



**KATE
LINDEMAN**
Barrister

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ADMISSIONS

2017

Barrister, New South Wales Bar (Ludlows Award for highest mark in Bar Exams)

2013

Lawyer, Supreme Court of New South Wales and the High Court of Australia

EDUCATION

University of Oxford

Bachelor of Civil Law, Distinction – 2017

Subjects: Advanced Property and Trusts, Civil Procedure, Commercial Remedies, Philosophical Foundations of the Common Law

University of Sydney

Bachelor of Laws, Hons 1 – 2012

Bachelor of Arts, Hons 1 – 2010

Academic achievements

Honore Scholarship – 2016/17

Justice Peter Hely Scholarship – 2016/17

Nancy Gordon Smith Memorial Prize (awarded to top five LLB candidates at graduation) – 2012

University of Sydney Academic Merit Prize – 2012

New South Wales Justices' Association Prize in Administrative Law – 2011

Pitt Cobbett Prize for Administrative Law – 2011

University of Sydney Academic Merit Prize – 2011

Walter Reid Memorial Prize for Academic Merit – 2011

Walter Reid Memorial Prize for Academic Merit – 2010

Marion Macaulay Bequest Scholarship for Academic Merit – 2009

International Exchange Scholarship for Academic Merit – 2009

Walter Reid Memorial Prize for Academic Merit – 2009

University of Sydney Faculty of Arts Scholarship with Merit – 2007-2012

PAST PROFESSIONAL
EXPERIENCE

Mar 2017 - Apr 2017

Mini-pupillages at One Essex Court and 3 Verulam Buildings (London)

Jan 2015 - Aug 2016

Tipstaff to the Hon Justice Leeming, New South Wales Court of Appeal

Mar 2013 - Jan 2015

Solicitor, Herbert Smith Freehills - Dispute Resolution

Feb 2012 - Jul 2012

Intern, Public Defenders Office

Nov 2011 - Nov 2012

Summer Clerk and Paralegal, Freehills - Private Equity, Banking, Disputes, Mergers & Acquisitions

Jul 2008 - Jul 2012

Volunteer Paralegal, Inner City Legal Centre

Jan 2011 - Feb 2011

Volunteer Paralegal, North Australian Aboriginal Justice Agency (Darwin)

May 2010 - Nov 2011

Paralegal, Maurice Blackburn (Class Actions)

SELECTED MATTERS

Unled

General commercial, Consumer law, Equity

Hancock Prospecting Pty Ltd v Wright Prospecting Pty Ltd - acted for Ms Ginia Rinehart in consolidated appeals in the Western Australian Court of Appeal relating to whether or not proceedings be stayed and the parties referred to arbitration (unled, instructed by Dentons)

In the matter of ACN 153 511 212 Pty Ltd (in liq) (receivers and managers appointed) (formerly known as Subzero Holdings Pty Ltd) - acted for defendant in Supreme Court proceedings brought by liquidator to recover alleged unfair preference payments to defendant (unled, instructed by Osborn Law)

ACCC v Ramsay Health Care Australia Pty Ltd - acted for Ministry of Health in respect of issues arising out of subpoenas by Ramsay Health Care Australia (unled, instructed by Ashurst)

Khadivzad v Owners - Strata Plan No 543577 - acted for owners corporation in Supreme Court dispute in respect of strata by-laws (unled, instructed by Kerin Benson Lawyers)

Tonks v Trustee of the Gordon Family Trust - acted for claimant in consumer law claim in the Federal Circuit Court in respect of defective boat (unled, instructed by Addisons)

Zreika v FCA Australia - acted for plaintiff in contract law dispute in the Local Court in respect of defective jeep (unled, instructed by M Law Group)

Public law

Independent Commission Against Corruption - Operation Aero - acting for witness in investigation into allegations concerning political donations to ALP NSW branch officials

