

Alice Wharldall
BARRISTER

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Bar Roll: 05.2022 | Admitted: 08.2014

AREAS OF PRACTICE

See schedule for details
of recent matters

Public law	Torts
Constitutional law	General commercial
Administrative law	Contracts
Appellate	Regulatory
Employment	Insolvency

PREVIOUS ROLES

10.2017 — 02.2022

**Victorian Government Solicitor's Office – Public Law and Planning
(Constitution and Advice)**

From September 2021 – Principal Solicitor

- Constitutional litigation and advice
- Statutory interpretation and administrative law advice
- Judicial review, merits review and occupational regulation matters

02.2014 — 07.2015;
09.2016 — 10.2017

Allens – Litigation team (including insolvency)

Associate / Lawyer

- Corporate insolvency, commercial disputes and tax

08.2015 — 08.2016

Associate to the Hon. Justice Davies – Federal Court of Australia

ACADEMIC

2009 — 2013

Bachelor of Laws (Hons, 1st class) / Bachelor of Arts (French)

University of Adelaide

University Prizes

- John Bray Law Chapter of the Alumni Association Prize 2013
Denoting the highest average mark in all compulsory subjects for the degree of Bachelor of Laws
- Law Society of South Australia Centenary Prize 2013
Denoting the highest average mark in all compulsory and elective subjects for the degree of Bachelor of Laws
- Stow Prize 2013
- Dean's Certificate for Advanced Constitutional Law 2013
Dean's Certificate denotes top mark
- Lipman Karas Prize for Dispute Resolution and Ethics 2013
- Dean's Certificate for Law Research Dissertation 2013
- Dean's Certificate for Adelaide Law Review 2013
- Second prize in national Sir Anthony Mason Constitutional Law Essay Competition
- Howard Zelling Prize for Constitutional Law 2012
- Thomson Lawbook Prize for Academic Excellence 2012
- Edith Puddy Prize for French 2010
- Dean's Certificate for Foundations of Law 2009
- Lexis Nexis Prize 2009
- Adelaide Undergraduate Scholarship 2008 to 2012

Schedule | Selected matters

AS COUNSEL

Public law matters

- *G Global v Commissioner of State Revenue* [2025] HCA 39: constitutional challenge to land tax surcharge — led by P Hanks KC, F Gordon KC and T Wood (instructed by PricewaterhouseCoopers).
- *Patrick v Australian Information Commissioner* [2024] FCAFC 93; [2023] FCA 530 (special leave refused): judicial review and appeal — led by Z Maud SC, with G Kuganathan (instructed by Norton Rose Fulbright).
- *Asset Energy Pty Ltd v Commonwealth Minister for Industry and Science* (Federal Court of Australia, ongoing): judicial review — led by N Wood SC (instructed by Clayton Utz).
- *McCabe v Secretary, Department of Justice and Community Safety* [2025] VSC 740: judicial review — led by L Brown SC (instructed by Victorian Government Solicitor's Office).
- *Hughes and Victorian Building Authority* [2025] ARTA 113: mutual recognition of building registration — unled (instructed by the Victorian Building Authority).
- Various advice regarding operation and constitutional validity of legislative proposals — led by L Brown SC, Crown Counsel for Victoria.
- Acting for the Victorian Electoral Commission in the lead-up to the 2022 Victorian State Election — led by L Brown, Crown Counsel for Victoria – including *Donohue v Gately* [2022] VSC 758; *Torney v Victorian Electoral Commission* [2022] VCAT 1337; *Cumming v Victorian Electoral Commission* [2022] VSC 671 (instructed by VGSO).
- *Vincent v Guy* [2023] VSC 122 (Court of Disputed Returns), appearing for the Victorian Electoral Commission — unled (instructed by VGSO).
- *Asset Energy Pty Ltd v Commonwealth Minister for Resources* [2023] FCA 86 (resolved): judicial review — led by N Wood SC and F Gordon KC (instructed by AGS).
- *Collins v Brown and State of South Australia* (Supreme Court of South Australia, resolved): judicial review; implied freedom of political communication — led by D O'Leary SC and G Ayres (instructed by Allens).

Torts

- *Waller Legal v Pearce* (Court of Appeal, ongoing): professional liability — led by S Hay KC and J McComish (instructed by Rightside Legal).
- *Footscray Football Club v Kneale* [2024] VSCA 314 (special leave refused): appeal (liability in tort; assessment of damages) — led by S Hay KC and J McComish (instructed by Rightside Legal).
- *Crowe v The Corporation of the Society of the Missionaries of the Sacred Heart* [2026] VSC 275: application to set aside settlement deed — led by K Foley SC (instructed by Rightside Legal)
- *McCullough v Footscray Football Club (Jury Ruling)* [2025] VSC 443: application to dispense with jury — led by S Hay KC (instructed by Rightside Legal).

