

Curriculum Vitae

Maria Gerace SC

Maurice Byers Chambers

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Professional Qualifications:

Bachelor of Laws (Honours Class II), University of Sydney awarded 1991

Bachelor of Economics, University of Sydney awarded 1989

Admission to Practice:

Admitted as a Solicitor of Supreme Court of NSW in 1992

Called to the Bar in 2005

Additional Professional Training and Work:

Australian Bar Association - Advanced Advocacy Course (2010)

NSW Bar Advocacy Course Coach (2015- date and ongoing)

The Australian Advocacy Institute: Train the Trainer (2019)

UNSW Lecturer in Court Processes, Evidence and Proof (2020)

Australian Bar Association – Appellate Advocacy Course (2022)

Professional Associations:

Member, NSW Bar Association Common Law Committee (since 2020)

Member, WWCD, Women’s White Collar Defense Association

Advocacy Coach, Australian Advocacy Institute

Advocacy Coach, NSW Bar Association

NSW Bar Association - Advocate for Change for Cultural Diversity (appointed 2024)

Core Practice Areas:

Inquiries, Royal Commissions & Inquests

Professional liability and negligence including representative proceedings

Crime: White Collar, Fraud, Corruption, Environmental

Inquiries: Royal Commissions, Special Commissions of Inquiry, and Inquests

Appear as Counsel Assisting and representing interested parties and witnesses in Royal Commissions, Special Commissions of Inquiry, and inquests in NSW and the ACT. Briefed to prepare matters for hearing, appear at public hearings and in the conduct of private hearings.

Appointed by the Commonwealth Attorney General and NSW Attorney General as Counsel Assisting the Royal Commission into Institutional Responses to Child Sexual Abuse.

Represented institutional and individual clients before the following inquires and Royal Commissions:

- Royal Commission into Trade Union Governance and Corruption.
- Royal Commission into Institutional Responses to Child Sexual; and
- Special Commission of Inquiry into matters relating to the Police Investigation of Certain Child Sexual Abuse Allegations in the Catholic Diocese of Maitland.
- Special Commission of Inquiry into Crystal Methamphetamine.
- Public Inquiry under the Charitable Fundraising Act 1991: RSL NSW, RSL LifeCare.

Extensive experience appearing at Inquests as Counsel Assisting the Coroner and representing interested parties in Coronal Inquests. Clients include and have included the Australian Capital Territory, NSW Local Health Districts, Victorian Health Services, NSW Department of Education, Justice & Forensic Mental Health Network NSW, individual medical and nursing professionals, local councils, and other interested parties.

Briefed as Counsel Assisting to assist and advise Coroners in relation to the issues arising, preparation of issue and witness lists, advise on further requisitions, investigations, and expert evidence to prepare a matter for inquests, and attending on interlocutory applications including for non-publication orders and public interest immunity claims.

Cases (Select) and Role:

Counsel Assisting in the *Inquest into the Death of Sean Montgomery (2024)*: Death following elective surgery, where patient underwent repair of right diaphragmatic hernia with significant organ involvement. The inquest examined the pre-operative investigations, diagnosis and information given to Mr Montgomery before consenting to surgery, whether the operation was performed with appropriate care, post-operative monitoring, and delay in returning Mr Montgomery to theatre. Coram: DSC O’Neil.

Counsel Assisting in the *Inquest into the Death of SB (name subject to non-publication) (2022)*: Death by suicide of an elderly patient held involuntarily for over 5 months at various hospitals in the Hunter region, examining the care and treatment provided to him and reasons for his extended involuntary admission. The inquest examined the clinical documentation, neuropsychiatric assessment, forensic assessment, risk assessment, medication regime and observation levels of SB, the provisions of the Mental Health Act 2007 and Mental Health and Cognitive Impairment Forensic Provisions Act 2020, the use of interpreters and discharge planning and the environmental hazards and structural vulnerability points of the hospital where SB died. Coram: DSC Lee.

Counsel for Albury Wodonga Health: *Inquest into the Death of William John Edmunds* before DSC Kennedy (2022) (Findings 9 March 2023). Instructed by K&L Gates, Melbourne. Inquest examining cause and manner of death, surgical error, open disclosure, and involvement of surgeon in additional treatment. Extensive pre inquest preparation of witness statements of executives and staff of Albury Wodonga Health, advising the executive on issues, strategy, and evidence. Appear at Inquest.

