

# SALWA MARSH

YEAR OF CALL: 2020

Salwa has a broad civil practice with experience acting for commercial and government clients. Her experience prior to commencing practice at the Bar includes working as a Senior Lawyer at the Australian Government Solicitor (Brisbane) where her practice focused on regulatory litigation and investigations, as an Associate at White & Case LLP (London), a Lawyer at MinterEllison (Brisbane), and as Associate to the Hon. Chief Justice Patrick Keane AC in the Federal Court of Australia (as his Honour then was).

She holds a BA/LLB (Hons) from the University of Queensland and an LLM (Public Law) from the London School of Economics for which she was awarded the Standley De Smith Prize for the best performance in the Public Law LLM specialism. She has worked as a sessional academic at UQ having lectured and tutored in a range of subjects including the postgraduate introductory and public law courses and undergraduate corporate law, civil procedure and evidence courses.



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## AREAS OF PRACTICE

Appellate, Arbitration, Banking, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Inquiries & Coronial Inquests, Judicial Review & Administrative, Planning & Environment.

## EXPERIENCE

Salwa's most recent experience as a solicitor at the Australian Government Solicitor includes:

> Acting for the Australian Competition & Consumer Commission (ACCC) in *ACCC v Pental Ltd* and *ACCC v Kimberly-Clark Australia Pty Ltd* regarding allegations of misleading and deceptive conduct in the sale of "flushable" wipes products, including representing the ACCC in the Full Federal Court in respect of the allegations against Kimberly-Clark Australia Pty Ltd.

> Acting for the Australian Securities & Investments Commission (ASIC) in *ASIC v Australia and New Zealand Banking Group Limited* alleging misleading and deceptive conduct and unconscionable conduct in respect of the levying of unauthorized fees.

> Acting for the ACCC in *ACCC v NSW Ports Operations Hold Co Pty Ltd (NSW Ports) & Ors* alleging that NSW Ports and its subsidiaries made agreements with the State of New South Wales that had an anti-competitive

purpose and effect.

> Acting for the ACCC in the *Air New Zealand v ACCC; PT Garuda (Indonesia) Ltd v ACCC* High Court appeal by which the airlines' appeals were unanimously dismissed.

> Instructing in the Attorney General's intervention in *Alford v Parliamentary Joint Committee on Corporations and Financial Services* in the High Court of Australia in respect of parliament's constitutional power to compel witnesses.

> Acting for ASIC in *ASIC v National Australia Bank* regarding allegations of unconscionable conduct relating to alleged bank bill swap rate manipulation.

> Representing the ACCC in *ACCC v Oakmoore Pty Ltd*, a complex multiparty exclusive dealing proceeding attracting civil penalties totaling approximately AUD 12m.

## APPOINTMENTS

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**2017** Brigidine College Indooroopilly - Board Director

**2019** Australian Association of Constitutional Law, Queensland Chapter - Committee Member

**2020** Incorporated Council of Law Reporting (Queensland) - Sub-Editor

## MEMBER

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Bar Association of Queensland

Australian Association of Constitutional Law

Women Lawyers Association of Queensland

## CAREER

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**2020** Barrister, Queensland

**2016-20** Lawyer/ Senior Lawyer, Australian Government Solicitor (Brisbane)

**2015-16** Associate, White & Case LLP (London)

**2013-14** Lawyer, MinterEllison (Brisbane)

**2012** Associate to the Hon. Chief Justice Patrick Keane AC in the Federal Court of Australia

## **EDUCATION**

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**2014-15** LLM (Public Law) (Dist), London School of Economics

**2006-12** BA/LLB (Hons), University of Queensland

## **AWARDS**

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**2017** Australian Government Solicitor Award for outstanding service to Commonwealth clients

**2014-15** Stanley De Smith Prize for the best performance in Public Law in the LLM (London School of Economics)

## **PUBLICATIONS**

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**Moral obloquy or commercial autonomy? Debating statutory unconscionability**

May 2020, Competition & Consumer

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