

MADELEINE ELLICOTT

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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) [2023] HCA 41
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 – special leave hearing - 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

Taxi Apps Pty Ltd v Uber Technologies Inc & Ors (2020) S ECI 2020 01585; [2024] VSC 63
Tort of conspiracy – led by J Sheahan KC and D Sulan SC (8 week hearing in 2024, judgment reserved)

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

Dawson v Insurance Australia Limited & Anor (S ECI 2024 02663)
Insurance product class action - led by E Collins SC

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

GPT RE Limited v Chief Commissioner of State Revenue (NSWSC 2024/00287641)
Ad valorem duty – led by R Higgins SC

McConaghy v Commissioner of Taxation (NSD 1512/2023)
Income tax / demerger relief – led by D Thomas SC

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 D 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)