INQUIRY INTO PARTIAL DEFENCE OF PROVOCATION

Name: Name suppressed
Date received: 9/08/2012
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.