



HIGH COURT OF AUSTRALIA

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Details of Filing

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Important Information

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IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

BETWEEN:

BRENT MALCOLM HUXLEY

Appellant

and

THE QUEEN

Respondent

APPELLANT'S REPLY

Part I: Certification

1. This submission is in a form suitable for publication on the internet.

Part II: Reply

2. In respect of the submission made by the Respondent regarding the failure of appellant to apply for a redirection,¹ the absence of an application for a re-direction is explained by a ruling by the trial judge that had already determined the issue.
3. The trial judge, in hearing argument in respect of the discharge of the jury, raised the subject of the directions to be given to the jury in respect of Greer and other witnesses. Counsel for the appellant opposed the impugned direction.²
4. Subsequently, the trial Judge ruled against discharge of the jury and delivered reasons.³ The reasons included rulings upon the directions to be given in respect of specific witnesses, including Greer.⁴

¹ Respondent's Submissions at [5], [40] and [52].

² Transcript, Day 14 of Trial, Discharge Application and Directions to Jury, ASFM, p4-27. See especially p16, line 32 to p17, line 8 and p21, lines 1-29.

³ Transcript of trial judge's ruling, CAB p7 to 16.

⁴ Transcript of trial judge's ruling, CAB p14, lines 16-18, p14 lines 25-36; p15, lines 2-11.

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5. As correctly stated by the Court of Appeal, the directions given by the trial judge in the summing up accorded with the rulings made when refusing to discharge the jury. All Counsel abided by the trial judge's rulings in their addresses.⁵
6. The absence of a request for a re-direction is thus explained by the determination of the issue prior to the trial judge summing up.

Dated: 30 June 2023



Andrew Hoare

0418 870 368

andrewhoare@qldbar.asn.au



Scott Moon

0432 021 922

sgmoon@cqldbar.com



Nathan Edridge

0432 267 067

nathan@dbahchambers.com.au

⁵ *R v Huxley*, CAB p145 at [81]; p147 at [83]. See also RFM p417, line 44 to p418, line 2 and p418, lines 44–47.