

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 – led

Independent Liquor & Gaming Authority v Melco Resorts & Entertainment & Ors [2022] NSWSC 294 (interlocutory service dispute), ongoing, for the Defendants, led by J Stoljar SC and Z Hillman – debt claim, judicial review cross-claim

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

Marlin Enterprise Ltd & Anor v Maxter Investments Ltd & Ors, Hong Kong International Arbitration Centre, HKIAC/A22063, ongoing, led by A Munro – breach of contract involving foreign tax liabilities

Mulberry Capital Management Pty Ltd v Shen [2022] NSWSC 1220, for the Defendant, led by A Munro – breach of contract, breach of directors' duties

Sheehy v Nuix Pty Ltd, Federal Court, NSD1168/2020, reserved, for the Applicant, led by I Jackman SC and O Jones – construction of contract, oppression, unconscionability

Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd & Ors, WA Supreme Court, CIV/3041/2010, CIV2617/2012, ongoing, for Defendants, led by C Bova SC, C Bannon and others – partnership dispute, breach of fiduciary duties

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

Ongoing advice to Macquarie Telecom, led by J Hutton – commercial tenancy dispute

Confidential investigation into workplace behaviour, led by A Munro

Commercial – unled

Al Maha Pty Ltd & Bechara v Bechara & Broughton Road Investments Pty Ltd, NSW Supreme Court, 2021/193624, ongoing – breach of contract, breach of fiduciary duties

Freeman & Scorse v Scorse & Commonwealth Bank, NSW Supreme Court, 2022/77041, for the Plaintiffs – application for freezing order (successful, unreported) – duty judge application

K Farrell Pty Limited v Holcim (Australia) Pty Ltd, NSW District Court, 2022/148392, for the Defendant – breach of contract

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

Public and regulatory – led

Australian Competition and Consumer Commission v Dell Australia Pty Ltd, Federal Court, NSD 942/2022, ongoing, for the Applicant, led by S Free SC – misleading or deceptive conduct claim

Asset Energy Pty Ltd v Minister for Resources, Federal Court, WAD 106/2022, ongoing, for the Applicant, led by S Free SC – judicial review application and constitutional challenge

Axicom Inbuilding Solutions Pty Ltd v Australian Communications and Media Authority, Federal Court, NSD 2021/1171, reserved, for the Applicant, led by S Free SC – judicial review application

Edwards v Secretary, NSW Department of Communities and Justice, Full Court of the Federal Circuit and Family Court of Australia, NAA 2022/238, ongoing, as the Independent Children’s Lawyer, led by P Herzfeld SC – Hague convention

Hamzy v Commissioner of Corrective Services [2022] NSWCA 16, for the Amicus Curiae, led by C Gleeson – statutory construction

Royal Commission into Defence and Veteran Suicide – In-depth Inquiry 1 – led by S Free SC, A Munro

Public and regulatory – unled

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

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

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

NSW Land and Housing Corporation v Ohlsen, NCAT, SH21/21028, for the Respondent - 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, National Native Title Tribunal, NF2021/0003-0006, reserved, for the State, led by H El-Hage (unled at hearing and mediation) – native title, future act determination

PROFESSIONAL EXPERIENCE

Sep 2021 – present	Eleven Wentworth <i>Barrister</i>
Oct 2020 – Jun 2021	Government Legal Department (United Kingdom) <i>Lawyer - Home Office and Immigration Division</i> 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 <i>Lawyer, Senior Lawyer (from February 2017) - AGS Dispute Resolution</i> 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 <i>Research Associate to the Hon Justice Simmonds and the Hon Justice Beech</i> 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)

AWARDS

- 2015** **Australian Government Solicitor Client Care Award**
 For work for the Australian Competition and Consumer Commission
- 2014** **Australian Government Solicitor Australia Day Award**
 For constitutional advice in preparation for the G20 Summit in Brisbane.
- 2012** **Top Mark in Advanced Constitutional Law (91)**

PUBLICATIONS AND PRESENTATIONS

- 2022** **"Backpacker tax" offends Australia-UK double taxation treaty**
 Bar News
- 2014, 2015** **AGS FOI Practitioners' Forum**
 Presenting to Commonwealth clients on emerging issues in Australian information law.
- 2013** **Beyond Kakavas: The Future of Unconscionable Dealing in Australia**
 Co-author of paper with the Hon Justice Beech presented at Law Society of WA.
- 2011** **LEADR Negotiation and Mediation Course**
 Five-day intensive negotiation and mediation course with LEADR coach.

VOLUNTEERING

- 2019 - 2020** **LSE Volunteering**
Ad hoc volunteering with the elderly and persons with a disability.
- 2019 - 2020** **Philip C Jessup International Law Moot Court Competition (LSE team)**
Consultant coach
 Assisting team in preparation of written submissions and oral advocacy.