

Introduction

Homicide Law Reform in Victoria: Retrospect and Prospects

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The year 2015 marks a decade since the implementation of a number of substantive reforms to the Victorian law of homicide. This milestone calls not only for reflection, but also for further engagement with the law to ensure that successes are celebrated and failures acknowledged. Such an appraisal is necessary in order to provide the evidentiary foundation upon which future reforms can be built and the means by which the law can respond and adapt to the many contexts in which lethal violence is committed.

This book is the product of a conference held in Melbourne (Victoria, Australia) in August 2014 to mark a decade since the release of the Victorian Law Reform Commission's influential *Defences to Homicide: Final Report* (VLRC, 2004). The conference brought together leading scholars and practitioners to critically examine the Victorian experience of homicide law reform. Those presenting were people who were involved in reviewing the law of homicide in Victoria, who recommended and implemented the package of reforms, and who have played a key role in the monitoring and evaluation of the law post-reform, not only in Victoria but also more widely in Australia and overseas. The range of persons involved allowed the reforms to be analysed from political, judicial, academic and public policy perspectives.

The law's response to lethal violence is a controversial area of criminal law that continues to present challenges in practice beyond Victoria. In the 10 years since the Victorian reforms were introduced, questions about the operation of homicide law have prompted parliamentary inquiries, law reform committee reviews and academic debate across Australia and elsewhere. Despite often being confronted with similar concerns – namely the gendered operation of homicide law – these reviews have produced a range of divergent reforms (Fitz-Gibbon and Stubbs, 2012). For example, while Victoria abolished the partial defence of provocation and introduced the (now abolished) offence of defensive homicide, in responding to similar problems Queensland restricted the provocation defence and introduced a partial defence of killing for preservation in an abusive domestic relationship,¹ while New South Wales introduced the partial defence of 'extreme' provocation.² After reviewing the law in South Australia (SA), a

1 Section 304B of the *Criminal Code* (Qld).

2 *Crimes Amendment (Provocation) Bill 2014* (NSW).

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