



**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, torts

Hancock Prospecting Pty Ltd v Wright Prospecting Pty Ltd [2020] WASCA 77 – 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)

Yates v State of New South Wales – acting for State of New South Wales in ACT Supreme Court proceedings involving allegations of tortious conduct on the part of NSW Police Officers (unled, instructed by Makinson d’Apice Lawyers)

Merhi v State of New South Wales – acting for State of New South Wales in proceedings involving allegations of tortious conduct on the part of NSW Police Officers (unled, instructed by Makinson d’Apice Lawyers)

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)

Khadvizad 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 and Inquiries

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

Boydton Pty Ltd v Minister for Planning and Public Spaces – acting for Minister in judicial review proceedings in Land and Environment Court relating to issuance of gateway certificate (unled, instructed by Department of Planning, Industry & Environment)

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

Ameisen v Medical Council of New South Wales [2021] NSWCATOD 155 – 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)

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)

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)

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

Australian Bushman's Campdraft & Rodeo Association Ltd v Tapp – acting for respondent in appeal from New South Wales Court of Appeal regarding concept of “obvious risk” *Civil Liability Act* (reserved) (led by J Gleeson SC, D Lloyd SC, instructed by RGS Legal)

Wells Fargo Trust Company, National Association & Anor v VB LeaseCo Pty Ltd (Administrators Appointed) & Ors – acting for Administrators of Virgin Group in appeal in respect of obligations imposed on insolvent airlines and their administrators under the Cape Town Convention and Protocol (reserved) (led by J Gleeson SC, instructed by Clayton Utz)

Liberty Mutual Insurance Company t/as Liberty International Underwriters v Swashplate Pty Ltd [2021] HCATrans 64 – acted for respondent to special leave application concerning extent to which regard may be had to contextual material in contractual construction (special leave refused) (led by J Gleeson SC, instructed by Norton White)

Commonwealth of Australia v Helicopter Resources [2020] HCA 16; 94 ALJR 466 – acted for respondent in appeal from Full Federal Court regarding application of accusatorial principle to corporations (led by J Gleeson SC, T Brennan, instructed by Norton White)

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

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

AMP Financial Planning Class Action – acting for claimant financial planners in proceedings alleging breach of contract and other misconduct on the part of AMPFP (led by N Owens SC and S Lawrance, instructed by Corrs Chambers Westgarth)

Ingram v Ardent Leisure & Ors – acting for respondents in securities class action arising out of accident at Dreamworld in 2016 (led by N Owens SC, instructed by Quinn Emanuel)

Dick Smith Class Action – acted 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 – acted 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 – acted 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, insurance, consumer law, corporate crime

Commonwealth Director of Public Prosecutions v Citigroup Global Markets Australia Pty Ltd & Ors – acting for ANZ in prosecution against several banks and individuals in respect of alleged cartel conduct (led by J Sheahan QC, T Game SC, S Buchan SC, S Palaniappan, instructed by Allens)

ICC Arbitration – acting for respondents in ICC Arbitration seated in Western Australia concerning termination rights under complex multi-jurisdictional service agreements (led by J Redwood SC, instructed by Herbert Smith Freehills)

MS Amlin Corporate Member Ltd v L.U. Simon Builders Pty Ltd – acting for applicant insurer in coverage dispute in Federal Court between different insurance layers (led by E Muston SC, instructed by Lander & Rogers)

Swashplate Pty Ltd v Liberty Mutual Insurance Company t/a Liberty International Underwriters [2020] FCAFC 137; 381 ALR 648 – acted 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 Arbitration (led by PW Flynn SC, instructed by Dentons)

Porter v Australian Broadcasting Corporation – acted for the Australian Broadcasting Corporation in defamation proceedings brought by Christian Porter (settled) (led by J Gleeson SC, R Enbom QC and C Amato, instructed by ABC Legal)

Liu v Zouky & Ors – acting for respondent in Federal Court proceedings arising out of unprofitable joint venture (led by J Karkar QC, instructed by Clyde & Co)

About Life v Maddocks [2021] NSWSCS 1370 – acted for respondent solicitors in Supreme Court proceedings alleging negligence in respect of property transaction (led by A Leopold SC and A Horvath, instructed by Moray & Agnew)

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 Corporation Ltd v Melbourne City Council [2020] FCA 305 – acted 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)

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)

Expert Determination – acted for rail freight operator in large-scale expert determination arising out of various disputes under a project deed (led by D Kelly QC and S Webster, instructed by Quinn Emanuel)

Public law and Inquiries

Department of Primary Industries and Regional Development v Emanuel Exports – acting for Department in Western Australian Court of Appeal proceedings concerning alleged constitutional inconsistency between federal live export regime and State animal welfare legislation (led by J Gleeson SC, instructed by Western Australian State Solicitor’s Office)

FUD18 v Minister for Home Affairs [2021] FCAFC 132 – acted for appellant in appeal from decision refusing application to restrain Minister from refusing to grant appellant a visa on the basis of character grounds under s 501(6)(h) of the *Migration Act* (led by T Brennan SC, instructed by Kinslor Prince Solicitors)

Walker v Minister for Home Affairs [2020] FCA 909 – acted for respondent in application for judicial review of decision by Minister not to revoke mandatory cancellation of visa (led by P Herzfeld SC, instructed by Australian Government Solicitor)

Kirby v Dental Council of NSW [2020] NSWCA 91 – acted for Dental Council in appeal regarding imposition of licence conditions on dentist (led by A Horvath, instructed by Health Professional Councils Authority)

Special Commission of Inquiry into the Ruby Princess – acted for NSW Health in Special Inquiry into matters relating to the COVID-19 outbreak on the Ruby Princess cruise ship in 2020 (led by Gail Furness SC, instructed by Corrs Chambers Westgarth)

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)

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)

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)

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

Bar Association

Bar Counsellor (director of the Bar Association) (November 2020 – present)

Member of Professional Conduct Committee (November 2020 – present)

Member of Climate Change Panel (July 2020 – present)

Pro Bono Practice

Legal Assistance Referral Scheme (October 2019 – Present)

Duty Barrister (Civil) (October 2017 – December 2018)

Law Reporting

Law Reporter, New South Wales Law Reports (Jan 2016 – Dec 2019)

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

Selected publications and editorial experience

A Zuckerman, *Zuckerman on Civil Procedure*, 4th ed (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