

LIST G BARRISTERS

Joanna Davidson



Joanna Davidson's principal areas of practice are administrative law, human rights law and discrimination

QUALIFICATIONS

Bachelor of Laws (Hons)
Master of Laws

CORRESPONDENCE

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CHAMBERS

TORT LAW

Personal Injury

PUBLIC LAW

Administrative Law | Appellate | Civil & Human Rights | Commissions & Inquiries | Constitutional Law |
Discrimination | Judicial Review

Joanna also accepts briefs in some common law and commercial matters.

Since coming to the Bar, and in her previous role as Special Counsel in the Victorian Government Solicitor's Office, Joanna has appeared in a range of civil, criminal and administrative law proceedings in the High Court of Australia, the Federal Court, Court of Appeal, Supreme Court and the Victorian Civil and Administrative Tribunal.

Joanna acted as counsel assisting in the Royal Commission into Family Violence. Joanna also appeared for the Victorian Equal Opportunity and Human Rights Commission in the Inquest into the passing of Veronica Nelson.

Liability limited by a scheme approved under the Professional Standards Legislation

Recent Cases

HIGH COURT OF AUSTRALIA

Momcilovic v The Queen (2011) 245 CLR 1: appeared on behalf of the State of Victoria (led by Stephen McLeish SC, with Albert Dinelli) in this important case dealing with issues arising under the *Charter of Human Rights and Responsibilities Act 2006* and the Constitution.

Gypsy Jokers Motorcycle Club Incorporated v The Commissioner of Police (2008) 234 CLR 532: appeared on behalf of the State of Victoria (led by Pamela Tate SC, Solicitor-General for Victoria, with Jonathon Redwood) in a challenge to Western Australia's anti-fortification laws.

SUPREME COURT - COURT OF APPEAL

Christian Youth Camps Ltd v Cobaw Community Health Services Ltd [2014] VSCA 75: appeared on behalf of the the Attorney-General (intervening) in this discrimination case concerning the scope of the religious exemptions in the *Equal Opportunity Act 1995* (Vic) and the direct and vicarious liability of persons and bodies under the Act.

Bare v Independent Broadbased Commission against Corruption (judgment reserved): appeared on behalf of the Attorney-General (intervening), at trial and on appeal, in this case involving a number of significant questions arising in relation to the interpretation and operation of the *Charter of Human Rights and Responsibilities Act 2006* (led by Stephen McLeish SC, Solicitor-General for Victoria).

Nigro v Secretary to the Department of Justice [2013] VSCA 213; (2013) 304 ALR 535: Appeared on behalf of the Secretary to the Department of Justice in relation to a number of appeals against supervision orders under the *Serious Sex Offenders (Detention and Supervision) Act 2009* (led by Paul Holdenson QC and David Grace QC).

The Queen v Chaouk & Ors [2013] VSCA 99: appeared on behalf of the respondent accused (led by Ron Merkel QC) in relation to an appeal against a decision by Lasry J staying the trial of the accused in circumstances where Victoria Legal Aid had declined funding for an instructing solicitor.

FEDERAL COURT OF AUSTRALIA

Muldoon v Melbourne City Council [2013] FCA 994: appeared on behalf of the Attorney-General for Victoria (intervening) in this case involving constitutional and human rights challenges to the actions of Melbourne City

Council in relation to the "Occupy Melbourne" protest (led by Stephen Donaghue QC, with Alistair Pound).

SUPREME COURT - TRIAL DIVISION

DPP v JPH (No 2) [2014] VSC 177: appeared on behalf of the DPP (led by Senior Crown Prosecutor, Peter Rose SC) in relation to an application for the continued detention of a person under the Serious Sex Offenders (Detention and Supervision) Act 2009.

Re Beth [2013] VSC 189 and *Re Beth (No 3)* [2014] VSC 121: appeared (led by Debbie Mortimer SC in 2013, and on her own in 2014) on behalf of the Secretary to the Department of Human Services to orders under the *parens patriae* jurisdiction supplementing the Secretary's statutory powers as guardian and authorising the detention of a young person in order to facilitate treatment in her best interests.

Secretary to the Department of Human Services v Sanding [2011] VSC 42: appeared on behalf of the Secretary to the Department of Human Services in an appeal against orders under the *Children Youth & Families Act*.

Crossley v Cerolini [2011] VSC 268: appeared on behalf of the Respondent to an urgent application for interlocutory injunction.

Application under the Major Crime (Investigative Powers) Act 2004; DAS v Victorian Human Rights and Equal Opportunity Commission (2009) 24 VR 415: appeared on behalf of the Applicant in this proceeding involving important questions as to the interpretation and application of the *Charter of Human Rights and Responsibilities Act 2006*.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Joanna has appeared in a number of matters in VCAT involving licensing, disciplinary proceedings, residential tenancies, mental health, freedom of information and discrimination, including:

Harding and Ors v Chief Commissioner of Police (Review and Regulation) [2014] VCAT 837 (Appeals under the Firearms Act)

BHU v Secretary to the Department of Justice (Review and Regulation) [2014] VCAT 259 (Application under the Working with Children Act)

DJ v Director of Housing (Residential Tenancies) [2014] VCAT 406

XYZ v Victoria Police (General) [2010] VCAT 255 (freedom of information)

Kracke v Mental Health Review Board [2009] VCAT 646; (2009) VAR 1 (mental health)

Valentine v Emergency Services Superannuation Board (General) [2010] VCAT 2130 (discrimination)

PRIOR EXPERIENCE

Joanna was admitted to practice in Victoria in 1999, having previously practised in New Zealand where she was admitted in 1993. Her first ten years of practice as a solicitor involved a broad range of civil and commercial litigation, as well as workplace relations and employment law. From 2004 until she joined the bar in 2013 Joanna

held roles as in-house counsel for government, appearing and advising in many significant public and administrative law proceedings.

From 2007 to 2013 Joanna was Special Counsel in the Victorian Government Solicitors Office. In that role she appeared as counsel for the Attorney-General and other government agencies in most of the significant proceedings involving issues under the Victorian Charter of Human Rights and Responsibilities Act 2006, either on her own or with senior members of the Victorian Bar or the Solicitor-General. This included a number of appearances in the High Court and Court of Appeal, and covered a broad range of matters such as pre-trial applications in criminal proceedings, criminal appeals, and various civil and administrative law proceedings. While her focus was on human rights and related issues, she advised and appeared in relation to a broader range of civil, administrative and constitutional law matters.

For three years (2004-2007) Joanna was Crown Counsel in the New Zealand Crown Law Office, where she appeared as counsel in a range of civil proceedings, judicial review matters and criminal appeals.