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Queensland Sentencing Advisory Council
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Sent via email: submissions@sentencingcouncil.qld.gov.au

The Red Rose Foundation recognises the First Nation peoples of Australia as the traditional owners and custodians of these lands and waters. We pay our respect to them, their cultures and their elders past, present and emerging. We recognise the strength and resilience of First Nations Peoples in preserving and upholding their cultures, communities, and lands.

RE: Assessing the impacts of domestic and family violence sentencing reforms in Queensland

Thank you for the opportunity to contribute the knowledge and experience of the Red Rose Foundation to this review of sentencing for domestic and family violence offences in Queensland. With numerous reforms and reviews currently underway, this review presents a valuable opportunity to drive further systemic improvements across the entire legal and service response to Domestic, Family and Sexual Violence (DFSVM).

We acknowledge the work of the Women's Safety and Justice Taskforce (WSJ Taskforce), professionals across the domestic violence and sexual assault sectors and survivors of violence against women who have advocated in this space for many years.

Our response focuses on the operation and efficacy of section 9(10A) of the Penalties and Sentences Act 1992 and the impact of an increase in maximum penalties for contravention of a domestic violence order (DVO).

Organisational Details

The Red Rose Foundation Australia is a national not for profit organisation focused on improving responses to high risk, high harm domestic and family violence and preventing fatal domestic abuse. We seek to address systemic, cross-sectoral gaps through training, education, awareness raising and research as well as the provision of long-term support to women who have experienced non-lethal strangulation. Our service is unique to Australia, and we know of no other such service worldwide.

Our Board of Directors includes sector management and legal professionals, violence prevention consultants and researchers who have vast experience and expertise in domestic, family and sexual violence. Our direct client service is undertaken by a small team of highly qualified counsellors. We are supported by our Patron, Her Excellency the Honourable Dr Jeannette Young AC PSM, Governor of Queensland and our First Nations Advisory Committee, who provide direction and guidance on the issues that matter most to First Nations women experiencing domestic and family violence.

The Red Rose Foundation has partnered with the Training Institute for Strangulation Prevention USA, which is its first partnership outside the USA. Through our international partnership we have joined the International Alliance of Strangulation Educators and Researchers which includes Dr Jacquelyn Campbell who has led the way with research and education on high-risk domestic violence. The Red Rose Foundation has also partnered with Central Queensland University to provide groundbreaking research on the health impact and long terms consequences for victims of non-lethal strangulation.

The Red Rose Foundation maintains strategic partnerships with a range of government agencies, non-government organisations and academic institutions including domestic, family and sexual violence counselling and crisis services, refuges, family support, and child protection agencies. We adopt an intersectional, trauma-informed and feminist approach to all aspects of our work, which is informed by the voices of people with a lived experience of high risk, high harm domestic and family violence.

The following submission draws upon the knowledge and experience of the Red Rose Foundation supporting victim-survivors of Domestic and Family Violence (DFV) and in our work to prevent domestic abuse related deaths. Our response includes insights gained from our work with the Australian Domestic and Family Violence Death Review Network and the Queensland Domestic and Family Violence Death Review and Advisory Board, complemented by learnings from the Queensland Law Reform Commission's Background Papers, the research report and the most recent consultation paper "Equality and integrity: Reforming criminal defences in Queensland released February 20, 2025¹.

¹ [QLRC, Equality and integrity: Reforming criminal defences in Queensland](#), February 2025.

Position Statement One

We find no evidence of a reduction in incidents of non-fatal strangulation (NFS) following the 2015 increase in maximum penalties for contravening a Domestic Violence Order (DVO).

Offences of non-fatal strangulation (NFS) lodged in the Magistrates Court have increased in the last 12 months, with 2,243 non-fatal strangulation charges lodged in the Magistrates Court from July 2022 to June 2024². This indicates a significant increase compared to the 2022 findings of the Queensland Audit Office ('QAO') that finalisation rates for the non-fatal strangulation offence were usually around 800 to 900 per year³. We recognise that several factors are contributing to this growth, including the possibility that victims feel more empowered to come forward; improvements in the ability of first responders to recognise the signs and respond appropriately and the concerning possibility that incidents are increasing due to the normalisation of sexual strangulation, particularly among young people.

