IN THE HIGH COURT OF AUSTRALIA

BRISBANE REGISTRY No. B24 of 2019

BETWEEN: NERANJAN AGRAJITH KALUBUTH DE SILVA

Appellant

and

THE QUEEN

10 Respondent

APPELLANT'S SUBMISSIONS

Part I: Certification

1. I certify that this submission is in a form suitable for publication on the internet.

Part II: Statement of the issues presented by the appeal

2. In a word against word[1] criminal trial, and in the absence of good reason not to do so, should a *Liberato* direction[2] ordinarily be given?

20

3. In order for a *Liberato* direction to be given, must the defendant's account be provided in the form of sworn evidence?

4. Did the Queensland Court of Appeal err in concluding that:

[1] A shorthand term used here to refer to a case in which only two people know the truth about an event, and describe it in antithetical terms.

[2] A direction framed to ensure that, in particular circumstances, the jury correctly applies the burden of proof to their consideration of defence evidence, the need for which was identified by Brennan J, as his Honour then was (in dissent), in *Liberato v The Queen* (1985) 159 CLR 507, 515 but also in other decisions before and after. For convenience, this will be referred to as a '*Liberato* direction'.

Robertson O'Gorman
19/179 Turbot St, Brisbane Q 4000
Ph (07) 3034 0000 Fax (07) 3034 0099
Email: mail@robertsonogorman.com.au
Ref: Emma Higgins

a. a *Liberato* direction was not required in the appellant's case because he did not give sworn evidence; and

b. the absence of the direction did not give rise to a miscarriage of justice?

5. The appellant's Notice of Appeal contains one ground, which reflects issue 4(a). To ensure that effect may be given to resolution of that question in the appellant's favour, leave is sought to amend the notice to add, as a second ground:

The Court of Appeal erred in failing to find that the directions given to the jury were inadequate and that as a result there was a miscarriage of justice.

10

6. A draft amended Notice of Appeal is attached to these submissions.

Part III: Certification regarding *s 78B of the Judiciary Act 1903*

7. No notice should be given in compliance with s 78B of the *Judiciary Act 1903.*

Part IV: Citation of earlier decisions

8. *R v De Silva,* summing up, Farr DCJ, Brisbane District Court, 26 June 2018

9. *R v De Silva* [2018] QCA 274

20 **Part V: Relevant facts**

10. The appellant faced trial upon two counts of rape.[3] He was acquitted on the first count and convicted on the second.[4]

11. The relevant facts are set out in the Court of Appeal judgment between paragraphs [5]-[20].[5]

12. Briefly put, the appellant and the complainant were known to each other. They had both been out at bars/nightclubs one evening before taking a taxi together with a mutual friend to his residence, where they planned to spend the night. They arrived in the early hours of the

---

[3] AB 5.
[4] AB 26-27.
[5] AB 37-41.

morning. The evidence of the mutual friend and his partner was to the effect that the complainant appeared drunk but the appellant did not.

13. It was common ground that the complainant was upset and that she and the appellant spoke for a while. They hugged. The complainant said this occurred before she went to sleep in the lounge room. The appellant was to sleep in a guest room.

14. The complainant's evidence was that after she fell asleep on the couch, she woke to feel (on two occasions, moments apart) fingers being inserted into her vagina. She stood up, saw the appellant nearby and shouted at him.

15. The appellant did not give evidence, but took part in an interview with police. He denied digital penetration or any other non-consensual contact. He explained that the complainant was awake and upset and he comforted her. He cuddled her. She was at this time wearing a top but was naked from the waist down. She asked him if he found her attractive and whether he would date her. When he declined and said he had a girlfriend, she 'freaked out' and started yelling.

16. This interview was tendered by the Crown and therefore became part of the evidence on which the jury was required to reach their verdicts.[6]

Part VI: Argument

Word-on-word cases

17. A criminal offence may be proven by the uncorroborated evidence of a single witness. It was recognised in *Robinson v The Queen*[7] that often there will be particular features attending such a case which require a judicial warning for the jury to scrutinise that evidence with great care. This type of direction does not suggest that the witness' evidence itself is unreliable, but rather:

---

[6] *Mule v R* (2005) 79 ALJR 1573 at [20] – [23]; *R v Sharp* [1988] 1 All ER 65; *Lopes v Taylor* (1970) 44 ALJR 412; *R v Cox* [1986] 2 Qd R 55; *R v Callaghan* [1994] 2 Qd R 300.

