

ANNABEL OSBORN BRODIE

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AREAS OF PRACTICE

Annabel accepts briefs in all areas of law with particular interest in commercial law, equity and trusts, corporations law, insolvency law, regulatory investigations and enforcement proceedings and public law.

QUALIFICATIONS

Called to the bar	May 2022
Admitted to practice	June 2017
Qualifications	Bachelor of Arts (English) / Bachelor of Laws University of Sydney, 2011 – 2016

PROFESSIONAL BACKGROUND

2022 – present	Barrister Sixth Floor Selborne Wentworth Chambers
2017 – 2022	Associate Deutsch Miller
2014 – 2017	Paralegal Deutsch Miller (2016), Nelson McKinnon (2015), Minter Ellison (2014)

SELECTED CASES

Commissioner for Fair Trading v Bowes Street Development [2024] ACTSC 315 – Civil penalty proceedings. Consumer law – false or misleading advertising. Acted for the Commissioner, led by Naomi Sharp SC, instructed by ACT Government Solicitor.

De Lorenzo v CXI Software Pty Ltd [2024] NSWDC 471 – Construction of convertible note subscription deed, recovery of debt. Acted for the plaintiff, unled, instructed by Strategic Legal.

False imprisonment proceedings (2024 – ongoing) – Acting for the Commonwealth in various cases arising following the High Court's decision in *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] HCA 37; (2023) 415 ALR 254. Led by Stephen Lloyd SC, instructed by Australian Government Solicitor.

nib Holdings Ltd v Raffy Nominees Pty Ltd as trustee of the Whitecoat Holding Trust; Raffy Nominees Pty Ltd v nib Holdings Ltd [2023] NSWSC 715 – Breach of contract and recovery of debt under loan document and joint venture; Cross-claim for rescission. Acted for nib Holdings Ltd, led by James Arnott SC, instructed by King & Wood Mallesons.

Hundy (liquidator), in the matter of 3 Property Group 13 Pty Ltd (in liquidation) and Be Athletic Canberra Pty Ltd (No 2) [2023] FCA 173 – Applications (contested) for retrospective approval of liquidator funding agreements under s 477(2B) of the *Corporations Act 2001* (Cth). Appeared for the liquidator, led by Matt Karam, instructed by McInnes Wilson.

Independent Review of The Star Pty Ltd by Adam Bell SC under the Casino Control Act 1992 (2022) – Appeared for a former senior employee of The Star Pty Ltd at the Independent Review. Led by Peter Braham SC, instructed by Deutsch Miller.

Fakhouri v The Secretary for the NSW Ministry for Health (2022) – class action proceedings in Supreme Court of NSW. Junior medical officers seeking to recover unpaid wages. Advised and assisted the defendant in relation to preparation of lay evidence, instructed by Minter Ellison.

Selected cases as a solicitor

Maurtray Pty Ltd v Pillemer Pty Limited & Ors [2022] NSWSC 1181 and [2022] NSWSC 1181 – Commercial dispute, misleading and deceptive conduct – Acted for the defendant in relation to claim for damages arising from alleged representations and non-disclosures in breach of loan agreement. The proceedings were dismissed, and costs were awarded to the plaintiff on an indemnity basis.

In the matter of Legal Practice Management Group Pty Ltd, nSynergy Pty Ltd, nSynergy International Pty, Corporations List, Supreme Court Proceedings (2017 – 2020) –

- Leave application – Acted for shareholders in application for leave under section 237 of the *Corporations Act 2001* (Cth) to bring a derivative action for breaches of directors' duties. First litigation funded derivative action in Australia. Leave granted (*In the matter of Legal Practice Management Group Pty Ltd, nSynergy Pty Ltd, nSynergy International Pty Ltd* [2018] NSWSC 527; (2018) 125 ACSR 513).
- Substantive proceedings – Breaches of directors' duties, oppression claims, *Barnes v Addy* (second limb) claim against corporate defendants. Negotiated settlement approved by the Court under section 240 of the *Corporations Act 2001* (Cth).

Santos Ltd v BNP Paribas [2018] QSC 105 (first instance) and *Santos Ltd v BNP Paribas* [2019] QCA 11; [2019] 3 Qd R 286 (appeal) – High profile trade finance dispute. Proceedings commenced by the plaintiff to enforce a \$55 million bank guarantee issued by the client, BNP Paribas. The plaintiff's claim was dismissed on the basis that the demand did not strictly comply with the guarantee. The appeal was dismissed with costs.

Silver Star Fashions v Dal Broi & Ors [2018] NSWSC 1445; (2018) 019 BPR 38813 – Acted for eight defendants in relation to a developer's application for leave to rescind various contracts for sale of land (the first substantive case under section 66ZL of the *Conveyancing Act 1919* (NSW)). The court denied leave and awarded the clients' costs, including, in part, on an indemnity basis (*Silver Star Fashions v Dal Broi & Ors (No 2)* [2018] NSWSC 1697).

PRO BONO

Aston & Vallis v Australian National University (Civil Disputes) [2023] ACAT 74 – Advised the plaintiffs in relation to recovering fees paid in respect of occupancy agreements on the basis of frustration caused by public health measures associated with the covid-19 pandemic. Led by Steven Whybrow SC.

Duty Barrister Scheme, NSW Bar Association (2022 – present).