



Friday, 16 April 2021

## Weekly Criminal Law

A Weekly Bulletin listing Decisions  
of Superior Courts of Australia covering criminal

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### Executive Summary

**Namoa v The Queen** (HCA) - criminal law - statutory interpretation - 'conspiring to do acts in preparation for a terrorist act' in contravention of ss11.5(1) and 101.6(1) *Criminal Code* (Cth) (Code) - appeal dismissed



## Summaries With Link (Five Minute Read)

### **Namoa v The Queen [2021] HCA 13**

High Court of Australia

Kiefel CJ; Gageler, Keane, Gordon, Edelman, Steward & Gleeson JJ

Criminal law - statutory interpretation - appellant found guilty of 'conspiring to do acts in preparation for a terrorist act' in contravention of ss11.5(1) and 101.6(1) *Criminal Code* (Cth) (Code) - appellant contended there was 'common law rule that spouses alone cannot conspire' - appellant contended this common law rule affected 'meaning of "conspires" and "conspiracy" in' s11.5 Code - whether s11.5 Code applied to appellant - whether s11.5(1) Code affected by alleged common law rule - whether 'husband and wife' were each a "person" and could 'be guilty of conspiring with each other' within meaning of s11.5 Code - held: appeal dismissed.

[Namoa](#)

# Benchmark

## Up in the Hills From "Autumn Leaves"

**By:** Helen Louise Birch

THE EARTH smells old and warm and mellow, and all things lie at peace.

I too serenely lie here under the white-oak tree, and know the splendid flight of hours all blue and gay, sun-drenched and still.

The dogs chase rabbits through the hazel-brush;  
I hear now close at hand their eager cries, now swift receding into the distance, leaving a-trail behind them in the clear sweet air shrill bursts of joy.

There's something almost drowsy in that waning clamor;

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It brings the stillness nearer and a sense of being bodily at one with the old warm earth,

Blessedly at one with the fragrant laughing sun-baked earth,

At one with its sly delightful wicked old laughter.

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