

## STEPHANIE PATTERSON

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## PRACTICE

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Briefs accepted in all areas of law. Principal areas of practice:

**Public law**, including judicial review and administrative law, extradition, public torts, migration law, environmental and planning law, and native title

**Commercial law**, including corporations law, equity, intellectual property, professional negligence, competition law, and consumer protection law

## ADMISSIONS & MEMBERSHIPS

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### *Admissions:*

2012 – Barrister

2007 – Solicitor

### *Memberships:*

NSW Bar Association Practice Development Committee

NSW Bar Association Professional Conduct Committee #2

Australian Association of Constitutional Law

## EDUCATION

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2005 – Bachelor of Arts (Hons I) / Bachelor of Laws – University of New South Wales  
(Ranked 4<sup>th</sup> in UNSW Law Faculty graduating class of 317 students)

## SELECTED MATTERS AT THE BAR

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### *Public law matters (including public torts)*

- Advising and appearing for various foreign states (United States of America, United Kingdom, Federal Republic of Germany, Republic of Lithuania) in extradition proceedings before a Local Court Magistrate under the *Extradition Act 1988* (Cth), including contested bail hearings and contested determinations of eligibility for surrender hearings (unled)
- Advising and appearing for the Republic of Lithuania in review proceedings in the Federal Court under the *Extradition Act* concerning eligibility for surrender (unled): *Kalinovas v Republic of Lithuania* [2015] FCA 961
- Advising and appearing for the Deputy Commissioner of Taxation in Supreme Court proceedings involving allegations of misfeasance in public office (led by RJ Weber SC)
- Advising and appearing for ICAC employees in Supreme Court proceedings involving allegations of misfeasance in public office (*Obeid & Ors v Ipp & Ors*) (led by E Cheeseman SC and JJ Hutton)
- Advising and appearing for the Attorney-General of NSW in proceedings concerning the *Prisoners (Interstate Transfer) Act 1982* (NSW) (unled)

### ***Public law matters (cont'd)***

- Advising the Australian Pesticides and Veterinary Medicines Authority regarding various issues arising under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cth) (led by K Stern SC)
- Appearing as Amicus Curiae in NSW Court of Appeal proceedings (*Bobolas v Waverley Council*) concerning waste removal orders under the *Local Government Act 1993* (NSW) (unled)
- Advising a state-owned corporation in relation to a draft environmental planning instrument and related issues under the *Environmental Planning and Assessment Act* (led by NJ Williams SC)
- Advising Screen Australia in respect of issues concerning the producer offset in Div 376 of the *Income Tax Assessment Act 1997* (unled)
- Appearing in and advising on judicial review proceedings concerning decisions under the *Migration Act*, including:
  - appearing in proceedings in the Federal Circuit Court of Australia (unled)
  - appearing in an appeal before a single judge of the Federal Court (unled, pro bono)
  - appearing in appeals before the Full Court of the Federal Court (led by GR Kennett SC and NJ Williams SC) and an application for special leave to appeal to the High Court (led by GR Kennett SC)
- Preparing advices on various public law topics, including:
  - the scope of ICAC's power to require NSW state owned corporations to produce documents for the purposes of an investigation;
  - prospects for judicial review proceedings in relation to decisions made concerning the pharmaceutical benefits scheme;
  - the prospects of challenging the lawfulness of the detention of an asylum seeker found to be a refugee but the subject of an adverse security assessment;
  - the interpretation and application of local environment plans;
  - the nature and effect of a determination of exclusive native title rights;

### ***Commercial law matters***

- Acting for the ACCC in respect of :
  - proceedings against two private training colleges involving allegations of unconscionable conduct and misleading conduct in respect of enrolling consumers in VET FEE-HELP-funded courses: *ACCC v Unique International College* and *ACCC v Cornerstone Investments Australia Pty Ltd t/as Empower Institute* (led by N O'Bryan SC and D Tynan in both)
  - conducting witness examinations in relation to an investigation concerning alleged cartel conduct (price fixing) (unled)
  - assisting in investigations and witness examinations concerning alleged cartel conduct (price fixing, bid rigging and market sharing)
  - preparing for s 155 examinations concerning alleged cartel conduct (bid rigging) and contraventions of s 45 of the *Competition and Consumer Act* (unled)
- Advising and appearing for ASIC in relation a privilege dispute in market manipulation proceedings (led by JO Hmelnitsky SC)
- Acting for a director of a company in relation to proceedings challenging the validity of her removal as a director (led by K Stern SC)
- Advising ASIC in relation to requirements of the *National Consumer Credit Protection Act 2009* (Cth) (led by K Stern SC)

