

MEHER GAVEN

Curriculum Vitae

Chambers: 8 Wentworth
180 Phillip Street
Sydney NSW 2000

Contact Details: +61 2 8231 5926
meher.gaven@8wentworth.com.au

Education: LLB, NSW University
BVA (Bachelor of Visual Arts), Sydney University (SCA)

LEGAL CAREER

2012: **Admitted as a Barrister NSW**

2005/6: **Associate to Justice Wilcox, Federal Court of Australia**

2000: **Admitted as an Australian Lawyer, practising as a solicitor**

OVERVIEW OF CAREER

As a barrister since 2012, Meher has a broad commercial litigation practice with focus areas in discrimination and employment law and intellectual property. Meher has a well-established government practice acting for Commonwealth, State and Local government in matters ranging from statutory interpretation, administrative law, regulatory matters, defending discrimination claims, defending trade mark determinations and assisting with investigations.

As a solicitor Meher worked in both private and government practice. As a senior litigator for the Australian Government Solicitor, Meher acted on a number of high-profile proceedings, which focused on Commonwealth enforcement action and included service to the ACCC, IP Australia, National Industrial Chemicals Notifications and Assessment Scheme, Department of Human Services and the Companies Auditors Liquidators and Disciplinary Board. Meher was seconded to the Arts Law Centre of Australia. In private practice, Meher's work was principally in commercial litigation and intellectual property disputes.

Meher was an associate to a Federal Court Judge, Justice Murray Wilcox (2005-2006).

CURRENT OR SELECT MATTERS

General / commercial

- *Phung v Phung* [2019] NSWSC 117 – Briefed to appear in the Supreme Court for Plaintiff (unled) in relation to property claim for specific performance arising out of part-performance of an oral contract.
- *Tianrong Investments Pty Ltd & Anor v Mark Sydney Von Somogy & Others* (2018) - Supreme Court (corporations) – Briefed to appear for Plaintiffs (led by Anthony Cheshire SC): application for appointment of a provisional liquidator following urgent ex-parte interlocutory relief.
- *Johnston v Partridge* – Briefed to appear for the Defendant in the Supreme Court proceedings to defend a proprietary estoppel case. The matter resolved in 2018.
- *Horticulture Innovations Australia Ltd v Westley* [2015] NSWSC 1292 – Briefed to appear for twelve interested parties in a matter concerning whether the plaintiff should be allowed to trace monies held in Court where the interested parties were owed monies by the Defendant.
- *Preece v Preece* [2014] FCCA 1647– Bankruptcy proceedings – appeared for creditor (unled); also appeared in relation to interlocutory hearings on appeal to the Federal Court of Australia. Briefed to appear for Respondent to appeal in the Federal Court (unled) with the appeal withdrawn on the day of the hearing.
- Briefed to provide non-litigious contractual advice to a financial institution in 2018.
- Regularly briefed to appear in the Supreme Court (unled) in relation to wills and estates disputes and family provision proceedings.
- Briefed to appear for legal practitioners regarding disciplinary and re-admission matters.

General government work

- *Australian Communications and Media Authority v Red Telecom & Anor*: Currently briefed to appear in Federal Court proceedings (unled) for the Applicant concerned with allegations of contraventions of the Telecommunications Act 1997 seeking injunctions, civil penalties and payment of monies to customers of Red Telecom.
- Briefed to appear and to provide advice to the Lord Howe Island Board regarding its governing legislation (2019-2020).
- *DZT v The Children's Guardian*– Currently briefed to appear (unled) by the Respondent in relation to a challenge to the Children's Guardian's decision to suspend the Applicant's accreditation as a designated agency for foster care for non-compliance with the NSW Child Safe Standards for Permanent Care (November 2015). The matter was heard over two weeks in February 2020. Judgment is reserved.
- Briefed to advise on an investigation for the Australian Pesticides and Veterinary Medicines Authority (2018).

- Matters for Bayside Council (formerly Council of the City of Botany Bay). For example: *Savvas v Council of the City of Botany Bay* – Briefed to appear in Supreme Court regarding an easement dispute and contractual dispute with the matter resolving prior to hearing.
- *John Christopher Burke v Inspector-General in Bankruptcy* [2014] FCAFC 112 – Briefed to appear for the Inspector-General in Bankruptcy regarding statutory construction of provisions of *Bankruptcy Act* (led by M Heath).

