



# Gillian Mahony SC

## Eight Wentworth

CHAMBERS

### Experience

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I was called to the NSW Bar in 2006 and appointed Senior Counsel in 2023. On 25 May 2023, I was conferred life membership of the NSW Bar Association for "exceptional service to the Bar Association and to the profession of the law".

I have appeared in multiple jurisdictions including at an appellate level and have engaged in many alternate dispute resolution processes. I always look to the most appropriate path to achieve the best outcome for my client.

I was the NSW Bar Practice Course Director from 2016 to May 2023 and have been an advocacy coach for the NSW Bar since 2014. I am regularly called upon to deliver seminars with specific focus on advocacy skills.

Prior to coming to the NSW Bar, I was a solicitor for 6 years, and was employed with the NSW Crown Solicitor's Office from 2000 – 2006. This experience grounded me for engaging in complex and sensitive matters particularly involving the State of NSW and its agencies, and those organisations and persons involved in matters against the State.

### Practice Areas

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- Coronial Inquests and Inquiries, Commissions
- Protective matters including care proceedings and appeals, parenting applications in the FCFCOA, parens patriae applications and adoptions
- Tort-based actions including medical negligence, supervision cases and intentional torts.
- Estate and Family Provision claims
- Administrative law matters including Charitable Trusts

### Higher Education

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**Australian Disputes Centre:** January 2021 Mediator Training

**University of Technology:** 1996 – 2000 B. Laws (Hons I); 2000 Grad, Cert (Legal Practice)

***Petersham TAFE:*** 1996 Diploma in Interpreting (Auslan)

***Macquarie University:*** 1989 - 1992 B. Arts (Major: Drama & Literature)



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### Selected cases

High Court of Australia	
South West Helicopters v Essential Energy and Ors [2018] HCASL 98	Application for grant of Special Leave. Appearing for respondents (plaintiffs in first instance proceedings) opposing grant. Grant of Leave refused. Led by David Baran
Coshott v Spencer & Ors [2017] HCATrans 263 [2018] HCATrans 81	Application for Special Leave to Appeal. Led by Anthony Cheshire SC. For appellant.
<i>Black v Garnock</i> [2007] HCA 31	Led by Geoff Lindsay SC and Angus Grant (Appeal before Gummow, Hayne, Callinan and Crennan JJ). Acting for 1 <sup>st</sup> – 4 <sup>th</sup> respondents. Nature of interest of purchasers in land.
Federal Court of Australia	
<i>Williams v United States of America</i> [2007] FCAFC 109	Led by Mr S Gageler SC and Mr Richard Lancaster. Acting for the Applicant. Application to restrain State Magistrate from proceeding under s 19 of <i>Extradition Act 1988</i> (Cth)
NSW Court of Appeal / Court of Criminal Appeal	
<i>Kemal v R</i> [2022] NSWCCA 83	Appeal against sentence
<i>Lule v State of New South Wales</i> [2018] NSWCA 125	Appeal against decision of Cowdroy ADCJ Led by Michael Spartalis
<i>State of NSW v Exton</i> [2017] NSWCA 294	Assault claim against police. Appeal from decision of Levy DCJ. Acting for Appellant Led by Paul Menzies QC
<i>South West Helicopters Pty Ltd v Stephenson</i> [2017] NSWCA 312	Appeal from decision of Bellew J re: claim arising from death. Acting for Respondent to appeal (plaintiff at first instance) Led by David Baran
<i>D v C; Re B (No 2)</i> [2018] NSWCA 310	Acting for the Secretary, Family & Community Services, Appeal from decision of Levy DCJ re: procedural fairness,

