

A collection of real-life case studies linked to the Legal Studies HSC Syllabus.

Law Courts

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1.5 Categories of crime

R v Palamara [2025] NSWDC 559

Case summary

In September 2023, two separate family groups were at a public park and playground in Wollongong. An argument began between a large man (the father of a child at the park) and the offender's heavily pregnant sister. When the man's wife—a woman of slight build—ran over to join the dispute, the offender, Ian Neil Palamara, intervened. Palamara ran from several metres away and punched the woman directly in the face. Caught completely off guard, she was knocked unconscious instantly.



An image illustrating a fight at a park.
It is in no way related to the case of *R v Palamara [2025]*.

Immediately following the punch, a multi-person brawl (“melee”) broke out between the men of both groups. This involved pushing, shoving, shouting, and punching in front of numerous children. The public disorder lasted for several minutes before Palamara and his family fled.

The female victim suffered a ruptured globe to her left eye. She required emergency surgery and stitches at the Sydney Eye Hospital. Her long-term vision remains uncertain, and she faces future surgeries and lasting impairment.

Discussion points

- Which two categories of crime has Palamara breached?

Conclusion

The court determined that Palamara's actions simultaneously breached two distinct categories of criminal law. He was sentenced for offences against the person (recklessly causing grievous bodily harm under s35(2) of the Crimes Act 1900 (NSW) and public order offences (affray under s 93C(1) of the Crimes Act 1900 (NSW)).

Judge Haesler SC DCJ noted that while the assault was the immediate catalyst for the public disorder, independent punishment was required for the affray because the subsequent melee caused distinct terror and distress to the public.

Palamara was sentenced to gaol for 5 years and 2 months with a non-parole period of 3 years.

Comprehension and revision questions

1. Identify which specific actions by Palamara constituted an *offence against the person*, and which actions constituted a *public order offence*.
.....
.....
2. Explain why the physical damage to the victim's eye was legally classified as "grievous bodily harm" rather than standard assault.
.....
.....
3. Outline the elements of a crime (actus reus and mens rea) required to prove the category of "offences against the person" in this case.
.....
.....
4. Describe what features of the 'melee' caused it to be classified and prosecuted as a "public order offence" (affray) rather than a series of isolated personal assaults.
.....
.....

Sample case integration

The criminal justice system categorises crimes into distinct groups to ensure that an offender's punishment reflects the full scope of their criminal liability. This dual focus on individual safety and public peace is demonstrated in *R v Palamara (2025)*. In this matter, the offender's conduct crossed into multiple statutory categories simultaneously. His direct physical assault on a vulnerable victim was classified as an offence against the person (recklessly causing grievous bodily harm). At the same time, because the incident escalated into a playground brawl in front of families, the state prosecuted the conduct as a public order offence (affray). By separating these categories, the law achieves justice effectively; it ensures the offender is held accountable for the specific, severe trauma inflicted on the individual while reinforcing community compliance and public safety.

Extension activity

Using the Crimes Act 1900 (NSW), create a table comparing Affray and Assault Occasioning Actual Bodily Harm. Focus on how factors like alcohol and a crowded public venue legally change a personal fight into a major threat to public order.

3.1 Court jurisdiction

R v Louie [2024] NSWChC 10

Case summary

Louie is a 17-year-old Aboriginal boy. He has participated in the Youth Koori Court (YKC) for six serious offences, several of which involved violence and weapons. The maximum penalty for some of these offences, such as Possess a Prohibited Weapon (3 counts) carries 14 years in prison. Additionally, the offence of being armed with the intention to commit an indictable offence, involving three zombie knives, a samurai sword and an axe, will carry a maximum period of 7 years imprisonment. There have been several aggravating factors in the crimes committed by Louie, including the use of weapons, the fact his victims were vulnerable persons, the presence of a child and the fact that his offences were committed in company.

The judge referred to a precedent established in *Bugmy v The Queen [2013]* which establishes that an offender's childhood exposure to factors such as extreme violence and alcohol abuse may explain their tendency to react violently in stressful situations. This may diminish their moral culpability for their actions, which they may find difficult to control. Louie's mother was a member of the Stolen Generation, and his father had multiple periods in detention. Louie was placed in care at four years of age as a result of domestic abuse, familial substance abuse, excessive discipline and neglect. Despite being in foster care, Louie also experienced periods of homelessness. He told a psychiatrist with the Justice Health NSW that he felt unwanted and by the age of fourteen he had attempted suicide. Since September 2023, Louie reported auditory hallucinations to custodial staff. He told them that he was hearing voices that told him to kill himself.

The reporting psychologist stated that Louie's symptoms were consistent with a background of complex trauma, attachment disruption and chronic homelessness. He displayed paranoid delusions, auditory hallucinations and severe disturbance in mood.

The court accepted the psychologist's report and assessment that Louie is a mentally ill person. The court also acknowledged that, in serious matters involving children, the Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW) recommends that children are diverted from the criminal justice system. This will decrease recidivism and ensure the efficient use of court resources.

Discussion points

- Should the court make an order to discharge Louie of the serious offences subject to the conditions of a Community Treatment Order?

Conclusion

The court discharged Louie into the care of Community Mental Health and Drug and Alcohol Service for the implementation of the Community Treatment Order (CTO) in accordance with the Mental Health Act 2007 (NSW) for six months.

A CTO is a legal order that sets out compulsory treatment where a person must accept medication, therapy, counselling, management, rehabilitation and other services while living in the community. It is implemented by a mental health facility. If a person breaches a CTO, they may be taken to a mental health facility to receive the appropriate treatment.

