

## Shanta Martin – recent cases

Recent matters in which Shanta has been briefed include:

### Commercial, regulatory and Australian Consumer law

- *Australian Competition and Consumer Commission (ACCC) v [confidential]* (2024 – current) – advising and drawing pleadings for the ACCC in anticipated proceedings
- *Mobil Oil Australia Pty Ltd v Mogas Regional Pty Ltd* (2022 – current) – Supreme Court of Victoria - Case No ECI 2022 03518 – Acting for Mobil in breach of contract claim, including defence to counterclaim alleging breaches of s 21 of the ACL. Led by Christopher Archibald KC.
- [\*ASIC v Dixon Advisory & Superannuation Services Ltd \[2022\] FCA 1105\*](#) – acting for ASIC in a regulatory matter regarding alleged breaches of “best interests obligations” under Division 2 of Part 7.7A of the Corporations Act 2001 (Cth), led by Dan Star QC with Zoe Maud.
- *Commercial Arbitration* (2020) acting for claimant petroleum exploration company against three energy companies in an arbitration regarding a petroleum royalty deed, including a claim that the second respondent engaged in misleading and deceptive conduct. Led by Christopher Archibald KC.
- *Celmore Real Estate Pty Ltd (T/A Woodards Blackburn) v Funston* (2022) - County Court Case No CI-20-03577 - acting for Defendant property seller against a real estate agent for conduct that was misleading and deceptive and/or likely to mislead and deceive, in contravention of s18 of the ACL regarding representations made in connection with the possible sale or promotion of a sale of an interest in land, and unconscionable under s 21 of the ACL. Unled.
- *Funston v CCSS Pty Ltd*, S ECI 2019 0543 (2020), Supreme Court appeal – for the appellant, led by Ian Upjohn QC [2021] VSC 24
- *Singh v Malhotra*, CI-18-01113 (2019-2020), County Court – acting for the Plaintiffs in trial for breach of contract and claim of misleading and deceptive conduct by the Defendant purchaser of the Plaintiffs’ business. Unled.
- *Claim by UK-based workers and trade union against Australian healthcare company* (2020) - Pre-action advice and preparation of pre-action correspondence in claim for, *inter alia*, misleading and deceptive conduct contrary to s 18 of the ACL, regarding treatment of workers in the United Kingdom contrary to public representations by the company on its website, in its published reports and its statements to the Australian Securities Exchange. Led by Ron Merkel KC.
- *Bitumen Importers Australia Pty Ltd v Terminals Pty Ltd*, S ECI 2020 04253, Supreme Court – for the defendant, contractual dispute, unled.
- *Kehars Pty Ltd and Singh v Malhotra* (2019) - County Court Case No CI-18-01113 - acting for Unled.
- *Southernwood v Brambles Limited* (2019) – Federal Court Case No VID972 of 2018 - Evidence analysis for class action claim that Brambles misled or deceived investors and breached its obligations under s 18 of the *ACL*, the *Corporations Act 2001* (Cth) and ASX Listing Rules to continuously disclose certain material information of which it was aware, or ought to have been aware.
- *Endeavour River Pty Ltd v Murray Goulburn Responsible Entity Limited* (2019) – Federal Court Case No VID 1010 of 2018 - Evidence analysis, including of examination transcripts, for shareholder class action claim alleging misleading

or deceptive conduct and contravention of continuous disclosure obligations by the Murray Goulburn Unit Trust, including in contravention of s18 of the ACL.

## Public law

- *Country Fire Authority v Hazelwood Power Corporation Pty Ltd* (ongoing), Supreme Court Commercial List, acting for the CFA in a claim for recovery of a fee prescribed by regulation for attendance at the Hazelwood mine fire in 2014, led by Dan Star KC, with S Fitzgerald.
- *Higgs v The King* (2024 – current), Supreme Court of Victoria Court of Appeal - appearing for the Australian Criminal Intelligence Commission (ACIC) in responding to application for production of material pursuant to s 317 of the Criminal Procedure Act 2009, giving rise to issues relating to public interest immunity. Unled.
- [\*Zirilli v The King \[2023\] VSCA 64\*](#), Supreme Court of Victoria Court of Appeal - appearing for the Australian Criminal Intelligence Commission (ACIC) in responding to applications for production of material pursuant to s 317 of the Criminal Procedure Act 2009, giving rise to issues relating to statutory prohibitions under the Telecommunications (Interception and Access) Act and public interest immunity matters, led by Anthony Berger KC, with J Forsaith.
- [\*Zirilli v The King \[2022\] VSCA 192\*](#), Supreme Court of Victoria Court of Appeal - appearing for the ACIC, jurisdictional issues, led by Anthony Berger KC.
- [\*Zirilli v The Queen \[2021\] VSCA 305\*](#) Supreme Court of Victoria Court of Appeal – appearing for the ACIC, unled.
- [\*Zirilli v The Queen \[2021\] VSCA 174\*](#), and *Madafferi v The Queen*, Supreme Court of Victoria Court of Appeal – appearing for the ACIC, unled.
- *Royal Commission into the Management of Police Informants* (2020) – appearing for the ACIC and Department of Home Affairs in respect of public interest immunity matters, unled.
- *Fantastic Family Day Care v Secretary, Department of Education, Skills and Employment*, VID448/2020, Federal Court – for the applicant, judicial review including interlocutory application for stay, unled.
- *Helping Hugs Family Day Care v Secretary, Department of Education and Training*, 2019/7721, Administrative Appeals Tribunal – for the applicant, merits review including interlocutory application for stay, unled.
- *Lumeah Family Day Care v Secretary, Department of Education and Training*, 2019/2350, Administrative Appeals Tribunal – for the applicant, merits review, unled.
- *Kids R Creative Family Day Care v Secretary, Department of Education and Training*, S ECI 2019 01698, Supreme Court – for the applicant, judicial review, unled.
- *Helping Hugs Family Day Care v Secretary, Department of Education and Training*, VID739/2019 and VID925/2019, Federal Court – for the applicant, judicial review, unled.
- [\*MXFR v Minister for Home Affairs \[2019\] ATTA 705\*](#) – for the applicant, successful visa character cancellation merits review, unled.
- *Australian Sustainable Hardwoods Pty Ltd v VicForests*, Z388/2019 and Z286/2019, VCAT – for the applicant in respect of a Freedom of Information application.

