

MELITA E PARKER

Barrister

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ADMISSION

2021 Called to the New South Wales Bar

2015 Admitted to the Supreme Court of Western Australia

SELECTED DECISIONS & BRIEFS

Commercial litigation and arbitration matters

Confidential arbitration, Hong Kong International Arbitration Centre, HKIAC/A22063, settled, led by A Munro – breach of indemnity regarding foreign tax liabilities

Confidential arbitration, Australian Centre for International Commercial Arbitration, ongoing, led by P Braham SC, E Hyde – public-private partnership construction contract dispute

Datona Pty Ltd v United Petroleum Pty Ltd, NSW Supreme Court, 2019/228050, led by P Braham SC – breach of contract of bailment, misleading or deceptive conduct

Independent Liquor & Gaming Authority v Melco Resorts & Entertainment & Ors [2022] NSWSC 294 (Ball J) (interlocutory service dispute), for the Defendants, settled following service of evidence, led by J Stoljar SC and Z Hillman (debt claim under the *Casino Control Act 1992* (NSW), judicial review cross-claim), led by S Mirzabegian SC (discovery application involving confidentiality provisions under the Gaming and Liquor Administration Act 2007 (NSW))

Lendlease Corporation Ltd v Acciona Infrastructure Asia Pacific Pty Ltd & Anor, NSW Supreme Court, 2021/00219818, Ball J, for the Plaintiff, settled prior to hearing, led by J Williams SC, T O'Brien – construction of sale of business contract

Mulberry Capital Management Pty Ltd v Shen [2022] NSWSC 1220 (Hammerschlag CJ in Eq), successful with indemnity costs, for the Defendant, led by A Munro – breach of contract, breach of directors' duties

Robust Construction Services Pty Ltd (in liquidation) v Titan Cranes and Rigging Pty Ltd, NSW Supreme Court, for the Defendant, led by J Hutton SC – insolvent and voidable transactions

Sheehy v Nuix Pty Ltd [2023] FCA 56 (Halley J), for the Applicant, led by I Jackman SC and O Jones – construction of option agreement, implied terms, oppression and unconscionable conduct, Anshun estoppel

Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd & Ors, WA Supreme Court, CIV 3041/2010, CIV 2617/2012, reserved, for the HPPL Parties, Smith J, led by N Hutley SC, P Brereton SC, C Bova SC and others including:

- *Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd & Ors (No 16)* [2022] WASC 432 (Smith J) led by C Bova SC, T O'Brien - application for adjournment or stay
- *Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd & Ors* [2023] WASCA 88 (Quinlan CJ, Vaughan and Beech JJA), led by N Hutley SC, J Kennedy – appeal against refusal of application for adjournment or stay
- *Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd & Ors (No 23)* [2023] WASC 380 (Smith J), led by P Brereton SC - objections to documentary evidence

- Responding to application challenging legal professional privilege and without prejudice privilege claims before Whitby J, reserved, led by P Brereton SC

Wynyard 048 Service Pty Ltd Limited ATF Wynyard 048 Trust v Mirvac Real Estate Pty Limited, NSW Supreme Court, 2022/38120, for the defendant, Black J, settled prior to hearing, led by O Jones – construction of settlement deed

Vakiloroyaya v Norri, NSW Local Court, 2021/48216, for the Defendant, unled – fraud

TDK Formwork Pty Ltd v Resilient Rock Pty Ltd & Ors, NSW Local Court, 2022/2387, for the Defendants, unled – debt claim

Public and regulatory matters

Asset Energy Pty Ltd v Minister for Resources, Federal Court, WAD 106/2022, Jackson J, settled, for the Applicant, led by S Free SC – judicial review application under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth), constitutional challenge to the validity of the appointment of Former Prime Minister Scott Morrison to Minister for Resources during COVID

Australian Competition and Consumer Commission v Dell Australia Pty Ltd [2023] FCA 588 (Jackman J), for the Applicant, led by S Free SC and S Mirzabegian SC – misleading or deceptive conduct claim

Australian Competition and Consumer Commission v Dell Australia Pty Ltd [2023] FCA 983 (Jackman J), for the Applicant, led by S Mirzabegian SC – pecuniary penalty

Axicom Inbuilding Solutions Pty Ltd v Australian Communications and Media Authority [2023] FCA 1069 (Perry J), for the Applicant, led by S Free SC – judicial review application of decision under the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (Cth)

