

Joanna Davidson

Sixth Floor Selborne Wentworth Chambers
Level 6, 174 Phillip Street
Sydney NSW 2000, DX 382 Sydney
Telephone: (02) 8915 2625
Fax: (02) 9232 1069
j davidson@sixthfloor.com.au

Education

Harvard Law School, LLM, 2007

Menzies Scholarship to Harvard
Landon H. Gammon Fellowship for academic excellence

University of NSW, BA (Hons), LLB, 2003

Dean's Certificate for Placement of 3rd in the Order of Merit at Graduation
(graduating class of 294), 2003

The Michael Pandelis Award for the Most Significant Contribution to the Life of the
Law School at the University of New South Wales, 2002

First Class Honours in Politics and International Relations, 2000

Bar Admissions

Barrister, New South Wales, January 2012

Attorney and Counsellor-at-Law in the State of New York and the United States District Court for
the Southern District of New York, 2008

Professional Background

Barrister, Sixth Floor Selborne Wentworth Chambers

May 2014 – present

Select matters:

High Court

- *North Australian Aboriginal Justice Agency Ltd v Northern Territory* M45/2015 (constitutional law (Ch III), human rights, led by Sarah Pritchard SC)
- *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia v Queensland Rail* [2015] HCA 11 (constitutional law (corporations power), led by Michael Sexton SC)
- *Kuczborski v Queensland* [2014] HCA 46 (constitutional law (Ch III), led by Michael Sexton SC)

Federal Court

- *Babington v Commonwealth of Australia* NSD 272/2015 (constitutional law (offshore constitutional settlement) led by Michael Sexton SC)
- *SZWAJ v Minister for Immigration and Border Protection* NSD 60/2015 (Full Court, administrative law, led by Stephen Lloyd SC)
- *Ayoub v Minister for Immigration and Border Protection* [2015] FCA 24 (administrative law, led by Anna Mitchelmore)

NSW Court of Appeal

- *Buttrose v Attorney General for NSW* No. 2014/338689, reserved (judicial review, statutory construction, led by Natalie Adams SC)

Supreme Court of NSW

- *Grant v Local Court of NSW* [2015] NSWSC 356 (administrative law, principles applicable to withdrawal of guilty plea, unled)
- *Application by MLP pursuant to s 78 of the Crimes (Appeal and Review) Act 2001* [2015] NSWSC 349 (sentencing law, statutory construction, led by Natalie Adams SC)
- *Monte v Director of Public Prosecutions* [2015] NSWSC 318 (judicial review, application of s 138 of the *Evidence Act 1995*, unled)
- *Michael Patsalis – Application for inquiry into conviction pursuant to s 78 of the Crimes (Appeal and Review) Act 2001 (No 2)* [2015] NSWSC 177 (criminal law, unled)
- *The Reverend Father Simon Ckuj as trustee of the Jaroslaw Andrew Oryszkiewicz Halyckyy Permanent Charitable Fund v Attorney General in and for NSW* [2015] NSWSC 35 (charitable trusts, unled)
- *Levett v Attorney General in and for NSW* [2014] NSWSC 1787 (charitable trusts, unled)
- *Commissioner of Police v Pecover* [2014] NSWSC 1427 (statutory construction, led by Natalie Adams SC)

Land and Environment Court

- *Southern Highlands Coal Action Group Pty Ltd v Hume Coal Pty Ltd* No. 14/40889, reserved (judicial review, environment and planning (class 4), led by Stephen Lloyd SC)

Federal Circuit Court

- *AKR15 v Minister for Immigration and Border Protection* [2015] FCCA 1734 (administrative law, jurisdiction, led by Stephen Lloyd SC)
- *SZTZI v Minister for Immigration and Border Protection* [2015] FCCA 1271 (administrative law, jurisdiction, led by Stephen Lloyd SC)

Lecturer, Administrative Law, University of NSW

July 2009 – present

Counsel Assisting the NSW Solicitor General and Crown Advocate January 2012 – April 2014

Select matters (as counsel):

High Court

- *Lee v R* (2014) 88 ALJR 656 (criminal law, led by Natalie Adams SC and Helen Roberts)
- *Magaming v R* (2013) 87 ALJR 1060 (constitutional law, led by Michael Sexton SC)
- *Lee v NSW Crime Commission* (2013) 87 ALJR 1082 (statutory interpretation; constitutional law, led by Michael Sexton SC and Natalie Adams SC)
- *State of NSW v Kable* (2013) 87 ALJR 737 (constitutional law, federal jurisdiction, tort, led by Michael Sexton SC and Mark Leeming SC)

NSW Court of Appeal

- *Director of Public Prosecutions v Kboury* (2014) 306 ALR 86 (judicial review (bench of 5), construction of *Mental Health (Forensic Provisions) Act 1990*, led by Natalie Adams SC)

- *Lodhi v Attorney General of NSW* [2013] NSWCA 433 (availability of judicial review; led by Natalie Adams SC)
- *Petroulias v The Hon Justice McClellan* (2013) 306 ALR 210 (availability of judicial review of decision of Supreme Court judge, jury irregularities; led by Natalie Adams SC)
- *Jenkins v Director of Public Prosecutions* [2013] NSWCA 406 (judicial review, availability of prerogative relief; led by Natalie Adams SC)
- *Patsalis v Attorney General for NSW* (2013) 303 ALR 568 (appellate and supervisory jurisdiction in respect of applications for post-conviction inquiries; led by Natalie Adams SC)
- *Prott v Munro* [2013] NSWCA 241 (construction of the *Crimes (Forensic Procedures) Act* 2000; led by Natalie Adams SC)
- *Re McDermott* (2013) 303 ALR 143 (application of *Crimes (Appeal and Review) Act* 2001, 1947 murder conviction; led by Natalie Adams SC)

NSW Court of Criminal Appeal

- *R v Burton* [2013] NSWCCA 335 (assessment of probative value for the purposes of s 137 of the *Evidence Act* 1995; led by Natalie Adams SC)
- *Kaddour v R* [2013] NSWCCA 243 (availability of certificate pursuant to s 128 of the *Evidence Act* 1995; led by Natalie Adams SC) (special leave refused 16 May 2014)
- *Fairfax Digital Aust and NZ Pty Ltd v District Court of NSW* (2012) 83 NSWLR 52 (construction of *Court Suppression and Non-Publication Orders Act* 2010; implied freedom of political communication; led by Michael Sexton SC SG and Anna Mitchelmore)

Senior Solicitor and Solicitor, Crown Solicitor's Office March 2009 – December 2011
 Administrative and Constitutional Law practice groups
 Solicitor Assisting the Special Commission of Inquiry into the NSW Crime Commission,
 September – November 2011

Associate, Debevoise & Plimpton LLP, New York September 2007 – February 2009
 Litigation group; acted in antitrust, commercial, white collar crime and regulatory litigation

Solicitor, Mallesons Stephen Jaques February 2005 – August 2006
 Intellectual Property and Technology Litigation group

Research Director/Tipstaff to Chief Justice JJ Spigelman AC, Supreme Court of NSW
 January 2003 – December 2004

Select publications and papers

The Laws of Australia, Subtitle 2.4 *Judicial Review of Administrative Action* (updating author; 2014)

“*Magaming v The Queen: The Constitution, Judicial Process and Sentencing*” (Paper delivered at Gilbert + Tobin Centre Constitutional Law Conference, February 2014)

“Foreword: Review of the Law of Negligence: Balancing Costs and Community Expectations”, 25 *University of New South Wales Law Journal* 808 (2002) (editor of volume 25(3))