1. On 1 October 2008, the Queensland Law Reform Commission (QLRC) Report, *The Excuse of Accident and the Defence of Provocation* (the QLRC Report) was tabled in Parliament.
2. The QLRC’s report made a number of recommendations regarding accident and provocation, but also made note of the difficulties sometimes encountered by battered spouses who kill their abusers to rely on existing defences. In this respect, the Commission recommended that consideration be given to the development of a separate defence for battered persons, which reflects the best current knowledge about the effects of a seriously abusive relationship.
3. As a result of this recommendation, Professors Eric Colvin and Geraldine Mackenzie of Bond University were engaged by the Attorney-General to examine the development of a new defence for battered persons. Their analysis included the formulating of a Discussion Paper which was broadly distributed for comment.
4. The Professors’ final report, *Homicide in Abusive Relationships: A Report on Defences,* was provided to the Attorney-General and Minister for Industrial Relations on 7 July 2009 and recommends the introduction of a new partial defence (reducing murder to manslaughter) applicable to victims of seriously abusive domestic relationships who kill their abusers.
5. A number of the recommendations from the final report are supported by Government. Having regard to those supported recommendations, the Government proposes to introduce a new defence into the Criminal Code by virtue of the Criminal Code Amendment Bill 2009 (the Bill). The defence will apply in cases where the accused has unlawfully killed a person in the following circumstances:
* the accused has suffered serious domestic violence in an abusive domestic relationship;
* the person killed by the accused has committed acts of domestic violence against the accused in the course of that relationship;
* at the time of the killing the accused believes the acts are necessary for his/her preservation from death or grievous bodily harm; and
* there are reasonable grounds for this belief, having regard to the abusive relationship and all the circumstances of the case
1. Cabinet approved:
* the public release of the final report prepared by Professors Mackenzie and Colvin, *Homicide in Abusive Relationships: A Report on Defences*; and
* the release of draft amending provisions to the Criminal Code to implement the supported changes stemming from the QLRC and Bond University reports for consultation with relevant legal and community stakeholders.
1. *Attachments*
	* [Final report – Homicide in Abusive Relationships: A Report on Defences](Attachments/Final%20report.pdf)
	* [Draft Bill for consultation](Attachments/draft%20Bill%20for%20consultation.pdf).