

Curriculum Vitae of Sashi Maharaj QC

Name: Sashi Maharaj QC

Chambers: Murray Chambers (SA) and Owen Dixon West Room 1212 (Vic)

Signed Bar Roll: 1997

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AREAS OF EXPERTISE

Administrative Law (Merits Review and Judicial Review) – Immigration, discrimination, extradition, disciplinary proceedings, customs, social security and veterans' entitlements, privacy, freedom of information, proceeds of crime

Commercial – Corporate and personal insolvency, Corporations Law, Trade Practices and Consumer Protection Law)

Taxation

Common Law/Personal Injury – Negligence, Professional Negligence, Work Injury and Workers Compensation)

Constitutional Law

Trusts

PROFILE

Sashi is a leading advocate who practises predominantly in the Federal Court nationally in the following areas: administrative law, migration, taxation, law enforcement and regulatory law, corporate and personal insolvency, corporations law, constitutional law, consumer protection and trade practices, superannuation, and veterans' law.

As senior counsel, Sashi has held a national retainer since 2007 for significant law enforcement litigation and advising work on behalf of the Commonwealth. As junior counsel she was retained to conduct immigration cases for the Commonwealth. She has conducted in excess of 200 migration matters including Full Court appeals involving test points in the Federal Court on behalf of the Commonwealth.

She has appeared as lead counsel in (a) well in excess of 100 Full Court of the Federal Court appeals (b) several State Supreme Court appeals and (c) well in excess of 300 first instance matters in the Federal Court involving significant test points and statutory construction issues involving federal law matters. She has also appeared as junior to the Solicitor General of the Commonwealth in several significant High Court matters for the Commonwealth.

Some of the more notable appearances are as follows:

Full Court of the Federal Court

Sashi has appeared as lead counsel in the following significant appeals involving federal laws:

- *Australian Crime Commission v NTD8 (No 2)*; *Australian Crime Commission v NTD8* - (Test cases on Commonwealth's NT intervention)
- *Commissioner of the Australian Federal Police v Oke* - (Legality of AFP search warrants tested)
- *JJ v Board of the Australian Crime Commission*; *C Incorporated v Australian Crime Commission*; *S v Australian Crime Commission*; *CC Pty Ltd v Australian Crime Commission*; *P* v Board of the Australian Crime Commission*; *GG v Australian Crime Commission*

(Administrative Law – statutory construction – test cases on legality of executive acts of the Australian Crime Commission)

- *SBEG v Secretary, Department of Immigration and Citizenship* - (Migration law involving test points – whether permanent injunctive relief can be given regulating form of detention – choice of law – application of State laws to negligence claim against Commonwealth)
- *Repatriation Commission v Butcher*; *Repatriation Commission v Stoddart*; *Lees v*

Repatriation Commission; Repatriation Commission v Richmond

(Construction of significant provisions of the *Veterans' Entitlements Act 1986* (Cth))

- *Minister for Immigration & Multicultural & Indigenous Affairs v Al Masri* - (Mandatory detention of an unlawful non-citizen pending removal from Australia – whether continued detention authorised where no real likelihood or prospect of removal in the reasonably foreseeable future)
- *Comcare v Simmons; Australian Postal Corporation v Sinnaiah*

(Construction of significant provisions of the *Safety, Rehabilitation and Compensation Act 1988* (Cth))

High Court matters

Sashi acted as junior to the Solicitor General of the Commonwealth in the following significant matters involving federal laws:

- *Al-Kateb v Godwin* - (Detention power of the Commonwealth under the Migration Act tested)
- *Minister for Immigration and Multicultural and Indigenous Affairs v Al Khafaji* - (Judicial power – Immigration)
- *Re Macks* - (Jurisdiction of Federal Court – cross-vesting legislation. Inconsistency – Invalidity under Chapter III – Whether State laws repugnant to federal judicial power)
- *Emanuele v ASIC and Commissioner of Taxation* - (Companies – Winding up in insolvency – Corporations Law)
- *Byrnes v R* - (Constitutional Law – Inconsistency of laws)

Significant Supreme Court matters including Full Court Appeals

Sashi has acted as lead counsel in the following significant cases:

- *DBH v Australian Crime Commission & Ors* (Qld Court of Appeal) - (Coercive powers of the Australian Crime Commission tested)
- *Australian Crime Commission v Marrapodi* (WA Court of Appeal) - (Jurisdiction – Commonwealth's coercive powers tested)