	<i>Children and Young Persons (Care and Protection) Act 1998</i>
<i>South West Helicopters v Stephenson &amp; Ors [2017] NSWCA 312</i>	Led by David Baran. For 1 <sup>st</sup> – 3 <sup>rd</sup> respondents. Appeal from decision of Bellew J re: claim arising from death of passenger in helicopter accident. Application of <i>Civil Aviation (Carriers' Liability) Act 1959 (Cth)</i> and <i>Civil Aviation (Carriers' Liability) Act 1967 (NSW)</i> . Liability of carrier for death of passengers in helicopter crash. Statutory interpretation of Warsaw Convention.
<i>NU v NSW Secretary of Family and Community Services [2017] NSWCA 221</i>	Acting for the Secretary, FACS. Appeal against decision of District Court in Care Proceedings.
<i>Wilde v State of New South Wales [2015] NSWCA 28</i>	Acting for Defendant. Statutory construction - <i>Crimes (High Risk Offenders) Act 2006</i> .
<b>Supreme Court of NSW</b>	
<i>Singh v Charles [2022] NSWSC 743</i>	Summary Dismissal / Strike Out application. Claim against NCAT Member
<i>Doueihi v State of New South Wales [2021] NSWSC 341</i>	Summary dismissal of Second Further Amended Statement of Claim - Application by State of NSW
<i>Doueihi v State of New South Wales [2020] NSWSC 1065</i>	Application by State to strike out pleadings
<i>Re Adoption of E F - Anonymised [2020] NSWSC 410</i>	Adoption of young person. Adoption opposed by birth mother. Appearing for DLR for young person wanting to be adopted
<i>EC v Secretary, NSW Department of Family &amp; Community Services [2019] NSWSC 226</i>	Acting for Barnardos. Appeal from Presidential Children's Court re: application by Barnardos to be joined to proceedings – Statutory construction – s. 98(3), <i>Children and Young Persons (Care and Protection) Act 1998</i>
<i>Helen Fischer &amp; Anor v Ashley Thompson and Others (Anonymised) [2019] NSWSC 773</i>	Acting for Applicants (proposed adoptive parents). Contested Adoption. Various issues including whether a child is an Aboriginal child for the purposes of the Act, whether adoption order in best interests and clearly preferable.
<i>Re the Adoption of AJH [2017] NSWSC 1751</i>	Acting for Minister, Family and Community Services. Contested adoption of a child under the parental responsibility of the Minister

<i>Stephenson v Parkes Shire Council &amp; Ors</i> [2014] NSWSC 1758; (No 2) [2015] NSWSC 719	Led by David Baran. Acting for plaintiffs. Claim arising from death of plaintiffs' husband / father during low level helicopter noxious weed survey.
<i>Wilson v Wilson</i> [2017] NSWSC 1669	Acting for plaintiff. Deceased Estate. Removal of caveat where by siblings of deceased alleging suspicious circumstances re: making of a Will
<i>Edmonds v Morrissey</i> [2016] NSWSC 342	Acting for defendant. Deceased Estate. Proper construction of a Will.
<i>Director of Public Prosecutions v David Hicks &amp; Anor</i> [2011] NSWSC 1060.	Led by Geoffrey Bellew SC then Lionnel Robberds QC (upon Bellew J's appointment to Supreme Court) For Plaintiff. Proceeds of Crime Case / Literary Proceeds Order. Application of the privilege against self-exposure to forfeiture & penalty.
<b>Federal Circuit and Family Court of Australia</b>	
<i>Not For Publication</i> [2023] Division 1, 22 June 2023	Acting for Director General, DCJ on request for intervention by FFCCA. Application by grandparents seeking parental responsibility of grandchild where the child's mother was found deceased, the father of the child in custody for DV offences against the mother
<i>Not For Publication</i> [2023] Division 2, 26 May 2023	Acting for Director General, DCJ on request for intervention by FFCCA. Interim hearing as to presence of unacceptable risk of harm to child of relationship.
<i>Not For Publication</i> [2022] Division 1, May 2022	Acting for Director General, DCJ on request for intervention by FFCCA. Parenting and property dispute. Drug and alcohol abuse and FDV present.
<b>District Court of NSW</b>	
<i>R v Hunter</i> [2022] NSWDC 631	Sentence – sex abuse material, mandatory minimum sentence
<i>LM v Secretary, Department of Communities and Justice</i> [2021] NSWDC 34	Appeal from decision of Children's Court not granting leave re contact order. Preliminary question as to appointment of GAL for child. Appearing for Secretary, DCJ
<i>Attalla v State of NSW</i> [2018] NSWDC 190	False imprisonment, assault claim
<i>Benton v Historic Houses Trust of NSW</i> [2017] NSWDC 324	Claim for personal injury damages by employee of third party. Appealed to Supreme Court. Settled prior to appeal being heard.

