

STEPHANIE PATTERSON

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PRACTICE

Principal areas of practice:

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

Public law, including judicial review and administrative law, public torts and extradition

ADMISSIONS & MEMBERSHIPS

Admissions:

2012 – Barrister

2007 – Solicitor

Memberships:

NSW Bar Association Professional Conduct Committee

EDUCATION

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

SELECTED MATTERS

Commercial law matters

- Acting for ASIC in proceedings against former directors and officers of The Star Entertainment Group Ltd alleging contraventions of s 180(1) of the *Corporations Act 2001* (Cth) (led by R.Higgins SC and J.Arnott SC, with S Speirs and L.Moretti, instructed by Norton Rose Fulbright)
- Acting for the ACCC in High Court proceedings concerning statutory systemic unconscionable conduct and ancillary liability in the High Court (*Productivity Partners Pty Ltd v ACCC* (2024) (2024) 98 ALJR 1021; [2024] HCA 27, led by the Solicitor-General, O.Bigos KC and with L.Moretti), the Full Court (*Productivity Partners Pty Ltd v ACCC* (2023) 297 FCR 180; [2023] FCAFC 54 (led by K Stern SC) and the Federal Court (*ACCC v Productivity Partners Pty Ltd (No 3)* [2021] FCA 737, led by K Stern SC and O Bigos KC), instructed by Johnson Winter Slattery
- Acting for the Commissioner of Taxation in Pt IVC proceedings in the AAT in relation to trust distributions and reimbursement agreements under s 100A of the ITAA 1936 (led by M.O'Meara SC, instructed by AGS)
- Acting for ASIC in proceedings against Macquarie Bank Ltd alleging contraventions of s 912A(1)(a) in relation to cash management accounts: *ASIC v Macquarie Bank Ltd* [2024] FCA 416 (led by R.Hollo SC and D.Luxton, instructed by ASIC)

Commercial law matters (cont'd)

- Acting for ASIC in proceedings against Rio Tinto and its former CEO and CFO in relation to continuous disclosure and accounting issues: *ASIC v Rio Tinto Ltd (No 2)* [2022] FCA 184 (led by M Darke SC, instructed by AGS)
- Acting for the ACCC in the conduct of compulsory examinations in connection with its informal merger review of the proposed acquisition by a major supermarket chain of a wholesale food distribution business (unled, instructed by DLA Piper)
- Acting for ASIC in various proceedings in the AAT concerning banning orders made under ss 920A and 920B of the *Corporations Act 2001* (Cth) and s 80 of the *National Consumer Credit Protection Act 2001* (Cth), eg, *Grubisa and ASIC* [2023] AATA 3328; *Sabai and ASIC* [2021] AATA 3041; *Schroeder and ASIC* [2021] AATA 3519; *Lee and ASIC* [2021] AATA 4048 (unled, instructed by ASIC)
- Advising the trustee of a commercial property unit trust in relation potential proceedings to seek judicial advice in relation to the compulsory redemption of some unitholders' units (unled, instructed by HFW)
- Advising ASIC in relation to potential proceedings before the Companies Auditors Disciplinary Board in relation to audits of an ASX-listed company by an auditor from a big-four accountancy firm (led by K Stern SC, instructed by AGS)
- Acting for Glencore Coal in an appeal concerning an application to be released from the implied *Harman* undertaking: *Glencore Coal Pty Ltd v Franks* (2021) 284 FCR 622 (led by M Izzo SC, instructed by Ashurst)
- Acting for the Commissioner of Taxation in various Pt IVC various proceedings in the AAT and the Federal Court, including in matters concerning unexplained bank deposits, Div 7A issues, and capital gains tax issues (unled, instructed by the ATO)
- Acting for ASIC in proceedings against Westpac in relation to the responsible lending requirements of the *National Consumer Credit Protection Act 2009* (Cth): *ASIC v Westpac Banking Corporation* [2019] FCA 1244; *ASIC v Westpac Banking Corporation* (2020) 277 FCR 343 (led by K Stern SC, and then by N Hutley SC and J Clarke SC, instructed by ASIC)
- Acting for ASIC in proceedings against AMP Financial Planning concerning the best interests obligations of financial advisers under the *Corporations Act 2001* (Cth): *ASIC v AMP Financial Planning Pty Ltd (No 2)* [2020] FCA 69 (led by S Pritchard SC and J. Hewitt, instructed by ASIC)
- Acting for an accountancy firm in Supreme Court proceedings brought by a former client alleging professional negligence in relation to taxation advice (led by K Williams SC, instructed by Moray & Agnew)
- Acting for the ACCC in various proceedings involving allegations of systemic unconscionable conduct and misleading conduct in relation to the VET FEE-HELP scheme, in *ACCC v Unique International College* [2017] FCA 727; *Unique International College* (2018) 266 FCR 631; *ACCC v Cornerstone Investment Aust Pty Ltd (in liq) (No 4)* [2018] FCA 1408 (led by N O'Bryan SC and D Tynan, instructed by AGS)
- Advising a funds management group in relation to an investigation by ASIC (led by NJ Young KC, instructed by Ashurst)

