



GILLIAN MAHONY

BARRISTER
8 WENTWORTH CHAMBERS
8/10 PHILLIP STREET SYDNEY NSW 2000

PRACTICE AREAS

Gillian has been practicing as a barrister since 2006. She is experienced in preparing and running matters to final hearing as well engaging in alternate dispute resolution to achieve the best outcome for her client.

Gillian has a diverse practice, with areas including:

- Appellate work
- Administrative law
- Estate and Family provision claims
- Child-protection matters including *parens patriae*, adoptions, and appeals to the District Court and Supreme Court
- Charitable Trusts
- Commercial claims
- Coronial inquests and Inquiries
- Defendant work for tort-based actions acting for the State of NSW and many government agencies
- Prosecution work for the CDPP.

EDUCATION

University of Technology

1996 - 2000 B. Laws (Hons I)
2000 Graduate Certificate in Legal Practice

Petersham TAFE

1996 Diploma in Interpreting (Auslan)

Macquarie University

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

Santa Sabina College, Strathfield

1983 - 1988 Higher School Certificate

OUT & ABOUT

Gillian is the current Course Director for the NSW Bar Practice Course and has been in that role since 2016. In addition, Gillian has been an advocacy coach for the NSW Bar since 2014 and a member of its Education Committee since 2016.

Gillian is fluent in Auslan (Australian Sign Language) and was a director of the NSW Deaf Society from 2010 to 2014.

Gillian is a supporter of Father Chris Riley's Youth Off the Streets, and, alongside Georgie Gardner, Prue MacSween and Jan Farrell (Deputy Commissioner, ATO), was a member of their guest panel for the organisation's inaugural Lipstick Lunch in May 2015. Gillian supports the NSW Rural Fire Service and the Black Dog Ride, a motorbike ride which raises funds to support mental health in regional areas as well as facilitates important discussions about mental health.



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SELECTED CASES

High Court of Australia

***Parkes Shire Council v Stephenson & Ors* [2018] HCATrans 92**

Led by David Baran (Special Leave Application). Acting for 1st – 3rd respondents. Appeal by tortfeasor against finding of breach of duty of care to 1st – 3rd respondents.

***Coshott v Spencer & Ors* [2018] HCATrans 81**

Led by Anthony Cheshire SC (Appeal before the Full Court). Acting for Appellant. Challenge to the *Chorley* exception that a solicitor litigant is not entitled to their legal costs

***Black v Garnock* [2007] HCA 31**

Led by Geoff Lindsay SC and Angus Grant (Appeal before Gummow, Hayne, Callinan and Crennan JJ). Acting for 1st – 4th respondents. Nature of interest of purchasers in land.

Full Federal Court of Australia

***Williams v United States of America* [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 *Extradition Act 1988* (Cth)

NSW Court of Appeal

***D v C; Re B (No 2)* [2018] NSWCA 310**

Acting for the Secretary, Family & Community Services, Appeal from decision of Levy DCJ re: procedural fairness, *Children and Young Persons (Care and Protection) Act 1998*

***Lule v State of NSW* [2018] NSWCA 125**

Led by Michael Spartalis. Acting for Respondent. False imprisonment claim. Appeal against decision of Cowdroy ADCJ.

***South West Helicopters v Stephenson & Ors* [2017] NSWCA 312**

Led by David Baran. Applicant for 1st – 3rd respondents. Appeal from decision of Bellew J re: claim arising from death of passenger in helicopter accident. Application of *Civil Aviation (Carriers' Liability) Act 1959* (Cth) and *Civil Aviation (Carriers' Liability) Act 1967* (NSW). Liability of carrier for death of passengers in helicopter crash. Statutory interpretation of Warsaw Convention.

***State of NSW v Extton* [2017] NSWCA 294**

Led by Paul Manzi QC. Acting for Appellant. Appeal from decision of Levy DCJ. Assault claim against police.

***NU v NSW Secretary of Family and Community Services* [2017] NSWCA 221**

Acting for the Secretary, FACS. Appeal against decision of District Court in Care Proceedings.

***Wilde v State of New South Wales* [2015] NSWCA 28**

Acting for Defendant. Statutory construction - *Crimes (High Risk Offenders) Act 2006*.

NSW Supreme Court

***EC v Secretary, NSW Department of Family & Community Services* [2019] NSWSC 226**

Acting for Barnardos. Appeal from Presidential Children's Court re: application by Barnardos to be joined to proceedings – Statutory construction – s. 98(3), *Children and Young Persons (Care and Protection) Act 1998*

***Re the Adoption of AJH* [2017] NSWSC 1751**

Acting for Minister, Family and Community Services. Contested adoption of a child under the parental responsibility of the Minister

***Tilley v Children's Guardian* [2017] NSWCA 174**

Led by Ian Bouke SC. Acting for the Children's Guardian. Appeal against decision to refuse a working with children's check.

***Stephenson v Parkes Shire Council & Ors* [2014] NSWSC 1758; (No 2) [2015] NSWSC 719**

Led by David Baran (Special Leave Application). Acting for plaintiffs. Claim arising from death of plaintiffs' husband / father during low level helicopter noxious weed survey.

***Wilson v Wilson* [2017] NSWSC 1669**

Acting for plaintiff. Deceased Estate. Removal of caveat where by siblings of deceased alleging suspicious circumstances re: making of a Will

***Edmonds v Morrissey* [2016] NSWSC 342**

Acting for defendant. Deceased Estate. Proper construction of a Will.

***Director of Public Prosecutions v David Hicks & Anor* [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.

Other

Various applications for the NSW Attorney General under the *Crimes (High Risk Offenders Act) 2006* (involving the ongoing supervision of serious sex and violent offenders in the community).

District Court of NSW

***Benton v Historic Houses Trust* [2017] NSWDC 324**

Acting for defendant. Claim for personal injury damages by employee of third party.

Lule v State of NSW, 7 November 2017, Cowdroy ADCJ

Acting for defendant. Acting for Defendant False arrest / Assault by NSW Police.

GEM v State of NSW [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.

Makri v State of New South Wales [2015] NSWDC 131.

Acting for Defendant. Alleged assault by police

Michael v State of New South Wales [2011] NSWSC 231.

Acting for Defendant. Junior to Richard Weinstein SC. Personal injury damages arising from assaulted in custody.

Gina Koh v Ja Kil Ku [2009] NSWDC 264.

Acting for Defendant. Junior to Tony Bellanto QC. Personal injury claim for alleged sexual assault.

Coronial Inquests

Inquest into death of David Wotherspoon

State Coroner Barnes on 31 August 2017.

Acting for Corrective Services NSW. Death of Aboriginal man in custody.

Inquest into death of Dr Geoffrey Freeth.

Coroner Lucas, June 2015.

Acting for NSW Veterinary Practitioner's Board. Death of Veterinary practitioner using a restricted substance.

Inquest into death of Mary Roberts

Deputy State Coroner MacPherson, December 2010.

Acting for Corrective Services. Death in Custody of elderly woman with significant medical conditions and age related conditions.

Inquest into death of Rasphal Hayer

Coroner Mary Jerram, October 2009.

Acting for 2 Nurses (members of the NSW Nurses Union). Death of patient in hospital.

Inquest into the death of William Hodgins.

Coroner Jane Culver, July 2008.

Acting for Food Authority Officer. Death of elderly man following attendance at Table's Restaurant.