<i>Lule v State of NSW</i> , 7 November 2017, Cowdroy ADCJ	Acting for defendant. Acting for Defendant False arrest / Assault by NSW Police.
<i>GEM v State of NSW</i> [2017] NSWDC 108; (no 2), [2017] NSWDC 134	Acting for defendant. Claim against State primary school for failing to supervise. Personal injury claim by a child with significant pre-existing disabilities.
<i>Makri v State of New South Wales</i> [2015] NSWDC 131.	Acting for Defendant. Alleged assault by police
<i>Michael v State of New South Wales</i> [2011] NSWSC 231.	Acting for Defendant. Junior to Richard Weinstein SC. Personal injury damages arising from assaulted in custody.
<i>Gina Koh v Ja Kil Ku</i> [2009] NSWDC 264	Acting for Defendant. Junior to Tony Bellanto QC. Personal injury claim for alleged sexual assault.
<b>Commissions, Inquires and Inquests</b>	
Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability	Counsel Assisting <ul style="list-style-type: none"> <li>- Public Hearing 29: The culturally and linguistically diverse (CaLD) experience of violence, abuse, neglect and exploitation of CaLD people with a disability</li> <li>Public Hearing 33: Violence, abuse, neglect and deprivation of human rights: a case study</li> </ul>
Inquest into the death of William Haines	Manner and cause of death of William Haines, Whether treatment by local hospital was deficient. Whether restraints of deceased during hospital admission appropriate.
Inquest into the Death of Thomas Fulcher	Death of older man with disabilities in supported accommodation
Inquest into the Deaths of Riley Shortland and Rachel Martin	Counsel Assisting. Deaths of young person with disabilities in the care of the Minister whilst on respite – Child and Carer hit by a flat bed truck on the M1 motorway following alighting from vehicle.
Inquest into the Death of Alex Raichman	Counsel Assisting. Death of young person with disabilities whilst in the care of respite. Child absconded and hit by a train
Inquest into the presumed death of missing person, Andrew Olphert	Andrew Olphert was a missing person whose body has not been recovered. Inquest into whether he was deceased

	and whether conduct of NSW Police in conducting missing person search was appropriate
Inquest into the death of Jason Pearce	Death of Jason Pearce by Police Shooting
Inquest into the Death of Pono Aperhama	Death of young person with Acquired Brain Injury under parental responsibility of the Minister. Death following self harm and restraint by member of public. Police attended in response. Appearing for NSW Police  Cause and manner of death in issue. Question of whether death related to positional asphyxiation. Questions of case management and care by NGO and DCJ .
Royal Commission into National Natural Disaster Arrangements	Acting for <i>nbn Co</i> regarding sufficiency of services and responsiveness on infrastructure in times of natural disasters. Led by Anthony Cheshire SC
<i>Special Commission of Inquiry in the Drug "Ice"</i>	Commissioner Dan Howard SC. Appearing for NSW Department of Communities and Justice
<i>Inquest into death of David Wotherspoon</i>	State Coroner Barnes on 31 August 2017. Acting for Corrective Services NSW. Death of Aboriginal man in custody.
<i>Inquest into death of Dr Geoffrey Freeth.</i>	Coroner Lucas, June 2015. Acting for NSW Veterinary Practitioner's Board. Death of Veterinary practitioner using a restricted substance.
<i>Inquest into death of Mary Roberts</i>	Deputy State Coroner MacPherson, December 2010. Acting for Corrective Services. Death in Custody of elderly woman with significant medical conditions and age related conditions.
<b>Children's Court of NSW</b>	
The Secretary of the Department of Communities and Justice (DCJ) and the <i>Stonsky Children</i> [2019] NSWChC 8	Appearing for the ILR. Question whether the Secretary's proposed short term care orders of parental responsibility to the Minister for two years with a view to adoption was appropriate and adequate.
<b>NSW Civil and Administrative Tribunal (NCAT and NCAT Appeal Panel)</b>	
DRZ v Barnardos Australia [2020] NSWCATAP 47	Appeal from decision to remove child and cancel authorisation as an authorised carer. Question whether Tribunal misconstrued the Code of Conduct for Authorised Carers - whether Tribunal made other errors of law