



## HIGH COURT OF AUSTRALIA

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#### Details of Filing

File Number: B44/2025  
File Title: The King v. HCZ  
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Filing party: Respondent  
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#### Important Information

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**Form 27F – Outline of oral submissions**

Note: see rule 44.08.2.

IN THE HIGH COURT OF AUSTRALIA  
BRISBANE REGISTRY

BETWEEN:

**The King**  
Appellant

and

**HCZ**  
Respondent

**RESPONDENT’S  
OUTLINE OF ORAL SUBMISSIONS**

**Part I:**

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

**Part II:**

1. It was correct for the Court on appeal to infer error in the sentence imposed at first instant. In inferring error, the majority of the Court of Appeal did not apply the “correctness standard”. As a result, the first question posed by the appellant does not arise.
2. The reasons of Boddice J are consistent with an application of the correct standard of appellate review. The conclusion reached, that the sentence was plainly unjust, is an orthodox result of the application of the correct standard. The application of the “correctness standard” would be a radical departure from that orthodox approach. Such a radical departure, had it occurred, would be clearly apparent in the reasons.

3. Further, the appropriate standard of review was not an issue on the appeal. The appeal was ultimately determined on a finding of an inferred error consistent with *House v The King*. This reflects the grounds of appeal and the task of a Court of Appeal considering a complaint of manifest excess and does not support the position of the appellant.
4. It necessarily follows, that the reduction of the custodial component of the respondent's sentence, was an orthodox result of a finding by the majority that the sentence was manifestly excessive. The basis for that finding was clearly articulated in the reasons of Boddice J: *R v HCZ* [2025] QCA 147 at [59] – [61]. In such circumstances, this Court should not interfere in a determination of an intermediate Court of Appeal. This ultimate submission is consistent with *Munda v The Queen* [2013] 249 CLR 600 at [60]: Joint Book of Authorities – Part D, p. 479-480.
5. The appeal to this Court should be dismissed.

Dated: 10 April 2026



**Andrew Hoare KC**

**Scott Lynch**

**Malcolm Harrison**