Counsel Assisting the Coroner in the *Inquest into the Death of MG* (NSW Coroner’s Court before DSC Kennedy. Findings 16 September 2022) Appear as Counsel Assisting DSC Kennedy instructed by Crown Solicitor’s Office of NSW. Inquest into manner of death, examining police response to suspected suicide, adequacy of intervention and police operation.

Inquest into the death of Camilla MARGOLIS (2022) – Appear for Mrs. Margolis (mother of Camilla Margolis). Inquest examining the care and treatment provided by the Blue Mountains District ANZAC Memorial Hospital in the days before Ms Margolis took her own life. Issues examined included the

discharge planning from the mental health inpatient unit, care co-ordination, transfer of care, handover to community mental health team, logistics and transport upon discharge, communication with consultants and management decisions outside of rostered hours, fragmentation of electronic patient records, continuity, and safety of patient care.

Counsel Assisting the Coroner in an Inquest into the Death of Caitlin Cruz (2020 and 2021):

Investigating the cause and manner of death of a 3 year old child who had acquired influenza B viral infection and which examined the nature and care of treatment provided to her by her General Practitioners, NSW Ambulance and by Westmead Children's Hospital and its specialists and doctors, the transfer of information from a pre-hospital setting to hospital setting, expert evidence on Caitlin's pericarditis, patient handover, triage, Ambulance Electronic Medical Record, documentation, neurological observations, consultant review, delay in performance of electrocardiogram and the adequacy of the Hospital's responses to Health Care Complaints Commission recommendations. Coram: DSC Lee. There were findings confirming deficiencies in the care provided to Caitlin including in delay in undertaking investigations and problems in information transfer across medical settings. A significant range of recommendations were also made.

Counsel Assisting the Coroner in an *investigation into the Disappearance of Jasmine Morris (2020):*

Disappearance and suspected death of a 16-year-old indigenous young woman and which involved examination of the NSW Police investigation of her disappearance. Briefed by the Crown Solicitor's Office of NSW. Coram: DSC Lee.

Inquest into the Death of Naomi Williams (2018, 2019):

Coram DSC Grahame. Appear for family members of Naomi Williams an indigenous woman who died from septicemia secondary to Neisseria meningitidis infection. The inquest examined medical care and experts in emergency care and infectious diseases on bacteriological infection, septicemia, and whether earlier treatment could have arrested and treated progression of the disease. On behalf of her family, evidence was adduced of an expert in the delivery of health care to and the nature of implicit and other bias in the health care when treating indigenous patients. The findings included findings of implicit racial bias in health care systems with recommendations for improvement in nurse directed care and training of Aboriginal Health Workers.

Inquest into the death of six patrons of NSW music festivals (2019):

Coram: DSC Grahame. After hearings, submissions were released by Counsel Assisting which included recommendations affecting the interests of NSW Department of Education which had not been an interested party at the hearings. Briefed by the NSW Department of Education to respond to Counsel Assisting's submissions and recommendations.

Inquest into the Death of Indy Henderson (2018):

Coram: DSC Ryan. Counsel Assisting was A. Mitchelmore SC (now Mitchelmore JA). Briefed to appear for the family of Indy Henderson who died 3 years of age when a sandstone Anzac memorial monument collapsed at a bowling club. Issues examined included whether the memorial structurally adequate, whether development consent was required for such structures and whether there should development of a specific Australian Standard for regulation of monuments of this type. Findings included that the memorial was structurally inadequate when installed, and of the absence of regulation of monuments of this type installed in a public place.

Counsel Assisting the Coroner in the *Inquest into the Death of Phillip Ibrahim (2018):*

Investigating manner of death arising from the use of central venous catheters. Coram: State Coroner Mabbutt.

Inquest into the Death of Emily (a pseudonym) (2018): Coram: DSC Grahame. Appear for the NSW Department of Education (and relevant school) in the inquest into the self-inflicted death of a teenage girl who was a child in foster care at the time and which examined the involvement of FACS and other agencies in the management of her placement in foster care and information provided to the Department of Education and events at school that preceded her death. Briefed to appear for the NSW Department of Education and the relevant school.

