

Alice Wharldall

BARRISTER

Bar Roll: 05.2022 | Admitted: 08.2014

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AREAS OF PRACTICE

See schedule for details
of recent matters

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

PREVIOUS ROLES

10.2017 — 02.2022	Victorian Government Solicitor's Office – Public Law and Planning (Constitution and Advice) <i>From September 2021 – Principal Solicitor</i> <ul style="list-style-type: none">Constitutional litigation and adviceStatutory interpretation and administrative law adviceJudicial review, merits review and occupational regulation matters
02.2014 — 07.2015; 09.2016 — 10.2017	Allens – Litigation team (including insolvency) <i>Associate / Lawyer</i> <ul style="list-style-type: none">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) <i>University of Adelaide</i> University Prizes <ul style="list-style-type: none">John Bray Law Chapter of the Alumni Association Prize 2013 <i>Denoting the highest average mark in all compulsory subjects for the degree of Bachelor of Laws</i>Law Society of South Australia Centenary Prize 2013 <i>Denoting the highest average mark in all compulsory and elective subjects for the degree of Bachelor of Laws</i>Stow Prize 2013Dean's Certificate for Advanced Constitutional Law 2013 <i>Dean's Certificate denotes top mark</i>Lipman Karas Prize for Dispute Resolution and Ethics 2013Dean's Certificate for Law Research Dissertation 2013Dean's Certificate for Adelaide Law Review 2013Second prize in national Sir Anthony Mason Constitutional Law Essay CompetitionHoward Zelling Prize for Constitutional Law 2012Thomson Lawbook Prize for Academic Excellence 2012Edith Puddy Prize for French 2010Dean's Certificate for Foundations of Law 2009Lexis Nexis Prize 2009Adelaide Undergraduate Scholarship 2008 to 2012
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Schedule | Significant matters (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 State in challenges to various *COVID-19 Mandatory Vaccination Directions* given under the *Public Health and Wellbeing Act 2008* (Vic)
- Acting for the Aboriginal Heritage Council in County Court proceedings regarding the ownership of certain Aboriginal objects under the *Aboriginal Heritage Act*
- 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 government agencies regarding the operation of various laws in Commonwealth places
- 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 interpretation of complex legislative schemes such as the *Mutual Recognition Act 1992* (Cth); *Children, Youth and Families Act 2005*; and *Corrections Act 1986*
- Providing advice regarding constitutional and statutory interpretation issues arising from 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

- 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*
- Appearing for the Minister for Water in VCAT in an application to dismiss proceedings for want of jurisdiction (proceedings were purportedly brought under the *Water Act 1989*). The application was granted: *English v Goulburn Murray Water* [2018] VCAT 1239
- 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
- Advising Departments on decisions under the *Freedom of Information Act 1982* and appearing in VCAT proceedings for review of FOI decisions
- Advising various government departments regarding delegations, statutory authorisations and appointments

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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 a large listed company on the institution of proceedings for contempt of Court
- Advising on the enforcement of security interests over various managed investment schemes and other investment structures relating to plantations, particularly the obligations and options in relation to the rights of investors
- Advising a large mining company in relation to obligations of good faith in a contractual dispute
- 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