



HIGH COURT OF AUSTRALIA

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Details of Filing

File Number: M61/2021
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Important Information

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IN THE HIGH COURT OF AUSTRALIA
CANBERRA REGISTRY

No. M61 of 2021

BETWEEN:

CHRISTOPHER VANDERSTOCK
First Plaintiff

KATHLEEN DAVIES
Second Plaintiff

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and

THE STATE OF VICTORIA
Defendant

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**OUTLINE OF ORAL SUBMISSIONS OF THE ATTORNEY-GENERAL OF THE
NORTHERN TERRITORY (INTERVENING)**

Part I INTERNET PUBLICATION

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

Part II PROPOSITIONS TO BE ADVANCED IN ORAL ARGUMENT

No assumption should be made as to the effect of the tax

2. The court should not, in the event *Dickenson* is overruled, assume that a tax on the use of ZLEVs will have the same effect as a tax on the production, manufacture, sale or distribution of ZLEVs.
- 10 (a) *Parton v Milk Board (Vic)* (1949) 80 CLR 229, 260 (**JBA Vol 3 Tab 33**);
(b) *Anderson's Pty Ltd v Victoria* (1964) 111 CLR 353, 365 (**JBA Vol 3 Tab 12**);
(c) *Capital Duplicators Pty Ltd v Australian Capital Territory [No. 2]* (1993) 178 CLR 561, 583 (fn 99) and 586 (**JBA Vol 3 Tab 17**);
(d) *Dickenson's Arcade Pty Ltd v Tasmania* (1974) 130 CLR 177, 231-2 and 239 (**JBA Vol 3 Tab 21**).
3. It is not safe to make that assumption without considering at least economic theory, the nature and impact of the tax, the characteristics of ZLEVs and the nature of the market for ZLEVs.

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16 February 2023

Nikolai Chrstrup

Lachlan Peattie