



**MYLES PULSFORD**

*Barrister*

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<b>ADMISSIONS</b>	<b>2020</b>	Barrister
	<b>2016-18</b>	Barrister
	<b>2014</b>	Solicitor

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<b>EDUCATION</b>	<b>2019</b>	<b>Masters of Laws</b> , New York University Hauser Global Scholar
	<b>2012</b>	<b>Bachelor of Laws (Honours Class I)</b> , University of Sydney C.A. Hardwick Prize and Pitt Cobbett Prize for Constitutional Law 2011
	<b>2010</b>	<b>Bachelor of Economic and Social Sciences</b> , University of Sydney

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<b>PAST PROFESSIONAL EXPERIENCE</b>	<b>2019 - 20</b>	<b>Crown Solicitor's Office (NSW)</b> Senior Solicitor, Government Law and Constitutional and Administrative Law Practice Groups
	<b>2016 - 18</b>	<b>Solicitor General and Crown Advocate of New South Wales</b> Counsel Assisting the Solicitor General (Michael Sexton SC) and Crown Advocate (David Kell SC)
	<b>2015 - 16</b>	<b>Crown Solicitor's Office (NSW)</b> Solicitor, Criminal Law Practice Group
	<b>2015</b>	<b>Herbert Smith Freehills</b> Solicitor and Graduate, Corporate, Mergers and Acquisitions
	<b>2013 - 14</b>	<b>Hon. Justice MJ Beazley AC QC, President, NSW Court of Appeal</b> Researcher to the President and Judicial Clerk

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SELECTED CASES

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**High Court of  
Australia**

*Burns v Corbett* (2018) 265 CLR 304 – appeared for the Attorney General for NSW and the State of NSW in a constitutional matter concerning Ch III of the *Constitution*, federal jurisdiction and State legislative power (led by M Sexton SC and K Richardson SC, instructed by the NSW Crown Solicitor’s Office (CSO)).

*Grajewski v Director of Public Prosecutions (NSW)* [2018] HCATrans 89 – appeared for the Director of Public Prosecutions (DPP) at a special leave hearing opposing the grant of leave to appeal from decision of the NSWCCA (led by D Kell SC, instructed by the Office of the DPP (ODPP)).

*The Queen v Tran* [2017] HCASL 275 – appeared for the Crown in seeking the grant of special leave to appeal from a decision of the NSWCCA (led by D Kell SC, instructed by the ODPP).

*Hetherington v the Queen* [2017] HCASL 62 – appeared for the Crown in opposing the grant of special leave to appeal from a decision of the NSWCCA (led by D Kell SC, instructed by the ODPP).

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**Intermediate  
Appellate  
Courts**

*The Queen v Kinghorn* (NSWCCA (Bathurst CJ, Bell P, Ward CJ in Eq, Payne JA and Bellew J)) – appeared for the Attorney General for NSW in respect of constitutional challenge concerning the accusatorial principle and the companion rule (led by M Sexton SC, instructed by the CSO).

*Doyle’s Farm Produce Pty Ltd v Murray Darling Basin Authority (No 2)* [2021] NSWCA 246 – appeared for the applicants in proceedings concerning the interpretation of Pt 5 of the *Civil Liability Act 2002* and s 64 of the *Judiciary Act 1903* (led by N Hutley SC and SH Hartford Davis, instructed by Banton Group).

*Robson as former trustee of the estate of Samsakopoulos v Body Corporate for Sanderling at Kings Beach CTS 2942* [2021] FCAFC 143 – appeared as amicus curiae in appeal proceedings concerning the nature and extent of power of the Federal Circuit Court in reviewing a registrar’s decision to make a sequestration order (led by V Whittaker SC).

*Attorney General for New South Wales v Gatsby* (2018) 99 NSWLR 1 – appeared for the Attorney General for NSW in appeal and judicial review proceedings concerning whether the Civil and Administrative Tribunal was a “court of State” for the purposes of Ch III of the *Constitution* and was exercising judicial power (led by M Sexton SC and K Richardson SC, instructed by the CSO).

*Elzahed v State of New South Wales* (2018) 97 NSWLR 898 – appeared for the State of NSW in appeal proceedings concerning whether a party in civil proceedings can give evidence while their face is covered by a veil (led by D Kell SC and M Spartalis, instructed by the CSO).

*R v Shashati* [2018] NSWCCA 167 – appeared for the Crown in a Crown sentence appeal concerning the offence of aggravated dangerous driving occasioning death (led by D Kell SC, instructed by the ODPP).

*Green (a pseudonym) v R* [2018] NSWCCA 146 – appeared for the Crown in a sentence appeal (led by D Kell SC, instructed by the ODPP). Between 2016-2018, I appeared in 12 sentence appeals in the NSWCCA.

