

Exam Notes for CCP

Exam Notes for CCP –Content

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PRILIMINARY ISSUE: Age

doli incapax Prosecution must prove beyond reasonable doubt (BRD) that D knew act was wrong as opposed to naughty and the presumption cannot be found in the act itself. This approach recently affirmed in *RP*: P must focus on level of child's development, eg education and environment in which child is raised.

OFFENCES:

Drugs

S 4 DMTA a **prohibited drug** refers to any preparation, admixture or other substance containing the drug

Charge: X could be criminally liable for **Supply of a prohibited drug to a person under the age of 16** s25(1A)DMTA **or exposure to a child**

X could be criminally liable for procures a child to supply drugs, or cultivated or manufactures drugs in the presence of children s 24 (1A)(b)DMTA.

Actus Reus: The prosecution needs to prove BRD that X had supply a prohibited drug to a person under the age of 16...This can be shown by...

Mens Rea: The prosecution must prove BRD at the time the offence is alleged to have been committed, X has reasonable cause to believe, and did in fact believe, that the person to whom the prohibited drug was supplied was of or under the age of 16 years s 25 (1A)/(2A) DMTA

Defence: the D establishes that the exposure of the child to the prohibited drug manufacturing or production process, or to substances being stored for use in that manufacturing or production process, *did not endanger the health or safety of the child.* (S24 (3A) DMTA)

Penalty: If convicted, increased maximum penalties will apply. (Generally increased by 1/5; 2.5yrs/25yrs/4200 penalty units) (s33A DMTA)

Possession of prohibited drugs: *joint possession with X (Dib1991)*

Charge: X could be criminally liable for the possession of the prohibited drugs (s10 DMTA).

Actus Reus: The prosecution needs to prove beyond reasonable doubt that X had exclusive physical custody or control of the pills. This can be shown by the location of the drugs is in...