

## Contact

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## Admissions

NSW Bar	2017
Supreme Court of New South Wales	2008
High Court of Australia	2008

## Qualifications

**Master of Laws (LLM), New York University (NYU)** 2010

- Area of study: comparative public law and public international law
- Arthur T Vanderbilt Scholarship
- Research intern at the Centre on Law and Security
- Research intern at Centre for Human Rights and Global Justice

**Bachelor of Laws (LLB) (First Class Honours), University of Sydney** 2006

- Sir John Peden Memorial Prize for Foundations of Law, Federal Constitutional Law, International Law and Real Property
- Walter Ernest Savage Prize for Legal Institutions/Legal Philosophy
- Lexis-Nexis Butterworths Prize for Best First Year Law Student
- Editorial committee of *The Sydney Law Review*

**Bachelor of Arts (BA), University of Sydney** 2004

- Majored in History and Government & International Relations
- Turner Prize (Turner Fellowship) for Best Student in Government & International Relations
- Dean's List for Excellence in Academic Performance in 2002, 2003 and 2004

## Previous experience

**Counsel Assisting the Commonwealth Solicitor-General** 2013–2014

My role involved appearing as junior counsel in various matters; assisting in the preparation of proceedings before domestic and international courts and tribunals (incl the High Court); assisting in the preparation of legal opinions, papers and speeches; and liaising on behalf of the Solicitor-General with Ministers' offices, agency heads, other agency officers and solicitors.

Select cases while Counsel Assisting:

- *Thiess v Collector of Customs* (2014) 250 CLR 664
- *Australian Electoral Commission v Johnston* (2014) 251 CLR 463 (WA Senate election)
- *Williams v Commonwealth (No 2)* (2014) 252 CLR 416
- *Howard v Commissioner of Taxation* (2014) 253 CLR 83
- *Attorney-General (NT) v Emmerson* (2014) 253 CLR 393
- *Comcare v PVYW* (2013) 250 CLR 246
- *Fortescue Metals Group Limited v Commonwealth* (2013) 250 CLR 548
- *Lee v NSW Crime Commission* (2013) 251 CLR 196
- *Magaming v The Queen* (2013) 252 CLR 381
- *Australian Competition & Consumer Commission v Lux Distributors Pty Ltd* [2013] FCAFC 90
- *Philip Morris Asia Ltd v Australia* (Permanent Court of Arbitration Case No 2012-12)

**Australian Government Solicitor (AGS)**

2007–2012  
and 2015–2017

I worked at AGS for over 8 years, moving from Graduate Lawyer, to Lawyer, to Senior Lawyer. I was based first in AGS's Office of General Counsel (focussed on constitutional litigation and advice) and then in AGS's Dispute Resolution Group (focussed on general litigation in federal and State courts).

Select cases as a solicitor:

- *Inquest into the deaths arising from the Lindt Café siege* (NSW Coroner's Court)
- *Philip Morris Asia Ltd v Australia* (Permanent Court of Arbitration Case No 2012-12)
- *Ure v Commonwealth* (2016) 236 FCR 458
- *Australian Communications and Media Authority v Today FM (Sydney) Pty Limited* (2015) 255 CLR 352
- *CPCF v Minister for Immigration and Border Protection* (2015) 255 CLR 514
- *Harbour Radio Pty Limited v Australian Communications and Media Authority* (2015) 231 FCR 329
- *Channel Seven Brisbane Pty Limited v Australian Communications and Media Authority* (2014) 227 FCR 162
- *Assistant Commissioner Michael James Condon v Pompano Pty Ltd* (2013) 252 CLR 38

**Tipstaff to the Hon Justice Richard W White,  
Supreme Court of New South Wales**

2006

I worked as his Honour's tipstaff for the 2006 law term, providing in-court assistance, legal research, etc in areas like corporations law, commercial law, contract law and equity.

**Appointments  
and memberships**

- Bar News Committee, NSW Bar Association 2018–2020
- New Barristers Committee, NSW Bar Association 2019–2020

## Selected cases

### **Retchford & Ors v Chairperson of Pastoral Land Board and Northern Territory of Australia (NTSC No 2023-00334-SC) (matter ongoing)**

- Administrative law – validity of permit to clear land – rights of native title holders – sacred sites of first nations peoples
- Led by S Lloyd SC for Respondents

### **Hamzy v Commissioner of Corrective Services and the State of New South Wales [2022] NSWCA 16; (2022) 107 NSWLR 544; (2022) 400 ALR 507**

- Constitutional law – s 109 inconsistency – whether NSW statute requiring high risk prisoners to speak English inconsistent with *Racial Discrimination Act 1975* (Cth)
- Administrative law – prison regulation – validity of legislative restrictions on legal visits and calls
- Led by J Emmett SC for Respondents

