



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 CASES

**High Court of
Australia**

***Citta Hobart Pty Ltd v Cawthorn* [2022] HCA 16** – 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 NSW Crown Solicitor’s Office (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*, 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).

**Intermediate
Appellate
Courts**

***Herron v HarperCollins Publishers Australia Pty Ltd* [2022] FCAFC 68** – 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] FCAFC 47** – 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).

***R v Kinghorn* [2021] NSWCCA 313** – 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).

***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).

**First instance
courts and
tribunals**

***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 (unled, instructed by the CSO).

***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).

***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 (unled, instructed by the CSO).

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

***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).

***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* [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).

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.