

PRACTICE AREAS

Briefs accepted in commercial, public, and tort matters, including: contracts and commercial; equity and trusts; administrative and constitutional; negligence and defamation; inquiries; international.

EXPERIENCE

New South Wales Bar Barrister	2015 – Present
University of Sydney Lecturer, evidence and torts	Jul – Dec 2014
University of New South Wales Lecturer, civil procedure	2013, 2017
King & Wood Mallesons Solicitor, Dispute Resolution group	2009 – 2013
Court of Appeal, Supreme Court of New South Wales Associate to the Hon. D. H. Hodgson AO	2008

EDUCATION

Columbia Law School, New York, USA

LLM (Hons) *Litigation, constitutional law, jurisprudence, history.*

University of Sydney

LLM *Commercial litigation, contracts, judicial power/review, tort.*

University of New South Wales

BA *Philosophy*, LLB (Hons)

- **First place in:** Legal Interpretation; Advanced Contract Law; Commercial Equity Litigation; Defamation & the Media; Judicial Power of the Commonwealth; The Causation Element; Biopolitics & Biotechnology; Political Theory & Rights of Indigenous Peoples.
- **Prizes:** Columbia Law School Milton B. Conford prize for jurisprudence; Sydney Law School Sir Maurice Byers prize for constitutional law; UNSW Dean's List for Academic Excellence.
- **Advocacy:** World Runner-Up, Philip C. Jessup International Moot; Winner, Australian International Arbitration Moot; National Runner-Up, Gibbs constitutional moot; National Runner-Up, ALSA Championship Moot; Winner, Witness examination, UNSW.

**PRO BONO &
OTHER ROLES**

Duty Barrister scheme, NSW Bar Association	2016 – Present
Volunteer Lawyer, Arts Law Centre of Australia	2015 – Present
Coach, UNSW Jessup moot team (National Runners-Up)	2015-16
Editorial Board, <i>UNSW Law Journal</i>	2007

PUBLICATIONS

Journal articles

‘Recourse to Contractual Context Reaffirmed’ (2015) 89(3) *Australian Law Journal* (with D. Wong).

‘*Western Export Services v Jireh International*: Ambiguity as the Gateway to Surrounding Circumstances?’ (2012) 86(1) *Australian Law Journal* 57 (with D. Wong).

(Cited in: *McCourt v Cranston* [2012] WASCA 60; *Mainteck Services Pty Ltd v Stein Heurtey SA* [2014] NSWCA 184; *Bisognin v Hera Project Pty Ltd* [2016] VSC 75; and Sir Anthony Mason, ‘The High Court of Australia – Reflections on Judges and Judgments’ (2013) 37 *ABR* 102.)

‘International Law in Constitutional Interpretation: A Theoretical Perspective’ (2012) 23(3) *Public Law Review* 197.

‘Must an Accessory be a Know-It-All?’ (2010) 18(4) *Trade Practices Law Journal* 234 (now *Competition & Consumer Law Journal*).

(Cited in: *Sugarloaf Hill Nominees Pty Ltd v Rewards Projects Ltd* [2011] WASC 19.)

‘Responding to Attacks by Non-State Actors: The Attribution Requirement of Self-Defence’ (2009) 16 *Australian International Law Journal* 133.

Case notes and comments

‘Failing to Assess a Borrower’s Repayment Capacity’, *NSW Law Society Journal*, April 2016.

‘Criteria for identification of “corporations” and “trading corporations” under 51(xx) of the Constitution’, *Bar News*, Winter 2015.

‘Sea Changes in Coastal Protection Laws’ (2013) 87 *Australian Law Journal* 15 (with K. Coleman).

