

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 and native title.

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 in the litigation and arbitration team 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

***Rosenbaum v Medical Board of Australia* [2022] QCAT 141**

May 2022, Professional Discipline & Regulatory

***Hutson v ASIC* [2022] QSC 68**

April 2022, Corporations

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

December 2021, Planning & Environment

LEVEL

TWENTY
SEVEN

CHAMBERS



LEVEL 27, 239 GEORGE ST
BRISBANE QLD, 4000

level27chambers.com.au

T +61 7 3008 3993

M +61 422 277 478

[salwa.marsh@](mailto:salwa.marsh@level27chambers.com.au)

level27chambers.com.au

***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

Notable matters as junior counsel include:

Commercial

- > Acting for the plaintiffs in a complex multiparty insurance claim in respect of LNG contract works in central Queensland.
- > Appearing (led by Gareth Beacham QC) in oppression proceedings in the Federal Court of Australia under the *Corporations Act 2001*.
- > Acting (led by Matthew Hickey OAM) for the plaintiff in a contractual dispute arising out of a share sale agreement.
- > Appearing (led by Michael Trim) for the defendant resisting an AUD3 m contractual damages claim.

Regulatory and quasi-criminal

- > Acting (led by Roger Traves QC) 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.
- > Appearing (led by Michael Hodge QC) for a respondent company and individuals in an ACCC investigation and proceedings in respect of alleged cartel conduct.
- > Appearing (led by Gim del Villar QC and Marc McKechnie) for the Australian Securities and Investments Commission (ASIC) and the Commonwealth Department of Public Prosecutions (CDPP) in Supreme Court civil proceedings commenced by Clive Palmer and Palmer Leisure Coolum Pty Ltd related to white collar criminal prosecutions.
- > Appearing (led by Jeff Hunter QC and Matthew Hickey OAM) for ASIC and the CDPP in Supreme Court civil proceedings commenced by Clive Palmer and Palmer Leisure Coolum Pty Ltd related to white collar criminal prosecutions.
- > Appearing (led Matthew Brady QC) for ASIC in Supreme Court civil proceedings related to white collar criminal prosecutions.
- > 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.

Judicial Review

- > Appearing (led by Declan Kelly QC and Mark Plunkett) in a Supreme Court judicial review proceeding of a decision of the Land Court.
- > Appearing (led by Roger Traves QC and Stewart Webster) in a Supreme Court judicial review proceeding of government decision making under the *Planning Act 2016*.
- > Advising (led and unled) Commonwealth, State and private clients on judicial review of government decision-making.

Native Title

- > Acting (led by Erin Longbottom QC) for the State of Queensland in a North Queensland Native Title proceeding affecting various pastoral interests.
- > Acting (led by Adrian Duffy QC and Douglas Quayle) 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.

Other recent work

- > Acting (led by Kathryn McMillan QC) in the Royal Commission into Defence and Veteran Suicide.
- > Appearing unled in QCAT for the Medical Board of Australia in disciplinary proceedings.
- > Appearing unled in NTCAT for a private company defending allegations of discrimination.
- > Appearing led and unled (including by Roger Traves QC and Nicholas Loos) in planning appeals and applications.

Notable matters as a solicitor (at the Australian Government Solicitor):

> Acting for the 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 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

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