

# NATASHA CASE

## BARRISTER

Specialist in commercial, regulatory and public law, including inquiries and investigations.

Recent matters have included a successful appeal in the Full Court of the Federal Court turning on the failure of the National Native Title Tribunal to consider climate change evidence, and intervening in proceedings for declaratory relief turning the proper construction of health practitioner legislation.

Current matters involve appearing as counsel assisting an integrity body, and claims involving breach of contract, unconscionable conduct and misleading and deceptive conduct, statutory interpretation, habeas corpus and unlawful detention, and privacy.

In 2023 Natasha provided expert opinion in merit review applications to the Administrative Appeals Tribunal from decisions of the National Disability Insurance Agency as part of a review and dispute resolution program by the Agency and Federal Government in relation to a backlog of applications before the Tribunal.

Natasha is recognised as a Leading Junior of the Australian Bar in the Legal 500 Asia Pacific Guide in Commercial Disputes.

Since 2019, Natasha has been a member of the First Nations Committee of the NSW Bar Association and together with Nicholas Newton administers the Association's First Nations Mentoring Program for Indigenous law students and solicitors.

Prior to being called to the bar, Natasha practised as a solicitor in commercial and public law, including as principal and as in-house counsel.

## SELECT CASES

### Commercial

*Energy Resources of Australia Ltd v Minister for Resources and Minister for Northern Australia (Cth)* NSD1056/2024, unled for fourth respondent on return of orders issued *ex parte*. Instructed by Northern Land Council.

*Top End (Default PBC/CLA) Aboriginal Corporation v Northern Territory & Ors* NTD8/2024 and *Top End (Default PBC/CLA) Aboriginal Corporation v Northern Territory & Ors* NTD10/2024, led by S Glacken KC for the applicant in appeals from National Native Title Tribunal determinations in relation to the application of the expedited procedure under s.32 of the *Native Title Act 1993* (Cth). Instructed by Northern Land Council.

*Gomeri People Native Title Applicant v Santos NSW Pty Ltd and Santos NSW (Narrabri Gas) Pty Ltd* [2024] FCAFC 26 (decision on appeal) and *Gomeri People Native Title Applicant v Santos NSW Pty Ltd and Santos NSW (Narrabri Gas) Pty Ltd (No. 2)* [2024] FCAFC 49 (terms of remitter and costs) for the successful appellant, led by T McAvoy SC, with W Hall. Appeal turned on failure by National Native Title Tribunal to consider climate change evidence. Instructed by NTSCorp.

**Alinea Chambers**

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*Charter Financial Planning Limited & AMP Financial Planning Pty Ltd v Scott North Pty Ltd* NSWSC 2023/00302273, unled for the defendants and cross-claimants. Claims include breach of contract, misleading and deceptive conduct, estoppel and unconscionable conduct. Instructed by Snowton Sage Lawyers.

*Santos NSW Pty Ltd and Energy/Australia Narrabri Gas Pty Ltd v Gomeroi People Native Title Applicant* [2022] NNTTA 74 (19 December 2022), led by T McAvoy SC, with W Hall for the respondent. Opposing future act determination application for Santos in relation to its proposed Narrabri gas project. Instructed by NTSCorp.

*NL Investment Group Pty Ltd v Parc Vue Project Botanic Pty Ltd* [2020] FCA 711, unled for the fifth respondent, successful application to strike out statement of claim. Instructed by The Property Law Group.

*Re Courtenay House Capital Trading Group Pty Ltd (in liq)* [2018] NSWSC 1918; (2018) 133 ASCR 451, led by S Goodman SC, for the fifth and eighth defendants, responding to ASIC application to winding up, and liquidator's applications. Instructed by Armstrong Legal.

*Highhope Holdings Pty Ltd v Heuston* (2014) 291 FLR 150, unled, for the applicant. Successful defence of an application to set aside s 81 examination summons on the ground that it was issued for an improper purpose. Instructed by Hotchkin Hanly Lawyers.

## Regulatory

*Australian Society of Otolaryngology Head and Neck Surgery Ltd v Australian Health Practitioner Regulation Agency* NSD720/2022, unled for the proposed intervener, the Australasian Society of Plastic Surgeons. Leave to intervene granted and hearing on proper construction of Health Practitioner regulation on 1 February 2024. Judgment reserved. Instructed by Hamilton Locke.

*In the matter of RM Capital Pty Ltd* NSD906/2019, led by D Hogan-Doran SC, for the second defendant in civil penalty proceedings brought by ASIC in respect of alleged contraventions of s 963G of the *Corporations Act 2001* (Cth) in relation to acceptance of conflicted remuneration by an authorised representative. Heard on 12 July 2021, judgment reserved. Instructed by Hall & Wilcox.