Counsel Assisting the Coroner in an Inquest into the death of Harold Edwards (a pseudonym) (2017): Investigating cause and manner of death of an involuntary patient in a mental health facility and involving risk of suicide, nurses' failure to carry out observations and falsified Observation Charts sheets and missing documents. Coram: DSC Truscott.

Counsel Assisting the Coroner in an Inquest into the death of Corey Alexander (2017): Investigation into the death of a 13-year-old boy, with borderline myocarditis, expert evidence from cardiologists as to whether the myocarditis have been diagnosed earlier and experts on whether treatment in the Emergency Department was adequate and whether discharge from hospital appropriate and earlier intervention would have altered the fatal outcome. Coram: DSC Ryan.

Inquiry under the Charitable Fundraising Act 1991 into The Returned and Services League of Australia (NSW Branch), RSL Welfare and Benevolent Institution and RSL LifeCare Limited. Commissioner: Honourable P. Bergin SC. Appeared for Ron Thompson, Chief Executive Officer of RSL LifeCare Ltd, instructed by Arnold Bloch Liebler. Senior Counsel Assisting was A. Cheshire SC. RSL LifeCare was represented by D. Hogan-Doran SC and T. Glover. The issues examined relevant to Mr Thompson was whether LifeCare and the directors were in breach of their fundraising authority and or obligations in relation Consultancy Agreements and payment of remuneration under the Agreements. Advised in relation to preparation, evidence, and witness statements, appeared for Mr Thompson at hearings and questioning of witnesses adverse to his interests, and preparation of submissions for Mr Thompson.

Special Commission of Inquiry into the Drug ICE: (2019 -2020) Counsel for the NSW Department of Education, Senior Department Executives and Education staff in the Inquiry into the effects of Crystal Methamphetamine in NSW. Lead Counsel Assisting the Inquiry was S. Dowling SC. NSW Health interests were represented by G. Furness SC. Advise in relation to requests for production of information and summonses, appear at hearings in Sydney, Nowra, and Maitland, preparation of witness statements for witnesses at various schools across NSW and senior executives of the Department and preparation of submissions for the Department.

Royal Commission into Institutional Responses to Child Sexual Abuse: Commissioners Justice McClellan, Justice J. Coate, B. Atkinson, R. Fitzgerald, H. Milroy, A. Murray. I appeared in several case studies, initially appearing for survivors, family members and key witnesses, then as Counsel Assisting after appointment by the Commonwealth and NSW Attorneys General, and later appeared for various church officials. Select case studies only:

- i. ***Case Study 2 (YMCA):*** Senior Counsel Assisting was G. Furness SC. Appear for parents AN, AX, AT & AW. Other interested parties represented by the G Sirtes SC, I. Neil SC, I. Temby SC, J. Agius SC, J. Needham SC, P. English, G Wright, G Patterson, C. Wasley, B. Kelleher (now SC). Examination of witnesses and submissions for my clients.
- ii. ***Case Study 8 (John Ellis, experience of Towards Healing and civil litigation):*** Senior Counsel Assisting was G. Furness SC & A. Stewart (now Justice Stewart). Appeared for Mr John Ellis (who had instructed me in the SCOI – Hunter Maitland). Examination of what had come to be known as the 'Ellis defence' in civil litigation for abuse. Questioned the following key witnesses - Cardinal George Pell, Monsignor Usher,

and senior legal practitioners of Corrs Chambers Westgarth.

Issues examined included the role an institution should play in assessing complaints of conduct by those associated with the institution, the relationship between litigation and institution-based redress schemes, the experience of civil litigation by a victim of child sexual abuse and the response of an institution that had not adopted guidelines for responding to civil litigation.

- iii. **Case Study 19 (Bethcar Children’s Home – State of NSW response):** Counsel Assisting D Lloyd (now D. Lloyd SC). Appeared for Janet Loughman (principal of Women’s Legal Service NSW who was the solicitor representing the Bethcar survivors in the litigation against the State of NSW). Other interested parties represented by P. Menzies QC and D. Kell (now SC); M. England, M. Windsor SC, M. J. Neil QC, P. Wass SC (now Wass DCJ) and B. Walker SC with S. Wells. Questioned the following key witnesses: Michael Coutts-Trotter, Secretary Department of Family & Community Services, Ian Knight (former Crown Solicitor for NSW), Senior Counsel, Counsel and legal practitioner witnesses from the Crown Solicitor’s Office called to give evidence. Issues examined included the conduct of the civil proceedings brought by fifteen former residents of Bethcar against the State of New South Wales between 2008 and 2013, the response of the New South Wales Police to complaints made by some residents of Bethcar. On the final day of hearing, the State produced a document entitled ‘NSW Government Guiding Principles for Government Agencies Responding to Civil Claims for Child Sexual Abuse’ (Guiding Principles) and which principles continue to guide responses by the State to civil claims for child sexual abuse to date.