[7] *Robinson v The Queen* (1999) 197 CLR 162, 170-171 [25]-[26].

...emphasises what should be clear from the application of the onus and standard of proof: if the Crown case relies upon a single witness then the jury must be satisfied that the witness is reliable beyond reasonable doubt.[8]

18. That reliability may be challenged in different ways, including, as in this case, by cross-examination about the mental health or state of intoxication of the witness at the relevant time. It may also be challenged by a competing version of events from the only other person who was present when the offence allegedly occurred.

10 19. In such a case, the outcome of the trial might inevitably turn "*upon the jury's preference for the evidence of the complainant against that of the accused*".[9] As a matter of human experience, that preference will "doubtless"[10] be explored by a jury formulating such questions as, "who do I believe?" or "whose version do I prefer?"

20. Concern that the issues will be approached in this way does not depend upon anything said by the trial judge or counsel.[11] It is a natural response, when there is a need to resolve conflict between two versions of events, to reduce that contest to its binary essence.

The criminal burden of proof

20 21. Notwithstanding the intuitive attraction of this method, it offends the fundamental principles that underpin a criminal trial.[12] These principles are so well understood by lawyers and courts as to be second nature. That is not the case for juries who, usually confronted with them for the first time, are entitled to meaningful instruction as to how to undertake their task.

---

[8] *Smale v R* [2007] NSWCCA 186 at [72].
[9] *Robinson v The Queen (No. 2)* (1991) 180 CLR 531, 535. This case concerned a different aspect of instructions to a jury.
[10] *Liberato v The Queen* (1985) 159 CLR 507, 515.
[11] C.f. *R v KDY* (2008) 185 A Crim R 270, 279 [26].
[12] The principles involved are as fundamental as those articulated in *Woolmington v DPP* [1935] AC 462 at [6]-[7] and *Sorby v Commonwealth* (1983) 152 CLR 281, 294; see also *Momcilovic v The Queen* (2011) 245 CLR 1, 47 [44] and 51-52 [54].

22. To ensure that this entitlement is conferred, it is "*of little use to explain the law to the jury in general terms and then leave it to them to apply the law to the case before them.*"[13] Rather, "*the law should be given to the jury not merely with reference to the facts of the particular case but with an explanation of how it applied to the facts of the particular case*".[14]

23. For whilst it is trite to observe that the jury are the sole judges of the facts, it is also the case that:

> *...the trial judge in a criminal trial must instruct the jury about some matters that affect how they set about finding the facts.*[15]

10

24. Specifically, when there is in evidence a version of events relied upon by a defendant, clear and direct instructions about the way in which that version should be approached are likely to be of considerable force; much more so than general directions as to the onus and standard of proof.[16]

25. It follows that a jury in a case such as the appellant's must be instructed to engage with the criminal burden of proof not by asking whether they accept a defendant's account as truthful but, rather, whether the prosecution has excluded the reasonable possibility that it might be.[17]

20 *Requirement for a Liberato direction*

26. In practical terms this means, as written by Brennan J in *Liberato v The Queen,*[18] that it is essential for a jury to know that the answer to the question of "who is to be believed", if adverse to the defence, is not conclusive of guilt. Even if they do not positively believe the defendant, his or her evidence may still raise a reasonable doubt about guilt. Even if, on balance, they *prefer* the prosecution witness' version, there may still be a reasonable doubt about guilt. Even if they ultimately reject the defence version as untrue, they must still consider whether they accept the prosecution evidence beyond reasonable doubt.

---

[13] *Alford v Magee* (1952) 85 CLR 437, 466. See also the discussion in *Holland v R* (1993) 117 ALR 193 at [18] and the reference to *R v Lawrence* [1982] AC 510, 519.
[14] *Alford v Magee* (1952) 85 CLR 437, 466.
[15] *Melbourne v R* (1999) 198 CLR 1, 52-53 [143].
[16] *R v Johnson & Honeysett* [2013] QCA 91 at [19], [21]; *R v Woods* [1956] S.R. (NSW) 142, 144.
[17] *Murray v The Queen* (2002) 211 CLR 193, 202 [23] and 213 [57].
[18] *Liberato v The Queen* (1985) 159 CLR 507, 515.