Having established that there is overall growth in the number of reported incidents of NFS, we have not identified any data, nor have we experienced within our service delivery, a downward pressure on the number of incidents of NFS due to increasing maximum penalties for contravening a DVO. By contrast, most women accessing our services report that the perpetrator was in breach of an existing DVO at the time they committed non-fatal strangulation against them⁴. This reflects findings from research undertaken by The University of Queensland and The University of Melbourne published in 2022⁵, that found most NFS defendants (83%) had a domestic violence order (DVO) in place at the time of prosecution and in roughly one-half of casefiles (48%), the DVO was already in place at the time of the NFS.

Additionally, women accessing The Red Rose Foundation's services after experiencing non-fatal strangulation frequently report that Domestic Violence Orders (DVOs) are not enforced, despite their fundamental purpose of keeping the victim (the aggrieved) and others named on the order safe. Many also feel that police lack the skills to recognise coercive control, intimidation, and other non-physical forms of violence, leading to their experiences being minimised. As a result, victims are often reluctant to report future breaches, as they feel their experiences are not taken seriously or validated.

We recommend an immediate custodial response to ensure deterrence and to clearly communicate the seriousness of such breaches. There is widespread

² Queensland Law Reform Commission, [Non-fatal strangulation: Section 315A review, Consultation Paper](#). (2025)

³ Queensland Audit Office, [Keeping People Safe from Domestic and Family Violence](#) (Performance Audit Report No 5, 10 November 2022) 16.

⁴ Lovatt, Heather; Lowik, Vicki; Cheyne, Nicola (2022). The voices of women impacted by non-fatal strangulation: Summary report – key themes. CQUniversity. Report. <https://doi.org/10.25946/24654411.v1>,

⁵ Fitzgerald, Robin, Douglas, Heather, Pearce, Eden, and Lloyd, Madison (2022). [The prosecution of non-fatal strangulation cases: an examination of finalised prosecution cases in Queensland, 2017-2020](#). School of Social Science, The University of Queensland, Brisbane.

agreement that current penalties for contravening a Domestic Violence Order (DVO) are wholly inadequate: they do little to protect victims from ongoing domestic and family violence, fail to hold offenders accountable, and undermine both public and victim confidence in the criminal justice system.

In 2022, Red Rose Foundation research undertaken with the Queensland Centre for DFV Research with victim-survivors of non-fatal strangulation⁶ noted that there was a common theme emerging from the women's accounts of their abusers having no respect for, or manipulating, the system.

In the report, we noted that one of the cohort experienced difficulties again when she tried to have her abuser held accountable for breaches of a protection order. She said *"He doesn't respect the law whatsoever, and they (perpetrators like him) are the most dangerous kind because he doesn't care – he knows there'll be no consequences"*. Another member of the cohort said the man who abused her also felt he was above the law. She had to take her children to a contact centre so that they can see their father: ... he mocked the system... This is why people stay in an abusive relationship rather than leaving it to the court system to protect their children.

Overall, the narratives of women in the study revealed systems abuse to varying levels with another victim-survivor describing the legal system as: *"very, very corrupt, very corrupt, a lot of collusion. And the victims are never protected... it's very, very scary"*⁷.

Position Statement Two

We have found no evidence of a reduction in incidents of fatal domestic abuse following the 2015 increase in maximum penalties for contravening a Domestic Violence Order (DVO).

A previous history of domestic and family violence (DFV), including prior non-fatal violence or threats, indicates a high risk of homicide. In such cases, there are often existing protection orders in place, which are described as lethality indicators⁸. A DVO is a key lethality indicator that has the potential to be a powerful tool in the prevention of fatal domestic abuse.

The significance of a DVO as a lethality indicator was explored in 2022 research by ANROWS⁹, which examined characteristics of male-perpetrated intimate partner femicide. The study revealed that current or historical domestic violence orders were present in 96 cases where a male IPV homicide offender killed a female partner (42.9%). In 49 of those cases, a current domestic violence order was in place between the male offender and the female victim at

⁶ Lovatt, Heather; Lowik, Vicki; Cheyne, Nicola (2022). The voices of women impacted by non-fatal strangulation: Summary report – key themes. CQUniversity. Report. <https://doi.org/10.25946/24654411.v1>, page 18.

⁷ *ibid*, page 18.

⁸ [QLD Domestic and Family Violence Death Review and Advisory Board Annual Report 2023–24.](#)

⁹ [Australian Domestic and Family Violence Death Review Network data report: Intimate partner violence homicides 2010–2018 \(2nd ed.; Research report, 03/2022\). ANROWS.](#)

the time of the homicide (21.9% of the total). Most of these orders named the female homicide victim as the person in need of protection from the male offender (n=44, 89.8% of cases with a current order). Therefore, domestic violence orders were a feature in over 40 per cent of the 240 cases where a male IPV homicide offender killed a female intimate partner (n=96, 42.9%). This demonstrates that in over two-fifths of male-perpetrated IPV homicides, there was a history of police or court intervention due to domestic and family violence prior to the homicide.

