



# **Brad Hazzard MP**

## **Attorney General**

## **Minister for Justice**

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### **MEDIA RELEASE**

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### **PROVOCATION EXCUSE WEARS THIN**

A new law which will make it harder for people to use “provocation” as an excuse for murder has passed the Parliament today, Attorney General Brad Hazzard has said.

“We have reformed an old law that was seen as biased against women and blaming the victim for their own murder by ‘causing’ the offender to lose their self-control.”

“Now a person accused of murder can no longer use their partner’s wish to end the relationship or a belief they have been unfaithful as an excuse in court,” he said.

“The new partial defence of provocation cannot be used by someone who kills a person merely because they made a non-violent sexual advance towards them.”

“However, we have ensured that “extreme provocation” remains available as a defence in some cases, including those of women murdering their partners after being subjected to prolonged domestic violence or abuse.”

Extreme provocation can still be used as a partial defence where the conduct of the deceased:

- amounts to a serious indictable offence and
- caused the accused to lose self-control and
- could have caused an ordinary person to lose self-control to the extent of intending to kill or inflict grievous bodily harm.

“Our changes bring the law into line with community attitudes. The community does not believe offenders should be able to escape a murder conviction if they kill a person or intimate partner in such circumstances.”

The legislation reflects the intent of recommendations of the Upper House Select Committee on Provocation, which examined this issue last year.

Like the recently introduced toughening of the law on strangulation, this reform is part of the Government’s commitment to help victims of domestic violence.

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