (s 269), prevention of repetition of insult (s 270), and domestic discipline (s 280) should not apply to the three new offences.

Q5: What are your views on proposal 2?

GCCASV supports this statement and believes that the existing defences in the Criminal Code of provocation to assault (s 269), prevention of repetition of insult (s 270), and domestic discipline (s 280) should not apply to the three new offences.

Q6: Are there other defences you think should not apply to one or more of the new offences?

GCCASV contends that the following defences should not apply to any of the 3 new offences:

- Self defence
- Mistake of fact
- Intoxication
- Accident
- Ignorance of the law.

PROPOSAL 3

Adult perpetrators who plead guilty should be sentenced in the Magistrates Court:

- **unless the perpetrator elects otherwise**
- **subject to the Magistrate's overriding discretion.**

Q7: What are your views on proposal 3?

GCCASV does not support proposal 3. Whilst GCCASV can see that the proposal of being dealt with in the Magistrates Court may be attractive in relation to the already long delays in the District Court, it does send a message that Non fatal Strangulation is not serious.

GCCASV believes our proposed changes outlined above will both improve victim /survivor safety and satisfaction with the legal process as well as hold strangulation offenders accountable for their actions.

GCCASV contends that before implementation of any of the proposed changes, there are resource implications that need to be taken into account in relation to funding of specialist services, training of DV and SV workers plus education and awareness of the general community.

Thank you again for the opportunity to provide a submission to the Inquiry.

Yours sincerely,



Di Macleod

Director