According to the Australian Institute of Criminology (AIC), there were 19 victims of alleged domestic and family violence homicides in 2023-2024. Of these, eight were in family relationships, eight were in intimate partner relationships, and three were bystanders^{10 11}. We have already surpassed that number in 2024-25, and the number of domestic homicides appears to be increasing. We could find no evidence of downward pressure on these statistics as a result of the increase in maximum penalties for contravening a Domestic Violence Order. Our position is, therefore, that the increase in maximum penalties for contravening a DVO has had no discernible effect on the number of domestic abuse-related fatalities.

Position Statement Three

Since the Red Rose Foundation established the Strangulation Trauma Centre in 2016, we have never seen nor heard of a breach of a DVO receiving the maximum penalty.

Our experience echoes the findings shared by QSAC in its Spotlight on Contravention of a DVO¹² which stated that the average length of imprisonment for breaching a Domestic Violence Order (DVO) in Queensland between 2016-17 to 2023-24 was 6.7 months, with a median sentence of 6.0 months. The vast majority (82.2%) of those sentenced to imprisonment for this offence received a term of less than 12 months.

The QSAC report reflects similar findings to that of the WSJ Taskforce (2021) which observed that despite the higher maximum penalty of 3 years or 120 penalty units that applied to the commission of further breach offences committed within 5 years, the majority (80.6%) of all custodial sentences were less than 12 months.

Our daily operational experience at the Red Rose Foundation is that custodial sentences are often less than a year for the breach of a DVO and we remain concerned about the message this sends to victims, perpetrators, and society in relation to how committed the system is to support victims and pursuing perpetrators of DFV.

¹⁰ [Homicide in Australia, 2023-24](#), published 27 March 2025.

¹¹ [QLD Domestic and Family Violence Death Review and Advisory Board Annual Report 2023-24](#).

¹² [QSAC Spotlight on Contravention of a domestic violence order](#), May 2025.

In our recent research with the QLRC, some victim-survivors reported experiencing several breaches of DVOs without any consequences for the perpetrator. In responding to reports of breaches, police sometimes dismissed victim-survivors' reports, or the police response was delayed or non-existent. In that research, women told us:

"My ex breached the DV order by contacting [me] by phone. I walked straight to Roma Street police station and reported the breach. The police officer responded saying, 'ah yes, when a woman wants to get rid of a man, she talks about domestic violence'."

"After [he] was held in [the] watchhouse overnight and appeared before court in the morning for breaching [the] DVO, he was fitted with [a] GPS tracker [for the] first time and released. He immediately came to my house to collect his car, although he was aware that he [was] not allowed to go to that address. [The] GPS tracker alerted police and it took nine hours for [the] response from police to come and follow up."

*"He has a 10-year restraining order on him but as far as [he's] concern[ed] it's only a piece of paper. He has come for me three other times. I've recently had a death threat where I was told by DV services to ring police. I rang police, they said they'd be out to talk to me, they didn't turn up."*¹³

These low custodial sentences and the overly lenient consequences for breaches of a DVO are likely due, in part, to a need for greater understanding and recognition of coercive control and non-physical violence within the criminal justice system. Additionally, the sheer volume of domestic and family violence cases that police respond to each day often exceeds existing capacity, which likely further impacts the quality of response. Both of these issues require a commitment to long-term investment and partnerships with specialists and experts involved in the system response to DFV.

Position Statement Four

We see no evidence that the introduction of a circumstance of aggravation of domestic and family violence known as aggravating factor in section 9(10A) of the Penalties and Sentences Act 1992 (Qld) (PSA) has reduced the number of incidents of non-fatal strangulation nor domestic abuse related deaths.

In fact, we note in QSAC's Spotlight on Contravention of a domestic violence order, May 2025 that there was "no difference in the average imprisonment sentence for CDVO¹⁴ with aggravating circumstances (6.7 months) as compared to cases without aggravating circumstances (6.7 months). This was unexpected

¹³ QLRC & RRF [I-just-want-to-be-heard-The-voices-of-strangulation-victim-survivors-Research-Report-1, April 2025](#).

