

Catherine Hamilton-Jewell

Barrister

Admissions	Barrister: 2017 (May) Solicitor: 2004 (Dec)
Qualifications	Insolvency Education Programme (Master Level course), (QUT) 2008 B.Business / LLB (First Class Honours) (UTS) 2004 <i>Best Individual Oralist</i> - Stetson International Environmental Law Moot, Florida USA (2003) <i>Winner Australasian rounds</i> , Stetson International Environmental Law Moot, Aus (2003) Jessup International Law Moot, Australian rounds (2002)
Rankings	The Legal 500: Commercial Disputes Leading Junior (2023); The Legal 500: Commercial Disputes Rising Star (2022)
Professional experience	since 2017 Barrister, New South Wales Bar 2010 – 2017 MinterEllison 2008 – 2010 Mallesons Stephen Jaques (now King & Wood Mallesons) 2006 – 2008 Commonwealth Director of Public Prosecutions 2005 – 2006 Excel Logistics Pty Ltd (now part of DHL)
Practice Areas:	Banking and Finance Law Competition and Consumer Law Corporations Law Regulatory investigations and disputes Commercial Law Commissions of inquiry Insolvency and bankruptcy White collar crime

Summary

Catherine is briefed in a range of matters, with a particular focus on insolvency, regulatory disputes, and white collar crime. She acts for a range of clients including ASX 200 and multi-national corporations, insolvency practitioners, trustees, financial institutions, partnerships, small businesses, and individuals. Prior to coming to the Bar, Catherine had over 12 years' experience as a solicitor, including at MinterEllison and Mallesons Stephen Jaques (as it then was) and the Commonwealth DPP.

The Legal 500 has ranked Catherine as a Leading Junior of the Australian Bar in commercial disputes, regarded as having “*amazing attention to detail*” and “*an excellent technical skillset.*”

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Selected Cases

Commercial and Financial Litigation

Westpac v Forum Finance: Federal Court of Australia proceedings concerning \$350M fraud, tort of unlawful means conspiracy, breach of trust and misleading or deceptive conduct claims: led by J Stoljar SC and V Brigiden: see

- [2022] FCA 1206 (freezing order variation 2);
- [2022] FCA 981 (apprehended bias application);
- [2022] FCA 910 (freezing order variation 1);
- [2022] FCA 171 (declaration regarding sale of property);
- [2021] FCA 1341 (contempt application and warrant for arrest);
- [2021] FCA 1340 (suppression orders);
- [2021] FCA 807 (just and equitable winding up).

Westpac v Rithnapa: Supreme Court of NSW proceedings for possession of property where fraudulent transfer of title has been alleged, unled, ongoing.

Westpac v Keary: Supreme Court of NSW proceedings for possession of property restrained by proceeds of crime orders, unled: see [2021] NSWSC 1313.

OnePro Baulkham Hills v Ming Tian Real Property: Supreme Court of NSW breach of contract claims, led by C Tam: see [2020] NSWSC 1043.

Bacchus Resources Pty Ltd v Talisman Mining Limited: Supreme Court of NSW proceedings in connection with joint venture and contract dispute, led by J C Giles SC: see [2019] NSWSC 1044.

Pacific Equity Partners Pty Ltd v Kerwick: Supreme Court of NSW preliminary discovery application, led by P Crutchfield QC: see [2017] NSWSC 1302, (2017) 273 IR 318.

Insolvency and bankruptcy matters

In the matter of Aboriginal Community Benefit Fund Pty Ltd (in liq): application for the appointment of special purpose liquidators to the ACBF companies, led by S Maiden KC: see [2022] NSWSC 1784.

Lucan (Trustee) v State of New South Wales,: acted for trustee in application for an order vesting disclaimed property back in the name of the trustee, unled, see [2022] FCA 751.

Tipsy Cake Pty Ltd: Federal Court of Australia proceedings for winding up of foreign application regarding restaurant “Dinner by Heston Blumenthal”, unled: see [2020] FCA 190.

