

CURRICULUM VITAE

PAUL MENZIES QC BA LLB

| | |
|------------------------------------|---|
| Date of Birth | 19 July 1944 |
| Secondary Education | Newington College, Stanmore (1952 – 1961) |
| Tertiary Education | University of Sydney - BA 1965 LLB 1968 |
| 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 | New South Wales Bar Association ACT Bar Association Queensland Bar Association Victorian 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 |
| Experience | <p>After 5 years practising as a Solicitor in Sydney and London, was called to the Bar in 1973. He took Silk in 1988 and currently practices from 12th Floor Chambers, 180 Phillip Street, Sydney and as a member of Dever's list as a member of the Victorian bar. In 2009 he joined the list of Belinda Lyus.</p> <p>He appears as an advocate at both trial and appellate level in matters involving many aspects of 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.</p> <p>For virtually the whole of his professional life at the Bar, he 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.</p> <p>As a result of his relationship with Government, he 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.</p> |

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.

Regular commentator on depression in the Legal Profession and methods of dealing with and combating that disorder.

Advocacy teacher at courses conducted by the Australian Bar Association. Member of the International Faculty at the English Bar annual advocacy training course conducted at Keble College, Oxford (2008).

He sits as a Mediator both in litigation and in inter-Departmental disputes.

Some Significant Cases

High Court of Australia

Public Service Board v Osmond 159 CLR 656 (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 210 CLR 603 (Application of the Proviso in the Criminal Appeal Act)

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 (5 August 2009) (Construction of the Damages By Aircraft Act 1990 (Cwlth))

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 337 (Powers and role of ADT on Appeal)

Cran v New South Wales [2004] NSWCA 94 (Consideration of Sullivan v Moody - Duty of Care of police to accused)

Paige v New South Wales 60 NSWLR 371 (Consideration of Sullivan v Moody, Employment)

Inquiries

Junior Counsel Assisting into the Police Investigation of the death of Donald McKay (1987)

Royal Commission into Chelmsford Hospital and Deep Sleep Therapy (representing the owners of the Hospital - 1989)

ICAC Inquiry into the Land Titles Office (representing the interests of the Land Titles Office - July 1990)

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)

Inquest into the widespread bushfires at Christmas 1993-January 1994 (representing the interests of the Rural Fire Service and NSW Fire Brigade (1995).

Inquest into the Thredbo disaster (representing Emergency Services - 2000)

ICAC Inquiry into the handling of plagiarism allegations at the University of Newcastle (representing the interests of Professor Lamond - 2004)

Counsel Assisting in the Inquest into the collapse of the Pacific Highway at Somersby which resulted in five deaths (2009)

Some Recent Trials

Reliance v Sobbi [2009] NSWSC 1375 (Guarantee unconscionability)

Permanent Trustee v O'Donnell [2009] NSWSC 902 (Mortgagee, unconscionability)

Inspector Sibilant v Royal Automobile Club [2009] NSWIRComm 11 (Fatal accident prosecution)

O'Gorman v Breastscreen NSW [2008] NSWSC 1127 (Medical Negligence)

Attorney General (NSW) v Wilde [2008] NSWSC 1211 (Crimes (Serious Sex Offender) one of a number in last several years)

NSW Food Authority v Nutricia [2008] NSWSC 1382 (Criminal Law Permanent stay)

Boniface v SMEC [2007] NSWIRC 301 (Employment Law, privatised former Commonwealth Instrumentality, allegation of bribery of foreign Government officials)

O'Gorman v Sydney South West Health Service [2008] NSWSC 1127 (Medical negligence)

Shayan Badraie v Commonwealth of Australia [2005] NSWSC 1195 (Proceedings settled after lengthy trial) Detention, role of State, role of private contractors at Detention Centre, Duty of Care

Crewdson v NSW Dept of Community Services [2005] NSWIRC 308 (Employment Law)