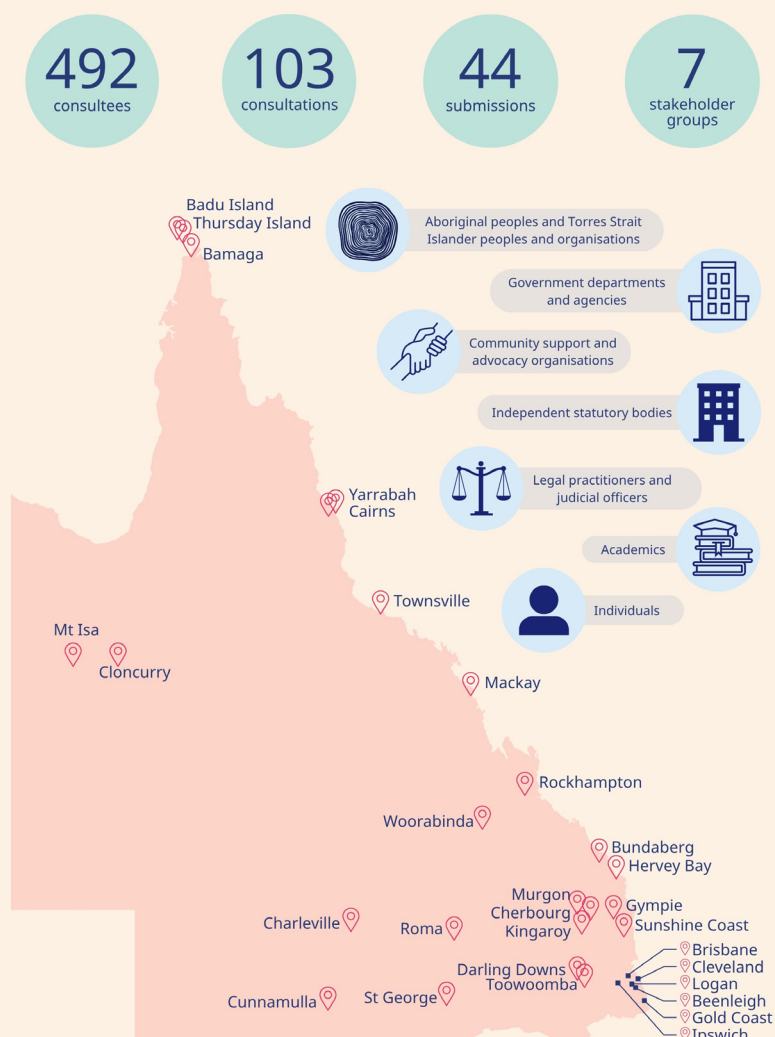


What we heard

We have heard you. In response to our consultation paper on options for reform of particular defences in the Criminal Code, we heard stakeholders' views in a range of ways:

- **492** stakeholders consulted throughout metropolitan, regional and remote areas of Queensland
- **44** submissions received, including written and art work
- **32** interviews held with Supreme and District Court Judges, Magistrates and criminal law practitioners
- **1** focus group conducted with youth advocates and young people

Engagement map



Background paper 4

We have released a background paper that summarises what we have heard.

We are reviewing the following defences:

- self-defence
- provocation as a partial defence to murder
- the partial defence of killing for preservation in an abusive domestic relationship
- provocation as a defence to assault
- domestic discipline.

We are also reviewing:

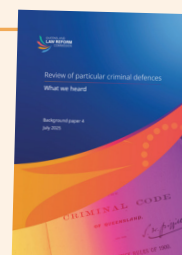
- mandatory sentencing for murder
- relevant practices and procedures.

Our terms of reference ask us to consider:

- the experiences of victim-survivors and their families in the criminal justice system
- the views and research of relevant experts, including those with specialist expertise in relation to criminal law, domestic and family violence (DFV).

This feedback has told us:

- what is working well
- what needs to change
- ideas for reform
- potential unintended consequences of reform.



Key themes of what we heard

The law of **self-defence** should be changed to make it:

- clear, simple and just
- include objective and subjective limbs (some people support more objectivity)
- protect DFV victim-survivors.

Judges should have discretion when **sentencing for murder**.

- sentencing should reflect contextual factors, including the gravity of the offence, offender's background, circumstances and relationship with the victim and their response to the charge
- reforms to the minimum non-parole period could support just outcomes
- homicide victims' families did not support judicial discretion.

Partial defences are critical given the mandatory penalty for murder and minimum non-parole periods.

They are an important safeguard for DFV victim-survivors.

Any changes to partial defences need to be considered as part of a package of reforms that introduce sentencing discretion.

The defence of **provocation to assault**:

- is not consistent with contemporary attitudes and beliefs
- can be relevant for violent responses to racial harassment or vilification.

The defence of **domestic discipline** should be limited or repealed:

- it does not reflect children's rights or the connection between childhood experiences of violence and adult perpetration
- repeal or reform may have impacts for teachers or vulnerable communities.

Practice and procedure reforms are needed to support changes to the law.

Reforms should:

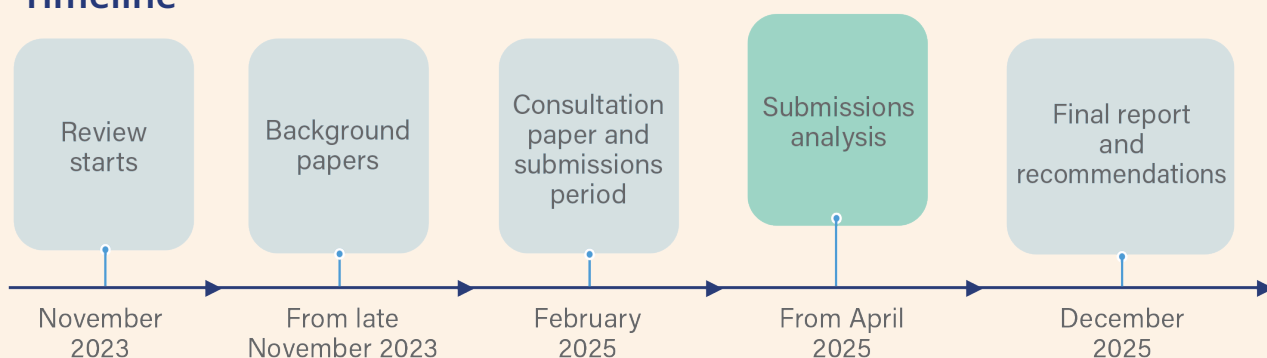
- improve access to defences and access to justice for DFV victim-survivors and Aboriginal peoples and Torres Strait Islander peoples
- balance the rights of the accused, the victim and their family and the public in criminal trials.

Broader issues with the criminal justice system

Systemic issues impact operation of the defences:

- over-representation of Aboriginal peoples and Torres Strait Islander peoples
- access to justice issues, particularly for disadvantaged communities
- delay in the criminal justice system.

Timeline



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

