

## Dr Juliet Lucy

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Admitted as a legal practitioner in 2005; called to the bar 2012

Member, Diversity and Inclusion Committee, Australian Bar Association (2018- )

Member, NSW Bar Association (2012- )

Member, Bar Working Party to prepare response to NSW Department of Justice Civil Justice Consultation Paper (2017)

Member, NSW Bar Association Legal Aid Committee (2014-15)

### Areas of Practice

Administrative and Constitutional

High risk offender

Commercial

Crime

Personal injury

Succession and Family Provision

### Education

PhD (University of Sydney) (in English Literature) (2001)

Bachelor of Arts (Honours, Class One) (University of Sydney) (1995)

Bachelor of Laws (Honours, Class One) (University of Sydney) (1994)

Graduate Diploma of Legal Practice (College of Law) (2005)

### Employment History

Part-time Senior Member, NSW Civil and Administrative Tribunal (Appeal Panel; Administrative and Equal Opportunity Division; Occupational Division; Consumer and Commercial Division) (2014 - )

Sessional academic (teaching Contract Law), Macquarie University (2014)

Senior Solicitor, NSW Crown Solicitor's Office (July 2008 – April 2012)

Principal Lawyer, Queensland Department of Natural Resources and Water (Jan–Jul 2008)

Solicitor, Clayton Utz, Brisbane, Energy and Resources team (Nov 2006 – Dec 2007)

Senior Lawyer, Queensland Department of Natural Resources, Mines and Water (Feb-Oct 2006)

Research Associate to the President, Administrative Decisions Tribunal of NSW (2004-Jan 2006)

Lecturer, University of Western Sydney (2000-2003)

Part-time lecturer, University of Sydney (1996)

## Selected Cases

### Judicial review

- *Frankcom v Commissioner of Corrective Services* [2022] NSWSC 225 (led)
- *Papamihail v Legal Profession Complaints Committee [No 2]* [2021] WASC 346 (not led)
- *Goldsmith v Law Complaints Officer* [2021] WASC 69 (not led)
- *JKL by his tutor Jennifer Thompson v Justice Health and Forensic Mental Health Network* [2021] NSWCA 94 (not led)
- *Dagher v LAG Limited t/as NRMA Insurance* [2020] NSWSC 1467 (led)
- *LAG Limited t/as NRMA Insurance v Xie* [2020] NSWSC 1112 (led)
- *Insurance Australia Group Limited t/as NRMA Insurance v Saraceni* [2020] NSWSC 1045 (led)
- *LAG Ltd t/as NRMA Insurance v Qin* [2020] NSWSC 1025 (led)
- *Hochbaum v RSM Building Services Pty Ltd; Whitton v Technical and Further Education Commission t/as TAFE NSW* [2020] NSWCA 113 (not led)
- *LAG Limited t/as NRMA Insurance v Alaskari* [2020] NSWSC 492 (not led)
- *Flores v Minister for Home Affairs* [2019] FCA 1043 (not led)
- *LAG Limited t/as NRMA Insurance v Jammal* [2019] NSWSC 676 (led)
- *LAG Limited t/a NRMA Insurance v Qianxia Lou (No 2)* [2019] NSWSC 599 (led)
- *PKBV v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2019] FCA 2047 (not led)
- *AAI Limited v Feng* [2019] NSWSC 535 (led)
- *LAG Limited t/a NRMA Insurance v Khaled* [2019] NSWSC 320 (led)
- *LAG Limited t/as NRMA Insurance v Qianxia Lou* [2019] NSWSC 382 (led)
- *Insurance Australia Limited t/as NRMA v Howard* [2019] NSWSC 224 (led)
- *Insurance Australia Limited v Kong Lai Kai* [2018] NSWSC 958 (led)
- *Nigam v Minister for Immigration and Border Protection* [2017] FCAFC 127 (not led)
- *Ku-ring-gai Council v West* [2017] NSWCA 54 (led)
- *Woollahra Municipal Council v Minister for Local Government* [2016] NSWLEC 44 (not led)
- *Minister for Immigration Multicultural Affairs and Citizenship v Singh* [2014] FCAFC 1 (not led)

### Health insurance (judicial review / professional discipline)

- *Amir v Director of Professional Services Review* [2021] FCA 745 and [2022] FCAFC 44 (not led)
- *Hamor v Commonwealth of Australia* [2020] FCA 1748 (not led)
- *Nithianantha v The Commonwealth* [2018] FCA 2063 (not led)
- *Selia v Commonwealth of Australia* [2017] FCA 7 (led)

### High Risk Offender and Forensic Patient matters

- *State of New South Wales v Cheema (Final)* [2022] NSWSC 463 (led)

- *Attorney General for New South Wales v HRM bbt Ramjan (Final)* [2021] NSWSC 1535 (not led)
- *Attorney General for New South Wales v McGuire (Preliminary)* [2021] NSWSC 1222 (not led)
- *State of New South Wales v Fayad (Final)* [2021] NSWSC 294 (led)
- *Attorney General of NSW v Randall* [2020] NSWSC 1821 (not led)
- *State of New South Wales v Lawrence* [2019] NSWSC 946 (led); *State of New South Wales v Lawrence* [2019] NSWSC 1101 (led)
- *Cheema v State of New South Wales* [2020] NSWCA 190 (led); *State of New South Wales v Cheema (Preliminary)* [2020] NSWSC 876 (led)
- *Baldwin v State of New South Wales* [2020] NSWCA 112 (led); *State of New South Wales v Baldwin* [2019] NSWSC 1882 (unled)
- *State of New South Wales v Haidar* [2020] NSWSC 38 (led)
- *State of New South Wales v Alam* [2020] NSWSC 295 (led)

