

Offences endangering life or health – A Case law update: Strangulation offences – a “purposive approach”

- [1] Judicial consideration of strangulation specific offences in Australia has until recently led to a number of directions that a defendant charged with a choking, suffocation or strangulation offence be acquitted where the complainant’s evidence did not establish that the victim had stopped breathing¹.
- [2] The Queensland Court of Appeal on 17 April 2020 delivered a judgment in *R v HBZ*² that applied the “purposive approach” to interpretation of the penal provisions and dismissed an appeal against conviction on a charge under section 315 A of the Criminal Code (Qld). The judgment of Her Honour Mullins JA considers sections 315 and 315A of the Criminal Code (Qld); the relevant legal principles for interpretation of legislation and the Explanatory Notes for the Criminal Law (Domestic Violence) Amendment Bill (No.2) 2015³ that introduced the specific strangulation offence in a domestic violence setting in Queensland in 2016.
- [3] Mullins JA applied the reasoning of Kiefel CJ and Keane J in the High Court decision in *R v A2*⁴ and considered **the purpose** of the introduction of the new strangulation offence; the recognition of this behaviour as inherently dangerous and a predictive indicator of an escalation in domestic violence offending, including homicide; and the significant penalty (up to seven years imprisonment)⁵. The judgment refers to section 14A of the *Acts Interpretation Act 1954 (Qld)* which provides that:
- “In the interpretation of a provision of an Act, the interpretation that will best achieve the purpose of the Act is to be preferred to any other interpretation...”*⁶
- [4] The majority in the High Court decision of *R v A2* allowed an appeal against a decision of the NSW Court of Criminal Appeal to quash convictions on charges introduced following publication of the Family Law Council report on the practice of genital mutilation on female children. In the joint judgment the principles to be applied in determining the interpretation of section 45 (1) of the Crimes Act 1900 (NSW) were considered:
- “A statutory offence provision is to be construed by reference to the ordinary rules of construction. The old rule, that statutes creating offences should be strictly construed, has lost much of its importance. It is nevertheless accepted that offence provisions may have serious consequences. This suggests the need for caution...An ambiguity which calls for such resolution is, however, one which persists after the application of the ordinary rules of construction. The meaning to be given to “otherwise mutilates”, as referable to practices falling within the umbrella term “female genital mutilation”, does not involve any artificial or unexplained extension”... A broad construction of an offence provision may be warranted in a particular case. This may be when its purpose*

¹ R v AJB [2019] QDC 169 applying R v Green (No 3) [2019] ACTSC 96

² [2020] QCA 73

³ <https://www.legislation.qld.gov.au/view/html/bill.first.exp/bill-2015-388#bill-2015-388>

⁴ R v A2 [2019] HCA 35

⁵ Ibid at paragraph 36-38

⁶ Ibid at paragraph 33

is protective. In R v Sharpe⁷ McLachlin CJ of the Supreme Court of Canada construed offence provisions relating to child pornography broadly...Her Honour interpreted the provisions in accordance with Parliament's main purpose in creating those offences: to prevent harm to children through sexual abuse. A similar purposive approach was taken by the Court of Appeal of the Supreme Court of Victoria in Clarkson v The Queen⁸ in rejecting an argument that "apparent or ostensible consent" could be a mitigating factor in sexual offences relating to underage sex"⁹.

- [5] The majority of the High Court held that the trial judge did not misdirect the jury by directing that a cut or nick to the complainant's genitalia could fall within the definition of "otherwise mutilates" and rejected the Court of Appeal's decision that those words "import a requirement that permanent disfigurement or obvious damage result from what is done"¹⁰.
- [6] This finding is particularly significant given the narrow construction previously applied to the meaning of the terms "chokes, suffocates or strangles" in section 315A of the Criminal Code (Qld) and the physiology of strangulation which can cause unconsciousness with seconds and death within minutes with no externally visible injuries.
- [7] The application of these principles by the Queensland Court of Appeal, in considering an appeal from the District Court where the grounds of appeal were limited, provides binding case law on a broader definition of choking which has been narrowly construed since the decision of Her Honour Justice Loukas-Karlsson in *R v Green (No 3)*¹¹ in 2019.

