

Curriculum Vitae

Kristina Stern

PROFESSIONAL QUALIFICATIONS AND EXPERIENCE

Appointed Senior Counsel for the State of NSW October 2011.

Admitted to the NSW Bar, name entered on High Court and Federal Court Registry
November 2006.

Admitted to Northern Ireland Bar - 2005.

Called to UK Bar - November 1996 (39 Essex Street Chambers).

Appointed to Treasury Panel of Counsel in the United Kingdom until 2006.

Lecturer in Law, School of Law, King's College London and School of Law,
University College London – 1992-1996

Commercial solicitor at Arthur Robinson & Hedderwicks in Melbourne - 1988-
1989.

Admitted as a Solicitor in Victoria - 1988.

DEGREES AND ACADEMIC AWARDS

PhD Law (University of Cambridge) – Full Tapp Scholarship from Gonville &
Caius College Cambridge and Commonwealth Cambridge Trust Studentship.

BA (Hons) Law, First Class (University of Melbourne) (Joan Rosanove Prize)

BA Liberal Arts (Hons) Second Class (University of Melbourne)

PRACTICE AREAS

Broad based practice including commercial/contract disputes, mining disputes and
regulation, financial services, environmental law, arbitration, public/administrative
law, taxation, telecommunications disputes and advisory work (including
commercial and regulation), FOI, regulatory proceedings, human
rights/discrimination, health care and pharmaceuticals and professional negligence.
Extensive experience in a range of private and public law litigation and
disciplinary prosecutions.

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Regularly represents a range of public bodies including the Attorney-General, the Minister for Planning and Infrastructure, the Minister for Infrastructure and Transport, the Commissioner of Taxation, the ATO, ASIC, ACCC, ACMA, the Police Integrity Commission, the Department of Defence, the Minister for Broadband, Communications and the Digital Economy, Innovation Australia, the Minister for Mining, the Minister for Immigration and Border Protection, and the Director-General of Security.

Has appeared in a number of arbitrations, including ICC and domestic arbitrations.

Appears regularly in disciplinary and regulatory proceedings, including disciplinary prosecutions, including in relation to financial services, director's responsibilities and professions.

Involved in public inquiries – including acting as junior counsel to Jonathan Sumption QC (as he then was) for the UK Government in the Hutton Inquiry.

Appeared in the High Court of Australia and in the House of Lords on numerous occasions.

Written and presented extensively on all areas of public law. Published in the *Modern Law Review*, *LQR*, *Australian Bar Review* and *AIAL Forum*.

Contributing author to *Key Issues in Judicial Review* (2013, Federation Press) and *Key Issues in Public Law*.

Until 2006 contributing editor to *Bullen & Leake's Precedents and Pleadings*.

List of Selected Cases

High Court

Mount Bruce Mining Pty Ltd v Wright Prospecting Pty Limited (heard August 2015, judgment not yet delivered).

Momcilovic v The Queen and Ors

Minister for Immigration and Citizenship v SZIZO [2009] 238 CLR 627

Gedeon v Commissioner of the NSW Crime Commission [2008] 236 CLR 120

Minister for Immigraiton and Citizenship v SZIZO [2009] FCA 37

Bywater and Hua Wang Bank v Federal Commissioner of Taxation [2016] HCA 45

Minister for Immigration and Border Protection v SZVFW [2018] HCA 34

Court of Appeal

Bronze Wing International Pty Ltd v SafeWork NSW [2017] NSWCA 41

Clark v Commissioner for Corrective Services [2016] NSWCA 186

Mount Bruce Mining Pty Ltd v Wright Prospecting [2014] NSWCA 323

Howe v Fischer [2014] NSWCA 286

Hall v NSW [2014] NSWCA 154

Knezevic v Perpetual Trustees Victoria Ltd [2013] NSWCA 199

Perry Properties Pty Ltd v Chief Commissioner of State Revenue [2013] NSWCA 274

Coffs Harbour City Council v Minister for Planning and Infrastructure (2013) LGERA 203; [2013] NSWCA 44

