

# Jaye Alderson

**Year of Call:** 2015

**Direct Access:** No

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Jaye Alderson was called to the New South Wales Bar in 2015 and holds rights of audience before the Courts of the DIFC. She splits her time between Sydney and Abu Dhabi.

She maintains an international practice focussing on high value **commercial disputes, employment law, business crime & regulatory, health & safety** and **public law**, as well as other international matters. She appears in trial and appellate courts throughout Australia, and before public inquiries and commissions, often in high-profile, precedent-setting litigation.

Notable matters include:

- *Commonwealth v Yunupingu* [2025] HCA 6, where the High Court confirmed that Indigenous land rights (native title) are constitutionally protected property;
- Acting for BHP in the national test case on employer mandated COVID-19 vaccination policies; and
- Being instructed by the Commonwealth Director of Public Prosecutions in early terrorism prosecutions that tested the limits of Australia's counter-terrorism laws.

Jaye is also experienced in alternative dispute resolution, most recently appearing before the Honourable Robert French AC (former Chief Justice of the High Court of Australia, now a judge of the DIFC Courts) in a long running, high-value mining royalties arbitration under the *Commercial Arbitration (National Uniform Legislation) Act 2011* (NT).

Before coming to the Bar, Jaye practised in the Commercial Litigation team at Allens (Linklaters), where she was involved in US\$10 billion litigation arising from the Sino Iron Project in Western Australia's Pilbara region, including disputes over mining royalties, contractual obligations and State Agreement approvals. Jaye also worked in the Australian Federal Police's Proceeds of Crime team, appearing in some of the first cases to test the *Proceeds of Crime Act 2002* (Cth).

Since coming to the Bar, she has developed a strong business crime and regulatory practice, regularly acting in corruption inquiries, recovery proceedings, and freezing-order applications on behalf of public authorities. She is also frequently appointed as an independent investigator and as counsel assisting in highly sensitive matters.

Jaye has served as Associate to the Hon Justice Carmel McLure, former President of the WA Court of Appeal, and for over a decade as an Operations Officer then Legal Officer in the Royal Australian Air Force Specialist Reserve. She also undertook an internship at the United Nations Extraordinary Chambers in the Courts of Cambodia.

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## Abu Dhabi

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Jaye is recognised in Doyle's Guide for Employment Law and Workplace Health & Safety, and in The Legal 500: Asia Pacific for Commercial Disputes, including in the 2025 rankings.

## Areas of Expertise

### International

With a well-established practice and professional network across Australia and the UAE, Jaye is regularly briefed with Arthur Moses SC, one of Australia's most senior and respected counsel, as well as undertaking matters unled.

#### Notable International cases

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Canterbury-Bankstown Council v Cossu & Ors [2025] NSWSC 717 (Proceedings stayed pending criminal)

Freezing orders, contract, trusts, and equity. The Council seeks recovery of over \$12 million in alleged misappropriated public funds arising from systemic fraud and breaches of fiduciary duty. Led by Arthur Moses SC for Canterbury-Bankstown Council.

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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.

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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.

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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.

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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.

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Australian Labor Party NSW v Holding Redlich (Federal Court, NSD1133/2022) (Settled)

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Breach of professional duties, contract, negligence, Australian Consumer Law. Led by Arthur Moses SC for the Australian Labor Party NSW.

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*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.

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*Yunghanns v Nicholas Colquhoun-Denvers* [2019] VSC 433

Defamation. Led by Bruce McClintock SC for Mr Colquhoun-Denvers.

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*Bayside Council v Estate of Goodman* [2019] NSWSC 530

Representative order deceased estate, equity. Led by Arthur Moses SC for Bayside Council.

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*ACCC v Meriton Property Services Pty Ltd* [2017] FCA 1305; 350 ALR 494

Competition law. Led by Michael Hall SC for Meriton.

## International

Jaye holds rights of audience in the Dubai International Financial Centre and takes instructions across the UAE.