Superior courts

- *Broadway Plaza Investments v Broadway Plaza (NSWSC)*
Partnership dispute; receiver appointed. (Led by J. Stoljar SC & D. Barnett)
- *Zamtech Truck Service Pty Ltd v Sydney Water Corporation (NSWSC)*
For statutory corporation in contract dispute with contractor. (Unled)
- *Crawford v Crawford (NSWSC)*
Family dispute; contract, fiduciary duties. (Led by D. Barnett)
- *(Various proprietors) v Byron Shire Council (NSWSC)*
For residents in negligence claim against public authority for causing coastal erosion damage. (Led by T. Bannon SC & A. Bouris)
- *Karellas Investments Pty Ltd v FW Projects Pty Ltd (NSWSC)*
For purchaser seeking to enforce agreement for lease. (Led by D. Barnett)
- *Statewide Secured Investments Pty Ltd v Hillington Valley Pty Ltd (NSWSC)*
For lender on claim for secured debts shortfall. (Led by D. Barnett)
- *Illawarra Retirement Trust v Denham Constructions Pty Ltd (NSWSC)*
For principal on challenge to SOPA claims: [2015] NSWSC 823 and SOPA application: [2015] NSWSC 1173. (Led by M. Christie SC)
- *Practitioner D3 v Council of the ACT Law Society & Anor (ACTSC)*
For the Law Society resisting stay of disciplinary proceedings. (Unled)
- *Harrison v ACN 155 975 063 Pty Ltd (FCA)*
For creditor defending application to set aside bankruptcy notice. (Unled)
- *Deputy Commissioner of Taxation v Leaver & Ors (FCA)*
For taxpayer's wife opposing freezing order. (Led by N. Williams SC)

District and circuit courts

- *RA Logistics Pty Ltd v Super Retail Group Ltd (NSWDC)*
For parent company of Rebel Sport in contractor dispute. (Unled)
- *Telstra Corporation Limited v A.C.N 155 795 930 Pty Ltd (NSWDC)*
For wholesale telco provider in contract dispute. (Unled)
- *ACN 161 686 488 Pty Ltd v Callex Pty Limited & Anor (NSWDC)*
For telco on claim for debts under supply contracts. (Unled)
- *Wireline Wholesale v Comms Service Ops Pty Ltd & Ors (NSWDC)*
For telco in proceedings for breach of supply contract. (Unled)
- *Do v Minister for Immigration (FCCA)*
For applicant; judicial review re partner visa. (Unled)
- *BDN16 v Minister for Immigration (FCCA)*
For applicant; judicial review re protection visa. (Unled)
- *CSW15 v Minister for Immigration (FCCA)*
For applicant; judicial review re protection visa: [2016] FCCA 1124. (Unled)
- *SZUJX v Minister for Immigration (FCCA)*
For applicant; judicial review re protection visa: [2016] FCCA 1141. (Unled)

Tribunals and other fora

- *KFWSA v Australian Sports Commission & Anor (AAT)*
For party resisting review of freedom of information decision. (Unled)
- *Business Institute of Australia Pty Ltd v Minister for Immigration (AAT)*
For applicant on review of 457 visa decision. (Unled)
- *York Business Institute Pty Ltd v ASQA (AAT)*
For VET provider on review of regulator decision. (Unled)
- Various Local Court matters. (Unled)

Advices

Various areas, e.g. insurance and subrogation; trusts and distribution entitlements; professional negligence; client poaching and confidentiality; option rights; contracts for sale of land; defamation; validity of planning instruments; liability of public authorities for storm and coastal damage; water and property rights; professional regulations; migration matters.

MATTERS AS A SOLICITOR

- Acted for engine manufacturer in Federal Court on claims by airline regarding malfunction; contract, conflict of laws, misleading conduct.
- Acted for statutory corporation in Supreme Court proceedings to set aside contracts made without authority and seek compensation.
- Acted for property developer in Supreme Court proceedings against Council for negligent processing of a development application.
- Acted for developer of off-the-plan apartments defending contract and misleading conduct claims brought by purchasers in Supreme Court.
- Acted for residents in Supreme Court against Council in damages claim arising from negligence causing coastal erosion.
- Acted for insurer in Supreme Court proceedings to obtain freezing orders against employee misappropriating funds.
- Acted for statutory corporation in investigation by, and public inquiry before, the Independent Commission Against Corruption.
- Acted for responsible entity of managed investment scheme in application for judicial advice.
- Acted for residential property owners in Land and Environment Court seeking certiorari to quash a planning instrument.
- Advised unsuccessful bidder for \$600m shopping centre on rights following unfair tender process.
- Advised mining company on tort liability.
- Advised statutory corporation on rights against contractors for defective work and misleading/fraudulent invoicing.
- Advised educational institution on contract and misleading conduct claim by individual seeking right of entry.
- Advised purchaser of beverage factory on rights following latent discovery of operational and conduct problems with business.