27. Whilst Brennan J may have used the word "essential", it has been stated on more than one occasion that, as a matter of law, a *Liberato* direction is not required.[19] Such statements have been made in the context of cases which considered whether the clarity and effectiveness of directions on the onus and standard of proof were compromised by directions which had the effect of leaving the case for the jury as a choice between the witnesses who had given conflicting evidence.[20]

28. However, even when maintaining that the direction was not a 'requirement', qualifications have attached. For instance, in *Salmon v The Queen,* McKechnie J, observed that:[21]

> *It is a counsel of prudence to give a Liberato direction in most, if not all, cases. It is a sensible direction which further emphasises the standard and burden of proof.*
> *The absence of a Liberato direction in an appropriate case will make the drawing of a conclusion that there has been a miscarriage of justice easier...*

29. And in *RMD v Western Australia,* Buss P acknowledged the potential need for such a direction *"if in the circumstances of the particular case, there is a real (as distinct from a fanciful) risk that the jury may otherwise have the impression that disbelief of an accused's evidence, or preference for a complainant's evidence, means that the State has proved its case beyond reasonable doubt."*[22]

30. Even when being affirmed as something that falls short of being a 'requirement', the desirability of a *Liberato* direction has been expressed – in cases both before and after

---

[19] *Salmon v The Queen* [2001] WASCA 270 at [3]-[4], [11], [99]-[103], *R v Chen & Ors* (2002) 130 A Crim R 300, 328-9 [78]-[79]; *R v Niass* [2005] NSWCCA 120 at [28]; *R v Johnson* (2008) 186 A Crim R 531, 534 [11], 535 [16]-[17], 538 [28]-[29]; *R v McBride* [2008] QCA 412 at [27]-[30]; *R v Lavery* (2013) 116 SASR 242, 254 [34]; *RMD v Western Australia* (2017) 266 A Crim R 67, 103 [165]; *R v SDE* [2018] QCA 286 at [36]-[37].

[20] *R v Murtagh and Kennedy* (1955) 39 Cr. App. Rep. 72, 81-4; *R v Woods* [1956] S.R. (NSW) 142, 144; *Bullard v R* [1957] A.C. 635; *R v Lapuse* [1964] VR 43; *R v Smith* [1964] VR 217, 221-222, 224; *R v George* [1980] Qd R 346, 347; *R v Smith* [1984] 2 Qd R 69; *Salmon v The Queen* [2001] WASCA 270 at [3]-[4], [11], [99]-[103], *R v Chen & Ors* (2002) 130 A Crim R 300, 328-9 [78]-[79]; *R v McBride* [2008] QCA 412 at [27]-[31]; *R v KDY* (2008) 185 A Crim R 270, 279 [26]-[27]; *R v Lavery* (2013) 116 SASR 242, 254 [34]; *R v SDE* [2018] QCA 286 at [36]-[37], [48].

[21] *Salmon v The Queen* [2001] WASCA 270 at [99]-[100], see also per Malcolm CJ at [3].

[22] *RMD v Western Australia* (2017) 266 A Crim R 67, 103 [165]. See also to similar effect, *R v Niass* [2005] NSWCCA 120 at [28]; and *R v KDY* (2008) 185 A Crim R 270, 279 [26]-[27].

Liberato[23] – in strong terms. For example, in *R v McBride,* Holmes JA (as her Honour then was), writing for the Queensland Court of Appeal, stated:[24]

> *While such a direction might not be essential in every case where a defendant gives evidence (depending on what else is said), in this case it was, at the very least, desirable. This was a case in which P's and the appellant's versions of the crucial events were starkly opposed. P's evidence was not corroborated in any way. It was important that the jury understood that their decision to convict or acquit was not a simple question of deciding which of the conflicting accounts of P and the appellant they found more credible...*

10

31. In *R v KDY,* Redlich JA stated that:[25]

> *A jury must be left in no doubt that where there is a conflict between prosecution witnesses and the accused, the question is whether the prosecution proved its case beyond reasonable doubt and not whose evidence is to be preferred.*

32. At the very least, such endorsements might indicate that, if a trial judge wishes to refrain from giving the direction, that election would be supported by a readily identifiable and easily articulated reason.

