

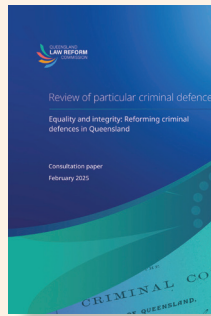
We want to hear from you
You have until
20 April 2025
to tell us what you
think. See over page
for more information.

Review of particular criminal defences

Our Consultation Paper

We have been asked to review the following aspects of the criminal law:

- self-defence
- provocation as a partial defence to murder
- the partial defence of killing for preservation in an abusive domestic relationship
- the mandatory penalty of life imprisonment for the offence of murder
- provocation as a defence to assault
- the defence of domestic discipline
- practice or procedure for these defences.



We are asked to examine whether the laws respond to contemporary understandings of domestic and family violence in Queensland.

Our preliminary views

Vulnerable groups, including Aboriginal peoples and Torres Strait Islander peoples struggle to access the defences and raise mitigating factors on sentence.

The complete defence of self-defence is unnecessarily complex and hard to understand.

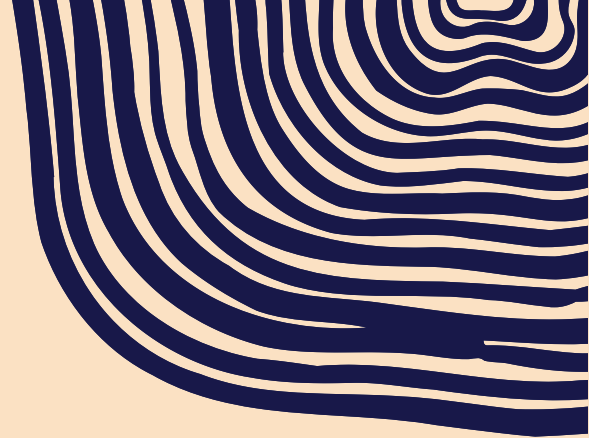
Self defence does not work effectively for victim-survivors of domestic and family violence (DFV) who use force, including lethal force, against their abuser.

The partial defence of killing for preservation in an abusive domestic relationship is rarely used and may undermine access to self-defence.

The partial defence of killing on provocation continues to be raised by DFV perpetrators who have killed out of jealousy or anger. This is not consistent with community attitudes.

The complete defence of provocation to assault is available to primary perpetrators of DFV and may excuse violent offending. This is not consistent with community attitudes.

The defence of domestic discipline is being used to excuse the unreasonable use of serious violence against children.



Access to justice

Aboriginal people and Torres Strait Islander people and their communities face significant barriers when it comes to accessing justice. Significant reforms are required to address this inequality and achieve better outcomes.

Reform options:

1. facilitate admission of evidence of traditional laws and customs
2. increase cultural capability training for police, court officers, judicial officers and prosecutors in regional and remote areas
3. increase accessibility of cultural reports for Aboriginal defendants and Torres Strait Islander defendants.

The Commission proposes:

1. a new legislative test for self-defence
2. repealing the partial defence of killing for preservation in an abusive domestic relationship
3. repealing the partial defence of killing on provocation
4. amending the complete defences of provocation to assault and prevention of repetition of insult so that it does not apply to domestic violence offences.

The Commission explores:

1. new partial defences, including excessive self-defence and a new partial defence built on principles of trauma
2. the mandatory penalty for murder and seek feedback on whether it should be reformed
3. the defence of domestic discipline and ask whether the defence should be abolished or substantially amended.
4. reforms to practice and procedure which will be necessary to support any legislative change.

The criminal laws of Queensland have a significant impact on the lives of Aboriginal peoples and Torres Strait Islander peoples.

Aboriginal peoples and Torres Strait Islander peoples continue to be overrepresented across Queensland's criminal justice system as offenders, victims and victim-survivors.

We want to hear from you

Your submission is important.

Our aim is that any reforms we recommend will assist in improving access to justice for Aboriginal and Torres Strait Islander peoples and achieving Closing the Gap targets.

We invite you to share your views on any other issues you believe are important.

You can share your views with us in any way. You can send them to us by email or mail or upload them to our website.

Submissions close on 20 April 2025.

There will also be opportunities to attend meetings and forums to share your views in March and April 2025. Details about these meetings will be shared on our website and through our newsletters and LinkedIn.

For more information about the review of particular criminal defences and to access the consultation paper and submissions form, please visit the [QLRC website](https://www.qlrc.qld.gov.au) or scan the QR code.

