

Non-fatal strangulation: Section 315A review

We have been asked to examine and make recommendations about the offence of 'Choking, suffocation or strangulation in a domestic setting' in section 315A of the Criminal Code (the 'non-fatal strangulation offence'), and applicable procedural rules and practices.

We are asked to recommend whether:

- the terms 'chokes', 'suffocates' and 'strangles' should be defined and, if so, how
- the requirement that the choking, suffocation or strangulation must occur 'without the other person's consent' should be removed or amended
- the offence should apply to conduct that is not committed between those in a domestic relationship, or is not 'associated domestic violence' under the Domestic and Family Violence Protection Act 2012
- the current maximum penalty of seven years imprisonment reflects the gravity of the conduct
- the offence should be able to be tried or sentenced in the Magistrates Court.

An integral part of this review is inclusive, respectful consultation. This is critical in developing recommendations for reform that are based on the best available evidence, are practical and capable of implementation.

We will consult with a wide range of people and organisations, including government agencies, courts, legal, medical and other professionals, non-government organisations, advocacy groups, academics, victim-survivors of domestic and family violence and their families, support workers, and Aboriginal peoples and Torres Strait Islander peoples and their communities.

We will research how non-fatal strangulation charges progress through the criminal justice system and reasons why they are and are not successfully prosecuted.

There will be numerous opportunities to be involved and have input into the review, including through consultations, public events and making formal submissions.



1. CLARITY

The non-fatal strangulation offence should be clear, certain and easy to understand



2. EVIDENCE-BASED

The non-fatal strangulation offence should be informed by evidence, including expert knowledge and lived experience



3. JUSTICE

The non-fatal strangulation offence should promote just outcomes, be fit for purpose and protect human rights, including rights in criminal proceedings



4. DFV AND COERCIVE CONTROL

The non-fatal strangulation offence should recognise the unique position of non-fatal strangulation in DFV contexts, including its status as an indicator of future lethality and the impact of coercive control



5. TRAUMA-INFORMED

The non-fatal strangulation offence should promote a trauma-informed, culturally-sensitive and age-appropriate approach to investigation and prosecution

More information

For further information and updates on the review, including access to our background paper, scan the QR code or go to www.qlrc.qld.gov.au.



You can send us your feedback by emailing qlrc-nfsreview@justice.qld.gov.au.