## Human Rights:

- [Independent examiner for the Australian National Contact Point](#) (2019 – current)  
– appointed by Commonwealth to examine and determine complaints regarding alleged non-compliance with the [OECD Guidelines for Multinational Enterprises](#) by various business entities.
- Acting for members of the South Sudanese community in a claim against Peta Credlin and Australian News Channel Pty Limited for breach of the s18C of the *Racial Discrimination Act 1975* (Cth), Australian Human Rights Commission, successfully resolved including "[Apology of the year](#)", led by Ron Merkel KC, with P Knowles.
- Acting for golf club in alleged sex discrimination claim (2022), Victorian Civil and Administrative Tribunal, Human Rights Division, unled.
- Acting for venue in alleged disability discrimination claim (2019), Victorian Equal Opportunity and Human Rights Commission, successfully resolved, unled.

## Class action litigation

- *Pabai Pabai v Commonwealth of Australia* (2023 ongoing), Federal Court - acting for the plaintiffs in climate change class action on behalf of Torres Strait Islander peoples, led by Fiona McCloud SC.
- *Holly Southernwood, and William Vincent Kidd & Mary Agnes Collum as Trustees for the Magness-Bennett Superannuation Fund v Brambles Limited*, VID 972/2018, Federal Court – Brambles shareholder class action.
- *Endeavour River Pty Ltd v MG Responsible Entity Limited & Anor*, VID1010/2018, Federal Court – Murray Goulburn shareholder class action.

## Clubs and associations

- *Jones v Life Saving Victoria Limited* (2022) S ECI 2021 00375, Supreme Court - acting for the plaintiff in breach of contract and procedural fairness claim against LSV, unled.
- Acting for golf club in alleged sex discrimination claim (2022), Victorian Civil and Administrative Tribunal, Human Rights Division.

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As a solicitor, Shanta's major cases included the following:

## Business and human rights

- Claims by Tanzanian villagers injured or killed by gunshot in the case of *Kesabo and others v African Barrick Gold and North Mara Gold Mine*, case no. HQ13X02118, identified by The Lawyer magazine as one of the top 20 global disputes of 2015.
- Claims by 33 Peruvian farmers detained and tortured at a mine site in Peru (*Tabra & Ors v Monterrico Metals*, case nos. HQ09X02331, HQ10X01362).
- Human rights and personal injury claims by Afghan civilian claimants against the Ministry of Defence for alleged unlawful detention and abuse by the British Forces.
- Test case on behalf of 23 silicosis sufferers in South Africa against Anglo American South Africa (*Blom & Ors v AngloAmerican South Africa*).

- Mass group action by over 4,300 silicosis sufferers in South Africa against AngloGold Ashanti and Anglo American South Africa (*Qubeka & Ors v AngloAmerican South Africa & AngloGold Ashanti*).
- Jurisdictional challenge in the Court of Appeal of England and Wales regarding the meaning of domicile under European law: [\*Young v Anglo American South Africa Limited & Ors \[2014\] EWCA Civ 1130\*](#)

### Modern Slavery

- Cases include the first High Court judgment in the UK against a British company for claims arising from modern slavery ([\*Galdikas & Ors v DJ Houghton Catching Services & Ors\* \[2016\] EWHC 1376 \(QB\)](#) and [\*Antuzis & Ors v DJ Houghton Catching Services & Ors \(2019\) EWHC 843\*](#)).

### Injunctions

- Obtaining a freezing injunction in *Antuzis & Ors v DJ Houghton Catching Services & Ors* (2018)
- Obtaining an antisuit injunction in [\*Kesabo & Ors v African Barrick Gold & Anor 2013 EWHC 4045\*](#) (QB).
- Representing a Japanese engineering company in a claim of fraud, including seeking a freezing injunction in aid of foreign proceedings.

### Contract Disputes

- Acting for a major corporate hospital group in a dispute with the Victorian State Minister for Health.
- Representing Telstra in a dispute regarding provision of IT services.
- Acting for a vinyls manufacturer in relation to a claim for breach of an international supply agreement.

### Joint venture disputes

- Acting for three major Japanese steel companies in a breach of joint venture contract and fiduciary duties claim.
- Acting for major petrochemical companies in a joint venture dispute involving allegations of breaches of the Trade Practices Act (Australian Consumer Law).

### Commercial Construction Litigation

- Representing a major energy company in a US\$65M construction claim against an engineering firm.