



KUNAL SHARMA
Barrister

+61 2 8239 0275
Kunal.sharma@banco.net.au

ADMISSIONS

2021

Barrister, New South Wales Bar

2013

Solicitor, Supreme Court of NSW

ACADEMIC

University of Oxford

Bachelor of Civil Law (2015)
MSc (Higher Education) (2016)

University of New South Wales

Bachelor of Laws (Honours Class 1) (2012)
Bachelor of Arts (2012)

Academic achievements

Rhodes Scholarship, University of Oxford (2014–2016)
Associate Editor (2014) and Editor (2015, 2016), *Oxford University Commonwealth Law Journal*
Scientia Scholarship, University of NSW (2007–2012)
Order of Merit (ranked in the top 5 graduating students in Law, 2012)
Faculty of Law Dean's List (2012)
Faculty of Arts Dean's List (2012)
Member of the Editorial Board, *UNSW Law Journal* (2011–2012)

EXPERIENCE

Since 2021	Barrister Banco Chambers
2020 - 2021	Corrs Chambers Westgarth Senior Associate/Associate, Commercial Litigation
2013 - 2020	Herbert Smith Freehills Solicitor, Dispute Resolution (2016 - 2020) Graduate (2013 - 2014) *includes extended leave in 2018 to complete an associateship
2018 - 2019	Associate to the Hon Justice A Katzmann The Federal Court of Australia

SELECTED MATTERS – GENERAL COMMERCIAL

<i>Aslan v Stepanoski</i> [2022] NSWCA 24	Repudiation, discretion to reopen case	Led by L Chan
<i>Australia Eastern Railroad Pty Ltd v Genesee & Wyoming, Inc</i> , Supreme Court of NSW, 2019/289989	Breach of contract	Led by D Sulan SC
<i>AWN Holdings v Cappalletto</i> , District Court of NSW, 2020/324390	Discovery	Unled
<i>B&G Properties Pty Ltd v Fayad</i> [2021] NSWSC 1382 Confidential arbitration under the <i>Commercial Arbitration Act 2012</i> (WA)	Debt, construction of contract, penalty	Led by C Mitchell
Confidential arbitraion under the <i>Commercial Arbitration Act</i> (WA)	Equitable obligations, breach of trust	Led by various counsel
<i>Hastie Group Limited (in liq) v Multiplex Constructions Pty Ltd (Formerly Brookfield Multiplex Constructions Pty Ltd) (No 2)</i> [2021] FCA 1344; 155 ACSR 217	Case management, large multi-party proceedings	Led by V Whittaker SC
<i>Herron v HarperCollins Publishers Australia Pty Ltd (No 4)</i> [2021] FCA 1021	Indemnity costs	Led by A d’Arville
<i>Hub Computing Services Pty Ltd v Rhino Rack Australia Pty Ltd</i> , Supreme Court of NSW, 2019/0030303065	Breach of contract, breach of confidence	Led by R Yezerski
<i>Lamey & Ors v Norman Farming Pty Ltd atf the Norman Farming Trust & Ors</i> , Supreme Court of Queensland, 3780/17	Nuisance, negligence	Unled
<i>Marundrury & Ors v Commonwealth Bank of Australia</i> , Federal Court of Australia, VID 59/2021 <ul style="list-style-type: none"> <i>Marundrury v Commonwealth Bank of Australia</i> [2021] FCA 1379 – summary dismissal; strike out 	Common law duty of care, <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> (Cth) Application under ss 236 and 237 of the <i>Corporations Act 2001</i> (Cth)	Led by S Mirzabegian SC
<i>Mount Gilead Pty Ltd & Hobhouse v L Macarthur-Onslow & Ors</i> [2021] NSWSC 948; 398 ALR 629	Leave to appeal, appeal – ss 236 and 237 of the <i>Corporations Act 2001</i> (Cth)	Led by A Horvath SC
<i>Mount Gilead Pty Ltd & Hobhouse v Macarthur-Onslow & Ors</i> , Supreme Court of NSW, Court of Appeal, proceeding no 2021/00254614		Led by A Horvath SC
<i>Wong v Bankwest, a division of the Commonwealth Bank of Australia</i> , Federal Court of Australia, NSD682/2021 <ul style="list-style-type: none"> <i>Wong v Wong</i> [2022] FCA 78 – declaration of right, enforcement of agreement <i>Wong & Wong (No 2)</i> [2022] FCA 269 – costs 	Fraud, conversion, <i>ASIC Act 2001</i> (Cth), <i>National Consumer Credit Protection Act 2009</i> (Cth)	Led by S Mirzabegian SC