*UCX Ltd v Australian Communications and Media Authority* [2019] FCA 1345, unled, for successful applicant for urgent interlocutory and final relief relating to broadcasting licence. Instructed by General Counsel University of Canberra.

*Konstantinidis v Council of the Law Society of NSW* [2018] NSWCA 59, led by T Lynch SC, for the appellant from a decision of the NSW Supreme Court. Instructed by T.A. Williams.

*Council of NSW Bar Association v Hanrahan* [2018] NSWCATOD 44, unled, for the barrister respondent to application to vary information against him, achieving reduction in number of disciplinary findings and orders. Instructed by T.A. Williams.

*Colquhoun v Health Care Complaints Commission* [2015] NSWSC 387, led by P Griffin SC, for the respondent to an appeal to the NSW Supreme Court from a disciplinary decision of the NSWCAT Occupational Division. Instructed by Crown Solicitor's Office (NSW).

## Public law

*BOE21 v Commonwealth of Australia* NSD168/2024, led by L de Ferrari SC in application for habeas corpus and unlawful detention. Instructed by Zarifi Lawyers.

*Solaris v Health Care Complaints Commission* [2024] NSWCATOD 97, unled for the respondent, successful resistance of stay of interim prohibition order. Instructed by HCCC.

*Mohareb v Health Care Complaints Commission* [2023] NSWSC 1224, unled for the successful Respondent in application to strike out the plaintiff's application for judicial review. Instructed by HCCC.

*In the matter of Primesolve Pty Ltd* AAT 2021/5852, unled, for the Commissioner of Taxation (settled prior to hearing). Instructed by ATO.

*Lu v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2019] FCA 2062, unled for the successful respondent to an appeal from the decision of the Federal Circuit Court. Instructed by HWL Ebsworth.

*University of Canberra v Australian Communications and Media Authority* (AAT 1212 of 2019), unled, for applicant seeking orders in the nature of *mandamus*. Application settled in the course of the hearing. Instructed by General Counsel, University of Canberra.

## Inquiries

Appeared as Counsel Assisting in inquiry by integrity body, March 2024.

*Inquiry by the Honourable Patricia Bergin SC under section 143 of the Casino Control Act 1992(NSW)* (2020) led by S Finch SC and J Stoljar SC, with Z Hillman, for Melco Resorts and Entertainment Ltd in relation to the suitability of Crown Resorts Ltd to hold a restricted gaming licence. Instructed by Clayton Utz.

## Examinations

Appearances for persons of interest in compulsory examinations under s.19 of the ASIC Act relating to inquiries into alleged civil penalty contraventions and corporate criminal offences.

Appearing for creditors in public examinations under s.81 *Bankruptcy Act 1966* (Cth)

Appearing for respondents to liquidator examinations under s.569A *Corporations Act 2001* (Cth).

## ADMISSION TO PRACTISE

Barrister (NSW)	17 May 2013
High Court and Federal Court	2002
Legal Practitioner (WA)	2002
Legal Practitioner (NSW)	5 October 2001

## ACADEMIC

BA HONS (First Class), UNSW	1999
BA/LLB, University of Melbourne	2000

## PROFESSIONAL EXPERIENCE

<b>Barrister</b>	May 2013
<b>In-house counsel</b>	2011 – 2013
Office of the Information and Privacy Commission (NSW)	
Led the review function of the Commission under the <i>Government Information (Public Access) Act 2013</i> (NSW) and appeared for the Information Commissioner as <i>amicus curiae</i> in hearings before the NSW Civil and Administrative Tribunal and Appeal Panel.	
<b>Principal Solicitor and Senior Solicitor</b>	2008 – 2011
Public Interest Advocacy Centre (Sydney)	
Conducted strategic public interest litigation including in the areas of defamation (imputation that the plaintiff was a terrorist, quantum of damages), patents (human gene patents) and human rights (sexuality, race and disability discrimination).	
<b>Solicitor</b>	2001 – 2003
Cridlands Lawyers (Sydney)	
Briefed counsel in matters before the Federal Court (native title), Supreme Court of NSW (admiralty, commercial) and Land and Environment Court (merits and judicial review) for corporate clients and high net worth individuals.	
<b>Solicitor</b>	
Yamatji Marlpa Aboriginal Corporation (Karratha, WA)	
Advised and appeared for West Pilbara native title claimants in relation to native title claims and future acts in the Federal Court and National Native Title Tribunal.	

August 2024