

EMILY O'BRIEN

YEAR OF CALL: 2024

Emily accepts briefs in all areas of law, with a particular focus on commercial and public law.

Prior to her call to the Bar, Emily was legal counsel for a global resources company where she managed a diverse portfolio of litigation and disputes. She has particular experience in large-scale commercial and contractual disputes, regulatory investigations and inquiries. She is also experienced in conducting investigations into allegations of misconduct.

Emily was admitted as a solicitor in 2009 and has practiced across the government, aviation and resources sectors. She commenced her career as a solicitor at Clayton Utz and has held in-house roles for an airline and mining house. She also served as an Associate to the Hon. Justice KGW Mackenzie in the Supreme Court of Queensland.

Emily holds a Bachelor of Laws (First Class Honours) from the University of Queensland.

AREAS OF PRACTICE

Appellate, Arbitration, Commercial Equity, Corporations, Employment & Industrial, Inquiries & Coronial Inquests, Judicial Review & Administrative, Land Law & Property, Professional Discipline & Regulatory, Resources & Energy.

EXPERIENCE

Experience as a solicitor includes:

- > Acting for BMA in defence of a \$294M claim for loss of opportunity.
- > Defence of a \$6M Federal Court claim seeking recovery of redundancy payments arising out of the exercise of a right of termination for convenience.
- > Defence of a \$20M Supreme Court claim for breach of contract by an engineering service provider.
- > Defence of a Supreme Court claim for defamation and breach of employment contract by a former employee.
- > Defence of disciplinary proceedings by the Board of Professional Engineers.

LEVEL

TWENTY
SEVEN

CHAMBERS



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- > Defence of a prosecution for alleged breaches of the *Coal Mining Safety and Health Act 1999* (Qld).
- > Appearing at conciliations before the Australian Human Rights Commission and state Anti-Discrimination tribunals in defence of discrimination claims.

Inquiries and inquests

- > Instructing at a coronial inquest into a death at a mining site.
- > Managing an investigation by the NSW Resources Regulator into serious safety incident resulting in the acceptance of an enforceable undertaking.
- > Acting for BMA and BMC in relation to the Queensland Parliamentary Inquiry into the re-identification of Coal Workers' Pneumoconiosis in Queensland.
- > Acting for Brisbane City Council in the Queensland Floods Commission of Inquiry.

Internal investigations

- > Conducting workplace investigations into allegations of misconduct (including allegations of retaliation, harassment and discrimination).
- > Conducting an audit of a Department's compliance with reporting obligations under the *Crime and Misconduct Act 2001* (Qld) in the wake of a high profile employee fraud.

MEMBER

Bar Association of Queensland

CAREER

2016 - 2023 Legal Counsel then Principal Investigations, BHP

2012 - 2016 Legal Counsel, Virgin Australia

2009-2012 Lawyer, Clayton Utz

2009 Admitted as a legal practitioner, Supreme Court of Queensland

2008 Associate to the Hon Justice KGW Mackenzie, Supreme Court of Queensland

EDUCATION

2009 Graduate Diploma of Legal Practice

2008 Bachelor of Law (Hons I), University of Queensland

2009 Bachelor of Arts (Criminology), University of Queensland

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