

**REDFERN LEGAL CENTRE AND SYDNEY WOMEN'S DOMESTIC VIOLENCE  
COURT ADVOCACY SERVICE**

**Provocation Inquiry – Supplementary Question on Notice**

**Isn't one of the flaws of self defence for women, is that they are physically disadvantaged compared to their male partners? Therefore they will very often have to use excessive force? (Hon Scot MacDonald MLC)**

The submission to the Select Committee on the Partial Defence of Provocation by Redfern Legal Centre and Sydney Women's Domestic Violence Court Advocacy Service (Sydney WDVCAS) recommended that New South Wales enact legislation similar to the provisions of the *Crimes Act 1958* (Vic) which provides:

Section 9AH – Family violence

(1) Without limiting section...for the purposes of murder, defensive homicide or manslaughter, in circumstances where family violence is alleged a person may believe, and may have reasonable grounds for believing that his or her conduct is necessary –

(a) to defend himself or herself or another person...

even if –

(c) he or she is responding to a harm that is not immediate; or

**(d) his or her response involves the use of force in excess of the force involved in the harm or threatened harm.**

Taken together with any evidence of previous violence and its effects, we believe a provision similar to section 9AH(d) would cover those situations where women victims of domestic violence have believed it necessary to act with excessive force to defend themselves.

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