

BETWEEN:

GRAHAM JOHN PRESTON

Appellant

and

ELIZABETH AVERY

First Respondent

and

SCOTT WILKIE

Second Respondent



10

OUTLINE OF ORAL ARGUMENT

ATTORNEY-GENERAL FOR THE NORTHERN TERRITORY (INTERVENING)

Part I:

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

Part II:

2. An important difference between the impugned Victorian and Tasmanian provisions is that they impose the burden of determining whether behavior within an access zone is reasonably likely to cause distress and anxiety on different entities:

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- a. Victoria: it falls to prospective communicators to self-regulate.
- b. Tasmania: legislative judgment that a protest is reasonably likely to cause distress and anxiety: TS [36] referring to JBA Vol 11 Tab 74 p 4969-4970.

3. In the context of a controversial issue such as abortion and the differences of opinion which exist within the community about the effects of protest behavior, the Tasmanian scheme has a real advantage over its Victorian counterpart in that respect because it removes uncertainty. The choice between the two regimes is not an obvious one.

Dated: 11/10/18

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A handwritten signature in black ink, appearing to be "Trevor Moses", written over a horizontal dotted line.

Trevor Moses

Counsel for the Attorney-General of the
Northern Territory (intervening)