

# Community attitudes to defences and sentences in cases of homicide and assault in Queensland

When is it ok to defend yourself using violence? Is it ok to respond violently when provoked?

We asked leading academics from the Australian National University to conduct an independent study to help us understand community attitudes. They surveyed 2500 Queenslanders and held focus groups with 58 members of the Queensland community.

You can read the full report here: [Community attitudes to defences and sentences in cases of homicide and assault in Queensland: Research Report 1.](#)



## Significant findings for the review of particular criminal defences

### Self defence

- The community understands how self-defence works.
- 1 in 5 respondents say killing in self-defence in response to attempted sexual assault should be justified by law.

### Provocation

- Most respondents don't think provocation should provide a defence:
  - to words alone
  - where violent offending is motivated by anger, jealousy or wanting to control another person (eg DFV)
  - where an assault risks or causes significant injury.
- Where the provocation was verbal insults or harassment in a public setting Aboriginal people and Torres Strait Islander people were more likely to support the defence of provocation to assault. It may be that views are shaped by individual and collective experiences of public harassment, including racism. More research is required to explore the relationship between personal experience, cultural context and perceptions of violence.

### Mandatory penalty of life imprisonment for murder

- There was clear evidence that the community does not support the mandatory life sentence for murder.
- The community expects sentencing to reflect defendants' culpability in the specific circumstances.

### Intimate partner homicide

- Most respondents thought women who kill an abusive partner should not be guilty of murder, instead guilty of manslaughter or found not guilty.
- Respondents with attitudes that minimised DFV were more likely to think women who kill an abusive partner should be guilty.
- Victim-survivors of DFV were less likely to think:
  - a delayed response to a threat meant self-defence shouldn't apply
  - a victim-survivor had other effective safety response options than killing their abusive partner.
- Victim-survivors used their own experiences to explain victims' limited safety response options.
- The community expects a nuanced justice system response to women who kill abusive partners.

### Domestic discipline

- Most respondents don't approve of parents using violence to discipline children, but think parents who use minimal force to discipline children should not be charged with an offence.
- Participants were more likely to say a parent should be found guilty of assault where the harm to the child was greater, including where the parent used an implement, left bruising or slapped the child in the face.
- There was also broad support for the defence of domestic discipline where a teacher uses very low levels of force for the purpose of management or control but not for the purposes of discipline or correction.

## Key Findings

The key findings of the study are:

**Key finding 1:** Most community members don't blame victims for their abuse or have attitudes which minimise DFV.

**Key finding 2:** Individual attitudes and knowledge about DFV influenced whether people thought DFV defendants should have a defence.

**Key finding 3:** The community does not support provocation as a defence to assault if there is a risk of significant injury.

**Key finding 4:** Aboriginal and Torres Strait Islander participants had different views about defendant culpability than non-Indigenous participants in a small number of scenarios.

**Key finding 5:** Community attitudes align with traditional rules of self-defence, and participants were able to weigh relevant factors to assess culpability.

**Key finding 6:** The community support alternatives to criminal prosecution where parents use minimal force to discipline children.

**Key finding 7:** The community supports teachers' ability to use force for the purpose of management or control but not for discipline or correction.

**Key finding 8:** The community does not support provocation defences where the defendant's conduct is motivated by anger, jealousy, or a desire for control, particularly in cases involving DFV.

**Key finding 9:** The community expects individualised criminal justice responses to the use of lethal violence.

**Key finding 10:** There was strong community support for partial and complete defences and consideration of abuse for victim-survivors of DFV who kill an abusive partner.

**Key finding 11:** There was some support for a partial defence of excessive self-defence.

**Key finding 12:** The community does not support the mandatory penalty of life imprisonment for murder. The community expects sentencing to reflect the culpability of murder defendants.

## Further information



For more information and updates on our review, scan the QR code or go to:  
[www.qlrc.qld.gov.au](http://www qlrc.qld.gov.au)

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