



## MEGAN CARISTO

Barrister

+61 2 9376 0685

[megan.caristo@banco.net.au](mailto:megan.caristo@banco.net.au)

### ADMISSIONS

**2020** Barrister, New South Wales Bar

**2011** Solicitor, Supreme Court of New South Wales and High Court of Australia

### EDUCATION

**2014 - 2015 Master of Laws, Columbia Law School, New York**

James Kent Scholar (highest academic honours); Lionel Murphy Foundation Scholarship to undertake LLM; Chamberlain Fellow in Legislation – scholarship to undertake LLM awarded by Columbia Law School

**2003 - 2010 Bachelor of Laws (Hons I), University of Sydney**

Nancy Gordon Smith Prize (awarded to top five students at graduation) (2010); University of Sydney Academic Merit Prize (2010); International Exchange Scholarship (2008); Walter Reid Memorial Prize (2007); George and Matilda Harris Scholarship No IIB for Third Year of Combined Law and Lexis Nexis Book Prize No 3 for Most Proficient Student in Combined Law III (2005); Andrew M Clayton Memorial Prize – First Place in Federal Constitutional Law and Law, Lawyers and Justice (2005); Law Society of NSW Prize and Margaret Dalrymple Hay Prize for First Place in Law, Lawyers and Justice (2005)

Exchange to **Cornell University**, New York (2008): Prize for First Place in the Civil Law Tradition; Prize for First Place in Capital Punishment Law

**2003 - 2006 Bachelor of Arts (University Medal and Hons I), University of Sydney**

Dean of Arts' List of Academic Excellence (2005); Leonie Hayne Prize for First Place in Junior Ancient History (2003); Scholarship for Outstanding Achievement in the HSC (UAI 100, first place in NSW in the HSC in Ancient History and Economics)

## PROFESSIONAL EXPERIENCE

**Since 2020** Barrister

**2017 - 2019** NSW Crown Solicitor's Office, Senior Solicitor, Constitutional and Administrative Law

**2017** Clayton Utz, Litigation, Senior Associate

**2016** Counsel Assisting the Commonwealth Solicitor General, Justin Gleeson SC

**2011 - 2015** Australian Government Solicitor, Lawyer and Senior Lawyer

**2011** Legal Aid Commission (NSW), Lawyer

**2009** Her Excellency the Honourable Margaret Beazley AC KC, NSW Court of Appeal, Tipstaff/Researcher

**2009 - 2019** Thomson Reuters, Reporter for the Australian Criminal Reports, the Administrative Appeals Reports and Author of *Laws of Australia: Privacy*

### *Lecturing*

**2018 - 2022** University of Sydney, Constitutional Law, Administrative Law and Public Law

**2020** University of NSW, Administrative Law

**2018** University of Technology Sydney, Foundations of Law and Constitutional Law

**2012, 2015** Australian National University, Constitutional Law (Tutor)

## RECENT & CURRENT MATTERS

### **UNLED**

I regularly appear in contested directions hearings in the Commercial List of the NSW Supreme Court, contested interlocutory matters in Tribunals and contested notices of motion (including against senior counsel). I also regularly give advice unled in administrative law matters.

### **High Court**

*Nasir v Cvitkovic & Ors* (High Court, S16/2025, reserved) – application for constitutional writ seeking relief in relation to a number of State defendants – instructed by the Crown Solicitor's Office for the State defendants

*Asaad v Secretary, Department of Home Affairs* (High Court, S83/2022, consent orders made discontinuing the proceedings) – challenge to a submission prepared by the Department to the Minister on the possible consideration of ministerial intervention under s 197AB of the *Migration Act 1958* (Cth) – instructed by AGS for the defendant

### **Federal Courts**

*CEW22 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (Federal Court, VID364/2022, declarations made) – judicial review of the Department's decision not to refer a request to the

Minister to exercise personal, non-delegable power under s 46A(2) of the *Migration Act 1958* (Cth) – instructed by AGS for the Minister