The physiology of strangulation

- [8] Section 315 A of the Criminal Code was enacted to implement recommendation 120 of the Not Now Not Ever: Putting an End to Domestic and Family Violence in Queensland report by the Special Task Force on Domestic and Family Violence (Queensland).¹² Strangulation is a gendered crime and death may occur within days, weeks or months after a strangulation event. Injuries can include traumatic brain injury; post-anoxic encephalopathy; thrombosis resulting in a disabling or fatal stroke; carotid artery dissection or laryngeal bone fracture. Most victims do not seek medical treatment or assessment.
- [9] Allegations of strangulation are prevalent in domestic violence applications where civil orders for protection are sought (either by police on behalf of aggrieved persons or by complainants on their own behalf). Applications are predominantly confined to the victim's account of the incident and scant details of symptoms experienced. Many

⁷ [2001] 1 SCR 45 at 77,79

⁸ (2011) 32 VR 361

⁹ R v A2 [2019] HCA 35 at paragraphs 52;55

¹⁰ Ibid at paragraph 45

¹¹ [2019] ACTSC 96

¹² Delivered to Queensland Government 28 February 2015

<https://www.csyw.qld.gov.au/resources/campaign/end-violence/about/dfv-report-vol-one.pdf>

police applications detail specific physical symptoms that flag the seriousness of the injuries that may result from a strangulation episode, including loss of consciousness; loss of bladder or bowel control; and loss of memory. Very few applications¹³ which allege strangulation result in cross-applications. Strangulation is an exertion of power and control (and a gendered crime). A respondent lodging a cross-application for a domestic violence protection order must demonstrate that they “fear or experience domestic violence” from their intimate partners and they are the person most in need of protection.¹⁴

- [10] The Australian Institute for Strangulation Prevention website¹⁵ has in its resources extensive material from Dr Bill Smock, forensic police surgeon, Louisville Kentucky¹⁶ on the short and long term symptoms from strangulation episodes. Interdisciplinary research has been fundamental to legislative reforms addressing this prevalent and insidious offending¹⁷. In Dr Stapczynski’s report on “Strangulation injuries” in 2010 clearly delineates between strangulation injuries and incomplete suicidal hanging and defines clinical associations :

“With strangulation, the initial presenting symptoms and physical signs may be deceptively minimal. It takes time for haemorrhage and edema to develop after compressive injuries, and the full clinical manifestations may not occur for 36 hours after the event. The following specific clinical manifestations are possible in strangulation victims:

-Voice changes are reported in up to 50% of manual strangulation victims and may range from a raspy or hoarse voice to complete inability to talk;

-Swallowing abnormality is not a common symptom on initial emergency department assessment, but is reported during the subsequent two weeks in 44% of women who survive a domestic violence strangulation episode. Swallowing may be painful (odynophagia) or difficult (dysphagia);

-Breathing difficulties are common, seen in up to 85% of women during the initial two weeks after a strangulation event. The dyspnoea can be psychogenic in origin and may be due to anxiety, fear, depression, or hyperventilation. Difficulty breathing can also be due to laryngeal

¹³ Applications heard in Brisbane Magistrates Court specialist domestic violence list between 1 March 2016 to date)

¹⁴ Section 4 (e) of the Domestic and Family Violence Protection Act (Qld) 2012 requires the court to determine conflicting allegations of domestic violence by identifying the “person who is most in need of protection” in making protection orders under section 37;s4(d) characteristics that may make a person vulnerable to domestic violence must be taken in to account by the court which include “women; children; Aboriginal and Torres Strait Islanders; people from a culturally and linguistically diverse background; people with a disability; people who are lesbian; gay; bisexual, transgender or intersex; elderly people”.

¹⁵ www.strangulationprevention.com.au

¹⁶ <https://www.strangulationtraininginstitute.com/how-the-pressure-is-applied>

¹⁷ As at 27 June 2019 all but 4 States in the USA have introduced non-fatal strangulation after Kentucky enacted it as a felony crime. <https://www.strangulationtraininginstitute.com/kentucky-becomes-one-of-the-last-states-to-make-non-fatal-strangulation-a-felony-crime/>

edema or haemorrhage, although those injuries are less common in surviving victims.

-Pain in the throat or neck is common after strangulation. The patient may be able to localize it to a specific area of injury, or it may be diffuse and poorly localised”¹⁸

- [11] In dismissing the appeal in *R v HBZ Mullins JA* (McMurdo JA and Boddice J concurring) held that there had been no misdirection of the jury by the trial judge His Honour Judge Lynham Q.C. on the meaning of “choked” being “*to hinder or stop the breathing of a person*”¹⁹. In comprehensive reasons for judgment Her Honour Mullins JA observes that section 315 A of the Criminal Code (Qld), and its precursor section 315, do not include a definition of “chokes, suffocates or strangles”.