*Lever (a pseudonym) v R* [2018] NSWCCA 107 – appeared for the Crown in a conviction appeal concerning offences of aggravated sexual assault on a child under 16 years of age (led by D Kell SC, instructed by the ODPP).

*Clancy v Director of Public Prosecutions* [2018] NSWCA 102 – appeared for the DPP in judicial review proceedings concerning a refusal to state a case under the *Criminal Appeal Act 1912* (led by D Kell SC, instructed by the ODPP).

*R v Chase (a pseudonym)* [2018] NSWCCA 71 – appeared for the Crown in an interlocutory Crown appeal under s 5F of the *Criminal Appeal Act* concerning tendency or coincidence evidence (led by D Kell SC, instructed by the ODPP).

*White v R* [2018] NSWCCA 1 – appeared for the Crown in a conviction appeal concerning offences of sexual intercourse without consent and indecent assault (led by D Kell SC, instructed by the ODPP).

*Grajewski v Director of Public Prosecutions (NSW)* (2017) 270 A Crim R 33 – appeared for the DPP in a stated case concerning the meaning of damage to property in s 195 of the *Crimes Act 1900* (led by D Kell SC, instructed by the ODPP).

*Tran v R* [2017] NSWCCA 93 – appeared for the Crown in an interlocutory appeal under s 5F concerning the compellability of a witness under s 18 of the *Evidence Act 1995* and the right of a witness to appeal under s 5F (led by D Kell SC, instructed by the ODPP).

*Hansell v Director of Public Prosecutions (NSW)* [2016] NSWCA 311 – appeared for the DPP in judicial review proceedings concerning a breach of procedural fairness by the District Court (led by D Kell SC, instructed by the ODPP).

*Engelbrecht v Director of Public Prosecutions (NSW)* [2016] NSWCA 290 – appeared for the DPP in judicial review proceedings relating to the nature of rights of appeal to the District Court under the *Crimes (Appeal and Review) Act 2001* (led by D Kell SC, instructed by the ODPP).

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**First instance  
courts and  
tribunals**

*Civil Aviation Safety Authority v Australian and International Pilots Association (Federal Court of Australia (Perry J))* – appeared for Qantas Airways Limited in an application for judicial review concerning the jurisdiction of the Administrative Appeals Tribunal (led by Kate Richardson SC, instructed by MinterEllison).

*Health Care Complaints Commission v Hill (Supreme Court of NSW (Simpson AJA))* – appeared for the Health Care Complaints Commission (HCCC) in judicial review proceedings challenging the commencement of disciplinary proceedings (led by Kate Richardson SC, instructed by the HCCC).

*Mosaic Brands Ltd v Australian Communications and Media Authority* [2021] FCA 669 – appeared for the Australian Communications and Media Authority in judicial review proceedings challenging the validity of a notice to produce (led by A d'Arville, instructed by the Australian Government Solicitor).

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*Montessori Stars Pty Ltd v Secretary, Department of Education* [2021] NSWCATAD 295 – appeared for the Secretary, Department of Education in proceedings under the *Children (Education and Care Services) National Law 2010* (NSW) (unled, instructed by the CSO).

*Police v Langford* (Unreported, NSW Local Court (Huntsman LCM), 14 May 2021) – appeared for the Attorney General for NSW in a constitutional challenge to the validity of the *Graffiti Control Act 2008* on implied freedom of political communication grounds (unled, instructed by the CSO).

*Director of Public Prosecutions (NSW) v Saunders* [2017] NSWSC 760 – appeared for the DPP in an appeal under Pt 5 of the *Crimes (Appeal and Review) Act* against the dismissal of a charge pursuant to the *Mental Health (Forensic Provisions) Act 1990* (led by D Kell SC, instructed by the ODPP).

*Director of Public Prosecutions (NSW) v Sheen and The Local Court of NSW* [2017] NSWSC 591 – appeared for the DPP in judicial review proceedings concerning the jurisdiction of Local Court and interaction with the *Mental Health (Forensic Provisions) Act* (led by D Kell SC, instructed by the ODPP).

*The Prothonotary of the Supreme Court of NSW v AS* [2018] NSWSC 664 and *Prothonotary of the Supreme Court of NSW v A* [2017] NSWSC 495 – appeared for the Prothonotary in contempt prosecutions (led by D Kell SC).

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**PUBLICATIONS**

MJ Beazley and M Pulsford, ‘Good faith in contract: dodo or phoenix?’ [2013-2016] *Australian Contract Law Reporter* [28-500].

MJ Beazley and M Pulsford, ‘Discretion and the rule of law in the criminal justice system’ (2015) 89 *Australian Law Journal* 158.