Questioning of key witnesses including the Secretary, Department of Family and Community Services, the Crown Solicitor, and senior members of the legal profession. The State of NSW and FaCs adopted new policies for the conduct of sexual abuse claims as a result of this inquiry.

- iv. **Case Study 22 (Yeshivah Melbourne/ Yeshiva Bondi):**

Counsel Assisting (unled) examining the response of Yeshiva Melbourne and Bondi to allegations of child sexual abuse and the systems, policies, practices, and procedures for the reporting of and responding to allegations of child sexual abuse. There were 49 summonses for production, and over 4000 pages of documents.

Interested parties were represented by: K Hanscombe QC appearing for AVA and AVR; M Richards SC (as her Honour was then appearing for Menachem (Manny) Waks and Zephaniah Waks ; I Barker QC, appearing for Rabbi Pinchus Feldman; P Noonan appearing for Yeshivah Melbourne – Yeshivah Centre and Yeshivah College; P Strickland SC appearing for Rabbi Yosef Feldman; I Neil SC appearing for Rabbi Moshe Gutnick; R Van De Wiel QC appearing for AVB and AVC; T Danos appearing for Rabbi Yaakov Glasman, Rabbi Meir Kluwгант, Rabbi Mordechai Gutnick and Rabbinical Council of Victoria C Randazzo, appearing for Rabbi Jacks.

Following the Case Study, academics, and viewers from around the world, acknowledged their appreciation for the sensitive and respectful exposition of issues in this ultra-orthodox community.

Royal Commission into Trade Union Governance and Corruption (NUW) (2015): Commissioner the Hon. J.D. Heydon QC. Senior Counsel Assisting was S. McNaughton SC. Appeared for D. Belan former State Secretary National Union of Workers in an investigation of corrupt conduct and misappropriation of union funds by Mr. Belan and others.

ICAC Operation Ricco: (2016) (City of Botany Bay Council). Appeared (unled) for former Deputy General Manager of Botany Council in the investigation of corruption by receipt of various payments and misconduct in office. I was briefed to appear for the former Deputy GM, after her counsel S. McNaughton SC was appointed the Commonwealth Director of Public Prosecutions. Senior Counsel Assisting was M. Thangaraj SC. Bayside Council was represented by Senior Counsel, A. Moses SC. Appear at the hearings unled. Preparation of initial submissions for Ms Cullinane. Led by D. Hogan-Doran SC in relation to Supplementary Submissions on allegations of misconduct in public office.

Special Commission of Inquiry into the investigation of child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle 2013 (Report 2014) before Commissioner Cunneen SC. Counsel Assisting the Commission: J Lonergan SC (now Lonergan J), W. Hunt (now DCJ Hunt), D. Kell (now D. Kell SC). Appeared for 10 survivors of child sexual abuse. Instructed by John Ellis of Ellis Legal. Appearing for extremely vulnerable witnesses, preparing them to give evidence and protecting their interests by questioning of senior church officials in relation to matters under examination.

Professional negligence, medical negligence, personal injury, intentional torts, and class actions (representative proceedings)

More than 20 years' experience advising and appearing for plaintiffs and defendants in professional negligence and injury litigation with expertise in financial advice and products, medical negligence (including complex medical negligence and claims involving catastrophic injuries and death) and product liability claims including in claims under the Australian Consumer Law.

I have advised, appeared, and settled more than 500 claims for damages (public liability, medical negligence, faulty medical product claims and intentional torts) for personal injury and death

Recent cases (select):

Giunta v Giunta (Pseudonyms) [2023] NSWDC 202

Appear for the wife opposing defendant husband's application for strike-out or stay sought in litigation between former spouses – former wife claiming tortious damages for assault, battery, and intimidatory conduct by former husband. The case followed previous litigation in Family Court where *Kennon* adjustments were made in favour of former wife to account for the history of family violence. The Court rejected the former husband's claims of *res judicata*, issue estoppel, *Anshun* estoppel, oppression, and abuse of process.

