

Common Purpose

What happens if a group of people agree to commit a certain crime, and during the commission of that crime things escalate and a further offence is committed? For example, if an assault escalates and the victim receives a head injury. Or an armed robbery becomes a murder.

Who is responsible? Are all members of the group accountable if one person takes things too far?

The law says that if a group of people agrees to commit a certain crime, and a further offence arises during the commission of that offence, all members of the group will be held equally responsible for that further offence *if even one member thought it was likely to happen as a result of the original crime*.

This area of law is known as *Common Purpose* or *Extended Joint Criminal Enterprise*.

The best way to understand how it works is by looking at examples:

Example 1 – A group assault

If a group of people assault someone, and one member of the group hits the victim in the head and causes a brain injury, all members of the group could be charged with Maliciously Inflicting Grievous Bodily Harm – an extremely serious offence.

If that victim later died as a result of that head injury, all members of the group could be charged with Murder.

Anyone who gets involved in the initial group assault is at risk of ending up in this extremely serious legal situation.

Example 2 – A robbery offence

If 3 young people commit an armed robbery, and the person armed with the knife stabs the victim, all 3 members of the group would be charged with *armed robbery causing wounding*.

This is a very serious offence, and also classified as a 'serious children's indictable offence', which means that it would be sent to the District Court.

If the victim dies, each offender could be charged with murder.

Anyone who gets involved in crimes involving the use of knives to threaten people is at risk of ending up in this situation. You have no control over a knife that is in someone else's hands, but you can be held criminally liable if they assault or cause an injury to someone with that knife.

What if I was just standing there and didn't get involved? Can I still be held responsible for what happens?

It is not a crime to stand by while someone else commits a crime – the law says that merely being 'present' is not enough. However it depends if that's what was really going on. If it is an assault, and you are yelling encouragement or somehow making the fight occur, you are part of the crime. In the context of robbery offences, or "rolling", just standing there is usually seen as standing over the victim. This is part of the crime, so you would be held equally responsible as the other people involved.

This Fact Sheet is designed to give you a very basic understanding of how the law works. If you have a legal problem, or want to know how these laws apply to a specific situation, you should speak to a lawyer. If you are under 18, you can call the Legal Aid Youth Hotline 1800 10 18 10.



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Oct 2011