

**JAYE ALDERSON**  
**Barrister | Call: 2015**

## **CONTACT**

Phone: +61 433 135 107

Email: jaye.alderson@12thfloor .com.au

## **PROFESSIONAL SUMMARY**

Jaye Alderson practises in administrative and public law, commercial litigation, employment and industrial law, white collar crime, WHS, inquests and inquiries, native title, international law and arbitration. She is regularly briefed in sensitive workplace matters, including sexual harassment, bullying, and whistleblower complaints. She has appeared in numerous ICAC inquiries for public bodies and has acted for the Commonwealth Director of Public Prosecutions in counter-terrorism matters. She has rights of appearance before the DIFC Courts (UAE) and is a Professional Associate at Outer Temple Chambers (UK).

## **SELECTED CASES**

### **Work Health & Safety**

Jaye has secured acquittals for defendants in the following safety prosecutions:

- *McColm (NSW Department Planning and Environment) v Moolarben Coal Operations Pty Ltd* [2023] NSWDC 255. **Led by Arthur Moses SC for Moolarben Coal (Yancoal).**
- *Orr v Cobar Management Pty Ltd* [2019] NSWDC 796; *Orr v Cobar Management Pty Limited* [2020] NSWCCA 220; 103 NSWLR 36; 383 ALR 352; 286 A Crim R 211 - A prosecution arising from the drowning death of a worker at the CSA Mine. Before the matter was finalised, a five-judge bench of the NSW Court of Criminal Appeal considered the scope of section 5AE of the *Criminal Appeal Act 1912* (NSW), clarifying when legal questions can be referred during ongoing criminal proceedings. **Led by Arthur Moses SC for Cobar Management Pty Ltd (Glencore).**
- *SafeWork NSW v Scharfe* [2021] NSWDC 216. First case to determine the scope of a worker's duty under section 28(b) of the *Work Health and Safety Act 2011* (NSW). The case involved a 16-year-old worker who sustained serious burns after using a flammable brake cleaner and an electric rattle gun, contrary to instructions. **Unled for Mr Scharfe.**
- *SafeWork NSW v Wollongong Glass* [2016] NSWDC 58. **Led by Arthur Moses SC for Wollongong Glass.**

### **Criminal Law**

- *R v Dirani (Supreme Court NSW)* - Jury trial, terrorism offences. **Led by Paul McGuire SC for the Crown.**
- *Alou v The Queen* [2019] NSWCCA 231; 101 NSWLR 319; 373 ALR 347; 347 FLR 55 (Special leave to appeal to the High Court refused) - Sentencing appeal on terrorism offences, and constitutional validity of section 19AG of the *Crimes Act 1914* (Cth). **Led by Sarah McNaughton SC for the Commonwealth Director of Public Prosecutions.**

- *Commonwealth Director of Public Prosecutions v Alameddine* [2017] NSWLC 7 - Terrorism committal proceedings. **Led by Paul McGuire SC for the Crown.**
- *R v Alameddine (No.3)* [2018] NSWSC 681; 333 FLR 81 - Sentencing, terrorism offences. **Led by Paul McGuire SC for the Crown.**
- *R v AH* [2018] NSWSC 973 - Sentence, terrorism offences. **Led by Wendy Abraham QC for the Crown.**
- *Lawrie v Carey DCM* [2016] NTSC 23 - Criminal procedure validity of search warrant, privilege. **Led by Arthur Moses SC for the NT Police.**
- *Muliri v R* [2016] NSWCCA 129 - Appeal concerning adducing fresh evidence. **Led by Yaseen Shariff SC for the Crown.**
- *De Smet v Khandelwal (ACT Supreme Court)* - Crown sentence appeal for tax fraud. **Led by Wendy Abraham QC for the Crown.**
- *Zanon v The State of Western Australia* (2016) 50 WAR 1; [2016] WASCA 91; 259 A Crim R 65 - Conviction and sentence appeal, drug offences, derivative use of compulsory examination material. **Led by Wendy Abraham QC for Mr Zanon.**
- *Zwam v R* [2017] NSWCCA 127 - Conviction appeal after guilty plea, whether miscarriage of justice. **Led by Wendy Abraham QC for the Crown.**

## Employment & Industrial Law

- *Gaussen v Nest Employee Services & Ors* (C2022/3691) (Settled) - Adverse action, contract. **Led by Bruce Hodgkinson AM SC for Nest Employee Services & Co.**
- *Ponraj v Wycombe Services Pty Ltd* [2023] FCA 118 - Discrimination, breach of contract. **Unled for Wycombe Services Pty Ltd.**
- *CFMMEU v BHP (Mt Arthur Coal Case)* [2021] FWCFB 6059; 310 IR 399 - Industrial law, workplace health and safety, employment. **Led by Ian Neil SC for BHP.**
- *BHP Coal Pty Ltd v CFMMEU* [2018] FWCFB 4148 - Industrial law, enterprise agreements. **Led by Ian Neil SC for BHP.**
- *Construction, Forestry, Maritime, Mining & Energy Union v Hail Creek Coal Pty Ltd* [2018] FCA 125; *Hail Creek Coal Pty Ltd v Construction, Forestry, Maritime, Mining and Energy Union* [2018] FCAFC 186; 265 FCR 505 - Interpretation of enterprise agreements. **Led by Ian Neil SC for Hail Creek Coal (Rio Tinto).**