### **DRJ & Ors v Commissioner of Victims Rights [2021] HCASL 53**

- Constitutional law – State Constitution – power to legislate extraterritorially
- Statutory interpretation – extraterritorial operation of statutes – presumption of territorial operation – whether Yazidi women harmed by Islamic State entitled to compensation under NSW statute
- Led by J Emmett SC for Respondent

### **Hamzy v Commissioner of Corrective Services and the State of New South Wales [2020] NSWSC 414**

- Constitutional law and administrative law – see entry above for appeal proceeding
- Led by J Emmett for Respondents

### **Elliott v Minister Administering Fisheries Management [2018] NSWCA 123; (2018) 97 NSWLR 1082; (2018) 357 ALR 175**

- Administrative law – validity of regulations concerning primary industries/fisheries
- Led by I Taylor SC for Respondents

### **Channel Seven Sydney Pty Ltd v Australian Communications and Media Authority (FCA No NSD1657/2018)**

- Administrative law – broadcasting regulation – broadcast of racially vilifying material on *Sunrise* program – matter settled on terms favourable to Respondent
- Led by N Williams SC for Respondent

### **Eve Hemp Pty Limited v Secretary to the Department of Health [2017] FCA 1051**

- Administrative law – therapeutic goods regulation – medical cannabis
- Led by S Lloyd SC for Respondent

### **O'Connor v State of New South Wales [2017] NSWCA 335**

- Administrative law
- Led by J Emmett for Respondent

***George Thomas Hotels (Campsie) Pty Limited & Anor v Independent Liquor and Gaming Authority & Anor* [2017] NSWSC 792**

- Administrative law – liquor and gambling licensing
- Led by J Emmett for Respondents

***Attorney-General of the Commonwealth v Schulz (No 2023/90913)* (matter ongoing)**

- Criminal law – prosecution for alleged offence under *Criminal Code* (Cth) – war crime of murder
- National security – protection of Defence and other national security information relating to war in Afghanistan – *National Security Information (Criminal and Civil Proceedings) Act 2004* (Cth)
- Led by J Single SC for the Commonwealth (intervening); with A Payten

***Roberts-Smith v Fairfax Media Publications Pty Ltd (No 41)* [2023] FCA 555**

- Defamation – allegations of war crimes against former Special Forces member
- National security – protection of Defence and other national security information relating to war in Afghanistan – *National Security Information (Criminal and Civil Proceedings) Act 2004* (Cth)
- Led by K Stern SC, A Mitchelmore SC and J Single SC for the Commonwealth (intervening); led by different silks for different parts of trial; also unled for parts of trial; with C Ernst

***Roberts-Smith v Fairfax Media Publications Pty Ltd (No 34)* [2022] FCA 532**

- Open justice – publication of court proceedings on Federal Court’s YouTube channel – risks to national security
- Led by J Single SC for Commonwealth

***Roberts-Smith v Fairfax Media Publications Pty Ltd (No 31)* [2022] FCA 271**

- Public interest immunity – protection of information relating to Brereton Inquiry
- Led by A Berger QC for the Inspector-General of the ADF

***Roberts-Smith v Fairfax Media Publications Pty Ltd (No 24)* [2021] FCA 1461; (2021) 395 ALR 695**

- Public interest immunity – protection of information relating to Brereton Inquiry – transcripts of confidential evidence given by Special Forces members
- Led by K Stern SC for the Inspector-General of the ADF; with C Ernst

***Roberts-Smith v Fairfax Media Publications Pty Ltd (No 14)* [2021] FCA 552**

- Public interest immunity – protection of information relating to Brereton Inquiry – protection of information relating to ongoing criminal investigation into alleged war crimes committed in Afghanistan
- Led by A Berger QC for the Inspector-General of the ADF; with C Ernst

**Competition and  
consumer law**

***Roberts-Smith v Fairfax Media Publications Pty Limited (No 8)*  
[2020] FCA 1630**

- Public interest immunity – protection of information relating to Brereton Inquiry
- Led by A Mitchelmore SC and A Berger for the Inspector-General of the ADF

***Roberts-Smith v Fairfax Media Publications Pty Ltd (No 6)*  
[2020] FCA 1285**

- Public interest immunity – protection of information relating to Brereton Inquiry
- Led by A Mitchelmore SC and A Berger for the Inspector-General of the ADF

***AFT Pharmaceuticals (AU) Pty Ltd v Reckitt Benckiser (Australia) Pty Ltd*  
[2020] FCA 672**

- Consumer law – ACL – misleading and deceptive conduct – advertising for analgesic drugs – whether adequate scientific foundation for representations conveyed
- Led by N Murray SC and A Vincent for Respondent

