HIGH COURT OF AUSTRALIA

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IN THE HIGH COURT OF AUSTRALIA

SYDNEY REGISTRY

BETWEEN: **THE KING**

Appellant

and

TSZ CHEUNG HERMAN KO

Respondent

SUBMISSIONS OF THE APPELLANT

PART I FORM OF SUBMISSIONS

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

PART II CONCISE STATEMENT OF THE ISSUE

2. In a case where the accused imported an object or thing (a container), and the substance in it was a border controlled drug (or a substituted inert substance), must the jury be directed, and must the Crown therefore also prove, not only that the accused knew or believed there was a real or significant chance that the substance was in the container (as the majority of this Court suggested in *Smith v The Queen; R v Afford*[1] (***Smith and Afford***)), but **in addition** that the accused "nevertheless persisted with that conduct" (ie persisted with importing the container) with an awareness of that real or significant chance (as the Court of Criminal Appeal (**CCA**) held in this case)?

3. On this issue, the appellant contends that the words "and nevertheless persisted in that conduct" are otiose; in order to prove the offence the Crown must prove that the conduct (here dealing with the consignment) was done intentionally, and that at the time it was done the accused knew or the jury was satisfied that there was a real or significant chance the accused knew the substance was in the consignment. By engaging in the conduct with the requisite knowledge an accused will have "persisted in the conduct". Read in context, those words in the majority judgment in *Kural v The Queen*[2] (***Kural***) (which were repeated in the trials of both *Smith* and *Afford*) are directed to ensure the fault element

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1 (2017) 259 CLR 291, 325 [69(8)] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

2 (1987) 162 CLR 502, 505 (Mason CJ, Deane and Dawson JJ).

and physical elements existed at the same time. The trial judge's repeated references to "at the time of dealing with the substance",[3] serve the same purpose.

PART III SECTION 78B NOTICE

4. No notice under s 78B of the *Judiciary Act 1903* (Cth) is required.

PART IV DECISION BELOW

5. The CCA's judgment has the medium neutral citation [2025] NSWCCA 129.

PART V RELEVANT FACTS

6. The respondent was charged with one count that, between about 6 September 2021 and about 20 October 2021, he attempted to import two border controlled drugs, the total quantity being a commercial quantity, contrary to s 11.1(1) and s 307.1(1) of the *Criminal Code* (Cth).

7. The charge related to a commercial dough mixer that was shipped on consignment from Toronto via Brisbane to Sydney: **CCA [6]** (**CAB 70-71**). The dough mixer was found to contain border controlled drugs, which were removed by Canadian authorities and substituted with an inert substance. Thus, in the usual way, he was charged with an attempt rather than the substantive offence.

8. The Crown case was that the respondent, who had worked as a freight forwarder (see **CCA [12]-[13]** (**CAB 72-73**)) was to execute logistical arrangements to ensure that the consignment cleared customs in Australia: **CCA [49]** (**CAB 81**). And Yang Long was the "boss" figure in this attempted importation who gave directions to other participants (including the respondent) as to their tasks: **CCA [49]** (**CAB 81**).

PART VI ARGUMENT

A. BACKGROUND

A.1 The summing up

9. The elements of attempting the offence created by ss 11.1(1) and 307.1(1) of the *Criminal Code* (Cth) are as follows:

    1. The accused attempted to import a substance.

[3] (2017) 259 CLR 291, 320 [58], 325 [69(7)] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

2. The accused intended to import a substance.
3. The substance attempted to be imported was a border controlled drug.
4. The accused was reckless as to whether the substance attempted to be imported was a border controlled drug.
5. The quantity of the border controlled drug to be imported was a commercial quantity.

10. The second element was one of two critical issues in the trial and the only element of relevance to the CCA's judgment (the other critical issue was the fourth element, recklessness).

11. The trial judge directed the jury that "[i]ntention in this context means to mean to do it, that is the accused – the allegation is the accused intended to import the substance, if he meant to import the substance": **SU 20** (**CAB 26**). The trial judge directed the jury that "[t]his involves his actual state of mind at the time of the alleged offence, not what a reasonable person in his position may have intended": **SU 20** (**CAB 26**).

