

# MADELEINE ELICOTT

Sixth Floor Selborne Wentworth Chambers  
Level 6, 174 Phillip Street, Sydney NSW 2000  
www.sixthfloor.com.au

e: mellicott@sixthfloor.com.au  
p: +612 8915 2649

Madeleine is a versatile junior counsel with a broad practice in commercial and public law. She regularly appears led and unled in the Supreme Court of New South Wales and Federal Court of Australia.

Madeleine's areas of practice include:

- Commercial disputes
- Class actions
- Regulatory
- Revenue law
- Appellate
- Commissions of inquiry/inquests

Prior to coming to the Bar in 2015, Madeleine practised as a solicitor at Allens, Linklaters and the Australian Government Solicitor. She holds a Bachelor of Laws (Honours) and Bachelor of Arts from UNSW and a Master of Laws from the University of Sydney.

## **PROFESSIONAL BACKGROUND**

### ***Barrister***

Sixth Floor Selborne Wentworth Chambers

**2015-present**

### ***Senior Lawyer***

Australian Government Solicitor

**Dec 2014 – Aug 2015**

### ***Associate, Litigation & Arbitration***

Linklaters, London

**Apr 2014 – Nov 2014**

### ***Lawyer***

#### ***Senior Associate***

Commercial Litigation & Dispute Resolution/Environment & Planning  
Allens, Sydney

**Jul 2009 to Dec 2013  
Jan to Apr 2014**

## **EDUCATION**

### ***Master of Laws***

University of Sydney, Australia

**2017**

### ***Bachelor of Laws (Honours)***

University of New South Wales, Australia

**2009**

### ***Bachelor of Arts***

University of New South Wales, Australia

**2009**

## **SELECTED CASES**

### **High Court of Australia**

*Potts & Anor v DSHE Holdings (Receivers and Managers) (in liq)*  
Directors' duties / construction of s 1317H Corporations Act – led by N Hutley SC and S Nixon SC

*Crown Melbourne Limited v Commissioner of Taxation* [2022] HCATrans 93  
Goods and services tax – led by D Thomas SC

*Macoun v Commissioner of Taxation* (2015) 257 CLR 519  
Taxation on salaries and emoluments / treaty interpretation – led by R J Ellicott KC and M Hirschhorn

### **Commercial, Regulatory, Equity**

*O'Brien v Supercheap Security Pty Ltd & Ors* [2023] NSWSC 21; [2023] NSWSC 761  
Summary dismissal/strike out of claim against bank (appeared unled)

*Australian Securities and Investments Commission v Latitude Finance Australia* [2023] FCA 655  
Application for discovery (appeared unled)

*Australian Securities and Investments Commission v Nuix Limited & Ors* (NSD 827/2022)  
Civil penalty proceeding (s 180 Corporations Act) – led by D Thomas SC

*DSHE Holdings (Receivers and Managers) (in liq) v Potts* [2022] NSWCA 165; (2022) 405 ALR 70  
Directors' duties – led by S Nixon SC

*In the matter of Centuria Property Funds Limited* [2022] NSWSC 1056  
Relief under s 1322 Corporations Act – led by D Sulan SC

*Australian Securities and Investments v Macquarie Bank Limited* (NSD 241/2022)  
Civil penalty proceeding (s 912A Corporations Act)– led by D Thomas SC

*Anchorage Capital Master Offshore Ltd & Ors v Sparkes & Ors* [2023] NSWCA 88; [2021] NSWSC 1025  
Negligence – led by T Bannon SC and C Colquhoun SC

*New Energy Solar v First Solar (SC2020/00229377)*  
Breach of contract (unled)

*Australian Securities and Investments v National Australia Bank Limited* (VID1362/2019)  
Civil penalty proceeding – led by D Thomas SC

*Australian Securities and Investments v MLC Nominees Pty Ltd & Anor* [2020] FCA 1306  
Civil penalty proceeding – led by D Thomas SC

*The Owners Strata Plan 85044 v Murrell* [2020] NSWSC 20  
Equity/common law – led by T Alexis SC

*Goodman Fielder Consumer Foods Pty Ltd v GrainCorp Foods & Ors* [2020] NSWSC 706  
Breach of contract – led by V Whittaker SC

*In the matter of Force Corp Pty Ltd* [2018] NSWSC 896  
Application to set aside subpoena (unled)

*Kender v Australian Securities and Investments* [2018] AATA 4445  
Director disqualification/stay application – led by D Hogan-Doran SC

