

- University Prizes (UWA):** Hackett Scholarship (1994) – Awarded to top five UWA undergraduate students across all disciplines. (Supported study at Oxford University.)
- Philip Lionel Sharp Memorial Prize in Law (1990)
- Harold H Glass Memorial Prize in Torts (1990)
- Sly & Weigall Prize in Principles of Company Law (1991)
- Kott Gunning Prize in Environmental Law (1991)
- Ferrier Hodgson and Co Prize in Corporate Insolvency (1992)
- Other Awards:** General Exhibition (1988) – Awarded to top 20 school students in WA
- Books:** *Commercial Contract Clauses: Principles and Interpretation* (Published Electronically and in Looseleaf, 2008, and Bound Hardback Editions, 2012, 2016, 2019 Thomson Reuters). Lead author with Justice Kenneth Martin (retired) and Leigh Warnick SC.
- Major Articles:** *Criminal and Civil Consequences of Corporate Environmental Policies in Western Australia* (1992) 11 Environmental and Planning Law Journal 111
- An Eye for an Eye: Compensating Non-pecuniary Loss* (1993) 11 Australian Bar Review 76
- No Case Submissions* (1997) 71 Australian Law Journal 207
- Estoppel By Representation in Administrative Law* (1998) 26 Federal Law Review 83
- Shares are Worthless – to a Corporation Itself* (2001) 75 Australian Law Journal 572
- The One Per Cent Case (Yougarla v Western Australia)* (2001) 1 Oxford University Commonwealth Law Journal 269
- Constitutional Imperatives* (with Madeleine Durand) (2020) 49 Australian Bar Review 154
- Overruling Constitutional Precedent* (with Madeleine Durand) (2021) 95 Australian Law Journal 139
- The Causal Effect of Hypothetical Events upon Contractual Damages* (with Madeleine Durand) (2022) 49 University of Western Australia Law Review 361
- Examining the Intersection of Constitutional and Administrative Review under the Wotton Approach* (with Tristan Taylor) (2023) 33 Public Law Review 315
- Fairness, Legal Reasoning and Judicial Technique* (2024) 54 Australian Bar Review
- Finding Judges – Appointment, Diversity Then and Now* (2024) 58 Australian Law Journal 374

SELECTED APPEARANCES

High Court Cases – Appearances as Solicitor-General of WA for State as a Party

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| <i>Garlett v Western Australia</i> [2022] HCA 30; 96 ALJR 888; 404 ALR 182 | Ch III jurisprudence and preventative detention of high risk offenders – constitutional validity of <i>High Risk Serious Offenders Act 2020</i> (WA) |
| <i>Mineralogy Pty Ltd v Western Australia</i> [2021] HCA 30 (2021) 274 CLR 219 | Ch III and removing rights to arbitrate - Constitutional validity of <i>Iron Ore Processing (Mineralogy Pty Ltd) Agreement Amendment Act 2020</i> (WA) |
| <i>Palmer v Western Australia</i> [2021] HCA 31; (2021) 274 CLR 286 | Constitutional validity of <i>Iron Ore Processing (Mineralogy Pty Ltd) Agreement Amendment Act 2020</i> (WA) |
| <i>Palmer v Western Australia</i> [2021] HCA 5; (2020) 272 CLR 505 | Constitutional validity of closing State borders during COVID-19 pandemic |
| <i>Western Australia v Manado</i> [2020] HCA 9; (2020) 270 CLR 81 | Whether native title extinguished right of public access to beaches |
| <i>Commissioner of State Revenue v Rojoda Pty Ltd</i> [2020] HCA 7; (2020) 268 CLR 281 | Equitable estates and nature of partners' rights in relation to partnership assets |
| <i>Tjungarrayi v Western Australia</i> [2019] HCA 12; (2019) 269 CLR 150 | Extinguishment of native title rights |

High Court Cases – Appearances as Solicitor-General of WA as Intervener

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| <i>Vanderstock v Victoria</i> [2023] HCA 30 | Whether a tax on use on electric vehicles was an excise |
| <i>Hornsby Shire Council v Commonwealth</i> [2023] HCA 19; (2023) 97 ALJR 534 | Constitutional validity of GST imposed on local councils |
| <i>SDCV v Director-General of Security</i> [2022] HCA 32; (2022) 96 ALJR 1002 | Judicial power of Commonwealth and procedural fairness |
| <i>Farm Transparency International Ltd v NSW</i> [2022] HCA 23; (2022) 96 ALJR 655 | Implied freedom of political communication and offence of making recordings of animal cruelty on private property |
| <i>Citta Hobart Pty Ltd v Cawthorn</i> [2022] HCA 16; (2022) 96 ALJR 476 | Exercise of federal jurisdiction by a tribunal and Ch III of Constitution |