Legislative provisions in Criminal Code Queensland

- [12] The relevant legislative provisions in Queensland are:

Section 315 Disabling in order to commit indictable offence

Any person who, by any means calculated to choke, suffocate, or strangle, and with intent to commit or to facilitate the commission of an indictable offence, or to facilitate the flight of an offender after the commission or attempted commission of an indictable offence, renders or attempts to render any person incapable of resistance, is guilty of a crime, and is liable to imprisonment for life.

Section 315 A Choking, suffocation or strangulation in a domestic setting

A person commits a crime if—

- (a) the person unlawfully chokes, suffocates or strangles another person, without the other person’s consent; and*
- (b) either—*
 - i. the person is in a domestic relationship with the other person; or*
 - ii. the choking, suffocation or strangulation is associated domestic violence under the Domestic and Family Violence Protection Act 2012.*

Maximum penalty—7 years imprisonment.

An assault is not an element of an offence against subsection (1).²⁰

- [13] The judgment of Mullins JA addresses the meaning of “choked” and notes its usage in the Taskforce’s Report to address non-fatal strangulation. The distinction between

¹⁸ <https://strangulationprevention.com.au/wp-content/uploads/2019/11/8.-stapczynski-strangulation-injuries-emergency-medicine-reports-2010.pdf>

¹⁹ *R v HBZ* [2020] QCA 73 at paragraph 21

²⁰ Criminal Code Act (Qld) 1899 sections 315 and 315A

choking and strangulation was briefly traversed by Dr Home in R v HBZ²¹ however the limited ambit of the appeal did not require a judicial determination on the definition of “strangles”.

[14] The Court of Appeal judgment distinguished the decision in R v Green (No 3)²² which considered the Macquarie dictionary online definition of strangle as “*to kill by compression of the windpipe...to kill by stopping the breath in any manner*” . In that case the Court held that a directed acquittal application should be granted as the complainant’s evidence was that the defendant squeezed her neck for 30 seconds or more and she did not lose consciousness “*just got very dizzy*” and prosecution did not allege the “stopping of the breath”²³.

[15] In New Zealand, the Law Commission Report “Strangulation The Case for a new offence”²⁴ reviewed strangulation offences in other jurisdictions and recommended the creation of a new offence which adopts the definition in the Minnesota Penal Code²⁵:

(a) “*“Strangulation” means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person*”.

The Crimes Act (NZ) 1961 was amended to include an offence of strangulation from 3 December 2018:

“Section 189A Strangulation or suffocation

Everyone is liable to imprisonment for a term not exceeding 7 years who intentionally or recklessly impedes another person’s normal breathing, blood circulation, or both, by doing (manually, or using any aid) all or any of the following:

(a) *blocking that other person’s nose, mouth, or both;*
 (b) *applying pressure on, or to, that other person’s throat, neck, or both*”.²⁶

[16] The New Zealand strangulation offence does not specifically refer to a domestic relationship however the Report observes that the Queensland strangulation offence

²¹ R v HBZ [2020] QCA 73 at [17] and [55]

²² R v Green (No 3) [2019] ACTSC 96

²³ Ibid Loukas-Karlsson J at pg 21 and pg 46

²⁴ Law Commission *Strangulation: The Case for a New Offence* (NZLC R138, 2016) at pg 34; <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC-R138.pdf>

²⁵ Ibid at p34 Section 5.4

²⁶ Crimes Act 1961 (NZ) section 189A

was specific to domestic relationships²⁷ and that a definition of “strangles or suffocates” should be enacted. The Report specifically addresses the intentional absence of proof of harm or proof of intent as a requirement for successful prosecution.²⁸ The amendment is silent on consent and observes that in the absence of statutory provisions the common law principles prevail.