- *Young v Waller Legal (Preliminary questions)* [2025] VSC 522: statutory interpretation — led by S Hay KC (instructed by Carroll & O’Dea Lawyers).
- *DJ Motors Pty Ltd v Tasmanian Water* (Supreme Court of Tasmania, resolved): nuisance claim — led by T Cox SC (instructed by Hall & Wilcox).
- *Lonergan v The Trustees of the Sisters of Saint Joseph* [2022] VSCA 208: tort; assessment of damages — led by J McComish (instructed by Ken Cush & Associates).

Commercial and employment matters

- *Reid v Slade* (Supreme Court of Victoria, resolved): contractual disputes; statutory unconscionable conduct — led by P Thiagarajan SC and J Ross (instructed by KWM).
- *KQ International Trading Pty Ltd v Tian* (Federal Court of Australia): resisted application to set aside statutory demand — unled (instructed by Kennedy Partners).
- Proceedings concerning adverse action and misrepresentation of workplace rights (FCFCoA, resolved) — unled (instructed by Saines Legal).
- Advice regarding the *Child Employment Amendment Act 2022* — unled.

AS SOLICITOR: VICTORIAN GOVERNMENT SOLICITOR’S OFFICE

Constitutional and statutory interpretation matters

- Acting for the Attorney-General for the State of Victoria intervening in the following High Court matters:
 - *Palmer v Western Australia; Mineralogy v Western Australia* — constitutional challenge to the *Iron Ore Processing (Mineralogy Pty Ltd) Agreement Amendment Act 2020* (WA)
 - *Palmer v Western Australia* — constitutional challenge to the State border closures concerning s 92 of the Constitution
 - *Vella v Commissioner of Police (NSW)* — constitutional challenge to NSW *Crimes (Serious Crime Prevention Orders) Act 2016*, based on the *Kable* principle
 - *BMW Australia Ltd v Brewster; Westpac Banking Corporation v Lenthall* — challenge to the power of courts to make certain 'common fund orders'
- Acting for the State defendants in a Supreme Court constitutional challenge to the *Stay at Home Directions* given under the *Public Health and Wellbeing Act 2008* (Vic) (*Cotterill v Romanes*), and Federal Court injunction application in *Athavle v New South Wales* (2021).
- Acting for the Aboriginal Heritage Council in County Court proceedings regarding the ownership of certain Aboriginal objects under the *Aboriginal Heritage Act 2006* (Vic).
- Acting for the Victorian Building Authority in the successful application for special leave to the High Court of Australia and subsequent appeal proceedings in *Victorian Building Authority v Andriotis*.
- Advising on constitutional issues raised by various legislative reform proposals, including the validity of taxes, referral of legislative powers to the Commonwealth, and restrictions on interstate trade and commerce.

- Advising multiple government agencies on the operation of complex legislative schemes such as the *Mutual Recognition Act 1992* (Cth); *Children, Youth and Families Act 2005*; *Corrections Act 1986*; and the Murray-Darling Basin Agreement (Sch 1 to the *Water Act 2007* (Cth)).
- Advising the Victorian Electoral Commission on various matters including administrative decisions and enforcement powers.

Administrative law and occupational regulation matters

- Advising various government departments regarding administrative decision-making including validity of delegations, statutory authorisations and appointments.
- Acting for the Attorney-General for the State of Victoria in judicial review proceedings in the Supreme Court, concerning agreements signed by the Attorney-General under the *Traditional Owner Settlement Act 2010*.
- Acting for the Medical Board of Australia in various disciplinary proceedings in VCAT under the *Health Practitioner Regulation National Law (Victoria) Act 2009*.
- Acting for the Councillor Conduct Panel in VCAT in the first merits review proceedings under s 81Q of the *Local Government Act 1989* (Vic), which involved a three-day hearing before Vice-President Judge Millane. The Panel's decision was affirmed: *Buckley v Councillor Conduct Panel* [2018] VCAT 1244.

AS SOLICITOR: ALLENS

Litigation and Insolvency teams

- Acting for the National Australia Bank in relation to the enforcement of mortgages including:
 - defending injunction applications in the County Court and the Court of Appeal; and
 - instituting and managing successive proceedings to remove caveats and obtain injunctions to prevent the lodgement of further caveats.
- Advising a global mining company regarding a significant transfer pricing matter and audit brought by the Australian Tax Office.
- Acting for a high-profile individual to defend insolvent trading claims.
- Advising on the enforcement of security interests over various managed investment schemes and other investment structures relating to plantations, particularly the obligations in relation to the rights of investors.
- Advising on the scope of coverage and enforcement of directors' indemnity insurance policies in connection with various matters.

Pro Bono

- Acting on behalf of the Human Rights Law Centre in relation to asylum seekers in Australia for a temporary purpose.
- Advising on a possible constitutional challenge to the Queensland voting qualification laws, which prohibited all prisoners from voting in Queensland state elections.
- Advising self-represented litigants in the Federal Court of Australia in relation to employment and bankruptcy matters, including advice regarding the merits of claims, preparation of court documents and civil procedure.
- Acting for various clients as part of the Homeless Law programme in relation to tenancy and infringement disputes, including providing legal advice, drafting correspondence, preparing evidence and appearing at hearings as required.