

DANIELLE NEW

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Summary



- Called to the bar in 2017. Experienced in litigation, specialising in Regulatory offences, Commonwealth and State criminal law and Administrative law.
- Prior to being called to the bar, solicitor advocate for Fair Trading 2014 to 2017, solicitor, and solicitor advocate for ODPP from 2008 to 2010, Crown Counsel in New Zealand 2003 to 2008 (specialising in jury trials and complex regulatory offences on behalf of the NZ equivalent of ASIC and ACCC), and Graduate and Summer clerkships at Freehills litigation team from 1999 to 2003.
- My practice specialises in government compliance offences, criminal law, professional disciplinary proceedings, and administrative law. I have appeared in Court of Criminal Appeal, Supreme Court, District Court and Local Court as well as Coronial Inquests, AAT, NCAT, Mental Health Tribunals and Parole.
- Expertise in statutory construction principles and a specialised knowledge and understanding of the framework of regulatory law: the interaction of regulatory offences and disciplinary hearings.
- Skilled in jury trials and complex summary proceedings.
- Clients or instructing firms include: CDPP, ODPP, ASIC, ATO, CSO, Commissioner of Police, HCCC, Fair Trading, Department of Education, and several private firms.

Admissions/Qualifications

2017	Called to the Bar
2004	Admitted as Crown prosecutor (New Zealand)
2003	Admitted as a solicitor of Supreme Court of NSW
2001	Graduate scholarship with Freehills
1999	Summer clerkship with Freehills
1996-2000	Bachelor of Arts/Law, UNSW (Honours eq.)

Barrister work

Examples of scope of practice in Australia

- Court of Criminal Appeal: junior counsel in conviction and sentence appeals.

- Supreme Court: judicial reviews, appeals, terrorism sentence hearing (e.g. *R v Hraichie*), terrorism bail applications (e.g. *R v Namoa*), protest appeals under Summary Offences Act (e.g. *R v Adani*) high risk offender applications including high profile matters such as the north shore rapist (*State of NSW v Kay*) and Phillip Lett (*State of NSW v Lett*) and extradition appeals.
- District Court (criminal): numerous Cth and State crime jury trials covering the spectrum of Cth and State crimes, judge only trials, sentences, bail matters and appeals.
- District Court (civil): debt recovery.
- Local Court: complex summary hearings (e.g. *Fair Trading v Eddie Kang*), Cth crime Local Court hearings (*R v Mark Stephens* – sexual assault on an airflight), AVO hearings, extended supervision order breaches and sentences.
- Coronial inquests: for Commissioner of Police (e.g. *Inquest into SUDI deaths; Mavris inquest, enquiry into inquest for Dennison-Bussell*).
- NCAT for disciplinary hearings appearing for and/or against Fair Trading, Health Care Complaints Commission and Department of Education (e.g. *HCCC v Weinzettle; HCCC v Bechara; HCCC v Shrimpton; Fair Trading v Keogh; Fair Trading v Bobroff; Kumar v DOE; Australia Sun v DOE*).
- AAT for the NDIA.
- State Parole Authority: parole hearings.
- Mental Health Review Tribunal: forensic order patient reviews.
- Conducted section 19 examinations for ASIC.
- Noteworthy complex advice work includes:
 - Advice to ASIC in respect of a complex and significantly sized Ponzi scheme (2020 work);
 - Advice to CDPP in respect of market manipulation matter; and
 - Advice to CDPP regarding a complex tax fraud scheme.

Auckland (NZ) Crown (at Meredith Connell)

Crown counsel in complex summary matters and jury trials. Examples:

- Prosecuted all banking institutions under *Fair Trading Act (NZ)* for misleading statements as to currency conversion fees and managed the related compensation proceedings. The largest regulatory prosecution in New Zealand at that time. Solicitor in the related compensation proceedings
- Complex summary prosecutions under the *Financial Reporting Act, Motor Vehicles Act, Credit Contract and Consumer Finance Act, Financial Securities Act, and Corporations Act*. For almost all of these clients I appeared in matters that were the first prosecutions of their kind generating authoritative decisions and guideline sentences
- High Court bankruptcy and liquidation defended hearings
- Judicial review applications on behalf of Regional Councils
- Disciplinary hearing regarding mortgage fraud. Acted for Real Estate Institute NZ and had the first case that imposed life bans on three real estate agents
- Lead counsel in trial involving multiple accused for sexual violence on a child.
- Lead counsel in the spectrum of criminal offences including sexual assault matters involving vulnerable witnesses, property offences, fraud, arson and violence offences
- Junior counsel in high profile murder sentence
- Junior counsel in murder trials. Sole Counsel in the pre-trial applications
- Junior counsel in manslaughter trial involving multiple accused. Advocated all the pre-trial applications including a complex interlocutory application regarding the ability to

call a known hostile witness under the newly enacted *Evidence Act (NZ)*

Appeared for the NZ Police and NZ equivalent of ATO, ACCC, ASIC, Real Estate Institute, Local Councils.

Solicitor experience

NSW Fair Trading: Senior Solicitor (Advocate)

Prepared, managed, conducted and advocated or instructed in litigation covering the breadth of legislation within Fair Trading portfolio. Assigned the complex and high profile matters. Examples:

- Highly publicised immigration fraud matter.
- Matter that became an authoritative decision that “project managers” required a license;
- Matter that became an authoritative decision as to what is a “material fact” within a provision of *Property Stock and Business Agents Act 2002*;
- Selling of counterfeit products under the *Australian Consumer Law*;
- “Underquoting” by real estate agents; and
- Misappropriation of trust funds and corporate crime involving forensic and expert evidence.

ODPP: Level 2 Solicitor and Trial Advocate

Prepared, managed and conducted litigation appearing in Local, District and Supreme Court.

Instructed in trial involving historical sexual violence covering 4 decades (20 complainants, 6 month trial, 5 separate proceedings).

Freehills: Solicitor (Graduate scholarship)

Solicitor in the insolvency litigation unit.

Author of published articles. Examples:

- “*Farewell to Receiverships*”;
- “*Is it time to indemnify directors for civil penalty orders for insolvent trading?*”