

# DEV BHUTANI

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BARRISTER

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## OVERVIEW

Dev is an experienced advocate and appears in a wide variety of courts and tribunals. He specialises in criminal, administrative, and regulatory matters. He regularly appears unled in the Supreme, District, Local and Children's Courts in New South Wales. He has also appeared in the NSW Court of Criminal Appeal, NSW Court of Appeal and in special leave applications to the High Court of Australia.

## AREAS OF PRACTICE

- Administrative Law
- Criminal Law
- Coronial Inquests and Inquiries
- Financial/Corporate Crime
- Proceeds of Crime Confiscation
- Professional Discipline
- Regulatory Offences
- Work Health and Safety

## PROFESSIONAL ADMISSIONS

**2020** Barrister, New South Wales  
**2015** Solicitor, New South Wales

## PROFESSIONAL EXPERIENCE

**2020 – Current** Barrister, Maurice Byers Chambers  
**2019 – 2020** Solicitor, High Risk Offender Unit (HROU) Legal Aid NSW  
**2018 – 2019** Solicitor, Children's Legal Service (CLS) Legal Aid NSW  
**2018 – 2018** Solicitor, Inner City Local Court (ICLC) Legal Aid NSW  
**2015 – 2017** Solicitor, Central Australian Aboriginal Legal Aid Service  
**2014 – 2015** Graduate and Solicitor, NEW Law

## EDUCATION

**2020** **Master of Laws (Criminal Practice) (Distinction)** University of Wollongong  
Thesis topic: The Use of the Writ Habeas Corpus in Challenging Northern Territory Youth Detention  
**2015** **Bachelor of Laws** University of Technology Sydney  
**2015** **Bachelor of Business** University of Technology Sydney

## PROFESSIONAL MEMBERSHIPS

- Committee Member, Criminal Law Committee, NSW Bar Association
- NSW Bar Association Representative, Doli Incapax Working Group, NSW Legal Assistance Forum

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## SELECT CASES

### Appeals

[\*DRY16 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs \[2022\] HCA Trans 15\*](#) – Led by D.Hooke SC and S.Lawrence – Application to the High Court for special leave on the question of the applicability of the Briginshaw principles to tribunals.

[\*Hardy v State of New South Wales \[2021\] NSWCA 338\*](#) – Led by C.O'Donnell SC – appeal to the Court of Appeal on the issue of the double intention requirement in relation to terrorism offences.

[\*Huynh v R \(2021\) 105 NSWLR 384; \[2021\] NSWCCA 148\*](#) - Led by A.Chhabra – Stated case to the Court of Criminal Appeal examining the power of the District Court divert offenders under mental health provisions while sitting in its appellate jurisdiction.

**[Decision Restricted]** – Led by A.Chhabra – Conviction appeal.

[\*Lawrence v State of New South Wales \[2020\] NSWCA 248\*](#) – Instructed B.Walker SC and J.Lucy - Appeal to the NSW Court of Appeal challenging the constitutional validity of the *Terrorism (High Risk Offenders) Act 2017*.

### Criminal

*Regina v JG* (2021/80860) – Unled – Trial of robbery causing wounding involving questions of joint criminal enterprise.

*Regina v Sese* (2020/36878) – Unled – 10-day jury trial on a charge of attempt murder.

*Regina v KV* (2020/63498) – Unled – Jury trial on two counts of robbery in company.

[\*Regina v Jacob Hamilton \[2022\] NSWDC 508\*](#) - Unled – Bail and sentence proceedings for causing grievous bodily harm upon a police officer.

*Regina v Lauren Russell* (2020/63498) – Unled – Section 14 diversion for a teacher charged with supplying drugs to students

### Regulatory

[\*Council for New South Wales Bar Association v Rollinson \[2022\] NSWSC 407\*](#)- Led by B. Tronson – Representing a former barrister charged with contempt of Court.

[\*NSW Food Authority v Samaras Food Pty Ltd \[2021\] NSWSC 237\*](#) – Led by M.Cahill – Prosecution under *Food Act 2003*.

[\*Environmental Protection Authority v Central Coast Council\*](#) – Led by S.Pritchard SC, G.Lewer – Prosecution under the *Pesticides Act 1999*.

### Administrative

[\*Chand and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs \(Migration\) \[2022\] AATA 618\*](#)– Unled – Revocation of decision to cancel visa.

[\*Australian Education Union, NSW Teachers Federation Branch v New South Wales Department of Education \[2022\] NSWCATAD 97\*](#)– Unled – *GIPA* application seeking “cabinet information”

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[Redfern Legal Centre v Commissioner of Police \[2021\] NSWCATAD 288](#) – Led by R.Graycar – GIPA application seeking information of strip searches conducted by NSWPF.

[NZYO and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs \(Migration\) \[2022\] AATA 378](#) – Unled – Section 36(1C) consideration as to whether the applicant is a “danger” to the Australian community.

## Terrorism

[State of New South Wales v Hickey \(Preliminary\) \[2022\] NSWSC 1498](#) – Led by E. Kerkyasharian – Application for a detention order against an offender who held extreme right-wing views.

[State of New South Wales v Taleb \[2022\] NSWSC 1392](#) – Led by P.Coady – Application for detention order for an offender who committed a foreign incursion offence.

**Osman v State of New South Wales (2022/165845)** – Unled – First application for a variation of conditions of a terrorism extended supervision order

[Alameddine v State Parole Authority and Attorney General of New South Wales \[2022\] NSWSC 726](#) – Led by A.Chhabra – Judicial review of the State Parole Authority's refusal to grant parole to a “terrorism related offender”

*Commissioner of Corrective Services v EE* – Unled - Application for parole for a “terrorism related offender”, consideration of the phrase “advocating support” as contained in s159B of the *Crimes (Administration of Sentences) Act*.

[Minister for Home Affairs v Blake Nicholas Pender \[2021\] NSWSC 1644](#) - Led by M.Johnston SC, G.Lewer – First application for Commonwealth Continuing Detention Order heard in NSW.

[State of New South Wales v Hardy \(Final\) \[2021\] NSWSC 900](#) – Led by C.O'Donnell SC – application for a supervision order under the *Terrorism (High Risk Offender) Act 2017* that examined the interplay between mental health and the double intention requirement of terrorism offences.

[State of New South Wales v Osman \[2021\] NSWSC 124](#) – Led by N. Broadbent – Application for order under *Terrorism (High Risk Offenders) Act 2017* sought against an individual with links to the “Appleby group”

*Commissioner of Corrective Services v Issam Alam* - As solicitor advocate – Appeared for offender in application before State Parole Authority seeking parole for a “terrorism related offender” and consideration of the statutory test in section 159C of the *Crimes (Administration of Sentences) Act*.

## High-Risk Offender and Other Protective Orders

[Attorney General of New South Wales v Beryalay \(by his tutor Johnson\) \(Preliminary\) \[2022\] NSWSC 852](#) – Unled – Extension of status as forensic patient.

[State of NSW v CD \[2022\] NSWSC 61](#) – Unled – *Crimes (High Risk Offenders) Act* application including consideration of the use of the supervision regime as a “pseudo-parole” mechanism.

*Commissioner of New South Wales Police v MB (2020/256933)* – Unled – Application for permanent stay for an application for a Child Protection Prohibition Order (CPPO).

[State of New South Wales v Wilkinson \(Preliminary\) \[2020\] NSWSC 1813](#) – Unled – *Crimes (High Risk Offenders) Act 2006* application, involved a distillation of the summary of principles to be considered in the setting of conditions.