*The Environment Centre NT Inc v Minister for Resources and Water* [2021] FCA 1121 – case management hearing – instructed by AGS for the respondent

*BQC21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs & Anor* (Federal Circuit and Family Court, SYG1072/2021, applicant discontinued) – judicial review of a decision by an AAT member for apprehended bias – instructed by HWL Ebsworth for the Minister

### **Local Courts and Tribunals**

*Daniel v Capon and Attorney General of NSW*, (Local Court, 2021/63738) – challenge to the validity of ss 83(1) and 84(3) of the *Residential Tenancies Act 2010* (NSW) in light of Ch III of the *Constitution* – instructed by the Crown Solicitor's Office for the Attorney General of NSW

*YYJL v Director-General of Security* (AAT, 2022/0209, applicant discontinued after close of evidence) – challenge to decisions made by the Director-General of Security under the *Australian Security Intelligence Organisation Act 1979* (Cth) – instructed by AGS for the respondent

### **Examinations**

Various unled compulsory examinations for the ACCC in relation to matters under the *Competition and Consumer Act 2010* (Cth), instructed by DLA Piper and AGS

## **COMMERCIAL & INSURANCE LAW & CLASS ACTIONS**

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### **High Court – Full Bench**

*Commonwealth of Australia v Sanofi (formerly Sanofi-Aventis) & Ors* [2024] HCA 47 – appeal from the decision of the Full Court of the Federal Court in *Commonwealth of Australia v Sanofi (formerly Sanofi-Aventis)* [2023] FCAFC 97 in which the Commonwealth sought damages on undertakings given by the respondents on the grant of an interlocutory injunction – led by Justin Gleeson SC, Fiona Roughley SC and Grace Keesing, instructed by Corrs Chambers Westgarth for the Commonwealth

*Zurich Insurance PLC v Dariusz Koper* [2023] HCA 25 – challenge to the validity of Part II of the *Trans-Tasman Proceedings Act 2010* (Cth) in proceedings commenced under s 4 of the *Civil Liability (Third Party Claims Against Insurers) Act 2017* (NSW) – led by Noel Hutley SC, instructed by Piper Alderman for the first respondent

### **High Court – special leave applications**

*Impiombato v BHP Group Limited* ([2025] HCADisp 122, [2025] HCADisp 123) – special leave applications from the decisions in *Impiombato v BHP Group Limited* [2025] FCAFC 9 regarding construction of group definition in representative proceedings and whether amendments to the group definition should relate back to the commencement of the proceedings – led by Justin Gleeson SC, instructed by Phi Finney McDonald and Maurice Blackburn Lawyers for the applicants

*Commonwealth of Australia v Sanofi (formerly Sanofi-Aventis) & Ors* [2023] HCATrans 184 – special leave application from the decision of the Full Court of the Federal Court in *Commonwealth of Australia v Sanofi (formerly Sanofi-Aventis)* [2023] FCAFC 97 – led by Justin Gleeson SC, Ben Kremer SC and Fiona Roughley SC, instructed by Corrs Chambers Westgarth for the Commonwealth

*Zurich Insurance PLC v Dariusz Koper* (High Court, application granted on the papers) – challenge to the validity of Part II of the *Trans-Tasman Proceedings Act 2010* (Cth) in proceedings commenced under s 4 of the *Civil Liability (Third Party Claims Against Insurers) Act 2017* (NSW) – led by Noel Hutley SC, instructed by Piper Alderman for the first respondent

#### **Federal Court – Full Court**

*Boral Limited v Parkin* [2024] FCAFC 169 – Applications for leave to appeal (and the appeals) from *Parkin v Boral Limited (Loss of Privilege Issue)* [2024] FCA 1039 concerning the operation of ss 118, 122 and 126 of the *Evidence Act 1995* (Cth) – led by Christopher Withers SC, Tim Kane, Ben Cameron and with Nicola Bailey, instructed by Herbert Smith Freehills for Boral Limited