12. The trial judge then posed the question "how does the Crown prove what is in somebody's mind – that is how can they prove it without some admission from the accused": **SU 20** (**CAB 26**). The trial judge directed that "[t]he answer is that intention may be inferred from the surrounding circumstances or from the conduct of the accused, both before, at the time of, or after the alleged offence": **SU 20** (**CAB 26**).

13. The trial judge then directed more specifically at **SU 21** (**CAB 27**) that:

> Here, if you are satisfied beyond reasonable doubt that the accused perceived that there was a real or substantial chance of a substance being present in the consignment that he attempted to import, then it is open to you to infer, having regard to all the facts and circumstances of the case, that he intended to import the substance.
>
> Bear in mind though that it is not permissible to draw an inference that he meant to bring the substance into Australia, unless that is the only inference reasonably open on the established facts and the circumstances of this case.

14. After directing the jury about the fourth element, recklessness, the trial judge returned to the topic of intention. The trial judge then directed that "[e]ach of those mental elements must be considered separately, so element 2 is different to element 4 and must be considered apart even though they seem similar": **SU 23-24** (**CAB 29-30**).

15. The trial judge then reiterated the direction as to intention at **SU 24** (**CAB 30**):

> To decide whether the accused meant to bring the substance into Australia, it is permissible to draw an inference as to the accused's state of mind, at the time of

> dealing with the substance, in connection with bringing it into Australia and importantly, here, making it available to another person. …
>
> It must be stressed, however, that it is not permissible to draw an inference that he meant to bring the substance into Australia unless that is the only inference available or open on the established facts and the circumstances of the case.

16. The trial judge then summarised the Crown case, first identifying the 16 actions taken by the respondent on which the Crown relied to show he attempted to import a substance, each and all of which related to the first element: **SU 25-26** (**CAB 31-32**).

17. The trial judge then summarised the Crown case on the second element which was to the effect that the jury should find "that the accused intended to deal with the original substance by first finding seven preliminary facts, and then to infer that, at the time he took steps in connection with the consignment, he perceived that there was a real and substantial risk that there was a substance in the consignment other than the mixer itself": **SU 26** (**CAB 32**). The trial judge then identified the seven facts: **SU 26-27** (**CAB 32-33**). The trial judge also directed that the first of those seven (that the respondent possessed and used a particular phone from 8 October 2021 until about 20 October 2021) had to be established beyond reasonable doubt because it was an essential step in the reasoning process (**SU 27** (**CAB 33**)). The trial judge went on to direct that it was also essential for the Crown to establish beyond reasonable doubt that the respondent knew that there was a real and / or[4] substantial risk that there was something else present in the consignment other than the dough mixer: **SU 17, 26-27** (**CAB 23, 32-33**).

18. The Crown case was contrasted with the defence case that the Crown "relies on the accused's [sic] developing an awareness that there was a substance in the consignment other than the mixer, that is, developing that awareness over time" and that "any awareness must be closely connected with some particular act of dealing with the goods that is alleged against him": **SU 28-29** (**CAB 34-35**). The trial judge summarised that "[t]he accused's central submission is that the question of his state of mind must be looked at from the perspective of the accused, at the time he was doing the act that the Crown relies on": **SU 29** (**CAB 35**).

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[4] The trial judge used both conjunctions in directing the jury. No complaint was made about that discrepancy, nor could there be. The Crown is required only to prove that there was a real **or** significant chance (often described as a "substantial risk"). By using the conjunction "and", the trial judge arguably increased the burden on the Crown.

A.2 The respondent's appeal against conviction

19. The respondent appealed against his conviction advancing a number of criticisms of the directions on the second element of intention: see **CCA [106]-[110], [114]-[115], [122]** (**CAB 100-103, 105**).

20. One such criticism (clarified orally) was that the trial judge ought to have directed the jury that all seven of the facts relied on to infer the respondent's intention had to be established beyond reasonable doubt: see **CCA [122]** (**CAB 105**). The respondent sought to draw this principle from the majority's statement in *Smith and Afford* that:[5]

> In order to draw an inference of intent, it is necessary to be satisfied beyond reasonable doubt of the facts and circumstances from which the inference of intent is drawn and that the inference of intent is the only reasonable inference open to be drawn from those facts and circumstances.