Waine v Carnival PLC t/as P&O Cruises Australia [2022] NSWDC 650

Appeared for the successful plaintiff instructed by Shine Lawyers, Melbourne. Verdict for the Plaintiff in a claim for medical negligence under Civil Liability Act, arising out of the defendant's management of the plaintiff's threatened and confirmed miscarriage on a cruise. The defendant was represented by D. Priestley SC. Hearing before DCJ Taylor on 18 -21 July 2022.

Black Head Bowling Club Ltd v Harrower [2023] NSWCA 267

Harrower (&6 others) v Black Head Bowling Club & Ors District Court 27 October 2022; 3 February 2023

Led by J Morris SC. Appear for 7 plaintiffs in claims for damages for psychiatric injury arising from

the death of a 3-year-old child, killed when a 500KG sandstone monument installed at the bowling club collapsed onto her. Proceedings brought against the Club, the stonemason who installed the monument and the insurer of the de-registered company employer of the stonemason. Damages were agreed before the hearing and the matters proceeded to hearing on liability only. Verdict for the plaintiffs against the Black Head Bowling Club. The plaintiffs' claims against the stonemason and the insurer were not successful at first instance. Appeal filed by Black Head Bowling Club against judgement was dismissed. On appeal, judgement also entered for the plaintiffs against the stonemason.

Mariela Cohen & Greg Cohen v Dr Gavin Sacks & IVF Aust. Pty Limited, Supreme Court of NSW [2022]: Led by D. Williams SC. 1D represented by A. Horvath SC with T. Buterin. 2D represented by M. Windsor SC with N.Oreb. The claim commenced in 2016, and I was briefed in October 2021. The plaintiffs sued the IVF providers alleging negligence and breach of the Australian Consumer Law in the IVF services including in relation to representations made about the IVF services and preimplantation genetic testing of embryos, advice against amniocentesis of the resultant pregnancy and failure to advise of the limits of pre-implantation genetic testing of the embryo. The plaintiff mother gave birth to a boy later diagnosed as suffering from a rare chromosomal disorder Pallister-Killian Mosaic Syndrome, who would never work and need lifelong support and care. The parents alleged amniocentesis would have identified the syndrome and they would have terminated the pregnancy. This was a significant claim seeking damages of more than \$15M. The matter was settled on a confidential basis in February 2022.

Group Claim representing 15 claimants seeking damages against Gentle Dental for defective dental work: Leading M. Robinson, instructed by J.Bonura, Partner, Marsdens. The claims have been successfully settled.

Zayd Bazzi (bht Nada Larosse) & Nada Larosse v Nepean Blue Mountains Local Health District in the Supreme Court of NSW. Briefed to advise (unled) in relation to this significant claim for damages (>\$10M) for catastrophic birth injuries alleged to be caused by the failure to identify placental abruption and delay in expediting delivery. There was also a claim by the mother for nervous shock. Briefed and led by J. Downing SC at Mediation on 30 November 2021. The matter was settled after mediation.

Dungay: Nervous Shock Claims: Claims for damages for psychiatric injury for members of the Dungay family following the death of David Dungay in custody. The claims were advanced informally after the Coroners Court of NSW issued its findings: **Inquest into the Death of David Dungay (Coroners Court of NSW, Findings: 22 November 2019)**). The claims were settled in 2022.

Williams: Nervous Shock Claims: Claims for damages for psychiatric injury for friends and family of Naomi Williams who died from septicemia, after alleged negligent treatment by Tumut Hospital. The claims were advanced informally after the Coroners Court of NSW issued its findings: **Inquest into the Death of Naomi Williams (Coroners Court of NSW, Findings: 29 July 2019)**. I appeared for the family at Inquest. The claims were settled in 2022.

Evans v Health Administration Corporation [2019] NSWSC 1717. Representative proceedings by Ms Evans on behalf of Group Members in relation to alleged disclosure by NSW Ambulance to Mr Mallik and by Mr Mallik to others, of employee confidential, health and private information. Led by M. Rivette (Victorian Bar) for Ms Evans and the Group Members. The defendant was represented by S.

