

**Submission
No 36**

INQUIRY INTO PARTIAL DEFENCE OF PROVOCATION

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provocationinquiry - for the attention of Vanessa Viaggio

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To: <provocationinquiry@parliament.nsw.gov.au>
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Subject: for the attention of Vanessa Viaggio

We thank Legislative Councillors for looking into the partial defence of "provocation".

Until recently many voters in NSW did not know that it was moderately okay for a man to kill his wife or his wife's lover if she had stopped loving him. This came to light recently in the case of an Indian man who cut his wife's throat and a Chinese man who killed his wife's lover.

There is no doubt that some Australian men, being generally physically stronger than their wives and having traditionally and perhaps still being the main earner and controller of finances, have been complete and utter bullies, beating and abusing their wives whenever the fancy takes them. For children in such situations the damage lasts a lifetime. In extreme circumstances and some have been publicised over the past few years, these men kill their wives or partners. Their logic seems to be that if their wife /partner dares to object to this bullying and (surprise, surprise) no longer loves them, they are entitled to kill her to ensure that she does not get to enjoy life without them, that she suffers for the insult to their ego and to show that if she does not love them she will not love anyone.

That Members of Parliament have enshrined this in law and kept it there for so long is staggering in a country where we discourage people from taking the law into their own hands. It most certainly contributes to the generally derogatory way in which many voters regard politicians, perhaps undeservedly, for they rarely understand how busy politicians are or how many issues they must deal with.

There is a general feeling in the community that the Australian custom of not taking the law into one's own hands is poorly understood by immigrants who come from countries where this is not only acceptable but expected. This is truly appalling and the Federal Government should be urged by NSW to require immigrants to sign a document of undertaking not to take the law into their own hands at any time and to treat women as equals, on penalty of deportation.

We live in an era and in a country in which women are considered to be every bit the equal of men, whilst different strengths and weaknesses are recognised. It is totally unacceptable that, under any circumstances except where the man is himself the victim of persistent and brutal physical bullying by his female partner (in which case it is surely self defence) any form of provocation by way of not loving, wanting to live with or caring for a person or having a loving or caring relationship with someone else should be deemed a partial defence to killing that person.

The person who kills like this is in fact far more dangerous to society generally than the cold calculating killer seen to be immediately guilty of murder rather than manslaughter, for that killer has a purpose and predetermined victim in mind.

The wife killer most likely has a bullying, brut, dominating nature and explosive temperament making him a danger to many other people in society who might in some way damage his ego or offend him by being non-compliant. Society has a great deal to fear from men who kill their wives or partners, who are relatively speaking, easy pickings being weaker and less brutal. The longer they are under government control the safer the rest of us are.

Such men, when caught and charged will of course engage a good lawyer to blind the judge with science and in most cases use the good old defence of temporary insanity or psychiatric illness which rendered them

incapable of knowing what they were doing. Where would we be without clever lawyers?

There is a wide spread belief in the community that many judges have no idea what they are doing and, as one judge said recently, live so distant to the environments in which such things happen that they are totally out of touch with the reality of the situation. Having sat through a good many court cases in my time, I absolutely agree.

Therefore the voters of NSW are very much in the hands of Members of Parliament when it comes to protection of women and children from brutal, ruthless, bullying and murderous men. We ask you to remove from the provocations that might be allowed as a partial defence to murder or manslaughter, if there are any and we can think of none but self defence, anything that might relate to a husband, wife or partner terminating a relationship with the killer or having a relationship with someone else of which the killer does not approve.

This is a free society in which women are no longer the goods and chattels of their husbands or partners to be abused or murdered at will. We urge you to recommend that this law be brought out of the dark ages into this current century, representing not the views of some backward savage society but the views of an enlightened Australia in which women are entitled to like or dislike whoever they wish and act accordingly.

I do not suggest that Christianity should dominate our thinking, but Christians are fortunate that Christ did specifically deal with this particular issue to show that killing is not an acceptable solution.

Yours sincerely,
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