

**Submission  
No 7**

## **INQUIRY INTO PARTIAL DEFENCE OF PROVOCATION**

**Name:** Ms Glenda Gartrell

**Date received:** 3/08/2012

---

3 August, 2012

The Director  
Select Committee on the Partial Defence of Provocation  
Parliament House  
Macquarie Street  
Sydney NSW 2000

[provocationinquiry@parliament.nsw.gov.au](mailto:provocationinquiry@parliament.nsw.gov.au)

Submission from GLENDA GARTRELL

[a] The partial defence of provocation should be **retained**

I wish to support the retention of the defence of provocation.

In my former role as a member of the management committee for prisoners serving life sentences in NSW gaols, I was part of the decision making process which determined the day to day programs for prisoners serving life sentences and for their suitability and preparation for release. This involved a close study of the offences for each prisoner, including life histories and events leading up to the offence for which they were sentenced as well as extensive consultations with other professional staff involved in day to day prisoner management.

On the basis of this team experience we all learned of the significant differences between offences committed by people – usually women – who had been subjected to long and stressful abusive behaviour as against those offences committed – usually by men - in the heat of the moment. The provocation legislation was developed to take into account these very different circumstances.

The behaviour differences which led to the introduction of provocation legislation continues to this day and for this reason the defence of provocation **SHOULD BE RETAINED**.

Glenda Gartrell