Liu v Chinese Medicine Council of Australia [2019] NSWCATAD 71 - acted for Chinese Medicine Council in NCAT merits appeal from decision to suspend practitioner (unled, instructed by Health Professional Councils Authority)

Asar v Medical Council of New South Wales [2019] NSWCATOD 132 - acted for Medical Council of New South Wales in application by doctor for reinstatement of registration (unled, instructed by Medical Council of New South Wales)

Medical Council of New South Wales v Ameisen [2020] NSWCATOD 18 - acted for Medical Council of New South Wales in complaint in respect of practitioner's alleged breach of critical compliance condition on registration (unled, instructed by Medical Council of New South Wales)

Winten (No 21) Pty Ltd v Lake Macquarie Council; Winten (No 21) Pty Ltd v Newcastle Council - acting for Department of Planning in multiple proceedings relating to large-scale development near Newcastle (unled, instructed by Department)

Pan v Roads and Maritime Services - acted for RMS in Land and Environment Court dispute regarding compulsory acquisition of land (unled, instructed by MinterEllison)

Olivieri v Roads and Maritime Services - acted for RMS in Land and Environment Court dispute regarding compulsory acquisition of land (unled, instructed by Herbert Smith Freehills)

Sutherland Shire Council v Toutounji - acted for defendant in dispute in Local Court regarding Council's power to levy rates (unled, instructed by Moray&Agnew)

McDonald v SafeWork NSW (No 2) [2018] NSWCATAD 218 - acted for SafeWork and the Commissioner of Police in administrative review of decision refusing explosives licence (unled, instructed by Crown Solicitors Office)

Westwood Accountants & Advisors Pty Ltd v Roads and Maritime Services [2018] NSWLEC 1490 - acted for RMS in dispute regarding compulsory acquisition of leasehold title (unled, instructed by Norton Rose Fulbright Australia)

AHR Group Pty Ltd v Randwick City Council [2018] NSWLEC 1385 - acted for Council in dispute regarding development consent (unled, instructed by Norton Rose Fulbright Australia)

Led

High Court

Commonwealth of Australia v Helicopter Resources - acting for respondent in appeal from Full Federal Court regarding application of accusatorial principle to corporations (reserved) (led by J Gleeson SC, T Brennan, instructed by Norton White)

Mackellar Mining Equipment v Thornton - acting for appellant in appeal from Queensland Supreme Court regarding principles governing anti-suit injunctions (listed for hearing) (led by J Gleeson SC, T Brennan, instructed by Norton White)

Hanna v The Queen – application for special leave to appeal from NSWCCA decision regarding the interaction between the *Migration Act* and sentencing principles (application reserved) (led by T Game SC, A Cook, instructed by Legal Aid NSW)

Kadir v The Queen; Grech v The Queen [2020] HCA 1 – acted for appellant in appeal from NSWCCA decision regarding admissibility of unlawfully obtained evidence (led by T Game SC, K Edwards, instructed by Legal Aid NSW)

Mobis Parts Australia v XL Insurance – acted for respondent to special leave application from NSWCA decision regarding proper construction of insurance contract (special leave refused) (led by JT Gleeson SC, D Weinberger)

Joondalup Hospital Pty Ltd v Waldron – application for special leave to appeal from NSWCA decision regarding the proper interpretation of the *Limitation Act 2005* (WA); dismissed on the papers (led by P Kulevski, instructed by MinterEllison)

Class actions

Dick Smith Class Action – acting for claimants in consumer law and corporate law claims relating to improper accounting practices by company and executives (led by P Brereton SC, C Withers, D Healey, instructed by Corrs Chambers Westgarth and Johnson Winter Slattery)

Swann Insurance Class Action – acting for claimants in statutory and common law claims relating to add-on insurance products (led by R Dick SC, C Withers, instructed by Johnson Winter Slattery)

Pitcher Partners Class Action – acting for insurer in relation to motion to seek access to insurance documents (led by R McHugh SC, instructed by Wotton + Kearney)

