

Emma Bathurst

Barrister

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EMPLOYMENT HISTORY

2015-Present	Barrister
2010-2015	Senior Associate, King & Wood Mallesons (Dispute Resolution and Intellectual Property teams and secondment to Refugee Advice & Casework Service)
2009-2010	Associate to Hon. Justice Jagot, Federal Court of Australia

EDUCATION

2012-2015	University of New South Wales – Masters of Law <ul style="list-style-type: none">• Dean's List Prizes for best overall performance in: Law of the World Trade Organization, International and Comparative Intellectual Property Law and Defamation and the Media
2004-2009	University of New South Wales – B Art Theory/B Laws (Honours Class 1) <ul style="list-style-type: none">• Dean's List Prize for best performance in Public International Law• NSW Bar Association Prize for best performance in Law, Lawyers and Society• Speranza Prize for best performance in Torts

MEMBERSHIPS AND RECOGNITIONS

Recognised in Chambers Global Guide (2021), Doyle's Guide as commercial litigation & dispute resolution junior counsel (2018-2021), insolvency and restructuring (2021), intellectual property junior counsel (2018-2019) and competition law junior counsel (2019).

New South Wales Bar Association: Member of Professional Conduct Committee 1 (2019-present)
Professional Conduct Committee 5 (2016-2017)

SELECTED APPEARANCES

Commercial/civil

<i>Anderson v Paterson Securities</i> 2015/285816 [2022] NSWSC 649	Equity – for first defendant	Led by J Redwood SC (instructed by Clayton Utz)
<i>Andrew Wheeler & Ors t/a PricewaterhouseCoopers v Aoyin Group Limited</i> 2017/252324 (ongoing)	Professional negligence – for plaintiff/cross-defendant	Led by S Nixon SC (instructed by Ashurst Australia)
<i>Angelis v Pemba Capital Partners Fund I Partnership, LP (No 3)</i> [2019] NSWSC 1759	Corporations / contract – for first defendant	Led by R Dick SC and P Flynn SC (instructed by Herbert Smith Freehills)
<i>ASIC v Rio Tinto Ltd</i> [2022] FCA 184	Corporations – for first defendant	Led by N Young SC, D

		Thomas SC (instructed by Clayton Utz)
<i>ASIC v State One Stockbroking Ltd</i> [2018] FCA 1830	Corporations/market manipulation – for plaintiff	Led by J Halley SC (instructed by ASIC)
<i>Australian Information Commissioner v Facebook Inc (No 2)</i> [2020] FCA 1307; [2022] FCAFC 9	Privacy – for applicant	Led by R Higgins SC and T Prince (instructed by AGS)
<i>Carillion Construction Pty Ltd v AIG Australia Ltd</i> [2016] NSWSC 495	Insurance – for plaintiff	Led by J Sheahan QC and D Thomas (instructed by Herbert Smith Freehills)
<i>Chief Executive Officer of the Australian Transaction Reports and Analysis Centre v Westpac Banking Corporation</i> [2020] FCA 1538	Banking – for respondent	Led by J Sheahan SC and R Higgins SC (instructed by Allens)
<i>CIMIC Group Ltd v AIG Australia Ltd</i> [2022] NSWSC 93	Insurance – for first defendant	Led by G Rich SC (instructed by Wootton Kearney)
<i>Creighton v Australian Executor Trustees Limited</i> 2015/306222; <i>Smith v Australian Executor Trustees</i> 2015/171592 (settled)	Class action/insurance - for Willis Australia Ltd (cross-defendant)	Led by M Elliott SC (instructed by Minter Ellison)
<i>Dockrill v State of NSW</i> District Court Proceedings 2020/00359114 (ongoing)	Intentional torts – for defendants	Led by D Lloyd SC (instructed by Wootton + Kearney)
<i>Donau v Pty Ltd v ASC AWD Shipbuilder Pty Ltd</i> [2018] NSWSC 1273; [2019] NSWCA 185	Contract – for plaintiff	Led by N Hutley SC and K Stern SC (instructed by McCabe Curwood)
<i>Electricity Networks Corporation Trading as Western Power v. Herridge Parties & Ors</i> Case Number: LOD-005339 HCADLS:0020323	Negligence – for fourth respondent	Led by J Giles SC (instructed by Minter Ellison)
<i>Fuji Xerox Australia Pty Ltd v Whittaker</i> NSD380/2020 (settled)	Directors’ duties – for first defendant	Led by D Thomas SC (instructed by Clayton Utz)
<i>Fuller v State of New South Wales; Fuller-Wilson v State of New South Wales</i> [2017] NSWDC 342 / [2018] NSWCA 218	Intentional torts – for defendant	Led by M Windsor SC (instructed by Makinson d’Apice)
<i>Haidar v State of NSW</i> 2019/380330 (settled)	Intentional torts – for defendant	Unled (instructed by Makison D’Apice)
<i>Human Appeal International Australia v Westpac Banking Corporation</i> 2020/14311 (settled)	Banking – for defendant	Led by D Studdy SC (instructed by Gilbert + Tobin)
<i>HYYL v Privacy Commissioner</i> NSD 2021/1143	Privacy – for first respondent	Unled (instructed by Australian Corrs Chambers Westgarth)
<i>In the matter of Leslie Muir Holdings Pty Ltd</i> 2017/243835 (settled)	Corporations – for plaintiff	Led by K Rees SC (instructed by Kardos Scanlan)

