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COMPLICITY UNDER THE CRIMES ACT

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Speakers



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Crimes Act 1958 (Vic)

324 Person involved in commission of offence taken to have committed the offence

(1) Subject to subsection (3), if an offence (whether indictable or summary) is committed, a person who is involved in the commission of the offence is taken to have committed the offence and is liable to maximum penalty for that offence.

(2) Despite subsection (1), a person is not taken to have committed an offence if the person withdraws from the offence.

Crimes Act 1958 (Vic)

323 Interpretation

(1) For the purposes of this Subdivision, a person is involved in the commission of an offence if the person –

- a) intentionally assists, encourages or directs the commission of an offence; or
- b) intentionally assists, encourages or directs the commission of another offence where the person was aware that it was probable that the offence charged would be committed in the course of carrying out the other offence; or
- c) enters into an agreement, arrangement or understanding with another person to commit the offence; or
- d) enters into an agreement, arrangement or understanding with another person to commit another offence where the person was aware that it was probable that the offence charged would be committed in the course of the other offence.

Crimes Act 1958 (Vic)

324 Other Offenders need not be prosecuted or found guilty

A person who is involved in the commission of an offence may be found guilty of the offence whether or not any other person is prosecuted or found guilty of the offence.





Elements – assisting, encouraging or directing

(Taken from the Judicial College of Victoria Criminal Charge Book at 5.2.1)

1. That someone committed the principal offence.
2. That the accused assisted, encouraged or directed the offender to commit the principal offence.
3. That the accused provided that assistance, encouragement or direction intentionally.
4. [If withdrawal is raised on the evidence] That the accused did not effectively withdraw his or her assistance or encouragement prior to the offence being committed.



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Kate accepts briefs to appear and advise in all criminal and quasi-criminal law matters, including administrative law.

Prior to coming to the bar, Kate was employed as a solicitor advocate for over five years at Doogue & George Defence Lawyers. There, she developed strong skills in the litigation of serious indictable crime matters including sex offences, homicides, drugs cases, violence and terrorism.



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Sally practices primarily in criminal law and has a particular interest in appellate crime. She also accepts briefs in occupational health and safety matters and coronial inquests.

Sally appears regularly in the Magistrates' Court, Children's Court and County Court across a wide range of criminal matters. She has also appeared in the Supreme Court and Court of Appeal.



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