

Mary Chalmers

Barrister

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Mary Chalmers is an expert trial lawyer with a reputation for hard-work and effective advocacy. Mary accepts briefs in a diverse range of matters at advice, trial and appellate stages. Raised in Nhulunbuy and Darwin, she offers a local and strategic perspective. Mary is a founding member of *Murray Chambers Northern Territory*, an affiliate of *Murray Chambers* in both Adelaide and Perth - offering clients access to specialist senior counsel.

Areas of Practice	<ul style="list-style-type: none">• Administrative Law - disciplinary/regulatory Board and Tribunal matters• Appeals and Review proceedings (including NTCAT review & judicial review)• Criminal Trials and Appeals• Royal Commissions, Inquiries and Inquests (including ICAC examinations)• Liquor Commission applications, complaints and objections• Work Health and Safety prosecutions and Work Health claims• Family matters including child protection, Hague Convention applications, Family Court and domestic violence order applications• Military & International Law
Qualifications & courses	<ul style="list-style-type: none">• Bachelor of Arts, Northern Territory University 1994• Bachelor of Laws, Northern Territory University 2001• Graduate Diploma in Legal Studies, College of Law NSW 2002• Graduate Diploma in Military Law, University of Melbourne 2006• ABA Appellate Advocacy Course 2017
Appointments and Admission to Practice	<ul style="list-style-type: none">• First admitted to Practice in the Supreme Court of the Northern Territory 2002• Admitted to Practice in the High Court of Australia• Admitted to Practice in the High Court of the Solomon Islands• Captain in the Australian Army Legal Corps, ARA• Joined the Northern Territory Independent Bar July 2018
Recent Cases	
Royal Commissions, Inquiries & Inquests	<p><i>Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability</i> - counsel for the Northern Territory</p> <p><i>Royal Commission into Defence & Veteran Suicide</i>- counsel for the Northern Territory</p> <p><i>Inquest into the death of Kazan Khan</i> - counsel for the Commissioner of Police</p> <p><i>Inquest into death of Jason Walter Challis</i> - counsel for affected party</p>
Northern Territory Court of Criminal Appeal & Court of Appeal	<p><i>The Queen v Bennett</i> [2021] NTCCA 2 Appeared for respondent on Crown appeal against sentence. This case changed the law regarding s44 Sentencing Act, expanding the availability of home detention orders.</p> <p><i>Wilson-Anderson v The Queen</i> - unreported 30 July 2021 CA 6 of 2021</p>

Advised and settled appeal documents for the applicant – appeal against conviction and sentence - Crown conceded the appeal against conviction, retrial ordered.

***NB & Ors v SB & Ors* [2020] NTCA 2**

Appeared for respondent child in appeal against decision (on appeal) confirming orders made under the *Care & Protection of Children Act 2007*.

***McRoberts v The Queen* [2018] NTCCA 11 – not published**

Appeared on appeal bail application by former Commissioner of Police following jury verdict. Detailed discussion of law in relation to appeal bail – s23A *Bail Act 1982*. Junior counsel to M McHugh SC in high profile corruption trial against a Police Commissioner.

***Deacon v The Queen* [2019] NTCCA 21**

Argued the case for the respondent as junior counsel. Appeal against conviction on the basis that admissions made to undercover police in a ‘Mr Big’ operation should not have been admitted into evidence. ‘Oppressive conduct’, s 84 of the *Evidence (National Uniform Legislation) Act 2011*. Junior counsel at trial, domestic homicide.

***S. Kidman & Co v Lowndes CM & the Director of Public Prosecutions* [2016] NTCA 5**

Junior counsel on appeal- whether Deputy Coroner’s reasons constituted a “coronial inquiry” – whether s 232(1)(b) of the *Work Health and Safety (National Uniform Legislation) Act* (NT) operated to extend the limitation period for laying the complaint – whether the complaint was defective and invalid. Conducted lower court proceedings in this case relating to death of a worker on a remote cattle station.

**Supreme Court of
the Northern
Territory**

***Turner v Northern Territory of Australia & Anor* [2021] NTSC 55**

Appeared for the Commissioner of Police on judicial review- proper meaning of s95(3) of the *Police Administration Act 1978* (NT) and conduct of Police Appeal Board matters.

***The Queen v Rolfe (No. 2)* [2021] NTSC 45**

Appeared for the Commissioner of Police - contested subpoena to produce documents - claim of legal professional privilege in respect of communications between prosecutors and police in the course of dual criminal /coronial investigation.

***In re Ferg Ferguson* [2020] NTSC 20**

Appeared for the Law Society NT in a contested application for admission to legal practice. The published decision relates to a contested application to withdraw mid-hearing following cross-examination of the applicant by the Society.

***The Queen v RCA* [2021] NTSC 54 (unpublished pending completion of trial)**

Appeared for the Crown on a contested Dietrich application – first comprehensive written decision on the law on this topic in the Northern Territory.

***Tun v Bryant* [2020] NTSC 56**

Appeal against conviction – whether convictions unreasonable, unsafe and unsatisfactory – whether authorisation and claim of right excluded – whether error in *Liberato* direction – whether properly regarded as oath on oath case – whether improper conduct by prosecutor.