21. It is not apparent that the CCA upheld this aspect of the appeal. On the one hand, the CCA said at **CCA [126]** (**CAB 107**):

> The jury was required to be directed as to both parts of [69(7)] [of *Smith*] i.e., both that, in order to draw an inference of intent, it was necessary to be satisfied beyond reasonable doubt of (I would here interpose *each of*) the facts and circumstances from which the inference of intent is drawn; and, as the jury was here directed, that the inference of intent was the only reasonable inference open to be drawn from those facts and circumstances.

22. The CCA also said at **CCA [128]** (**CAB 107**) that "the primary judge's initial instinct as to the necessary directions in relation to the element of intent to import was sound", which would appear to be a reference back to **CCA [71]** (**CAB 89**) where the CCA recorded that the trial judge "expressed the understanding, based on *Smith and Afford* (at [69]) that each of those facts must be established beyond reasonable doubt". In this passage, the CCA appears to be saying that every fact relied upon to infer intention must be established beyond reasonable doubt.

23. Yet if the CCA intended to state and apply such a principle, then it would have been a simple thing for the CCA to conclude that there was error in this case because, quite plainly, the trial judge did *not* direct the jury that all seven facts relied on by the Crown to infer intent had to be proved beyond reasonable doubt. Nowhere does the CCA say that in its reasons, which suggests that the CCA did not reach that conclusion. That the CCA

[5] (2017) 259 CLR 291, 325 [69(7)] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

did not reach such a conclusion tends to suggest that, notwithstanding the language of **CCA [126]** and **[128]** (**CAB 107**), no such principle was adopted by the Court.[6]

24. A second criticism advanced by the respondent was that the trial judge failed to direct the jury that knowing or believing there to be a significant chance that the consignment contained a substance "the applicant intended to import it anyway": **CCA [122]** (**CAB 105**). The CCA upheld this aspect of the ground of appeal in one paragraph. According to the CCA at **CCA [125]** (**CAB 106-107**):

> That said, the difficulty I see with the direction in the present case is that it fell short of stating that an awareness of a real and significant chance that the conduct involved the importation of the substance would not of itself be sufficient to draw the necessary inference but that it also must be proved beyond reasonable doubt that the applicant "nevertheless persisted with that conduct" notwithstanding that awareness or belief (see the *Afford* direction):
>
> > ... If you are satisfied beyond reasonable doubt that the accused believed that the suitcase [contained] the substance …, that would sustain an inference as to intention. So also if you were satisfied beyond reasonable doubt that he was aware of a real and significant chance that his conduct involved the importation of the substance and he nevertheless persisted with that conduct. That would suffice to infer an intention to import.
>
> and *Kural* at [14]. In other words, that if the jury was satisfied that the applicant had the state of mind that there was a "significant or real chance" that the consignment contained the substance, the jury must go on to consider whether that was sufficient to satisfy it beyond reasonable doubt that the applicant intended to import the substance in the sense that he meant to import the consignment notwithstanding that significant or real chance (to adopt the direction in the *Smith* trial extracted at [46] of *Smith and Afford*).

25. The respondent's other criticisms were rejected and can be put to one side on this appeal: **CCA [123]-[124]** (**CAB 106**).

B. *SMITH AND AFFORD*

26. The majority judgment in *Smith and Afford*[7] was central to the exchanges between the trial judge and counsel as to the directions to be given to the jury and central to the CCA's judgment. In *Smith and Afford*, a majority of this Court confirmed that "the process of

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6 For the reasons set out in paragraphs [41] – [42] below, if the CCA did reach such a conclusion, then it was also in error.

7 (2017) 259 CLR 291 (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ, Edelman J dissenting in relation to *Afford*, 336, [97]-[98], but agreeing in *Smith*, 337, [103]).

reasoning posited in *Kural v The Queen* is applicable to proof of an intention to import a commercial quantity of a border controlled drug under the Code".[8]

27. The context to that statement is important. In *Afford*, the trial judge had directed that:[9]

> … if you were satisfied beyond reasonable doubt that he was aware of a real and significant chance that his conduct involved the importation of the substance and he nevertheless persisted with that conduct. That would suffice to infer an intention to import.