20 33. Such endorsements are also no doubt the reason why a *Liberato* direction is contained in standard model directions in those States where these are in written form, namely

---

[23] *R v Jackson* (1957) 74 W.N. (NSW) 477; *Bullard v R* [1957] A.C. 635, 645; *R v Smith* [1964] VR 217, 224; *R v George* [1980] Qd R 346, 347-8; *R v E* (1995) 89 A Crim R 325, 330; *Salmon v The Queen* [2001] WASCA 270 at [3]-[4], [11], [99]-[103], *R v Chen & Ors* (2002) 130 A Crim R 300, 328-9 [78]-[79]; *R v Niass* [2005] NSWCCA 120 at [28]; *R v Johnson* (2008) 186 A Crim R 531, 534 [11], 535 [16]-[17], 538 [28]-[29]; *R v McBride* [2008] QCA 412 at [27]-[30]; *R v Lavery* (2013) 116 SASR 242, 254 [34].

[24] *R v McBride* [2008] QCA 286 at [30].

[25] *R v KDY* (2008) 185 A Crim R 270, 279 [27]. See also *R v E* (1995) 89 A Crim R 325, 330.

Queensland,[26] New South Wales[27] and Victoria.[28] The preferred form in Western Australia[29] and the Australian Capital Territory[30] appears to derive from *R v Anderson.*[31]

34. In that case, Kirby J set out a preferred form of a *Liberato* direction as follows:[32]

First, if you believe the evidence of the accused, obviously you must acquit.

Second, if you find difficulty in accepting the evidence of the accused, but think that it might be true, then you must acquit.

Third, if you do not believe the accused, then you should put his testimony to one side. The question will remain; has the Crown, upon the basis of evidence that you do accept, proved the guilt of the accused beyond reasonable doubt.

35. The model direction contained in the Criminal Charge Book Victoria might be thought to follow, more closely, the recommendation of Brennan J in *Liberato*:[33]

If you think it is true, then you will find him/her not guilty.

If you are not sure whether [the accused's] evidence is true, but think it might be, then you will have a reasonable doubt about the prosectuion's case, and again, you will find the accused not guilty.

Similarly, if you merely prefer the evidence of [prosecution witnesses] to [the accused's] evidence, then you must find [the accused] not guilty. It is not sufficient for you to merely find the prosecution case to be preferable to the defence case. In other words, it is not a question of simply balancing one case against the other. The prosecution must establish [the accused's] guilt beyond reasonable doubt.

---

[26] Benchbook Direction No. 26.1 Defendant giving evidence.
[27] Criminal Trial Courts Bench Book – Trial Instructions [3-600] Suggested direction – where the defence has no onus, where the defence has given or called evidence; [3-605] The *Liberato* direction – when a case turns on a conflict between the evidence of a prosecution witness and the evidence of a defence witness.
[28] Criminal Charge Book Victoria 3.7.4 Charge: Liberato direction, and 4.1.1 Charge: Accused giving evidence, Judicial College of Victoria.
[29] *Koushappis v Western Australia* (2007) 168 A Crim R 51 [100], [104]; *Ruthsalz v Western Australia* [2018] WASCA 178 at [192].
[30] *Hoyle v R* [2018] ACTCA 42 at [247].
[31] *R v Anderson* (2001) 127 A Crim R 116.
[32] *R v Anderson* (2001) 127 A Crim R 116, 121 [26].
[33] Criminal Charge Book Victoria, "4.1.1 – Charge: Accused giving evidence", Judicial College of Victoria.

Finally, if you reject [the accused's] evidence, that does not mean you must find him/her guilty. Instead, if you reject his/her evidence, put it aside and ask whether the the prosecution has proved [the accused's] guilt beyond reasonable doubt, on the basis of the evidence you do accept.

36. There are, with respect, merits to each approach and the appellant does not contend that there is an exclusive formulation that must necessarily be applied. What is essential is recognition of the reasoning that is likely to be employed by a jury considering a 'word-on-word' case, as well as acknowledgement that, in the absence of a reason not to give one, a *Liberato* direction is necessary in order to confront and correct such reasoning.

The approach taken at the trial

37. At trial, the jury had before them evidence of two competing versions of what had occurred. One version was given in court by the complainant. The other version was given by the appellant at an earlier stage.

38. Irrespective of the medium by which the 'words' were delivered, the jury were presented with a case of 'word against word'. In order to carry out their function, they needed to understand how the onus of proof was to be applied in evaluating each of the 'words' they heard. A *Liberato* direction was required.

