



DANIELLE FORRESTER

Barrister

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PROFESSIONAL EXPERIENCE	Since 2014	Barrister , New South Wales Bar
	2013 - 2014	Senior Lawyer , Dispute Resolution, Australian Government Solicitor (AGS) Key matters included <i>Australian Electoral Commission v Johnston</i> (2014) 251 CLR 463 (WA Senate Election Case)
	2011 - 2013	Counsel Assisting the Solicitor-General of the Commonwealth Working directly with Stephen Gageler SC and then Justin Gleeson SC in the preparation of advice to government at the highest levels and in the conduct of litigation on behalf of the Commonwealth. Appearing as junior counsel in various High Court proceedings. Assisting the Solicitor-General in preparation of significant matters in the High Court and international courts, including <i>JT International SA v Commonwealth of Australia (Plain Packaging Case)</i> (2012) 250 CLR 1 and forming part of the Australian delegation to the International Court of Justice in June 2013 in <i>Australia v Japan; New Zealand intervening (Whaling in the Antarctic Case)</i> .
	2010 - 2011	Senior Lawyer, Constitutional Litigation Unit, AGS (Canberra)
	2009 - 2010	Senior Legal Officer, Office of Constitutional Law, Attorney-General's Department (Canberra)
	2005 – 2009	Lawyer and Senior Lawyer, AGS (Adelaide)
EDUCATION	2011	Australian National University , Master of Laws, 2011
	2004	University of Adelaide , Honours Degree of Bachelor of Laws
	2001	University of Adelaide , Bachelor of Arts (International Studies)

SELECTED CASES – Unled appearances

<i>Fiddletown Investments Limited v Department of Premier and Cabinet; Fiddletown Investments Limited v NSW Treasury</i> [2021] NSWCATAD 17	Unled for the Applicant (instructed by Clayton Utz) Applications under the <i>Government Information (Public Access) Act 2009</i> (NSW) – whether overriding public interest against disclosure
<i>Various mediations conducted by the New South Wales Civil and Administrative Tribunal in 2020 and 2021</i>	Unled for the NSW Government Respondent (instructed by McCullough Robertson)
<i>Segal v Medical Council of New South Wales (No 2)</i> [2020] NSWCATOD 114	Unled for the Respondent (instructed by Health Professional Councils Authority)

	Appeal on a point of law; suspension of practitioner's registration in light of complaints
<i>Segal v Medical Council of New South Wales</i> [2020] NSWCATOD 113	Unled for the Respondent (instructed by Health Professional Councils Authority)
	Imposition of conditions on practitioner's registration
<i>Segal v Medical Council of New South Wales</i> [2020] NSWCATOD 86	Unled for the Respondent (instructed by Health Professional Councils Authority)
	Successfully resisting an application for a stay of suspension pending appeal
<i>Turner and Harness Racing New South Wales</i> (Racing Appeals Tribunal; 25 November 2020)	Unled for the Respondent (instructed by Cockburn & Co Solicitors)
	Successfully defended the decision under review maintaining the disqualification period
<i>Baverstock and Harness Racing New South Wales</i> (Racing Appeals Tribunal; 13 November 2019)	Unled for the Respondent (instructed by Cockburn & Co Solicitors)
	Successfully defended the decision under review as to breach
<i>Ibrahim v Minister for Home Affairs</i> [2019] FCAFC 89; 270 FCR 12	Unled before the Full Court for the Respondent (instructed by AGS)
	Judicial review; cancellation of partner visa on character grounds; jurisdictional error
<i>Independent Liquor and Gaming Authority v Auld</i> [2018] NSWCATAP 68	Unled for the Respondent (instructed by NSW Crown Solicitor's Office)
	Referral application
<i>Carter and Tax Practitioners Board (Taxation)</i> [2017] AATA 528; (2017) 2017 ATC 10-454	Unled for the Respondent (instructed by the Tax Practitioners Board)
	Merits review – decision to terminate tax agent registration – Code of Professional Conduct
<i>Oliver and Comcare (Compensation)</i> [2017] AATA 252	Unled for the Respondent (instructed by Sparke Helmore) Commonwealth workers' compensation – ongoing entitlement to treatment
<i>CLS15 v Minister for Immigration & Anor</i> [2016] FCCA 2164	Unled for the Respondents (instructed by AGS)
	Judicial review – protection visa
<i>Yeap v Minister for Immigration and Border Protection & Anor</i> [2016] FCCA 1173	Unled for the Respondents (instructed by AGS)

	Judicial review – Employer nomination visa decision
<i>Wang & Ors v Minister for Immigration</i> [2016] FCCA 1033	Unled for the Applicant (instructed by W & H Lawyers)
	Judicial review – visa cancellation decision – extension of time
<i>Paxton & Child Support Registrar and Anor</i> [2016] FamCAFC 116	Unled before the Full Court of the Family Court for the First Respondent (instructed by AGS)
	Leave to appeal – extension of time – SSAT decision endorsing determination to register overseas maintenance liability under <i>Child Support (Registration and Collection) Act 1988</i> (Cth)

