LIST G
BARRISTERS

Maya Narayan



Maya Narayan has a broad litigation and advisory practice, spanning federal and state public law (constitutional, administrative and inquiries), taxation, commercial, employment and industrial, and regulatory law. She also acts in matters at the intersection of public law with other areas, such as torts and equity.

QUALIFICATIONS

B.A. (Hons) (Melb)
Juris Doctor (Melb)
MPub&IntLaw (Melb)

CORRESPONDENCE

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CHAMBERS

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West Melbourne VIC 3003

COMMERCIAL LAW

Appellate | Consumer Law | Residential & Retail Tenancies | Taxation

EMPLOYMENT & INDUSTRIAL

Appellate | Discrimination | Statutory Employment Rights

PUBLIC LAW

Administrative Law | Appellate | Commissions & Inquiries | Constitutional Law | Judicial Review

Maya acts in trial and appellate litigation in all federal and state jurisdictions, appearing both led and unled. Maya has a complex and varied advisory practice, providing advice on diverse and often novel questions. Maya has particular expertise advising in the context of royal commissions and other public inquiries (including as to the establishment, obligations, powers and procedures of such inquiries), having acted in numerous inquiries both at, and prior to coming to, the Bar.

In August 2023, Maya was appointed by the Attorney-General for Victoria as a member of the Panel of Independent Reviewers under the *Legal Aid Act 1978* (Vic), a role involving independent merits review of decisions made under that Act.

Prior to coming to the Bar, Maya was:

- Counsel Assisting the Solicitor-General for Victoria (then Richard Niall QC, now the Chief Justice of Victoria);
- Associate to the Honourable Justice O'Callaghan of the Federal Court of Australia (assisting his Honour with matters across commercial, bankruptcy and insolvency, industrial, administrative and migration law practice areas); and
- a Principal Solicitor in the Constitution and Advice Team and the Chair of the Constitutional and Intergovernmental Relations Practice Group at the Victorian Government Solicitor's Office.

Maya is a Director of the Board of Directors of List G Barristers and a Reporter for the Victorian Reports.

Maya read with Emrys Nekvapil and her senior mentor was Rowena Orr KC (now a Judge of Appeal of the Supreme Court of Victoria).

Liability limited by a scheme approved under Professional Standards Legislation

Recent Cases

NON-LITIGIOUS

Acting for the First Peoples' Assembly of Victoria in its Treaty negotiations with the State of Victoria under the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic) — led by Kenneth M Hayne AC KC, with Simona Gory and Tim Goodwin.

Royal Commission into National Natural Disaster Arrangements — for the State of Victoria — led by Richard Attiwill QC (now a Judge of the Supreme Court of Victoria), with Emrys Nekvapil SC, Haroon Hassan, Helen Tiplady, Katherine Brazenor and Rachel Amamoo.

Yoorrook Justice Commission — for the First Peoples' Assembly of Victoria — unled.

LITIGIOUS MATTERS

HIGH COURT

State of New South Wales v Wojciechowska — Full Court appeal — constitutional case concerning the application of the High Court's decision in *Burns v Corbett* (2018) 265 CLR 304 to NCAT's jurisdiction under New South Wales privacy legislation — for the State of Victoria intervening — led by the Solicitor-General for Victoria.

Environment Council of Central Queensland Inc. v Minister for Environment and Water — special leave application — arising from claims for judicial review of decisions made under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) — for the applicant — led by Emrys Nekvapil SC, with Jim Hartley.

VicForests v Kinglake — special leave application — arising from claims for equitable relief concerning the Victorian timber harvesting regulatory scheme — for the applicant — led by Noel Hutley SC, with Emrys Nekvapil SC.

FEDERAL COURT

Full Court

Environment Council of Central Queensland Inc. v Minister for Environment and Water — two appeals (details above), including a successful application for no costs order on public interest grounds — for the appellant — led by Emrys Nekvapil SC, with Jim Hartley and, on the issue of costs, Jamie Blaker.

