

MEDIA STATEMENT

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Queensland Law Reform Commission

A review of the excuse of accident and the defence of provocation under the Criminal Code



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The Queensland Law Reform Commission is currently reviewing the excuse of accident and the defence of provocation under the Criminal Code, particularly in their application to murder and manslaughter charges. The operation of these provisions has been the subject of public debate, and in 2007 was the subject of an audit commissioned by the Attorney-General and Minister for Justice, the Honourable Kerry Shine MP.

The Attorney-General has asked the Commission to consider a number of matters, including:

- the results of the Attorney-General's audit of homicide trials on the nature and frequency of use of the excuse of accident and the partial defence to murder of provocation;
- whether the current excuse of accident (which is a complete excuse to manslaughter) reflects community expectations;
- whether the partial defence of provocation (which reduces murder to manslaughter) should be abolished, or recast to reflect community expectations; and
- whether there is a need for new offences, for example assault occasioning grievous bodily harm or assault causing death (to apply where accident would otherwise be a complete defence to a murder or manslaughter charge).

As part of the review, the Commission has released a Discussion Paper examining the excuse of accident. Commission Chairperson, Justice Roslyn Atkinson, said the Discussion Paper, *A review of the excuse of accident*, outlines the development of the excuse of accident, considers its current operation, and sets out arguments for and against change.

'The excuse of accident is one of the key provisions of the Criminal Code in determining criminal responsibility. The Commission welcomes public input into this important review', Justice Atkinson said.

The Discussion Paper is available on the Commission's website at www.glrc.qld.gov.au (WP 62, June 2008). It is also available free of charge from the Commission by phoning (07) 3247 4544.

The Commission is seeking comments and submissions from individuals and organisations with an interest in this area of the law. Submissions on the Discussion Paper examining the excuse of accident close on **1 August 2008**.

A further Discussion Paper examining the defence of provocation will be published later this month. The Commission is required to provide its final report to the Attorney-General by 25 September 2008.

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