

INQUIRY INTO PARTIAL DEFENCE OF PROVOCATION

Name: Name suppressed

Date received: 9/08/2012

Partially Confidential

Suggested changes to NSW murder/manslaughter laws

- 1) murder to be reclassified and renamed as "unlawful intentional homicide"
- 2) voluntary manslaughter to be abolished but involuntary manslaughter retained.
- 3) "unlawful intentional homicide" to comprise of murder and voluntary manslaughter cases as we know them today. (all intentional killings should come under the one classification)
- 4) the judge to be given powers when sentencing to take into account mitigating factors that previously would have been deserving of murder being reduced to voluntary manslaughter
- 5) partial defences to murder belong to a bygone era when the death sentence was available if an accused was convicted of murder. NSW abolished the death sentence in 1955 so partial defences are no longer relevant when a flexible sentencing regime exists.