

PAUL CRANNEY

PERSONAL INFORMATION

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LEGAL QUALIFICATIONS

- NSW Bar examination 2021
- Solicitor admission 2010
- Sydney College of Law 2010
- Dip. Law – NSW Law Society Legal Profession Admission Board 2009
- Higher School Certificate – St Joseph's College Hunters Hill 2000

PROFESSIONAL EXPERIENCE

Trial Advocate, Aboriginal Legal Service

July 2018 – Current

As Trial Advocate I appear in trial, sentences and more complex matters. Over the last three years, I have represented clients in the District Court sitting at Dubbo, Bathurst, Orange, Moree, Coonamble, Broken Hill, Tamworth, Newcastle, Lismore, Parramatta, Campbelltown, Sydney, Port Macquarie, Coffs Harbour, Grafton, and Bourke. I have conducted eight trials and negotiated in excess of 50 through the EAGP process and post committal.

I have the advantage of learning from highly competent members of the Bar instructing counsel in Supreme Court trials and matters in the Court of Criminal Appeal and the Court of Appeal.

The role of Advocate provides an unmatched opportunity to learn and develop whilst also giving occasion to mentor and develop colleagues.

Solicitor (relief unit), Legal Aid**Nov 2016 – July 2018**

I joined the Legal Aid criminal lawyer relief unit upon returning to Sydney after some time abroad. The role required travel across New South Wales to Legal Aid offices where solicitor numbers were depleted. My role was to assume high-volume caseloads without prior involvement or familiarity with the clients and to appear at hearing, on sentence, as a duty solicitor, and on appeals.

I formed strong friendships with many Legal Aid and ALS solicitors and staff during this time for which I've been thankful.

Solicitor (ICLC unit), Legal Aid**June 2016 – Aug 2016**

I spent three months in the Inner-City Local Court (ICLC) unit which rosters solicitors to courts within the Sydney Metro area. I practised largely at Central Local Court, which is the main custody court in Sydney. The practice was high volume and a thorough knowledge of criminal law and procedure was essential in managing the day-to-day workload.

In August 2016 I left the ICLC team in order to travel abroad.

Solicitor (Drug Court Team), Legal Aid**Oct 2013 – June 2016**

In October 2013 I left regional NSW, returned to Sydney and worked in Parramatta at the Drug Court.

I appeared regularly at 'risk hearings' where the Judge would determine whether an applicant should be permitted entry to participate in the program, or whether a current participant should be terminated from the program.

Over months of continued representation, I was placed in a unique and privileged position to learn intimate details regarding the lives of some participants, and the opportunity to fight for their place on the Drug Court program was one of the most rewarding experiences of my professional career.

Solicitor, Aboriginal Legal Service**Jan 2011 – Oct 2013**

My first role as a lawyer was at the Aboriginal Legal Service office in Walgett, NSW where I spent fifteen months, appearing at the Local Courts of Walgett, Coonamble, and Lightning Ridge. In 2012 I took a position at the Broken Hill office.

In December 2012 I was promoted to a management position at the ALS western region head office in Dubbo. I maintained a larger indictable practice and managed junior solicitors based in Dubbo and Walgett.

Junior clerk, Jack Shand Chambers

Sep 2001 – Dec 2002

My first legal appointment was as junior clerk at Jack Shand Chambers. The role required sound communication skills and a willingness to pick up dry-cleaning within the Sydney Metropolitan area.

I left Jack Shand to study aviation at UNSW however I did not complete my studies, preferring to take up the LPAB course offered through the Law Society of NSW.

Between 2004 and 2010 I gained my legal qualifications while working full-time at the St George Bank head office and part-time in hospitality, attending lectures of an evening.

NOTABLE CASES

DK v Director of Public Prosecutions [2021] NSWCA 134 – [Link](#)

DK was convicted and sentenced in the Children’s Court following hearing. The Crown successfully appealed the sentence in the District Court. DK then sought judicial review of the District Court appeal decision.

I acted for the Applicant in both the Children’s Court hearing and District Court appeal. The summons was dismissed, but the Court of Appeal (McCallum JA; Brereton JA and Simpson AJA agreeing) accepted the two principal submissions made by DK in the District Court:

1. In a prosecution sentence appeal under s 23(1) of the *Crimes (Appeal and Review) Act*, the prosecution must establish error in order to enliven the Court’s power under s 27 of the Act to vary the sentence, and
2. In a prosecution sentence appeal under s 23(1) of the *Crimes (Appeal and Review) Act*, the District Court has a “residual discretion” to dismiss the appeal notwithstanding a finding that the sentencing decision entailed error, akin to the discretion of the Court of Criminal Appeal in a Crown sentence appeal under s 5D of the *Criminal Appeal Act 1912* (NSW).

This appears to be the first judgment from an Australian ultimate intermediate Court of Appeal on the application of the residual discretion in appeals from summary Courts.

McKellar v DPP [2014] NSWSC 459 – [Link](#)

I acted for Ms McKellar at a Local Court hearing where she failed to attend due to lack of funds and available transport. Over objection and without withdrawing the magistrate dealt with the matter in Ms McKellar’s absence. She was convicted and fined.

The appeal was successful; Justice Adamson agreed a solicitor’s appearance meant the accused was before the Court in those circumstances. The decision is widely utilised among practitioners.

NOTABLE PAPERS

- “DNA: Mere Conjecture or Reasonable Doubt? – A Brief Guide for Practitioners” 2020
(Available on request)
- “Defending Allegations of Domestic Violence in the Local Court of NSW” – [Link](#) 2013

NOTABLE ACHIEVEMENTS

- ‘Under 5s Practical Advocacy Course’, the Public Defender’s Office 2019
- Member, Indigenous rights subcommittee (Australian Lawyers for Human Rights) 2018-19
- Member, Legal Aid Criminal Law Reform and Policy Consultation Group 2013-18
- Workshop advocacy training, the Australian Advocacy Institute 2012
- Host, Aboriginal Legal Service regional community legal education seminars 2011-13
- Volunteer, Aboriginal Legal Service, Redfern 2010-11
- Volunteer, Matthew Talbot, Woolloomooloo 2007-09

REFEREES

Jeremy Styles	Managing Advocate, Aboriginal Legal Service jeremy.styles@alsnswact.org.au
Madeleine Avenell SC	Public Defender madeleine.avenell@justice.nsw.gov.au
Stephen Lawrence	Barrister stephen@blackchambers.com.au