

LEGISLATIVE COUNCIL

Crimes Amendment (Provocation) Bill 2014

First print

Proposed amendments

- No. 1 Page 3, Schedule 1 (proposed section 23 (2) (c) and (d)), lines 13-16. Omit all words on those lines. Insert instead:
- (c) the conduct of the deceased could have caused an ordinary person to act in the same way as the accused in response to the conduct of the deceased.
- No. 2 Page 3, Schedule 1. Insert after line 22:
- (5) For the purpose of determining whether an act causing death was in response to extreme provocation, evidence of the following kind can be taken into account if the act causing death was alleged to be in response to conduct of the deceased that comprised or included domestic violence:
 - (a) the history of the relationship between the deceased and the accused or other victim of the domestic violence (including the history of violence between them),
 - (b) the cumulative psychological or other effect of the domestic violence on the accused or other victim of the domestic violence,
 - (c) social, cultural or economic factors that impact on the accused or other victim of the domestic violence,
 - (d) the general nature and dynamics of relationships affected by domestic violence (including possible consequences of separation from the person committing the domestic violence),
 - (e) the psychological effect of violence on people who are or have been in a relationship affected by domestic violence,
 - (f) social and economic factors that impact on people who are or have been in a relationship affected by domestic violence.
- No. 3 Page 3, Schedule 1. Insert after line 38:
- domestic violence*** means the commission of any domestic violence offence within the meaning of the *Crimes (Domestic and Personal Violence) Act 2007*.