

10/07/2023

Mr. John Robertson - Chair  
Professor Elena Marchetti - Deputy Chair  
Queensland Sentencing Advisory Council  
GPO Box 2360  
BRISBANE QLD 4001  
Submitted: submissions@sentencingcouncil.qld.gov.au

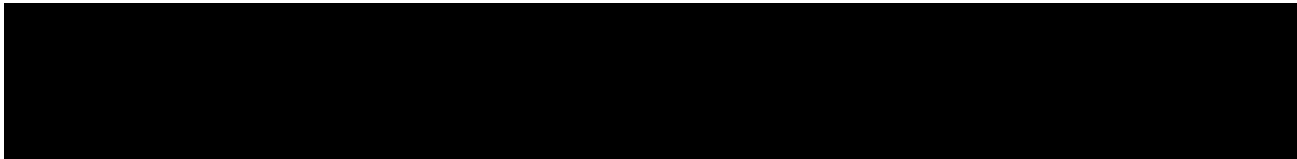
Dear Members,

I refer to the preliminary feedback on key issues being explored by Queensland Sentencing and Penalties Advisory Council for sentencing for domestic violence and sexual violence offences.


This feedback focuses specifically on the objective to:

- Harsher penalties for Domestic Violence Order (DVO) breaches
- Harsher penalties for police protection notice and release condition breaches
- Aggravating factor on sentence
- Sentencing for sexual assault and rape offences

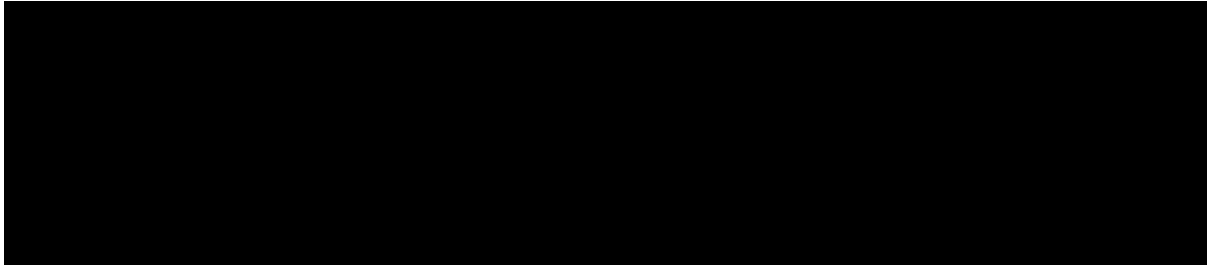
## Introduction

- 
2. This submission is of my own view as someone who has experienced domestic violence and sexual abuse.

### Harsher penalties for Domestic Violence Order (DVO) breaches:

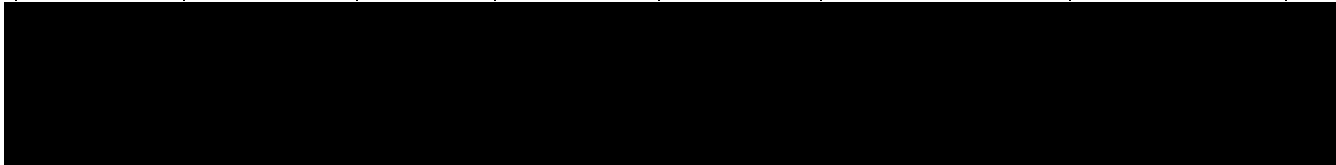
3. The amendments made in the Criminal Law (Domestic Violence) Amendment Act 2015 to the Domestic and Family Violence Protection Act 2012 to increase the maximum penalties for contravening a domestic violence order and to the Penalties and Sentences Act 1992 to provide for notations to indicate the domestic and family violence context of criminal offending.
  4. Effective 22 October 2015, maximum penalties for first-time and subsequent breaches of DVOs increased to 3 and 5 years' imprisonment respectively (recommendation 121).
    - a) Relationship 1 - Between 2010 – 2014, I suffered physical & emotional DV abuse by my ex-partner where police made several applications (valid for 2 years) with variations of no contact.
    - b) During the term of the relationship, the perpetrator breached those Orders eight times, with only one charge being laid with a threat to kill. The perpetrator was prosecuted and fined. The seven breaches were never followed up by the police.
- 