### Notable International cases

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*Rirratjingu Aboriginal Corporation v Gumatj Corporation Ltd & Ors* (before the Hon. Robert French AC, 2019)

Conducted under the Commercial Arbitration (National Uniform Legislation) Act 2011 (NT)). The arbitration concerned traditional ownership disputes under land rights legislation and the apportionment of mining royalties from bauxite mining operations. Led by Arthur Moses SC.

## Employment Law

Jaye has a wealth of experience in employment law and is regularly engaged to advise on sensitive workplace matters, including sexual harassment, bullying, and whistleblower complaints. She has advised and appeared for many of Australia's

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largest companies and professional firms, particularly in matters involving overlapping regulatory exposure, reputational risk, and significant commercial interests.

## Notable Employment Law cases

Ruiz-Matthyssen v Slater & Gordon Ltd (Supreme Court of Victoria, 2025) (ongoing)

Breach of contract and negligence. Claim by former Interim Chief People Officer alleging reputational harm, psychiatric injury, and economic loss arising from the firm's handling of a fabricated email incident. Unled for the Plaintiff.

Gausсен v Nest Employee Services & Ors (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.

Construction, Forestry, Maritime, Mining & Energy Union 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.

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).

BHP Coal Pty Ltd v CFMMEU [2018] FWCFB 4148

Industrial law, enterprise agreements. Led by Ian Neil SC for BHP.

## Health, Safety & Environment

Jaye has been briefed in a number of significant WHS prosecutions in New South Wales, most often involving fatalities in the mining and construction sectors.

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## Notable Health, Safety & Environment cases

McColm (NSW Department Planning and Environment) v Moolarben Coal Operations Pty Ltd [2023] NSWDC 255

Prosecution concerned a serious fly-rock incident at Moolarben mine. 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

WHS prosecution following a fatal glass handling incident. Led by Arthur Moses SC for Wollongong Glass.

## Business Crime & Asset Recovery

Jaye worked in the Australian Federal Police's dedicated Proceeds of Crime (POCA) team immediately prior to joining the Bar, and has since developed a practice in asset recovery, corruption inquiries, and financial crime. She acts in matters spanning freezing orders, complex trust and corporate structures, and investigations into misuse of public office.

### Notable Business Crime & Asset Recovery cases

Canterbury-Bankstown Council v Cossu & Ors [2025] NSWSC 717 (Proceedings stayed pending criminal)

Freezing orders, contract, trusts, and equity. The Council seeks recovery of over \$12 million in alleged misappropriated public funds arising from systemic fraud and breaches of fiduciary duty. Led by Arthur Moses SC for Canterbury-Bankstown Council.

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Bayside Council v Estate of Goodman (No 2) [2021] NSWSC 654

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Freezing orders, contract, trusts, and equity. Led by Yaseen Shariff SC for Bayside Council.

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Operation Mantis

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Investigation into allegations of misuse of official functions in council procurement and recruitment processes at Canterbury-Bankstown Council.

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Operation Hector

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Investigation into misconduct in procurement processes at Inner West Council.

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Operation Tolosa

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Examination of allegations of improper influence in planning decisions at City of Canada Bay Council.

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Operation Galley

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Inquiry into corrupt conduct by councillors in planning approvals at Georges River Council.

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Operation Dasha

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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.

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Operation Ricco

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Investigation into financial mismanagement and misconduct at City of Botany Bay Council.

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Operation Aero

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Inquiry into political donations and electoral funding breaches (for the Australian Labor Party NSW).

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Lawrie v Carey DCM [2016] NTSC 23

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Criminal procedure validity of search warrant, privilege. Led by Arthur Moses SC for the NT Police.

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De Smet v Khandelwal (ACT Supreme Court)

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Crown sentence appeal for tax fraud. Led by Wendy Abraham QC for the Crown.

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Ruzehaji v Commissioner of the Australian Federal Police [2015] SASCFC 182

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Appeal under the Proceeds of Crime Act 2002 (Cth). Challenge to restraining and examination orders, including constitutional validity and stay pending criminal charges. Led by Arthur Moses SC for the AFP.

