

CATHERINE HAMILTON-JEWELL

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Qualifications

B.Bus, LLB (First Class Honours) (UTS)

Admitted to the legal profession 2004

Called to the bar 2017

Core Practice Areas

Bankruptcy & Insolvency

Commercial and equity

Commissions of inquiry

Competition & consumer law

Corporations Law

Criminal law: corporate and financial matters

Proceeds of Crime

Regulatory matters

White collar crime

Positions

Co Vice-Chair, Women Barristers Forum (July 2018 – present)

New South Wales Bar Association New Barristers Committee (2017–18)

Professional experience

8th Floor Selborne Chambers May 2017- Apr 2019

MinterEllison (Sydney), 2010-17

Special Counsel and Senior Associate, Litigation (general commercial and insolvency)

Mallesons Stephen Jaques (Perth), 2008-10

Solicitor, Litigation (insolvency)

Commonwealth Director of Public Prosecution (Darwin / Perth), 2006-08

Senior Legal Officer / Legal Officer (Proceeds of Crime & General Prosecutions teams)

Awards

Best Individual Oralist Award, Stetson International Environmental Law Moot, USA 2003, International rounds, best oralist out of all competing countries and universities.

Winner Australasian rounds, Stetson International Environmental Law Moot, Overall moot winner Australasian rounds, Queensland 2003.

Publications

“Ecosse Property Holdings Pty Limited v Gee Dee Nominees Pty Ltd [2017] HCA 12”, Recent Developments, *Bar News*, Spring 2017.

The New Registered Organisations Commission - An enhanced regime for the regulation of registered organisations: December 2016.

Standing alongside your insured - when an insurer will have a common interest: April 2014.

How 'advice' and independence influence claims for privilege by in-house counsel: April 2014.

Selected cases

As Junior Counsel (led)

- *Claim by Liquidators, Supreme Court Proceedings*: claim by Liquidators for recovery of uncommercial director related transactions and other claims, led by J Giles SC and P Knowles (ongoing).
- *ACCC v Australian Institute of Professional Education Pty Limited (in liq)*: [2018]: claim by ACCC of system or pattern of unconscionable conduct by registered training organisation in relation to provision of VET FEE-HELP courses. Appeared for liquidators of company on defending system case: led by K Morgan SC. Waiting judgment.
- *Australian Competition and Consumer Commission v Australian Institute of Professional Education Pty Ltd (in liq) (No 2)* [2018] FCA 1459: application to exclude evidence filed late, led by K Morgan SC.
- *Kelly (liquidator), in the matter of Australian Institute of Professional Education Pty Limited (in liq)* [2018] FCA 780; 16 ABC(NS) 148: application for judicial advice by liquidators in relation to defence and conduct of proceedings brought against company, led by K Morgan SC.
- *In the matter of Australian Institute of Professional Education Pty Limited (In Liquidation)* [2018] NSWSC 1028: application for directions by Liquidator concerning interaction between priority of distribution of assets in liquidation under the Corporations Act 2001 (Cth) and amount protected under Education Services for Overseas Students Act 2000 (Cth), led by D Pritchard SC.
- *Pacific Equity Partners Pty Ltd v Kerwick & Adamantem* [2017] NSWSC 1302: preliminary discovery application, led by P Crutchfield QC
- *Blacket v Barnett* [2017] NSWSC 1032: claim that executors held property on trust for defendant, equitable estoppel, claim for equitable compensation led by S Balafoutis.
- *Dean v Aylward* [2017] NSWSC 972: proprietary estoppel, resulting trust and gift on condition, led by S Balafoutis.
- *In the matter of South Head & District Synagogue (Sydney) (In liquidation)* [2017] FCA 1206: application by liquidators for approval of litigation funding agreement, led by S Balafoutis.
- *Supreme Court Proceedings*: claim pursuant to s 37A *Conveyancing Act* in relation to transfer of property, act for plaintiff seeking declarations in relation to property, led by M Elliott SC.

As Junior Counsel (unled)

- *Kelly (liquidator), in the matter of Australian Institute of Professional Education Pty Limited (in liq)* [2018] FCA 642: application by liquidators for approval to enter into a litigation funding agreement on behalf of company in liquidation.
- *In the matter of Endeavour Energy Network Management Pty Limited* [2017] NSWSC 1825: application for leave to manage corporation while disqualified
- *The Sydney Cosmetic Specialist Clinic Pty Ltd v Hu* [2017] NSWSC 1658: application for leave to file amended statement of claim
- *District Court Proceedings*: various proceedings in relation to contract and debt claims. Appeared on various interlocutory applications, including applications for leave to amend, and procedural motions.
- *Corporations List matters*: appeared in various Corporations List matters including applications for winding up, applications to reinstate company and statutory demand proceedings
- *Local Court proceedings*: appeared in various Local Court hearings, including in relation to applications for security for costs.
- *Regulatory*: appeared for various defendants in regulatory criminal proceedings. Appeared on plea and sentence hearings.

As a solicitor

- *Royal Commission into Trade Union Governance and Corruption*: Secondment to Solicitor Assisting the Commission team.
- *Proceeds of Crime Act 2002 (Cth) / Mutual Assistance in Criminal Matters Act 1987 (Cth)*: advised investment fund in relation to purchase of significant asset and of risks of future confiscation or forfeiture orders
- *OZ Minerals shareholder class action*: acted for former directors of OZ Minerals in securities class action involved misleading conduct claims and fraud on the market claims
- *Qantas v Rolls Royce -Airbus A380 engine failure*: acted for Qantas in a significant transnational commercial contract dispute and injunctive action (anti-anti suit injunction) taken to protect Qantas' right to litigate in Australia.
- *Prowse v Rocklands Richfield Ltd* [2012] NSWSC 448 (appeared); *Prowse v Rocklands Richfield* [2012] NSW 799: acted for ASX listed company, a major shareholder of a Queensland-based coal exploration company, against minority shareholders in proceedings related to the *Corporations Act 2001*(Cth) (oppression / breach of duty) and breach of shareholder agreements
- *CMA Corporation Ltd v Rowe (No 1)* [2010] FCA 1340; *CMA Corporation Ltd v Rowe (No 2)* [2010] FCA 1364; *CMA Corporation Ltd v Rowe (No 3)* [2010] FCA 1433: acted for ASX listed company in proceedings related to the *Corporations Act 2001* (Cth) (breach of duty, related party transactions and misleading statements) against former directors

- *BGC Contracting Pty Ltd v WA Construction Hire Pty Ltd* [2010] WASC 25: acted for company in seeking urgent injunctive against former employees in claims for breach of fiduciary duties and breach of employment contract
- Advised director of ASX listed company in relation to ASIC investigation for insider trading and market manipulation
- *Commonwealth prosecutions*: prosecuted offences for obtaining benefit by deception, child sex tourism offences, illegal foreign fishing offences and *Corporations Act 2001* (Cth) offences; various proceeds of crime applications.