

### Qualifications

- BA, LLB (Hons) (Melb), BCL (Oxon)

### Admissions

- Admitted to the Legal Profession: 06 May 2002.
- Signed Victorian Bar roll on 24 May 2007.
  - Three years away from the Bar (studying in the UK (2010-11) and parental leave (2012; 2014-15)).
- Based in NSW and interstate member of the New South Wales Bar Association since late 2015.

### Prior experience

- Solicitor then Senior Associate at Allens Arthur Robinson: 2001-2006 (Energy/Resources, Competition, Litigation).
- Associate to Justice Hayne at the High Court: 2003-2004.

### Selected cases

#### High Court

- *Dimitrov v Supreme Court of Victoria* [\[2017\] HCA 51](#) (acting for Bendigo Bank, led by A Archibald QC – issues involving constitutional law and class action processes)
- *Brown v Tasmania* [\[2017\] HCA 43](#) (acting for Bob Brown, led by R Merkel QC – freedom of political communication)
- *Plaintiff M96A/2016 v Commonwealth of Australia* [\[2017\] HCA 16](#) (acting for plaintiffs, led by C Horan QC – Chapter 3 of the Constitution and detention under the Migration Act).
- *ResourceCo Material Solutions Pty Ltd v Victoria* (acting for Commonwealth Attorney-General, led by S Lloyd SC – s 92 of the Constitution – settled before hearing)
- *Attorney-General (Vic) v Deborah Glass* (acting for the respondent to a special leave application, led by Peter Hanks – statutory interpretation)
- *Alqudsi v. The Queen* [\[2016\] HCA 24](#) (acting for the Victorian Attorney-General, led by R Niall QC, Solicitor-General for Victoria – s 80 of the Constitution).
- *Australian Electoral Commission v Johnston* [2014] HCA 5, 251 CLR 463 – High Court sitting as the Court of Disputed Returns – acted for a respondent to petitions disputing the election of six senators for Western Australia (led by R Merkel QC).
- *Director of Public Prosecutions (Cth) v Keating* [2013] HCA 20, 248 CLR 459 (led by D Mortimer SC, with K Walker).

- *Plaintiff M47/2012 v Director-General of Security* [2012] HCA 46, 251 CLR 1 (led by S Donoghue QC, with others)
- *John Holland Pty Ltd v Victorian Workcover Authority* (2009) 239 CLR 518: (led by P Hanks QC).
- *Attorney-General (Cth) v Alinta Limited* (2008) 233 CLR 542: Acted in the High Court of Australia as amici curiae at the request of the Attorney-General of the Commonwealth (led by P Hanks QC, with S Donoghue).

#### Federal Court and Full Federal Court

- *Port of Newcastle Operations Pty Ltd v Australian Competition and Consumer Commission* [\[2017\] FCA 1330](#) (acting for ACCC, led by P Gray QC – proceeding concerning arbitration of access dispute).
- *Triabunna Investments Pty Ltd v Minister For The Environment and Energy* (acting for Minister, led by G Kennett SC – judicial review of decision under EPBC Act).
- *Regis Aged Care Pty Ltd v Secretary, Department of Health (Cth)* (acting for respondent, led by Tom Howe QC – construction of *Aged Care Act 1997* (Cth)).
- *Repatriation Commission v Sharp* [\[2017\] FCA 350](#) (acted for respondent, led by P Hanks QC – appeal from AAT on question of law)
- *Ceric v Prosegur Australia Pty Limited* [\[2016\] FCA 1068](#) (acted for respondent, led by P Hanks QC – appeal from AAT on question of law)
- *Secretary, Department of Primary Industries, Parks, Water and Environment v Tasmanian Aboriginal Centre Incorporated* [\[2016\] FCAFC 129](#) (acting for Minister intervening in appeal, led by P Gray QC – construction of EPBC Act.)
- *Australian Education Union v State of Victoria (Department of Education and Early Childhood Development)* [2015] FCA 1196 – Acted for defendant in challenge to lawfulness of salary deductions (led by R Doyle SC).
- *Australian Competition and Consumer Commission v Coles Supermarkets Australia Pty Ltd* [2014] FCA 1405 – Acted for defendant in claim for unconscionable conduct (led by N Young QC with M Moshinsky QC with others)
- *Tarkine National Coalition Incorporated v Minister for the Environment* [2014] FCA 468, 202 LGERA 244 – Acted for Defendant in judicial review proceeding under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (led by R Lancaster SC).
- *Secretary to the Department of Sustainability and Environment (Vic) v Minister for Sustainability, Environment, Water, Population and Communities (Cth)* [2013] FCA 1, 209 FCR 215 (led by P Hanks QC).
- *Sunshine Coast Broadcasters Pty Ltd v Australian Communications and Media Authority* [2012] FCA 1205, 209 FCR 518 (led by P Hanks QC).

