



SUPREME COURT OF WESTERN AUSTRALIA

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3 December 2024

Statement from Hon Chief Justice Peter Quinlan

The courts in Western Australia are responsible for independently applying the laws of Western Australia, including the criminal laws concerning domestic and family violence. Those laws are made by Parliament and the principles of law for applying them are determined by the Court of Appeal of the Supreme Court of Western Australia.

The principles of law in relation to sentencing for offences involving domestic and family violence are clear. As the Court of Appeal recently confirmed, courts sentencing offenders for such offences must take account of the need to protect persons in vulnerable positions, so far as the courts can do so by the imposition of a sentence, bearing in mind a proper relationship to the overall criminality of the offence, which has a deterrent effect and, in an appropriate case, removes the offender to a place where there is no opportunity to violently attack their partner.

These principles, and those like it, are applied by judges and magistrates in Western Australia in tens of thousands of cases every year.

In any case in which it is considered that these legal principles have not been properly applied, the sentence may be the subject of appeal, to the Supreme Court and, ultimately, to the Court of Appeal.

It would be inappropriate for any appeal judge, and contrary to the rule of law, to comment on the correctness of a sentence other than in an appeal brought for the purpose of correcting that sentence, in which all relevant material is before the court.

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