

ANTHONY McGRATH SC

ALINEA CHAMBERS

CONTACT DETAILS

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ADMISSIONS

Admitted to the legal profession: July 1988
Admitted as a barrister in NSW: February 2000
Appointed as Senior Counsel: October 2013
Also entitled to practise in: All Australian jurisdictions

AREAS OF PRACTICE

Equity
Commercial law
Corporations law
Trade practices and competition
Professional negligence
Banking law
Commissions and Inquiries

QUALIFICATIONS

Bachelor of Commerce, University of New South Wales
Bachelor of Laws, University of New South Wales
Master of Laws, University of Cambridge, England

PROFESSIONAL EXPERIENCE

2000 to date: Barrister
1995 – 1999: Senior Associate and Partner at Mallesons Stephen Jacques, Sydney
1992 – 1995: Solicitor at Herbert Smith, London
1989 – 1992: Solicitor at Mallesons Stephen Jacques, Sydney
1987: Tipstaff and Research Assistant to Kirby P, Glass and Hope JJA of the New South Wales Court of Appeal and Hunt CJ in CL of the Supreme Court of New South Wales

Selected as one of The Best Lawyers in Australia for Litigation in 2014, 2015, 2016, 2017, 2018 and 2019

Regularly appears in the New South Wales Supreme Court and the Federal Court of Australia. Appears for parties in mediations, liquidator's examinations, compulsory examinations before the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission and in hearings before Royal Commissions and the Independent Commission Against Corruption.

PROFESSIONAL MEMBERSHIPS

2015 – 2017: Chair, Diversity and Equality Committee, NSW Bar Association

2015 – 2017: Member, Equal Opportunity Committee, Law Council of Australia

SELECTED RECENT CASES

Kraft Foods Group Brands LLC v Bega Cheese Limited (No 8) [2019] FCA 593,

O’Callaghan J – acting for Bega in successful claim against Kraft for misleading and deceptive conduct and passing off over the rights to use distinctive yellow packaging for peanut butter products

Acting for **Rabobank Australia Limited** in 2018 before the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry

Optus Mobile Pty Limited v Telstra Corporation Limited [2018] FCA 745,

Gleeson J – acting for Telstra in defending claim by Optus to stop advertising using the word “unlimited” in mobile phone plans in contravention of the Australian Consumer Law

Deep Investments Pty Limited v Casey [2018] FCA 603, Gleeson J – acting for Raven Capital Pty Limited and Simon Robinson in complex application for summary judgment on the basis of res judicata, issue estoppel, Anshun estoppel and abuse of process

Australian Olympic Committee, Inc v Telstra Corporation Limited [2016] FCA 857, Wigney J – acting for Telstra in successful defence of claim by Australian Olympic Committee to prevent Telstra running television and print advertising campaign for “Olympics on 7” App allowing live streaming of events at Rio Olympic Games on the basis that it breached the Olympic Insignia Protection Act and the Australian Consumer Law

Australian Olympic Committee, Inc v Telstra Corporation Limited [2017] FCAFC 165, Full Court (Greenwood, Nicholas and Burley JJ) – acting for Telstra in successfully defending appeal by Australian Olympic Committee of judgment of Wigney J (see above)

Munstermann v Rayward [2017] NSWSC 133, Stevenson J – acting for Marcus Munstermann in successful claim of oppression in a dispute of deadlock between equal shareholders of a strata services company, resulting in orders that the oppressing shareholder sell out his interests in the company and resign as a director

Treloar Constructions Pty Ltd v Brian McMillan [2017] NSWCA 72, NSW Court of Appeal (Beazley P, Gleeson JA, Emmett AJA) – acting for Brian McMillan in responding to appeal by Treloar Constructions Pty Ltd of judgment of Gibb J on claim against director for insolvent trading

Commonwealth Bank of Australia v The Right Reverend Ian Palmer, Bishop of The Diocese of Bathurst [2015] NSWSC 1856, Hammerschlag J – acting for Commonwealth Bank of Australia in successful claim to enforce Bishop’s letter as security for repayment of \$40 million facility to the bank

Acting as Counsel Assisting the Independent Commission Against Corruption inquiry **Operation Misto** in February – March 2015 concerning corrupt conduct in the supply of services to the University of Sydney, the University of Newcastle and Macquarie University

Acting for Kerry Schott and Ron Quill as witnesses in relation to the Independent Commission Against Corruption inquiries **Operation Spicer and Operation Credo** in 2014 concerning corrupt conduct affecting Sydney Water

Osborne v Iris Diversified Property Pty Limited [2014] NSWSC 1488, Pembroke J – acting for Iris in successful defence of claim for misleading and deceptive conduct in the sale of a property in Campbelltown on which a Black Stump restaurant operated