

GREENS LIST

BARRISTERS



JOHN MALONEY

BAR ROLL: 2016 | ADMITTED: 2012

John practises mainly in public law, including administrative and criminal matters.

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CHAMBERS: Greens List Barristers

EXPERTISE

Appellate | Commercial Law | Common Law | Criminal Law | Equity & Trusts Law | Inquests, Inquiries, Tribunals & Commissions | Public Law & Administrative Law

PROFILE

John practises mainly in public law, including administrative and criminal matters. He maintains a broad practice, and has been briefed for example in royal commissions, inquests, extradition and migration proceedings, criminal trials and appeals and regulatory disputes.

Before coming to the Bar, John was Senior Associate to the Honourable Justice Maxwell AC, President of the Court of Appeal. He has also worked on the Royal Commission into Family Violence, in legal policy at the Victorian Department of Premier and Cabinet and as a commercial and public lawyer in Melbourne, London and Adelaide.

John has a masters in philosophy (BPhil) from the University of Oxford. He is a Senior Fellow at the University of Melbourne Law School, where he has taught Administrative Law, Disputes and Ethics and Philosophical Foundations of Law. He has been a member of the Policy Committee of Liberty Victoria and the Bar's Equality and Diversity Committee.

John read with Richard Knowles KC and his senior mentor was Christopher Winneke KC.

Listed below are some matters in which John has been briefed.

Public and administrative matters

- Royal Commission into the Casino Operator and Licence: instructed by the Commission
- Royal Commission into the Management of Police Informants: instructed by the Commission
- 'Bourke Street Inquest' (Coronial inquest into the deaths of Matthew Poh Chuan Si, Thalia Hakin, Yosuke Kanno, Jess Mudie, Zachary Matthew Bryant and Bhavita Patel): acted for Mr Frank Caridi (with Dr Kristine Hanscombe KC, Kate Bowshell and Stella Gold)
- Acted for requested persons in extradition proceedings: see, e.g., *Traljesic v Bosnia & Herzegovina* [2017] HCATrans 23 (led by Lisa De Ferrari SC); *Ghodskani v United States of America* (VID 19/2019) (led by Claire Harris KC)
- Acted for 63 complainants in proceedings against the Commonwealth in the United Nations Human Rights Committee, concerning the separation of families seeking asylum in Australia (led by Kylie Evans SC).
- Regularly briefed by the Victorian Government and associated entities, including:
 - Advising the Victorian Government's Expert Panel on Terrorism and Violent Extremism
 - Advising the Department of Justice and Community Safety on secretarial and departmental powers relating to youth justice (led by Liam Brown SC)
 - Advising and appearing for the Essential Services Commission in proceedings arising under the Freedom of Information Act 1982 (Vic)
 - Advising and appearing for the Director of Housing in proceedings arising under the Residential Tenancies Act 1997 (Vic)

- Advising a social housing provider in proceedings arising under the Charter of Human Rights and Responsibilities Act 2006 (Vic) and the Residential Tenancies Act 1997 (Vic) (led by Kylie Evans SC).
- Regularly briefed in appeals, judicial review and merits review proceedings under the Migration Act 1958 (Cth), including applications for special leave and numerous unled appeals in the Full Federal Court.

Some recent successes include:

- EIG17 v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FedCFamC2G 804
- DMZ17 v Minister for Immigration, Citizenship & Multicultural Affairs [2023] FedCFamC2G 53
- AFF20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2022] FCA 1564
- DCF18 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2022] FCA 857
- ERJ17 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (2022) 367 FLR 430
- CHP16 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 1818
- Kouro v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 1861
- Proceedings arising from visa cancellations/refusals under the character provisions of the Act: McLeod and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] AATA 400; JZNV and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] AATA 3800; FGHG and Minister for Home Affairs [2019] AATA 329; TGDR and Minister for Home Affairs [2019] AATA 4086.
- Cases in which the Minister conceded at or before hearing: ESZ20 v Minister for Immigration, Citizenship and Multicultural Affairs (VID755/2022); Zakia v Minister for Home Affairs (M83/2020); CPC20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (VID382/2020); Huynh v Minister for Home Affairs (M44/2019); Wytrwal v Minister for Home Affairs (VID1348/2018); FWU18 v Minister for Immigration, Citizenship and Multicultural Affairs (MLG342/2018); CGQ15 v Minister for Immigration and Border Protection (MLG2444/2015).

Some further cases include:

- AAL19 v Minister for Home Affairs (2020) 277 FCR 393
- Kumar v Minister for Immigration and Border Protection (2020) 274 FCR 646
- CCB16 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2019] FCAFC 183
- ASB17 v Minister for Home Affairs (2019) 268 FCR 271 (led by Richard Knowles KC)

- DCP16 v Minister for Immigration and Border Protection [2019] FCAFC 91.