Fitch Ratings Class Action – acted for claimants in statutory and tortious claims relating to improper conduct in rating synthetic CDOs (led by C Withers, instructed by Squire Patton Boggs)

VW, Audi and Skoda Class Action – acted for claimants in consumer law, tortious and equitable claims relating to defective motor-vehicle engines (led by C Moore SC, ATS Dawson SC, D Roche, A Hochroth, instructed by Maurice Blackburn)

Sirtex Medical Class Action – acted for claimants in shareholder class action in the Federal Court (led by N O'Bryan SC, G Donnellan, instructed by Maurice Blackburn)

General commercial, consumer law, Equity

Swashplate Pty Ltd v Liberty Mutual Insurance Company t/a Liberty International Underwriters – acting for appellant in Full Federal Court appeal relating to claim for indemnity from insurer in respect of helicopter damaged in transit, dealing with marine insurance law issues (led by J Gleeson SC, instructed by Norton White)

Rinehart Litigation – acting for beneficiary in trust-related disputes in Supreme Court of NSW, Supreme Court of WA, and the Federal Court (led by PW Flynn SC, instructed by Dentons)

AerCap Ex Parte Injunction – acted for aircraft leasing company in urgent ex parte application to ground aircraft by reason of breaches of terms of lease (led by T Brennan, instructed by Clifford Chance)

Telstra v Melbourne City Council & Ors – acting for City of Sydney in Federal Court proceedings concerning Telstra’s entitlement to install communication hubs under Commonwealth legislation (led by P Clay SC, instructed by Maddocks)

Taylor and Fletcher in capacity as liquidators of Bruck Textile Technologies Pty Ltd (in liq) v Bart & Ors – acted for plaintiffs in Federal Court proceedings claiming statutory and general law remedies in respect of breaches of duty arising out of an alleged phoenix scheme (led by P Kulevski, instructed by Corrs Chambers Westgarth)

Davis & Ors v Halliday Financial Management – acted for plaintiffs in Supreme Court proceedings regarding misrepresentations in context of building project (led by W Edwards, instructed by Arnold Bloch Leibler)

Mobis Parts Australia v XL Insurance [2018] NSWCA 342 – acted for insurer in appeal regarding rectification of insurance policy (led by JT Gleeson SC, D Weinberger, instructed by McCabes)

Waldron v Joondalup Hospital Pty Ltd [2018] NSWCA 182 – acted for hospital in appeal regarding correct interpretation of limitation periods (led by P Kulevski, instructed by MinterEllison)

Woolworths Ltd v About Life Pty Ltd (No 2) [2018] NSWSC 1340 – acted for respondent in claim for security for costs (led by A Horvath, instructed by Moray&Agnew)

Coshott v Vardas [2017] NSWCA 258 – acted for respondent in dispute regarding deed of settlement (led by J Watson, instructed by Yeldham Price O’Brien Lusk)

Aurizon WIRP Deed Disputes – acted for Aurizon against Glencore and other coal customers in an expert determination of various disputes under arising under a project deed governing Aurizon’s obligations to upgrade its railway network for use by the coal customers (led by D Kelly QC and S Webster, instructed by Quinn Emanuel)

Public law

KEPCO Bylong v IPC – acting for Independent Planning Commission in an appeal from a decision to refuse development approval for the proposed Bylong Coal Mine (led by G Furness SC, instructed by Crown Solicitors Office)

Blacktown City Council v Concato (No 4) [2020] NSWSC 9 – acted for landowner in Supreme Court judicial review proceedings in respect of valuation of land by Valuer General (led by I Hemmings SC, instructed by JCL Law Group)

Alexandria Landfill Pty Ltd v Roads and Maritime Service (No 6) [2019] NSWLEC 98 – acted for applicant in compulsory acquisition proceedings; nine-week trial involving claim valued at over \$500m (led by I Hemmings SC, M Seymour, instructed by DLA Piper)