SELECTED CASES – Commercial Law (led)

<i>Epic Games, Inc v Apple Inc (Stay Application)</i> [2021] FCA 338 (on appeal)	Led by N Young QC, N De Young QC and Professor C Brown for the Applicants (instructed by Clifford Chance)
	Private international law – application for permanent stay of proceedings alleging contraventions of Pt IV of the <i>Competition and Consumer Act 2010</i> (Cth) Pt IV and s 21 of the Australian Consumer Law
<i>Australian Securities and Investments Commission v BHF Solutions Pty Ltd & Anor</i> [2021] FCA 684	Led by R McHugh SC for the First Respondent (instructed by Piper Alderman)
	Scope of the National Credit Code and exemptions for continuing credit contracts
	Successfully defended the contravention proceedings brought by ASIC
Appearing for a commercial party in an arbitration under Part 23 of the <i>National Gas Rules</i> in 2020-2021	Led by A McClelland SC (instructed by DLA Piper) Arbitration conducted by Justin Gleeson SC
<i>D H Flinders Pty Ltd v Australian Financial Complaints Authority Limited</i> [2020] NSWSC 1690	Led by D Sulan for the Plaintiff (instructed by Piper Alderman)
	Financial services; scope of the external dispute resolution scheme administered by AFCA, and whether AFCA had authority, jurisdiction or power to determine the complaints and/or whether AFCA had dealt with the complaints in a procedurally fair and impartial manner
<i>Australian Prudential Regulation Authority v IOOF Investment Management Ltd (ACN 006 695 021) & Ors</i> [2019] FCA 1521; 138 ACSR 459	Led by N Hutley SC, N Owens SC and J Redwood and with B Holmes for the First and other Respondents (instructed by KWM)
	Acting for IOOF in regulatory proceedings concerning disqualification and related relief in relation to alleged

	breaches of the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth)
<i>Rinehart v Hancock Prospecting Pty Ltd</i> [2019] HCA 13; (2019) 93 ALJR 582 (written submissions on behalf of ACICA as amicus)	Led by J Gleeson SC and J Redwood for the <i>amicus curiae</i> (instructed by Ashurst) Interpretation and scope of arbitration agreements
<i>BHP Coal Pty Ltd & Ors v Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships</i> (BS11313/15, BS2371/16) – settled proceedings in the Supreme Court of Queensland	Led by J Sheahan QC, T Bradley QC and S Cooper for the Applicant (instructed by Herbert Smith Freehills)
<i>Chow v Chow</i> [2016] NSWSC 908	Led by P Blackburn-Hart SC for the Plaintiffs (instructed by Arnold Bloch Leibler) Format of estate accounts for the purpose of passing by a registrar

SELECTED CASES – International trade

Providing advice in 2021, with Justin Gleeson SC, in relation to potential investor-state dispute settlement (ISDS) proceedings, including jurisdictional objections (instructed by Norton Rose Fulbright).

Advising a large international client in 2019, with Justin Gleeson SC, in relation to possible avenues of challenge concerning government decision-making, including in relation to investor-state dispute settlement (ISDS) provisions (instructed by Jones Day).

Advising a multinational client in 2018, with Justin Gleeson SC, in relation to various matters of international trade law, including in relation to ISDS (instructed by Corrs Chambers Westgarth).

SELECTED CASES – Public law & regulatory matters (led)

<i>Amir ats Director of Professional Services Review</i> (NSD865/2020) – reserved	Led by G Kennett SC for the Respondent (instructed by Maddocks) Judicial review application – point in time at which a “decision” is made
<i>Australian Competition and Consumer Commission & Commonwealth v Phoenix Institute of Australia Pty Ltd (subject to DOCA) and Anor</i> (NSD1471/2015) – reserved	Led by N Sharp SC and Robert White for the Applicant (instructed by AGS) Acting for the ACCC in proceedings against registered training organisations involving allegations of unconscionable conduct in respect of the VET FEE-HELP scheme
<i>Australian Competition and Consumer Commission v Quantum Housing Group Pty Ltd</i> [2021] FCAFC 40	Led by N Sharp SC for the Applicant (instructed by Corrs Chambers Westgarth) Statutory meaning of unconscionable conduct in contravention of s 21 Australian Consumer Law (ACL) in

