

# NATASHA CASE

## BARRISTER

Natasha Case specialises in commercial litigation and corporate and regulatory litigation and investigations, and was recognised as a rising star of the Australian Bar in the Legal 500 Asia Pacific 2022 category of Commercial Disputes.

She has appeared for persons of interest in commissions of inquiry including the recent inquiry conducted by retired justice Patricia Bergin under the *Casino Control Act 1992* (NSW), in which she appeared for Melco Resorts & Entertainment Ltd, as well as ASIC investigations into corporate criminal conduct, and civil penalty proceedings.

Prior to coming to the bar, Natasha was a solicitor for 12 years, with a varied practice in commercial and public law, including as principal and as in-house counsel.

Natasha has served the community, as a student, solicitor and barrister, most recently as a member of the NSW Bar Association First Nations Committee.

## ADMISSIONS

Barrister (NSW)	April 2013
High Court and Federal Court	2002
Legal Practitioner (WA)	2002
Legal Practitioner (NSW)	October 2001

## ACADEMIC

BA (HONS I)/LLB, University of Melbourne	1998
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## PROFESSIONAL EXPERIENCE

Barrister	April 2013
In-house counsel	2011 – 2013
Office of the Information and Privacy Commission (NSW)	
Led the conduct of reviews of agency decisions 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.	
Principal Solicitor/Senior Solicitor	2008 – 2011

### Alinea Chambers

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Public Interest Advocacy Centre (Sydney)

Briefed counsel in a range of strategic interest matters including the unlawful imprisonment of a person with a disability in an institutional setting, the

Solicitor

2003 – 2007

Cridlands Lawyers (Sydney)

Commercial litigation solicitor instructing counsel in a range of commercial litigation in the Supreme Court of NSW and land and environment court matters relating to property development.

Solicitor

2001 – 2003

Yamatji Marpa Aboriginal Corporation (Karratha, WA)

Advised claimants in relation to native title claims and acted in relation to future act agreements including the Burrup Agreement and the commencement of the multi-party east Pilbara agreement.

## SELECT CASES

### Commercial

*Santos NSW Pty Ltd and Energy/Australia Narrabri Gas Pty Ltd v Gomeroi People Native Title Applicant* (NF2021/003-006), led by T McAvoy SC for the native title party in expedited arbitration application involving considerations including of statutory duty of good faith and climate change before the National Native Title Tribunal. Listed for hearing in April 2022.

*NL Investment Group Pty Ltd v Parc Vue Project Botanic Pty Ltd* (VID1356 of 2019), unled, for the fourth defendant in proceedings seeking damages for alleged breach of collateral warranty, deceit, and misleading and deceptive conduct in contravention of s 1041H of the *Corporations Act 2001* (Cth), 12DA of the *Australian Securities and Investments Act 2001* (Cth), and s 18 of the Australian Consumer Law, in connection with a large property development in Melbourne.

*Hall v University of Canberra* [2020] WADC 25, unled, for the respondent to an appeal from a decision of a Magistrate to the District Court of Western Australia, power of Magistrate to order a stay under s 16 of the *Magistrates Court of Western Australia (Civil Proceedings) Act 2004* (WA) and effect of s 20(4) of the *Service and Execution of Process Act 1992* (Cth).

*NL Investment Group Pty Ltd v Parc Vue Project Botanic Pty Ltd* [2020] FCA 711, unled, for the fourth defendant. Successful application to strike out whole of pleading and process seeking damages for alleged misrepresentation amounting to contravention of s 1041E and F of the *Corporations Act 2001* (Cth), in connection with a large property development in Melbourne.

*University of Canberra v Australian Communications and Media Authority* (AAT 1212 of 2019), unled, for applicant seeking orders in the nature of *mandamus* requiring the Authority to exercise its powers under the *Radiocommunications Act 1992* (Cth) to correct register. Application settled in the course of the hearing.

*UCX Ltd v Australian Communications and Media Authority* [2019] FCA 1345, unled, for applicant for urgent interlocutory and final relief relating to broadcasting licence.

*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, opposing liquidator's application under s 1323 of the *Corporations Act* to exclude

access to funds for the purposes of funding their defence and living expenses; *In the matter of Courtenay House Capital Trading Group Pty Ltd* [2017] NSWSC 883 return of application for freezing orders granted *ex parte*.

*La Perouse Local Aboriginal Land Council v Minister Administering the Crown Lands Act* (NSW Land and Environment Court 18/99180, 18/99189, 18/99193, 18/99195), unled, for the Minister instructed by the NSW Crown Solicitor in Class 3 appeal from the refusal of application under the *Aboriginal Land Rights Act 1983* (NSW). Application withdrawn prior to hearing.

*In the matter of Icon Brewing Company Pty Ltd* (NSW Supreme Court 2017/00125559), unled, for the defendant to an application to set aside statutory demand. Settled following three day hearing, before judgment given.

*Hamilton v Hamilton* [2016] NSWSC (expedition list), unled, for the second defendant and cross-claimant. Farm succession dispute involving allegations of breach of contract, partnership dispute, proprietary estoppel and constructive trust. Settled at hearing.

*McBride v Christie's Australia Pty Ltd* [2014] NSWSC 1729, led by E Muston SC, for the first defendant, Christie's. Breach of contract, misleading and deceptive conduct.

*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.

## Regulatory and inquiries

*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 authorised representative. Heard on 12 July 2021, Jackson J reserving judgment pending the separate hearing of the claim against RM Capital.

*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.

*Operation Cavill* (2014), led by P Griffin SC, for a person of interest in ICAC inquiry. Construction and application of *Election Funding, Expenditure and Disclosures Act 1981*(NSW).

## Public law

*Lu v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2019] FCA 2062, unled, for the respondent to an appeal from the decision of the Federal Circuit Court to refuse to set aside decision to reject an application for a spouse visa.

*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.

*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.

*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.

*Waterhouse v Independent Commission Against Corruption (No 3)* [2015] NSWSC 261, led by N Beaumont SC, for respondent to application for judicial review of a decision of the ICAC.

*Esposito v Commonwealth of Australia* [2013] FCA 1039, led by E Muston SC for the Office of the Environment and Heritage (NSW), led by E Muston SC in defence of application for judicial review of the Minister's decision and alleged breach of s.51(xxxi) of the Constitution in the acquisition of land.

February 2022