

CATHERINE HAMILTON-JEWELL

Alinea Chambers

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Catherine's principal areas of practice are commercial litigation, insolvency, financial and regulatory disputes, and white collar crime. She also has experience in class actions, regulatory prosecutions and environmental prosecutions. Catherine appears led and unled in the Supreme Court of New South Wales and in the Federal Court of Australia and lower courts and tribunals and inquiries.

Catherine has acted for a range of clients including ASX 200 and multi-national corporations, 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 and the Commonwealth DPP.

Recognised by The Legal 500 as a Rising Star of the Australian Bar (2022), with publication feedback that Catherine is regarded as having '*great technical knowledge ... with practical solutions*'. She also volunteers as part of the Duty Barristers Scheme.

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| | Rising Star – Legal 500 (2022) | |
| Qualifications | Bachelor of Business, Bachelor of Laws (First Class Honours) University of Technology, Sydney | |
| | <i>Best Individual Oralist International Rounds - Stetson International Environmental Law Moot, USA (2003); Winner Australasian rounds, Stetson International Environmental Law Moot, Overall moot winner Australasian rounds, Queensland 2003; Individual Jessup International Law Moot (2002).</i> | |
| | Called to the bar | 2017 (May) |
| | Admitted to the legal profession | 2004 |
| Practice Areas | Banking & Financial Services Bankruptcy & Insolvency Class actions Commercial Litigation Commissions of inquiry Competition and Consumer Law | Corporations Law Equity & Trusts Regulatory disputes Regulatory & Corporate disputes White collar & corporate crime |
| Professional experience | Alinea Chambers | Apr 2019 – Current |
| | 8th Floor Selborne Chambers | May 2017- Apr 2019 |
| | MinterEllison | 2010-2017 |
| | King & Wood Mallesons (as Mallesons Stephen Jaques) | 2008-2010 |
| | Commonwealth Director of Public Prosecutions | 2006-2007 |

Selected Cases **Commercial and Financial Litigation**

Westpac Banking Corporation v Forum Finance Pty Ltd – Federal Court of Australia: acting for Westpac in claims concerning \$350M fraud, tort of unlawful means conspiracy, breach of trust and misleading or deceptive conduct claims (led by J C Giles SC and V Brigden, instructed by MinterEllison): see [2021] FCA 807 (winding up); [2021] FCA 1340; [2021] FCA 1341 (contempt); [2022] FCA 171 (sale of properties).

Westpac Banking Corporation v Keary – Supreme Court of NSW: acting for Westpac in possession proceedings (unled, instructed by MinterEllison): see [2021] NSWSC 1313.

Tipsy Cake Pty Ltd – Federal Court of Australia: acted for Crown Melbourne as interested party in winding up application regarding restaurant “Dinner by Heston Blumenthal” (unled, instructed by MinterEllison): see [2020] FCA 190.

OnePro Baulkham Hills v Ming Tian Real Property – Supreme Court of NSW: breach of contract claims, including for consequential losses (led by C Tam, instructed by Holding Redlich): see [2020] NSWSC 1043.

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

Franchising dispute – Local Court of NSW [2019]: acted for defendant in proceedings concerning debt claim arising from franchising dispute (unled, instructed by Norton Rose).

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

Blacket v Barnett – Supreme Court of NSW: acted for executors of estate in connection with equitable estoppel and equitable compensation claims (led by S Balafoutis, instructed by Carneys Lawyers): see [2017] NSWSC 1032.

Dean v Aylward – Supreme Court of NSW: acted for plaintiff in proprietary estoppel, resulting trust and gift on condition claims (led by S Balafoutis): see [2017] NSWSC 972.

Qantas v Rolls Royce – Airbus A380 engine failure – Federal Court of Australia: 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 (As a solicitor).

Corporations List matters: appeared unled in winding up applications, applications to re-register corporations, and statutory demand proceedings.

District Court and Local Court Proceedings: appeared unled in proceedings in relation to contract and debt claims, including interlocutory applications, final hearings and costs motions.

Insolvency and bankruptcy matters

In the matter of Australian Institute of Professional Education Pty Limited (In Liquidation)

- Supreme Court of NSW: acted for liquidators in seeking judicial advice about trust claims and priorities (led by D Pritchard SC): see [2018] NSWSC 1028, (2018) 334 FLR 401;
- Federal Court of Australia: acted for liquidators in seeking judicial advice about defence of proceedings (led by K Morgan SC): see [2018] FCA 780;
- Federal Court of Australia: acted for liquidators in extension of time application (led by J C Giles SC): see [2019] FCA 1600;
- Supreme Court of NSW: acted for liquidators in relation to insolvent transaction and breach of duty claims (Led by J C Giles SC and P Knowles): settled [2019];
- Supreme Court of NSW: act for liquidators in relation to uncommercial transaction and preference claims (ongoing).

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

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

Regulatory and Inquiries

Suitability inquiries into Crown Resorts Limited: acting for Crown Resorts in the NSW Casino Inquiry (led by N Young QC and R Orr QC, instructed by MinterEllison).

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

Royal Commission into Trade Union Governance and Corruption (2014-2015), Solicitor Assisting team (MinterEllison).

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

ACCC v AIPE – Federal Court of Australia: acted for liquidators of AIPE in defence of pecuniary penalty proceedings (led by K Morgan SC): see [2018] FCA 1459; [2019] FCA 1982; [2020] FCA 1811; [2021] FCA 1516, (2021) 397 ALR 208.

Class Actions

Fox v Westpac Banking Corporation & Anor – Victorian Supreme Court: acting for Westpac and subsidiary in a representative proceeding (Flex Commissions) (led by P Neskovic QC, instructed by King & Wood Mallesons): see [2021] VSC 573 (Group Costs Orders).

OZ Minerals – Federal Court of Australia: acted for non-executive directors (Securities class action) (as a solicitor).

White Collar and Financial Crime

Advised and appeared in relation to *Proceeds of Crime* matters, including in relation to restraining orders, forfeiture applications and mutual assistance in criminal 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 & Ors – Land and Environment Court: appeared for prosecutor in class 5 proceedings for land clearing offences (led by S Callan SC, instructed by DPIE): see [2019] NSWLEC 187 (unled); [2020] NSWLEC 126; [2020] NSWLEC 129; [2020] NSWLEC 130; [2021] NSWLEC 6 (unled); [2021] NSWLEC 28 (unled).

Supreme Court of New South Wales: acted for the Council of the Law Society in proceedings restraining solicitor from practice (led by B Tronson, instructed by Law Society): see [2019] NSWSC 874; [2021] NSWSC 192 (unled).

Pro Bono: participate in duty barristers scheme, advise and appear in pro bono proceedings.