



ERIN O'CONNOR JARDINE
Barrister

+61 2 8239 0209
erin.jardine@banco.net.au

ADMISSIONS

- 2022** Barrister, New South Wales Bar
- 2017** Solicitor, Supreme Court of New South Wales

ACADEMIC

- 2017** University of NSW, Juris Doctor
- 2009** University of Sydney, Master of Strategic Public Relations
- 2008** University of Queensland, Bachelor of Arts (Political Science; French)

EXPERIENCE

- Since 2022** Barrister, Banco Chambers
- 2015 - 2022** **Gilbert + Tobin**
Solicitor, Competition and Regulation Group (2018-2022)
Solicitor, Pro Bono Group (2017-2018)
Secondment, North Australian Aboriginal Justice Agency (2015)
- 2020 - 2021** **NSW Crown Solicitor's Office**
Senior Solicitor, Torts (Justice)
- 2016** **Legal Aid NSW**
Human Rights Fellowship
- 2009 - 2014** **Policy and media advisor (trade and foreign aid)**
Various public policy, programs and communications advisor roles in the public and not-for-profit sectors including at the Australian Trade Commission, the Australian Red Cross, and Caritas Australia (in Australia, PNG, Fiji and the Democratic Republic of Congo).
- 2013 - 2015** **Legal and policy researcher (human rights and international public law)**
Various research role for the UN Special Rapporteur of Violence Against Women, the Australian Human Rights Centre and International Women's Rights Action Watch.

SELECTED MATTERS

Unled Proceedings

Davsul Pty Ltd v Double 8 Media Pty Ltd [2023] NSWDC 513 – appeared for the plaintiff in a dispute concerning contraventions of s 18 of the Australian Consumer Law (instructed by Strategic Legal).

Affleck & Anor. v Rushton & Ors (Federal Court, NSD 716/2023) – acting for the plaintiffs in proceedings against six respondents in a dispute concerning alleged misleading or deceptive conduct, breach of contract and liability under deeds of loan (instructed by Cornwalls).

Lofty v Northern Territory of Australia (NT Local Court) – acting for the plaintiff in proceedings against the Northern Territory Government in relation to police powers and personal injury (instructed by the North Australia Aboriginal Justice Agency).

McConachy v National Disability Insurance Agency (AAT, 2020/1930) – acting for the plaintiff in proceedings concerning NDIS funding for specialist disability accommodation (instructed by Herbert Smith Freehills and the Public Interest Advocacy Centre).

Shinjuhama Pty Ltd v Pearl Beach Café & General Store & Ors (NSW District Court, 2023/251538) – acting for the third defendant in proceedings concerning directors' guarantees under a contract for the sale of a business (instructed by Cornwalls).

Sydney Ground Transport Trust t/as Sydney Ground Transport v Kirillova (NSW Local Court, 2022/301998) – acting for the defendant in a contract law and restitution claim concerning payment for services (instructed by Strategic Legal).

Beck v Usher (NSW Local Court, unreported) – appeared for the plaintiff in a contract law and negligence dispute concerning use and damage of property.

Optus Networks Pty Limited v Link Enterprise Solutions Pty Ltd (NSW District Court, settled prior to hearing) – acting for Optus Networks Pty Limited in proceedings concerning contract law and alleged contraventions of ss 18 and 21 of the Australian Consumer Law (instructed by Gadens).

Zhihai Lin v NSW Land and Housing Corporation (NSW Local Court, settled prior to hearing) – acting for the NSW Land and Housing Corporation in negligence proceedings concerning damage to property (instructed by McCabes Lawyers).

R v Angelis – appeared for the accused in proceedings in the Local Court of New South Wales and sentencing proceedings in the District Court of New South Wales.

Various motions and directions hearings in the Supreme Court of New South Wales commercial, corporations and family provisions lists, the NSW District Court and the NSW Local Court.