- c) One incident, police drove the perpetrator back to my residence after holding him in the watch house for 4 hours after I had been assaulted.
- d) Police advised me that if I did not leave my property I would be arrested for trespassing. I was then placed into emergency accommodation with DV Connect with my 6 months of child in my arms and only the clothes on my back.
- e) The perpetrator later reported me as a missing person.

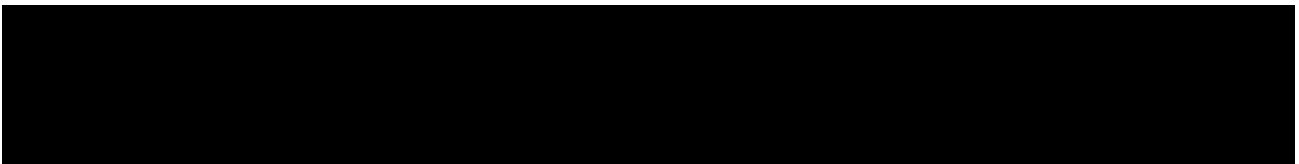


5. Below is a table of the recorded Domestic Violence history of the perpetrator.

Period of Offenses	Relationship	DVO Yes/ No	Number of Breaches	Number of charges	Charged	Sentencing/ Penalty
2010 - 2014	1	Yes	8	1	Threat to Kill	<b>1x Fine</b>



- 6. This is only a snippet of what was recorded to the police. During my relationship (1) there would be anywhere from 20+ breaches, with those amounts not being reported due to fear and the actions of each breach not being taken seriously.



**Harsher penalties for police protection notice and release condition breaches:**

- 8. Effective 30 May 2017, maximum penalties for breaches of police protection notices and release conditions were increased to 3 years' imprisonment (to be consistent with the penalty for a breach of a DVO).
- 9. I have concerns that the breaches as listed in the table above at paragraph 5, are being treated leniently. Despite legislative amendments being made to increase penalties for breaches, in my case and subsequent relationships from the same perpetrator the actual penalties imposed were low and do not reflect the gravity of the breach and its consequences as the full history of domestic violence had not been considered at that time.



10. The judicial system should not treat these matters as summary offenses by issuing out fines as they do not act as a deterrent to stop the behavior.

**Aggravating factor on sentence:**

11. Effective 5 May 2016, DFV is an aggravating factor on sentencing for criminal offences under the Penalties and Sentences Act 1992 (recommendation 118).

12. Section 9(10A) aggravating factor of domestic violence of common assault, the most common penalty for breaches of DV was a monetary order with no conviction.

13. There must be a governance process in place that records each violent offense of DV onto a **National Domestic Violence Register platform**. This should be administered by the Government and the community has access as a need-to-know basis when engaging in a new relationship.

**Sentencing for sexual assault and rape offences**

14. The only information I can share here is as follows:

a) Child aged 10 years old at the time of the disclosure was made to police was interviewed with the investigation closed within three days with no attempt to contact witnesses.

b) In 2007, I was sexually assaulted while getting off public transport. I was asked if I had any underwear on when speaking with the police as this would change the outcome of the investigation. The police obtained my clothing and underwear for the purpose of DNA and had to review multiple mugshots over several weeks for this investigation to cease without any resolution.

c) In both investigations I do not believe the victims were taken seriously and the appropriate steps were not taken to investigate the assaults.

15. There must be a governance process in place that records sex offenders onto a **National Sex Offenders Register platform**. This should be administered by the Government and the community has access as a need-to-know basis when engaging in a new relationship.

If you have any questions regarding this submission, please feel free to contact me via email: [REDACTED]

Yours faithfully

[REDACTED]

[REDACTED]