Ordinary usage of words

[17] In the judgment of Mullins JA in R v HBZ reference is made to the joint judgement of Kiefel CJ and Keane J’s in R v A2 at [32] as follows:

*“consideration of the context for the provision may point to factors that tend against the ordinary usage of the words of the provision and further at [33] that context “includes surrounding statutory provisions, what may be drawn from other aspects of the statute...and extends to **the mischief which it may be seen that the statute is intended to remedy.**”(emphasis added)”²⁹.*

[18] The introduction of non-fatal strangulation offences in 46 States in America has been driven largely by the research and training undertaken by the Alliance for Hope Family Justice Centre and its Strangulation Prevention Training Institute in San Diego. The Institute³⁰ has adopted a multidisciplinary approach which harnesses the legal expertise of family violence prosecutors on the power dynamics of victim and perpetrator that challenge prosecution of strangulation offences and medical expertise on the physiology of strangulation. An understanding of the “mischief” that these offences are directed at addressing requires knowledge of the physical and psychological control exerted by a person who takes his/her partner by the neck and squeezes to restrict their ability to breathe and to call for help³¹. Studies on the use of carotid vascular (neck) restraint by law enforcement officers in the United States has fueled a better understanding of the high risks of life threatening injuries that can occur after a strangulation episode.³² The potential to die from internal injuries months after a strangulation event has chilling implications on the accurate recording of intimate partner homicides arising from strangulation.³³

²⁷ Ibid at Section 5.11 p36

²⁸ Ibid section 5.18;5.20 and 5.33

²⁹ R v HBZ [2020] QCA 73 at [42-43] citing R v A2 [2019] HCA 35 at paragraphs 32-36

³⁰ The San Diego Institute announced a partnership with the Australian Institute for Strangulation Prevention launched in Brisbane August 2019 at the Advanced Masterclass on Strangulation Prevention Training San Diego November 2019.

³¹ Noted that Expert testimony is infrequently available to judges on victim behaviour (failing to fight or resist; lack of injury; minimizing violence; not being able to remember) and the effects of post traumatic stress disorder

https://www.unodc.org/pdf/criminal_justice/HB_for_the_Judiciary_on_Effective_Criminal_Justice_Women_and_Girls_E_ebook.pdf at p97

³² <https://www.familyjusticecenter.org/resources/risks-associated-with-use-of-carotid-vascular-restraints-lvnr/> Dr Bill Smock Police Surgeon Louisville Kentucky

³³ Carotid dissection is the number 1 of cause of strokes in patients under 45 in the USA: delayed stroke presentation up to 6 months <https://www.familyjusticecenter.org/resources/carotid-artery-dissections-time-from-strangulation-to-stroke/>

- [19] In the absence of a definition in section 315A Criminal Code 9 (Qld) it is useful to consider the provisions of the United States Penal Code:

“Section 113(8) of Title 18 (Crimes and Criminal Procedure) of the United States Code expressly prohibits a person from assaulting “a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate”. A maximum penalty of 10 years imprisonment applies. The terms “strangling” and “suffocating” are defined in section 113(4) and (3) as follows:

(4) the term "strangling" means intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim; and

*(5) the term "suffocating" means intentionally, knowingly, or recklessly impeding the normal breathing of a person by covering the mouth of the person, the nose of the person, or both, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim.*³⁴

- [20] The Strangulation Assessment Card³⁵ details symptoms that victims may report to police or medical professionals and has led to the introduction of Strangulation Assessment protocols in many Accident and Emergency departments in Australia and the United States. Recommendations for hospitals to conduct CT angiogram scans of carotid/vertebral arteries and CT scans of the neck (and if rendered unconscious MRI scans for anoxic brain injury) on strangulation victims is based upon the known risks of internal injuries including thrombosis; laryngeal fracture or rupture; or carotid artery dissection where victims frequently present with no external bruising or red marks.

- [21] The definition of Strangulation in Wikipedia provides:

DEFINITIONS: Wikipedia -Strangulation (domestic violence) *Strangulation in the context of domestic violence is a potentially lethal form of assault. Unconsciousness may occur within seconds of strangulation and death within minutes. Strangulation can be difficult to detect and until recently was often not treated as a serious crime. However, in many jurisdictions strangulation is now a specific criminal offense, or an aggravating factor in assault cases. Differences from choking* although sometimes the words are used interchangeably, "strangulation" and "choking" are not the same thing. Choking is when air flow is blocked by food or a foreign object in the trachea – something that can be addressed by the Heimlich manoeuvre. **Strangulation, by contrast, is defined by reduced air flow and/or blood flow to or from the brain via the intentional external compression of blood vessels or the airway in the neck.** Notably, however, many victims of strangulation refer to the assault

³⁴ <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title18-section113&num=0&edition=prelim>

³⁵ <https://strangulationprevention.com.au/strangulation-assessment-card>

as "choking". Manual strangulation (i.e., gripping the throat with one's hands) is the most common method of strangulation in intimate partner violence".³⁶

- [22] For judicial officers expert medical evidence is rarely available in hearings to explain the impact that strangulation may have on a complainant who may be rendered physically incapable of forming memories as the brain suffers an anoxic injury (during the impeding of breath or constriction of blood flow as the brain loses oxygen):

"Strangulation is a form of asphyxia characterised by closure of the blood vessels and/or air passages of the neck as a result of external pressure on the neck. Strangulation is not "choking"³⁷.

