IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S196 of 2019

BETWEEN:

ANNIKA SMETHURST
First plaintiff

NATIONWIDE NEWS PTY LTD
Second plaintiff

and

COMMISSIONER OF POLICE
First defendant

JAMES LAWTON
Second defendant

PLAINTIFFS' SUBMISSIONS IN REPLY

Ashurst
Level 11
5 Martin Place
Sydney NSW 2000

Telephone: 02 02 9258 6082 / 02 9258 5913
Fax: 02 9258 6999
Email: robert.todd@ashurst.com / jason.strachan@ashurst.com
Ref: Robert Todd / Jason Strachan

PART I: PUBLICATION

1. These submissions are in a form suitable for publication on the internet.

PART II: ARGUMENT IN REPLY

Q1. Validity of the Second Warrant

Q1(a) and (b). Statement of an offence and statement with sufficient particularity

2. The first defendant and Commonwealth Attorney-General (**the Commonwealth**) do not contend in their submissions (**DS**) that the Second Warrant accurately stated the offence otherwise than by the words "section 79(3) of the *Crimes Act 1914*, Official Secrets". A bare reference to the number of an offence provision is insufficient (PS [7] fn 4; contra DS [7]). Especially where a provision proscribes a variety of conduct, that does not disclose the nature of the suspected offence (ie the offending conduct), so as to circumscribe the search. The Commonwealth's reliance on cases where warrants have been held valid despite reference to an incorrect statutory provision (DS [7] fn 8) demonstrate that the ***description*** of the offence is critical.[1] That is what is absent here. Even if a bare reference to the offence provision were sufficient, the misstatement of the offence here was apt to mislead (PS [11]).

3. The submission that it is not necessary to state the offence in the terms of the statute (DS [7]) may be accepted. The authority relied on highlights the problem here: a warrant that omitted the mental element in the description of the offence was not invalid because that "makes no difference to the scope of the search".[2] Here, a statement that the document referred to was prescribed, and a general description of the circumstances giving rise to prescription in relation to the plaintiffs, would limit the search compared to one framed by reference to a document, or communication, "not in the interests of the Commonwealth" (PS [11]).

4. The supposed "additional guidance" from the third condition, or inferences from the first and second conditions (DS [7]), is overstated. The authorised search was not limited to the ASD Document, the Department of Defence, the Department of Home Affairs and the ASD. The first and second conditions did not limit the search to those matters, as each condition

---

1 *NSW v Corbett* (2007) 230 CLR 606 at [107] per Callinan and Crennan JJ: reference to a repealed section was "mere surplusage" and did not invalidate the warrant as "there could be no mistake about the object of the search or about the boundaries of the search warrant". *Parker v Churchill* (1986) 9 FCR 334 at 340 per Jackson J: reference to an incorrect section did not invalidate a warrant unless it meant the warrant failed to specify any offence or made it impossible to tell what offence was referred to, provided the warrant stated "in otherwise intelligible terms an offence". *Chong v Schultz* (2000) 112 A Crim R 59 at [5]–[6], [9] per Heerey J: a warrant was not invalid merely because it included a typographical error, as that was apparent on a reasonable reading of the warrant.

2 *Ozzy Tyre & Tube Pty Ltd v Chief Executive Officer of Customs* [2000] FCA 891 at [19] per Hely J.

referred to other generic matters and used the words "any one or more of the following".

5. It is not "irrational" to require reference in the warrant to prescribed material and how the material was prescribed in relation to the plaintiffs (DS [8]). Magistrate Lawton must have been satisfied that there were reasonable grounds for suspecting there was material prescribed in relation to the plaintiffs. It must have been possible to describe, at least at a general level, why that was so. The Commonwealth's submissions do precisely that (DS [37]–[40]). In any event, this is not the only lack of particularity. The warrant also did not state which communications — let alone what material in them — gave rise to the suspected offence.

Q1(c). Consequence for the Second Warrant of the invalidity of s 79(3) of the Crimes Act

6. The Commonwealth does not contest that, if s 79(3) is invalid, the Second Warrant is also invalid (PS [6]). This is so even if s 79(3) is severable, so long as it is invalid in its application to the plaintiffs (DS [21], [40]). *First*, the offence stated in the warrant would not be known to law. *Secondly*, it would not have been open to Magistrate Lawton to be satisfied of the matters in s 3E(1). *Thirdly*, he would have "asked the wrong question" when considering them, as it was not suggested to him that s 79 had to be "read down" in any way (SC [19]).

