

Table of Contents

Common Assault	3
Aggravated Assaults – Occasioning Actual Bodily Harm	4
Aggravated Assaults – Wounding	5
Aggravated Assaults – Occasioning Grievous Bodily Harm	6
Consent to assaults	7
Domestic violence offences	8
Sex Offences - Consent	11
Sexual assault	14
Sexual touching	16
Sexual act	17
Murder	18
Manslaughter - UDAM	21
Manslaughter - Criminal Negligence	24
Homicide by omission	27
Assault causing death	29
Drug supply causing death	30
Defences - Mental illness	31
Defences - Automatism	33
Defences - Substantial impairment	35
Defences - Intoxication	37
Defences - Self defence	39
Defences - Extreme Provocation	41

Dishonest acquisition - Larceny	42
Dishonest acquisition - Fraud	45
Dishonest acquisition - Receiving stolen property	47
Dishonest acquisition - Goods in custody	48
Joint Criminal Enterprise	49
Extended Joint Criminal Enterprise	51
Accessorial Liability	52
Conspiracy	54

Common Assault

Statute	s 61 <i>Crimes Act 1900</i> (NSW)
Elements	<ul style="list-style-type: none"> • Must be an act cannot be an omission <i>Fagan v Commissioner of Metropolitan Police</i> (1969) <p>AR</p> <ul style="list-style-type: none"> • Battery: inflicting unlawful physical contact or touching without consent • Assault: Positive act on the part of defendant to cause victim apprehension of immediate physical violence/contact <p>MR (<i>MacPherson v Brown</i>)</p> <ul style="list-style-type: none"> • Battery: intend to inflict unlawful physical contact or recklessness as to the infliction of physical contact • Assault: Intent to cause victim apprehension of imminent physical harm
Application (Cases)	<ul style="list-style-type: none"> • Act must be sufficiently imminent: Threats need to be imminent and immediate; generalised threats of future conduct will not suffice. <i>Knight</i> (1988) • <i>Knight</i> (1988) <ul style="list-style-type: none"> ◦ Knight made threatening phone calls to magistrate and judge and daughter ◦ Knight's threats were not deemed to be immediate and the conviction was quashed • Physical harm does not have to be immediate <u>as long as there is a present and continuing fear</u>. <i>Zanker v Vartzokas</i>
Important Theory / Misc	<ul style="list-style-type: none"> • Unlawfulness: an element of assault is that the conduct must be unlawful, but this does not have to be raised by the prosecution - <i>Bonora</i> (1994) • Generally dealt with by the local court unless the prosecution decides to indict - Assault is a <i>Table 2</i> offence • Maximum penalty when dealt with on indictment - 2 years • Spitting is an assault - <i>DPP v JWH</i>