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Commissioner of the Australian Federal Police v Courtenay Investments Ltd [No 2] [2014] WASC 55; [No 3] [2014] WASC 383; [No 4] WASC 101

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Complex proceeds of crime litigation concerning whether shares used to secure control of a mining company were an "instrument of crime" under the *Proceeds of Crime Act 2002 (Cth)*. Acted for the AFP, led by Wendy Abraham QC.

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## Criminal Law

Jaye has represented and advised the Commonwealth Director of Public Prosecutions and the Director of Military Prosecutions in matters of national security, counterterrorism and war crimes. She was regularly briefed as junior to Wendy Abraham QC (as her Honour then was, now a Judge of the Federal Court of Australia), one of Australia's pre-eminent criminal silks, in complex appellate and advisory matters.

### Notable Criminal Law cases

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R v Dirani (Supreme Court NSW)

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Jury trial, conspiracy to commit a terrorist act arising from the Curtis Cheng shooting. Part of the first terrorism prosecutions in Australia connected to aiding and abetting a terrorist act. Led by Paul McGuire SC for the Crown.

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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)

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Sentencing appeal on terrorism offences, and constitutional validity of section 19AG of the *Crimes Act 1914 (Cth)*. Led by Sarah McNaughton SC for the Crown.

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Commonwealth Director of Public Prosecutions v Alameddine [2017] NSWLC 7

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Terrorism committal proceedings. Led by Paul McGuire SC for the Crown.

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R v Alameddine (No.3) [2018] NSWSC 681; 333 FLR 81

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Sentencing, terrorism offences. Led by Paul McGuire SC for the Crown.

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State of New South Wales v Costellia-Kamm [2021] NSWSC 322

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Application under the *Crimes (High Risk Offenders) Act 2006 (NSW)* for a further Extended Supervision Order against William "Little Pebble" Kamm, Led by M Robinson SC for the defendant.

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R v AH [2018] NSWSC 973

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Sentence, terrorism offences. Led by Wendy Abraham QC for the Crown.

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Van Zwam v R [2017] NSWCCA 127

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Conviction appeal following a guilty plea, large scale drug supply. Led by Wendy Abraham QC for the Crown.

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Zanon v The State of Western Australia (2016) 50 WAR 1; [2016] WASCA 91; 259 A Crim R 65

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Conviction and sentence appeal, drug offences, derivative use of compulsory examination material. Led by Wendy Abraham QC for Mr Zanon.

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## **Inquests, Inquiries, & Investigations**

Jaye is regularly briefed in inquests and public inquiries, including as counsel assisting in highly sensitive matters. Her work spans coronial inquests, land rights inquiries, commissions of inquiry, and numerous investigations before the NSW Independent Commission Against Corruption (ICAC).

## **Notable Inquests, Inquiries, & Investigations cases**

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Inquest into the death of Jade [2025] NSW CorC 1 (24 June 2025, Baptie DSC)

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Coronial Inquest into the death of a three-year-old child (NSW). Unled for an interested party (Ms MH).

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Peron Islands Area Land Claim (Report to the Minister for Indigenous Australians, 2024)

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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.

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COVID-19 Hotel Quarantine Inquiry (2020) (Victoria)

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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.

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Co-led a review of the investigation into allegations concerning the Mayor of Canterbury

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Bankstown Council with Arthur Moses SC.

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Operation Mantis

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Investigation into allegations of misuse of official functions in council procurement and recruitment processes at Canterbury-Bankstown Council.

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relation to planning proposals and applications at Canterbury City Council.

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Operation Ricco

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Investigation into financial mismanagement and misconduct at City of Botany Bay Council.

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Operation Aero

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Inquiry into political donations and electoral funding breaches (for the Australian Labor Party NSW).

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## Education

- Masters; International Human Rights Law (First Class Honours)
- Honours Degree; Law (including Bruce Bott Prize for Best Honours Thesis)
- BA (Hons) International Relations and Political Science (including an honours thesis on Islamic political philosophy)

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