

We want to hear from you

You have until
6 June 2025
to tell us what you
think. See over page
for more information.

Non-fatal strangulation: Section 315A review

Our Consultation Paper

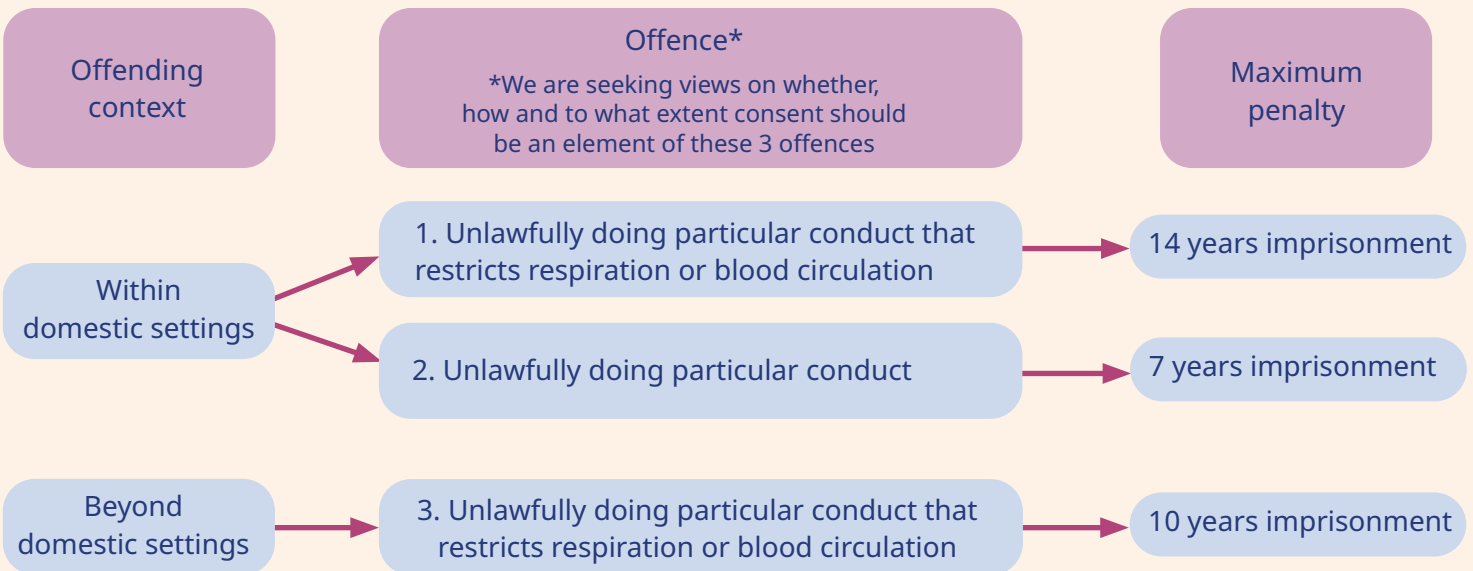
We have been asked to examine the offence of 'Choking, suffocation or strangulation in a domestic setting' in s 315A of the Criminal Code, and applicable procedural rules and practices.

Reform is required to ensure that the approach to non-fatal strangulation is safe, effective and based on the evidence.



Our proposed model (Proposal 1)

We propose a number of reforms and ask related questions within a basic three-offence structure:



Health risks of strangulation

Strangulation is inherently dangerous. It can result in death within minutes. It can also result in serious physical, neurological, cognitive and psychological effects, even with brief or partial restriction of breathing or blood circulation. Such adverse health consequences may be delayed and can occur with or without visible external injuries.

Conduct

What conduct should be included in all three offences?
For example, should it be pressure to the neck, blocking the nose or mouth, pressure to the chest, and/or otherwise obstructing the respiratory system?

Consent

Should people be able to consent to non-fatal strangulation?
For example, people could consent to this conduct in sporting contexts or as part of sex.

There are questions about:

- whether consent should be an element or defence
- how consent should be defined.

Unlawfulness

When should non-fatal strangulation be lawful? For example, it could be lawful in circumstances such as self-defence or for medical treatment.

Defences

Proposal 2

Some defences, such as provocation and domestic discipline, should never be available for non-fatal strangulation.

Forum

Proposal 3

If an adult perpetrator pleads guilty, they should be sentenced in the Magistrates Court. The Magistrate could still refuse to sentence the perpetrator if they do not think they could do so within that court's penalty limits. Trials would still proceed to higher courts.

Practice and procedure

What reforms to practice and procedure are needed, including to improve victim-survivors' experiences of the process and to combat evidence issues?

We want to hear from you

We want to know what you think about our suggestions and questions about non-fatal strangulation.

We know it might be hard to tell someone your story. Please tell us how we might help you feel safe to share your story with us.

We will respect your story and your wishes in what we do with your story.

You can let us know what you think

Write or draw your ideas, or give us your ideas in an audio or video recording. You can send them to us by email or upload them to our website.

We want your ideas by 6 June 2025

Email:

qlrc-nfsreview@justice.qld.gov.au

Website:

www.qlrc.qld.gov.au



There will also be meetings from April until June 2025 for you to tell us what you think.

Information about these meetings will be on our [website](#), [LinkedIn](#) and in our [newsletters](#).

Timeline