*Treasury Wine Estates Limited v Maurice Blackburn Pty Ltd* [2020] FCAFC 226, 385 ALR 562 – appeal on whether the *Hearne v Street* (2008) 235 CLR 125 obligation not to use documents produced under compulsion for purposes other than the proceeding applies to pleadings – led by John Sheahan KC and Fiona Roughley, instructed by Maurice Blackburn for the first and second respondents

#### **Federal Court – single judge**

*Otsuka Pharmaceutical Co Ltd v Generic Health Pty Ltd* (Federal Court, NSD 121/2012 and NSD 837/2015, hearing on the adoption (or otherwise) of the report of the Hon T F Bathurst AC KC, reserved) – dispute seeking damages on undertakings given by a pharmaceutical company on the grant of an interlocutory injunction – led by Patrick Knowles SC and Kim Pham, instructed by Corrs Chambers Westgarth

*Parkin v Boral Limited (Materiality Evidence Ruling)* [2025] FCA 70 – admissibility of expert report on the grounds that the expert is not applying specialised knowledge and that admitting his evidence would also result in an undue waste of time – led by Timothy Kane, instructed by Herbert Smith Freehills for the respondent

*Otsuka Pharmaceutical Co., Ltd v Generic Health Pty Ltd (No 5)* [2024] FCA 1268 – application for stay of hearing regarding adoption of a Referee's report pending relevant decision of the High Court of Australia – led by Peter Brereton SC, instructed by Corrs Chambers Westgarth

*Parkin v Boral Limited (Loss of Privilege Issue)* [2024] FCA 1039 and *Parkin v Boral Limited (Loss of Privilege Issue) (No 2)* [2024] FCA 1082 – voir dire as to whether client legal privilege had been lost and the application of s 126 of the *Evidence Act 1995* (Cth) – led by Christopher Withers SC, Timothy Kane and Benjamin Cameron and with Nicola Bailey, instructed by Herbert Smith Freehills for the respondent

*Parkin v Boral Limited* (Federal Court, NSD 602/2020) and *Martini Family Investments Pty Ltd v Boral Limited* (Federal Court, NSD 935/2020) (six week trial adjourned part heard in week three) – class actions by Boral shareholders in relation to alleged non-disclosures by the respondent to the ASX – led by Christopher Withers SC, Timothy Kane and Benjamin Cameron and with Nicola Bailey, instructed by Herbert Smith Freehills for the respondent in both proceedings

*Estate of Ms Wasserberger v Sentinel Wealth Management Pty Ltd* (Federal Court, NSD 104/2022, settled) – proceedings involving questions of vicarious liability and fiduciary duties – led by David Sulan SC and Jerome Entwistle, instructed by Morris Mennilli for the respondent

*Otsuka Pharmaceutical Co Ltd v Generic Health Pty Ltd* (Federal Court, NSD 121/2012 and NSD 837/2015, referral to the Hon, T F Bathurst AC KC) – dispute seeking damages on undertakings given by a pharmaceutical company on the grant of an interlocutory injunction – led by Peter Brereton SC, Patrick Knowles SC and Jane Taylor, instructed by Corrs Chambers Westgarth

*Keith Kayler-Thomson & anor v Colonial First State Investments Limited & ors* (Federal Court VID1313/2018, ongoing) – representative proceedings concerning the rates of interest paid on a particular category of investments made by Colonial and others as trustees of superannuation funds – led by Sera Mirzabegian SC and Madeleine Ellicott, instructed by Herbert Smith Freehills for the respondents

*Kayler-Thomson v Colonial First State Investments Limited (No 3)* [2023] FCA 606 – application for production of documents for inspection where respondent resisted production on basis of claim to legal professional privilege – led by Sera Mirzabegian SC and Madeleine Ellicott, instructed by Herbert Smith Freehills for the respondents