28. The trial judge in *Smith* had directed that:[10]

> When you are considering whether you are satisfied beyond reasonable doubt that the accused intended to import the substance ... you might also consider whether he was aware of the likelihood that those packages were in the items in his suitcase or the briefcase ... in the sense that he recognised there was a significant or real chance that the orange containers, the soaps, the golf sets, contained those extra packages in which the substance was located.
>
> If you find that he had that state of mind you would go on to consider whether that was sufficient to satisfy you beyond reasonable doubt he intended to import the extra packages which contained the substance in the sense that he meant that those packages would be imported.

29. The majority considered these directions to have been sufficient[11] to convey to the jury that it was not enough simply to find that the accused knew or believed there was a significant chance that a package included a substance but that it was then for the jury to decide whether, in combination with all the other facts and circumstances of the case, the accused intended to import the substance.[12] However, the majority also said that:[13]

> looking to the future it might be preferable if directions given in cases like these were made to align more closely to the language of the Code, and in particular to the statutory definition of intent in s 5.2, while continuing to stress the importance of keeping consideration of the fault element of intent which applies under the Code to the physical element of the offence (the importation of a substance) separate and distinct from consideration of the fault element of recklessness which applies to the circumstance element of the offence (that the substance is a border controlled drug).

30. That led the majority to say, without seeking to "suggest anything in the nature of a template", that "where it is not disputed that the accused brought a substance into

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8 (2017) 259 CLR 291, 297-8 [1] (citations omitted) (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

9 (2017) 259 CLR 291, 308 [26] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

10 (2017) 259 CLR 291, 315 [46] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

11 Edelman J disagreed in relation to *Afford*.

12 (2017) 259 CLR 291, 323-4 [66]-[67] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

13 (2017) 259 CLR 291, 324 [68] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

Australia and not disputed that it was a border controlled drug", then it may be sufficient to direct (among other directions) that:[14]

> (8) Where, as here, the accused brought into Australia a case, object or other thing (the container) which has a substance in it, and it is open to infer that the accused meant to bring the container into Australia, it is open to infer that the accused meant to bring the substance into Australia if, at the time of bringing the container into Australia:
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> (i) the accused knew that the substance was in the container; or
>
> (ii) the accused knew or believed there was a real or significant chance that the substance was in the container.

C. THE CCA'S ERROR

31. **CCA [125]** (**CAB 106-107**) is the critical paragraph in the judgment. It has two key features. *First*, the CCA identifies the "difficulty" with the trial judge's directions as being an omission to direct the jury to consider whether the respondent "nevertheless persisted with that conduct" or whether he "intended to import the substance in the sense that he meant to import the consignment notwithstanding that significant or real chance". *Second*, the CCA appears to regard it as being of significance that this language had been used in the trial judge's directions in *Afford* and in *Smith*.

32. The CCA's reasoning at **CCA [125] (CAB 106-107**) is erroneous for several reasons.

33. *First*, other than to rely on the fact that the omitted language was included in the trial directions in *Smith* and in *Afford*, the CCA proffered no reasoning as to why this language mattered. It is noteworthy that in *Smith and Afford* a majority of this Court upheld the sufficiency of the directions given in *Smith* and in *Afford* but considered that the directions could be improved, at [68]. And at [69] the majority set out how juries could be directed. In those suggestions, the majority did not include the language omitted by the trial judge.[15] The trial judge's direction was consistent with the suggested direction in [69(8)(ii)], which suggestion is not "anything in the nature of a template".[16] There is no error in using slightly different language but staying close to what a majority of this Court indicated

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14 (2017) 259 CLR 291, 324-5 [69] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ), see also 333-4, [90]-[91] (Edelman J).

15 Nor did Edelman J when setting out the process for drawing inferences as to intention within the meaning of the *Criminal Code* (Cth), 333-4, [90]-[91].

16 (2017) 259 CLR 291, 324 [69] (Kiefel CJ, Bell, Gageler, Keane, Nettle and Gordon JJ).

would be an "advantageous" way to direct the jury. The CCA appears to have misunderstood *Smith and Afford*.