McGuirk v NSW Ombudsman [2008] NSWCA 357

Full Federal Court

Cheryala v Minister for Immigration and Border Protection [2018] FCAFC 43

Minister for Home Affairs v Aciek [2018] FCAFC 120

Caratti v Commissioner of the AFP [2017] FCAFC 177

Minister for Immigration and Border Protection v Tesic [2017] FCAFC 93

Minister for Immigration and Border Protection v Stretton [2016] FCAFC 11
Minister for Immigration and Border Protection v Eden [2016] FCAFC 28
Minister for Immigration and Border Protection v Le [2016] FCAFC 120
Bywater v Commissioner of Taxation [2015] FCAFC 176
QNA v The Takeovers Panel [2015] FCAFC 68
Fraser v Minister for Immigration and Border Protection [2015] FCAFC 48
ATS Pacific v Commissioner of Taxation [2014] FCAFC 33
CSL v Minister for Infrastructure and Transport [2014] FCAFC 35
Parker v Minister for Sustainability, Environment, Water, Population and Communities (2012) 205 FCR 415; [2012] FCAFC 94
Kumar v Minister for Immigration and Citizenship [2009] 176 FCR 401
Minister for Immigration and Citizenship v SZKKC [2007] 158 FCR 292
Telstra Corporation Ltd v Minister for Communications, Information Technology and the Arts (2008) 166 FCR 64; [2008] FCAFC 7
SZISM v Minister for Immigration and Citizenship (No 2) [2007] FCAFC 106

Federal Court

ACCC v ACM Group Limited (no 1) [2017] FCA 799
Caratti v Commissioner of the AFP (No 2) [2018] FCA 1237
Buadromo v Minister for Immigration and Border Protection [2017] FCA 1592
Deputy Commissioner of Taxation v Binnetter [2017] FCA 69
Selia v Commonwealth of Australia [2017] FCA 7
Caratti v Commissioner of the AFP [2016]
Abbey Laboratories v APVMA [2016] FCA 704
ACBF v Chief Executive, Centrelink [2016] FCA 769
ACCC v Multimedia International Services Pty Ltd [2016] FCA 439
Investrix v Commissioner of Taxation [2015] FCA 1427
King v Minister for Immigration and Border Protection [2014] FCA 766

ATS Pacific Pty Ltd v Federal Commissioner of Taxation (2014) 219 FCR 302; [2014] FCAFC 33

CSL v Minister for Infrastructure and Transport [2014] FCA 1160

CSL v Minister for Infrastructure and Transport [2013] FCA 152; (2013) 133 ALD 507

Green v Bradbury (No 2) [2011] FCA 469

Griffiths v Rose [2011] 192 FCR 130

Parker v Minister for Sustainability, Environment, Water, Population and Communities [2012] FCA 263; [2011] FCA 1325

Peebles v Honourable Tony Burke (No 2) [2010] FCA 861

Alyssa Treasury Services Limited v Commissioner of Taxation [2010] FCA 967; (2010) 80 ATR 84, 118 ALD 494

Pharm-a-Care Laboratories Pty Ltd v Commonwealth of Australia (No 5) [2010] FCA 1204

Charlie v Minister for Immigration and Citizenship (2008) 171 FCR 44

Telstra Corporation Ltd v Minister for Broadband, Communications and the Digital Economy (2008) 166 FCR 64

v Federal Commissioner of Taxation (2008) 69 ATR 567

Different Solutions Pty Ltd v Commissioner, Australian Federal Police (No 2) (2008) 190 A Crim R 265

Croker v Federal Commissioner of Taxation [2009] FCA 275

Telstra Corporation Ltd v Minister for Communications, Information Technology and the Arts [2007] FCA 1567

BAE Systems Australia (NSW) Pty Ltd v Commissioner of Taxation [2008] FCA 48

Charlie v Minister for Immigration and Citizenship [2008] FCA 1025

Supreme Court NSW, Supreme Court Vic, Supreme Court WA

Donau Pty Ltd v ASC AWD Shipbuilder Pty Limited [2018] NSWSC 1273

AVWest Aircraft Pty Ltd v Bombardier Inc [2018] WASC 139

Griffin Energy Group (subject to a Deed of Company Arrangement) v Laughland [2016] NSWSC 1057