Single Judge

Environment Council of Central Queensland Inc. v Minister for Environment and Water — two proceedings (details above) — for the applicant — led by Emrys Nekvapil SC, with Jim Hartley, Laura Schuijers and Jamie Blaker.

SUPREME COURT OF VICTORIA

Court of Appeal

Cotterill v Romanes & Sutton — constitutional challenge to the State of Victoria's response to the COVID-19 pandemic — for the respondents — led by Alistair Pound SC, with Frances Gordon KC.

Woodman v State of Victoria & Independent Broad-based Anti-corruption Commission — multiple appeals, heard separately — arising from claims in tort, breach of statutory duty and judicial review relating to IBAC's conduct of an investigation — for the State of Victoria — led by Liam Brown SC.

ARF (A Pseudonym) v Director of Housing — arising from an application for reasons under the *Administrative Law Act 1978* (Vic), involving a novel question as to the application of that Act to certain public housing decisions — for the appellant — led by Elizabeth Bennett SC (now a Judge of the Federal Court of Australia).

Warburton Environment Inc. v VicForests — claims for equitable relief concerning the Victorian timber harvesting regulatory scheme — for the respondent — led by Emrys Nekvapil SC.

VicForests v Kinglake — appeal raising a novel question as to standing in public interest litigation — for the appellant — led by Emrys Nekvapil SC.

Trial Division

Thorpe v Head, Transport for Victoria — claims for equitable relief and judicial review arising from the Western

Highway Duplication Project, involving questions as to the application of the *Aboriginal Heritage Act 2006* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic) — for the defendants — led by Richard Attiwill QC (until his Honour's appointment as a Judge of the Supreme Court of Victoria) and Chris Young QC, with Anna Robertson (now a Judge of the County Court) and Tom Barry.

Cotterill v Romanes & Sutton (details above) — for the defendants — led by Alistair Pound SC, with Frances Gordon KC.

Taylor v Attorney-General for Victoria — multiple proceedings, heard separately — judicial review of decision-making in relation to petitions for mercy — for the Attorney-General for Victoria — led by Liam Brown SC.

Fowler v Minister for Fishing and Boating – judicial review of decision-making under commercial fisheries legislation — for the Minister — led by Emrys Nekvapil SC.

Kinglake v VicForests (details above) — for the defendant — led by Emrys Nekvapil SC.

Warburton Environment Inc. v VicForests (details above) — for the defendant —led by Emrys Nekvapil SC.

ARF (A Pseudonym) v Director of Housing (details above) — for the applicant — led by Elizabeth Bennett SC (now a Judge of the Federal Court of Australia).

FAIR WORK COMMISSION

Application for approval of the Country Fire Authority Professional, Technical and Administrative Agreement 2021 — for a witness — unled.

ADMINISTRATIVE APPEALS TRIBUNAL

The Australian Steel Company (Operations) Pty Ltd v Minister for the Environment & Anor — review of Minister's decision-making under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (Cth) — for the Minister — led by Mark Costello KC (proceeding resolved).

PUBLICATIONS

Maya Narayan, 'A "Force of Last Resort"?: A Critical Evaluation of the Use of the Australian Defence Force in the Context of Bushfires and Pandemics' (2022) 33 *Public Law Review* 246.

Hollie Kerwin and Maya Narayan, 'When the Carnival is Over: the case for reform of access to royal commission records' in Rubenstein, K, A Genovese and T Luker (eds) *The Court as Archive* (Melbourne University, 2019).

Maya Narayan, 'Creature of Statute, Beast of Burden: the Victorian Civil and Administrative Tribunal and the heavy lifting of human rights' (2011) 66 *AIAL Forum* 1 (published as winner of the 2011 Australian Institute of Administrative Law Essay Prize).

Memberships

Australian Association of Constitutional Law

Board of Directors of List G Barristers

Commercial Bar Association of Victoria