

MEGAN CARISTO

Admitted to practice in 2011, Barrister since 2020

PROFESSIONAL

As a practitioner

- August 2017 - July 2019 **NSW Crown Solicitor's Office**, Senior Solicitor
- Senior Solicitor in the Constitutional and Administrative Law Team and in the Employment and Industrial Relations Team
 - Advised on constitutional law, betting law, water law, royal commissions, employment law, aviation law, electoral law and criminal law
- January 2017 - August 2017 **Clayton Utz**, Litigation, Senior Associate
- Advised on mining law and environmental law
 - Secondment to the Department of Defence to assist with PFOS litigation
- 2016 **Counsel Assisting the Solicitor General of the Commonwealth, Justin Gleeson SC**
- Assisted the Solicitor General with advices on constitutional law, electoral law, migration law and criminal law
 - Assisted the Solicitor General prepare for his appearances in the High Court, the Federal Court and International Tribunals
- October 2011 - 2015 **Australian Government Solicitor**, Lawyers and Senior Lawyer
- Lawyer in the Constitutional Litigation Unit and Senior Lawyer in the Employment, Entitlements and Money Unit
 - Advised on taxation and revenue law, constitutional law, social security law, employment law and discrimination law
- 2011 **Legal Aid Commission (NSW)**, Lawyer
- 2009 **Her Excellency the Honourable Margaret Beazley AC QC, NSW Court of Appeal**, Tipstaff/Researcher
- 2009 to 2019 **Thomson Reuters**, Reporter for the Australian Criminal Reports, the Administrative Appeals Reports and Author of *Laws of Australia: Privacy*

As a lecturer

- 2018 - present **University of Sydney**, Constitutional Law, Administrative Law and Public Law
- 2020 **University of NSW**, Administrative Law
- 2018 **University of Technology Sydney**, Foundations and Constitutional Law
- 2012, 2015 **Australian National University**, Constitutional Law (Tutor)

EDUCATION

- 2014-2015 **Master of Laws**, *Columbia Law School at the University of Columbia*, 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): CALI Prize for First Place in the Civil Law Tradition; CALI 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 (2003-2008)

SELECTED MATTERS

Commercial law

Treasury Wine Estates Limited v Maurice Blackburn Pty Ltd [2020] FCAFC 226, 385 ALR 562 – 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 J Sheahan QC and F Roughley, instructed by Maurice Blackburn for the first and second respondents

Brenster v BMW Australia Ltd [2020] NSWCA 272 – whether the Court has power under s 173 of the *Civil Procedure Act 2005* (NSW) to make a common fund order – led by J T Gleeson SC and E Holmes, instructed by Quinn Emanuel Urquhart & Sullivan for the plaintiff/first cross-defendant

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 E Holmes and R Mansted, instructed by Quinn Emanuel Urquhart & Sullivan for the plaintiff

Kelly Partners (Sydney) Pty Ltd v Segal (District Court, 2020/00159259) – debt claim by plaintiff and detinue crossclaim by defendant – led by J Hutton, instructed by Clayton Utz for the defendant/cross-claimant (settled)

Regulatory law

Australian Competition and Consumer Commission 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 J T Gleeson SC and C Tran, instructed by DLA Piper Australia for the ACCC

Australian Securities and Investment Commission v Select AFSL Pty Ltd & Ors, (Federal Court, NSD1447/2019) – civil penalty proceedings for unconscionable conduct and misleading and deceptive conduct – led by N Sharp SC, G Walker, P Abdiel and K Grenfell, instructed by ASIC

Mosaic Brands Ltd v Australian Communications and Media Authority (Full Federal Court, NSD698/2021) – whether a notice to give information and produce documents complied with the *Telecommunications Act 1997* (Cth) – led by T Brennan SC, instructed by Uther, Webster & Evans for the appellant

Public law

Law Society Northern Territory v Legal Practitioners Disciplinary Tribunal (NT) & Anor [2020] NTSC 79 – whether legal practitioner’s advice to opposition leader protected by parliamentary privilege – led by J K Kirk SC, instructed by Squire Patton Boggs for the second defendant

National Home Doctor Service Pty Ltd v Director of Professional Services Review [2020] FCA 1016 – whether the respondent was prevented from resuming a review under the *Health Insurance Act 1973* (Cth) and issues relating to *Anshun* estoppel and abuse of process – led by J K Kirk SC and J Taylor, instructed by Gilbert + Tobin for the applicant

Maleng & Ors v Attorney General of the Commonwealth (Federal Court, ACD35/2020) – judicial review of decisions by Attorney-General of the Commonwealth not to refer the applicants’ cases under s.140 of the *Sentencing Act 1995* (WA) – led by P Herzfeld SC and P Tierney, instructed by Ken Cush & Associates for the applicants (discontinued)

Criminal law

The Queen v Rolfe (No 5) [2021] NTSCFC 6 – the scope of a police officer’s criminal immunity in s 148B of the *Police Administration Act* (NT) – led by P Strickland SC and S Callan SC, instructed by the Crown.

I have also advised corporate and government clients on prospects for potential litigation.