

Defence of Extreme Provocation in NSW

When Can It Reduce Murder to Manslaughter in New South Wales?



Daoud Legal

Extreme provocation is a partial defence that can reduce a murder charge to manslaughter in NSW.

Provocative conduct must be a wrongful act or insult that would cause an ordinary person to lose self-control.

Examples of extreme provocation include physical assaults, severe verbal insults, repeated harassment, and threats to safety.

The accused must prove they lost self-control due to the provoking circumstances and reacted immediately.



An ordinary person in the same situation must be likely to lose control and intend to kill or seriously harm someone.



Non-violent sexual advances, intentional incitement, minor insults, and disproportionate responses are excluded as extreme provocation.



The defence is not available in all Australian states and territories, with some jurisdictions abolishing or limiting its application.



Critics argue the defence can justify violence and blame victims, while supporters believe it acknowledges human emotions and impaired self-control.

Legislative changes in NSW, such as the Crimes Amendment (Provocation) Bill 2014, have narrowed the scope of the defence to prevent misuse.

Seeking legal advice is crucial when considering the defence of extreme provocation, as its application depends on the specific circumstances of each case.



Extreme Provocation

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Extreme Provocation:

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