7. The warrant is also invalid if s 79(3) is valid but s 79(1) is construed as subject to a "requirement that the disclosure of prescribed information would harm Australia's security or defence" (DS [31]). *First*, the warrant would have failed to give sufficient particulars of the offence, as it did not state there had been any such disclosure, or identify the disclosed information or why disclosure risked such harm. *Secondly*, Magistrate Lawton would have asked the wrong question when considering the matters in s 3E(1): given it was not suggested to him that s 79 should be read down, the lack of any historical acceptance of the Commonwealth's construction and the absence of any allusion to it in the warrant, it may be inferred he did not consider an offence limited as the Commonwealth submits.

Q2. Validity of the s 3LA Order

Q2(a) and (b). The s 3LA Order did not relate to the Second Warrant

8. The points made in PS [18] arise regardless of whether the Second Warrant authorised only a subset of what was authorised by the First Warrant (contra DS [10]): as the s 3LA Order validly applied only in aid of the First Warrant, it cannot lawfully have been relied upon in execution of the Second Warrant no matter their similarity. The Commonwealth has identified no "operational realities" which precluded an application for a fresh s 3LA order in aid of the Second Warrant. The need for a s 3LA order to be in aid of a particular warrant cannot be

sloughed off as "an unduly technical view" (PS [16]–[20]). If the Commonwealth were right, a person whose premises were searched pursuant to a warrant, confronted with a s 3LA order made in aid of an earlier warrant, would have to ask for a copy of the earlier warrant to compare it, during the search, with the one being executed, to know whether they must comply with the s 3LA order. That is an impractical result. No question of materiality arises (cf DS [11]). This is not a case where a magistrate issued a s 3LA order which is affected by an error and a question arises whether that error could have made a difference to whether the order would have been issued. Here, there was simply no s 3LA order requiring assistance during execution of the Second Warrant. Conduct which is tortious because of a lack of legal authority cannot be defended on the basis that such authority would have been given had it been sought.[3]

9. The submissions at DS [12]–[13] should be rejected. *First*, they should be approached on the basis that none of the documents before Magistrate Lawton are before this Court because the Commonwealth declined to provide them (SC [26]). *Secondly*, it cannot be assumed that inclusion of the car in the First Warrant was immaterial to the Magistrate's decision to issue the s 3LA Order: it may have been issued to assist officers to search a computer believed to be in the car. If so, a relevant change between the time the First Warrant was issued and the time the Second Warrant was issued is not "difficult to imagine": it might have been the absence of the car from the premises, apparently the reason the First Warrant was not relied upon (SC [16], [18]). *Thirdly*, the temporal limitation on search warrants highlights the need for a s 3LA order only to be made in aid of a particular warrant. The legislature determined that a search warrant should give authority for only a limited period; it would be incongruous if a s 3LA order could exceed that limit by being relied upon in execution of a subsequently issued warrant.

Q2(c) and (d). The s 3LA Order was insufficiently specific

10. The language "provide any information or assistance that is reasonable and necessary" in s 3LA(1) does not contemplate an order expressed simply in those terms (cf DS [14]). When read with s 3LA(2), the language describes the ***kind*** of order the magistrate may make, not its ***terms***. The solution to "borderline cases", of leaving the determination of whether information or assistance requested by police was reasonable and necessary to a criminal trial for breach of s 3LA(5) or (6), is unattractive. Section 3LA derogates from a person's rights to decline to assist an executing officer, including the privilege against self-incrimination.[4] A person ought

---

[3] *R (Lumba) v Secretary of State for the Home Department* [2012] 1 AC 245 at [62] per Lord Dyson JSC, [327] per Lord Phillips PSC.

[4] *Luppino v Fisher (No 2)* [2019] FCA 1100 at [29] per White J.

not be placed in a position of being practically obliged to provide information or assistance to avoid having their refusal to do so tested in a criminal prosecution.

11. Even if the reference in s 3LA(2) to "***the*** computer or data storage device" could be read, by a process of pluralisation, as referring to "each" computer or data storage device subject to a proposed order, that still requires specification of such computers or devices (cf DS [15]). The word "the" cannot be construed to mean "any which may or may not exist".