- *Blue Wedges Inc v Minister for the Environment, Heritage and the Arts* (2008) 165 FCR 211: Acted for the respondent in a judicial review proceeding in the Federal Court of Australia (led by P Hanks QC).

#### Supreme Court of NSW

- *Khoury Group Pty Ltd v Rosment Pty Ltd* (acted for defendant and cross-claimant led by R Lancaster SC – lease dispute and tort (nuisance)).
- *Basis Capital Funds Management Ltd v BT Portfolio Services Ltd* (2008) 67 ACSR 297 [2008] NSWSC 766: Acted in the Supreme Court of New South Wales on behalf of a unit-holder in a managed investment scheme regarding the construction of the scheme's constitution (led by M Moshinsky SC).
- *Lee v Director of Public Prosecutions (Cth) (No 2)* [2009] NSWSC 174: Acted for the Applicant in a Supreme Court of New South Wales matter arising under the Proceeds of Crime Act (Cth) (led by John Sackar QC)

#### Supreme Court of Victoria and Court of Appeal

- *Attorney-General v Glass (in her capacity as Ombudsman)* [\[2016\] VSCA 306](#) (acted for President of Legislative Council, led by P Hanks QC).
- *Brownport Almonds Pty Ltd v Lower Murray Urban And Rural Water Corporation* (acted for respondents, led by J Pizer QC – challenge to charge levied under *Water Act 1989* (Vic)).
- *Bill Express Limited (in liq) v Pitcher Partners (a firm)* – Supreme Court of Victoria (settled 2015) – Acted for defendant to a claim for breach of contract and negligence in auditing (led by C Scerri QC).
- *Seven Fields Property Pty Ltd v Murray Valley Citrus Board* [2013] VSC 423 (led by M Moshinsky QC).
- *Truenergy Pty Ltd v Dispute Resolution Panel & Ors* [2009] VSC 581: Acted for a defendant to an application for judicial review of a decision made by a Dispute Resolution Panel under the Victorian Gas Industry Market and Systems Operations Rules (led by P Crutchfield QC).
- Retained by KPMG in 2010 relation to the Westpoint litigation involving allegations of negligence in auditing (settled) (led by A Archibald QC, with M Moshinsky QC and P Solomon QC).
- *R v General Television Corporation Pty Ltd* [2009] VSC 84: Acted for the State of Victoria in a proceeding for punishment of contempt (led by C Caleo SC).
- *Hinch v County Court of Victoria* [2009] VSC 548: Acted for the Secretary to the Department of Justice in a judicial review proceeding (led by P Hanks QC).
- *Victoria v Turner* [2009] VSC 66, 23 VR 110: Acted in the Victorian Supreme Court for the respondent to an appeal on questions of law from a decision of the Victorian Civil and Administrative Tribunal in the area of discrimination (led by D Mortimer SC).

- *Biota Scientific Management v Glaxo Group Ltd* (settled in July 2008) – Supreme Court of Victoria – large-scale litigation regarding promotion of pharmaceuticals (led by J Sackar QC, with others).
- *Re Dyno Nobel Limited* [2008] VSC 154: Acted for the plaintiff in the Supreme Court of Victoria in relation to a scheme of arrangement to effect a takeover (led by J Santamaria QC).

#### Other courts and tribunals

- Appearances in the AAT, VCAT, the County Court of Victoria and the Federal Circuit Court, and in mediations, in areas such as: diverse areas of merits review, discrimination, migration.
- Regulatory investigations (involving APRA, ASIC and the ACCC) and subsequent merits review proceedings (most recently, *McLean v ASIC* [\[2017\] AATA 2566](#).)
- Submissions in relation to Senate Committee hearings.

#### Other

#### Advice

- Varied advice practice, mainly involving issues of statutory construction, constitutional law, administrative law, competition and consumer law, tax.

#### Publications

- Co-author (with Peter Hanks QC and Graeme Hill) of *Constitutional Law in Australia* (4th ed, 2017).
- Paper given at Symposium on Justice Hayne's contribution to public law, published in: (2015) 26 *Public Law Review* 298.

#### Teaching

- Senior Fellow, Melbourne Law School (in 2017, co-teaching LLM course on federal jurisdiction with Robert French AC).

#### Prizes etc

- Most recent academic prize: HLA Hart prize for top of Jurisprudence and Political Theory at Oxford University (2010).
- Recognised in AFR's Best Lawyers list (litigation) in 2017.