Edwards and Secretary, NSW Department of Communities and Justice [2023] FedCFamC1A 3, Independent Children’s Lawyer, led by P Herzfeld SC – application under *Hague Convention*

Hamzy v Commissioner of Corrective Services [2022] NSWCA 16 (Bathurst CJ, Basten and Leeming JJA), for the Amicus Curiae, led by C Gleeson SC – statutory construction, validity of *Crimes (Administration of Sentences) Regulation 2014* (NSW)

Indara Inbuilding Solutions Pty Ltd v Australian Communications and Media Authority, ongong, Full Court of the Federal Court, NSD 1129/2023, for the Appellant, led by H El-Hage SC – appeal against unsuccessful judicial review application

Royal Commission into Defence and Veteran Suicide – In-depth Inquiry 1 (confidential) – led by S Free SC

Tribunal matters

Can United Pty Ltd and Australian Skills Quality Authority, AAT, 2021/4068, 2021/4212, settled, for the Applicant, unled - review of deregistration under the *National Vocational Education and Training Regulator Act 2011* (Cth)

Kabbout and NDIA, AAT, 2021/7094, settled, for the Respondent, unled – review of refusal of support

Lam and NDIA, AAT, 2021/4403, settled, for the Respondent, unled – review of refusal of support

NSW Land and Housing Corporation v Ohlsen, NCAT, SH21/21028, for the Respondent, unled - application for stay of termination proceedings (successful, unreported) – interference with right to silence in criminal proceedings

Santos NSW Pty Ltd and EnergyAustralia Narrabri Gas Pty Ltd and Gomeroi People and State of New South Wales [2022] NNTTA 74 (Dowsett J), for the State, led by H El-Hage (unled at hearing and mediation) – native title

Advice matters

Advice for corporate receivers regarding potential liability under *Building Products (Safety) Act 2017* (NSW), *Design and Building Practitioners Act 2020* (NSW), *Home Building Act 1989* (NSW), led by J Williams SC

Advice to casino regarding compliance with *Casino Control Act 1992* (NSW), led by P Herzfeld SC

Advice to the Board of the Royal Australasian College of Physicians, led by J Hutton SC – governance, statutory duties of charitable organisation

Confidential investigation into workplace behaviour, led by A Munro

Advice and representation of consumers in disputes with property developers and financial institutions regarding contracts for purchase of land – each settled prior to commencement of proceedings

Pro bono advice to PIAC Homeless Persons' Legal Service regarding interaction between Solicitors Conduct Rules and *Children and Young Persons' Care and Protection Act 1998* (NSW)

PROFESSIONAL EXPERIENCE PRIOR TO THE BAR

Oct 2020 – Jun 2021 Government Legal Department (United Kingdom)

Lawyer - Home Office and Immigration Division

Drafting prospects advice and pleadings; preparing witness statements and collecting evidence in UK administrative law and human rights challenges.

Feb 2014 - Sep 2019 Australian Government Solicitor

Lawyer, Senior Lawyer (from February 2017) - AGS Dispute Resolution

Managing Federal Court representative proceedings; drafting prospects advice; identifying ADR solutions for claimants within the Commonwealth legal framework; drafting pleadings and submissions; conducting witness conferences and drafting witness statements; briefing counsel; and analysing large volumes of documentary evidence.

Jan 2013 - Dec 2013 Supreme Court of Western Australia

Research Associate to the Hon Justice Simmonds and the Hon Justice Beech

Associate duties for civil and criminal trials, sentencing and interlocutory hearings; legal research; drafting and proofing judgments; managing the Civil List; and reviewing transcript, evidence and court documents to prepare summary memoranda.

EDUCATION

2019 - 2020 London School of Economics and Political Science

Master of Laws (Distinction)

Dissertation: Multiple Source Contamination: Overcoming the Causation Challenges in Australian Tort Law

2014 Australian National University

Graduate Diploma in Legal Practice

**2011 - 2013,
2007 - 2009 University of Western Australia**

Bachelor of Laws (Hons) (First Class)/Bachelor of Arts

Dissertation: Reconceiving the Assessment of Common Law Judicial Reviewability in Australia

2010 University of Melbourne

Bachelor of Arts (Political Science and International Relations) (Hons) (First Class)