39. It was not given. The instructions that were given on the burden of proof were generic. They were not adapted to the circumstances of the case. They did not direct the jury towards the kind of engagement that was required in these circumstances.[34]

40. Specifically, they did not ensure an understanding that preferring the evidence of the complainant did not preclude a verdict of not guilty. Nor did they make clear that disbelieving the appellant was no bar to the same result. At no point did they preclude the jury from approaching the case in antipodal terms and asking themselves only, "who is to be believed?"

---

[34] See *Alford v Magee*, as cited in [22] above.

41. Indeed, the relevance of the appellant's version of events was dealt with in a total of seven paragraphs.[35] Only two of those concerned the way in which this evidence might be used in the appellant's favour:[36]

> *Now, in that interview he also gave answers which you might view as indicating his innocence. You should know, ladies and gentlemen, that you are entitled to have regard to those answers, if you accept them, and to give them whatever weight you think appropriate. Bearing in mind, of course, that they have not been tested by cross-examination.*
>
> *So in relation to both the answers which the prosecution relies up as being supportive of its case against him, and those which point to innocence, it is entirely up to you what use you make of them and what weight you give to them.*

42. In circumstances where the appellant had made a complete and comprehensive denial of the accusations against him, these directions were inadequate. They should not have invoked the concept of 'innocence'.[37] They should not have been expressed in terms that contemplated 'acceptance' as a prerequisite to the use of this evidence. And, of course, they should have told the jury how to set about finding the facts in this case.

43. To that end, an appropriate instruction might have reminded the jury about the contents of the interview, pointed out the ways in which it contradicted the complainant, and gone on to explain how the law *"applied to the facts of the particular case"*.[38] It might have included an instruction like:

---

[35] AB 10 L 27 to AB 11 L 22.
[36] AB 11 L 14-22.
[37] The use of the term "innocence", on more than one occasion, in the summing up carries its own difficulties which risked compounding the possible risk occasioned by the absence of a *Liberato* direction. This Court has previously held, in *R v Darby* (1982) 148 CLR 668 at [17] applying the observation of Lord Salmon in relation to a conspiracy case in *Director Of Public Prosecutions v Shannon* (1975) AC 717 at p 772, that "a verdict of not guilty may mean that the jury is certain that the accused is innocent, or it may mean that, although the evidence arouses considerable suspicion, it is insufficient to convince the jury of the accused's guilt beyond reasonable doubt. The verdict of not guilty is consistent with the jury having taken either view. The only effect of an acquittal, in law, is that the accused can never again be brought before a criminal court and tried for the same offence".
[38] See *Alford v Magee* (1952) 85 CLR 437, 466, as cited in [22] above.

a. *First, if you believe the evidence of the accused that he only talked to and hugged the complainant while they were in the living area of the apartment, then obviously you must acquit.*
b. *Second, if you find difficulty in accepting the evidence of the accused that he did not insert his fingers into the vagina of the complainant, but think that it might be true, then you must acquit.*
c. *Similarly, if you merely prefer the evidence of the complainant to the accused's account, then you must find him not guilty. It is not sufficient for you to merely find the prosecution case to be preferable to the defence case. In other words, it is not a question of simply balancing one case against the other. The prosecution must establish the accused's guilt beyond reasonable doubt.*
d. *Finally, if you do not believe the accused, then you should put his testimony to one side. The question will remain; has the Crown, upon the basis of evidence that you do accept, proved the guilt of the accused beyond reasonable doubt.*

44. Whether or not it took that precise form, there was no reason to refrain from giving some direction along those lines – indeed, legal principle and fairness demanded it. But it was not given, and for the wrong reason the Queensland Court of Appeal allowed that its omission was justifiable.

The approach taken in the Court of Appeal

45. The Queensland Court of Appeal determined that this was not a case involving *"conflicting oral testimony given by the (appellant)"*, so it could not be characterised as one in which it was *"(the complainant's) word against his word"*. There was, *"therefore"*, no need for the trial judge to have given a *Liberato* direction.[39]

46. It can be accepted that it was open to the jury to attribute to the appellant's version less weight than they might have given to the complainant's version, which was sworn and subject to cross-examination.[40]

[39] AB 46 L 10-30, [40]-[42].
[40] *Mule v R* (2005) 79 ALJR 1573 at [20] – [23].

