

LEGISLATIVE COUNCIL

CRIMES AMENDMENT (ABOLITION OF DEFENSIVE HOMICIDE) BILL 2014

(Amendments and New Clause to be proposed in Committee by Ms PENNICUIK)

1. Clause 1, lines 5 and 6, omit "to abolish the offence of defensive homicide and".
2. Clause 1, page 2, line 11, after "which" insert "defensive homicide,".
3. Clause 2, line 19, omit "7(17)" and insert "6(17)".
4. Clause 2, line 21, omit "6" and insert "5".
5. Heading to Division 1 of Part 2, lines 3 and 4, omit "**and abolition of defensive homicide**".
6. Clause 3, omit this clause.
7. Clause 5, omit this clause.

NEW CLAUSE

8. Insert the following New Heading and Clause to follow Clause 5:

'Division 3—Review of Act

A Review of certain amendments

Before section 585 of the **Crimes Act 1958** insert—

"584 Review of amendments made by Crimes Amendment (Self-defence and Other Matters) Act 2014

- (1) The Attorney-General must review the operation of Part IC to determine whether the policy objectives of that Part remain valid and whether the provisions of that Part remain appropriate for securing those objectives.
 - (2) The review is to be undertaken as soon as possible after the period of 5 years from the day on which section 3 of the **Crimes Amendment (Self-defence and Other Matters) Act 2014** comes into operation.
 - (3) The Attorney-General must cause a report on the outcome of the review to be laid before each House of Parliament within 12 months after the end of the period of 5 years.".
9. Clause 8, lines 6 and 7, omit "**(Abolition of Defensive Homicide)**" and insert "**(Self-defence and Other Matters)**".
 10. Clause 8, line 8, omit "sections 3 and 4" and insert "section 3".
 11. Clause 8, lines 9 and 10, omit "**(Abolition of Defensive Homicide)**" and insert "**(Self-defence and Other Matters)**".
 12. Clause 8, lines 12 and 13, omit "sections 3 and 4" and insert "section 3".

13. Clause 8, line 17, omit "sections 3 and 4" and insert "section 3".
14. Clause 8, lines 18 and 19, omit "**(Abolition of Defensive Homicide)**" and insert "**(Self-defence and Other Matters)**".
15. Clause 8, line 22, omit "6" and insert "5".
16. Clause 8, lines 23 and 24, omit "**(Abolition of Defensive Homicide)**" and insert "**(Self-defence and Other Matters)**".
17. Clause 8, line 26, omit "6" and insert "5".
18. Clause 8, line 31, omit "6" and insert "5".
19. Clause 8, lines 32 and 33, omit "**(Abolition of Defensive Homicide)**" and insert "**(Self-defence and Other Matters)**".
20. Clause 10, lines 21 and 22, omit "**(ABOLITION OF DEFENSIVE HOMICIDE)**" and insert "**(SELF-DEFENCE AND OTHER MATTERS)**".
21. Clause 10, line 24, omit "**(Abolition of Defensive Homicide)**" and insert "**(Self-defence and Other Matters)**".
22. Clause 10, lines 27 and 28, omit "**(Abolition of Defensive Homicide)**" and insert "**(Self-defence and Other Matters)**".
23. Clause 10, lines 32 and 33, omit "**(Abolition of Defensive Homicide)**" and insert "**(Self-defence and Other Matters)**".
24. Clause 11, line 6, before "**SELF-DEFENCE**" insert "**DEFENSIVE HOMICIDE,**".
25. Clause 11, line 10, after "which" insert "defensive homicide,".
26. Clause 11, lines 20 to 32, and page 23, lines 1 and 2, omit all words and expressions on these lines and insert—

 "(1) If it is relevant to the facts in issue, the trial judge must direct the jury on family violence in accordance with subsection (3) and all relevant parts of subsection (4).".
27. Clause 11, page 23, lines 3 to 8, omit words and expressions on these lines.
28. Clause 11, page 23, line 9, omit "(5)" and insert "(2)".
29. Clause 11, page 23, line 11, omit "(6)" and insert "(3)".
30. Clause 11, page 23, line 13, before "self-defence" insert "defensive homicide,".
31. Clause 11, page 23, line 18, after "whether" insert "the actions of the accused amount to defensive homicide or whether".
32. Clause 11, page 23, line 21, after "in the case of" insert "defensive homicide or".
33. Clause 11, page 23, lines 32 to 35, omit all words and expressions on these lines and insert—

"(4) In giving a direction under this section, the trial judge must inform the jury of the following matters, if relevant—".

- 34. Clause 11, page 24, line 14, omit "if relevant,".
- 35. Clause 11, page 25, line 6, after "that" insert "the actions of the accused could not amount to defensive homicide or that".
- 36. Clause 11, page 25, lines 11 to 14, omit all words and expressions on these lines.
- 37. Clause 11, page 25, line 15, omit "(9)" and insert "(5)".
- 38. Clause 11, page 25, after line 17 insert—

"33 Review of Part

- (1) The Attorney-General must review the operation of this Part to determine whether the policy objectives of the Part remain valid and whether the provisions of the Part remain appropriate for securing those objectives.
 - (2) The review is to be undertaken as soon as possible after the period of 5 years from the day on which Part 4 of the **Crimes Amendment (Self-defence and Other Matters) Act 2014** comes into operation.
 - (3) The Attorney-General must cause a report on the outcome of the review to be laid before each House of Parliament within 12 months after the end of the period of 5 years."
- 39. Clause 11, page 25, line 20, omit "33" and insert "34".
 - 40. Clause 12, lines 26 and 27, omit "(Abolition of Defensive Homicide)" and insert "(Self-defence and Other Matters)".
 - 41. Clause 12, lines 29 and 30, omit "(Abolition of Defensive Homicide)" and insert "(Self-defence and Other Matters)".
 - 42. Clause 12, page, 26, lines 1 and 2, omit "(Abolition of Defensive Homicide)" and insert "(Self-defence and Other Matters)".

AMENDMENT OF LONG TITLE

- 43. Long title, omit "to abolish the offence of defensive homicide" and insert "to provide for self-defence, duress, sudden or extraordinary emergency and intoxication in relation to all offences".

AMENDMENT OF SHORT TITLE

- 44. Short title, omit "(Abolition of Defensive Homicide)" and insert "(Self-defence and Other Matters)".