Craig v Silverbrook [2013] NSWSC 1687

Wright Prospecting Pty Ltd v Hamersley Iron Pty Ltd (No 3) [2013] NSWSC 1069

Wright Prospecting Pty Ltd v Hamersley Iron Pty Ltd (No 2) [2013] NSWSC 709

Wright Prospecting Pty Ltd v Hamersley Iron Pty Ltd [2013] NSWSC 536

Perpetual Trustees v Knezevic [2012] NSWSC 956

Re Atlantis Holdings Pty Ltd [2012] NSWSC 112

Ex Parte Attorney General [2012] NSWSC 341

Donnelly v Health Care Complaints Commission [2011] NSWSC

Ballard v Multiplex Limited [2010] NSWSC 1038

Hill End Gold Ltd v First Tiffany Resource Corporation (No 2) [2010] NSWSC 555,
[2010] NSWSC 375 and [2008] NSWSC 1044

Microwave Safety Systems Pty Ltd v Commissioner for Fair Trading [2008] NSWSC
37

Secretary to the Department of Justice v Fletcher (No 1) [2009] VSC 501; [2009]
VSC 502; [2009] VSC 503

Sabet v Medical Practitioners Board (2008) VR 414

Wharfside v McCormick [2010] NSWSC 398; (2010) 8 ABC(NS) 510, [2011] ALMD
2807

R v Baladjam [2008] NSWSC 714

Land and Environment Court

EPA v Dib Hanna [2018] NSWLEC 80

EPA v Wellington Council [2017] NSWLEC 5

Tribunals and District Court

Wang v ASIC [2018] AATA 1405

O'Sullivan v ASIC [2017] AATA 644

Eastwin Trade Pty Ltd v Commissioner of Taxation [2017] AATA 140

VDRZ v Innovation Australia [2016] AATA 729

Coshott v ASIC [2014] AATA 677

Levi v Companies Auditors and Liquidators Disciplinary Board and ASIC [2013] AATA 463

Frangie v Takchi [2014] NSWDC 58

DBTL v Innovation Australia (2013) 137 ALD 88; [2013] AATA 573

Axiome Pty Ltd v Food Standards Australia New Zealand (2012) 129 ALD 681; [2012] AATA 551

McKinnon v Nepean Blue Mountains Local Health Network [2012] NSWADT 86

Wang v Zheng [2010] NSWDC 135

Caines v ASIC [2012] AATA 289

R v BUSB

Montgomery Wools Pty Ltd v Commissioner of Taxation (2012) 87 ATR 282; 128 ALD 406; [2012] AATA 61

Dezfouli v Corrective Services [2011] ASWADT 11

Petroulias v Commissioner of Taxation (2010) 81 ATR 853; [2010] AATA 1060

Health Care Complaints Commission v Baez [2014] NSWCATOD 26

Health Care Complaints Commission v Balafas [2010] NSWMT

Health Care Complaints Commission v Holmes [2010] NSWMT 19

Health Care Complaints Commission v Taylor [2010] NSWMT 10

Health Care Complaints Commission v Gatenby, Zhang and Horn [2011] NSWNMT 18

Health Care Complaints Commission v Greenwood [2011] NSWNMT 13

Health Care Complaints Commission v Dene & Donnelly (No 2) [2010] NSWPST 4

Health Care Complaints Commission v Clarke-Saunders [2010] NSWPST 8

Health Care Complaints Commission v Pembroke [2010] NSWMT

Arbitrations

Globecast Holding SA v Cosgrove and ors (ICC Arbitration before David Williams QC, led by T Bathurst SC. Hearing as to relief and costs without leader against N

Hutley SC with Richard Scruby, and I Davidson SC, instructed by Sophie Dawson of Blake Dawson)

Spirit Pharmaceuticals Pty Ltd v Apotex Pty Ltd (arbitration before Rowan Darke SC, led by D Studdy SC, against J Sackar SC and David Thomas, instructed by Reaymond McGuinness of Watson Mangioni)

Cases in the United Kingdom (not exhaustive)

Junior Counsel in the *Hutton Inquiry* (led by Jonathan Sumption QC)

House of Lords

R(L) v Secretary of State for Justice [2008] 3 WLR 1325 (House of Lords, led by Ben Emerson QC)

Bolitho v City and Hackney Health Authority [1997] 3 WLR 1151 (House of Lords)