*Johnson & Ors v Force Corp (in liq)* (NSWSC 2017/78336)  
Application for leave to proceed on behalf of company in liquidation (unled)

*Skyscanner Limited v Hotels Combined Pty Ltd* (NSWSC 2014/345793)  
Breach of contract – led by T Alexis SC

*News Life Media Pty Ltd v Janeke* [2016] NSWSC 1835  
Restraint of trade – led by D Thomas SC

### **Class actions**

*Andrianakis v Uber Technologies Inc & Ors* (SECI 2019 01926) [2023] VSC 415; [2023] VSC 366  
Class action/tort of conspiracy – led by John Sheahan KC and David Sulan SC

*Kayler-Thomson v Colonial First State Investments Limited & CBA* (VID1313/2018)  
Superannuation class action regarding cash investments (for defendants)  
Security for costs - [2020] FCA 867 – led by S Finch SC and S Mirzabegian SC

*Krieger v CFSIL* (VID1141/2019)  
Superannuation class action re grandfathered commissions – led by J Sheahan KC and D Sulan SC

*Coatman v Colonial First State Investments Limited* [2022] FCA 1611  
Superannuation class action – led by P Brereton SC and D Sulan SC

### **Taxation & Revenue**

*GSSQ v Commissioner of Taxation* (AAT Proceeding No 2022/2295)  
Income tax/construction of double tax agreement – led by M O'Meara SC

*Hutson v New Hope Corporation Limited*, NSWSC 2021/85452  
Appeared in relation to part of the proceeding, with respect to construction of tax funding agreements – led by K Stern SC

*Crown Melbourne Resorts v Commissioner of Taxation; Burswood Nominees Pty Ltd* [2020] FCA 1295  
Goods and services tax – led by David Thomas SC

*304 Wanda Street Pty Ltd v Commissioner of Taxation* [2020] AATA 921  
Goods and services tax (unled)

*HKYB v Commissioner of Taxation* [2018] AATA 4770  
Goods and services tax – led by N Williams SC

*Mavris v Commissioner of Taxation* [2018] AATA 1825  
Luxury car tax (unled)

*Mills v Commissioner of Taxation* (2017) 105 ATR 216  
Excess contributions tax (unled)

*GH1 v Commissioner of Taxation* (2017) 106 ATR 238  
Goods and services tax (unled)

*Commissioner of Taxation v Radhika Oswal & Anor (No 6)* [2016] FCA 762  
Dealings to defeat creditors, defeasibility of title – led by N Williams SC and D Thomas

### **Administrative Law/Environment & Planning**

*Guan v Australian Securities and Investments Commission*, AAT 2022/4261  
Review of banning order under s 920A Corporations Act (unled)

*Anderson v Minister for Planning and Public Spaces* [2020] NSWLEC 138  
Judicial review (resolved prior to substantive hearing)

*Muswellbrook Shire Council v HVEC & Anor* [2019] NSWCA 216; (2019) 238 LGERA 295  
Judicial review appeal (for Secretary) – led by A Shearer

*Henroth Investments Pty Ltd v Sydney North Planning Panel* [2019] NSWCA 68  
Judicial review appeal – led by N Williams SC

*Local Democracy Matters Inc v Infrastructure NSW* [2019] NSWCA 65; (2019) 237 LGERA 74  
Judicial review appeal - led by R Beasley SC

*Australian Appaloosa Association Ltd v ASIC* [2019] AATA 2195  
*Hazeldine v ASIC* [2019] AATA 366 / *Decorative Imaging Pty Limited v ASIC* [2018] AATA 4668  
Separate proceedings involving reviews of business name decisions (unled)

*Ku-ring-gai Council v West* [2017] NSWCA 54; (2017) 95 NSWLR 1  
*Ku-ring-gai Council v Minister for Local Government & Ors* [2016] NSWLEC 118  
Judicial review – led by N Williams SC

*People for the Plains Inc v Santos NSW (Eastern) Pty Ltd* [2017] NSWCA 46 (appeal)/[2016] NSWLEC 93 (LEC hearing)  
Judicial review – led by N Williams SC

### **Royal Commissions & Inquests**

*Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability (2022/23)*  
Public Hearings 20 and 32 (for service provider)- led by S Callan SC

*Inquest into the death of Ian Turner (2020)*  
Junior counsel assisting the Deputy State Coroner – led by K Stern SC

*Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (2018)*  
Rounds 2 and 5 (for National Australia Bank) – led by N Young KC and D Thomas

*Royal Commission into Institutional Responses to Child Sexual Abuse (Case Study 52)*