¹⁴ Contravention of a Domestic Violence Order (CDVO)

due to the higher maximum sentence that applies to CDVO with aggravating circumstances.”

This reflects what our service users tell us: they report feeling validated when the court acknowledges their experiences of domestic violence within the legal process. Conversely, when this recognition is lacking, it further intensifies feelings of being dismissed, unimportant, and invisible.

Position Statement Five

There is significant divergence in sentencing in relation to Domestic and Family Violence do not logically correspond to one another.

The maximum penalty for coercive control in Queensland is 14 years’ imprisonment, and cases are primarily heard in the Supreme or District Court. In contrast, the maximum penalty for breaching a Domestic Violence Order (DVO) is 3 years’ imprisonment (or 120 penalty units), increasing to 5 years’ imprisonment (or 240 penalty units) if the person has committed a domestic violence offence in the previous five years. Breaches of DVOs are predominantly dealt with in the Magistrates Court.

As stated by DVConnet in their earlier submission, *“the fact alone that acts of domestic and family violence are significantly in the domain of the Magistrate Court and have extensive civil underpinning, while those of sexual violence are often heard in the higher courts and are always managed as a criminal act, demonstrates that, what victim/survivors and the community, are seeking when engaging in the justice system, is not the same.”*

We recommend that all sentence ranges related to domestic and family violence be reviewed in consultation with sector professionals to ensure they are fair, appropriate, and logically aligned.

Position Statement Six

The Red Rose Foundation asks that consideration be given to the potential unintended consequences of section 9(10A) of the PSA, including the misidentification of the primary victim of domestic violence, especially women and marginalised women experiencing intersecting disadvantages, such as Aboriginal and Torres Strait Islander women.

National research by ANROWS¹⁵ and findings from the Queensland Domestic and Family Violence Death Review and Advisory Board¹⁶ show that almost half of Aboriginal women killed by an intimate partner (2015–2017) were previously considered the primary aggressor by police. Systemic factors such as racism, misunderstanding of coercive control, and inadequate investigation contribute

¹⁵ <https://www.anrows.org.au/project/accurately-identifying-the-person-most-in-need-of-protection-in-domestic-and-family-violence-law/>

¹⁶ No to Violence, ‘[NTV Discussion Paper: Predominant Aggressor Identification and Victim Misidentification](#)’. (2024)

to this misidentification, which can lead to criminalisation, loss of employment and housing, and child removal.

Further, misidentification continues to have severe consequences for victim-survivors, including further criminalisation, reduced safety, and barriers to accessing support. This is particularly acute for Aboriginal women, who are misidentified more frequently than other women, resulting in increased rates of criminalisation and incarceration.

Position Statement Seven

Lenient sentences for non-fatal strangulation are letting victims down.

QSAC's spotlight on choking, suffocating or strangulation found that between 2015 and 2023, for those who were sentenced to imprisonment for non-fatal strangulation as the *Most Serious Offence*, the average sentence was 2.5 years (median=2.5 years). The longest sentence of imprisonment was 6.5 years, and the shortest was 2 months.

Many of our service users feel let down by the short length of sentences: One service user described her experience of the criminal justice system as '*injustice upon injustice*'. Similarly, another told us "*I was very shocked with the decision, disappointed and felt let down with the court system.*". In another case, the perpetrator pleaded guilty under section 315A and was sentenced to five years' imprisonment. He was released after being remanded in custody for 12 months.

Further, many of our service users tell us that when perpetrators are released early, they find out after the fact or from informal sources. Our experience is that victim-survivors are not consistently considered when perpetrators are released. As a result, women tell us that they feel significantly let down by the system when offenders are released shortly after conviction, and that their safety and wellbeing have not been considered nor has their experience.

*"When I rang to say, 'hey, so what's happened?' And they said to me, 'oh, yeah, no, she's been bailed about half an hour ago'. I just froze, like absolutely froze. 'Half an hour ago, she's going to be here'. And he's like, 'oh, no, no, don't worry. I'll read you out the bail conditions'. A piece of paper didn't save me before ... 'Oh my God, I'm dead'."*¹⁷

*"When they arrested him, I didn't get told that he would be going to court the next day for bail. I didn't know the system. They didn't tell me. No one told me. All I was told is that I couldn't stay at the house at night. No one told me what would happen to me if he got bail."*¹⁸

¹⁷ QLRC & RRF [I-just-want-to-be-heard-The-voices-of-strangulation-victim-survivors-Research-Report-1, April 2025](#).

¹⁸ Ibid.

