Murder (*CA* s18(1)(a) *CA*)

1. AR
   a. Act or omission
      i. Has death been caused by omission?
         1. Yes => murder can be committed through ommission (*R v BW*)
      ii. Is there more than one act or omission?
         1. The jury is to decide which caused death (*Arulthilakan* quoting *Ryan*)
   b. Did the act or omission cause death?
      i. Causation is an objective question of fact for the jury and relies on common sense (*Royall*)
      ii. Natural consequence test (Mason CJ *Royall*)
         1. Was the voluntary act of the deceased a natural consequence of the previous acts of the A?
      iii. Operating and substantial cause test (Deane and Dawson JJ *Royall*)
         1. Was the A's conduct a substantial or operative cause of death?
            a. Yes => causation established
            b. No => novus actus interveniens breaks the chain of causation
      iv. Was the act of the V reasonable? (*Royall*)
         1. Yes => If the A harms the V, and the V performs an act because of a reasonable, well founded apprehension of physical harm, then the chain of causation is not broken
         2. No => break in chain of causation
      v. What was the secondary event?
         1. Nature (*Hallet*)
            a. If a A causes a situation then puts the V in danger of being affected by another perilous situation, and the V ends up dying because of the new situation, the chain of causation is unbroken... unless the new situation happened completely on its own accord
            b. Is the act consciously performed by A so connected with the event that it must be regarded as having sufficiently substantial causal effect which subsisted up to the happening of the event, without being spent or without being sufficiently interrupted in the eyes of the law by another act?
               i. Yes => causation established
               ii. No => novus actus interveniens breaks the chain of causation
            c. Act or god or nature?
               i. Act of nature => no break in chain of causation
               ii. Extraordinary act of god => chain of causation broken