***Pitcher Partners Consulting Pty Ltd v Neville's Bus Service Pty Ltd*  
[2019] FCAFC 119; (2019) 271 FCR 392; (2019) 371 ALR 480; (2019) 138 ACSR 65**

- Torts – deceit – measure of damages
- Consumer law – ACL – misleading and deceptive conduct
- Led by J Gleeson SC and A Vincent for Respondent

**Common law /  
torts**

***Millar v McDade & Commonwealth of Australia (NSWSC No 2016/307299)***

- Torts – malicious prosecution – prosecution of ADF members by Director of Military Prosecutions following deaths of children during war in Afghanistan –matter settled before final hearing
- Led by N Williams SC and A Mitchelmore SC for Respondents

**Planning and  
environment**

***Environment Protection Authority v Forestry Corporation NSW*  
(NSWLEC No 2021/134498; 2021/134499)**

- Environmental law – prosecution for alleged breaches of *Forestry Act 2012* (NSW) – matter settled before final hearing
- Led by J Single SC for EPA; with M Pruscino

**Criminal law and  
crime-related  
proceedings**

***Attorney-General of the Commonwealth v Ghazzawy*  
(NSWSC No 2023/426568) (matter ongoing)**

- Preventive detention/supervision – application for extended supervision order for terrorist offender – Div 105A of *Criminal Code* (Cth)
- Led by T Begbie KC for Plaintiff; with A Garsia and H Rogers

***State of New South Wales v Ibrahim [2021] NSWSC 793***

- Preventive detention/supervision – application for extended supervision order for terrorist offender
- Led by K Stern SC for Plaintiff

***State of New South Wales v Hayter [2020] NSWSC 916***

- Preventive detention/supervision – application for extended supervision order for sex offender
- Unled for Plaintiff

***Fox v Senior Constable Lipinski (NSWDC No 2019/306845, Weinstein SC DCJ, 3 July 2020)***

- Criminal law – application for Apprehended Domestic Violence Order – appeal from Local Court
- Unled for Respondent

***State of New South Wales v Neal [2019] NSWSC 201***

- Preventive detention/supervision – application for extended supervision order for sex offender – final hearing
- Unled for Plaintiff

***State of New South Wales v Neal [2018] NSWSC 1806***

- Preventive detention/supervision – application for extended supervision order for sex offender – preliminary hearing
- Unled for Plaintiff

***Attorney General for New South Wales v Christian by his tutor Thompson [2018] NSWSC 744***

- Preventive detention/supervision – application for extended supervision order for forensic patient – final hearing
- Unled for Plaintiff

***State of New South Wales v Lee [2018] NSWSC 473***

- Preventive detention/supervision – application for extended supervision order for sex offender – final hearing
- Unled for Plaintiff

***Brendan James Smith v Constable James Atkinson, NSW Police Force [2018] NSWDC 129***

- Criminal law – application for forensic procedure order – appeal from Local Court
- Unled for Respondent

***AAH v Senior Constable James Whalan, NSW Police Force (NSWDC No 2018/274802)***

- Criminal law – application for forensic procedure order – appeal from Local Court – matter settled before final hearing
- Unled for Respondent

***State of New South Wales v Lee [2017] NSWSC 1766***

- Preventive detention/supervision – application for extended supervision order for sex offender – preliminary hearing
- Unled for Plaintiff

***Attorney General for New South Wales v Christian by his tutor Thompson [2017] NSWSC 1663***

- Preventive detention/supervision – application for extended supervision order for forensic patient – preliminary hearing
- Led by S Callan for Plaintiff

***Hamzy v The Queen (NSWDC No 2017/280500, Graham ADCJ, 21 February 2019)***

- Criminal law – application for permanent stay – appeal from Local Court
- Unled for the NSW Commissioner of Corrective Services (as *amicus curiae*)

***Roberts-Smith v Fairfax Media Publications Pty Ltd (No 18) [2021] FCA 793***

- Privilege against self-incrimination – abrogation – scope of use and derivative use immunity
- Led by K Stern SC and A Mitchelmore SC for the Inspector-General of the ADF; with C Ernst

***Inquest into the death of Quoc Tuan Tran Pham (matter ongoing)***

- Coronial law – death in public hospital – major depressive disorder
- Unled as Counsel Assisting

***Inquest into the death of Ian Turner (matter ongoing)***

- Coronial law – death of Special Forces member – post-traumatic stress disorder
- Led by J Single SC for the Australian Defence Force

***Inquest into the death of Sandra Cawthorne (2023)***

- Coronial law – death as a result of homicide – sex worker killed by gun shots
- Unled as Counsel Assisting