- [23] Diffuse and non-sequential testimony clearly impacts on an assessment of the credibility of witnesses for judges and jurors. In the judgment of the Supreme Court of Canada in *R v ARJD*³⁸ Chief Justice Wagner stated:

"The appellant was acquitted at trial of three sexual offences alleged to have been committed against his stepdaughter when she was between the ages of 11 and 16. A majority of the Court of Appeal of Alberta allowed the Crown's appeal...We would dismiss (the appellant's appeal) substantially for the reasons of the majority of the Court of Appeal. In considering a lack of evidence of the complainant's avoidance of the appellant, the trial judge committed the very error he had earlier in his reasons instructed himself against: he judges the complainant's credibility based solely on the correspondence between her and behaviour and the expected behaviour of the stereotypical victim of sexual assault. This constituted an error of law."

- [24] The UNODC Handbook for the Judiciary on Effective Criminal Justice Responses to Gender Based Violence against Women and Girls³⁹ provides a comprehensive discussion on issues impacting on the determination of hearings of gender based violent offences. The UNODC Conclave in November 2018 preceded the appeal to the Supreme Court and consequently it canvasses the judgment of the Alberta Court of Appeal which held :

"This appeal raises one issue: did the trial judge err by relying on an impermissible stereotype, or myth, about the behaviour of sexual assault victims in assessing the complainant's credibility and ultimately acquitting the accused?... An accused's right to make full answer and defense and the criminal standard of proof beyond a reasonable doubt, do not allow reliance on prejudicial generalizations about sexual assault victims; this is of

³⁶ [https://en.wikipedia.org/wiki/Strangulation_\(domestic_violence\)](https://en.wikipedia.org/wiki/Strangulation_(domestic_violence))

³⁷ Dr Bill Smock "Identifying the Signs and Symptoms of Strangulation assaults"
<https://www.strangulationtraininginstitute.com/>

³⁸ <https://www.canlii.org/en/ca/scc/doc/2018/2018scc6/2018scc6.html>

³⁹ https://www.unodc.org/pdf/criminal_justice/HB_for_the_Judiciary_on_Effective_Criminal_Justice_Women_and_Girls_E_ebook.pdf at p101 UNODC Vienna November 2019

paramount importance when adjudicating matters involving child complainants. This can happen when the juries and the judiciary do not realize they are relying on prejudicial generalizations, leading to the drawing of inferences that are not part of the record but are instead, based on their own “common sense and logic” which is, in fact, unfair and inaccurate....This appeal represents an example of how deeply ingrained and seductive these myths and stereotypes can be....To be clear, reliance on a stereotype to found an assessment of credibility bearing on reasonable doubt is impermissible – it is an error of law. Accordingly, reasonable doubt is not a shield for appellate review if that doubt is informed by stereotypical and prejudiced reasoning”⁴⁰

- [25] The UNODC Handbook discusses judicial stereotyping to highlight the expectations of the courts and the community of judges and the need for self-reflection:

“Judges also assess the complainant’s attributes, decisions and comportment that occurs when she is on the stand and during the criminal justice process more broadly: does she appear in court unkempt and disorganized? Is she too emotional? Is she responsive? Are her responses rational?... There is a belief that a “good” witness, that is, a credible witness, must answer all questions in calm manner and not rage against the unnecessary humiliation of a defence lawyer who takes his or her role of interrogation beyond justifiable limits.”⁴¹

Conclusion

- [26] The imperatives for an effective criminal court response to non-lethal strangulation are clear. Strangulation is a high risk behaviour and it is one of the recognised precursors to lethality. The Family, domestic and sexual violence in Australia report by the Australian Institute of Health and Welfare ⁴² that concluded that young Australians hold attitudes to domestic violence that minimize and facilitate abusive relationships:

“ Young people are more likely to have attitudes that support violence against women...in 2013 2000 Australians aged 16-24 were compared with 10,000 aged 35-64...nearly half (46%) of young Australians agreed that tracking a partner by electronic means without her consent was acceptable to some degree.

