

Alice Wharldall
BARRISTER

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Bar Roll: 05.2022 | Admitted: 08.2014

AREAS OF PRACTICE

See schedule for details
of recent matters

Public law	General commercial
Constitutional law	Contracts
Administrative law	Regulatory
Judicial review	Insolvency
Appellate	Torts
Industrial relations & employment	Equity & trusts

PREVIOUS ROLES

10.2017 — 02.2022

**Victorian Government Solicitor's Office – Public Law and Planning
(Constitution and Advice)**

From September 2021 – Principal Solicitor

- Constitutional litigation and advice
- Statutory interpretation and administrative law advice
- Judicial review, merits review and occupational regulation matters

02.2014 — 07.2015;
09.2016 — 10.2017

Allens – Litigation team (including insolvency)

Associate / Lawyer

- Corporate insolvency, commercial disputes and tax

08.2015 — 08.2016

Associate to the Hon. Justice Davies – Federal Court of Australia

ACADEMIC

2009 — 2013

Bachelor of Laws (Hons, 1st class) / Bachelor of Arts (French)

University of Adelaide

University Prizes

- John Bray Law Chapter of the Alumni Association Prize 2013
Denoting the highest average mark in all compulsory subjects for the degree of Bachelor of Laws
- Law Society of South Australia Centenary Prize 2013
Denoting the highest average mark in all compulsory and elective subjects for the degree of Bachelor of Laws
- Stow Prize 2013
- Dean's Certificate for Advanced Constitutional Law 2013
Dean's Certificate denotes top mark
- Lipman Karas Prize for Dispute Resolution and Ethics 2013
- Dean's Certificate for Law Research Dissertation 2013
- Dean's Certificate for Adelaide Law Review 2013
- Second prize in national Sir Anthony Mason Constitutional Law Essay Competition
- Howard Zelling Prize for Constitutional Law 2012
- Thomson Lawbook Prize for Academic Excellence 2012
- Edith Puddy Prize for French 2010
- Dean's Certificate for Foundations of Law 2009
- Lexis Nexis Prize 2009
- Adelaide Undergraduate Scholarship 2008 to 2012

Schedule | Significant matters

AS COUNSEL

Public law matters

- Advice regarding operation and constitutional validity of legislative proposals — led by Liam Brown SC, Crown Counsel for Victoria.
- Advice regarding *Workplace Injury Rehabilitation and Compensation Act 2013* — led by Peter Hanks KC.
- *Asset Energy Pty Ltd v Commonwealth Minister for Resources* [2023] FCA 86 (resolved): judicial review — led by Nick Wood SC and Frances Gordon KC (instructed by AGS).
- *Bozinovski v Director, Fines Victoria* (Supreme Court of Victoria, resolved): judicial review — led by Edwina Smith (instructed by VGSO).
- *Collins v Brown and State of South Australia* (Supreme Court of South Australia, resolved): judicial review; implied freedom of political communication — led by Damian O'Leary SC and Glyn Ayres (instructed by Allens).
- *G-Global 120E T2 Pty Ltd v Commissioner of State Revenue and G Global 180Q Pty Ltd v Commissioner of State Revenue* (Supreme Court of Queensland, ongoing): constitutional challenge to land tax surcharge — led by Peter Hanks KC and Harry Lakis (instructed by PricewaterhouseCoopers).
- *Patrick v Australian Information Commissioner* (Full Court of the Federal Court, ongoing): appeal — led by Zoe Maud SC, with Guru Kuganathan (instructed by Norton Rose Fulbright).
- *Patrick v Australian Information Commissioner (No 2)* [2023] FCA 530: judicial review — led by Zoe Maud SC (instructed by Norton Rose Fulbright).
- Acting for the Victorian Electoral Commission in the lead-up to the 2022 Victorian State Election — led by Liam Brown, Crown Counsel for Victoria – including *Donohue v Gately* [2022] VSC 758; *Torney v Victorian Electoral Commission* [2022] VCAT 1337; *Cumming v Victorian Electoral Commission* [2022] VSC 671 (instructed by VGSO).
- *Vincent v Guy* [2023] VSC 122 (Court of Disputed Returns), appearing for the Victorian Electoral Commission — unled (instructed by VGSO).
- Proceedings in VCAT (resolved): concerning power of Owners' Corporations to levy fees — unled (instructed by Holding Redlich).

Torts

- *Footscray Football Club v Kneale* (Court of Appeal, ongoing): appeal (liability in tort; assessment of damages) — led by Sam Hay KC and James McComish (instructed by Rightside Legal).
- *Loneragan v The Trustees of the Sisters of Saint Joseph* [2022] VSCA 208: tort; assessment of damages — led by James McComish (instructed by Ken Cush & Associates).

