



Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice  
Minister for the Prevention of Domestic and Family Violence  
Leader of the House

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Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Laurie

I refer to e-Petition 3898-23 tabled in the Legislative Assembly on 28 November 2023 titled, *Sentencing for Perpetrators of Domestic Violence*.

The Queensland Government is committed to ending all forms of domestic and family violence (DFV) in Queensland. The Government's response to the two reports of the Women's Safety and Justice Taskforce (Taskforce) has been supported by an initial \$588 million funding commitment to implement the Taskforce's recommendations for whole of system reform. Since 2015, the Queensland Government has invested more than \$1.5 billion in bolstering the domestic, family and sexual violence service systems, as well as the criminal justice systems in a commitment to prevent, respond and ultimately eliminate domestic, family and sexual violence in Queensland.

The first stage of legislative reforms arising from the Taskforce's recommendations, the *Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023*, fully commenced on 1 August 2023. These legislative amendments strengthen Queensland's existing laws to better respond to the patterned nature of coercive control. This includes amendments to the *Penalties and Sentences Act 1992* (PS Act) to provide that the history of domestic violence orders made or issued against an offender may be considered by a sentencing court when determining an offender's character.

On 11 October 2023, the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023 (CCAC Bill) was introduced into Parliament and referred to the Legal Affairs and Safety Committee (LASC) for consideration. The CCAC Bill contains amendments to establish the offence of coercive control as well as a range of other DFV-related amendments, including amendments to the PS Act which require a court to treat certain circumstances as aggravating when sentencing an offender for a domestic violence offence, including offending which exposes a child to DFV or was a contravention of an order such as a domestic violence order. The LASC is due to report on the CCAC Bill by 19 January 2024.

The implementation of the Taskforce recommendations builds on the work of the Queensland Government since 2015 to strengthen criminal responses to DFV. This includes introducing an aggravating factor relating to domestic violence on sentence, which provides that in determining the appropriate sentence for an offender convicted of a domestic violence offence, the court must treat the fact that it is a domestic violence offence as an aggravating factor, unless the court considers it is not reasonable because of the exceptional circumstances of the case (section 9(10A) of the PS Act).

On 17 May 2023, in response to recommendations of the Taskforce, the former Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, the Honourable Shannon Fentiman MP, referred to the Queensland Sentencing Advisory Council (QSAC) a review of sentencing for sexual violence offences and the aggravating factor for DFV offence. The terms of reference for the review include an examination of the operation and efficacy of section 9(10A) of the PS Act, including whether the provision is impacting victims' satisfaction with the sentencing process.

I understand a QSAC Consultation Paper on the aggravating factor for domestic violence offences is due to be released in early 2025 and the final report on sentencing for domestic violence offences is due to be finalised by 30 September 2025.

I acknowledge that sentences must meet community expectations and that is why the Government committed to giving Queenslanders a stronger voice in sentencing issues through the reinstatement of QSAC, after it was abolished by the Liberal National Party.

QSAC members include legal experts and community advocates with extensive experience in criminal law, DFV, victims of crime, Aboriginal and Torres Strait Islander justice issues and youth justice. This reflects the Government's awareness of the need to ensure a fair and representative balance of members. You can find out more information about the QSAC and its work online at:

<http://www.sentencingcouncil.qld.gov.au/>

The Criminal Code and other relevant legislation containing offences sets out the maximum penalties that can be imposed on offenders and the sentencing principles that can be considered by the court when sentencing. This enables the court to consider the particular and unique facts of each case and determine a punishment which is appropriate and proportionate to the circumstances and nature of an offence.

A particular offence can contain varying degrees of seriousness and a range of conduct can constitute a particular offence. There are also differences between offenders, for example, their age and criminal history, the extent to which they contributed to an offence, their cooperation with authorities and any remorse they have shown for their offending.

However, Queensland's Criminal Code provides that where a person is convicted of murder a court must impose life imprisonment as a sentence.

Under section 181 of the *Corrective Services Act 2006* (CS Act), a person sentenced to life imprisonment for murder is not eligible to apply for parole until the person has served 20 years imprisonment. A court retains the discretion to set a date on which the offender is eligible to apply for parole beyond 20 years and, in certain circumstances, the law provides for longer non-parole periods. An example is that an offender convicted of



multiple murders will not be eligible to apply for parole until the person has served 30 years.

Parole in Queensland is governed by the PS Act and the CS Act. A prisoner convicted of murder will only be eligible to apply for parole after having served the applicable mandatory non-parole period. Whether the person is released subject to parole will be a matter for the Parole Board Queensland (the Board) to determine. The Board also determines upon which conditions a prisoner may be released. If parole is granted, they remain under the supervision of an authorised corrective services officer for life.

When considering whether to grant parole, the overriding consideration for the Board is community safety. In assessing a prisoner's suitability for parole release the Board considers a range of competing factors. More information about the decision-making process undertaken by the Board can be found at: <https://pbq.qld.gov.au/parole-in-queensland/decision-making/>

It should also be noted that section 304B (Killing for preservation in an abusive domestic relationship) of the Criminal Code currently provides for a partial defence which applies where a person unlawfully kills another where the *deceased* has committed acts of serious domestic violence against the person in the course of an abusive domestic relationship and the person believes it necessary to preserve themselves from death or grievous bodily harm to cause the death of the deceased. The person responsible for the death must have reasonable grounds for believing (having regard to the abusive relationship) that causing the person's death is necessary for self-preservation.

Where this partial defence applies, the charge of murder is reduced to manslaughter.

The act that causes the death of the person responsible for inflicting serious domestic violence may, itself, be an act of domestic violence. In situations where this partial defence applies, it is necessary to ensure that the law retains the flexibility to impose a sentence that is just in all the circumstances.

A court sentencing a person for a charge of manslaughter is not bound by a mandatory sentence. This reflects that manslaughter may be committed in a very broad range of circumstances. A court sentencing a person for manslaughter will have regard to the principles contained in the PS Act to arrive at a just sentence.

I thank the petitioners for bringing their concerns to the attention of the House.

Yours sincerely



**GRACE GRACE MP**  
Acting Attorney-General