- *H Ltd v J* (SA Supreme Court) - (Test case on whether court has jurisdiction to make declarations about right to take one's life - Commonwealth Constitution)
- *DBH v Australian Crime Commission & Ors* (Qld Court of Appeal) - (Disclosure of confidential coercive examination material)
- *Onesteel Trading Pty Ltd v Ewing International Limited Partnership & Ors* (SA Full Court) - (Practice and procedure on appeals)
- Secrecy prosecutions involving Reserve Bank subsidiary employees - (Vic Supreme Court) (Intervention by the Commonwealth in the criminal trials to make submissions on important statutory construction issues involving Federal laws)

Other Federal Court significant cases in which she has acted as lead counsel

- *SBEG v Secretary, Department of Immigration and Citizenship* (Immigration law involving test points – whether permanent injunctive relief can be given regulating form of detention – choice of law – application of State laws to negligence claim against Commonwealth)
- *Commissioner of Taxation v Moignard* (Test case on construction of ss 97 and 101 of *Income Tax Assessment Act 1936* (Cth))
- *Sheahan, in the matter of Atsikbasis Nominees Pty Ltd (in Liq)* (Taxation - insolvency)
- *Australian Postal Corporation v Gorman* (Jurisdictional error by Fair Work Australia)
- *Stoddart v Repatriation Commission* (Veterans' Law – test case on construction of *Veterans' Entitlements Act* and the statement of principles made thereunder)
- *APRA v Holloway* (Test case on anti-avoidance provisions of *Superannuation Industry (Supervision) Act 1993* (Cth))
- *Geographical Indications Committee v The Honourable Justice O'Connor* - (Acting for Wine and Brandy Corporation - dispute about the SA Coonawarra wine region boundary)
- *Milad v Vocational Registration Appeal Committee; Michael Alastair Reid & Ors v Vocational Registration Appeal Committee & Anor* (Novel medical registration issues under Commonwealth legislation tested)
- *In the matter of Addstone Pty Ltd (in liq); Peter Ivan Macks; Giuseppe Emanuele v Ronald Alwin Grey, Brian Bates, Peter John Lamb, Arthur Brown, Allan John Dau, Peter*

Edward Phillips, Ian Douglas Temby and Commonwealth of Australia; Re Simionato Holdings Pty Ltd (CAN 065 117 259); The Commissioner of Taxation of the Commonwealth of Australia v Simionato Holdings Pty Ltd; Citicorp Australia Ltd & Ors v Official Trustee in Bankruptcy & Anor; Commonwealth of Australia v Emanuel Projects Pty Ltd, Emanuel (Rundle Mall) Pty Ltd, Cc Lot 4 Pty Ltd, Emanuel (No4) Pty Ltd, Heriot Pty Ltd, Emanuel Properties Pty Ltd, Giuseppe Nominees Pty Ltd, Emanuel Management Pty Ltd, PBRs Pty Ltd, Grangeville; Rocco Emanuele and Linton Emanuele v Australian Securities Commission and Addstone Pty Ltd (In Provisional Liquidation) and Others; Simionato Holdings Pty Ltd v the Commissioner of Taxation of the Commonwealth of Australia; Commonwealth of Australia v Hendon Industrial Park Pty Limited); Sheahan, in the matter of Atsikbasis Nominees Pty Ltd (in liq); LHRC v Deputy Commissioner of Taxation

(Cases involving corporate and personal insolvency and corporations law issues - and taxation issues - involving several test points)

- *Salerno v National Crime Authority & Ors* - (Challenge to legality of law enforcement activities)
- *NATB v Minister for Immigration* - (Removal of unlawful non-citizen from Australia - duty of officer to remove the non-citizen "as soon as reasonably practicable")

Prior to coming to the Bar, Sashi was an Associate to the Chief Justice of Tasmania, Sir Guy Green and was then employed with the Australian Government Solicitor rising to the ranks of Senior Executive Officer and In House Counsel. As In House Counsel for the AGS she appeared as lead counsel in a wide range of federal law matters including public and administrative law, tax, veterans matters, migration, corporate and personal insolvency, trade practices and constitutional law matters. She has attracted consistent favourable mention in the Doyles Guide to Best Barristers. Sashi is a graduate of University of Tasmania where she was awarded the Dean's Prize in Law and Society.

MEMBERSHIPS AND ASSOCIATIONS

Deputy Chair of the Disciplinary Appeals Tribunal (SA)

Chair of the Women at the Bar Committee (SA)

Member of the Australian Constitutional Law Association

Member of SA Bar Council

Member of Civil and Commercial Law Committee of SA Bar

Mentor of the Indigenous Law Students