Comprehension and revision questions

1. Describe the features of the Youth Koori Court.

2. In some instances, minors facing criminal charges in the NSW Children's Court may be diverted from the usual court processes and referred to a program that will help address an underlying issue in their lives that may have contributed to their criminal behaviour.

Outline the diversionary options available under the jurisdiction of the Children's Court.

3. BOSCAR reported that 44.6% of young people found guilty in 2022 reoffended within 12 months. For Aboriginal youth, the rate of recidivism increased to 56.8%.

With reference to the data above, do you agree that the sentence given to Louie was appropriate? Give reasons for your answer.

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**TEACHER'S
EDITION**

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1.4 Causation

1. Blaue entered Miss Woodward's home and attempted to sexually assault her. When she refused to comply with her attacker, Blaue stabbed her with a knife, piercing her lung. Upon presentation to hospital, Miss Woodhead, due to religious beliefs, refused a blood transfusion which resulted in her death.
2. The *mens rea* in this case exists for manslaughter but not murder. Blaue's intention on the night of the offence was to sexually assault his victim, not to kill her. When his victim fought back Blaue stabbed her, puncturing her lung. At hospital the victim may have been able to receive lifesaving treatment but due to her religious beliefs she refused a blood transfusion and died the next day. Had Blaue attacked Miss Woodhead with the intention to kill her, a murder charge would have been appropriate.
3. Blaue did not intend to kill his victim. He claimed that her death was her own fault for refusing the blood transfusion which could have saved her life. However, the court ruled that injuries sustained by Miss Woodhead were a direct result of his attack and led to the circumstances for which she required the transfusion. If Blaue had not stabbed Miss Woodhead, she would not have been in a position to refuse the blood transfusion. Therefore, the stab wound inflicted on the victim established the causal link between events leading to Miss Woodhead's death.

1.5 Categories of crime

1. Palamara's act of punching the woman in the face and knocking her unconscious constitutes an offence against the person. His participation in the subsequent multi-person brawl involving pushing, shoving, and punching in a public park constitutes a public order offence (affray).
2. *Actus reus* (the physical act): Palamara punched the female victim in the face. This caused a torn eyeball (ruptured globe), which legally counts as "grievous bodily harm" because it is a really serious injury. *Mens rea* (the mental state): Palamara acted with recklessness. Even if he did not plan to blind her, he knew the argument was heating up and chose to use extreme force anyway, ignoring the obvious danger of causing serious injury.
3. Under NSW law, a ruptured eye globe requiring specialist surgical repair and causing long-term, uncertain visual prognosis meets the threshold of "grievous bodily harm" because it represents a permanent and serious bodily injury, whereas standard assault involves less severe, temporary injuries.
4. The melee was categorised as a public order offence because its harm extended beyond the individual victims to target the collective peace and security of society. It occurred in an open public playground where families and children were gathered, involved multiple people engaging in collective violence (pushing, shoving, throwing punches), and featured conduct that would realistically cause a person present at the scene to fear for their personal safety.

2.6 Detention and interrogation, rights of suspects

1. The interviews conducted at the scene of the crime were deemed admissible because although YA was warned of his rights, the absence of a support person violated Section 13 of the Children (Criminal Proceedings) Act 1987 (NSW).
2. The common law system of trial in NSW is based on the legal principle of natural justice or procedural fairness. This means the right to a trial free from bias. There are also strict rules under the Evidence Act 1995 (NSW) that must be adhered to ensure evidence collected is legally obtained so that it is relevant, reliable, and fair. Additionally, the Children (Criminal Proceedings) Act 1987 (NSW) affords minors extra rights that include the presence of a support person during police interviews. If these processes are not followed, evidence will not be admissible in court and give rise to appeals.
3. Student's own answer.

3.1 Court jurisdiction

1. The Youth Koori Court (YKC) is part of the Children's Court designed to address the significant over-representation of Aboriginal youth in the criminal justice system. It aims to better involve Aboriginal and Torres Strait Islander youth, their families, and their broader communities in the court process. Elders and respected people from the Aboriginal and Torres Strait Islander communities seek to identify risk factors that contribute to the young person's contact with the criminal justice system. An action and support plan is developed with the young person that helps address the risk factors, such as: homelessness, drug and alcohol use and other health issues, and disengagement with school. These plans are monitored by the YKC over several months, and at the end of the process the court will sentence the young person with consideration of their adherence to their action plan. Proceedings in the YKC are informal and designed to support and promote rehabilitation for the young offender.
2. The Young Offenders Act 1997 (NSW) sets out alternate processes for dealing with minors who take responsibility for their actions and plead guilty. The main diversionary programs used in the Children's Court are:
 - Youth on Track is an early intervention program that targets youth who are at risk of long-term contact with the criminal justice system. It provides interventions in the areas of family, behavioural, education, drug and alcohol, financial assistance, all designed to address the risk factors that can lead to criminal behaviour.
 - Community Treatment Orders. The Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW) allows a person to be diverted from the criminal justice system if they are suffering from a mental illness or have a cognitive impairment.
 - Youth Justice Conference, which are the most commonly used diversionary programs. The aim of the conference is for the participants (the young offender, their families or support persons, victim, police, and the child's legal representative) to talk about the offence and the impact that it had on the victim. The young person must take responsibility for their actions and all parties discuss and agree upon a plan to prevent future offences. An outcome plan could include: the offender apologising to the victim; engaging counselling; or undertaking an education program.
3. Student's own answer.