Criminal matters

- Appeared for the accused in DPP v Arslan (CR 16-01041), a trial for intentionally causing serious injury, ending in acquittal (led by Ruth Shann SC)
- Appeared for the appellant in Bouch v The Queen (2017) 270 A Crim R 478, an appeal before a bench of five in the Court of Appeal against conviction for culpable driving causing death and dangerous driving causing serious injury (led by Theo Kassimatis KC)
- Appeared for the appellant in Madafferi v The Queen [2017] VSCA 302, an appeal against conviction for federal drug trafficking offences (led by Christopher Dane QC and Marcus Dempsey, now his Honour Judge Dempsey of the County Court).

RECENT CASES



Public and administrative matters: Royal Commission into the Management of Police Informants; acted as a consultant to the Commission - with a particular focus on proceedings potentially affected by the conduct of Ms Nicola Gobbo as a human source



Public and administrative matters: Bourke Street Inquest; acted for Mr Frank Caridi (with Dr Kristine Hanscombe QC/ Kate Bowshell and Stella Gold)



Public and administrative matters: Acted for requested persons in extradition proceedings; Traljesic v Bosnia & Herzegovina [2017] HCATrans 23 (led by Lisa De Ferrari SC); Ghodskani v United States of America (VID 19/2019) (led by Claire Harris QC)



Public and administrative matters: Acted for 63 complainants in proceedings against the Commonwealth in the United Nations Human Rights Committee - concerning the separation of families seeking asylum in Australia (led by Kylie Evans)



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Regularly briefed by the Victorian Government and associated entities - including: Advising the Department of Justice and Community Safety on secretarial and departmental powers relating to youth justice (led by Liam Brown - now Crown Counsel for the State of Victoria)



Regularly briefed by the Victorian Government and associated entities - including: Advising and appearing for the Essential Services Commission in proceedings arising under the Freedom of Information Act 1982 (Vic)



Regularly briefed by the Victorian Government and associated entities - including: Advising and appearing for the Director of Housing in proceedings arising under the Residential Tenancies Act 1997 (Vic)



Regularly briefed by the Victorian Government and associated entities - including: Advising a social housing provider in proceedings arising under the Charter of Human Rights and Responsibilities Act 2006 (Vic) and the Residential Tenancies Act 1997 (Vic) (led by Kylie Evans)



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: Zakia v Minister for Home Affairs (M83/2020) (Minister conceded)



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: Huynh v Minister for Home Affairs (M44/2019) (Minister conceded)



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: CPC20 v Minister for Immigration/ Citizenship/ Migrant Services and Multicultural Affairs (VID 382/2020) (Minister conceded)



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: Wytrwal v Minister for Home Affairs (VID 1348/2018) (Minister conceded)



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: FWU18 v Minister for Immigration/ Citizenship/ Migrant Services and Multicultural Affairs (MLG 3422/2018) (Minister conceded)



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: CGQ15 v Minister for Immigration and Border Protection (MLG 2444/2015) (Minister conceded)



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: Kumar v Minister for Immigration and Border Protection (2020) 274 FCR 646



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: AAL19 v



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: ASB17 v

Minister for Home Affairs [2020] FCAFC 114

Minister for Home Affairs (2019) 268 FCR
271 (led by Richard Knowles QC)



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: DCP16 v Minister for Immigration and Border Protection [2019] FCAFC 91



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: CCB16 v Minister for Immigration/ Citizenship/ Migrant Services and Multicultural Affairs [2019] FCAFC 183



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: CHP16 v Minister for Immigration/ Citizenship/ Migrant Services and Multicultural Affairs [2020] FCA 1818



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including: Kouro v Minister Immigration/ Citizenship/ Migrant Services and Multicultural Affairs [2020] FCA 1861



Regularly briefed in appeals and judicial and merits review proceedings under the Migration Act 1958 (Cth) including:
Proceedings arising from visa cancellations/refusals under the character provisions of the Act; McLeod and Minister for Immigration/ Citizenship/ Migrant Services and Multicultural Affairs [2020] AATA 400 - JZNV and Minister for Immigration/ Citizenship/ Migrant Services and Multicultural Affairs [2020] AATA 3800 - FGHG and Minister for Home Affairs [2019] AATA 329 - TGDR and Minister for Home Affairs [2019] AATA 4086



Criminal matters: Appeared for the accused in DPP v Arslan (CR 16-01041) a trial for intentionally causing serious injury - ending in acquittal (led by Ruth Shann)



Criminal matters: Appeared for the appellant in Bouch v The Queen (2017) 270 A Crim R 478 - an appeal before a bench of five in the Court of Appeal against conviction for culpable driving causing death and dangerous driving causing serious injury (led by Theo Kassimatis QC)




Criminal matters: Appeared for the appellant in Madaffer v The Queen [2017] VSCA 302 - an appeal against conviction for federal drug trafficking offences (led by Christopher Dane QC and Marcus Dempsey)

Memberships & Committees

[Victorian Bar](#)

To get in touch with John Maloney | or for more information please contact the Clerk on:

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