
MADELEINE ELLICOTT

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PRACTICE

Prior to being called to the bar, I practised primarily as a commercial litigator, including as a Senior Associate at Allens. Since being called to the bar in 2015, I have developed a broad commercial and public law practice. My principal areas of practice include administrative law, contract and general commercial law, planning and environment law and taxation. I have appeared in proceedings in the High Court of Australia, Federal Court of Australia, NSW Court of Appeal, NSW Supreme Court and NSW Land and Environment Court as well as in tribunals and commissions of inquiry. I also have a substantial advisory practice. Selected matters as counsel are listed below.

ADMISSIONS

2015 Barrister 2010 Solicitor

EDUCATION

2017 Master of Laws, University of Sydney, Australia

2009 Bachelor of Laws (Honours), University of New South Wales, Australia

2009 Bachelor of Arts, University of New South Wales, Australia

PREVIOUS EXPERIENCE

December 2014 to August 2015, **Australian Government Solicitor**, Sydney

Senior Lawyer, Competition and Consumer Law Unit

- Acting for the ACCC in proceedings under Part IV of the *Competition and Consumer Act 2010* (Cth) against Visa Inc & Ors.

April 2014 to November 2014, **Linklaters**, London

Associate, Litigation & Arbitration Department

- Acting for multinational clients in commercial disputes and regulatory investigations.

July 2009 to April 2014, **Allens**, Sydney

Lawyer and subsequently Senior Associate (from January 2014), Commercial Litigation and Dispute Resolution / Environment and Planning

- Broad litigation practice acting on behalf of corporate and government clients in various contractual, administrative and constitutional law disputes. I also gained experience in alternative dispute resolution, including mediation and arbitration.
- Example matters as a solicitor include:
 - Acting for a large mining company in litigation in the NSW Land & Environment Court concerning the validity of the grant of certain mining leases.
 - Acting for an accounting firm in Federal Court proceedings involving claims in negligence and for misleading and deceptive conduct.
 - Acting for a statutory corporation in \$200 million breach of contract litigation in the

NSW Supreme Court.

- Acting for a major Australian bank in proceedings in the NSW Supreme Court involving claims for breach of contract in respect of an interest rate swap.
- Acting for auditors in defending unfair preference claims in the Federal Court.
- Acting for a large corporation in an urgent Federal Court application under the *Corporations Act 2001* in relation to a meeting requisitioned by shareholders.
- Advising a security trustee in relation to the restructure of a \$2.8 billion debt facility (including in relation to a scheme of arrangement).

ADDITIONAL ACTIVITIES

- Advocacy:
 - Winner, World final, Manfred Lachs Space Law Moot (UNSW team) (judged by Judges Tomka and Koroma of the International Court of Justice) (2008)
 - Sterns & Tennen Award for the best oralist in the World Final (2008)
 - Winner, Asia-Pacific round, Manfred Lachs Space Law Moot (2008)
 - Finalist, ALSA Red Cross International Humanitarian Law Moot (2007)
 - Winner, UNSW Beginners Mooting Competition (2004)
- General member, UNSW Law Journal Editorial Board (2006 – 2008)
- Languages: French and Spanish
- Music: A.Mus.A diploma in pianoforte performance (2002)

SELECTED MATTERS AS COUNSEL

Matter	Led by	Instructed by
High Court of Australia		
<i>Macoun v Commissioner of Taxation</i> (2015) 90 ALJR 93 – taxation, international aspects of tax law (for taxpayer)	R J Ellicott QC, M Hirschhorn	Hazan Hollander
Federal Court of Australia		
<i>Commissioner of Taxation v Radhika Oswal & Anor</i> (No 6) [2016] FCA 762 – dealings to defeat creditors, defeasibility of title (for Commissioner)	N J Williams SC and D F C Thomas	Australian Government Solicitor
<i>Trent Daly & Anor v Westpac Banking Corporation</i> , NSD 780 of 2016 – misleading and deceptive conduct; unconscionable conduct; breach of contract (for respondent)	K Rees SC	King & Wood Mallesons
<i>O’Sullivan v ASIC</i> , NSD 828/2017 – appeal from decision of AAT affirming director banning and disqualification order (for respondent)	K Stern SC	ASIC
New South Wales Supreme Court and Court of Appeal		
<i>People for the Plains Incorporated v Santos (NSW) Eastern Pty Limited & Ors</i> [2017] NSWCA 46 – judicial review, statutory construction (for Santos respondents)	N J Williams SC and M Astill	Ashurst
<i>Botany Bay City Council v Minister for Local Government & Ors</i> (2016) 214 LGERA 173 –	N J Williams SC	NSW Crown Solicitor’s Office

judicial review, construction of *Local Government Act 1993* (for respondents)

Botany Bay City Council v Minister for Local Government & Ors [2016] NSWCA 243 – judicial review (for respondents) J K Kirk SC and J J Hutton NSW Crown Solicitor's Office

Ku-ring-gai Council v Garry West & Ors [2017] NSWCA 54 - judicial review (for respondents) N J Williams SC and F Gordon NSW Crown Solicitor's Office

Johnson & Ors v Force Corp (in liq) (NSWSC 2017/78336) – application for leave to proceed on behalf of company in liquidation (for third party) Unled Allens

Amatto & Anor v Liger Advantage Pty Limited & Ors (NSWSC 2017/163761) – unconscionable conduct (for plaintiffs) Unled Allens

News Life Media Pty Ltd v Janeke [2016] NSWSC 1835 – restraint of trade (for defendant) D F C Thomas Addisons

Latitude Enterprises Pty Ltd v Millinium Capital Managers Limited (NSWSC 2016/58419) – application to set aside statutory demand (for defendant) Unled Holding Redlich

New South Wales Land and Environment Court

People for the Plains Inc v Santos (NSW) Pty Ltd & Ors [2016] NSWLEC 93 – judicial review, statutory construction (for Santos defendants) N J Williams SC and M Astill Ashurst

Ku-ring-gai Council v Minister for Local Government & Ors [2016] NSWLEC 118 - judicial review (for respondents) N J Williams SC and A M Mitchelmore Crown Solicitor's Office

Jemena Limited v Barangaroo Delivery Authority & Anor, LEC No 2016/00160426, judicial review (for applicant) J K Kirk SC and S J Free Ashurst

Administrative Appeals Tribunal

Mills v Commissioner of Taxation [2017] AATA 362 – excess contributions tax (for Commissioner) Unled ATO Review and Dispute Resolution

GH1 v Commissioner of Taxation [2017] AATA 1100 – GST (for Commissioner) Unled Australian Government Solicitor

Mavis v Commissioner of Taxation Proceeding No 2016/5193 – luxury car tax (for Commissioner) Unled ATO Review and Dispute Resolution

Anjoul v Commissioner of Taxation Proceeding No 2016/1677 - 1679 – income tax (for Commissioner) Unled ATO Review and Dispute Resolution

HKYB v Commissioner of Taxation Proceeding No 2017/2746 – GST (for taxpayer) N J Williams SC Balazs Lazanas & Welch LLP

Other Courts, Tribunals and Commissions of Inquiry

Royal Commission into Institutional Responses to Child Sexual Abuse (Case Study 52, Anglican Church of Australia Final Hearing) G Furness SC, N Sharp Royal Commission

Trigas v QIC Limited (LC No 2016/277273) – conversion of goods (for defendant) Unled Allens