

In this tutorial:

- An explanation of the different types of links found in the Benchbook
1. Benchbook chapters typically begin with a 'Legislation' heading, which includes links to specific sections of legislation relevant to the chapter.
 2. In-text case citations include links to view those cases. For a reported series such as the Commonwealth Law Reports, you may need to log in to external resources to view it.
 3. Medium neutral citations provide links to publicly available unreported versions of cases.
 4. Queensland Reports cases are publicly available on the Queensland Judgments website.

5. Unreported Queensland cases are publicly available on either the Queensland Judgments website or the Supreme Court Library Queensland website.

8.1 Intention

8.1.1 Legislation

[Last reviewed: March 2026]

Criminal Code

[Section 23](#) – Intention—Motive ← 1

8.1.2 Commentary

[Last reviewed: March 2026]

The plurality (Kiefel, Bell, and Keane JJ) in *Zaburoni v The Queen* [\[2016\] 256 CLR 482, 490 \[14\]](#); [\[2016\] HCA 12, \[14\]](#) explained that:

‘Where proof of the intention to produce a particular result is made an element of liability for an offence under the Code, the prosecution is required to establish that the accused meant to produce that result by his or her conduct ... [K]nowledge or foresight of result, whether possible, probable or certain, is not a substitute in law for proof of a specific intent under the Code.’

At [\[15\]](#), the plurality referred to the need for the trier of fact to ‘be satisfied that the accused meant to produce the particular result’ (see also the judgement of Gagelar J at [\[16\]](#)). Intention can be equated with purpose, which is distinct from motive (Kiefel, Bell, and Keane JJ at [\[17\]](#)). 4

A direction as to the meaning of intent (and its derivatives) should not be given unless the jury requests assistance concerning the concept (*R v Willmot (No 2)* [\[1985\] 2 Qd R 413, 418-419](#); see also *Cutler v The Queen* [\(1997\) 71 ALJR 638, 648](#); [\[1997\] HCA 7](#), and the discussion in *R v Glebow* [\[2002\] QCA 442](#)). 5

6. Where other Benchbook chapters are referenced, a link is provided.

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Intention

The defendant must have damaged the thing with the intent to stop the thing being used in evidence. See the direction on intention at [Benchbook Chapter 8.1 Intention](#).

7. The Benchbook also contains pinpoint links. In the below example, paragraph pinpoints are given for the decision in *Azzopardi*, while page pinpoints are given for the decision in *Weissensteiner*. These behave differently and are addressed in steps 8 and 9 respectively.

The content of the suggested direction below reflects and incorporates the requirements of *Azzopardi v The Queen* (2001) 205 CLR 50; [2001] HCA 25, including those specified at [51], [61], [62], [64], and [67] of the majority judgement. Certain elements of the suggested direction are also drawn from *Weissensteiner v The Queen* (1993) 178 CLR 217, including 223-224, 228, and 237 of that decision.

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8. Clicking a paragraph pinpoint will (*in most cases*) open a useful 'pop-up' from JADE, displaying that paragraph.

(There are some paragraph pinpoints which JADE does not have; instead, the JADE Citator results are given, as described in step 9 below).

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Azzopardi v R at Para 51

[2001] HCA 25 (2001-05-03) (Gleeson CJ, Gaudron, McHugh, Gummow, Kirby, Hayne and Callinan JJ)

51. In the course of argument of the present matters it was suggested that if a judge said nothing to the jury about the fact that an accused had not given evidence, the jury may use the accused's silence in court to his or her detriment. Plainly that is so. It follows that if an accused does not give evidence at trial it will almost always be desirable for the judge to warn the jury that the accused's silence in court is not evidence against the accused, does not constitute an admission by the accused, may not be used to fill gaps in the evidence tendered by the prosecution, and may not be used as a make-weight in assessing whether the prosecution has proved its case beyond reasonable doubt. It by no means follows, however, that the judge should go on to comment on the way in which the jury might use the fact that the accused did not give evidence.

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9. Clicking a page pinpoint will (*in most cases*) open the JADE Citator results for that pinpoint—this opens in a new tab. The JADE Citator is a tool which shows how a citation has been used in other cases. It also provides links to the judgment text, if it is available on JADE or elsewhere.

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Citator results Refresh page View - References to citation(s) Order by: Date (reverse) 25 results per page

You are on page 1 of 1 with 5 results for: References to: 178 CLR 217 at pp223-224. Order by: Date (reverse). [Edit this search](#) • [Appellate only](#)

Weissensteiner v The Queen *Page 223-224*
[1993] HCA 65; 178 CLR 217; 117 ALR 545

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Carlson and Carlson (26 February 2020)
[2020] FamCA 108 (Austin J)

Citation 1 (Para 49) ✎

49. The husband submitted that the possibility of his lack of knowledge was not excluded by the wife and so she failed to discharge her criminal burden of proof. The possibilities postulated by the husband's counsel included inventive speculation like the husband's simple oversight of Order 14, due to his greater interest in the contentious interim parenting orders which were made simultaneously. However, the husband elected not to give evidence in these proceedings positively disclaiming his knowledge of the content and meaning of Order 14. Of course, he was not obliged to do so, but the consequences of that forensic decision fall to him. The positive inference of his knowledge of both the content and meaning of Order 14, as urged by the wife, is much easier to accept in the absence of any positive evidence of the hypotheticals imagined by his counsel in submissions. There is a distinction between safely drawing the inference of the husband's knowledge, as is open, and simply imputing his guilt due to his decision not to give evidence, which imputation is not available (*Weissensteiner v The Queen* (1993) 178 CLR 217 at 223-228, 235-236; *G v H* (1994) 181 CLR 387 at [22]; *Mead & Mead* at [13]).

Eugene v Commissioner of Police (16 August 2019)
[2019] QDC 146 (Cash QC DCJ)

Citation 1 ✎

Weissensteiner v The Queen (1993) 178 CLR 217, 223-224, 228