



MYLES PULSFORD

Barrister

+61 2 8239 0200

myles.pulsford@banco.net.au

ADMISSIONS	2020	Barrister
	2016-18	Barrister
	2014	Solicitor

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

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

SELECTED LED CASES

**High Court of
Australia**

Hornsby Shire Council v Commonwealth of Australia (S202/2021) – appearing for the State of NSW, the second defendant, in a constitutional matter in the original jurisdiction of the High Court (led by M Sexton SC, instructed by the NSW Crown Solicitor’s Office (CSO)).

KPMG (A Firm) v Bogan & Ors [2022] HCATrans 208 – appeared for the first and second respondents opposing removal of the cause to the High Court (led by SH Hartford Davis, instructed by Banton Group).

Citta Hobart Pty Ltd v Cawthorn (2022) 96 ALJR 476– appeared for the Attorney General for NSW, intervening, in a constitutional matter concerning federal jurisdiction and the effect of Ch III of the Constitution on State tribunals (led by M Sexton SC, instructed by the CSO).

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 and the effect of Ch III on State legislative power (led by M Sexton SC and K Richardson SC, instructed by the 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).

**Full Federal
Court**

Mosaic Brands Ltd v Australian Communications and Media Authority [2022] FCAFC 79 – appeared for the Australian Communications and Media Authority (ACMA) in an appeal concerning the validity of a notice to produce issued by the ACMA (led by A d’Arville, instructed by the Australian Government Solicitor (AGS)).

Herron v HarperCollins Publishers Australia Pty Ltd (2022) 400 ALR 56 – appeared for HarperCollins in respect of a notice of contention concerning the applicability of a State law in federal jurisdiction, which involved dealing with a constitutional challenge based on the doctrine of implied inter-governmental immunity and s 118 of the Constitution (led by T Blackburn SC and A d’Arville, instructed by Banki Haddock Fiora).

Parkin v Boral Limited (Class Closure) (2022) 400 ALR 663 – appeared for the Contradictor in proceedings concerning the Federal Court’s power to make class closure orders in representative proceedings (led by D Sulan SC).

Robson as former trustee of the estate of Samsakopoulos v Body Corporate for Sanderling at Kings Beach CTS 2942 (2021) 286 FCR 494 – appeared as amicus curiae in appeal proceedings concerning the nature and extent of the Federal Circuit Court’s power to review a registrar’s decision to make a sequestration order (led by V Whittaker SC).

NSW Court of Appeal

***Health Care Complaints Commission v Hill* [2022] NSWCA 270** – appeared for the Health Care Complaints Commission (HCCC) in an appeal concerning whether the HCCC’s prosecution of a disciplinary complaint was amenable to relief in the nature of certiorari (led by K Richardson SC, instructed by the HCCC).

***Wipro Limited v State of New South Wales* [2022] NSWCA 265** – appeared for State of NSW in proceedings concerning the territorial operation of the *Long Service Leave Act 1955* (led by J Emmett SC, instructed by the CSO).

***Doyle’s Farm Produce Pty Ltd v Murray Darling Basin Authority (No 2)* (2021) 106 NSWLR 41** – 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).

***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 or administrative 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).

***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).

***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).

NSW Court of Criminal Appeal

***R v Kinghorn* [(2021) 106 NSWLR 322** – appeared for the Attorney General for NSW, intervening, in respect of constitutional challenge concerning the accusatorial principle and the companion rule (led by M Sexton SC, instructed by the CSO).

***R v Shashati* (2018) 85 MVR 194** – 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).

***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).

**First instance
courts and
tribunals**

***AgriWealth Capital Limited v Australian Financial Complaints Authority Limited* [2022] FCA 1336** – appeared for the Australian Financial Complaints Authority (AFCA) in proceedings concerning the AFCA’s jurisdiction to determine a complaint (led by M Izzo SC, instructed by Becketts Lawyers).

***Office of the Children’s Guardian v EQE* [2022] NSWSC 871** – appeared for the Children’s Guardian in an appeal from a decision under the *Child Protection (Working with Children) Act 2012* (led by F Roughley, instructed by the CSO).

***Civil Aviation Safety Authority v Australian and International Pilots Association* [2022] FCA 655** – appeared for Qantas Airways Limited, the second respondent, in an application for judicial review concerning the jurisdiction of the Administrative Appeals Tribunal (led by K Richardson SC, instructed by MinterEllison).

***Australian Communications and Media Authority v Jones* [2022] FCA 546** – appeared for the ACMA in respect of an application for substituted service (led by D Roche, instructed by AGS).

***Dr Hill v Health Care Complaints Commission* [2021] NSWSC 1645** – appeared for the HCCC in judicial review proceedings challenging the commencement of disciplinary proceedings (led by K Richardson SC, instructed by the HCCC).

***Mosaic Brands Ltd v Australian Communications and Media Authority* (2021) 175 ALD 1** – appeared for the ACMA in judicial review proceedings challenging the validity of a notice to produce (led by A d’Arville, instructed by AGS).

***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* [2017] NSWSC 591** – appeared for the DPP in judicial review proceedings concerning the jurisdiction of the Local Court and its 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, instructed by the ODPP).

SELECTED UNLED APPEARANCES

***Hornsby Shire Council v Commonwealth of Australia & Anor* [2022] HCATrans 105** – appeared for the State of NSW at a directions hearing of a matter in the original jurisdiction of the High Court (instructed by the CSO).

***Rafiqul Islam v Transport Accident Commission of Victoria and Heather Worldon v Transport Accident Commission of Victoria* [2022] NSWDC 582** – appeared for the Attorney General for NSW in respect of proceedings concerning whether the Personal Injury Commission exercises federal jurisdiction (instructed by the CSO).

***Police v Langford* (Unreported, NSWLC (Swain LCM), 4 July 2022)** – appeared for the Attorney General for NSW in respect of a challenge to the constitutional validity of s 195(1)(a) of the *Crimes Act 1900* and s 8(2) of the *Summary Offences Act 1988* on implied freedom of political communication grounds (instructed by the CSO).

***Wipro Limited v The State of New South Wales* [2022] NSWSC 907** – appeared for the State of NSW in respect of an application for questions to be heard and determined separately and before any other questions in the proceedings and for removal of the proceedings to the Court of Appeal (instructed by the CSO).

***Carr v Carr* [2022] NSWSC 166** – appeared for the Secretary, Ministry of Health, in judicial review proceedings challenging the decision of the Secretary to refuse applications to exhume the remains of two persons (instructed by the CSO).

***Carr v The Secretary of the NSW Ministry of Health* [2021] NSWSC 1467** – appeared for the Secretary, Ministry of Health, in respect of a third party's application to be joined to judicial review proceedings (instructed by the CSO).

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

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* (unled, instructed by the CSO).

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.