

INQUIRY INTO PARTIAL DEFENCE OF PROVOCATION

Name: Name suppressed

Date received: 22/06/2012

Partially Confidential

Select Committee on the
Partial Defence of Provocation
Legislative Council
NSW Parliament

Dear Chairman

I wish to have on record my strong distress at discovering that “provocation” exists as a defence against violence.

I have been safe for ten years, but I did spend four years in a violent relationship. I have spent a lot of time recovering from the situation, and some considerable time examining the issues.

One of the major things that occurred to me is that our society unwittingly supports violent men. This includes the legacy of the 'rule of thumb' (a saying that comes from the fact that a man used to be able to beat his wife with a stick no thicker than his thumb).

I was quite distraught when the publicity around the recent case made it clear that 'provocation' was a legitimate defence. Once we had identified there was a problem within the relationship, my ex-husband used to say a that “if you hadn't provoked me I wouldn't have...” after an incident.

Incidents included strangling me, banging my head against the car, king hitting me, amongst general hitting, pushing and shoving.

What I didn't know at the time was that was a legal defence. He probably knew. Our legal system told him that my ability to annoy him, made it ok for him to put his hands around my throat and strangle me.

He also got encouraged by so many other things, including that nothing was said by our doctor when I presented to her after any incident. The police were certainly unsupportive of me when I finally managed to escape the relationship, including going mad at me for requesting assistance on the night. Apparently, they had "real policing" to do.

The law, as it stands, sends a clear message that a woman may well deserve to be treated violently by someone she trusts and loves. It is important to me that the law says otherwise. Please abolish this defence. There is no excuse for violence against women, and it would be nice if our law made that very clear.

Thank you for considering my experience in your inquiry. I must note, however, that the committee is dominated by men, with only one woman in a group of seven. I can only encourage you to try to understand the position of a woman who believes she is in a supportive environment but finds that she has nowhere to turn. Please make the law a refuge for victims of domestic violence, not another source of abuse.

Yours Sincerely,

22 June 2012