<i>Inpex Operations Australia Pty Ltd v Akzonobel NV</i> – WAD 162/2021	Trade practices/negligence – for applicant	Led by R Higgins SC (instructed by Freshfields)
<i>Jamal v State of New South Wales</i> [2020] NSWDC 377	Intentional torts – for defendant	Unled (instructed by Norton Rose Fulbright)
<i>Keynes Capital Global Limited v Guo</i> [2020] NSWCA 178	Freezing order – for applicant	Led by P Crutchfield QC (instructed by Maddocks)
<i>Lanco Resources Australia Pty Ltd v Griffin Energy Group Pty Ltd (subject to a deed of company arrangement)</i> CIV 1298/2015 (settled)	Trade practices – for defendants	Led by N Young QC, K Stern SC and R Higgins (instructed by Ashurst)
<i>National Australia Bank Limited v Human Group Pty Ltd</i> [2019] NSWSC 1404/ [2020] NSWSC 1900 (ongoing)	Fraud/equity – for plaintiff	Led by D Thomas SC (instructed by King & Wood Mallesons)
<i>Spyrides v Marsh</i> 2018/00078113 [2019] NSWSC 1289	Equity/trusts – for plaintiff	Led by J Halley SC (instructed by Nicholas George)
<i>Walker v NSW Bar Association</i> [2016] FCA 799	Corporations/oppression – for 2 nd and 3 rd respondents	Led by N Owens (instructed by Colin Biggers & Paisley)

Class actions

<i>Augusta Ventures Limited v Mt Arthur Coal Pty Ltd</i> [2020] FCAFC 194	Industrial / security for costs – for first respondent	Led by D Thomas SC (instructed by King & Wood Mallesons)
<i>Carpenders Park Pty Ltd (as trustee of the Carpenders Park Pty Ltd Staff Superannuation Fund) v Sims Metal Management Ltd</i> NSD220/2019 (settled)	Shareholder – for respondent	Led by M Darke SC (instructed by Herbert Smith Freehills)
<i>Dalton v Volkswagen AG & Anor</i> NSD 1459/2015 (and related proceedings)	Consumer protection – for respondents	Led by N Hutley SC, G Rich SC and R Higgins SC (instructed by Clayton Utz)
<i>Pallas v Lendlease Corporation Limited & Anor</i> 2019/00122037 (ongoing)	Shareholder– for defendants	Led by E Collins SC (instructed by Herbert Smith Freehills)
<i>Stack & Ors v AMP Financial Planning Limited & Ors</i> VID 6565/2020 (ongoing)	Banking – for respondents	Led by W Harris QC and S Free SC (instructed by King & Wood Mallesons)