Led Proceedings

ASIC v Latitude Finance Australia & Harvey Norman Holdings Limited (Federal Court, NSD843/2022) – acting for Harvey Norman Holdings Limited in proceedings concerning alleged false, misleading or deceptive conduct in advertising and financial services (led by P Brereton SC, S Jeliba and G Keesing, instructed by Brown Wright Stein Lawyers).

INPEX Operations Australia Pty Ltd & Anor v AkzoNobel N.V & Ors (Federal Court, WAD 162/2021); *JKC Australia LNG Pty Ltd v Akzonobel NV & International Paint Limited* (WAD 448/2017) – acting for the defendants in a multi-billion dollar misleading or deceptive conduct claim concerning coating applied to the INPEX Ichthys LNG Facility (led by N Bender SC and B Kremer SC, instructed by Clayton Utz).

Applications by ANZ Banking Group and Suncorp Group Limited, Australian Competition Tribunal 1/2023 – acting for the ACCC in the Tribunal’s review of the ACCC’s determination to dismiss an application by ANZ and Suncorp for merger authorisation (led by G Rich SC and R Yezerski SC, instructed by the AGS).

The Owners Strata Plan No 74232 v Tezel [2023] NSWCA 35 – appeared for the lot owner in proceedings concerning the limitation period under s 106(6) of the *Strata Schemes Management Act 2015* (NSW) (led by James Emmett SC, instructed by Sachs Gerace Lawyers).

Parkin and Martini Family Investment Pty Ltd atf Matini Family Investments Super Fund v Boral Limited [2022] FCA 1467– appeared for the applicants in an interlocutory application to challenge claims of legal professional privilege (led by R McHugh SC and D Roche SC, instructed by Maurice Blackburn Lawyers).

Spozac Pty Limited atf the LDB Family Trust t/as Not Just Cakes v Tyro Payments Ltd [2023] FCA 643 – appearing for the applicant in a representative proceedings settlement approval application (led by R Newlinds, instructed by Bannister Law).

Double Bay Aged Care v Aged Care Quality and Safety Commissioner [2023] AATA 2673 – appeared for the Aged Care Quality and Safety Commission in proceedings concerning home care provider approvals under the *Aged Care Quality and Safety Commission Act 2018* (Cth) (led by F Roughley SC, instructed by Sparke Helmore Lawyers).

Betmax Pty Ltd v Racing NSW (NSW Supreme Court, settled at hearing) – administrative law proceedings concerning licensing and approvals under the *Racing Administration Act 1998* (NSW) (led by R Newlinds SC, instructed by Cockburn & Co Pty Ltd)

Fintechnix Pty Ltd v Actian Australia Pty Ltd; ClearView Wealth Limited & ors v Fintechnix Pty Ltd & Actian Australia Pty Ltd & anor (NSW Supreme Court, settled prior to final hearing) – appearing for Fintechnix Pty Ltd in proceedings concerning software licensing, contract and copyright law, and urgent injunctive relief (led by N Bender SC, instructed by Makinson d’Apice Lawyers).

Gargan v National Disability Insurance (NCAT, settled prior to hearing) – acted for the National Disability Insurance Agency in proceedings concerning NDIS funding for care provided by the Applicant’s family (led by B Kremer SC, instructed by Ashurst).

Regulatory Investigations and Inquires

Acting for the ACCC and for various public and private companies in ongoing investigations concerning alleged contraventions of ss 45, 47 and 50 of the *Competition and Consumer Act 2010* (Cth).

Acting for public and private companies in ACCC investigations concerning the Australian Consumer Law.

Appearing for a witness in private hearings of the Special Commission of Inquiry into LGBTIQ hate crimes.

Opinions

Various opinions on questions of competition and consumer law, statutory construction, contract law, negligence and intentional torts claims for companies, statutory bodies, and community legal centres.

COMMUNITY ENGAGEMENT

NSW Bar Association Human Rights Committee.

NSW Bar Association Duty Barrister.

Head of Media Department (Festival Period), Woodford Folk Festival.