12. The submission that it would be impractical to obtain a s 3LA order during the execution of a warrant and that it should be concluded this was not intended (DS [15]–[16]) should be rejected. The amendment to s 3LA in 2010 referred to at PS [23] was made on that explicit basis. In light of that amendment, it is not apparent why it would be impractical to seek a s 3LA order during execution of a warrant. There is no requirement for the application to be made by an executing officer; the magistrate does not need to be satisfied of the required matters on oath or affirmation; the application need not be in any particular form; and there is no need for the applicant physically to attend on the magistrate. The plaintiffs' construction thus does not increase the likelihood of computers being seized under s 3K (cf DS [16]).

Q3. Validity of s 79(3) of the *Crimes Act*

Construction of s 79(3) of the Crimes Act

13. The central plank in the Commonwealth's defence of the validity of s 79(3) is the contention that "while s 79(1) did not expressly include a requirement that the disclosure of prescribed information would harm Australia's security or defence, such a requirement was implicit" (DS [31]). That is the only answer to the attack on the legitimacy of the provision's purpose (DS [43]), and its disproportionality to any legitimate purpose (DS [46], [50], [51]). The Commonwealth makes no attempt to defend the provision if its "implicit requirement" is rejected. Further, if it is rejected, it makes no difference whether the duty to treat as secret in s 79(1)(b) is created by that provision or some external source (cf DS [24]–[25]).[5]

14. It is notable that this supposed requirement has hitherto gone entirely unnoticed. It was

---

[5] Given that s 79(1)(b) is a definition, it is unlikely that it would have the substantive operation for which the Commonwealth contends: see generally *Moreton Bay Regional Council v Mekpine Pty Ltd* (2016) 256 CLR 437 at [61] per French CJ, Kiefel, Bell and Nettle JJ. The more natural reading is that the duty to treat as secret must be created by some external source, whether legislation or the common law (such as contractual and equitable obligations of confidentiality): see similarly *Cortis v The Queen* [1979] WAR 30 at 31 per Burt CJ (Wickham and Smith JJ agreeing); *WA v Burke* (2011) 42 WAR 124 at [159] per Buss JA (Martin CJ and Mazza J agreeing). As to the latter prospect, the submissions of the Australian Human Rights Commission (**HRC**) at [22]–[27], [33]–[37] appear to take an unduly narrow view of the scope of the Commonwealth's power to enact a provision such as s 79 given the various connections to the Commonwealth in s 79(1)(b).

overlooked by Sir Maurice Byers in his 1983 opinion (cf DS [26]): he instanced as an example of information covered by s 79(3) "a decision to extend the duration or change the conditions of issue of patents of a particular class by amendments to the Patents Act where disclosure would be unfair".[6] It was missed by the committee led by Sir Harry Gibbs in 1991, which said the combined effect of ss 70 and 79 was that "unauthorised disclosure of most information held by the Commonwealth government and its agencies is subject to the sanctions of the criminal law. No distinction is drawn for the purposes of these provisions between information the disclosure of which may cause real harm to the public interest and information the disclosure of which may cause no harm whatsoever to the public interest."[7]

15. It is trite that any construction must be reasonably open on the words actually used.[8] Further, "[i]t is a strong thing to read into an Act of Parliament words which are not there, and in the absence of clear necessity it is a wrong thing to do."[9] For the following reasons, s 79(1) is not implicitly confined in the manner the Commonwealth contends.

16. *First*, the implied limitation for which the Commonwealth contends is vague. At one point it is confined to "disclosure of information that created ***a risk of prejudice*** to the security or defence of the Commonwealth" (DS [26]). Later it is "conduct that had ***the capacity to prejudice*** the security or defence of the Commonwealth" (DS [27]). Later still it is "disclosure of prescribed information ***would harm*** Australia's security or defence" (DS [31]). Then it is said to "***extend*** beyond matters that ***directly*** concerned security or defence" (DS [31]). Given DS [31], the breadth of the latter formulation suggests this is not a very meaningful limit.

17. *Secondly*, there is nothing in the text of s 79(1) to support the limitation. It could have been, but is not, expressly limited as the Commonwealth contends. The limitation does not flow from the words "duty to treat it as secret" in the tailpiece to s 79(1)(b) (cf DS [28]). Even if there is a difference between this and a "duty not to disclose", nothing in s 79(1) is limited to secrecy required by considerations of security or defence. The preceding words ("by reason of its nature or the circumstances under which it was entrusted to him or her or it was made or obtained by him or her or for any other reason") could hardly be broader.