***Mallias v Rigby* [2020] NTSC 19** Whether sentence manifestly excessive – Whether sentencing judge committed error in mischaracterising fault element of charge as intentional not reckless – Whether sentencing judge committed error in failing to consider the imposition of a home detention order or denied natural justice.

***Forrester v Mattson* [2016] NTSC 16**

Appeal. Criminal Code (NT) s 102 destroying evidence; knowledge that drug may be required in evidence in a judicial proceeding. *Police Administration Act* s 120C(c) whether search by police member authorised; reasonable grounds to suspect.

Mary has been lead counsel in a large number of Criminal trials in the Supreme Court of the Northern Territory since 2009, including associated legal proceedings dealing with admissibility of evidence, stays, suppression orders, mental impairment & fitness considerations, withdrawal of guilty plea, sentencing, disclosure and subpoena matters.

**Boards &
Tribunals & other
matters**

Legal Practitioners Disciplinary Tribunal

Counsel for the Law Society in 2 appeals under s 506(1)(a) *Legal Profession Act 2006*

Police Inability & Disciplinary Appeal Boards

Numerous cases acting for the Commissioner in appeal matters under Part VI of the *Police Administration Act 1978*. [Also counsel assisting in disciplinary matters under Pt IV]

Police Arbitral Tribunal

Counsel for the Commissioner in 2 Consent Agreement disputes under Part III *Police Administration Act 1978*

Northern Territory Liquor Commission hearings

- *The Hub Tavern Pty Ltd Application for a licence, 2021* – counsel for the applicant
- *Barkly Region Variation of Licence Conditions, 2021* – counsel assisting the Commission
- *PINT Club Incorporated Disciplinary Action Pursuant to the Liquor Act 1978, 2020* - Counsel assisting the Commission
- *Little Cashy Pty Ltd and Dunstall Pty Ltd Substitution of premises, 2020* - Counsel assisting the Commission
- *Woolworths Group Ltd Application for variation of conditions of licence (BWS outlets), 2019* - Counsel assisting the Commission
- *Woolworths Group Ltd Application for Substitution of Premises (Dan Murphys) 2019* Counsel for objector NGO

Other Boards and Tribunals

Mary has appeared in ICAC examinations as counsel assisting and for witnesses under examination; she has also had conduct of various matters under the Teacher Registration (NT) Act 2004 including NTCAT Review.

Defence Force Magistrate hearings

Mary regularly appears as a defending officer for ADF members facing disciplinary proceedings under the Defence Force Discipline Act 1982

Family Court of Australia & Federal Circuit Court

Mary has appeared as counsel in Family Law Act matters, including a Hague-Convention application as counsel for the applicant father. Mary's area of pro bono practice is in Judicial Review proceedings in the Federal Circuit Court in visa refusal cases.

Other

**Summary of
previous
Professional
Experience**

Legal Officer ADF Reserves - 2002 to present
Senior Crown Prosecutor ODPP, NT -2015- Jul 2018
Crown Prosecutor ODPP, NT - 2009-2015
Crown Prosecutor and Advisor (RAMSI) ODPP Solomon Islands -2006-2008
Prosecutor (summary) ODPP, NT 2005/06
NTG Solicitor (various roles NT Police, Ombudsman & Health Complaints Commission) - Nov 2002 to 2005
Graduate trainee and various positions NTG - 2001-2002
Law Clerk, David Francis & Associates - 1998-2001

<p>Community & contribution</p>	<p>Northern Territory Bar Association <i>Member since 2017; Bar Council since 2019; Vice President 2021</i></p> <p>Australian Bar Association diversity & Inclusion Committee <i>Member 2020-21</i></p> <p>Criminal Lawyers Association of the Northern Territory <i>Committee 2017-21; Vice President 2019</i></p> <p>Domestic Violence Justice Reform Network <i>Founding member 2018; Chair 2021</i></p> <p>Outreach / pro bono <i>Pro bono practice in visa refusal cases in Federal Circuit Court ♦ Volunteer Coach Law Society NT Advocacy Course 2017-2019 ♦ CPDs (various to DPP, SFNT, NTWL staff) ♦ AGD /SFNT Mentor to 2018 ♦ Supreme Court Moot for Sunrise Rotary Club ♦ Save the Children, Honiara SI developing inaugural youth justice forum.</i></p>
<p>Awards and Commendations</p>	<p>Letter of commendation from His Honour Justice Southwood for conduct as counsel in the trial of R v Glasby</p> <p>Defence Force Service Medal</p> <p>Military Law Prize, Faculty of Law</p> <p>Dean's Academic Achievement Commendation, Faculty of Arts</p> <p>KJ O'Sullivan Prize of English Literature</p> <p>National Finalist, BHP Science Awards & 2nd place NT Science Awards</p>
<p>REFEREES:</p>	<p><i>The Hon. Acting Justice Mildren AM RFD QC</i></p> <p><i>Suzan Cox OAM QC</i></p>