Commercial law matters (cont'd)

- Acting for the Commonwealth Scientific and Industrial Research Organisation (CSIRO) in Supreme Court proceedings concerning contract law issues and allegations of misleading and deceptive conduct (unled, instructed by Ashurst)
- Acting for Samsung in the *Samsung ats Apple* proceedings in the Federal Court, concerning patent infringement and validity issues, allegations of misuse of market power issues and licensing and foreign law questions (led by NJ Young KC, JE Marshall SC, KJ Howard SC and JS Cooke, instructed by Ashurst)

Public law matters

- Advising the Council of the Bar Association of NSW in relation to the construction and application of jurisdictional provisions in the *Legal Profession Uniform Law (NSW)* 2014 (led by S.Lloyd SC, instructed by the Professional Conduct Department of the Bar Association of NSW)
- Acting for the Minister for Education in judicial review proceedings concerning financial assistance for non-government schools: *Christian Community Ministries Ltd v Minister for Education and Early Learning* [2023] NSWSC 272 (unled, instructed by Maddocks)
- Acting for the Independent Liquor and Gaming Authority in judicial review proceedings concerning a decision under the *Gaming Machines Act 2001* (NSW): *Tourist Accommodation Pty Ltd v ILGA* [2022] NSWSC 1277 (unled) and *Tourist Accommodation Pty Ltd v ILGA* [2023] NSWCA 67 (led by N.Sharp SC) (instructed by the Crown Solicitor's Office)
- Acting for the Secretary of the Department of Planning in relation to an appeal concerning the limitation period for environmental offences: *Aerotropolis Pty Ltd v Secretary, Department of Planning and Environment* [2023] NSWCCA 195 (led by N.Sharp SC, instructed by the Dept of Planning)
- Acting for the CEO of Medicare in relation to civil penalty proceedings concerning prohibited pathology practices in Part IIBA of the *Health Insurance Act 1973* (Cth): *CEO, Medicare v Healius Pathology Pty Ltd* [2023] FCA 981 (led by M Hodge KC, instructed by AGS)
- Acting for the former federal Minister for Agriculture in a class action in the Federal Court alleging misfeasance in public office concerning the suspension of the live cattle export trade, in respect of issues of liability (*Brett Cattle Company Pty Ltd v Minister for Agriculture* [2020] FCA 732 (led by NJ Williams SC and MJ O'Meara) and issues of quantum of damages (eg, *Brett Cattle Company Pty Ltd v Minister for Agriculture (No 4)* [2023] FCA 1303 (led by F McLeod SC and with M Jackson), instructed by AGS)
- Advising Liquor & Gaming NSW in relation to the application of the *Public Lotteries Act 1996* (NSW) to businesses based outside of NSW (unled, instructed by the Department Enterprise, Investment and Trade)
- Acting for Liquor & Gaming NSW in prosecutions under the *Gaming Machines Regulation* (unled, instructed by the Department Enterprise, Investment and Trade)
- Acting for ASIC in judicial review proceedings concerning the product intervention power in Part 7.9A of the *Corporations Act 2001* (Cth): *Cigno Pty Ltd v ASIC* [2020] FCA 479; *Cigno Pty Ltd v ASIC* (2021) 287 FCR 650; [2021] FCAFC 115 (led by S Lloyd SC, instructed by ASIC)