### ***Commercial law matters (cont'd)***

- Advising ASIC in relation potential civil penalty proceedings concerning contraventions of the best interests obligations of financial advisers in Part 7.7A of the *Corporations Act 2001* (Cth) (led by S Pritchard SC and J Hewitt)
- Acting for Qantas Airways Limited in proceedings seeking restitution in respect of mistaken overpayments (unled)
- Acting for the Commonwealth Scientific and Industrial Research Organisation (CSIRO) in Supreme Court proceedings concerning contracts and allegations of misleading and deceptive conduct (unled)
- Acting for a subpoenaed party in Federal Court proceedings (*ACCC v Pfizer*), in respect of applications for confidentiality and suppression orders (unled)
- *Samsung ats Apple* (Federal Court) – acting for Samsung in proceedings concerning:
  - infringement and validity of a telecommunications patent concerning convolutional encoding (led by NJ Young QC)
  - infringement and validity of two telecommunications patents concerning power control and packet headers (led by NJ Young QC, KJ Howard SC and JS Cooke)
  - commercial issues, including alleged misuse of market power, licensing matters, issues of foreign law and remedies (led by NJ Young QC, JE Marshall SC and IS Wylie)
  - an application for suppression and confidentiality orders before the Full Court (unled)
- Acting for the responsible entity of an ASX-listed managed investment scheme in Supreme Court proceedings, concerning issues of trustees' duties, related party transactions, and misleading and deceptive conduct (led by JE Marshall SC)
- Advising a US-based financial company on potential causes of action and remedies pursuant to the *Corporations Act* and under the general law, concerning AFSLs, product disclosure statements and margin lending (led by SM Nixon)
- *Gillfillan v Australian Securities & Investments Commission* [2012] NSWCA 370; (2012) 92 ACSR 460 (NSW Court of Appeal) – appeal concerning civil penalties for a breach of directors' duties (led by RG McHugh SC and SM Nixon)
- Advising ASIC in relation to issues concerning the financial services provisions of the *Corporations Act* (led by EA Collins SC)

### **PREVIOUS EXPERIENCE**

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#### **Nov 2006 – Solicitor and then Senior Associate – Ashurst Australia (then Blake Dawson)**

#### **Mar 2012**

- Acting in extradition proceedings, including appearing in bail hearings and eligibility for surrender hearings before Local Court Magistrates, and instructing in judicial review proceedings in the Federal Court
- Acting for a former non-executive director of James Hardie in civil penalty proceedings concerning directors' duties (at first instance, and on appeal to the NSW Court of Appeal and the High Court)
- Acting for the liquidator of the Bell Group in an appeal and cross-appeal (in the WA Court of Appeal) in relation to proceedings against 20 banks
- Acting for ASX-listed companies in schemes of arrangement under Part 5.1 of the *Corporations Act*

## PREVIOUS EXPERIENCE (cont'd)

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Feb 2010 – Lecturer (part-time) – Faculty of Law, University of New South Wales  
Nov 2011

Courses taught: Torts (principally negligence law), and Foundations of Law

Jan 2005 – Associate (2005) and Research Associate (2006)  
Jul 2006 Justice Lindgren, Federal Court of Australia

Assisted in proceedings across the range of the Federal Court's jurisdiction, including native title, commercial and corporations law, intellectual property (patents and copyright), administrative law, migration, competition and consumer protection

## PUBLICATIONS AND PRESENTATIONS

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### *Presentations*

- “Recent developments concerning advocates’ immunity” Paper presented at the Salvos Legal conference, 14 March 2015
- “Advocates’ immunity: recent developments” CLE presentation to Ashurst, 16 July 2015

### *Publications*

- Patterson S, “Competition Law” in Lindgren K, *Business Law of Australia* (12<sup>th</sup> edition, Sydney: LexisNexis, 2011) [also updating author for the looseleaf version (hard copy and online)]
- Patterson S, updating author for “Restrictive Trade Practices” and “Australian Consumer Law – Consumer Protection” in *Federal Civil Litigation Precedents* (LexisNexis, online and looseleaf)
- Reporter (2012 – present), *New South Wales Law Reports*
- Patterson S, “Never to be released” (Case note on *Crump v State of New South Wales* [2012] HCA 20) (Winter 2012) *Bar News* 27-28
- Patterson S & Lim W, "High Court confirms that directors and officers bound by the Harman undertaking" (2008) 5(9) *Civil Procedure News NSW* 96
- Patterson S, “Commentary: Land Restitution and the Prospects of Aboriginal Title in South Africa” (2004) 8(3) *Australian Indigenous Law Review* 13 [refereed]
- Patterson S, “Casenote: The Foundations of Aboriginal Title in South Africa? The *Richtersveld Community v Alexkor Ltd* Decisions” (2004) 5 (30) *Indigenous Law Bulletin* 17