

SALWA MARSH

YEAR OF CALL: 2020

Salwa practices in commercial and public law. She has particular expertise in regulatory and law enforcement work (including competition and consumer law and financial services regulation), corporations law, administrative law and native title. Her practice includes appearing in commissions, inquiries, examinations, inquests and class actions.

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 commercial litigation and white-collar crime work, a Lawyer in commercial and environmental disputes at MinterEllison (Brisbane), 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, Class Actions, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Human Rights & Discrimination, Inquiries & Coronial Inquests, Insurance, Judicial Review & Administrative, Land Law & Property, Media & Defamation, Native Title & Cultural Heritage, Planning & Environment, Professional Discipline & Regulatory, Resources & Energy.

CASES

***Psychology Board of Australia v Carmichael*[2025] QCAT 9**

January 2025, Judicial Review & Administrative, Professional Discipline & Regulatory

***Stillwater Pastoral Company Pty Ltd v Stanwell Corporation Ltd*[2024] FCA 1382**

December 2024, Class Actions, Competition & Consumer, Resources & Energy

***Palmer v Australian Securities and Investments Commission*[2024] FCA 1167**

LEVEL

TWENTY
SEVEN

CHAMBERS



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October 2024, Corporations, Professional Discipline & Regulatory, Judicial Review & Administrative

***Pavlou v Brisbane City Council (No 2)* [2024] QDC 108**

July 2024, Appellate, Human Rights & Discrimination, Judicial Review & Administrative

***Pavlou v Brisbane City Council* [2024] QDC 73**

May 2024, Appellate, Human Rights & Discrimination, Judicial Review & Administrative

***Minister for Resources v Fortune Island Holding Company Limited* [2024] QLC 10**

May 2024, Land Law & Property

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

March 2024, Appellate, Human Rights & Discrimination, Media & Defamation

***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

***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 a respondent company and individuals in an Australian Competition and Consumer Commission (ACCC) investigation and proceedings in respect of alleged cartel conduct.

> Acting and appearing for the ACCC in regulatory proceedings resulting in the award of a \$5 million civil penalty against activewear company Lorna Jane.

> Appearing for the Australian Securities and Investments Commission (ASIC) and the Commonwealth Director of Public Prosecutions (CDPP) in civil proceedings commenced by white collar crime defendants, including Clive Palmer and Palmer Leisure Cooloom Pty Ltd in the Supreme Court of Queensland, the Queensland Court of Appeal, the High Court of Australia and in the Federal Court of Australia.

> Appearing (led and unled) for Commonwealth agencies including the Department of Foreign Affairs and Trade, the Australian Federal Police and the Department of Home Affairs in relation to public interest immunity and associated claims (including in respect of suppression and non-publication orders) in various criminal proceedings including charges relating to foreign bribery.

> Representing and advising companies, individuals and regulators (led and unled) in the course of regulatory investigations, including examinations and the exercise of other compulsory powers.

Public law

> Acting, appearing and advising applicants and State and Federal government departments and agencies and

local governments in respect of the judicial review of government decision-making, including most recently in respect of decisions made under the *Mineral Resources Act 1989*, *Planning Act 2016*, *Nature Conservation (Protected Areas Management) Regulation 2017*, *Recreation Areas Management Act 2006* and the *Torres Strait Islander Land Act 1991*.

> Acting, appearing and advising government and private parties in relation to various claims made under the *Human Rights Act 2019*, including acting and appearing for the Brisbane City Council in a s 222 *Justices Act 1886* appeal raising human rights and associated constitutional arguments.

> Acting and appearing for applicants and respondents in health law regulatory matters including in a merits review, judicial review and constitutional context.

Commercial law

> Acting and appearing for CS Energy in a class action alleging contraventions of s 46 (misuse of market power) of the Competition and Consumer Act 2010.

> Acting and appearing (led and unled) in various contract and insurance claims in the Supreme Court of Queensland and the Federal Court of Australia.

> 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*.

Commissions and inquiries

> Acting as Counsel Assisting in the inquest into the death of Matthew Riley Baxter.

> Acting as Counsel Assisting in the Robodebt Royal Commission, information available at: <https://robodebt.royalcommission.gov.au/>.

> Acting for witnesses in the Royal Commission into Defence and Veteran Suicide.

> Engaged as Legal Editor at the Commission of Inquiry into Paradise Dam.

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.

RECOMMENDATIONS

Doyle's Guide to Legal Profession

2024 – Leading Administrative & Public Law Barrister (Queensland)

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