### Constitutional

- *Lawrence v State of New South Wales* [2020] NSWCA 248 (led)
- *Buckman v The Queen* [2013] NSWCCA 258 (led)

### Class Actions

- *Hassan v van Diemen* [2021] VSC 839
- *Lock v ASIC* (2016) 334 ALR 250; (2016) 111 ACSR 318; [2016] FCA 31 (led)

### Family provision

- *Chisak v Presot* [2021] NSWSC 597; *Chisak v Presot (No 2)* [2021] NSWSC 754 (not led)
- *Tanev v Tanevski* [2017] NSWSC 1301 (not led)
- *Mitar v Mitar* [2017] NSWSC 647 (not led)

### Commercial

- *Shipton v South East Queensland Sport Aircraft Club Incorporated* [2022] QSC 5 (not led)

### Other

- Independent Review for the NSW Minister for Local Government into the Local Government Boundaries Commission (January 2022- )
- [Independent Review](#) for Catholic Archdiocese of Canberra and Goulburn of the processes surrounding the decision to place a priest with sustained findings of inappropriate behaviour into Lanigan House, Garran, ACT (2017)
- Royal Commission into Institutional Responses to Child Sexual Abuse, Case Study 24, Sydney, 2015 (assisting Gail Furness SC, Counsel assisting) (and also prepared several significant research papers for Commission)

## Publications

Note: Some publications are in my current name and some in my former name, Juliet Cummins.

### Books

Robinson, Mark and Juliet Lucy. *NCAT – Practice and Procedure*, Lawbook Co (second edition, 2020; first edition, 2015).

Lucy, Juliet. *Water Regulation: The Laws of Australia*. Thomsons, 2008.

Cummins, Juliet and David Burchell, eds. *Science, Literature and Rhetoric in Early Modern England*. Ashgate Publishing, 2007.

Cummins, Juliet, ed. *Milton and the Ends of Time*. Cambridge: Cambridge University Press, 2003. 264p (including author of Introduction and chapter).

### Journal Articles and Book Chapters

Robinson SC, Mark and Juliet Lucy. “Fact-finding in the Twenty-First Century and Beyond,” (2018) 93 AIAL Forum 46.

Lucy, Juliet. “Merits Review and the Twenty-First Century Tribunal,” (2017) 24 AJ Admin L 121.

Lucy, Juliet. “Judicial Review of Administrative Action, Procedural Fairness,” “Error of Law and Want of Jurisdiction” and “Failure to Exercise Discretion” in Mark Robinson SC (ed), *Judicial Review - The Laws of Australia*, Thomson Reuters, 2014.

Lucy, Juliet. “Case Note: *Re JS* [2014] NSWSC 302,” (2014) 8 *Elder Law Review*.

Lucy, Juliet. “The Demise of the Guardianship Tribunal and the Rise of the NSW Civil and Administrative Tribunal,” (2013) 7 *Elder Law Review*.

Lucy, Juliet. “Australian Privacy Legislation: An Overview.” *Precedent* 108 (2012): 4-9.

Cummins, Juliet Lucy. “Relationship Debt for the Aged: Welfare vs Commerce in the Law of Guarantees.” *Alternative Law Journal* 27:2 (2002): 63-67.

### Legal Commentary

(Updating author), “Error of Law and Want of Jurisdiction” and “Failure to Exercise Discretion,” *The Laws of Australia*, Thomson Reuters, 2014.

“Water Licences.” *Practical Forms and Precedents*. Thomson Reuters, 2012.

(Updating author), “Water,” *The Laws of Australia*, Thomson Reuters, 2008.

(Updating author), “Judicial Review of Administrative Action, Procedural Fairness,” *The Laws of Australia*, Thomson Reuters, 2006, 2010 and 2014 (new update forthcoming 2022).

Privacy commentary in *New South Wales Administrative Law*, Thomson Reuters (October 2004 and quarterly updates to present).

(Updating author), “Complaints to the Commonwealth Privacy Commissioner,” *The Lawyers Practice Manual*, Thomsons, 2004.

## Selected Conference and Seminar Papers

- “Confidential Evidence,” presented to members of Administrative and Equal Opportunity Division of NSW Civil and Administrative Tribunal, 8 March 2022
- “Materiality as a criterion of jurisdictional error,” Government Solicitors’ Conference, 7 September 2021
- “Immigration Law: Challenging Administrative Decisions on Visa Refusal or Cancellation,” Legalwise webinar, co-presenting with Kris Ahn, 26 June 2020
- “Privileges and Immunities Applying to Government,” Legalwise webinar, 25 March 2020
- “Civil Supervision and Detention Orders: An examination of the NSW high risk offenders legislation,” City of Sydney Law Society, 29 August 2019
- Mark Robinson SC and Juliet Lucy, “Fact-finding in the 21st Century and Beyond,” 2018 AIAL National Administrative Law Conference, 28 September 2018
- “Family Provision Claims: Lessons from Recent Cases,” Wills and Estates Masterclass: Elevating Your Practice, Legalwise, 6 June 2018
- “When an Error of Fact is an Error of Law,” Fourth Annual Public Sector Law Conference, 21 March 2018
- “Privacy Considerations in Decision Making and Reason Writing,” Legalwise Seminar, 14 September 2017
- “The Dream of Merits Review in the Reality of a Super Tribunal,” Council of Australasian Tribunals National Conference, 6 June 2015
- “Recent Developments and Changes in Statutory Interpretation,” Legalwise Seminar, 20 August 2014