	light of the High Court’s decision in <i>Australian Securities and Investments Commission v Kobelt</i> [2019] HCA 18; 267 CLR 1
<i>R v Collaery (No 7)</i> [2020] ACTSC 165; 283 A Crim R 524, 354 FLR 7 – on appeal	Led by J Kirk SC, A Mitchelmore SC and T Begbie QC for the Attorney-General of the Commonwealth (instructed by AGS) National security; application for orders prohibiting disclosure of certain information; nature of task under s 31(7) and (8) of <i>National Security Information (Criminal and Civil Proceedings) Act 2004</i> (Cth)
<i>Hocking v Director-General of the National Archives of Australia</i> (“Palace Letters” case) [2020] HCA 19; 94 ALJR 569, 379 ALR 395	Led by S Donaghue SC (Commonwealth Solicitor-General), T Howe QC and C Lenehan (instructed by AGS) Special leave granted from <i>Hocking v Director-General of the National Archives of Australia</i> (2019) 264 FCR 1 Constitutional law – nature of records created by the Governor-General; “Commonwealth records”
<i>Australian Competition & Consumer Commission v Kimberly-Clark Australia Pty Ltd (No 2)</i> [2021] FCA 102	Led by S White SC (instructed by AGS) False or misleading representations (“Made in Australia”) – civil penalty proceedings
<i>Australian Competition and Consumer Commission v Employsure Pty Ltd</i> [2020] FCA 1409 – appeal pending (led by Nicholas Owens SC on appeal)	Led by S White SC (instructed by AGS) Consumer law – unconscionable conduct; false or misleading representations – unfair contract terms
<i>Costello v Racing Appeals Tribunal</i> [2019] NSWSC 1808	Led by S Dawson SC (instructed by Racing NSW) Successfully defended a warning off decision in judicial review proceedings
<i>Independent Liquor and Gaming Authority v Auld</i> [2019] NSWCA 88	Led by N Sharp SC for the Applicant (instructed by NSW Crown Solicitor’s Office) Liquor licensing; removal application; statutory construction
<i>Brett Cattle v Minister for Agriculture, Fisheries and Forestry & Anor</i> [2020] FCA 732; 274 FCR 337, 383 ALR 58	Led by N Williams SC and Michael O’Meara (instructed by AGS) Misfeasance in public office – damages
<i>Australian Competition and Consumer Commission v Pental Limited</i> [2018] FCA 491	Led by S White SC (instructed by AGS) Consumer law; contested penalty proceedings
<i>Construction Industry Training Board v Transfield Services</i> [2017] SASCFC 103; 128 SASR 475, 323 FLR 166	Led by C Horan QC for the Attorney-General (Cth) intervening (instructed by AGS)

Section 52(i) of the Constitution, power over places acquired for public purposes

Commonwealth of Australia v Director, Fair Work Building Industry Inspectorate & Ors (2015) 258 CLR 482

Led by C Moore SC for the amici curiae (instructed by AGS)

Whether *Barbaro v The Queen* (2014) 253 CLR 58 applies to civil penalty proceedings

SELECTED CASES – Tribunals and regulatory bodies (led)

Ehrenfeld and Australian Securities and Investments Commission [2021] AATA 1406

Led by D Healey for the Respondent (instructed by ASIC)

Application for dismissal under s 42A(5) of the *Administrative Appeals Tribunal Act 1975* (Cth) granted

Steel v Medical Council of New South Wales [2020] NSWCATOD 77

Led by K Richardson SC for the Respondent (instructed by Health Professional Councils Authority)

Appeal on points of law; suspension of practitioner's registration

Holt v Dental Council of New South Wales [2020] NSWCATOD 62

Led by A Horvath for the Respondent (instructed by Health Professional Councils Authority)

Appeal on points of law; suspension of practitioner's registration

Ehrenfeld and Australian Securities and Investments Commission [2017] AATA 883

Led by D Healey for the Respondent (instructed by ASIC)

Merits review – decision to disqualify from managing corporations – recusal application

Applications by Public Interest Advocacy Service Ltd and Ausgrid Distribution [2016] ACompT 1

Led by S Lloyd SC, M O'Bryan QC, S Balafoutis, A Mitchelmore, and with J Arnott, T Phillips, and F St John for the Australian Energy Regulator (instructed by Corrs Chambers Westgarth)

National Electricity Law – review of distribution determination by AER

Application for Authorisation of Acquisition of Macquarie Generation by AGL Energy Limited [2014] ACompT 1

Led by C Scerri QC, N De Young, C Exell (instructed by DLA Piper)

Application to the Australian Competition Tribunal for authorisation under s 95AT of the *Competition and Consumer Act 2010* (Cth) for a proposed acquisition

SELECTED CASES – Other significant led matters

Assistant Commissioner Michael James Condon v Pompano Pty Ltd (2013) 252 CLR 38

TCL Air Conditioner Co Ltd v The Judges of the Federal Court of Australia (2013) 251 CLR 533

Director of Public Prosecutions v Keating (2013) 248 CLR 459

Stanford v Stanford (2012) 247 CLR 108
