

SALWA MARSH

YEAR OF CALL: 2020

Salwa has a diverse public and commercial law practice. She has particular experience in regulatory and law enforcement work and appearing in commissions and inquiries. She was recently Counsel Assisting in the Robodebt Royal Commission.

Prior to her call to the Bar, Salwa was a Senior Lawyer at the Australian Government Solicitor where her practice focused on Australian Competition and Consumer Commission and Australian Securities and Investments Commission regulatory litigation and investigations. She has also worked as an Associate at White & Case LLP (London) doing litigation and white collar crime work, a Lawyer at MinterEllison, and an Associate to the Hon. Chief Justice Patrick Keane AC in the Federal Court of Australia.

She holds a BA/LLB (Hons) from the University of Queensland (UQ) 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

***Commonwealth of Australia v De Pyle* [2024] FCAFC 43**

March 2024, Appellate, Human Rights & Discrimination

***Palmer v Magistrates Court of Queensland & Ors; Palmer Leisure Coolum Pty Ltd v Magistrates Court of Queensland & Ors; Palmer v Magistrates Court of Queensland & Ors* [2024] QCA 8**

February 2024, Appellate, Corporations

LEVEL

TWENTY
SEVEN

CHAMBERS



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Alvoen on behalf of the Wakaman People v State of Queensland[2023] FCA 953

August 2023, Native Title & Cultural Heritage

Burns v Chief of the Defence Force [2023] FCA 579

May 2023, Judicial Review & Administrative

Austin BMI Pty Ltd v Deputy Premier [2023] QSC 95

May 2023, Judicial Review & Administrative

Australian Competition and Consumer Commission v NQCranes Pty Ltd [2022] FCA 1383

November 2022, Competition & Consumer

Palmer Leisure Coolum Pty Ltd v Magistrates Court of Queensland & Ors; Palmer v Magistrates Court of Queensland & Ors [2022] QSC 227

November 2022, Corporations

Rosenbaum v Medical Board of Australia [2022] QCAT 141

May 2022, Professional Discipline & Regulatory

Richardson & Ors v Douglas Shire Council & Ors [2021] QPEC 80

December 2021, Planning & Environment

Trainor v Goodstart Early Learning Limited [2021] 00966-CT

November 2021, Human Rights & Discrimination

Sunland Cattle Co Pty Ltd v Kingham & Ors [2022] QSC 287

November 2021, Resources & Energy

Australian Competition and Consumer Commission v NQCranes Pty Ltd [2021] FCA 1270

October 2021, Competition & Consumer

Run Capital Investments Pty Ltd as trustee for the Mirum Trust v P5K Pty Ltd [2021] FCA 1156

September 2021, Contract, Commercial Equity, Corporate Insolvency & Bankruptcy

Eumundi Group Hotels Pty Ltd v Valuer-General [2021] QLAC 2

September 2021, Land Law & Property

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

Alvoen on behalf of the Wakaman People #5 v State of Queensland (No 3) [2021] FCA 785

July 2021, Native Title & Cultural Heritage

EXPERIENCE

Experience as junior counsel includes:

Regulatory and law enforcement work

- > Acting and appearing for the Australian Competition and Consumer Commission (ACCC) in regulatory proceedings resulting in the award of a AUD5 m civil penalty against activewear company Lorna Jane.
- > Acting and appearing for a respondent company and individuals in an ACCC investigation and proceedings in respect of alleged cartel conduct.
- > Appearing for the Australian Securities and Investments Commission (ASIC) and the Commonwealth Department of Public Prosecutions (CDPP) in civil proceedings commenced by Clive Palmer and Palmer Leisure Coolum Pty Ltd related to white collar criminal prosecutions.
- > Acting and appearing for Australian Federal Police (AFP), including in respect of proceeds of crime litigation.
- > Appearing (unled) for the Commonwealth Attorney-General as amicus curiae in criminal proceedings.
- > Advising (led and unled) Commonwealth and State regulators, law enforcement agencies and respondents in the course of regulatory investigations.

Commissions and inquiries

- > Acting as Counsel Assisting in the Robodebt Royal Commission.
- > Appearing for witnesses in the Royal Commission into Defence and Veteran Suicide.
- > Engaged as Legal Editor at the Commission of Inquiry into Paradise Dam.

Commercial Law

- > Acting for plaintiffs in a complex multiparty insurance claim in respect of LNG contract works in central Queensland.
- > Acting and appearing in oppression proceedings in the Federal Court of Australia under the *Corporations Act 2001*.
- > Acting and appearing in various contract claims in the Supreme Court of Queensland.

Native Title

> Acting for the State of Queensland in a North Queensland native title proceeding affecting various pastoral interests.

> Acting for the State of Queensland in complex native title proceedings involving overlapping claims and the intersection of the interests of multiple States.

> Advising (led and unled) the State of Queensland and Native Title Representative Bodies.

Judicial review

> Acting and appearing in a Supreme Court judicial review proceeding of a decision of the Land Court.

> Acting and appearing in a Supreme Court judicial review proceeding of government decision making under the *Planning Act 2016*.

> Advising Commonwealth, State and private clients on judicial review of government decision-making.

Defence work

> Advising and appearing in judicial review, termination, discrimination and human rights matters briefed for and against Defence.

APPOINTMENTS

2023-present LawRight Inc (previously the Queensland Public Interest Law Clearing House / QPILCH) Management Committee

2023-present Bar Association of Queensland Access to Justice and Pro Bono Committee Member

2017-2022 Brigidine College Indooroopilly - Board Director

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

MEMBER

Bar Association of Queensland

Australian Association of Constitutional Law

LawRight

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

Cryptocurrency and the law

June 2022, Commercial Equity, Contract

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