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Case notes:

Preliminary discovery - Potential action for patent infringement by a generic version of medicine to be listed on the PBS: *Newron Pharmaceuticals SPA v Arrotex Pharmaceuticals Pty Ltd (Application for Preliminary Discovery)* [2025] FCA 1321 (Needham J) – [Federal Court judgments LIJ February 2026](#)

Civil penalty - Serious civil contraventions of the *National Disability Insurance Scheme Act 2013* (Cth) (NDIS Act) – one arising from physical abuse, the other arising from breaches of reporting obligations: *Commissioner of the NDIS Quality and Safeguards Commission v Lifestyle Solutions (Aust) Ltd (Hakone House Proceeding)* [2025] FCA 1393 and *Commissioner of the NDIS Quality and Safeguards Commission v Lifestyle Solutions (Aust) Ltd (Reportable Incidents Proceeding)* [2025] FCA 1394 (Abraham J) – [Federal Court judgments LIJ February 2026](#)

Civil penalty - Contraventions of the NDIS Act, where failures were fatal for one participant and where the respondent was in liquidation: *Commissioner of the NDIS Quality & Safeguards Commission v Aurora Community Care Pty Ltd (in liq) (No 2)* [2025] FCA 1237 (Abraham J) – [Federal Court judgments LIJ December 2025](#)

Private international law, practice & procedure, equity - application for an anti-suit injunction following the collapse of the Greensill group: *Greensill Bank AG v Insurance Australia Ltd (Anti-Anti-Suit Injunction Application)* [2025] FCA 1241 (Thawley J) – [Federal Court judgments LIJ December 2025](#)

Administrative law - Disability requirements under the NDIS Act: *National Disability Insurance Agency v Lampard* [2025] FCAFC 139 (Bromwich, Neskovic and Vandongen JJ) – [Federal Court judgments LIJ December 2025](#)

Consumer insurance contracts - Unfair terms and the interaction between s12BG(1)(a) of the *Australian Securities and Investments Commission Act 2001* (Cth) and the *Insurance Contracts Act 1984* (Cth): *Australian Securities and Investments Commission v Auto & General Insurance Co Ltd (A&G)* [2025] FCAFC 76 (Derrington, O'Bryan and Cheeseman JJ) – [Federal Court judgments LIJ September 2025](#)

Application for maximum costs order - Public interest litigation: *Patrick v Secretary, Department of Climate Change, Energy, the Environment and Water* [2025] FCA 754 (Stellios J) – [Federal Court judgments LIJ September 2025](#)

Appeal from bifurcated reasons on liability and penalty – Final or interlocutory judgment and whether appeal competent: *Serco Citizen Services Pty Ltd v Parsons* [2025] FCAFC 83 (Collier ACJ, Needham and Wheatley JJ) – [Federal Court judgments LIJ September 2025](#)

Human Rights – Administrative Law - Whether there is a requirement under s46PH(1B)(b) of the *Australian Human Rights Commission Act 1986* (Cth) to consider terminating complaint on discretionary grounds: *Ramsay Health Care Australia Limited v President, Australian Human Rights Commission* [2025] FCA 2 (Perry J) – [Federal Court judgments LIJ March 2025](#)

Migration - Procedural fairness – duty on Tribunal to advise unrepresented applicant: *Finau v Minister for Immigration, Citizenship and Multicultural Affairs* [2025] FCA 8 (20 January 2025) (Perry J) – [Federal Court judgments LIJ March 2025](#)

Injunctions - Removal notice issued by eSafety Commissioner on X Corp (formerly Twitter) of video footage depicting the stabbing of Bishop Mar Mari – refusal to grant final injunction: *eSafety Commissioner v X Corp* [2024] FCA 499 (Kennett J) – [Federal Court judgments LIJ July 2024](#)

Racial Discrimination Act representative proceeding – non-publication order in respect of settlement sum refused: *Kyle-Sailor v Heinke* [2024] FCA 431 (29 April 2024) (Horan J) – [Federal Court judgments LIJ July 2024](#)

Consumer law - where respondents ceased to trade after hearing of appeal and before delivery of reasons: *Invisalign Australia Pty Ltd v SmileDirectClub LLC* [2024] FCAFC 46 (O’Callaghan, Halley and Button JJ): [Federal Court judgments LIJ July 2024](#)