### **NSW Court of Appeal**

*Zurich Australian Insurance Limited v CIMIC Group Limited & Ors (No 2)* [2024] NSWCA 276 – costs orders following appeals in *Zurich Australian Insurance Limited v CIMIC Group Limited & Ors* [2024] NSWCA 229 – led by Anne Horvath SC, instructed by Moray & Agnew for Arch and Dual

*Zurich Australian Insurance Limited v CIMIC Group Limited & Ors* [2024] NSWCA 229 – appeal from proceedings in which the plaintiff sought indemnity for costs and settlement amounts paid in connection with claims and investigations relating to a file note about contracts made in Iraq – led by Anne Horvath SC, instructed by Moray & Agnew for Arch and Dual

*Zurich Insurance PLC v Dariusz Koper* [2022] NSWCA 128 – challenge to the constitutional validity of Part II of the *Trans-Tasman Proceedings Act 2010* (Cth) in light of Ch III and the *Melbourne Corporation* principle – led by Noel Hutley SC, instructed by Piper Alderman for the first respondent

*Brewster v BMW Australia Ltd* [2020] NSWCA 272 – questions referred on the Court's power under s 173 of the *Civil Procedure Act 2005* (NSW) to make a common fund order – led by Justin Gleeson SC and Elisa Holmes, instructed by Quinn Emanuel Urquhart & Sullivan for the plaintiff

## **NSW Supreme Court**

*Horizon Capital Finance (Registration Number B218924) v BCC Trade Credit Pty Ltd* [2023] NSWSC 1253 – application for leave to proceed against foreign corporate defendants in Hong Kong and Labuan and application to remove dissolved party in UK from the proceedings – led by Donald Mitchell, instructed by Squire Patton Boggs (AU) for the plaintiff

*Horizon Capital Finance SARL v BCC Trade Credit Pty Ltd* [2023] NSWSC 917 – application for leave to proceed under rule 11.8AA of the UCPR against foreign corporate defendants in Hong Kong and Singapore – led by Donald Mitchell, instructed by King & Wood Mallesons for the plaintiffs

*Qantas Airways Limited v L3 Commercial Training Solutions Pty Ltd* (NSW Supreme Court, 2020/20437, settled) – contractual dispute in relation to an agreement between the parties to establish and operate a pilot training academy – led by Robert Dick SC and Fiona Roughley and with Bronte Lambourne, instructed by Herbert Smith Freehills for the plaintiff

*Horizon Capital Finance SARL v BCC Trade Credit Pty Ltd* (NSW Supreme Court, 2022/384689, ongoing) – dispute concerning the payment of claims pursuant to assignments and a trade credit insurance policy – led by Donald Mitchell, instructed by King & Wood Mallesons for the plaintiffs

*Horizon Capital Fund SARL v BCC Trade Credit Pty Ltd* (NSW Supreme Court, 2023/135821, ongoing) – dispute concerning the payment of claims pursuant to an assignment and a trade credit insurance policy – led by Donald Mitchell, instructed by Squire Patton Boggs (AU) for the plaintiff

*CIMIC Group Limited v AIG Australia Limited (No 2)* [2023] NSWSC 640 – costs orders following substantive proceedings where insurers rejected insured's Calderbank offers and the insured sought Bullock and Sanderson orders – led by Anne Horvath SC, instructed by Moray & Agnew for the ninth and tenth defendants

*CIMIC Group Limited v AIG Group Limited* [2022] NSWSC 999 – proceedings in which the plaintiff sought an indemnity in respect of costs and settlement amounts paid in connection with claims and investigations relating to a file note drafted about contracts made in Iraq – led by Anne Horvath SC, instructed by Moray & Agnew for the ninth and tenth defendants

*Dariusz Koper v Zurich Insurance PLC* [2021] NSWSC 1587 – application to grant leave to the plaintiff to commence representative proceedings against the defendant under the *Civil Liability (Third Party Claims Against Insurers) Act 2017* (NSW) – led by Peter Braham SC, instructed by Piper Alderman for the plaintiff

