

CURRICULUM VITAE

PAUL MENZIES QC BA LLB

Date of Birth 19 July 1944

Qualifications University of Sydney - BA 1965 LLB 1968
LEADR Accredited Mediator (1995)
Chartered Institute of Arbitrators Accelerated Route to Fellowship Programme (expected completion date in 2013)

Professional **9 February 1968** - Admitted as Solicitor in the Supreme Court of New South Wales
9 March 1973 – Admitted to Bar of New South Wales
6 July 1988 – Queens Counsel for New South Wales.

Professional Bodies and Committees Member of the Bar Associations for NSW, ACT, Queensland, & Victoria
International Bar Association
New Zealand Bar Association
Australian Association of Constitutional Law Inc
Australian Academy of Forensic Sciences
Australian Institute of Administrative Law
LEADR Mediator since 1995
Chartered Institute of Arbitrators (Australia) Limited
Committee Member of the NSW Chapter of the Australian Administrative Law Association
Member of the Legal Aid Review Committee which sits to hear appeals from those who have been refused legal aid

Practice areas Administrative, Alternative dispute resolution (including arbitration, mediation, & evaluation), appellate, commercial, industrial/employment, insurance, negligence, trade practices & competition, civil/human rights & discrimination, criminal, constitutional

Biography After 5 years practising as a Solicitor in Sydney and London, Paul was called to the Bar in 1973. He took Silk in 1988 and currently practices from 12 Wentworth Selborne Chambers in Sydney and as a member of Dever's Melbourne list and Belinda Lyus' national list.

Paul Menzies QC
12 Wentworth Selborne Chambers
Level 12, 180 Phillip St, Sydney NSW 2000
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Clerk: Bob Rymer P (+61) (02) 9232 4016 E brymer@12thfloor.com.au

12 WENTWORTH
SELBORNE
CHAMBERS

Paul appears as an advocate at both trial and appellate level in administrative law, criminal law, medical negligence, common law generally, insurance and commercial Law. His commercial practice has recently included guarantee, unconscionable conduct and mortgage cases and providing advice on commercial matters such as breach of confidence, restrictive trade practices, and employment law issues. Paul has also been acting as an accredited mediator since 1995 (see further below).

For most of his career Paul has appeared for insured defendants and their insurers. He appears and frequently advises on various aspects of insurance law and liability, both contractual and arising under statute, and including extent and limits of indemnity, dual insurance and re-insurance.

For virtually the whole of his professional life at the Bar, Paul has appeared for Governments in a broad gamut of areas extending through most aspects of administrative law (including workplace relations), constitutional law, contract and common law generally.

As a result of his relationship with Government, Paul has gained considerable insight into the workings of the executive Government and the Public Service and is sensitive to the nuanced approach which needs to be taken when either appearing for or against Government.

He has appeared in most administrative and quasi-judicial tribunals including the State Industrial Relations Commission, the Conciliation and Arbitration Commission and its successors, Administrative Decisions Tribunals, and professional disciplinary bodies. He has appeared as both a party and as Counsel Assisting in a broad range of inquiries, significant Coronial Inquests and Royal Commissions.

Paul has also been an enthusiastic contributor to the legal profession in respect of health and education. He is a regular commentator on depression in the legal profession and methods of dealing with and combating mental illness. Paul has also undertaken roles as an advocacy teacher at courses conducted by the Australian Bar Association. He was a member of the International Faculty at the English Bar annual advocacy training course conducted at Keble College, Oxford (2008).

Alternative Dispute Resolution

Paul became an accredited mediator in 1995, and has since conducted a large number of mediations in relation to a wide range of issues.

He has been a Member of the Chartered Institute of Arbitrators (UK) since 2009. Paul is presently completing the Chartered Institute of Arbitrators Accelerated Route to Fellowship programme in International Arbitration in Singapore, and will complete his elevation to fellowship in 2013. He frequently is invited to speak at International Conferences, concerning particularly Mediation and International Commercial Arbitration.

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Paul accepts instructions as mediator, arbitrator, and advocate in mediations and domestic and international arbitrations in Australia and internationally.

Recent Cases

- [Provident Capital v Naumovski \[2013\] NSWSC 40](#) – Real property, allegation of fraud.
- [Attorney General of NSW v Chiew Seng Liew \[2012\] NSWSC 1223](#) – Judicial review of the Parole Authority's determination to grant parole to the murderer of Dr Victor Chang.
- [McGrath v Government of NSW – TAFE Commission Division of the Government Service \[2012\] NSWIRComm 129](#) – Unfair dismissal
- [NSW Land & Housing Corporation v Dia \[2012\] NSWCA 321](#) – Negligence, expert evidence.
- [Tonto Home Loans Australia Pty Ltd v Tavares; FirstMac Ltd v Di Benedetto; FirstMac Ltd v O'Donnell \[2012\] HCATrans 165](#) – High Court leave to appeal application in relation to mortgagee case concerning unconscionability.
- [Minister for Immigration and Citizenship v SZQPA \[2012\] FCA 1025](#)
- [Hoxton Park Residents Action Group Inc v Liverpool City Council \[2012\] NSWSC 1026](#) – equity & nuisance case.
- [Clyne v State of New South Wales \[2012\] NSWCA 265](#) – appellate, common law
- [SZNOL v Minister for Immigration and Citizenship \[2012\] FCA 917](#) – administrative law immigration case.
- [Hornsby Shire Council v The Valuer General of New South Wales \[2012\] NSWSC 894](#) – administrative law & negligence case.
- [Levy v Babilis \[2012\] NSWCA 157](#) – appellate, contract, application to adduce fresh evidence.
- [CUR24 v DPP \[2012\] NSWCA 65](#) – administrative law appeal in relation to judicial bias issue.
- [Roads & Maritime Services v Public Service Association & Anor \[2012\] 12 NSWIRC](#) – administrative law, unfair dismissal.
- [Tonto Home Loans Australia Pty Ltd v Tavares; FirstMac Ltd v Di Benedetto; FirstMac Ltd v O'Donnell \[2011\] NSWCA 389](#) – appeal, mortgagee case concerning unconscionability.

