



LEGISLATIVE COUNCIL

SELECT COMMITTEE ON THE PARTIAL DEFENCE OF PROVOCATION

## **MEDIA RELEASE**

**FOR IMMEDIATE RELEASE**

23th April 2013

### **Committee recommends a new ‘gross provocation’ model**

The Select Committee on the Partial Defence of Provocation has recommended a suite of reforms to the partial defence of provocation, which are designed to address concerns about the way the partial defence is operating.

Chairman of the Committee, Reverend the Honourable Fred Nile MLC, said today that the Inquiry had involved an examination of complex and technical legal and social issues, and that particular concerns were raised about the use of the partial defence in the context of intimate and family relationships, and non-violent sexual advances. Reverend Nile said that the Committee was mindful, however, that abolishing the defence might disadvantage some defendants, particularly women who have been victims of long-term domestic abuse.

Reverend Nile said that the Committee had worked together to reach a unanimous position on the eleven recommendations in the report. The Committee has recommended reform to section 23 of the *Crimes Act 1900* to restrict the availability of the partial defence:

“The Committee has recommended that the defence be reformed to restrict its availability in a number of ways, including by ‘raising the bar’ to require that the conduct relied upon by the defendant be ‘grossly provocative’. In addition the Committee has identified a number of circumstances in which the partial defence should not be available or should only be available in extreme and unusual circumstances. Such circumstances include where the ‘provocative conduct’ comprises a non-violent sexual advance, discovering a partner committing adultery, or the deceased indicating an intention to leave a domestic relationship.”

Reverend Nile also said that the Committee felt it was important to ensure that any legal reform was supported by a broad education campaign focusing on the nature and dynamics of family violence. Reverend Nile also thanked his Committee colleagues and all of the individuals and organisations who contributed to the Inquiry.

To obtain a copy of the report either visit the NSW Parliament website at [www.parliament.nsw.gov.au/provocationinquiry](http://www.parliament.nsw.gov.au/provocationinquiry), or contact the Committee secretariat on (02) 9230 3509 or email [provocationinquiry@parliament.nsw.gov.au](mailto:provocationinquiry@parliament.nsw.gov.au).

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