

INJURY OFFENCES

1. Injury

- V has suffered (INSERT FACTS HERE). Therefore, V has suffered a physical injury and/or harm to mental health, which amounts to an injury (CA s 15)
- If relevant, P will argue that V's injury is (INSERT FACTS HERE), and therefore should be considered a serious injury (CA s 15)

2. Pick an offence

Causing serious injury intentionally in circumstances of gross violence (CA s 15A)

Causing serious injury recklessly in circumstances of gross violence (CA s 15B)

Causing serious injury intentionally (CA s 16)

Causing serious injury recklessly (CA s 17)

Causing injury intentionally or recklessly (CA s 18)

Negligently causing serious injury (CA s 24)

3. AR

- Voluntary act

D has committed a voluntary act by (INSERT FACTS HERE) since (the act) was not independent of D's will (*Ugle v The Queen*)

- Causation

- D's act was/was not the substantial and operating cause subsisting at the time of injury (*R v Hallet*) OR
- The chain of causation is not broken by the ordinary operation of natural causes (*R v Hallet*), so D's act was the substantial and operating cause of V's injury OR
- D will argue that V's voluntary act (INSERT FACTS HERE) broke the chain of causation. However, P will argue that V had a well-founded apprehension of harm and so it was a **natural consequence** that V would (INSERT FACTS HERE) (*Royall v The Queen*, per Mason CJ). Therefore, the chain of causation is not broken OR
- D will argue that V's voluntary act (INSERT FACTS HERE) broke the chain of causation. However, P will argue that D is responsible for the outcome of their actions if it is reasonably foreseeable that V might act in that way (*Royall v The Queen*, per McHugh J)

- IF RELEVANT, D will argue that although they caused some touching/injury, it was not to the extent of injury/serious injury because of (INSERT INTERVENING ACT). However, P will argue that D must take their victim as they find them (*R v Blaue*) and D therefore caused the injury/serious injury

4. MR

- If INTENTIONAL: (INSERT FACTS HERE) It can be inferred that D intended to inflict an injury/serious injury. Thus, intention is made out, even if D did not intend to cause that specific injury (*R v Westaway*)
- If RECKLESS: (INSERT FACTS HERE) It can be inferred that D positively foresaw that injury/serious injury was a consequence of their actions and therefore recklessness is made out (*R v Campbell*)
- If NEGLIGENT: Because of (INSERT FACTS HERE) D owed V a duty of care not to cause harm. In the circumstances (INSERT FACTS HERE) D fell greatly short of the standard of the reasonable person in a situation of high risk of serious injury (*Nydam*). Therefore, D was negligent.

5. Contemporaneity

- Since the AR and MR did/did not overlap in time, there is/is no contemporaneity (*Fagan*) OR
- D may argue that there is no contemporaneity because the AR was complete only after D thought it was. However, P will argue that a misapprehension will not preclude contemporaneity if the MR was present when the AR began (*Thabo Meli*)