In the matter of Australian Institute of Professional Education Pty Limited (In Liquidation): acted for liquidators in winding up of company and related proceedings: including

- Supreme Court of NSW uncommercial transaction and preference claims, unled, ongoing;
- Supreme Court of NSW proceedings concerning insolvent transactions and breach of duty claims, led by J C Giles SC and P Knowles (settled 2019);

- [2019] FCA 1600: liquidators' extension of time application, led by J C Giles SC;
- [2018] FCA 780: judicial advice about defence of proceedings, led by K Morgan SC;
- [2018] FCA 642: application for approval for funding agreement, unled;
- [2018] NSWSC 1028, (2018) 334 FLR 401: judicial advice about trust claims and priorities, led by D Pritchard SC.

In the matter of Endeavour Energy Network Management Pty Limited: Supreme Court of NSW applicant for leave to manage corporation while disqualified, unled: see [2017] NSWSC 1825.

In the matter of South Head & District Synagogue (Sydney) (In liquidation): application by for approval of litigation funding agreement, led by S Balafoutis: see [2017] FCA 1206.

Corporations List matters: appear unled in various Corporations List matters including winding up and statutory demand proceedings.

Examinations: regularly conducts and appears in liquidator's examinations.

Class Actions

Haswell v Commonwealth of Australia: Federal Court of Australia representative proceedings acting for the Commonwealth (PFAS Contamination), led by R Lancaster SC, S Callan SC, C Gleeson and O Jones.

Fox v Westpac Banking Corporation: Victorian Supreme Court representative proceedings acting for Westpac (Flex Commissions), led by P Neskovic QC: [2021] VSC 573 (Group Costs Orders).

Regulatory and Inquiries

Suitability inquiries into Crown Resorts Limited: acting for Crown Resorts in the NSW Casino Inquiry, led by N Young QC, R Orr QC, P Herzfeld and K Loxley.

Royal Commission into Agreed Care Quality and Safety acted for individual (unled, instructed by MinterEllison).

ACCC v AIPE: Federal Court of Australia acted for liquidators of AIPE in defence of pecuniary penalty proceedings, led by K Morgan SC: see

- [2021] FCA 1516, (2021) 397 ALR 208 (penalty judgment).
- [2020] FCA 1811 (enrolment);
- [2019] FCA 1982 (liability judgment);
- [2018] FCA 1459 (admissibility of expert evidence).

Royal Commission into Trade Union Governance and Corruption (2014-2015), as a solicitor on Solicitor Assisting team.

ASIC, ACCC and other regulatory examinations: regularly act for regulators and individuals in compulsory examinations and civil penalty investigations.

White Collar and Financial Crime

Advised and appeared in relation to *Proceeds of Crime* matters.

Appeared in sentence appeal matters in District Court of New South Wales.

Appeared as Crown Prosecutor in indictable and summary offences (jury and judge alone trials).

Appeared and advised in prosecution and defence of summary prosecutions for breach of *Corporations Act* and *Liquor and Gaming Act*. appeared for various corporate defendants in regulatory criminal proceedings. Appeared on plea and sentence hearings.

Advised prosecution agencies in relation to availability of enforcement action, including criminal proceedings.

Other Matters

DPIE v Greentree: Land and Environment Court: appeared for prosecutor in class 5 proceedings for land clearing offences, led by S Callan SC: see

- [2022] NSWLEC 153 (liability judgment);
- [2021] NSWLEC 28 (unled) (application to set aside notice to produce);
- [2021] NSWLEC 6 (unled) (trial adjournment application);
- [2020] NSWLEC 130 (admissibility of records as business records);
- [2020] NSWLEC 129 (application to lead further evidence);
- [2020] NSWLEC 126 (admissibility of expert evidence);
- [2019] NSWLEC 187 (unled) (joinder application).

Council of the Law Society proceedings restraining person from engaging in legal practice, led by B Tronson: see

- [2021] NSWSC 192 (unled) (suppression and non-publication orders);
- [2020] NSWSC 1912 (suppression and non-publication orders);
- [2019] NSWSC 1079 (final order restraining person from engaging in legal practice);
- [2019] NSWSC 874 (interim order restraining person from engaging in legal practice).