---

6 Opinion at [10]. The Attorney-General likewise did not say that s 79(3) was ***limited*** to defence and security information, only that such information was the kind of information most likely to attract its operation.

7 Gibbs Committee Report, 242 [25.12].

8 See, eg, *North Australian Aboriginal Justice Agency Ltd v Northern Territory* (2015) 256 CLR 569 at [11] per French CJ, Kiefel and Bell JJ, [76], [79]–[80] per Gageler J; *Esso Australia Pty Ltd v Australian Workers' Union* (2017) 92 ALJR 106 at [52] per Kiefel CJ, Keane, Nettle and Edelman JJ.

9 *Thompson v Goold & Co* [1910] AC 409 at 420 per Lord Mersey, cited in, eg, *Minogue v Victoria* (2018) 92 ALJR 668 at [43] per Kiefel CJ, Bell, Keane, Nettle and Edelman JJ.

18. *Thirdly*, the context of s 79(1) within the *Crimes Act* stands against the Commonwealth's implied limitation. If, as DS [19] asserts, the fault element attaching to the character of the information in s 79(3) as "prescribed information" is intention, that fault element must attach to the implied limitation of such information. If the limitation is that the disclosure would harm Australia's security or defence, s 79(3) requires an intention that the disclosure have this effect. Yet that is precisely the fault element expressly excluded from s 79(3) and included in s 79(2). If the limitation is of some less definitive quality, the need for an intention with respect to that quality renders the distinction between s 79(2) and (3) illusive.

19. Irrespective of the fault element, the fact that s 79(2) expressly refers to prejudicing the security or defence of the Commonwealth, but there is no such reference in s 79(1), tends against implying such a reference into s 79(1). Likewise, s 91.1 of the *Criminal Code* (Cth), referred to in s 79(1)(a) of the *Crimes Act*, was expressly limited to "information concerning the Commonwealth's security or defence" or "information concerning the security or defence of another country". No limitations of this kind were included in s 79(1).

20. Contrary to DS [28], nothing in s 79(2)(b) or (c), or 79(4), suggests a limit to the kind of things or information referred to. Contrary to DS [29], none of the features there identified support the implied limit. The title of Pt VII ("Official secrets and unlawful soundings") suggests the opposite, reaching back to previous "official secrets" provisions. The assertion that "[e]ach offence contained within Pt VII related to the use of information which, if not kept secret, could prejudice the security or defence of the Commonwealth" assumes the conclusion.

21. *Fourthly*, nothing in the legislative history supports the Commonwealth's construction. The 1960 amendments did not introduce such a limitation (cf DS [17], [30]). The Attorney-General said only that the Bill "proposes to make it quite clear that what is being dealt with, in section 79, is secret information". Nowhere did he say it was intended to cover secret information of only a particular kind, let alone of the kind submitted by the Commonwealth. The lack of any such limitation was repeatedly identified during the Second Reading Debate.[10]

22. In short, s 79(3) means what is says. Its validity must be assessed as it is enacted, not as its legal representatives wish it to be "as they seek to steer their vessels so as to avoid a constitutional shipwreck, or as they search for life-belts which will help them save something

---

[10] See, eg, House of Representatives, *Parliamentary Debates* (Hansard), 27 October 1960, p 2510: "do not forget that the amendment does not apply only to information of a security character". See also 8 November 1960, pp 2577, 2605; 10 November 1960, p 2733.

from that shipwreck".[11]

Burden

23. The Commonwealth concedes that the only way s 79(3) could apply to the plaintiffs is via s 79(1)(a) (DS [21], [40]).[12] Yet that limb of s 79(1) could be engaged via s 79(1)(b). The plaintiffs are entitled to challenge the validity of s 79(3) at least so far as it relies on both of those parts of s 79(1) (cf DS [36]). Contrary to DS [37]–[41], that does not confine the permissible analysis to the facts of this case. The Commonwealth does not contend that s 79(1) or (3) can be "read down" to apply only to classified documents. Accordingly, it is not sufficient to consider an operation of s 79 limited in that way.[13] The case cannot be approached as if the only burden to be considered is that imposed in cases of classified documents.

