

Dr Juliet Lucy

Maurice Byers Chambers
Level 60, 25 Martin Place, Sydney NSW 2000

Tel: (02) 8233 0337; Mob: 0405 779 994
Email: j.lucy@mauricebyers.com

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

Member, NSW Bar Association Human Rights Committee (2023 -)

Member, NSW Bar Association Legal Aid Committee (2014-15; 2022-23)

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

Member, NSW Bar Association (2012-)

Holder of Australian Government NV1 security clearance (June 2023-)

Areas of Practice

Public law

Discrimination and human rights

Commercial

Common law

Professional Discipline

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)

Bachelor of Arts (University of Sydney) (1992)

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

Employment History

Barrister (2012 -)

Current statutory appointments

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

Chairperson, Medicare Participation Review Committees (November 2022 -)

Member, Public Interest Monitor Panel (ACT) (September 2023 -)

Previous employment

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

- *Papamihail v Legal Profession Complaints Committee [No 3]* [2022] WASC 236; *Papamihail v Legal Profession Complaints Committee [No 2]* [2021] WASC 346 (not led)
- *Li v Determining Authority* [2022] FCA 1448 (not led)
- *Frankcom v Commissioner of Corrective Services* [2022] NSWSC 225 (led)
- *Goldsmith v Law Complaints Officer* [2021] WASC 69 (not led)
- *JKL 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* [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)
- *LAG Limited t/a NRMA Insurance v Khaled* [2019] NSWSC 320 (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/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)
- *Minister for Immigration Multicultural Affairs and Citizenship v Singh* [2014] FCAFC 1 (not led)

Commercial

- *Ranclose Investments Pty Ltd v Leda Management Services Pty Ltd* [2023] NSWCA 233 (led)
- *Dunn v The Trustee of the Lazic Family Trust* [2023] NSWDC 296 (not led)
- *Ahern v Aon Risk Services Australia Limited* [2023] NSWCA 91 (led)
- *Ranclose Investments Pty Ltd v Leda Management Services Pty Ltd* [2022] NSWCA 206 (led)
- *Shipton v South East Queensland Sport Aircraft Club Incorporated* [2022] QSC 5 (not led)

Constitutional

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

Class Actions

- *Hassan v State of Victoria* [2023] VSC 478 (unled)
- *Lock v ASIC* (2016) 334 ALR 250; (2016) 111 ACSR 318; [2016] FCA 31 (led)

Statutory construction / criminal

- *Rodden v R* [2023] NSWCCA 202 (led)

Professional discipline

- *Goldsmith v Legal Services and Complaints Committee* [2023] WASCA 136
- *Barnes v Director of Professional Services Review* [2023] FCA 129
- *Goldsmith v Legal Profession Complaints Committee (WA)* [2022] WASCA 167
- *Amir v Director of Professional Services Review* [2021] FCA 745 & [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)

Family provision

- *Chisak v Presot* [2022] NSWCA 100; *Chisak v Presot* [2021] NSWSC 597 (not led)
- *Tanev v Tanevski* [2017] NSWSC 1301 (not led)
- *Mitar v Mitar* [2017] NSWSC 647 (not led)

High Risk Offender and Forensic Patient matters

- *State of New South Wales v Kalaw (Final)* [2023] NSWSC 131 (unled)
- *State of NSW v Russell (Final)* [2022] NSWSC 1295; *State of NSW v Russell (Preliminary)* [2022] NSWSC 843; *State of NSW v Russell* [2022] NSWSC 1034 (unled)
- *Attorney General for NSW v HRM bbt Ramjan (Final)* [2021] NSWSC 1535 (unled)
- *Attorney General for NSW v McGuire (Preliminary)* [2021] NSWSC 1222 (unled)
- *State of NSW v Fayad (Final)* [2021] NSWSC 294 (led)
- *Attorney General of NSW v Randall* [2020] NSWSC 1821 (unled)
- *State of NSW v Lawrence* [2019] NSWSC 946 (led); [2019] NSWSC 1101 (led)
- *Cheema v State of NSW* [2020] NSWCA 190 (led); *State of NSW v Cheema (Preliminary)* [2020] NSWSC 876; *State of NSW v Cheema (Final)* [2022] NSWSC 463 (led)
- *Baldwin v State of NSW* [2020] NSWCA 112 (led)
- *State of NSW v Haidar* [2020] NSWSC 38 (led)
- *State of NSW v Alam* [2020] NSWSC 295 (led)

Reviews and Royal Commissions

- Independent Review for the NSW Minister for Local Government into the Local Government Boundaries Commission (Report submitted to Minister April 2023)
- Independent Review for Catholic Archdiocese of Canberra and Goulburn concerning placement of a priest with sustained findings of inappropriate behaviour (2017)
- Royal Commission into Institutional Responses to Child Sexual Abuse, Case Study 24 (out of home care), Sydney, 2015 (assisting Gail Furness SC, Counsel assisting)

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), “Judicial Review of Administrative Action, Procedural Fairness,” *The Laws of Australia*, Thomson Reuters, 2006, 2010, 2014 and 2022.

(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.

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

- “Constitutional Law Update,” Law Society of NSW, 24 March 2023
- “Whistleblower protections – legal and ethical issues for government lawyers,” Law Society of NSW Conference, 6 September 2022
- “Legal Issues in Psychological Injury Compensation Cases,” IRO Sydney Seminar, 15 June 2022
- “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, co-presenting with Kris Ahn, 26 June 2020
- “Privileges and Immunities Applying to Government,” Legalwise, 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
- “When an Error of Fact is an Error of Law,” NSW Civil and Administrative Tribunal Appeal Panel Twilight Seminar, 11 July 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, 14 September 2017
- “The Dream of Merits Review in the Reality of a Super Tribunal,” Council of Australasian Tribunals National Conference, 6 June 2015