



**Inquiry into Family Violence Legislation Amendment Bill 2022**  
**ANSWER TO QUESTION TAKEN ON NOTICE**  
**18 March 2022**

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Asked by Dr Marisa Paterson MLA on 18 March 2022: Ms Karen Greenland took on notice the following question(s):

[Ref: Hansard Uncorrected Proof Transcript 18 March 2022 [PAGE 33]]

In relation to:

**DR PATERSON:** My question just is around the logic behind increasing the sentences. I do not know what a demand accompanied by threats is, or how that differs from threatening to kill and grievous bodily harm threats, but, you know, it is increasing the penalty from 20 years to 25 for one that involves domestic violence. I am just wondering, how do you determine whether the increase in sentencing goes up one year, three years, five years, in determining this bill?

**Ms Greenland:** Attorney, would you like me to take that?

**Mr Rattenbury:** Yes, thanks, Ms Greenland.

**Ms Greenland:** So, the process that we went through, firstly, was the issue of selecting the offences. So, the offences that were selected to which a factor of aggravation applies are those that potentially could be committed in a family violence context. Then in terms of the factor of aggravation, what we did was to attempt to apply effectively a ratio for the aggravating circumstance in which the offence was committed, relative to what we call the basic offence, which is, you know, the current offence.

**DR PATERSON:** Does this align us with other states or tip us to be a very punitive state, or where do we sit with these changes?

**Ms Greenland:** It is difficult to draw direct comparisons, because jurisdictions all tend to have different levels of penalties for the same offences. I mean, there are some which are the same, or close. But I do not know that we could characterise it as being more punitive or less severe in terms of the offence levels, and not all jurisdictions have the same model around aggravated offences either. So, we can certainly provide information out of session or take on notice, you know, comparisons, if that would be helpful, but it is hard to characterise the scheme as a whole, how it compares to other jurisdictions.

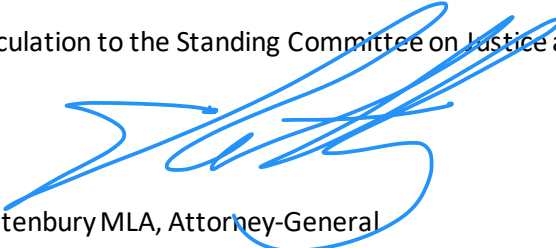
Mr Rattenbury MLA, The answer to the Member's question is as follows:

The table at [Attachment A](#) sets out the maximum penalties in each jurisdiction for some offences which could be committed in a family violence context. These offences have been selected as a sample to demonstrate how maximum penalties compare across jurisdictions.

It is noted that only Western Australia and South Australia have aggravated offence schemes that have similarities to the aggravated family violence offence scheme that is proposed to be introduced by the Family Violence Legislation Amendment Bill 2022. In Western Australia, it is a circumstance of aggravation if the offender is in a family relationship with the victim of the offence (section 221 (1) of the *Criminal Code Act Compilation Act 1913* (WA)). In South Australia, it is an aggravated offence if the offender committed the offence knowing that the victim of the offence was a person with whom the offender was, or was formerly, in a relationship (section 5AA (1) (g) of the *Criminal Law Consolidation Act 1935* (SA)).

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date:

7/4/22

By Mr Shane Rattenbury MLA, Attorney-General

Offence	ACT – simple offence	ACT – aggravated offence	NSW – simple offence	QLD – simple offence	Vic – simple offence	WA – simple offence	WA – aggravated offence	SA – simple offence	SA – aggravated offence	Tas – simple offence	NT – simple offence
<b>Common assault</b>	2 years	3 years	2 years	3 years	5 years	18 months and a fine of \$18,000	3 years and fine of \$36,000	2 years	3 years	12 months or 20 penalty units (summary)  21 years, fine or both (indictable)	1 year
<b>Intentionally inflicting grievous bodily harm</b>	20 years	25 years	25 years	Life	20 years	20 years	No aggravated offence	20 years	25 years	21 years, fine or both	Life
<b>Sexual intercourse without consent</b>	12 years	15 years	14 years	Life	25 years	14 years	20 years	Life	No aggravated offence	21 years, fine or both	Life
<b>Non-consensual distribution of intimate images</b>	300 penalty units, 3 years, or both	400 penalty units, 4 years or both	100 penalty units, 3 years or both	3 years	2 years	18 months and a fine of \$18,000 (summary)  3 years (indictable)	No aggravated offence	\$10,000 or 2 years	No aggravated offence	50 penalty units, 12 months or both	3 years