

Our Consultation Paper

On 20 February 2025, we released a Consultation Paper seeking feedback on:

- 7 proposals for reform
- 21 questions about potential reforms.

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 we are reviewing adequately and appropriately respond to contemporary understandings of domestic and family violence in Queensland.

Our reform proposals

A new legislative test for self-defence to:

- reduce complexity and make the test easier to understand
- better provide for the use of self-defence in the context of domestic and family violence.

Repealing the partial defence of killing for preservation in an abusive domestic relationship:

- our reforms to self-defence would expand access to self-defence for victim-survivors of domestic and family violence and thus render the defence redundant.

Repealing the partial defence of provocation:

- it is inconsistent with current community attitudes to excuse lethal violence borne of anger and jealousy.

Amendments to the complete defence of provocation to assault and repetition of insult so that it does not apply to domestic violence offences.

We explore two potential reforms to the defence of domestic discipline:

- repealing the defence to protect children from violence coupled with a diversion scheme to avoid criminalising parents who use low level corporal punishment, or
- options to limit the defence to low level uses of force which don't cause injury.

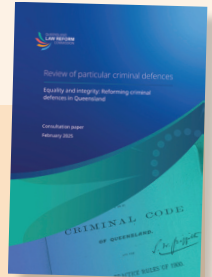
We want to hear from you

Your submission is important and will help us develop our recommendations.

We invite you to share your views on the consultation proposals and questions and any other issues you believe are important for our review.

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](#).



We explore the suitability of new partial defences to murder, including a new partial defence built on principles of trauma and excessive self-defence:

- partial defences should be consistent with contemporary attitudes,
- not reward anger-fuelled responses, and
- address the vulnerability of domestic and family violence victim-survivors who resort to lethal violence.

We consider the intersection between the defence of self-defence and the excuse of compulsion and duress and question whether changes are required.

We also explore how our proposed test for self-defence should operate in circumstances where the accused was intoxicated at the time of the offence.

We examine the mandatory penalty for murder and seek feedback on whether it should be reformed. The mandatory penalty reflects the seriousness of murder. Mandatory sentencing for murder leads to more murder trials, re-traumatising victims' families and delaying the resolution of cases.

The mandatory penalty also prevents courts from imposing a sentence that matches the circumstances of the crime, the victim and the offender. Any reforms should be consistent with community attitudes.

We examine potential reforms to criminal law practices and procedures relating to the issues under review.

- Vulnerable groups face significant challenges in accessing and effectively using defences and excuses under the criminal law and in raising mitigating factors on sentence.
- Reforms to practice and procedure, which help improve access for these vulnerable groups, will be necessary to support any legislative change.

Our review

What is self-defence?

A person is allowed to defend themselves (or another person) against imminent harm.

What is provocation?

Provocation is an act or insult which causes a person to 'lose self-control' and respond violently 'in the heat of passion', usually anger. In Queensland it is a complete defence to an assault (resulting in an acquittal) and a partial defence to murder (resulting in a conviction for manslaughter).

What is the partial defence of killing for preservation?

This defence applies where a victim of serious domestic violence kills their abuser to preserve themselves from death or really serious injury. It does not require a 'triggering assault' (imminent threat) and allows consideration of the cumulative nature of domestic and family violence ('DFV').

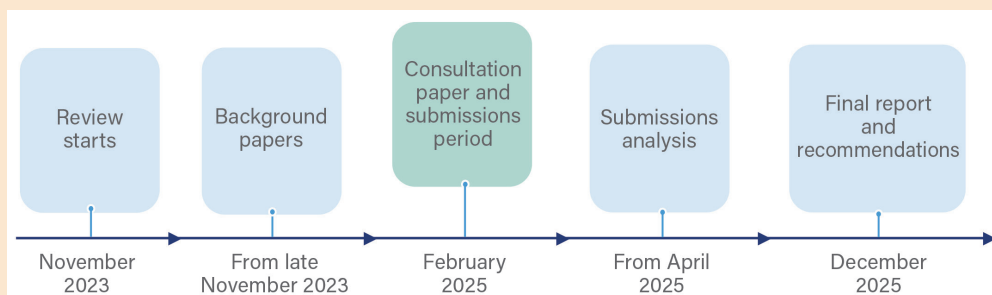
What is mandatory life?

A person convicted of murder in Queensland must be sentenced to life imprisonment. Usually, they must spend at least 20 years in prison before they may be released on parole. If they are released to parole, they will be supervised in the community for the rest of their life.

What is domestic discipline?

Parents, persons in their place (like step-parents or foster carers), or schoolteachers may use reasonable force to correct, discipline, manage or control a child in their care.

Timeline



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.

