

Thank you for accepting my submission.

My point of view comes from a victim of crime having lost my son David Cassai to a senseless violent one punch attack just over 10 years ago.

Further to the death of David, five of his friends were also attacked that same night.

Shortly after David was killed I co-founded STOP. One Punch Can Kill to highlight the very dangers and devastation of violence and in particular one punch.

That one reckless act can fall one of two ways death or injury.

I gained a greater understanding of the Victorian justice system as a result of the three perpetrators involved in the death of my son and five other victims assaulted that night.

I found the legal system very much open to interpretation delivering various and sometimes non consistent outcomes.

A clear definition of recklessness can aid in the consistent delivery of justice in the application of recklessness, reducing the risk of uncertainty or confusion in legal proceedings.

I address Q2 and Q8

[2. Should the Crimes Act be amended to include a definition of recklessness applicable to offences against the person in Part I, Division 1\(4\)? If so, what definition should be adopted?](#)

[For example, foresight of -  
probable harm \(with or without an objective element\) -  
possible harm \(with or without an objective element\) -  
a substantial risk that the accused is not justified in taking - some other definition](#)

A: Recklessness should be assessed based on what a reasonable person would have foreseen or could have foreseen. This involves considering whether the risks and potential consequences of the accused's conduct were reasonably foreseeable and not justified in taking.

[8. If a new statutory definition of recklessness for offences against the person is adopted that incorporates a lower threshold, will the associated penalties and minimum terms of imprisonment need to change, and if so, how?](#)

A: With the definition of "Recklessness" more defined and the awareness in the community of the dangers of offences against the person, I don't believe the penalties should be reduced.

Over the past 10 years through the media, Victoria Police and anti violence awareness campaigns, the community is well aware that acts against the person can have catastrophic consequences. The worst case scenario is death. When the attack doesn't kill it can leave the victims with life long physical and psychological injuries adding a huge cost to our medical, policing, justice and corrections systems. We must ensure there is consistent, non ambiguous interpretation to ensure justice is achieved and victims are not let down.

Thank you for your consideration and hope this review brings clarity to the issue of Recklessness.

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