



Sentencing Council of NSW
Department of Communities and Justice
31 Belvoir St
SURRY HILLS NSW 2010

Tuesday 10 October 2023

Dear Secretary,

Re: Consultation on weapons-related offences: sentencing adult offenders

Please accept this letter as Domestic Violence NSW's submission in response to the NSW Sentencing Council's consultation on weapons-related offences: sentencing adult offenders. We consent to our submission being made public.

About Domestic Violence NSW

Domestic Violence NSW (DVNSW) is the peak body for specialist domestic and family violence (DFV) services in NSW. We have over 150 member services across NSW.

DVNSW members represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence. Our member organisations include crisis and refuge services, specialist women's legal support services, transitional accommodation and community housing providers, Aboriginal controlled organisations and specialist culturally and linguistically diverse organisations, men's behaviour change programs and networks, women and children's support services, women's health centres and Safe at Home programs.

DVNSW works to improve policy and legislative responses to domestic and family violence and to eliminate domestic and family violence through advocacy, partnerships and the promotion of good practice. We sit on over 50 advisory groups and committees and provide regular, informed advice to all levels of government. We are a member of the National Women's Safety Alliance and work alongside other peak organisations such as Safe and Equal in Victoria.

Weapons and High-Risk Domestic Violence

DVNSW acknowledges this consultation is not directed towards domestic and family violence offences. However, it is important to note when considering the sentencing of adult offenders for weapons-related offences, the intersections with domestic and family violence, and the heightened risk the involvement of weapons pose. In domestic and family violence risk assessment tools and principles, the perpetrator's access to or use of weapons is considered to indicate heightened risk of



serious injury and/or homicide, particularly if recently used in a violent incident (Family Safety Victoria 2021; Toivonen and Backhouse 2018)¹².

As such, despite there being little reference to domestic and family violence in the consultation paper, DVNSW would like to highlight the necessity of considering this intersection in the review, particularly when considering section 3(c) of the Terms of Reference (ToR) concerning other significant factors considered in sentencing decisions, and section 4 of the TOR concerning non-parole periods. DVNSW recommend weapon-related offences in the context of domestic and family violence should be considered an aggravating factor and at the higher end of objective seriousness, as women who are threatened or assaulted with a gun or other weapons are 20 times more likely to be killed than other abused women who are not threatened or assaulted with a weapon (Campbell et al. 2003)³.

Thank you for considering our submission to this consultation. If you have any questions, please contact CEO, Delia Donovan, on

Yours sincerely

Delia Donovan
Chief Executive Officer
DVNSW

¹ Family Safety Victoria 2021, *MARAM Practice Guidelines: Foundation Knowledge Guide*, Victoria State Government, Melbourne, VIC.

² Toivonen, C. and Backhouse, C 2018, "National Risk Assessment Principles for domestic and family violence" *ANROWS Insights*, Sydney, NSW.

³ Campbell, J., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A., Laughon, K. 2003, "Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study", *American Journal of Public Health*, vol. 93, no. 7, pp. 1089-1097.