24. For the reasons at PS [31]–[38], that burden is very substantial.[14] It is not materially lessened by a fault element requiring the accused to know that information was communicated in breach of Pt VII (cf PS [41]). The chilling effect on political communication of the kinds of duties of secrecy which may be imposed (see PS [35]) is not lessened simply because, say, a journalist knows that such a duty has been imposed and breached to provide them with information. Even if the Commonwealth's implied limitation were accepted, the burden would remain substantial. A person to whom information is given would have little hope of predicting whether that information, or a subset of it, would meet that vague limitation.

25. So far as it may be relevant, the Court should not assume the correctness of the protective markings applied to the document at issue (cf DS [37]). The special case contains no agreed fact that they were correct at the time they were applied, let alone at the time of publication of the articles. Their correctness may be in contest in any prosecution. It is not put in issue in these proceedings because it is not relevant in these proceedings.

Illegitimate purpose

26. DS [30]–[31] wrongly seek to deflect attention from the words used in s 79 in favour of the subjective purposes reflected in extrinsic material. In any event, for the reasons above,

---

[11] *Wainohu v New South Wales* (2011) 243 CLR 181 at [146] per Heydon J.

[12] The plaintiffs do not concede that the suspicion referred to in DS [21] was reasonable.

[13] cf, eg, *Knight v Victoria* (2017) 261 CLR 306 at [33] per *curiam*; *Clubb v Edwards* (2019) 93 ALJR 448 at [133] per Gageler J, [330] per Gordon J, [443] per Edelman J, *contra* [32]–[35] per Kiefel CJ, Bell and Keane JJ.

[14] The Commonwealth does not respond to the HRC's contention that s 79(3)(b) extends to a moral or civic duty to communicate in the public interest (HRC [41]–[42]). Such a contention has been rejected in England: *R v Ponting* [1985] Crim LR 318. It may be doubted a criminal offence would have such a vague and contestable exception. The contention gives to the word "duty" a radically different meaning in sub-ss (1) and (3).

nothing in that extrinsic material limits the purpose of the provision in the manner the Commonwealth contends. It was not simply "to reduce the risk of prejudice to the security or defence of the Commonwealth from the disclosure of secret information" (cf DS [43]). The absence of any limitation in s 79(1) to information whose disclosure could have that effect demonstrates this. No attempt is made by the Commonwealth to contend that the purpose is legitimate if its implied limitation upon s 79(1) is rejected.

27. None of the pre-Federation colonial laws referred to at DS [44] possesses the features of s 79 (SCB 83–106). They were all concerned with public servants or members of the defence force, and most were limited to defence information. In any event, the existence of a pre-Federation law with a purpose destructive of political communication could not render the purpose of such a law legitimate.

Not reasonably appropriate and adapted

28. The Commonwealth's submission that s 79(3) was suitable rests on acceptance of its implicit limitation (DS [46]). So too its submission that s 79(3) was adequate in its balance (DS [51]). Even if the implicit limitation is accepted, this is not so (see [24] above).

29. The Court need not consider any questions about whether "hypothetical" alternatives can be "obvious and compelling" or whether the time to consider this is only at enactment (cf DS [47]–[49]; South Australian Attorney-General's submissions (**SA**) at [16]–[22]). Alternative measures were obvious even in 1960 (PS [43]). Moreover, s 79 was repeatedly amended.[15] It was amended in 1973, by which time the Franks Committee had recommended an alternative to s 2 of the *Official Secrets Act 1911* (UK) which turned on particular categories of information. It was amended in 2001, 2002 and 2008, by which time the *Official Secrets Act 1989* (UK) had adopted such an alternative and the 1991 review led by Sir Harry Gibbs had recommended such an alternative. It was amended again in 2016, by which time the Australian Law Reform Commission had recommended such an alternative. Each alternative was — like the 2018 amendments, including s 122.4A of the *Criminal Code* — targeted to particular kinds of information. It is that feature, rather than the inclusion or exclusion of a journalist defence of the kind now found in s 122.5(6), that was the obvious and less burdensome alternative to s 79(3) of the *Crimes Act* (cf DS [50]; SA [10]).

---

[15] *Crimes Act 1973* (Cth), sched; *Law and Justice Legislation Amendment (Application of Criminal Code) Act 2001* (Cth), sched 10 [89]–[93]; *Criminal Code Amendment (Espionage and Related Matters) Act 2002* (Cth), sched 1 [2]; *Statute Law Revision Act 2008* (Cth), sched 4 [207]; *Statute Law Revision Act (No. 1) 2016* (Cth), sched 4 [351].