## Commercial, Constitutional and Public Law

- *In the Matter of an Arbitration under the Commercial Arbitration (National Uniform Legislation) Act 2011* (NT), *Rirratjingu Aboriginal Corporation v Gumatj Corporation Ltd & Ors* (before the Hon. Robert French AC, 2019 - ongoing) - Arbitration concerning traditional ownership disputes under land rights legislation and the apportionment of mining royalties arising from bauxite mining operations. **Led by Arthur Moses SC.**
- *Canterbury-Bankstown Council v Cossu & Ors* (Supreme Court NSW, 2024/00393023) (Ongoing) - Freezing orders, contract, trusts, and equity. **Led by Arthur Moses SC for Canterbury-Bankstown Council.**
- *Rock v University of Technology Sydney & Ors* (Supreme Court of NSW, 2024/00075075) (Settled mid-hearing) - Injunctive relief, statutory interpretation, damages under the *Public Interest Disclosure Act 2022* (NSW). **Led by Simon Meehan SC for the University of Technology Sydney.**
- *Commonwealth of Australia v Yunupingu* [2025] HCA 6; *Yunupingu v Commonwealth of Australia* [2023] FCAFC 75 - Constitution s 51(xxxi); Native Title. **Led by Arthur Moses SC for Yunupingu.**

- *Daoud & Co Pty Ltd v Kiama Council (Federal Court of Australia, NSD838/2022)* (Settled) Breach of contract, misleading and deceptive conduct. **Led by Arthur Moses SC for Kiama Council.**
- *Health Care Complaints Commission v Hill* [2022] NSWCA 270; *Hill v Health Care Complaints Commission* [2021] NSWSC 1645 - Professional discipline, judicial review. **Led by Arthur Moses SC for Dr Hill.**
- *Australian Labor Party NSW v Holding Redlich (Federal Court, NSD1133/2022)* (Settled) Breach of professional duties, contract, negligence, Australian Consumer Law. **Led by Arthur Moses SC for the Australian Labor Party NSW.**
- *Bayside Council v Estate of Goodman (No 2)* [2021] NSWSC 654 - Freezing orders, contract, trusts, and equity. **Led by Yaseen Shariff SC for Bayside Council.**
- *Yunghanns v Nicholas Colquhoun-Denvers* [2019] VSC 433 - Defamation. **Led by Bruce McClintock SC for Mr Colquhoun-Denvers.**
- *Bayside Council v Estate of Goodman* [2019] NSWSC 530 - Representative order deceased estate, equity. **Led by Arthur Moses SC for Bayside Council.**
- *ACCC v Meriton Property Services Pty Ltd* [2017] FCA 1305; 350 ALR 494 - Competition law. **Led by Michael Hall SC for Meriton.**

## INQUESTS, INQUIRIES & INVESTIGATIONS

Jaye has extensive experience in complex investigations and public inquiries, often involving sensitive political and regulatory matters. Her work has included:

- Peron Islands Area Land Claim (Report to the Minister for Indigenous Australians, 2024) Inquiry under s 50(1)(a) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) concerning competing claims to traditional ownership of unalienated Crown land adjacent to the Peron Islands. **Unled for the Wood/Morgan group.**
- Coronial Inquest into the death of a three-year-old child (NSW) (ongoing). **Unled for an interested party.**
- COVID-19 Hotel Quarantine Inquiry (2020) (Victoria) - Inquiry into the design, implementation, and failures of Victoria's hotel quarantine system, representing Unified Security Group, one of the key service providers in the program. **Led by Arthur Moses SC.**
- Co-led a review of the investigation into allegations concerning the Mayor of CanterburyBankstown Council **with Arthur Moses SC.**

In addition, Jaye has appeared in several ICAC public inquiries, representing multiple local councils, including:

- *Operation Mantis* - Investigation into allegations of misuse of official functions in council procurement and recruitment processes at **Canterbury-Bankstown Council.**
- *Operation Hector* - Investigation into misconduct in procurement processes at **Inner West Council.**
- *Operation Tolosa* - Examination of allegations of improper influence in planning decisions at **City of Canada Bay Council.**
- *Operation Galley* - Inquiry into corrupt conduct by councillors in planning approvals at **Georges River Council.**
- *Operation Dasha* - Investigation into allegations against former council officials regarding dishonest and partial exercise of official functions in relation to planning proposals and applications at **Canterbury City Council.**

- *Operation Ricco* - Investigation into financial mismanagement and misconduct at **City of Botany Bay Council**.
- *Operation Aero* - Inquiry into political donations and electoral funding breaches (for the **Australian Labor Party NSW**).

## PRIOR EXPERIENCE

- **Associate to the Hon. Justice Carmel McLure**, President, WA Court of Appeal (2010)
- **Allens/Linklaters** - Commercial Litigation Team (Energy & Resources) (2011 - 2013)
- **Australian Federal Police** - Proceeds of Crime Litigation Team (2013 - 2015)
- **Royal Australian Air Force** - Operations & Legal Officer, Specialist Reserve, including work with the Directorate of Military Prosecutions (2011 - 2019)
- **United Nations** - Extraordinary Chambers in the Courts of Cambodia, established to prosecute the senior leadership of the Khmer Rouge

## EDUCATION

- **Master of International Human Rights Law (Honours)** – National University of Ireland
- **Bachelor of Laws (Honours)** – University of Notre Dame ○ Bruce Bott Prize for Best Honours Thesis
- **Bachelor of Arts (Honours) in International Relations & Political Science** – University of Western Australia