34. *Second*, in *Kural*, a majority of this Court held that intention could be proved "where it appears beyond reasonable doubt that the accused was aware of the likelihood, in the sense that there was a significant or real chance, that his conduct involved that act and nevertheless persisted in that conduct".[17] But the majority observed in that case said "we would emphasize that the foregoing comments are not designed as a direction or instruction to be read by trial judges to juries".[18] The majority had explained that:[19]

> As a practical matter, the inference of mens rea or a guilty mind will ordinarily be irresistible in cases involving the importation of narcotic drugs if it is proved beyond reasonable doubt that the accused actually imported the drugs and that he was aware, at the time of the alleged commission of the offence, of the likelihood of the existence of the substance in question in what he was importing and of the likelihood that it was a narcotic drug.

35. What appears to be critical is that the jury appreciate from the directions that the awareness of the "real or significant chance" coincides and co-exists with the conduct comprising the importation or attempted importation. It is the coincidence of physical conduct and this state of awareness that analytically combine to sustain the inference of intention. That is not to say that this pathway of reasoning needs to be explained to the jury. The trial judge need only explain as much of the law as the jury requires to perform its task. And that simply requires the jury to appreciate that the conduct comprising the importation was engaged in while the accused was aware of the real or significant chance.

36. Here, the trial judge directed the jury that the state of mind, ie an awareness of the real or significant chance that a substance was in the consignment, had to be at the time of the offending, which is to say at the time of the physical acts alleged to constitute the

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17 (1987) 162 CLR 502, 505 (Mason CJ, Deane and Dawson JJ).

18 (1987) 162 CLR 502, 505 (Mason CJ, Deane and Dawson JJ).

19 (1987) 162 CLR 502, 505 (Mason CJ, Deane and Dawson JJ).

importation: see [11], [17]-[18] above. The following features of the summing up bear repetition:

36.1. *First*, the trial judge explained to the jury that the second element – intention – "involves his actual state of mind at the time of the alleged offence": **SU 20** (**CAB 26**). His Honour then directed the jury at **SU 24** (**CAB 30**) (emphasis added):

> … To decide whether the accused meant to bring the substance into Australia, it is permissible to draw an inference as to **the accused's state of mind, at the time of dealing with the substance**, in connection with bringing it into Australia and importantly, here, making it available to another person. …

36.2. *Second*, the trial judge later summarised the Crown case to the jury at **SU 26** (**CAB 32**) as follows (emphasis added):

> The Crown says that you should be satisfied beyond reasonable doubt, this is element 2, that the accused intended to deal with the original substance by first finding seven preliminary facts, and then to infer that, **at the time he took steps in connection with the consignment, he perceived that there was a real and substantial risk that there was a substance in the consignment other than the mixer itself.**

36.3. *Third*, the trial judge summarised the defence position to the jury at **SU 29** (**CAB 35**) as follows:

> … He notes that **any awareness must be closely connected with some particular act of dealing with the goods that is alleged against him**, and you should view it in that regard.
>
> …
>
> The accused's central submission is that the question of **his state of mind must be looked at from the perspective of the accused, at the time he was doing the act that the Crown relies on.** …

37. In the circumstances of this case, even though the words "nevertheless persisted" were not included in the direction, there was no "real risk" of the jury proceeding otherwise than on the basis that the respondent's state of mind had to coincide with the physical acts of importation so as to require any more explicit direction. That is reinforced by the absence of any objection or request for further directions by trial counsel.

38. If the CCA was concerned with a failure to include the words "nevertheless persisted" in the directions to the jury about the temporal coincidence needed between physical and mental elements, then the CCA was wrong to have found error.

39. Had the CCA considered why the omitted language was potentially important rather than simply observing that the omitted language featured in the trial directions in *Smith* and in

Afford, which the majority in this Court moved away from, then the CCA would or at least should have concluded that there was no difficulty in the directions read as a whole. The directions given here were consistent with the directions suggested by the majority in this Court at [69(8)] of *Smith and Afford*[20] which similarly omit the matters which the CCA regarded as being of significance in **CCA [125]** (**CAB 106-107**).

40. The trial judge's directions did not otherwise commit any of the potential errors exposed in *Smith and Afford*. His Honour made it clear that the second element – intention – had to be dealt with separately from the fourth element – recklessness: see **SU 23-24** (**CAB 29-30**). His Honour made it clear that the relevant question was ultimately whether the respondent "meant to bring the substance into Australia": **SU 24** (**CAB 30**). And his Honour made it clear that this inference as to the respondent's state of mind could be drawn only if it was "the only inference available or open on the established facts and the circumstances of the case": **SU 24** (**CAB 30**).

