

STEPHANIE PATTERSON

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PRACTICE

Briefs accepted in all areas of law. 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, extradition and migration law

ADMISSIONS & MEMBERSHIPS

Admissions:

2012 – Barrister
2007 – Solicitor

Memberships:

NSW Bar Association Practice Development Committee
NSW Bar Association Professional Conduct Committee #3

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 in the AAT concerning banning orders made under ss 920A and 920B of the *Corporations Act 2001* (Cth) (unled, instructed by ASIC)
- 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] FCAFC 111 (led by K Stern SC, and then by N Hutley SC and J Clarke SC, instructed by ASIC)
- Acting for a global IT company in a contract dispute with a telecommunications provider in Supreme Court proceedings (led by AJL Bannon SC, C Colquhoun and with W WU, instructed by Bird & Bird)
- Acting for the ACCC in proceedings against registered training organisations involving allegations of unconscionable conduct and misleading conduct in respect in relation to the VET FEE-HELP scheme, in:
 - *ACCC v Unique International College* [2017] FCA 727; *Unique International College* [2018] FCAFC 155; *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)
 - *ACCC v Productivity Partners Pty Ltd & Ors* (ongoing) (led by K Stern SC, instructed by Johnson Winter Slattery)

Commercial law matters (cont'd)

- 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 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)
- Advising a funds management group in relation to an investigation by ASIC (led by NJ Young SC, instructed by Ashurst)
- Acting for the administrators of Pasmenco in a contract dispute in the Commercial List in the Supreme Court (instructed by Arnold Bloch Leibler)
- Conducting examinations for the ACCC concerning alleged cartel conduct (unled)
- Acting for a director of a company in relation to proceedings challenging the validity of her removal as a director (led by K Stern SC, instructed by Woolf Associates)
- Acting for Qantas Airways Limited in proceedings seeking restitution in respect of mistaken overpayments (unled, instructed by Ashurst)
- 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 QC, JE Marshall SC, KJ Howard SC and JS Cooke, instructed by Ashurst)
- Acting for the responsible entity of an ASX-listed managed investment scheme in Supreme Court proceedings, concerning issues of trustees' duties, related party transactions, and misleading and deceptive conduct (led by JE Marshall SC, instructed by Ashurst)
- Advising a US-based financial company on potential causes of action and remedies pursuant to the *Corporations Act* and under the general law, concerning AFSLs, product disclosure statements and margin lending (led by SM Nixon, instructed by Ashurst)
- *Gillfillan v Australian Securities & Investments Commission* [2012] NSWCA 370; (2012) 92 ACSR 460 (NSW Court of Appeal) – appeal concerning civil penalties for a breach of directors' duties (led by RG McHugh SC and SM Nixon, instructed by Ashurst)

Public law matters

- Acting for ASIC in judicial reviewing proceedings concerning the new product intervention power in Part 7.9A of the *Corporations Act 2001* (Cth): *Cigno Pty Ltd v ASIC* [2020] FCA 479 (led by S Lloyd SC, instructed by ASIC)
- 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 a Commonwealth Government department in relation to potential civil penalty proceedings (led by M Hodge QC, instructed by AGS)

Public law matters (cont'd)

- 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 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)
- Acting in various matters for Comcare in proceedings in the AAT concerning decisions made under the *Safety, Rehabilitation and Compensation Act 1988* (Cth) (unled, instructed by Moray & Agnew)
- Advising the Clean Energy Regulator in relation to potential civil penalty proceedings under the *Renewable Energy (Electricity) Act 2000* (Cth) (unled, instructed by Maddocks)
- 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: *Brett Cattle Company Pty Ltd v Minister for Agriculture* [2020] FCA 732 (led by NJ Williams SC and MJ O'Meara, instructed by AGS)
- 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] NSWCA; and *Obeid v Lockley* [2018] HCATrans 239 (led by E Cheeseman SC, instructed by NSW Crown Solicitor's Office)
- Advising the Australian Taxation Office in relation to potential claims for damages against it concerning its conduct of audits (unled, instructed by Moray & Agnew)
- Acting for the Tertiary Education Quality Standards Authority in proceedings in the AAT regarding decisions about the registration of a higher education institution (unled, instructed by AGS)
- 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)
- Acting for the State of NSW in tort claims (including misfeasance in public office, malicious prosecution and false imprisonment) brought in the Supreme Court concerning the conduct of NSW police officers (both led and unled, instructed by Norton Rose Fulbright and NSW CSO)
- Acting for the Attorney-General of NSW in proceedings concerning the *Prisoners (Interstate Transfer) Act 1982* (NSW) (unled, instructed by the NSW Department of Justice)
- 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)

Public law matters (cont'd)

- Advising Screen Australia in respect of issues concerning the producer offset in Div 376 of the *Income Tax Assessment Act 1997* (unled)
- Advising on various public law topics, including: the scope of ICAC's power to require NSW state owned corporations to produce documents; the prospects of challenging the lawfulness of the detention of an asylum seeker found to be a refugee but the subject of an adverse security assessment; prospects for judicial review proceedings in relation to decisions made concerning the pharmaceutical benefits scheme; the interpretation and application of local environment plans; the nature and effect of a determination of exclusive native title rights.

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 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