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| <i>Ruddick v Commonwealth</i> [2022] HCA 9; (2022) 96 ALJR 655 | Electoral legislation and implied freedom of political communication – Liberal Democratic Party |
| <i>Gerner v Victoria</i> [2020] HCA 48; (2020) 272 CLR 505 | Constitutional validity of State legislation restricting intrastate movements |
| <i>BMW Australia Ltd v Brewster</i> [2019] HCA 45, (2019) 269 CLR 574 | Constitutional validity of legislation permitting common fund orders in class action litigation |
| <i>Vella v Commissioner of Police (NSW)</i> [2019] HCA 38; (2019) 269 CLR 219 | Ch III and constitutional validity of State legislation allowing preventative orders |
| <i>Minogue v Victoria</i> [2019] HCA 31; (2019) 268 CLR 1 | Ch III and constitutional validity of legislation which changed availability of parole after sentencing |
| <i>Comcare v Bannerji</i> [2019] HCA 23; (2019) 268 CLR 355 | Implied freedom of political communication and public servant anonymously tweeting views against the government |
| <i>Spence v Queensland</i> [2019] HCA 15; (2019) 268 CLR 355 | Constitutional validity of State and Commonwealth legislation governing donations by property developers - Implied freedom of political communication |
| <i>Unions NSW v NSW (No 2)</i> [2019] HCA 1; (2019) 264 CLR 595 | Constitutional validity of State legislation governing donations by unions - Implied freedom of political communication |

Contractual and Commercial Disputes

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| <i>Westgem Investments Pty Ltd v Commonwealth Bank of Australia Ltd</i> [2022] WASCA 132 | Building dispute involving proper construction of financing agreement and insolvency claims |
| <i>Rayney v The State of Western Australia (No 4)</i> [2022] WASCA 44 | Causation of damage by defamation |
| <i>CPB Contractors Pty Ltd v JKC Australia Pty Ltd (No 2)</i> [2017] WASCA 123 | Enforcement of performance bonds |
| <i>Wise Energy Group Ltd v Rocke (No 2)</i> [2016] WASCA 125 | Construction of iron ore sale and purchase agreement |

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| <i>City of Subiaco v Homebase Management Pty Ltd</i> [2015] WASCA 54 | Construction of rent review clause |
| <i>Kidd v Western Australia</i> [2014] WASC 99 | Construction of state agreement for Casino Resort |
| <i>Silkchime Pty Ltd v Warwick Entertainment Centre Pty Ltd (No 2)</i> [2013] WASCA 224 | Existence and Construction of Joint Venture Agreement |
| <i>La Rosa v Nudrill Pty Ltd</i> [2013] WASCA 18 | Incorporation of exclusion clauses into standard form contracts |
| <i>Hayes v Doran (No 2)</i> [2013] WASC 486 | Operation of a convertible loan agreement and alleged oral collateral contract |
| <i>The Ship "Hako Endeavour" v Programmed Total Marine Services Pty Ltd</i> [2013] FCAFC 21; (2013) 211 FCR 369; (2013) 296 ALR 265 | Nature of maritime claims and maritime lien |
| <i>Daebo Shipping Co Ltd v Ship Go Star</i> [2012] FCAFC 156; (2012) 207 FCR 220; (2012) 294 ALR 635 | Title to bunkers and tort of interfering with contractual relations |
| <i>Geraldton Port Authority v Ship "Kim Heng 1988" (No 2)</i> [2012] FCA 353 | Claims in rem and limitation periods |
| <i>Trans Petroleum (Aust) Pty Ltd v White Gum Petroleum Pty Ltd</i> [2012] WASCA 165 ; (2012) 268 FLR 433 | Operation of termination clause and obligations of good faith |
| <i>Bosveld v Cardup Industrial Land Holdings Pty Ltd</i> [2010] WASC 411; (2011) 41 WAR 504 | Effect of settlement deed upon non-parties with joint rights |
| <i>White Gum Petroleum Pty Ltd v Bernadini Pty Ltd</i> [2010] WASCA 229 | Construction of an option to renew a lease |
| <i>Clough Engineering Ltd v Oil and Natural Gas Corporation Ltd</i> [2008] FCAFC 136; (2008) 249 ALR 458 | Performance guarantees and unconscionability |
| <i>Olympic Holdings Pty Ltd v Windslow Corporation Pty Ltd (in liq)</i> [2008] WASCA 80; (2008) 36 WAR 342 | Operation of "all moneys" clause in relation to assigned mortgage and further advances |

Corporations and Corporate Insolvency

- Caratti v Mammoth Investments Pty Ltd* [2016] WASCA 84; (2016) 113 ACSR 31 Operation of statutory presumptions in ss 127- 129 of the *Corporations Act* in case of fraud
- Re Mentha; Griffin Coal Mining Co Pty Ltd* [2010] FCA 1469; (2010) 82 ACSR 142 Variation of administrator's personal liability and operation of s. 443A of the *Corporations Act*
- Re ASIC; Richstar Enterprises Pty Ltd v Carey (No 12)* [2007] FCA 35; (2007) 60 ACSR 597 Asset preservation orders
- F&G Nominees Pty Ltd v Coxon and Howard* [2007] WASC 113; (2007) 34 WAR 55 Indemnity of receivers
- Bowesco Pty Ltd v Zohar* [2007] FCAFC 1; (2007) 156 FCR 129; (2007) 238 ALR 576 Operation of fixed or floating charge in relation to land held as stock
- ASIC v Westpoint Corporation Pty Ltd* [2006] FCA 135; (2006) 227 ALR 623 Group appointment of liquidators