Public law matters (cont'd)

- Acting for the Commissioner of the Australian Federal Police in proceedings under the *Proceeds of Crime Act 2002* (Cth): *Commissioner of the AFP v Bigatton* [2020] NSWSC 245 (unled, instructed by the AFP)
- Advising the Clean Energy Regulator in relation to potential civil penalty proceedings under the *Renewable Energy (Electricity) Act 2000* (Cth) (unled, instructed by Maddocks), and in relation to proceedings for the enforcement of an enforceable undertaking (unled, instructed by AGS)
- Acting for the Australian Communications and Media Authority in proceedings concerning the construction of provisions of the *Interactive Gambling Act 2001* (Cth): *Lottoland Australia Pty Ltd v ACMA* [2019] NSWSC 1041 (led by AM Mitchelmore SC, instructed by AGS)
- Advising the NDIS Quality and Safeguards Commission on issues concerning banning orders and civil penalty proceedings under the *National Disability Insurance Scheme Act 2013* (Cth) (unled, instructed by the NDIS Commission)
- Acting in various matters for Comcare in proceedings in the AAT concerning decisions made under the *Safety, Rehabilitation and Compensation Act 1988* (Cth), eg, *Yates and Comcare* [2023] AATA 32; *Singh and Comcare* [2023] AATA 720; *McCracken and Comcare* [2021] AATA 4819; *Slip and Comcare* [2019] AATA 5192 (unled, instructed by Moray & Agnew, AGS and Sparke Helmore)
- Acting for the ACCC in judicial review proceedings in the Federal Court relating to the telecommunications access regime in Part XIC of the *Competition and Consumer Act 2010* (Cth): *Vodafone Hutchison Australia Pty Ltd v ACCC* [2017] FCA 1549 (led by S Lloyd SC, instructed by DLA Piper)
- Acting for the Deputy Commissioner of Taxation in Supreme Court and Court of Appeal proceedings involving allegations of misfeasance in public office: *Frangieh v Deputy Commissioner of Taxation* [2018] NSWCA 337 (led by RJ Weber SC, instructed by Ashurst)
- Acting for an ICAC investigator defending proceedings alleging misfeasance in public office, in the Supreme Court, Court of Appeal and High Court (special leave): *Obeid v Ipp* [2016] NSWSC 1376; *Obeid v Lockley* (2018) 98 NSWLR 258 (NSWCA); and *Obeid v Lockley* [2018] HCATrans 239 (led by E Cheeseman SC, instructed by NSW Crown Solicitor's Office)
- Acting for various foreign states (United States of America, United Kingdom, Federal Republic of Germany, Republic of Lithuania) in extradition proceedings under the *Extradition Act 1988* (Cth) before Local Court magistrates and in the Federal Court (eg, *Kalinovas v Republic of Lithuania* [2015] FCA 961) (unled, instructed by AGS, the Attorney-General's Department, and Ashurst)
- 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)
- Advising Screen Australia in respect of issues concerning the producer offset in Div 376 of the *Income Tax Assessment Act 1997* (unled)

PREVIOUS EXPERIENCE

- Nov 2006 – Solicitor and then Senior Associate – Ashurst Australia (then Blake Dawson)
 Mar 2012
- 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

PUBLICATIONS AND PRESENTATIONS

Presentations

- CLE presentation at Ashurst, 2023 – Briefing counsel and preparing for hearings
- CLE presentations at DLA Piper, 2017 and 2018
- “Advocates’ immunity: recent developments” CLE presentation to Ashurst, 16 July 2015
- “Recent developments concerning advocates’ immunity” Paper presented at the Salvos Legal conference, 14 March 2015

Publications

- Patterson S, “Competition Law” in Lindgren K, *Business Law of Australia* (12th edition, Sydney: LexisNexis, 2011) [also updating author for the looseleaf version (hard copy and online)]
- 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