*Louise Haselhurst v Toyota Motor Corporation Australia Limited trading as Toyota Australia* [2020] NSWSC 1607 – application by the defendant for security for costs in a class action – led by Elisa Holmes, instructed by Quinn Emanuel Urquhart & Sullivan for the plaintiff

## COMPETITION & REGULATORY LAW

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### **High Court – Full Bench**

*ACCC v Hutchinson and CFMEU; ACCC v Hutchinson and CFMEU* [2025] HCA 10 – requirements for satisfying an “arrangement or understanding” for the purposes of s 45E(3) of the *Competition and Consumer Act 2010* (Cth) – led by Justin Gleeson SC, instructed by Hall Payne Lawyers for the CFMEU with a speaking role before the High Court

*Qantas Airways Limited v Transport Workers Union* [2023] HCA 27 – construction of ss 340(1)(b) and 569 of the *Fair Work Act 2009* (Cth) in the context of a decision by Qantas to outsource its baggage handling services – led by Justin Gleeson SC, Tom Prince and Naomi Oreb, instructed by Herbert Smith Freehills for the appellants

### **High Court – special leave applications**

*ACCC v Hutchinson and CFMEU* (High Court, B20/2024, application granted); *ACCC v Hutchinson and CFMEU* (High Court, B20/2024, application granted) – evidential requirements for satisfying an “arrangement or understanding” for the purposes of s 45E(3) of the *Competition and Consumer Act 2010* (Cth) – led by Justin Gleeson SC, instructed by Hall Payne Lawyers for the CFMEU

*ACCC v Pacific National Pty Limited & Ors* [2020] HCATrans 213 – application for special leave to appeal from *ACCC v Pacific National Pty Ltd* [2020] FCAFC 77 on whether a proposed acquisition was likely to have the effect of substantially lessening competition – led by Justin Gleeson SC and Christopher Tran, instructed by DLA Piper for the ACCC

### **Federal Court – Full Bench**

*Delta Building Automation Pty Ltd & Anor v ACCC* (ACD 44/2024, judgment reserved) – appeal from *ACCC v Delta Building Automation Pty Ltd & Anor* [2023] FCA 880 in relation to findings of cartel conduct contrary to s 45AJ of the *Competition and Consumer Act 2010* (Cth) – led by Robert Yezerski SC, instructed by Webb Henderson for the ACCC

### **Federal Court – single judge**

*Fair Work Ombudsman v Super Retail Group Limited & Ors* (ACN 108 676 204) (Federal Court, NSD 45/2023, ongoing) – proceedings against Super Retail Group in relation to alleged contraventions of the *Fair Work Act 2009* (Cth) – led by Ruth Higgins SC and Jamie Darams SC, instructed by Allens for the respondents

*Transport Workers' Union of Australia v Qantas Airways Limited* (NSD 1309/2020, reserved) – penalty proceedings in relation to s 340(1)(b) of the *Fair Work Act 2009* (Cth) in the context of a decision by Qantas to outsource its baggage handling services – led by Justin Gleeson SC and Richard Dalton KC, instructed by Herbert Smith Freehills for the respondents

*Brickworks Ltd & Anor v BGC (Australia) Pty Ltd & Anor* (NSD 949/2023, settled shortly before hearing) – proceedings relating to alleged contraventions of ss 46 and 50 the *Competition and Consumer Act 2010* (Cth) – led

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by Peter Brereton SC (and later Garry Rich SC after Brereton J's appointment), Robert Yezerski SC, Danielle Forrester, Peter Strickland and with Alexander Vial and Heydon Letcher, instructed by Clayton Utz for the applicants

*ASIC v Insurance Australia Limited & Anor* (VID 666/2023, ongoing) – civil penalty proceedings – led by John Sheahan KC, Nick de Young KC and Kane Loxley, instructed by Herbert Smith Freehills for the respondents