Employment / discrimination

- *Sydney Trains* – Regularly briefed by Sydney Trains in employment matters. I have appeared unled and led in relation to various proceedings brought by Mr Duraisamy against Sydney Trains (including District Court, Supreme Court and Court of Appeal matters). I am currently briefed in relation to a proceeding seeking to restrain further proceedings.
- Briefed to appear (unled) in various proceedings (Federal Court, Supreme Court, Federal Circuit Court proceedings) for the University of Sydney and its employees concerned with defending allegations under the *Sex Discrimination Act* and *Australian Consumer Law*. Current brief to appear for the University in Federal Court proceedings in an appeal from the Federal Circuit Court to be heard in 2020. See also: *Nandutu v University of Sydney* [2018] FCA 118; *Nandutu v University of Sydney* [2019] FCCA 2754.
- Currently briefed to appear in *Wade v Lord Howe Island Board* (briefed directly by the NSW Department of Planning, Industry and Environment) - NCAT proceedings concerned with a discrimination claim arising out of the Board's decision to refuse an application for importation of a motor vehicle. Judgment is reserved following a jurisdictional challenge brought by the Board.
- *Eurydice Kathestides v The Owners – Strata Plan 3035* – (2018) Briefed (unled) for the Respondent (strata body) to defend a discrimination claim in the Federal Court of Australia arising out of deliberations concerned with refusal of a by-law. The matter resolved following a mediation.
- *Roberts v Department of Justice, Corrective Services NSW* [2017] NSWCATAD 310 – Briefed to appear for the Respondent (unled) to defend a discrimination claim brought by an inmate. Matter included statutory construction argument concerned with applicability of *Felons (Civil Proceedings) Act 1981* (NSW) to NCAT proceedings.
- *A and C obo B v State of New South Wales* – briefed to appear (with Elizabeth Raper SC) for the Respondent in a large claim alleging sexual harassment and disability discrimination against the State of New South Wales with the matter resolving at mediation.
- *Margan v Australian Human Rights Commission & Ors* [2013] FCA 612 – Briefed to appear for State of NSW (unled) on application for leave to appeal in a discrimination matter.
- *Mylan v Health Services Union NSW* – Briefed for the Health Services Union (HSU) in a Supreme Court civil recovery action against Michael Williamson and others; *Mylan v Health Services Union NSW* [2013] FCA 190: Summary dismissal application under the *Fair Work Act*.

- Appearances in the Fair Work Commission.

Intellectual property

- Briefed to appear in the Trade Mark Office. For example: *166052400 Pty Ltd v Bundaberg & District RSL & Citizens Memorial Club* [2019] ATMO 34 (removal application).
- Briefed to advise the Crown in relation to Crown copyright (2017-2018).
- *Primary Health Care Limited v Commonwealth of Australia* [2017] FCAFC 174 – Briefed to appear for the Commonwealth and all the States and Territories (led by Julia Baird SC as she was then) in a trade mark appeal before the Full Federal Court concerned with the registrability of use of the words ‘Primary Health Care’ and a logo mark incorporating such words (relevantly, under s 41, 42 and 44 of the *Trade Marks Act*).
- *Commissioner of Patents v AbbVie Biotechnology Ltd* [2017] FCAFC 129 – Appeared for the Commissioner (led by Christian Dimitriadis SC) in a Full Federal Court appeal heard in February 2017 concerned with whether Swiss type claims are capable of extension under s 70(2)(b) of the *Patents Act*.
- *Jones Tulloch Pty Ltd v Commissioner of Patents* [2016] FCA 1108 - Briefed to appear (unled) in Federal Court proceedings for the Commissioner in an application for judicial review of the Commissioner’s decision concerned with statutory interpretation of s 97(4) of the *Patents Act* (re-examination powers).
- *Tiles Sydney Pty Ltd v J2 Pty Ltd and Anor* (2017) – Briefed to advise and appear (unled) for the Defendants in Supreme Court proceedings seeking injunctive relief arising out of alleged trade mark infringement with the matter resolving on date of hearing.
- *LG Electronics Australia Pty Limited v Dyson Appliances (Aust) Pty Ltd* (2016) – Briefed to appear for the Applicant (led by Michael Hall SC) in the Federal Court re contraventions of section 18, 29(1)(a) and 33 of the ACL with the matter resolving before hearing.
- *Cantarella Bros Pty Ltd v Du Bois* [2016] FCA 1115 - Briefed to appear for the Applicant (led by Michael Green SC) in Federal Court proceedings alleging misuse of confidential information, infringement of copyright, contraventions of the Corporations Act and breach of contractual obligations in relation to employment duties.
- *Apple Inc v Register of Trade Marks* [2014] FCA 1304 – Appeared for Register of Trade Marks in Federal Court proceedings involving an appeal under s 35 of the Trade Marks Act 1995 (Cth) from a decision of the Registrar of Trade Marks to reject Apple’s application for the ‘APP STORE’ trade mark (led by Julia Baird SC as she was then).
- *Dynamite Games Pty Limited v Aruze Gaming Australia Pty Limited* [2013] FCAFC 96 – Appeared for respondent in Full Court appeal concerned with the validity and infringement of a standard patent and an innovation patent relating to electronic gaming machines (led by Tony Bannon SC and Neil Murray SC).