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NON-FATAL OFFENCES AGAINST THE PERSON

ASSAULT (245)

Assault: limb 1 = battery at common law

1. Application of force
2. Directly or indirectly
3. Without consent

Assault: limb 2 = assault at common law

1. Attempts/threatens to apply force
2. By bodily act or gesture
3. With actual or apparent present ability to effect purpose
4. Without consent

COMMON ASSAULT (335)

(1) Unlawfully (2) assaults = misdemeanor = 3 years.

ASSAULTS OCCASIONING BODILY HARM (339)

(1) Unlawfully (2) assaults (3) resulting in bodily harm to another = crime = 7 years.

SERIOUS ASSAULTS (340)

Including, the assault of:

- a police officer: s 340(1)(b)
- a person \geq 60 years: s 340(1)(g)
- a person who relies on a guide, hearing or assistance dog, wheelchair etc: s 340(1)(h)

Crime = 7 years.

GRIEVOUS BODILY HARM (320)

(1) Unlawfully (2) does (3) GBH = crime = 14 years.

UNLAWFUL WOUNDING (323)

(1) Wounds another (2) unlawfully = misdemeanour = 7 years.

TORTURE (320A)

(1) Inflict serious pain/suffering to another (2) Intentionally (3) By an act or series of acts on one or more occasions = crime = 14 years

OFFENCES WITH SPECIFIC INTENT

Requires: (1) one of the relevant intents, plus (2) one of the relevant actions

- s 315 Disabling in order to commit indictable offence
- s 316 Stupefying in order to commit indictable offence
- s 316A Unlawful drink spiking
- s 317 Acts intended to cause GBH & other malicious acts

NEGLIGENT ACTS CAUSING BODILY HARM (328)

(1) Does an act or omitted to act where a duty to act (2) caused bodily harm (3) unlawfully = misdemeanour = 2 years.

DOMESTIC VIOLENCE

S 8 *Domestic & Family Violence Protection Act 2012* (Qld) (DFVPA)

(1) Domestic violence (2) relevant relationship

UNLAWFUL STALKING (359B(a))

- a) Conduct intentionally directed at a person
- b) Engaged in on 1 occasion or if protracted on more than 1 occasion
- c) Consisting of 1 or more of the conduct, or similar conduct, listed in (i) to (vii)
- d) That –
 - i. would cause apprehension or fear, reasonably in the circs, of violence; OR
 - ii. Causes detriment, reasonably arising in the circs.

HOMICIDE

UNLAWFUL KILLING (291)

(1) Person (2) Kill (3) Unless authorised, justified or excused by law

MURDER (302(1))

(1) Unlawful killing (2) meeting 1 of 5 circumstances in 302(1):

- a) Intentional murder/GBH
- b) Dangerous act killing
- c) Intentional GBH while carrying out crime
- d) Death as result of drugging victim in crime
- e) Death as result of suffocating victim in crime

ATTEMPTED MURDER (306)

Crime = max penalty: life imprisonment.

Type 1: The accused attempted to kill another person, and the attempt was unlawful.

Type 2: The accused did an act, or failed to do an act which they had a duty to do, and the act or omission was of such a nature that it would be likely to endanger human life, and it was done with the intention to unlawfully kill someone

MANSLAUGHTER (303)

(1) Unlawful killing (2) that does not meet any of the s 302 circumstances.

UNLAWFUL STRIKING CAUSING DEATH (314A)

(1) Unlawfully strikes (2) the head or neck (3) causes death = crime = max penalty: life imprisonment.

SEXUAL OFFENCES

RAPE (349)

Crime = max penalty: life imprisonment.

349(2)(a):

- Carnal knowledge of another
- Without the other person's consent