- [27] The experiences of international courts in meeting the challenges that arise in hearing trials of gender based violence and the evolving body of case law merits consideration. In *R v Lockhart* 2018 NLCA 72⁴³ the Court of Appeal of Newfoundland and Labrador

⁴⁰ <https://www.canlii.org/en/ab/abca/doc/2017/2017abca237/2017abca237.html?resultIndex=1>

⁴¹ https://www.unodc.org/pdf/criminal_justice/HB_for_the_Judiciary_on_Effective_Criminal_Justice_Women_and_Girls_E_ebook.pdf

⁴² <https://www.aihw.gov.au/getmedia/b0037b2d-a651-4abf-00a85e3de528/aihw-fdsv-in -Australia-2019>

⁴³ <https://www.canlii.org/en/nl/nlca/doc/2018/2018nlca72/2018nlca72.html>

briefly referred to the sentence imposed by Justice Paquette upon a Canadian Mounted police officer convicted by a jury on one count of assault of his former girlfriend to “*a conditional sentence of fourteen days*”. A media report on the sentencing remarks in this case (which are unreported) highlighted concerns about the need for trauma informed judges:

*“a Newfoundland and Labrador RCMP officer sentenced to 14 days house arrest for assaulting his former girlfriend, highlights ignorance about trauma and male violence against women ... (He) didn’t want his girlfriend to go out with her friends, they argued and he choked her. (The Judge) downplayed the strangulation, deciding it only happened for a brief period and the woman wasn’t injured...How long do you have to be strangled to make it meaningful?...11 pounds of pressure for 10 seconds can cause unconsciousness, while brain death can occur after only a few minutes. (the Judge) ignored the terror of almost being killed at the hands of a man who says he loves you. Many who work with domestic violence survivors know strangulation is an effective tactic abusers use to exert power over intimate partners and is a predictor of later lethal violence...In 2010 ...New York introduced a new law around strangulation, which said, “strangulation...offenses epitomize the power dynamic...because these acts send a message to the victim that the batterer holds the power to take the victim’s life, with little effort, in a short period of time, and in a manner that may leave little evidence of an altercation”... (the judge) said the assault happened in the home and Lockhart is not a threat to the public. A huge barrier to addressing domestic violence is the belief that (it) is a “private” matter. Being a Royal Canadian Mounted Police officer gives him a high degree of privilege and opportunity to use force or threaten people with less power than he has...That Canadian judges are still defining male pattern violence against women as a “private” matter is extremely alarming”.*⁴⁴

- [28] The decision of Mullins JA in *R v HBZ*⁴⁵ recognizes the express intention of the Legislature for the introduction of s315A of the Criminal Code and notes that it is accepted that strangulation is a predictive indicator of escalating domestic violence. The Court’s application of a “purposive approach to interpretation” to this section demonstrates a clear understanding of the dynamics of this gender based violent offence⁴⁶ and the statute now “*extends to the mischief which ...the statute intended to remedy*”⁴⁷. In the quest to “end offending”⁴⁸ clear statements of principle by the Courts

⁴⁴ <https://www.cbc.ca/news/canada/manitoba/opinion-kimlee-wong-domestic-violence-courts-1.4045025> “Courts failing to fight male violence against women” 8 April 2017 ; <https://www.cbc.ca/news/canada/newfoundland-labrador/strangulation-domestic-violence-prevention-murder-st-john-s-boalag-1.4706377> 20 June 2018

⁴⁵ [2020] QCA 73 at [35] to [38]

⁴⁶ https://www.unodc.org/pdf/criminal_justice/HB_for_the_Judiciary_on_Effective_Criminal_Justice_Women_and_Girls_E_ebook.pdf at p130 Issues around restorative justice – the role of judges

⁴⁷ Kiefel CJ and Keane J in *R v A2* [2019] HCA 35 at [33]

⁴⁸ Taskforce Report title “Putting an end to domestic and family violence in Queensland” <https://www.csyw.qld.gov.au/resources/campaign/end-violence/about/dfv-report-vol-one.pdf>

on strangulation offences provide clarity for judges; prosecutors and defence lawyers; law enforcement; perpetrators and, as intended by the legislation, the victims.

Linda Bradford-Morgan

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