Kirby v Dental Council of New South Wales [2018] NSWSC 1869 – acted for Dental Council in Supreme Court appeal regarding imposition of licence conditions on dentist; also acted in appeal heard October 2019, decision presently reserved (led by A Horvath, instructed by Health Professional Councils Authority)

State of NSW v Le [2017] NSWCA 290 – acted for respondent in false imprisonment test case (led by K Richardson SC, instructed by Andrea Turner)

Council of the Law Society of NSW v Clarke [2017] NSWCATOD 142; *Council of the Law Society of NSW v Clarke (No 2)* [2018] NSWCATOD 132 - acted for solicitor in disciplinary proceedings (led by P Brereton SC in liability hearing, unled in penalty hearing, instructed by TA Williams Lawyers)

AGL Upstream v Environment Protection Authority - acted for respondent prosecutor in Court of Criminal Appeal proceedings relating to alleged duplicity in charge (led by E Muston SC, instructed by Environment Protection Authority)

Environment Protection Authority v Laison [2018] NSWLEC 76 - acted for prosecutor in relation to dumping offence (led by P English, instructed by Environment Protection Authority)

Vickery Extension Project - acted as counsel assisting the Independent Planning Commission in conducting public hearing into proposed extension to coal mine (led by A Mitchelmore SC, instructed by Independent Planning Commission)

Rix's Creek Project - acted as counsel assisting the Independent Planning Commission in conducting public hearing into proposed coal mine (led by K Richardson SC, instructed by Independent Planning Commission)

Live exports - advised client on prospects of constitutional challenge to live exports from Western Australia to Middle East (with JT Gleeson SC, instructed by not-for-profit organisation)

Duty to give reasons - advised government department on obligation of consent authorities to give statements of reasons in determining development applications (with K Richardson SC, instructed by government department)

OTHER PROJECTS

Pro Bono Practice

Duty Barrister (Civil) (October 2017 - Present)

Refugee Case Worker Service (Volunteer Barrister) (October 2017 - Present)

Law Reporting

Law Reporter, New South Wales Law Reports (Jan 2016 - Present)

Law Reporter, Environmental Law Reports (Mar 2015 - Sept 2015)

Selected publications and editorial experience

A Zuckerman, *Zuckerman on Civil Procedure*, 4th ed (forthcoming, 2020) - editor of chapters on public interest immunity and witness statements

K Lindeman, 'Revisiting Project Blue Sky' [2017] (Summer) *Bar News* 16

K Lindeman, 'Unravelling settlements made with "eyes wide open": Zurich Insurance Co plc v Hayward [2016] UKSC 48' (2017) 36(3) *Civil Justice Quarterly* 273

L Chung, D Robertson, K Lindeman, A Hoffmann, 'Investor-State Dispute Resolution in Australia: A Changing Landscape for Investors' *Transnational Disputes Management* 1 (2015)

L Chung, K Lindeman, 'Significant developments in international arbitration in Australia in 2014' *Lexology* (Dec 2014)

L Chung, K Lindeman, 'Trans Pacific Partnership update – ministerial meeting Sydney' *Lexology* (Oct 2014)

D Robertson, L Chung, K Lindeman, 'European Union takes steps towards ratification of the Convention on Choice of Court Agreements' *Lexology* (Oct 2014)

L Chung, K Lindeman, 'Trans-Pacific Partnership Agreement' *Australian Foreign Investment Review* (Apr 2014)

D Robertson, K Lindeman, *et al*, 'Japan-Australia Economic Partnership Agreement concluded' *Lexology* (Apr 2014)

L Chung, J Stollery, K Lindeman, 'Text of Korea-Australia FTA released – ISDS provisions revealed' *Lexology* (Feb 2014)

L Chung, K Lindeman, 'Australia-Japan FTA: news bulletin' *Lexology* (Jan 2014)

L Chung, K Lindeman, 'Trans Pacific Partnership: what will it achieve?' *IFLR* (Dec 2013)

Sydney Law Review, Student Editor, 2012