47. However, a proper application of first principles compels the view that an unsworn statement should not be regarded as some sort of second class evidence which is inadequate for the purposes of the decision to give a *Liberato* direction.[41]

48. Because although it was open to give the appellant's version less weight, that was by no means compulsory. The appellant's version was unsworn but like much, if not most evidence of this kind, it had the advantage of being contemporaneous, in circumstances where he had an imperfect knowledge of the evidence against him, and where there was no opportunity for him to construct a more polished account of the kind that might have been given later at a trial. The competing versions took different forms, but neither the form of the exculpatory evidence (which resulted from a decision by the prosecutor), nor the weight of the evidence (which remained a decision for the jury), should have dictated the directions – which are always a decision for the judge.

49. So whilst it is always open for the Crown to argue that an unsworn account might have less weight than evidence given from the witness box, this is not an argument in which a trial judge need be involved. Nothing more is required of judges than that they identify admissible evidence and the effect of it for the purposes of their directions. In this case, the complainant's account was admissible, and was capable of proving one thing. The appellant's account was admissible, and was capable of proving something different. The combined effect created a 'word on word' situation that demanded a *Liberato* direction. There is no room, in this analysis, for significance to be attributed to the taking of an oath.

The position of other intermediate appellate courts

50. Except in Western Australia, limited consideration has been given to the significance, for the purpose of a *Liberato* direction, of the fact that a defendant's version is unsworn. The cases

[41] It should also be noted that the need to swear to the same version (in order to receive the benefit of a simple, clear and helpful direction) would necessarily pressure defendants to waive their right to not testify, a decision which in Queensland has the significant effect of altering the order of addresses by counsel: 619 *Criminal Code 1899* (Qld).

in which the question might have been entertained did not explore the point: see *RMD v The Queen;*[42] *R v KDY;*[43] and *AE v The Queen.*[44]

The position in Western Australia

51. In *Whitsed v the Queen,*[45] Miller AJA for the Western Australian Court of Appeal came to the same view as did Gotterson JA in the appellant's case. That is, his Honour considered the ground raising the failure to give a *Liberato* direction as being *"totally misconceived"*, *Liberato* being *"entirely inapplicable to the present case because the appellant did not give evidence himself, nor did he call any evidence. It was not a case of 'oath against oath'."*

10

52. However, in *Johnson v Western Australia,*[46] Wheeler JA was less definitive. Rather, his Honour suggested that the fact that the accused's evidence is contained in an interview and he or she has not given evidence on oath is an *"additional consideration which tends to suggest that a direction along the lines suggested by Brennan J in Liberato may have been undesirable."* In a judgment concurring in the result, Buss JA (as his Honour then was) did not remark upon this issue as being at all relevant.

53. These cases do point to the need for clarification, but do not affect the appellant's analysis of the principles, nor should they affect the way in which it is submitted those principles should

20 be applied.

A miscarriage of justice resulted from the failure to give the direction

54. The appellant does not depend, for success, on acceptance of the need for a *Liberato* direction in every case. But the appellant's trial was a textbook example of a factual situation in which it was required, and the fact that his account was unsworn did nothing to change this. The summing up as a whole did not alleviate the need for a *Liberato* direction – it accentuated it. References to 'innocence' and 'acceptance' could only have compounded the

---

[42] *RMD* (2017) 266 A Crim R 67, 72 [19]-[22] and 103-104 [164]-[173].
[43] *R v KDY* (2008) 185 A Crim R 270, 275 [13]-[14] and 278-280 [25]-[30].
[44] *AE v The Queen* [2011] VSCA 168 at [8], [22]-[37].
[45] *Whitsed v The Queen* [2005] WASCA 208 at [63].
[46] *Johnson v Western Australia* (2008) 186 A Crim R 531, 536 [19].

problems created by the omission of the direction, with the result that a miscarriage of justice occurred.

Part VII: Orders sought

55. Appeal allowed.

56. The appellant's conviction on count 2 be set aside.

57. Remit the matter to the District Court of Queensland at Brisbane for re-trial.

Part VIII: Time estimate for oral argument

10 58. Half a day

.....

Dated: 31 May 2019

Senior legal practitioner representing the case in Court

Name: Peter Callaghan S.C.

Tel: (07) 3369 7900

Fax: (07) 3369 7098

Email: pcsc@8pt.com.au