Commercial and employment matters

- *Slade Health Pty Ltd v Reid* (Supreme Court of Victoria, ongoing): contractual dispute — led by Premala Thiagarajan (instructed by KWM).
- *Reid v Slade* (Supreme Court of Victoria, ongoing): contractual disputes; statutory unconscionable conduct — led by Premala Thiagarajan (instructed by KWM).
- *KQ International Trading Pty Ltd v Tian* (Federal Court of Australia): resisted application to set aside statutory demand — unled (instructed by Kennedy Partners).
- Proceedings concerning adverse action and misrepresentation of workplace rights (FCFCoA, resolved) — unled (instructed by Saines Legal).
- Advice regarding the *Child Employment Amendment Act 2022* — unled.

AS SOLICITOR: VICTORIAN GOVERNMENT SOLICITOR'S OFFICE

Constitutional and statutory interpretation matters

- Acting for the Attorney-General for the State of Victoria intervening in the following High Court matters:
 - *Palmer v Western Australia; Mineralogy v Western Australia* — constitutional challenge to the *Iron Ore Processing (Mineralogy Pty Ltd) Agreement Amendment Act 2020* (WA)
 - *Palmer v Western Australia* — constitutional challenge to the State border closures concerning s 92 of the Constitution
 - *Vella v Commissioner of Police (NSW)* — constitutional challenge to *NSW Crimes (Serious Crime Prevention Orders) Act 2016*, based on the *Kable* principle
 - *BMW Australia Ltd v Brewster; Westpac Banking Corporation v Lenthall* — challenge to the power of courts to make certain 'common fund orders'
- Acting for the State defendants in a Supreme Court constitutional challenge to the *Stay at Home Directions* given under the *Public Health and Wellbeing Act 2008* (Vic) (*Cotterill v Romanes*), and Federal Court injunction application in *Athavle v New South Wales* (2021).
- Acting for the Aboriginal Heritage Council in County Court proceedings regarding the ownership of certain Aboriginal objects under the *Aboriginal Heritage Act 2006* (Vic).
- Acting for the Victorian Building Authority in the successful application for special leave to the High Court of Australia and subsequent appeal proceedings in *Victorian Building Authority v Andriotis*.
- Advising on constitutional issues raised by various legislative reform proposals, including the validity of taxes, referral of legislative powers to the Commonwealth, and restrictions on interstate trade and commerce.
- Advising multiple government agencies on the operation of complex legislative schemes such as the *Mutual Recognition Act 1992* (Cth); *Children, Youth and Families Act 2005*; *Corrections Act 1986*; and the Murray-Darling Basin Agreement (Sch 1 to the *Water Act 2007* (Cth)).
- Advising the Victorian Electoral Commission on various matters including administrative decisions and enforcement powers.

Administrative law and occupational regulation matters

- Advising various government departments regarding administrative decision-making including validity of delegations, statutory authorisations and appointments.
- Acting for the Attorney-General for the State of Victoria in judicial review proceedings in the Supreme Court, concerning agreements signed by the Attorney-General under the *Traditional Owner Settlement Act 2010*.
- Acting for the Medical Board of Australia in various disciplinary proceedings in VCAT under the *Health Practitioner Regulation National Law (Victoria) Act 2009*.
- Acting for the Councillor Conduct Panel in VCAT in the first merits review proceedings under s 81Q of the *Local Government Act 1989 (Vic)*, which involved a three-day hearing before Vice-President Judge Millane. The Panel's decision was affirmed: *Buckley v Councillor Conduct Panel* [2018] VCAT 1244.

AS SOLICITOR: ALLENS

Litigation and Insolvency teams

- Acting for the National Australia Bank in relation to the enforcement of mortgages including:
 - defending injunction applications in the County Court and the Court of Appeal; and
 - instituting and managing successive proceedings to remove caveats and obtain injunctions to prevent the lodgement of further caveats.
- Advising a global mining company regarding a significant transfer pricing matter and audit brought by the Australian Tax Office.
- Acting for a high-profile individual to defend insolvent trading claims.
- Advising on the enforcement of security interests over various managed investment schemes and other investment structures relating to plantations, particularly the obligations in relation to the rights of investors.
- Advising on the scope of coverage and enforcement of directors' indemnity insurance policies in connection with various matters.

Pro Bono

- Acting on behalf of the Human Rights Law Centre in relation to asylum seekers in Australia for a temporary purpose.
- Advising on a possible constitutional challenge to the Queensland voting qualification laws, which prohibited all prisoners from voting in Queensland state elections.
- Advising self-represented litigants in the Federal Court of Australia in relation to employment and bankruptcy matters, including advice regarding the merits of claims, preparation of court documents and civil procedure.
- Acting for various clients as part of the Homeless Law programme in relation to tenancy and infringement disputes, including providing legal advice, drafting correspondence, preparing evidence and appearing at hearings as required.