

MEDIA RELEASE

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State Government Moves to Strengthen Domestic Violence Laws Around Strangulation

The South Australian Government is set to introduce tougher domestic violence reforms, addressing a critical gap in the state's current laws to ensure that perpetrators of strangulation face stronger legal consequences.

A recent review of existing laws revealed that too many cases of strangulation were being discontinued due to a lack of clarity in what police and prosecutors needed to prove in court. To address this, the Government consulted on proposed changes and will introduce reforms to Parliament later this month.

The key changes include clarifying and broadening the legal definition of 'strangulation' to mean the application of pressure to a person's neck to the extent that it affects their ability to breathe or the flow of blood to the head. Additionally, a new second offence with higher penalties will be introduced, targeting situations where choking renders an individual unconscious. This offence will carry a penalty of up to ten years in prison.

Mary Leaker, General Manager of Embolden, welcomed the proposed reforms, stating:

"Strangulation, choking, or suffocation are red flags that someone experiencing domestic and family violence is at increased risk of being killed by their partner or ex-partner. Embolden supports the Bill's intent to clarify the legal definition of these behaviours and ensure that authorities can act to protect victim-survivors and hold people using violence to account."

Mary also emphasised the significance of the higher penalties for cases where victims are rendered unconscious, highlighting the gravity of these actions:

"The proposed higher penalty in circumstances where a victim-survivor is rendered unconscious reflects how potentially harmful choking, strangulation, and suffocation are."

In addition to tightening the laws, the Bill offers an opportunity to raise awareness within the broader community about the inherent risks of strangulation. Mary pointed out that these behaviours are becoming more prevalent in certain contexts:

"Health and domestic and family violence services are concerned that choking is increasingly common in sexual interactions, particularly among young people, and that people may not be aware of the risks."