



LEGISLATIVE COUNCIL

SELECT COMMITTEE ON THE PARTIAL DEFENCE OF PROVOCATION

## **MEDIA RELEASE**

# **PARLIAMENTARY INQUIRY TO EXAMINE PARTIAL DEFENCE OF PROVOCATION**

**FOR IMMEDIATE RELEASE  
21 JUNE 2012**

On 14 June, the NSW Legislative Council established a select committee to conduct an inquiry into the partial defence of provocation. The Select Committee on the Partial Defence of Provocation will be chaired by the Reverend the Honourable Fred Nile MLC, of the Christian Democratic Party, and also includes representatives of the Labor Party, the Greens and the Coalition.

Committee Chair, the Rev the Hon Fred Nile said of the partial defence of provocation, 'Originally a common law defence, section 23 of the *Crimes Act 1900* codifies the law of provocation, which provides that a person charged with murder may be convicted of the lesser charge of manslaughter if they were provoked by the victim into doing the act which caused the victim's death.'

'A recent NSW case has highlighted concerns about the use of the provocation to reduce a charge of murder to the lesser charge of manslaughter, and in particular, its use in matters where there is a history of domestic violence.'

'The Committee will inquire into and report on the partial defence of provocation and will consider whether it should be retained, or whether the elements of the partial defence should be amended in light of reforms to the law of provocation in other jurisdictions' Reverend Nile said. 'The Committee will also consider the adequacy of the defence of self defence for victims of prolonged sexual and domestic violence.'

The motion to set up the Committee and Inquiry, put forward by Labor member the Honourable Helen Westwood MLC, received support from all parties in the Council.

The Committee encourages interested parties to make a submission by Friday 10 August 2012. For more about the Inquiry, including terms of reference, updates and information on how to make a submission, please visit the Committee's website at: [www.parliament.nsw.gov.au/provocationinquiry](http://www.parliament.nsw.gov.au/provocationinquiry).