

ZOE ALDERTON

BARRISTER

LEVEL 60 MLC CENTRE, 25 MARTIN PLACE
+61 2 8233 0300 E: Z.ALDERTON@MAURICEBYERS.COM



QUALIFICATIONS

May 2017	Called to the Bar
April 2014	Admitted as a solicitor to the Supreme Court of New South Wales

PANELS, COMMITTEES AND OTHER APPOINTMENTS

- Zoe is appointed to the Legal Aid Indictable Criminal Law Barrister Panel, and the Commonwealth DPP External Junior Counsel Panel.
- Zoe has served on a Professional Conduct Committee (NSW Bar Association) since 2022.
- Between November 2021 and August 2024 Zoe was appointed as a Senior Member (part time) of the NSW Civil and Administrative Tribunal, sitting in the Guardianship Division.

AREAS OF PRACTICE

Zoe maintains a diverse practice, and has appeared in Courts and Tribunals in NSW, the ACT and the Northern Territory. Zoe's areas of focus include:

- Criminal law – advising and appearing for the accused in summary and indictable criminal matters, including at first instance and on appeal, including in relation to charges of murder, sexual assault, drug manufacturing, driving occasioning death, fraud, and offences involving the *Anti-money Laundering and Counter Terrorism Financing Act 2006* (Cth).
- Professional discipline - advising and appearing in professional discipline proceedings, including appearing before the Medical Council in urgent proceedings convened under the *Health Practitioner Regulation National Law* ('section 150 hearings'), and proceedings before the NSW Civil and Administrative Tribunal (Occupational Division)
- Intentional Torts - advising and appearing in proceedings related to false imprisonment, unlawful arrest, assault, malicious prosecution, and other intentional torts
- Coronial Inquests – advising and appearing for interested parties, including medical professionals
- Applications under the *Crimes (High Risk Offenders) Act* and related legislation seeking continuing detention (including as a forensic patient) or continuing supervision orders.

Criminal Trials

R v Craig Rumsby

Supreme Court of NSW, various dates in 2023, Led by N Broadbent SC.

The offender was charged with the murder of Michelle Bright in 1999, and with offences against another young woman in 1998. The offender made admissions to undercover operatives in 2020 during the course of a 'Mr Big' operation. The accused challenged the admissions made by the accused, and certain tendency and coincidence evidence. Zoe was led by N Broadbent SC in a Trial before Acting Justice Hulme, and a jury.

R v Lingam

District Court of NSW, Judge Everson SC, July 2023, Unled.

The accused was charged with dangerous driving occasioning death and dangerous driving occasioning grievous bodily harm. The accused made admissions at the scene to being the driver of the vehicle, and the Crown relied upon evidence from an expert that the accused was likely the driver given the positioning of the deceased and the other injured passenger. The jury found the accused not guilty of all charges.

R v Proctor

District Court of NSW, Judge O'Rourke SC, May 2022, Unled

The accused was charged with committing an act of indecency onboard a domestic flight. The accused, and a number of defence witnesses, gave evidence of a nervous habit the accused had which may have been misinterpreted by passengers and flight crew. Defence witnesses were also called to give evidence of the accused's good character. The jury found the accused not guilty of all charges.

R v Sigalla

District Court of NSW, Judge Flannery SC, September 2020, Unled

The accused was charged (with a co-accused, represented by M Cunneen SC) with two counts of recklessly dealing with the proceeds of crime. Judge Flannery found Zoe's client not guilty of both charges.

R v DB

District Court of NSW, Judge Conlon SC, June 2019, Unled

The accused and the complainant had sexual intercourse one evening after a work conference. The complainant made a detailed complaint to her workplace, and then to police. The accused was charged with two counts of sexual intercourse without consent. The Crown relied upon the complaint to the workplace, to colleagues, and a 'pre-text' phone call. After giving evidence, the Jury found the accused not guilty of both charges.

R v Foster

District Court of NSW, Judge Charteris SC, June- August 2018, Unled

Zoe appeared for the accused in a Judge Alone trial in relation to charges of wounding with intent to cause grievous bodily harm. The accused raised self-defence, and that he was not guilty by reason of his mental illness, which was a drug induced psychosis. Conduct of the trial involved calling expert evidence from a forensic psychiatrist, and

cross-examination of the Crown's forensic psychiatrist. Judge Charteris found the accused not guilty by reason of his mental illness, and released subject to treatment in the community.

Inquest and inquiries

Inquest into the death of Bailey Mackander, May Oct, Nov 2021, Unled

The deceased was in an inmate on remand in a NSW Gaol. Prior to his death the deceased had been placed in an observational cell. He was transported to an Emergency Department and died when he fell over a wall. Zoe appeared for a registered nurse who was involved in the deceased's care in the days prior to his death. There were no adverse findings against the Registered Nurse, and the Coroner extended her 'appreciation' for the Nurse's detailed evidence.

Inquest into the death of Nathan Reynolds, Oct-Dec 2020, Unled

The deceased suffered an asthma attack and died whilst in custody. Zoe appeared at the inquest on behalf of five individual Registered Nurses. The inquest covered a broad range of factual matters, with specific attention on the conduct of a Registered Nurse who treated Nathan immediately before he died. The Coroner did not make any adverse recommendations in relation to any of the five Registered Nurses.

Civil Proceedings and Intentional Torts

Zoe advises and appears for children and adults who have been the subject of tortious conduct, including by members of the NSW Police, or Corrective Services. Zoe has obtained favourable settlement terms for many clients who have been wrongfully arrested, falsely imprisoned, assaulted or unlawfully searched.

Family of David Dungay - Nervous Shock Claim - led by M. Gerace SC

David Dungay died in custody. An inquest into the circumstances of his death took place on various dates in 2018 and 2019. After the inquest concluded Zoe appeared for various members of David Dungay's family (instructed by the National Justice Project) in relation to claims for nervous shock. The claims were advanced informally and settled in 2022.

PROFESSIONAL BACKGROUND

Aboriginal Legal Service, Western Region

July 2014 – April 2017

Junior Solicitor, Dubbo; Intermediate Solicitor, Griffith

Tipstaff to the Honourable Justice Elizabeth Fullerton

January 2014-July 2014

Paralegal to the Honourable Justice Peter Hamill

2011- July 2014

(Prior to his Honour's appointment to the Supreme Court of NSW)