*ACCC v Grays Ecommerce Group Limited* [2024] FCA 771 – agreed penalties against the respondent in relation to false, misleading and deceptive conduct contrary to the Australian Consumer Law in Schedule 2 of the *Competition and Consumer Act 2010* (Cth) – led by Ruth Higgins SC, instructed by DLA Piper for the ACCC

*ACCC v Delta Building Automation Pty Ltd & Anor (No 2)* [2024] FCA 580 – imposition of penalty following finding of an attempt to engage in cartel conduct contrary to s 45AJ of the *Competition and Consumer Act 2010* (Cth) – led by Robert Yezerski SC, instructed by Webb Henderson for the ACCC

*ACCC v Delta Building Automation Pty Ltd & Anor* [2023] FCA 880 – proceedings in relation to alleged cartel conduct contrary to s 45AJ of the *Competition and Consumer Act 2010* (Cth) – led by Robert Yezerski, instructed by Webb Henderson for the ACCC

*ASIC v Select AFSL Pty Ltd & Ors (No 2)* [2022] FCA 786 – civil penalty proceedings for unconscionable conduct and misleading and deceptive conduct contrary to the *Australian Securities and Investments Commission Act 2001* (Cth) and other conduct contrary to the *Corporations Act 2001* (Cth) – led by Naomi Sharp SC, Gillian Walker, Penelope Abdiel and Katarina Grenfell, instructed by ASIC

### **Competition Tribunal**

Applications by Australia and New Zealand Banking Group Limited and Suncorp Group Limited for review of ACCC Merger Authorisation Determination MA1000023 [2024] ACompT 1 led by Garry Rich SC, Robert Yezerski SC and Chris Tran and with Erin O'Connor Jardine, instructed by AGS, for the ACCC

### **Professional Disciplinary Committees**

*Health Care Complaints Commission v Professor Charlie Teo* (Professional Standards Committee, judgment delivered on 12 July 2023) – disciplinary proceedings in relation to Professor Charlie Teo's care of two patients – led by Kate Richardson SC, instructed by the Health Care Complaints Commission

### **Investigations & examinations**

ACCC investigation into the alleged conduct of a major Australian company contrary to provisions of Part IV of the *Competition and Consumer Act 2010* (Cth) – led by Michael Borsky QC and Caryn Van Proctor, instructed by DLA Piper for the ACCC

ACCC investigation into the alleged conduct of an industry group and Australian retailer contrary to provisions of Part IV of the *Competition and Consumer Act 2010* (Cth) – led by Ruth Higgins SC and Robert Yezerski, instructed by DLA Piper for the ACCC

Various compulsory examinations for the ACCC (led and unled) in relation to various matters under the *Competition and Consumer Act 2010* (Cth), instructed by DLA Piper and AGS

## **CONSTITUTIONAL, ADMINISTRATIVE & INTERNATIONAL LAW**

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### **High Court – Full Bench**

*MJZP v Director-General of Social Security & Anor* (High Court, S142/2023, reserved) – whether the High Court should re-open *SDCV v Director-General of Security & Anor* [2022] HCA 32 – challenge to the constitutional validity of s 46(2) of the *Administrative Appeals Tribunal Act 1975* (Cth) in light of Ch III – led by James Renwick SC, instructed by the Crown Solicitor’s Office for the Attorney General of NSW (intervening)

*NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] HCA 37 – whether the High Court should overrule or distinguish *Al-Kateb v Godwin* (2004) 219 CLR 562 – led by Patrick Knowles SC for the Australian Human Rights Commission

*Jones v Commonwealth of Australia* [2023] HCA 34 – challenge to the constitutional validity of s 34(2)(b)(ii) of the *Australian Citizenship Act 2007* (Cth) – led by Sebastian Harford-Davis and Daniel Reynolds with Samuel Hoare for the plaintiff, instructed by Fisher Dore Lawyers (drafted pleadings and written submissions but unable to appear at the hearing given a trial commitment)

