

SALWA MARSH

YEAR OF CALL: 2020

Salwa has practised in public and commercial law both as a solicitor and barrister. She has particular expertise in the areas of competition & consumer law, corporations law, administrative law, planning and environment and native title. She has acted for private and government clients and is adept at fitting into her client's teams.

Prior to her call to the Bar, Salwa was a Senior Lawyer at the Australian Government Solicitor (Brisbane) where her practice focused on regulatory litigation and investigations, an Associate at White & Case LLP (London), a Lawyer at MinterEllison (Brisbane), and an 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 Stanley 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 public law, corporate law, civil procedure and evidence.

AREAS OF PRACTICE

Appellate, Arbitration, Banking, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Human Rights & Discrimination, Inquiries & Coronial Inquests, Judicial Review & Administrative, Land Law & Property, Native Title & Cultural Heritage, Planning & Environment, Professional Discipline & Regulatory.

CASES

Odna Group Pty Ltd v Logan City Council[2021] QPEC 41

August 2021, Planning & Environment

Australian Competition and Consumer Commission v Lorna Jane Pty Ltd[2021] FCA 852

July 2021, Competition & Consumer

EXPERIENCE

LEVEL

TWENTY
SEVEN

CHAMBERS



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Some of Salwa's recent experience includes:

- > Acting (led by Roger Traves QC) for the ACCC in regulatory proceedings resulting in the award of a AUD5 m civil penalty against activewear company Lorna Jane for making false and misleading representations in promoting products said to have anti-viral properties.
- > Acting (led by Michael Hodge QC) for a respondent company and individuals in an ACCC investigation and proceedings in respect of alleged cartel conduct.
- > Acting (led by Erin Longbottom QC) for the State of Queensland in a North Queensland Native Title proceeding affecting various pastoral interests.
- > Acting (led and unled) in the Planning and Environment Court in planning appeals and applications.

Her 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*, *ACCC v Kimberly-Clark Australia Pty Ltd*, *ACCC v NSW Ports Operations Hold Co Pty Ltd*, *Air New Zealand v ACCC*, *PT Garuda (Indonesia) Ltd v ACCC* (High Court) and *ACCC v Oakmoore 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), *ASIC v National Australia Bank* (regarding allegations of unconscionable conduct relating to alleged bank bill swap rate manipulation).
- > 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.

APPOINTMENTS

2017 Brigidine College Indooroopilly - Board Director

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

MEMBER

Bar Association of Queensland

Australian Association of Constitutional Law

Women Lawyers Association of Queensland

LawRight

Queensland Environmental Law Association (QELA)

CAREER

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

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

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

AWARDS

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

Rules of Pleading and Further and Better Particulars

June 2021

Moral obloquy or commercial autonomy? Debating statutory unconscionability

May 2020, Competition & Consumer

Liability limited by a scheme approved under professional standards legislation