

Here is the chain of arguments used by Gageler CJ, Gordon and Edelman JJ, reconstructed into a modus ponens structure with references to specific paragraphs:

1. If the same meaning is ordinarily given to the same words appearing in different parts of a statute (premise, [25]), and the term "offence" appears throughout the relevant Subdivision of the Crimes Act 1958 (Vic) (premise, [27]), then "offence" must have the same meaning throughout ss 323 and 324 (conclusion, [28]). [Located in document]
2. If "offence" must have the same meaning throughout ss 323 and 324 (premise from 1), and "offence" means the criminal offence comprised of all factual elements giving rise to criminal liability (premise, [28]), then it does not necessarily follow that it must be proved that a person who enters an agreement to commit the offence intends or knows of the existence of all those elements (conclusion, [29]). [Located in document]
3. If ss 324(1) and 323(1)(c) base liability on agreement with another person to commit an offence (premise, [29]), and it is essential to identify the acts and omissions agreed upon and the person's state of mind (premise, [30]), then it is not necessary that the person knew they were agreeing to commit an offence, as long as they agreed to do something which was, in the circumstances, a criminal offence (conclusion, [30]). [Located in document]
4. If, to establish guilt under ss 324(1) and 323(1)(c), it must be shown that the accused and others (1) entered an agreement, (2) one or more of them committed acts which would constitute an offence, and (3) the accused had the state of mind required for the offence at the time of the agreement (premises, [31]), then, on the facts, the prosecution did not need to prove the accused knew the victims' ages, only that they had the intention required for the offences (conclusion, [32-33]). [Located in document]
5. If that construction of ss 324(1) and 323(1)(c) is consistent with other provisions and extrinsic materials (premise, [34-36]), and on that construction the trial judge did not misdirect the jury (premise, [22-24, 32-33]), then the appeal should be allowed, the orders of the Court of Appeal set aside and substituted with an order that the appeal against conviction is dismissed, and the respondent's appeal against sentence remitted to the Court of Appeal (final conclusion, [43]). [Located in document]

Therefore, the appeal should be allowed, the orders of the Court of Appeal set aside and substituted with an order that the appeal against conviction is dismissed, and the respondent's appeal against sentence remitted to the Court of Appeal. [Final conclusion, located in document at [43]]