

Emma Bathurst

Barrister

Sixth Floor Selborne/Wentworth Chambers
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Employment History

- 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
- 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)
- 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

- 2015-2016 New South Wales Bar Association
- Member of Professional Conduct Committee 5 (2016-2017) and Human Rights Committee (2016)
- 2015-2016 Panellist – University of New South Wales Law Masters Review Panel

Selected Appearances

Commercial/civil

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| <i>Admark Property Group Pty Ltd (in liq) v G J Building and Contracting Pty Ltd</i> [2017] NSWSC 118 | Equity/contempt sentencing – for contemnor | Led by R Dick SC (instructed by Maguire & McInerney) |
| <i>Anderson v Paterson Securities</i> 2015/285816 (ongoing) | Equity – for first defendant | Led by J Redwood |
| <i>ASIC v State One Stockbroking Ltd</i> – WAD 540/2016 (ongoing) | Corporations/market manipulation – for plaintiff | Led by J Halley SC (instructed by ASIC) |
| <i>Baker as executor of the estate of Boncardo v Barry 88 Holdings Pty Ltd</i> – 2016/367249 (settled) | Real property/contract – for plaintiff | Led by P Clay SC (instructed by Diamond Conway) |
| <i>Canberra Tradesmen's Union Club Limited v Willis Australia Limited</i> 2013/262179 (settled) | Insurance – for defendant | Led by N Owens (instructed by Minter Ellison) |
| <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>Creighton v Australian Executor Trustees Limited</i> 2015/306222; <i>Smith v Australian Executor Trustees</i> 2015/171592 (ongoing)	Class action/insurance - for Willis Australia Ltd (cross-defendant)	Led by M Elliott SC (instructed by Minter Ellison)
<i>Donau v Pty Ltd v ASC AWD Shipbuilder Pty Ltd</i> [2018] NSWSC 1273	Contract/construction – for plaintiff	Led by N Hutley SC and K Stern SC (instructed by McCabe Curwood Lawyers)
<i>Energizer Australia Pty Ltd v Procter & Gamble Australia Pty Ltd</i> [2016] FCA 347	Civil contempt – for respondent	Led by B Walker SC (instructed by King & Wood Mallesons)
<i>Energizer Australia Pty Ltd v Procter & Gamble Australia Pty Ltd</i> NSD 1636/2015 (settled)	Consumer law (interlocutory injunction) – for respondent	Led by M Hall SC (instructed by King & Wood Mallesons)
<i>Fuller v State of New South Wales; Fuller-Wilson v State of New South Wales</i> [2017] NSWDC 342 and Court of Appeal proceedings 2017/00386644 (reserved)	Negligence – for defendant	Led by M Windsor SC (instructed by Makinson d’Apice)
<i>Griffin Energy Pty Ltd (subject to a deed of company arrangement) v Laughland</i> 2016/88818 (settled)	Professional negligence– for plaintiffs	Led by K Stern SC and R Higgins (instructed by Ashurst)
<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>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>Mootwingee Holdings Pty Ltd v Erskin FCP Pty Ltd</i> 2017/67744 (settled)	Contract – for plaintiffs	Led by G Rich SC (instructed by Sparke Helmore)
<i>Reckitt Benckiser (Australia Pty Limited v Procter & Gamble Australia Pty Limited</i> [2015] FCA 753	Consumer law (interlocutory injunction) – for respondent	Led by R Cobden SC (instructed by King & Wood Mallesons)
<i>Shoal Bay Developments Pty Ltd v Port Stephens Council</i> 2015/349406 (ongoing)	Real property/nuisance – for defendant	Led by M Hall SC (instructed by Local Government Legal)
<i>Spyrides v Marsh</i> 2018/00078113	Equity/trusts – for plaintiff	Led by J Halley SC
<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>Wigmans v AMP Limited</i> 2018/145792 and related class actions (ongoing)	Class actions – for defendant	Led by S Finch SC, E Collins SC and I Ahmed
<i>Ceramic Fuel Cells Ltd (in liq) v McGraw-Hill Financial, Inc & Anor</i> NSD 1126/2015 (and eight other related class actions) (interlocutory matters only)	Class actions – for applicants	Led by N Hutley SC and C Withers (instructed by Squire Patton Boggs)

<i>Dalton v Volkswagen AG & Anor</i> NSD 1459/2015 (and related proceedings) (ongoing)	Class actions – for respondents	Led by N Hutley SC and R Higgins SC (instructed by Clayton Utz)
<i>Hopkins & Anor v AECOM Australia Pty Ltd</i> NSD 757/ 2012 (settled)	Class action – for 10 th respondent	Led by P Jopling SC and J Williams (instructed by Colin Biggers & Paisley)

Intellectual Property

<i>IPC Global Pty Ltd v Pavetest Pty Ltd</i> [2016] FCA 500; [2016] FCA 1332; [2017] FCA 82	Intellectual property – for applicant	Led by R Cobden SC (instructed by Bird & Bird)
<i>Move 4 Life Pty Ltd v Provention Limited</i> NSD 212 of 2018 (settled)	Intellectual property – for respondents	Unled (instructed by Allens)
<i>Hells Angels Motorcycle Corporation (Australia) Pty Limited v Redbubble Limited</i> QUD 902 of 2015 (reserved)	Intellectual property – for respondent	Red by R Cobden SC (instructed by Allens)

Administrative Law/Migration

<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>Cudgegong Australia Pty Ltd v Transport for New South Wales</i> [2018] NSWSC 929	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 (ongoing)	Migration – for Applicant	Unled (instructed by Refugee Advice and Casework Service)
<i>CUV18 v Minister for Home Affairs</i> NSD 910/2018 (ongoing)	Migration law – for applicant	Unled (instructed by Human Rights 4 All)
<i>Karamitazangi v Minister for Immigration & Border Protection</i> 2017 / 3248	Migration – for applicant	Unled (instructed by Human Rights 4 All)
<i>Rirratjingu Aboriginal Corporation v NLC and ors</i> NTD 8 / 2017 (ongoing)	Native title/administrative law - for applicants	Led by R Lancaster SC and C Lenehan (instructed by Minter Ellison)
<i>Saba v Minister for Immigration & Border Protection</i> [2016] AATA 319	Migration – for applicant	Unled (instructed by Salvos Legal)
<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)

Other unled appearances

<i>Collier v Telstra Corporation Limited</i> NSD 460 / 2017 (reserved)	Strike out – for respondent	Unled (instructed by King & Wood Mallesons)
<i>Kostov v Telstra Corporation Limited</i> 2018/00038509	Strike out – for respondent	Unled (instructed by Telstra Corporation Limited)

Nasr v International Air Transport Association Strike out – for respondent
[2016] NSWDC 346

Unled (instructed by Minter
Ellison)

Royal Commissions

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

For National Australia Bank
Limited

Instructed by Herbert Smith
Freehills