

# Mary Chalmers SC

Barrister

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Mary Chalmers SC 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

- 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

- 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

- 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
- Appointed Senior Counsel 2021

## Recent Cases

### Royal Commissions, Inquiries & Inquests

*Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability* - counsel for the Northern Territory

*Royal Commission into Defence & Veteran Suicide* - counsel for the Northern Territory

*Inquest into the death of Kazan Khan* - counsel for the Commissioner of Police

*Inquest into death of Jason Walter Challis* - counsel for affected party

**Northern Territory  
Court of Criminal  
Appeal & Court of  
Appeal**

***The Queen v Bennett* [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.

***Wilson-Anderson v The Queen* - unreported 30 July 2021 CA 6 of 2021**

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  
Solicitor (various NT Police, Ombudsman & Health Complaints Commission) 2002 to 2005  
Law Clerk, David Francis & Associates - 1998-2001

<p><b>Community &amp; contribution</b></p>	<p><b>Northern Territory Bar Association</b> <i>Member since 2017; Bar Council since 2019; Vice President 2021 -22</i></p> <p><b>Australian Bar Association diversity &amp; Inclusion Committee</b> <i>Member 2020-21</i></p> <p><b>Criminal Lawyers Association of the Northern Territory</b> <i>Committee 2017-21; Vice President 2019</i></p> <p><b>Domestic Violence Justice Reform Network</b> <i>Founding member 2018; Chair 2021</i></p> <p><b>Outreach / pro bono</b> <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><b>Awards and Commendations</b></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 &amp; 2<sup>nd</sup> place NT Science Awards</p>
<p><b>REFEREES:</b></p>	<p><i>The Hon. Acting Justice Mildren AM RFD QC</i></p> <p><i>Suzan Cox OAM QC</i></p>