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- [State of New South Wales v Doherty \[2011\] NSWCA 225](#) – appeal, common law – police officer brought claim against the State of NSW for post traumatic stress disorder.
- [Brighton v Australia and New Zealand Banking Group \[2011\] NSWCA 152](#) – appeal, construction of a bank guarantee as to confidentiality.
- [Goodwin v Commissioner of Police \(No 2\) \[2011\] NSWCA 90](#) – motion to vary form of orders on judgment.
- [Goodwin v Commissioner of Police \[2010\] NSWCA 239](#) – appeal, common law
- [Provident Capital v Naumovski & Ors \[2011\] NSWSC 270](#) – mortgagee case, application to amend pleadings.
- [Commissioner of Police v Police Association of New South Wales \[2010\] NSWIRC 188](#) – administrative law, workplace law.
- [Sylvan Health v Minister for Health & Aging \[2010\] FCAFC 121](#) – appeal, administrative law: judicial review of a decision to not register a particular medication as a therapeutic good.
- [Swanson v Kedesh rehabilitation services ltd \[2010\] NSWCA 25](#) – appeal, common law.
- [Johnstone v State of New South Wales \[2010\] NSWCA 70](#) – appeal, wrongful arrest
- [Fletcher International Exports Pty Ltd v Lott & Anor \[2010\] HCATrans 240](#)
- [Sydney South West Area Health Service v Stamoulis \[2010\] HCATrans 209](#)
- [State of New South Wales v S \[2009\] HCA Trans 264](#)
- [ACQ Pty Ltd v Cook & Anor; Aircair Moree Pty Ltd v Cook & Anor \[2009\] HCATrans 134](#)

Other Significant cases

High Court of Australia

- [Public Service Board v Osmond 159 CLR 656](#) – appeared as junior to McHugh QC, re-establishing the rule that administrative bodies at Common Law not required to give reasons.
- [Kable v DPP for New South Wales 189 CLR 51](#) - a State Act creating a regime of preventative detention declared void as in breach of Chapter 3.
- [Pelechowski v Registrar Court of Appeal](#) 198 CLR 435 - contempt
- [R v Spies 201 CLR 603](#) - application of the Proviso in the Criminal Appeal Act.

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- [Fox v Percy 214 CLR 118](#) - the limits to interference by an appellate Court to a trial judge's factual findings.
- [Swain v Waverley Municipal Council 220 CLR 517](#) - the limits on an intermediate Appellate court in interfering with a jury's finding. The case which was the catalyst for the Tort Law Reform.
- [New South Wales v Fahy 232 CLR 486](#) - the scope and content of the duty of care of a police force to its officers.
- [ACQ Pty Ltd, Aircair Moree Pty Ltd v Cook \[2009\] HCA 28](#) - construction of the Damages By Aircraft Act 1990 (Cth).

Court of Appeal

- [Commissioner of Police v Mohamed \[2009\] NSWCA 432](#) - amenability of Police to jurisdiction of Anti Discrimination Tribunal.
- [O'Sullivan v Medical Tribunal of New South Wales \[2009\] NSWCA 374](#) procedural fairness apprehended bias.
- [S v State of New South Wales \[2009\] NSWCA 164](#) - scope and content duty of care.
- [State of New South Wales v Burton \[2008\] NSWCA 319](#) - loss of a chance.
- [State of New South Wales v Ball \[2007\] NSWCA 71](#) – pleading.
- [Ackland v Commonwealth \[2007\] NSWCA 250](#) (Voyager case)
- [Tzaidas v Child & Ors \[2004\] NSWCA 252](#) - construction of the Insurance Contracts Act and the Law Reform (Miscellaneous Provisions) Act 1946 s6.
- [Amery v New South Wales \[2004\] NSWCA 404](#) - powers and role of ADT on Appeal.
- [Cran v New South Wales \[2004\] NSWCA 92](#) consideration of *Sullivan v Moody* - duty of care of police to accused.
- [New South Wales v Paige 60 NSWLR 371](#) consideration of *Sullivan v Moody*, employment.

Inquiries

- Counsel Assisting in the Inquest into the collapse of the Pacific Highway at Somersby which resulted in five deaths (2009)
- Inquest into the Thredbo disaster (representing Emergency Services - 2000)
- Inquest into the widespread bushfires at Christmas 1993-January 1994

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(representing the interests of the Rural Fire Service and NSW Fire Brigade (1995).

- ICAC Inquiry into the handling of plagiarism allegations at the University of Newcastle (representing the interests of Professor Lamond -2004)
- Counsel Assisting in Inquiry into doubts as to the conviction of Siegfried Pohl (Mr Pohl was convicted of his wife's murder and as a consequence of the findings of the Inquiry was subsequently pardoned -May 1992)
- ICAC Inquiry into the Land Titles Office (representing the interests of the Land Titles Office -July 1990)
- Royal Commission into Chelmsford Hospital and Deep Sleep Therapy (representing the owners of the Hospital -1989)
- Junior Counsel Assisting into the Police Investigation of the death of Donald McKay (1987)

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