We are also told that women find out from non-statutory sources (for example friends), or through their own research, that the perpetrator has been released from prison early and their location is unknown.

*"The things that I really remember were feeling completely frustrated that I never heard anything from police. They didn't give me any updates about when there were court dates coming up. I have worked in domestic violence before. I know that the risk period for women increases in the 24 hours before and after a court date. I had no idea when they were. I was having to try and Google to see what was happening with things, you know court lists and that kind of stuff."*¹⁹

This further erodes victim trust in the system that aims to keep them safe.

Position Statement Eight

The Red Rose Foundation recommends a review of how coercive control legislation will impact Section 9(10A) of the sentencing act.

Further, police training and accountability measures are needed: The recent Independent Commission of Inquiry into Queensland Police Service (QPS) responses to DFV found that police responses continue to be inconsistent and, at times, inadequate. This finding reflects the experiences of the women who turn to the Red Rose Foundation. Too many women tell us that the police response leading up to the incident of non-fatal strangulation and/or in the immediate aftermath of the incident was inadequate.

*"[A] few days after the event I attended [the] police station to make a report for strangulation. I asked to speak to [the] Constable that attended my residential address and took out [a] DVO for [a] different incident [a] few months earlier. I was told that he is unavailable (busy), so I asked to speak to any other police officer to give a statement for strangulation. I was told that nobody at that police station was available to see me and that I should return in a few hours. I replied that I will not be able to come back because I have to pick up children from school. I also said that I finally found courage to come to [the] police station and that I am unsure if I will be able to come back because I am putting myself [at] risk if [I am] seen walking to [the] police station. I never went back to the police station."*²⁰

"I was quite flustered. I obviously was not really able to articulate what I was saying and twice she tried to send me away from the counter to say, 'you can make an online complaint. You can talk to somebody, or we can have somebody call you back.' ... She didn't believe me. She was completely diminishing what I was saying. I said, 'no, actually I

¹⁹ Ibid.

²⁰ Ibid.

*think I need to talk to somebody today'."*²¹

*"It was a totally humiliating experience at the police station. I don't think he wanted the paperwork. He was very neutral in tone which is fine but the fact he made no notes for the first 40 plus minutes made me feel I was wasting his time. Maybe because I'm a retired pensioner he wasn't sympathetic. Maybe because I didn't have visible injuries."*²²

*"I was disbelieved. They shone a torch on my neck and said, 'there's no visible signs of any injury.' And I said, 'well, that doesn't mean he didn't do it'. Then basically they just said, 'look, there's not a lot we can do'."*²³

*"I think it's around one or two hours after everything, I still have red marks around my neck. And at that time, nearly at the end of the conversation, they [the police] took photos of the red marks around my neck. And they didn't call the ambulance or anything for me. They recorded everything I said, but they also told me [that] my husband said things very different from me. And they chose to believe him. So they gave me a police notice (PPN) ... not my husband. I think a big part of my trauma is I didn't get listened to. He [the police officer] didn't listen to me. He interrupted me all the time, and I don't really think he noted down all the information I told him."*²⁴

*"They also told me — I'm not from Australia — 'oh, maybe you don't understand very well about the legal system in Australia. Maybe it's just different from the legal system in China'. And I was like, 'if that is a language problem, if you really think there is like [a] language barrier between us, you can get an interpreter'."*²⁵

*"The police didn't offer any comfort or clear support, leaving me feeling completely ignored and abandoned while waiting for medical assistance ... The inadequate police response to my situation, especially when I explicitly stated that my partner had grabbed my neck, was deeply concerning."*²⁶

We note QSAC's evidence that since its introduction, Section 9(10A) has led to an increase in the number of custodial penalties²⁷ (QSAC, 2021). This makes it more important than ever for police to receive comprehensive training on recognising tactics of coercive control, understanding the gendered nature of violence, and responding effectively to domestic and family violence. Such

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ QSAC, [The impact of domestic violence as an aggravating factor on sentencing outcomes](#), May 2021, pp. 4–5.

training should be embedded within the standard training framework and supported by regular refreshers and updates. This approach will help deepen knowledge, challenge harmful attitudes, and address behaviours that contribute to inappropriate or inadequate police responses.

In the development of our response, we have considered the submissions made by other organisations and individuals through the QSAC website and we thank QSAC and the organisations concerned for making their positions and reasoning publicly available.

Thank you for your consideration of our submission and please advise if we can assist further.

Kind Regards,



Lucy Lord
CEO Red Rose Foundation