Chester v. Afshar [2004] 3 WLR 1325 (House of Lords, led by Martin Spencer QC)

R v. East London & City Mental Health NHS Trust ex parte von Brandenburg [2003] 3 WLR 1265 (House of Lords)

R(West) v Parole Board [2005] 1 WLR 350 (House of Lords)

R(H) v Secretary of State for the Home Department [2003] 3 WLR 1278 (House of Lords, not led)

Court of Appeal

Gedow v. SSHD [2006] EWCA 1342 (Court of Appeal, led by Robert Jay QC)

Graham v. Entec [2003] 2 All ER (Comm) 811 (Court of Appeal, not led)

R(Buddington) v. Secretary of State [2006] Crim LR 765 (Court of Appeal, not led)

Attorney General's Reference No 2 of 2003 [2004] 1 WLR 2062 (Court of Appeal, not led)

R(Brooks) v Parole Board [2004] EWCA Civ 80 (Court of Appeal, not led, against Edward Fitzgerald QC and Philippa Kaufman)

R v North and East Devon Health Authority, ex parte Coughlan [2000] 2 WLR 622 (Court of Appeal, led by Philip Havers QC)

Daoud v Secretary of State for the Home Department [2005] EWCA Civ 755 (Court of Appeal, not led)

Arzpeyma v Secretary of State for the Home Department [2004] EWCA Civ 1101 (Court of Appeal, not led)

R(L) v Secretary of State for the Home Department [2008] 1 WLR 158 (Court of Appeal, not led, against Nigel Giffin QC)

R(D) v Secretary of State for the Home Department (2006) 3 All ER 946 (Court of Appeal, led by Andrew Nicol QC)

R(South West Yorkshire Mental Health NHS Trust) v Crown Court at Bradford [2004] 1 WLR 1664 (Court of Appeal, not led)

R(M) v Islington London Borough Council [2005] 1 WLR 884 (Court of Appeal, not led)

R(Munjaz) v Mersey Care NHS Trust [2003] 3 WLR 1505 (Court of Appeal, led by Robert Francis QC)

R(Jasarevic) v Secretary of State for the Home Department [2005] EWCA Civ 1784 (Court of Appeal, not led)

S v Secretary of State for the Home Department [2002] EWCA Civ 539 (Court of Appeal, with Sean Wilken)

R(Mongoto) v Secretary of State for the Home Department [2005] EWCA Civ 751 (Court of Appeal, not led)

Selection only of other reported cases in High Court

R(Sinn Fein) v Secretary of State for Northern Ireland and Independent Monitoring Commission [2007] EWHC 12 (Divisional Court, led by John Larkin QC)

Hadley & Evans v. Amicus and others [2004] 2 WLR 713 (Family Div, not led, against Robin Tolson QC and Susan Freeborn)

Inquiries and Inquests

Counsel Assisting in Inquest into the death of Johnson - 2017

Counsel Assisting in Inquest into the death of Brown - 2017

Counsel Assisting in Inquest into the death of Phillip Hughes – October 2016

Police Integrity Commission Inquiry – Operation Protea, October 2014

Inquiry by the Inspector-General of Intelligence and Security into the role of Australian Agencies in the arrest and detention of Mamdouh Habib

Counsel Assisting at Bushfire Inquiry – Wombelong Fire, August – November 2014

Counsel Assisting at Quakers Hill Nursing Home Fire Inquiry and Inquest - 2014-11-25

Counsel Assisting at Doctor Shopping Inquest – 2013

Counsel Assisting at Inquest into the death of El Hafiane - 2012

Counsel Assisting in the Inquest into the death of Jasmina Djordjevic

Counsel Assisting in the Inquest into the death of Pele

Counsel Assisting in the Inquest into the death of Drayton and Orgo

Counsel Assisting in the Inquest into the death of Belbin

Counsel Assisting in the Inquest into the death of Spain

Counsel Assisting in the Inquest into the death of McKay

Counsel Assisting in the Inquest into the death of Anderson

Counsel Assisting in the Inquest into the death of Corben

Counsel Assisting in the Inquest into the death of Howlett

Counsel Assisting in the Inquest into the death of Belim

Counsel Assisting in the Inquest into the death of Maharaj