*Davis v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] HCA 10 – whether a decision made in the exercise of non-statutory executive power is amenable to judicial review on the grounds of unreasonableness – led by the Commonwealth Solicitor-General and Nick Wood SC, instructed by AGS for the respondents

*SDCV v Director-General of Security & Anor* [2022] HCA 32 – challenge to the constitutional validity of s 46(2) of the *Administrative Appeals Tribunal Act 1975* (Cth) in light of Ch III – led by the Commonwealth Solicitor-General and Matthew Varley, instructed by AGS for the respondents

### **High Court – single judge**

*Government of the Russian Federation v The Commonwealth* [2023] HCA 20 – application for interlocutory injunction to restrain enforcement of the *Home Affairs Act 2023* (Cth) – led by Elliot Hyde, instructed by Adero Law for the plaintiff

### **High Court – special leave applications**

*SDCV v Director-General of Security & Anor* [2022] HCATrans 20 (21 February 2022) (application granted) – application for special leave to appeal from a judgment of the Full Federal Court upholding the constitutional validity of s 46(2) of the *Administrative Appeals Tribunal Act 1975* (Cth) – led by Perry Herzfeld SC and Matthew Varley, instructed by AGS for the respondents

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*Davis v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (High Court, M9/2022, application granted on the papers) and *DCM20 v Secretary of the Department of Home Affairs* (High Court, S13/2022, application allowed on the papers) – applications for special leave to appeal from a judgment of the Full Federal Court allowing judicial review of a decision made in the exercise of executive power – led by the Commonwealth Solicitor-General and Nick Wood SC, instructed by AGS for the respondents

**Federal Court – Full Bench**

*Indara Inbuilding Solutions Pty Ltd (Formerly Axicom Inbuilding Solutions Pty Ltd) v Australian Communications and Media Authority* [2024] FCAFC 117 – appeal from *Axicom Inbuilding Solutions Pty Ltd v Australian Communications and Media* [2023] FCA 1069 – led by Perry Herzfeld SC, instructed by AGS for the respondent

*Mosaic Brands Ltd v Australian Communications and Media Authority* [2022] FCAFC 79 – judicial review of a notice issued under the *Telecommunications Act 1997* (Cth) – led by Tom Brennan SC, instructed by Uther, Webster & Evans for the appellant

**Federal Court – single judge**

*Axicom Inbuilding Solutions Pty Ltd v Australian Communications and Media* [2023] FCA 1069 – judicial review of a decision by the ACMA under the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (Cth) – led by Anna Mitchelmore SC and later by Perry Herzfeld SC following her Honour's appointment, instructed by AGS for the respondent

*The Environment Centre NT Inc v Minister for Resources and Water (No 2)* [2021] FCA 1635 – judicial review of decisions by the respondent relating to the Beetaloo Cooperative Drilling Program – led by Anna Mitchelmore SC and later by Tom Howe QC and Christopher Tran, instructed by AGS for the respondents

*National Home Doctor Service Pty Ltd v Director of Professional Services Review* [2020] FCA 1016 – judicial review of a decision to resume a review under the *Health Insurance Act 1973* (Cth) and issues relating to *Anshun* estoppel and abuse of process – led by Jeremy Kirk SC, instructed by Gilbert + Tobin for the applicant

**Full Court of the NT Supreme Court**

*The Queen v Rolfe (No 5)* [2021] NTSCFC 6 – questions stated on the scope of a police officer's criminal immunity under s 148B of the *Police Administration Act* (NT) on a charge against a police officer for murder – led by Phillip Strickland SC and Sophie Callan SC, instructed by the Crown

**NT Supreme Court**

*Law Society (NT) v Legal Practitioners Disciplinary Tribunal (NT) & Anor* [2020] NTSC 79 – the applicability of parliamentary privilege to a legal practitioner's advice to a member of the NT Parliament – led by Jeremy Kirk SC, instructed by Squire Patton Boggs for the second defendant