Free SC with J. Taylor. This was one of the first privacy breach class actions claiming damages for breach of confidence and misuse of confidential information (in equity), contravention of the Australian Consumer Law, breach of tort of invasion of privacy and other causes of action. The proceedings were settled, and the settlement approved by the Court.

Appear for claimants and defendants in litigated and informal claims for damages for child sexual abuse. Claims against perpetrators and institutions (appearing for survivors and named defendants). Multiple civil claims for damages for survivors of child sexual abuse including claims against the State of NSW, State of WA, various religious and educational institutions. Details can be provided on request.

Following is a non-exhaustive list of the types of claims I have advised and appeared in:

- Allegations of negligent financial and investment advice, actions to set aside mortgages for fraud, negligent advice.
- Medical negligence arising from obstetric care including failures in pregnancy screening for birth defects, catastrophic birth injuries (including hypoxic brain injury/cerebral palsy claims), fetal death, injuries from forceps and maternal injury and trauma.
- Medical negligence in gynaecology including vaginal mesh, failed sterilization procedures, surgical mishaps, claims arising from insertion and removal of subcutaneous contraceptives.
- Medical negligence in emergency care – inappropriate discharge resulting in injury or death.
- Medical negligence in psychiatric care –inappropriate early discharge of suicidal patients, failures to search suicidal patients, failures in observations, failures in medication, mismanagement of drug and alcohol withdrawal in patients.
- Medical negligence in medication prescription and administration
- Medical negligence in anaesthesia and oncology
- Medical negligence in all types of surgery including orthopaedics: incorrect operations, improperly performed procedures, retained foreign objects, neural injuries from operation positioning of patients, inadvertent injury to surrounding organs and structures, failure to maintain sterile operating conditions.
- Medical negligence in misdiagnosis and delayed diagnosis of medical conditions (pap smears, breast screening, delayed diagnosis of cancers, sepsis).
- Medical negligence in medical information and warnings given to patients.
- Class actions: Manage settlement of contaminated blood products (HepC) and business claims following cryptosporidium in Sydney Water.

Key clients:

- iCare and NSW Treasury Managed Fund for NSW public hospitals.
- Hospitals insured by Victorian Managed Insurance Authority and ACT Insurance Authority.
- Various medical defense organisations.
- Injured plaintiffs and their families represented by Slater & Gordon, Shine Lawyers, Marsdens, The Law Office of Conrad Curry, Catherine Henry Lawyers & Carroll O’Dea.

Crime: White Collar, Fraud, Corruption, and Environmental

Representing clients facing corruption and fraud investigations by the Independent

Commission Against Corruption, Royal Commissions, and other bodies. Representing clients facing criminal charges for fraud, financial crimes, and corruption.

Experience in criminal proceedings:

- (Non-salaried) Crown Prosecutor instructed by the Office of the Director of Public Prosecutions NSW.
- More than 8 years experiencing appearing as a prosecutor in the prosecution of environmental and food safety offences for various local councils including North Sydney Council, Marrickville Council and later, Inner West Council and acting for defendants charged planning and environmental offences (breach of consents, tree clearing, discharge of substances from construction sites).
- Appear for and advise defendants in SafeWork NSW prosecutions.
- Advising defendant in relation to potential industrial manslaughter.
- Briefed to appear for parties charged with Commonwealth and State offences at trial and on appeal including public justice offences and financial crime.

Experienced in analysis of voluminous and complex material, identification of pre-trial issues, negotiation of appropriate early pleas and narrowing issues at trial. Expertise in the examination and cross-examination of experts including medical, forensic, DNA, accounting, and financial experts. Briefed to advise and undertake private investigation for into suspected fraud including collation of evidence, interview of witnesses, analysis of evidence, preparation of reports on findings and claims for submission to insurers.

Advise and act in civil proceedings for recovery including applications for Anton Pillar and freezing orders.

Select cases:

SafeWork NSW v Kayrouz Constructions Pty Limited (No. 2) [2021] NSWDC 38; SafeWork NSW v Kayrouz Constructions Pty Limited [2020] NSWDC 77 Appear for the Defendant charged in safe work prosecution. Appear on interlocutory application in relation to dispute with the prosecutor about nature of plea of guilty where defendant wanted to dispute facts and prosecutor arguing plea of guilty is an admission of all particulars of reasonably practicable measures pleaded in Summons, in circumstances where particulars were pleaded in the alternative. Successfully argued plea only to elements of offence and leave to put on evidence on disputed facts. Appear at disputed facts hearing and sentence.

