

CRIMINAL

LAW

CRIMINAL LAW

Are acts or omissions against the community which is punishable by the State.

SOURCES OF CRIMINAL LAW

Statute Law

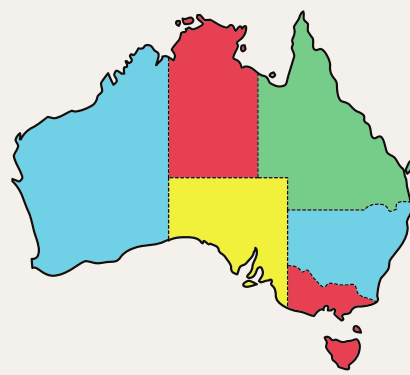
Laws made by Parliament.

Common Law

Developed by judges on a case-by-case basis, building on precedent.

STATE/TERRITORY BASED LAWS

Criminal laws are generally State-based. Some State-based legislation include: *Crimes Act 1900* (NSW); *Crimes Act 1958* (VIC); *Criminal Code Act 1899* (QLD).



COMMONWEALTH BASED LAWS

Crime may also be regulated by Commonwealth legislation such as *Crimes Act 1914* (Cth) or *Criminal Code Act 1995* (Cth). Some examples of Commonwealth crimes include: drug importation, terrorism, income tax and social security fraud and human trafficking.

AREAS OF CRIMINAL LAW

- Offences against the Sovereign
- Offences against the person
- Public order offences
- Economic offences
- Preliminary crimes
- Driving offences
- Drug offences



STANDARD AND BURDEN OF PROOF

The basis of criminal law is that the accused is innocent until proven guilty. The prosecution must prove that the accused committed the crime 'Beyond a Reasonable Doubt' (Standard of Proof).

PARTIES INVOLVED

Defence

The person criminal action is being taken against (the accused). Represented by the defence.

Prosecution

Represents the State, and brings the case before the court. May be called 'The Crown'. The letter 'R' is used in the case name, meaning 'Regina' or 'Rex'.



ELEMENTS OF CRIME

Actus Reus

The physical act of carrying out the crime. This includes causation.

Mens Rea

The mental state of the accused. Three main types of *mens rea* are: Intention, Recklessness and Negligence.

