

Non-Fatal Strangulation: Australian Legislation

Jurisdiction	Provision	Year Introduced	Elements
Australian Capital Territory	Crimes Act 1900 ss 28(2)(a); 27(1)	2015	<ul style="list-style-type: none"> intentionally and unlawfully strangles
New South Wales	Crimes Act 1900 s 37(1A)	2014 Reform: 2018	<ul style="list-style-type: none"> intentionally strangles the victim does not consent
Northern Territory	Criminal Code Act 1983 s 186AA	2020	<ul style="list-style-type: none"> in a domestic relationship with victim intentionally strangles the victim does not consent
Queensland	Criminal Code Act 1899 s 315A	2016	<ul style="list-style-type: none"> in a domestic relationship with victim intentionally strangles the victim does not consent
South Australia	Criminal Law Consolidation Act 1935 s20A	2020	<ul style="list-style-type: none"> in a domestic relationship with victim intentionally strangles the victim does not consent
Tasmania	Criminal Code Act 1924 ss 170B and 334AA	2022	<ul style="list-style-type: none"> intentionally strangles
Victoria	Crimes Amendment (Non-fatal strangulation) Bill Royal assent 5 December 2023. Amends: <i>Crimes Act 1958</i> , ss34AD and 34AE.	2024	<ul style="list-style-type: none"> Introduces subdivision 4A– includes two new offences. Defines chokes, strangles or suffocates as applying pressure to the front or sides of a person's neck; obstructing any part of, or interfering with the operation of, a person's respiratory system or accessory systems of respiration; impeding a person's respiration (s34AB). Includes 'guiding principles' (s34AC) Intentionally strangles, intends injury, victim family member – consent no defence (s34AD) Intentionally strangles, victim family member, where sexual activity consent is a defence (s34AE)
Western Australia	Criminal Code Compilation Act 1913 s 298	2020	<ul style="list-style-type: none"> unlawfully impedes another person's normal breathing, blood circulation, or both, by manually, or by using any other aid blocking (completely or partially) another person's nose, mouth, or both; or applying pressure on, or to, another person's neck.