Intellectual Property

<i>Copyright Agency Limited v Universities</i> CT 4 of 2018 [2022] ACopyT 2	Copyright Tribunal – for Applicant	Led by N Murray SC (instructed by Banki Haddock Fiora)
<i>IPC Global Pty Ltd v Pavetest Pty Ltd</i> [2016] FCA 500; [2016] FCA 1332; [2017] FCA 82	Copyright / confidential information – for applicant	Led by R Cobden SC (instructed by Bird & Bird)
<i>Hells Angels Motorcycle Corporation (Australia) Pty Limited v Redbubble</i>	Copyright / trade marks – for respondent	Led by R Cobden SC (instructed by Allens)

Limited [2019] FCA 355; [2022] FCA 837

<i>Howden Australia Pty Ltd v Minetek Pty Ltd</i> NSD827/2019 [2020] FCA 1419 (ongoing)	Copyright / confidential information – for applicant	Led by J Hennessy SC (instructed by Bird & Bird)
<i>Katie Jane Taylor v Killer Queen LLC</i> NSD 1774 of 2019 (judgment reserved)	Trade marks – for respondents	Led by M Darke SC (instructed by Corrs Chambers Westgarth)
Administrative law / migration / planning and environment		
<i>Commissioner of Police, New South Wales v Guo</i> [2016] FCAFC 62	Public interest immunity appeal – for appellant	Led by N Sharp (instructed by Crown Solicitor NSW)
<i>Karimbla Properties (No 25) Pty Ltd v Council of City of Sydney</i> (L&E Court 2017/350949)	Administrative law/planning and environment – for respondent	Led by P Clay SC (instructed by Council of City of Sydney)
<i>Council of the City of Sydney v Vision Land Glebe Pty Ltd</i> [2019] NSWLEC 60	Planning and environment – for respondent	Led by A Galasso SC (instructed by Landerer & Co)
<i>Cudgegong Australia Pty Ltd v Transport for New South Wales</i> [2018] NSWSC 929/[2018] NSWCA 298	Administrative law – for defendant	Led by R Lancaster SC (instructed by Ashurst)
<i>M68-2015 v Minister for Immigration & Border Protection</i> [2016] HCA 1	Constitutional/migration – for plaintiff	Led by R Merkel QC and C Lenehan (instructed by Human Rights Law Centre)
<i>CFHQ and Minister for Home Affairs</i> - 2018/4201 [2018] AATA 3858	Migration – for applicant	Unled (instructed by Refugee Advice and Casework Service)
<i>CUV18 v Minister for Home Affairs</i> NSD 910/2018 [2018] FCA 2009	Migration law – for applicant	Unled (instructed by Human Rights 4 All)
<i>Jordan v Commissioner of Taxation</i> [2019] FCA 1602	Taxation/administrative law – for applicant	Led by S White SC (instructed by Clayton Utz)
<i>YKZZ and Minister for Immigration and Border Protection (Migration)</i> [2018] AATA 970	Migration – for applicant	Unled (instructed by Human Rights 4 All)
<i>Saha v Minister for Immigration & Border Protection</i> [2016] AATA 319	Migration – for applicant	Unled (instructed by Salvos Legal)
<i>The Owners - Strata Plan 76907 v Sydney Metro</i> (2018/267934) (ongoing)	Planning and environment – acquisition of property – for respondent	Led by R Lancaster SC (instructed by Ashurst Australia)
<i>Uber BV v Commissioner of Taxation</i> [2017] FCA 110	Taxation – for respondent	Led by J Hmelnitsky SC and D Thomas (instructed by AGS)

Arbitrations

In the matter of an arbitration under the Commercial (National Uniform Legislation) Arbitration Act 2011 (NT) (ongoing)	Aboriginal land rights – for Rirratjinju parties	Led by R Lancaster SC (instructed by Minter Ellison)
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Commercial arbitrations between Standards Australia Limited and SAI Global Limited under Publishing Licence Agreement

Commercial / contract - Contract arbitration – for Standards Australia

Led by S Nixon SC (instructed by Ashurst Australia)

Royal Commissions

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry

For National Australia Bank

Instructed by Herbert Smith Freehills