

**IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY**

No M46 of 2018

BETWEEN:

KATHLEEN CLUBB

Appellant

and

ALYCE EDWARDS

First Respondent

ATTORNEY-GENERAL FOR VICTORIA

Second Respondent

FIRST RESPONDENT'S OUTLINE OF ORAL SUBMISSIONS

PART I: CERTIFICATION

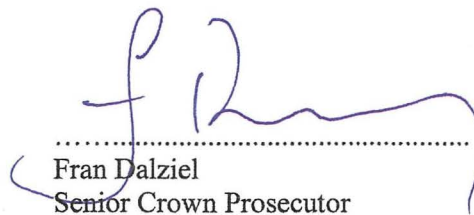
This outline is in a form suitable for publication on the internet.

PART II: OUTLINE OF PROPOSITIONS

The First Respondent intends to advance the following propositions in oral submissions:

1. The offence is not one of strict liability; it requires proof of intentional conduct. (1st Respondent's Reply [2.10])
2. The requirement that the communication was "reasonably likely" to cause distress or anxiety is an objective test. The fault elements are otherwise subjective. (1st Respondent's Reply [2.10], FCC [24]-[30])
3. If and insofar as there may be uncertainty as to the construction of the provisions, it does not render the provisions invalid. (2nd Respondent's Reply [20])

Dated: 9 October 2018


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Fran Dalziel
Senior Crown Prosecutor