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 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. Reflecting the Government supported recommendations from the final report, the Criminal Code (Abusive Domestic Relationship Defence and Another Matter) Amendment Bill 2009 introduces a new defence into the Criminal Code providing a balance between necessarily punishing those who would otherwise be guilty of murder, and providing some legal protections for victims of serious abuse. The defence will apply in cases where the accused has unlawfully killed a person in the following circumstances:
* The accused and the deceased were in an abusive domestic relationship;
* the deceased committed acts of serious 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. The Bill also introduces a new offence to support the existing identity theft offence under the Criminal Code. The new offence will make it unlawful to possess equipment for the purpose of committing an offence of obtaining or dealing with identification information.
2. Cabinet approved the introduction of the Criminal Code (Abusive Domestic Relationship Defence and Another Matter) Amendment Bill 2009 into the Legislative Assembly.
3. *Attachments:*
	* [Criminal Code (Abusive Domestic Relationship Defence and Another Matter) Amendment Bill 2009](Attachments/CCodeAbusDRAB09.pdf)
	* [Explanatory Notes](Attachments/CCodeAbusDRAB09Exp.pdf)