

Law Reform Commission of Western Australia



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FOR IMMEDIATE RELEASE 2 NOVEMBER 2007

The Law Reform Commission of Western Australia has released its Final Report on the Review of the Law of Homicide in Western Australia.

The Final Report contains 45 recommendations for reform spanning homicide offences, defences and sentencing. The Commission's review is perhaps the most comprehensive reference on this area and aims to ensure that the laws of homicide in Western Australia are principled, clear, consistent and modern.

“The law of homicide rightly attracts very significant public attention and concern because of the effects of such offences upon individuals and society at large. Nothing arouses strong emotions and fear more than the intrusion of untimely or violent death into daily life. This Report deals with the appropriate response of Western Australian law to actions and events which pose difficult legal, moral and social questions”, Commission Chairperson Ms Gillian Braddock SC said.

The Commission's major recommendations include:

- that the offence of wilful murder be repealed and murder be defined as an unlawful killing with the intention to kill or the intention to cause an injury likely to endanger life;
- the provision of additional alternative offences to manslaughter;
- that the offence of infanticide be repealed;
- that the partial defence of provocation be abolished;
- that the partial defence of diminished responsibility not be introduced in Western Australia;

- significant reforms to self-defence and the introduction of a partial defence of excessive self-defence; and
- that mandatory life imprisonment be replaced with presumptive life imprisonment to provide greater flexibility in sentencing for murder.

The recommendations are not stand-alone, but rather should be understood as a package which provides a coherent framework for reform of Western Australia's homicide laws.

“The Commission has looked at the way homicide offences, defences and the sentencing provisions interlock, being conscious that nothing occurs or operates in a vacuum. The consequences of change in one area need to take account of effects in another to balance the varying circumstances in which offences and defences may arise and interact. For this reason the recommendations contained in this Report must be viewed and treated as a coherent package of reform”, Ms Braddock said.

The Report will be launched by Attorney General Jim McGinty at 5.30pm on Friday 2 November 2007.

The Final Report, Media Release and Briefing Notes will be available on the Commission's website www.lrc.justice.wa.gov.au from **7.30pm on Friday 2 November 2007**.

Please refer to the comprehensive media background-briefing notes for discussion of general framework of reform, overview of offences and defences, guiding principles and relevant recommendations.

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