

THE QUEENSLAND LAWYER

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| Queensland is one of the few jurisdictions in which provocation is recognised as a complete defence to offences of which assault is an element. Many see this defence as an archaic means of condoning violent conduct that is unacceptable in modern society, while others view it as an appropriate leniency for human emotions. This article explores and outlines the background, evolution, and rationale of the defence of provocation, analyses its application and elements, and discusses the pros and cons of retaining, reforming, or repealing ss 268-270 of the <i>Criminal Code</i> (Qld). | 251 |
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