North Sydney Council v Richard Crookes Constructions Pty Ltd: Appear for North Sydney Council in prosecution of Richard Crookes Construction Pty Ltd alleging an offence under S4.2(1)(b) of the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act) in undertaking building construction work in breach of approved hours of DA, and without an out of hours work permit. Negotiation of Enforceable Undertaking for the purpose of section 9.5 of the EPA Act

Winau Aust Pty Ltd & Ors v Chan & Ors, Supreme Court: Freezing orders obtained for Unit Holders arising from a loss of \$9M due to fraudulent conduct.

ICAC Operation Ricco: (2016) (City of Botany Bay Council). Appeared (unled) for former Deputy General Manager of Botany Council in the investigation of corruption by receipt of various payments and misconduct in office. I was briefed to appear for the former Deputy GM, after her counsel S. McNaughton SC was appointed the Commonwealth Director of Public Prosecutions. Senior Counsel

Assisting was M. Thangaraj SC. Bayside Council was represented by Senior Counsel, A. Moses SC. Appear at the hearings unled. Preparation of initial submissions for Ms Cullinane. Led by D. Hogan-Doran SC in relation to Supplementary Submissions on allegations of misconduct in public office.

Bayside Council v Cullinane, Supreme Court (2018 - 2022). Appear for Ms Cullinane after representing Ms Cullinane in ICAC's Operation Ricco. Complex civil litigation involving allegations of breach of fiduciary obligations by Ms Cullinane.

Nicola Van Laar v Stephen Brian Jarvie, Adviser Connect Pty Ltd & Ian Wallace Jarvie (P)SYC4981/2016, Family Court of Australia. Appear led and unled in contested interlocutory applications for the wife in family law proceedings involving allegations the husband was concealing his true financial assets. On the Wife's case, the asset pool was > \$18M, more than triple the asset pool contended by the Husband. There were significant contested interlocutory applications including to have the respondent company valued, for qualification of a valuer and taxation expert. The matter was settled after obtaining company valuation and taxation expert evidence.

Royal Commission into Trade Union Governance and Corruption: Commissioner the Hon. J.D. Heydon QC (as he then was). Senior Counsel Assisting was S. McNaughton SC. Appeared for D. Belan former State Secretary National Union of Workers in an investigation of corrupt conduct and misappropriation of union funds by Mr. Belan and others.

Investigation: Publicly listed company – Briefed to investigate alleged fraud by a Manager involving stock loss of \$2.5M. Briefed to interview employees, collate evidence, report on findings, and advise in relation to freezing orders and presentation of claim to insurer. The Insurer brought civil proceedings following the investigation. ODPP prosecutions were subsequently instituted against employees involved in the fraud.

Sahadi & Savva and Anor [2016] FamCAFC 65 (29 April 2016) before May Ryan & Aldridge JJ
Sahadi & Savva & Anor [2016] FCCA 589 (18 March 2016) before Kemp J

Appeared for the Commissioner of NSW Police as Intervener seeking the leave of the Federal Circuit Court to use an expert report prepared in the family law proceedings for the purpose of the criminal prosecution of the mother and father. The Commissioner sought orders allowing the expert report to be provided to the Director of Public Prosecutions and for its consequential use in the trial of the mother and father of offences relating to the murder of a crown witness. The Commissioner was successful in his application before Judge Kemp in the Federal Circuit Court. The mother appealed the decision. I appeared for the Commissioner on appeal (leading S. McGee) and the appeal was dismissed.

Previous roles as a Solicitor

Sachs Gerace Lawyers, Sydney, Principal Lawyer: 2000 – 2005

Slater & Gordon, Sydney Practice Manager: 1999 – 2000: Manage settlement processes of 2 large class actions – Sydney Water Cryptosporidium and Hepatitis C contaminated blood transfusion class action.

GILD Legal, Corporate Insurance and Health Lawyer: 1996-1997 (2 years)

Ernst & Young, Tax & Regulation Lawyer: 1995

Tress Cox & Maddox, Junior Lawyer, Civil Litigation: 1992 – 1994 (3 years): Large file load of personal injury public liability claims for various insurers and working with partner for Australian Red Cross Contaminated Blood Products litigation. Commercial litigation.