



KUNAL SHARMA
Barrister

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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 – COMMERCIAL

<i>ACCC & Anor v Meta, Inc (formerly Facebook, Inc) & Anor</i> , Federal Court of Australia, NSD 188/2022 <i>ACCC v Meta Platforms, Inc</i> [2022] FCA 1062	False, misleading or deceptive conduct – ACL and ASIC Act 2001 (Cth)	Led by Kristina Stern SC and Fiona Roughley
<i>ASCF Managed Investment Services & Anor v Guerin</i> , Supreme Court of NSW, case no 2022/290274	Possession; mortgagor default	Unled
<i>Aslan v Stepanoski</i> [2022] NSWCA 24 <i>Aslan v Stepanoski (No 2)</i> [2022] NSWCA 89	Repudiation, discretion to reopen case	Led by Laina Chan
<i>Australia Eastern Railroad Pty Ltd v Genesee & Wyoming, Inc</i> , Supreme Court of NSW, 2019/289989	Breach of contract	Led by Richard McHugh SC and David Sulan SC
<i>B&G Properties Pty Ltd v Fayad</i> [2021] NSWSC 1382	Debt, construction of contract, penalty	Led by Chris Mitchell
Confidential arbitration under the <i>Commercial Arbitration Act 2012</i> (WA)	Equitable obligations, breach of trust	Counsel team led by Noel Hutley SC
<i>Hastie Group Limited (in liq) v Multiplex Constructions Pty Ltd (No 2)</i> [2021] FCA 1344; 155 ACSR 217	Case management, large multi-party proceedings	Led by Vanessa Whittaker SC
<i>Herron v HarperCollins Publishers Australia Pty Ltd (No 4)</i> [2021] FCA 1021	Indemnity costs	Led by Anais 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 Robert Yezerski
<i>Lamey & Ors v Norman Farming Pty Ltd & 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 <i>Marundrury v Commonwealth Bank of Australia</i> [2021] FCA 1379 <i>Marundrury v Commonwealth Bank of Australia (No 2)</i> [2022] FCA 916	Negligence, <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> (Cth)	Led by Sera Mirzabegian SC
<i>Roberts v Goodwin Street Developments Pty Ltd</i> [2023] NSWCA 5	Building and Construction – defects – contract – procedural fairness	Led by Laina Chan
<i>Rowe & Anor v Pow & Anor</i> , Supreme Court of NSW, case no 2022/317698	Breach of contract	Led by Zoë Hillman
<i>Springfield City Group Pty Ltd v PIPE Networks Pty Ltd</i> , Court of Appeal, Supreme Court of Queensland, case no 15888/22	Breach of contract (implied terms), trespass, conversion	Led by John Sheahan KC, Gavin Handran KC and Will LeMass

<i>Wong v Wong</i> [2022] FCA 78 – declaration of right, enforcement of agreement	Fraud, conversion, <i>ASIC Act 2001</i> (Cth), <i>National Consumer Credit Protection Act 2009</i> (Cth)	Led by Sera Mirzabegian SC
<i>Wong & Wong (No 2)</i> [2022] FCA 269 – costs		
<i>Youssef v Bevchain Pty Ltd & Labourpower Recruitment Services Pty Ltd</i> , District Court of NSW, case no 2018/00339305	Insurance; workplace injury; negligence	Led by Anne Horvath SC

SELECTED MATTERS - ADMINISTRATIVE & DISCIPLINARY

<i>Buckley v Council of the Law Society of NSW</i> [2022] NSWSC 328	Judicial review; jurisdictional error	Led by Kate Richardson SC
<i>Health Care Complaints Commission v Gazal</i> , Civil and Administrative Tribunal of NSW, case no 2022/329178	Disciplinary, <i>Health Practitioner Regulation National Law</i>	Unled
<i>Health Care Complaints Commission v Hoang</i> , Civil and Administrative Tribunal of NSW, case no 2023/13118	Disciplinary, <i>Health Practitioner Regulation National Law</i>	Unled
<i>Health Care Complaints Commission v Thurlow</i> , Civil and Administrative Tribunal of NSW, case no 2022/254466	Disciplinary, <i>Health Practitioner Regulation National Law</i>	Unled
<i>Rahman v Health Care Complaints Commission</i> [2021] NSWCA 247	Judicial review; jurisdictional error, stay, mandatory injunction	Led by James Emmett SC
<i>Rahman v Health Care Complaints Commission</i> [2021] NSWCA 127		
<i>Quach v Health Care Complaints Commission</i> , Supreme Court of NSW (various)	<i>Vexatious Proceedings Act 2008</i> (NSW)	Unled
<i>The Council of the Law Society of NSW v Buckley</i> , Civil and Administrative Tribunal of NSW, case no 2023/140580	Disciplinary, <i>Legal Profession Uniform Law</i>	Led by Kate Richardson SC

SELECTED MATTERS - CLASS ACTIONS

<i>Greenshades Pastoral Co Pty Ltd v Hardi Australia Pty Ltd</i> [2022] NSWSC 755	Misleading or deceptive conduct, negligence	Led by Ruth Higgins SC and Zoë Hillman
<i>Komlotex Pty Ltd & Anor v AMP Limited</i> , Supreme Court of NSW, case no 2018/310118	Disclosure of material information to the ASX, misleading or deceptive conduct	Led by Elizabeth Collins SC and Imtiaz Ahmed

<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 Steven Finch SC, Vanessa Whittaker SC and Imtiaz Ahmed
<i>Williamson v Sydney Olympic Park Authority</i> [2022] NSWSC 1618	Settlement approval	Led by David Sulan SC

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 Farid 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 Farid Assaf SC
<i>Mount Gilead Pty Ltd & Hobhouse v L Macarthur-Onslow & Ors</i> [2021] NSWSC 948; 398 ALR 629 <i>Mount Gilead Pty Ltd & Macarthur-Stanham</i> [2023] NSWCA 37	Application under ss 236 and 237 of the <i>Corporations Act 2001</i> (Cth)	Led by Anne Horvath SC

TEACHING

University of NSW

Teaching Fellow in Principles of Australian Private Law (2014, 2020), Contracts (2016, 2018, 2021), Land Law (2016), and Business Associations (2020, 2022).

PUBLICATIONS

‘Course of Conduct and Totality in Civil Penalties’ in Kayis et al (eds), *The Law of Civil Penalties* (forthcoming 2023) (with Justin Gleeson SC).

‘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.

COMMUNITY

Selector, Rhodes Scholarships (Global constituency) (2022)

Selector, RISE Scholarships (2021)

Judging various mooted competitions (UNSW, University of Sydney)