Q4. Relief

30. The only issue as to relief is that the Commonwealth contends that an injunction requiring deletion of data copied from Ms Smethurst's phone should be refused as a matter of discretion. There must be good reason to refuse relief to a plaintiff who has a *prima facie* right to return or destruction of unlawfully obtained documents.[16] There is no good reason here.

31. Whatever the position where a prosecution has been commenced,[17] the mere fact that the matter is under investigation is insufficient. That will be so in almost every case a warrant is challenged. The material before the Court does not allow any assessment of the strength of an argument that unlawfully obtained material should be admitted in a prosecution (cf DS [54]).

10 Pursuant to s 138(1) of the *Evidence Act 1995* (Cth), the onus of showing that it should be admitted is on the prosecution.[18] That will depend on its probative value and importance in the proceeding (s 138(3)). Neither can be ascertained on the material before the Court.

32. Where a prosecution has been commenced, the court dealing with the warrant challenge can have some confidence that the question of admission of the material will be dealt with at a trial and orders made for return of material not so admitted. That is not so where a prosecution is merely possible. It is far from clear that ***any*** criminal proceedings will be brought in which the seized documents may be relevant, let alone a prosecution of the person from whom they were seized. In such a case, there must be something truly extraordinary to justify retention of the unlawfully seized material.[19] Here, there is nothing.

20 Dated: 4 November 2019

Stephen Lloyd
T: 9235 3753
E: stephen.lloyd@sixthfloor.com.au

Perry Herzfeld
T: 02 8231 5057
E: pherzfeld@elevenwentworth.com

Ben Hancock
T: 02 8023 9010
E: ben.hancock@elevenwentworth.com

---

16 *Puglisi v Australian Fisheries Management Authority* (1997) 148 ALR 393 at 403 per Hill J.

17 See, eg, *Puglisi v Australian Fisheries Management Authority* (1997) 148 ALR 393 at 405 per Hill J; *Malone v Metropolitan Police Commissioner* [1980] QB 49 (CA) at 70 per Roskill LJ.

18 *Parker v Comptroller-General of Customs* (2009) 83 ALJR 494 at [28] per French CJ.

19 Without accepting their correctness, *Cassaniti v Croucher* (1997) 37 ATR 269 and *Caratti v Commissioner of the Australian Federal Police* (2017) 257 FCR 166 provide examples. In the former, the police had completed their investigations and were in a position to refer the matter to the DPP, the warrant was valid and the seizure was only unlawful because the material had not been examined before seizure, and the executing officer swore an affidavit confirming that the material corroborated the allegations under investigation. In the latter, the unlawfulness was limited to seizing electronic equipment rather than copying data it contained at the premises, so the Court declined to order return of the equipment until the Commissioner had an opportunity to inspect the devices and copy the data which could always have been lawfully copied at the premises.

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S196 of 2019

BETWEEN:

ANNIKA SMETHURST
First plaintiff

NATIONWIDE NEWS PTY LTD
Second plaintiff

and

COMMISSIONER OF POLICE
First defendant

JAMES LAWTON
Second defendant

ANNEXURE TO PLAINTIFFS' SUBMISSIONS IN REPLY
LIST OF CONSTITUTIONAL PROVISIONS, STATUTES AND STATUTORY INSTRUMENTS REFERRED TO IN SUBMISSIONS

Ashurst
Level 11
5 Martin Place
Sydney NSW 2000

Telephone: 02 02 9258 6082 / 02 9258 5913
Fax: 02 9258 6999
Email: robert.todd@ashurst.com / jason.strachan@ashurst.com
Ref: Robert Todd / Jason Strachan

CONSTITUTIONAL PROVISIONS

1. Nil.

LEGISLATION

2. *Crimes Act 1973* (Cth), as enacted.

3. *Law and Justice Legislation Amendment (Application of Criminal Code) Act 2001* (Cth), as enacted.

4. *Criminal Code Amendment (Espionage and Related Matters) Act 2002* (Cth), as enacted.

5. *Statute Law Revision Act 2008* (Cth), as enacted.

6. *Statute Law Revision Act (No. 1) 2016* (Cth), as enacted.

STATUTORY INSTRUMENTS

7. Nil.