SELECTED MATTERS - ADMINISTRATIVE & REGULATORY

<i>Australian Competition and Consumer Commission & Anor v Meta, Inc (formerly Facebook, Inc) & Anor</i> , Federal Court of Australia, NSD 188/2022	False, misleading or deceptive conduct – ACL and ASIC Act 2001 (Cth)	Led by K Stern SC, F Roughley and J Roy
<i>Bassel Abdul Rahman v Health Care Complaints Commission of NSW</i> [2021] NSWCA 127	Stay, mandatory injunction	Led by J Emmett SC
<i>Buckley v Council of the Law Society of NSW</i> [2022] NSWSC 328	Judicial review; jurisdictional error	Led by K Richardson SC
<i>Rahman v Health Care Complaints Commission</i> [2021] NSWCA 247	Judicial review; jurisdictional error	Led by J Emmett SC
<i>Quach v Health Care Complaints Commission</i> , Supreme Court of NSW (various)	<i>Vexatious Proceedings Act 2008</i> (NSW)	Unled

SELECTED MATTERS - CLASS ACTIONS

<i>Greenshades Pastoral Co Pty Ltd v Hardi Australia Pty Ltd</i> , Supreme Court of NSW, 2019/00101980	Misleading or deceptive conduct, negligence	Led by R Higgins SC and Z Hillman
<i>Mallia v Colonial First State Investments Limited & Ors</i> , Federal Court of Australia, VID28/2020	Fiduciary duties, <i>Superannuation Industry (Supervision) Act 1993</i> (Cth)	Led by S Finch SC, V Whittaker SC and I Ahmed

SELECTED MATTERS - CORPORATIONS

<i>In the matter of Cirrus Medical Holdings Pty Ltd as trustee for the Cirrus Medical Property Trust</i> , Supreme Court of NSW, 311985/2021	Oppression, winding up, misleading or deceptive conduct	Led by F Assaf SC
<i>In the matter of McLennan Asset Services Pty Ltd (Subject to Deed of Company Arrangement) ACN 145 380 872</i> , Supreme Court of NSW, 141321/2021 (settled)	Set aside deed of company arrangement	Led by F Assaf SC

SELECTED MATTERS - TRIBUNALS

<i>Gargan and National Disability Insurance Agency</i> , AAT, 2020/3278	<i>National Disability Insurance Scheme Act 2013</i> (Cth)	Led by B Kremer Unled
<i>Parry & Anor v Jones & Anor</i> , NCAT proceeding no RT 21/35788 (settled)	Tenancy dispute	

TEACHING

University of NSW

Teaching Fellow in Principles of Australian Private Law (2014, 2020), Contracts (2016, 2018), Land Law (2016), and Business Associations (2020)

PUBLICATIONS

‘Jumping Back and Forth between Domestic Courts and ISDS: Mixed Signals from Asia-Pacific’ in Hindelang and Krajewski (eds), *Shifting Paradigms in International Investment Law* (Oxford University Press, 2016) 316 (with Leon Trakman).

‘Locating Australia on the Pacific Rim: Trade, Investment and the Asian Century’ (2015) *Transnational Dispute Management* 1 (with Leon Trakman).

‘The Binding Force of Agreements to Negotiate in Good Faith’ (2014) 73 *Cambridge Law Journal* 598–628 (with Leon Trakman).

‘Indonesia’s Termination of the Netherlands–Indonesia BIT: Broader Implications in the Asia-Pacific?’, *Kluwer Arbitration Blog*, 21 August 2014 (with Leon Trakman).

‘Why is Indonesia Terminating Its Bilateral Investment Treaties?’, *East Asia Forum*, 20 September 2014 (with Leon Trakman)

‘BITs and Pieces: Regional Developments in Investor-State Dispute Settlement’, *APEC Currents*, 2014 (with Leon Trakman)

‘A Relational Theory of Property’ (2013) 22 *Australian Property Law Journal* 70–91.

‘The Pursuit of Happiness: Implementing Utopia through the NSW Community Title Legislation’ (2013) 3 *Property Law Review* 51–63.