

A physical element of an offence may be— <ul style="list-style-type: none"> - conduct; or - a result of conduct; or - a circumstance in which conduct, or a result of conduct, happens. 		S 14
Voluntariness <ul style="list-style-type: none"> - (1) Conduct can only be a physical element if it is voluntary. - (2) Conduct is voluntary only if it is a product of the will of the person whose conduct it is. - Examples of conduct that is not voluntary - 1 a spasm, convulsion or other unwilled bodily movement - 2 an act done during sleep or unconsciousness - 3 an act done during impaired consciousness depriving the person of the will to act ... - (3) An omission to do an act is voluntary only if the act omitted is an act that the person can do. - (4) If the conduct required for an offence consists only of a state of affairs, the state of affairs is voluntary only if it is a state of affairs over which the person is capable of exercising control. - (5) Evidence of self-induced intoxication cannot be considered in deciding whether conduct is voluntary. - Note For when intoxication is self-induced, see s 30. 		S15
Omissions <ul style="list-style-type: none"> - An omission to do an act can only be a physical element if— - (a) the law creating the offence makes it a physical element; or - (b) the law creating the offence impliedly provides that the offence is committed by an omission to do an act that there is a duty to do under a territory law or a law of a State or the Commonwealth. 		S16
Mens rea		
Intent “Because motive as such is not an ingredient of a legal offence . . . it is not necessary for the prosecution to prove that an accused had a particular motive, still less one to commit the offence in question.” <i>De Gruchy v R</i> (2002) 211 CLR 85 per Kirby J at [53].	NSW: aim, object, purpose: “a decision to bring about a situation so far as it is possible to do so – to bring about an act of a particular kind or particular result’ <i>He Kaw Teh</i> (1985) 157 CLR 523, 569 (Brennan J) ACT: s18CC Intention (1) A person has intention in relation to conduct if the person means to engage in the conduct . (2) A person has intention in relation to a result if the person means to bring it about	
Knowledge Awareness that a specified circumstance exists or consequence will ensue...	ACT: CC s19 - Knowledge A person has knowledge of a result or circumstance if the person is aware that it exists or will exist in the ordinary course of events.	
Recklessness	Common law	

Awareness of risk	<ul style="list-style-type: none"> • probable consequence for murder: <i>La Fontaine v The Queen</i> (1976) 136 CLR 62; <i>R v Crabbe</i> (1985) 156 CLR 464 • possible consequences for all other offences: <i>R v Coleman</i> (1990) 19 NSWLR 467 <p>ACT: CC s 20</p> <p>(1) A person is reckless in relation to a result if—</p> <p>(2) (a) the person is aware of a substantial risk that the result will happen; and</p> <p>(b) having regard to the circumstances known to the person, it is unjustifiable to take the risk.</p> <p>(3) The question whether taking a risk is unjustifiable is a question of fact.</p>
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