41. All that remains is to address, briefly, **CCA [71], [126]** and **[128]** (**CAB 89, 107**). There, the CCA appears to accept in principle an approach that would treat every fact and circumstance relied on to prove intention as a "*Shepherd* fact"[21] such that must be proved beyond reasonable doubt. As noted at [23] above, it does not appear that the CCA relied on this as a standalone basis for finding error in the trial judge's directions. It is difficult to understand what to make of these paragraphs unless the CCA considered that those matters contributed in some way to the conclusion reached at **CCA [125]** (**CAB 106-107**). Yet whether the prosecution at trial had to establish all of the seven preliminary facts from which the jury were invited to find intention beyond reasonable doubt says nothing about (a) whether it was an error for the trial judge to omit reference to "persistence"; or (b) whether the summing up adequately directed the jury that the state of mind had to coincide with the physical acts of importation.

42. Further, and for completeness, in *Smith and Afford*, the majority suggested at [69(7)] that a possible direction could be:

> In order to draw an inference of intent, it is necessary to be satisfied beyond reasonable doubt of the facts and circumstances from which the inference of intent is drawn and that the inference of intent is the only reasonable inference open to be drawn from those facts and circumstances.

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[20] And not inconsistent with Edelman J's observations at 333-4, [90]-[91].

[21] *Shepherd v The Queen* (1990) 170 CLR 573 (***Shepherd***).

While this could, on its face, be taken to mean that each fact and circumstance from which intention is to be inferred is to be treated as a *Shepherd* fact, that was not at issue in *Smith and Afford* and was not the subject of any argument.[22] This Court should not be taken to have reached such a conclusion. To do so would significantly extend the reach of *Shepherd* and in a manner inconsistent with that decision. The conclusion in *Shepherd* was, in part, a response to a misconception that in *Chamberlain v The Queen [No 2]* (***Chamberlain [No 2]***),[23] Gibbs CJ and Mason J had required every intermediate fact to be proved beyond reasonable doubt before it could be used to contribute to an ultimate finding of fact beyond reasonable doubt. This Court in *Shepherd* clarified that that was not invariably the case.[24] There is nothing about the nature of "intention" in s 5.2(1) of the *Criminal Code* (Cth) that would suggest that every fact relevant to the ultimate inference of intention must be proved beyond reasonable doubt before being available for use in the reasoning process by the tribunal of fact. To hold otherwise would be to return to the position (in *Chamberlain [No 2]*) from which this Court distanced itself in *Shepherd*.

43. For the above reasons, the appellant submits that the CCA should have found there was no error in the trial judge's directions.

PART VII ORDERS SOUGHT

44. The appeal should be allowed, the orders of the CCA set aside and in their place order that the appeal against conviction to the CCA be dismissed.

PART VIII ESTIMATE OF TIME FOR ORAL ARGUMENT

45. The appellant will require 1 ¼ hours, which includes time for reply.

Dated: 28 January 2026

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22 See also *Smith and Afford* (2017) 259 CLR 291, 333-4 [91(2)], 337 [101] (Edelman J), where there is no mention of having to prove all the circumstances "beyond reasonable doubt".

23 (1984) 153 CLR 521, 536 (Gibbs CJ and Mason J).

24 (1990) 170 CLR 573, 575-6 (Mason CJ), 581-3 (Dawson J; Mason CJ, Toohey and Gaudron JJ agreeing), 593 (McHugh J).

IN THE HIGH COURT OF AUSTRALIA

SYDNEY REGISTRY

BETWEEN: **THE KING**

Appellant

and

TSZ CHEUNG HERMAN KO

Respondent

ANNEXURE TO APPELLANT'S SUBMISSIONS

No	Description	Version	Provision(s)	Reason for providing this version	Applicable date or dates
1.	*Criminal Code* (Cth)	Compilation No 140	Section 307.1(1)	This compilation was in operation and effect at the time of the alleged offending	6 September 2021 to 20 October 2021