**UN Human Rights Committee**

M.I. et al, CCPR/C/142/D/2749/2016, 23 January 2023, *Views adopted by the Committee under article 5(4) of the Optional Protocol concerning communication No 2749/2016* – extraterritorial application of the International

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Convent on Civil and Political Rights to the detention of asylum seekers transferred to offshore detention facilities in Republic of Nauru – together with Professor Ben Saul, Stephene Tully, Patrick Deegan, Ahmad Sawan and Erasmus Lovell-Jones and the Refugee Advice and Casework Service.

## **PUBLICATIONS, PAPERS & PRESENTATIONS**

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NSW Bar Association Bar Practice Course, Presentation on devilling practices, May 2024 (with Kathleen Heath), September 2024 and May 2025 (with Harrison Grace)

“Indefinite detention no more: the High Court overturns the constitutional holding in *Al-Kateb*”, *Bar News*, Autumn 2024

“NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs”, Presentation to the Australian Association of Constitutional Law (chaired by the Honourable Justice Kirk), 7 February 2024

Fiona Roughley and Megan Caristo, *Secret Ministries and the Constitution: An Implied Requirement of Publication?* (2023) 97 *Australian Law Journal* 128

“A Reader’s Reflection”, *Bar News*, Winter 2020

Organiser and chair of the CPD “What solicitors look for when briefing junior barristers” for the NSW Bar Association, November 2021

“*The Great Gatsby*”: update on state tribunals following *Attorney General (NSW) v Gatsby* [2018] NSWCA 254, Crown Solicitor’s Office Government Law Conference (2018)

*Administrative Law Update*, Crown Solicitor’s Office Administrative Law Conference (2018)

*Reasonableness in Administrative Law*, Clayton Utz Government Law CLE (2017)

*Can state tribunal orders bind the Commonwealth?* AGS Constitutional Law Forum (2015)

“*R v Woods* [2010] NTSC 69” (2011) 14(2) *Australian Indigenous Law Review* 134

“Secretary of State for the Home Department v AF: Lessons for Australia” (2010) 33 *Sydney Law Review* 693

## **COMMUNITY ENGAGEMENT**

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NSW Bar Council, Councillor (Director of the NSW Bar Association) (2023-2025)

NSW Barristers’ Benevolent Association, Director (2024-2025)

NSW Bar Association Professional Conduct Committee # 3, member (2023-2026)

NSW Supreme Court Tipstaves Conference (Banco Court) – Panellist on “Coming to the Bar”, August 2023

Australian Bar Association, Diversity Podcast – Caring for our Carers, February 2023

NSW Bar Association New Barristers’ Committee member (2020-2023)

Sydney University Law Society Women’s Committee Mentor (2020, 2021 and 2025)

Refugee Advice and Casework Service (September 2019-February 2020)

Redfern Legal Centre (August 2019-February 2020, 2005-2006)

NSW Law Society Graduate Student Mentor Program, Mentor (2018)

ANU, Melbourne Law School and UTS, Moot Court Judge (2015, 2018)

Volunteer caller for the “Yes” Campaign in the lead up to the same-sex marriage plebiscite (2017)

Harlem Tutorial Project (New York), Homework tutor to primary school children (2014)

Australian Association of Constitutional Law, ACT Branch Co-ordinator (2014)

NSW Young Lawyers, Mental Health Working Group Coordinator (2011)

UNSW Indigenous Law Centre, Student Volunteer (January-February 2011)

North Australian Aboriginal Justice Agency (Darwin), Criminal Law, Paralegal (2010)  
NSW Law Reform Commission, Student Volunteer, Privacy Inquiry (2010)  
Refugee Advice and Casework Service, Student Volunteer (2010)  
Refugee Council of Australia, Student Volunteer (2008)  
Australian Law Reform Commission, Student Volunteer, Privacy Inquiry (2007)