***Inquest into the death of AJ (2021)***

- Coronial law – death as a result of police operation – suicide during police rescue – whether conduct of responding police adequate and appropriate
- Unled as Counsel Assisting

***Inquest into the death of Mahmoud Allam (2020)***

- Coronial law – death in custody – methicillin-resistant *Staphylococcus aureus* – appropriateness of medical treatment
- Unled as Counsel Assisting

***Inquest into the death of Jordan Cruickshank (2019)***

- Coronial law – death as a result of police operation
- Unled for NSW Commissioner of Police

## Merits review

### ***Ruyters v Commissioner of Police* [2021] NSWCATAD 41**

- Administrative law – protection of information/GIPA – telephone intercepts obtained during Keli Lane murder investigation
- Unled for Respondent

### ***Port Surry Hills Pty Ltd & Ors v Independent Liquor and Gaming Authority* (NCAT proceeding No 2020/127850)**

- Administrative law – liquor and gaming regulation – matter settled before final hearing
- Unled for Respondent

### ***SKGT v Minister for Foreign Affairs* (AAT proceeding No 2019/5264)**

- Administrative law – cancellation of passport because of criminal intelligence information – matter settled before final hearing
- Led by K Stern SC for Respondent

### ***Iris Shaft Hotel Operations Pty Ltd & Ors v Independent Liquor and Gaming Authority* (NCAT proceeding No 2019/302711)**

- Administrative law – liquor and gaming regulation – matter settled before final hearing
- Unled for Respondent

### ***Luk v Commissioner of Police, NSW Police* [2019] NSWCATAP 23**

- Administrative law – security industry regulation – Appeal Panel
- Unled for Respondent

### ***Kendrick v Secretary, Department of Education* [2019] NSWCATAD 45**

- Administrative law – education and care services regulation
- Unled for Respondent

### ***Lock the Gate Alliance v Department of Planning and Environment & Department of Premier and Cabinet* [2019] NSWCATAD 6**

- Administrative law – protection of information/GIPA – Cabinet documents concerning Shenhua Coal Mine in Northern Rivers region
- Unled for Respondents

### ***Glencore Australia Holdings Pty Ltd & Ords v Australian Taxation Office* (AAT proceeding No 2019/0889)**

- Administrative law – protection of information/FOI – matter settled before final hearing
- Led by M Allars SC for Respondent

### ***DHU v Commissioner of Police, NSW Police* [2018] NSWCATAP 282**

- Administrative law – privacy – Appeal Panel
- Unled for Respondent

***DLY v Commissioner for Fair Trading* [2018] NSWCATAD 125**

- Administrative law – tattoo parlour regulation
- Unled for Respondent

***Kaldas v Secretary, Department of Finance, Services and Innovation* (NCAT No 2018/167783)**

- Administrative law – tow truck industry regulation – matter settled before final hearing
- Unled for Respondent

***Purcell v Secretary, Department of Education* (NCAT No 2018/117808)**

- Administrative law – education and care services regulation – matter settled before final hearing
- Unled for Respondent

## Publications and presentations

J Edwards, “Can a Non-Material Error be Jurisdictional?” (2018) (Summer) *Bar News* 74

J Edwards, “Finality in Administrative Decision-Making: the *Bhardwaj* Principle 15 Years On” (Seminar delivered at the Therapeutic Goods Administration, Canberra, 29 June 2018)

J Edwards and I Taylor, “Courtroom 2.0: How to Create the Courtroom of the Future” (2018) (Summer) *Bar News* 28

J Edwards, “The Prank Phone Call, the Media Watchdog and the Judicial Power of the Commonwealth” (Paper presented at the AGS Constitutional Law Forum, Canberra, 13 November 2015)

J Edwards, “Applied Law Schemes and Responsible Government: Some Issues” in G Patmore and K Rubenstein (eds), *Law and Democracy: Contemporary Questions* (ANU Press, 2015)

J Edwards and N Gouliaditis, “Untapped Veins in s 51 of the Constitution; or, How to Create a Command Economy Using the Census and Statistics Power” (Paper presented at the AGS Constitutional Law Forum, Canberra, 22 November 2013)

J Edwards, R Finkelstein, J Francis and L Hardiman, “To Catch a Thief: Statutory Interpretation in Action” (Seminar delivered at the Government Law Group Forum, Canberra, 23 October 2012)

J Edwards, “The Implications of Intergovernmental Agreements and the Applied Law Schemes” (Paper presented at the Australian National University Public Law Weekend, Canberra, 20–22 September 2012)

J Edwards, “What is a Tax?” (Paper presented at the AGS Constitutional Law Forum, Canberra, 16 November 2011)