

# Matt Harker

Solicitor 2013

Barrister 2021

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Prior to being called to the bar, Matt worked as a solicitor for four years, appearing as an advocate in the Supreme Court, Land and Environment Court, Local Court, and NCAT. He advised government, corporate, and individual clients on matters concerning competition and consumer law, constitutional and administrative law, criminal law, copyright, contract, freedom of information, employment, negligence, property, and planning and environmental law. He accepts briefs in all areas of law and adopts a strategic, collaborative, and results-focussed approach to all matters.

Matt has also completed a Master of Laws at University College London, focussing on constitutional and national security law, and worked as an Associate at the Administrative Appeals Tribunal.

## **PROFESSIONAL RECOGNITION**

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Named in the *Doyle's Guide* 'Planning & Environment Rising Stars - Australia, 2019'.

## QUALIFICATIONS

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### **Master of Laws (*Distinction*) University College London | 2015 - 2016**

- Graduated fourth in class.
- First place in Aspects of National Security Law.
- First place in Jurisprudence and Legal Theory A.

### **Bachelor of Arts with the Degree of Bachelor of Laws (*Honours Class I*) Macquarie University | 2007 - 2012**

- Holding Redlich Prize for first place in *Litigation* (2011).
- Margaret Thornton Prize for first place in *Discrimination and the Law* (2010).
- Macquarie Law School Prize for first place in *International Human Rights Law* (2010).
- Blake Dawson Waldron Prize for Proficiency in Second Year Law (2008).
- First place in *Australian History Since 1901* (2011).
- First place in *Travel, Tourism and Cultural Production* (2009).

## NOTABLE CASES

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### Barrister

**Royal Caribbean Cruises v Rawlings, NSWCA (led by E Cox SC).** Appeared for Royal Caribbean in an appeal concerning the power of a Master to detain a passenger to maintain safety and order on a vessel.

**Elmasri v Transport for NSW [2021] NSWSC 929 (led by B Tronson).** Acted for Transport for NSW in an application for judicial review of a notice to acquire land for the M12 project.

**Fair Work Ombudsman v Chatime Australia Pty Ltd & Anor, Federal Circuit Court (led by J Darams).** Appeared for the Ombudsman in enforcement proceedings in relation to the underpayment of staff.

**Y.E. Holdings Pty Ltd v The Owners- Strata Plan 80877, NCAT (led by T Lynch SC).** Acted for retail lot owners in proceedings concerning the deprivation of access to retail lots within Mascot Towers.

**Mirvac Retail Sub SPV Pty Limited v City of Canada Bay Council [2021] NSWLEC 1598 (unled).** Acted for Council in defending a decision to refuse consent to a development application for blanket fit-out works within Birkenhead Point.

**DP World Sydney Ltd v Hapag Lloyd Ships Ltd & Ors, NSWSC (led by E Cox SC).** Acted for DP World in proceedings alleging negligence in respect of the collision of a cargo ship into a wharf (settled).

**Kang v Murakami, Local Court (unled).** Appeared for an employee in proceedings to secure the payment of unpaid wages under the *Fair Work Act 2009*.

**Metcash Trading Limited v Michael Hudson, Fair Work Commission (led by J Darams).** Acted for Metcash in an appeal concerning an alleged unfair dismissal.

**Muscat Developments Pty Ltd v Wollondilly Shire Council [2021] NSWLEC 1738 (led by M Astill).** Acted for Council in an appeal concerning the refusal of consent to a development that relied upon unlawful earthworks.

**Sampryan Pty Ltd v Minister for Planning and Public Spaces, NSWLEC, 2021** (led by B Tronson): acted for a landowner in defence of an application for judicial review of a gateway determination regarding the rezoning of their land (settled).

**Owners- Strata Plan No 89923 v Discovery Point No 3A Pty Ltd & Ors, NCAT (unled).** Acted for the owners corporation in a defects claim under the *Home Building Act 1989* (settled).

### Senior Associate - Lindsay Taylor Lawyers (2017 - 2020)

**MJ Trading Services Pty Ltd v Independent Liquor & Gaming Authority [2018] NSWCATAD 260.** Acted for the Authority in the first case to consider the interpretation of 'neighbourhood' and 'general store' in the *Liquor Act 2007*.

**Fisher v Commissioner of Police, NSW Police Force [2019] NSWCATAD 205.** Appeared for the Commissioner in successfully resisting an application for access to confidential reports of criminal activity.

**Kastanias v Georges River Council [2020] NSWCATAD 213.** Acted for the Council in successfully defending a decision to release information concerning alleged misconduct by a councillor.

**DRX v City of Canada Bay Council [2020] NSWCATAD 26.** Successfully defended a claim for compensation for breach of the *Privacy and Personal Information Protection Act 1998*.

**White v Ballina Shire Council [2021] NSWLEC 1468.** Appeared for the Council in successfully defending a decision to refuse consent to a development that relied upon unlawful clearing of an endangered ecological community.

**Woollahra Municipal Council v AMA Holdings Pty Ltd (Local Court, unreported, 2021).** Secured a conviction for breach of fire safety provisions in the *Environmental Planning and Assessment Regulation 2000*.

**Baronja Investments Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1133.** Acted for the Council in an application to increase opening hours for the Rose Bay Hotel.

Provided detailed written advice in the areas of constitutional law, competition and consumer law, administrative law, criminal law, copyright, contract, freedom of information, negligence, real property, employment, work health and safety, and planning and environmental law.

### Mini Pupil - 39 Essex Chambers | London, April 2016

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Administrative Appeals Tribunal

Associate to Deputy President Handley | December 2013 - August 2014

Associate to Deputy President Constance | August 2014 - September 2015