Consumer law - “Greenwashing” – investment fund described as “ethically conscious” – where securities not all screened against ESG criteria: *Australian Securities and Investments Commission v Vanguard Investments Australia Ltd* [2024] FCA 308 (O’Byrne J) – [Federal Court judgments LIJ May 2024](#)

Consumer protection - Prices, discounts and customer ratings – misleading and deceptive conduct and specifying a single price – ss18, 29 and 48 of the ACL: *Australian Competition and Consumer Commission v Bloomex Pty Ltd* [2024] FCA 243 (Anderson J) – [Federal Court judgments LIJ May 2024](#)

Consumer protection - Insurance contracts and unfair terms – whether “tell us if anything changes” term in insurance contracts is unfair – interaction of ASIC Act unfair contract terms regime with Insurance Contracts Act: *Australian Securities and Investments Commission v Auto & General Insurance Company Limited* [2024] FCA 272 (Jackman J) – [Federal Court judgments LIJ May 2024](#)

Indemnity costs – Where judgments set aside for fraud – Public interest: *Commissioner of Taxation v Rawson Finances Pty Ltd (Costs)* [2024] FCA 19 (Perry J) – [Federal Court judgments LIJ March 2024](#)

Constitutional law – Migration – Habeas corpus – constitutional limit on executive detention where failure by detainee to cooperate: *ASF17 v Commonwealth of Australia* [2024] FCA 7 (Colvin J) - [Federal Court judgments LIJ March 2024](#)

Class actions – Costs – whether fair and reasonable for entirety of proposed settlement sum to go to legal costs: *Luke v Aveo Group Limited (No 3)* [2023] FCA 1665 (22 December 2023) - [Federal Court judgments LIJ March 2024](#)

Corporations – Unconscionable conduct – life insurance fees deducted from deceased customers – appropriate penalty: *Australian Securities and Investments Commission v AMP Superannuation Limited* [2023] FCA 488 (19 May 2023) - [Federal Court judgments LIJ July 2023](#)

Migration – Habeas corpus – onus of proof: *AKW22 v Commonwealth of Australia* [2023] FCAFC 71 (Rares, O’Sullivan and Feutrill JJ) - [Federal Court judgments LIJ July 2023](#)

Costs – Sought against third party funder of a portion of the litigation: *Hardingham v RP Data Pty Limited (Third Party Costs)* [2023] FCA 480 (Thawley J) - [Federal Court judgments LIJ July 2023](#)

Constitutional law, statutory interpretation, workers’ compensation, practice and procedure – Group member of class action appeals Independent Counsel’s decision – whether Federal Court has jurisdiction to hear appeal – whether Commonwealth is “outside Victoria”: *Casey v DePuy International Ltd (Appeal from Independent Counsel)* [2023] FCA 254 (Perram J) - [Federal Court judgments LIJ June 2023](#)

Practice and procedure – Interlocutory application for determination of a separate question: *United Firefighters’ Union of Australia v Honourable Jaclyn Symes* [2023] FCA 302 (Snaden J) – [Federal Court judgments LIJ June 2023](#)

Practice and procedure – Interlocutory injunction in defamation claim – freedom of speech: *Russell v S3@Raw Pty Ltd* [2023] FCA 305 (Meagher J) – [Federal Court judgments LIJ June 2023](#)

Consumer law – civil penalties and costs – Penalty appeal for manifest inadequacy – appeal on costs where primary judge ordered mostly successful party to pay half costs of unsuccessful party: *ACCC v Employsure Pty Ltd* [2023] FCAFC 5 (Rares, Stewart and Abraham JJ) – [Federal Court judgments LIJ April 2023](#)

Practice and procedure – oral discovery – Interlocutory application for oral discovery before a judicial registrar – confidentiality obligations – exercise of power under ss23 and 37ZF of the *Federal Court of Australia Act 1976*: *BXD18 v Minister for Home Affairs* [2023] FCA 123 (Wheelahan J) – [Federal Court judgments LIJ April 2023](#)

Migration – Mandatory visa cancellation where aggregate sentence – notice provisions – estoppel: *Pearson v Minister for Home Affairs* [2022] FCAFC 203 (Allsop CJ, Rangiah and Derrington JJ) – [Federal Court judgments LIJ April 2023](#)

Contract law – consumer law – representative proceedings – private international law - Incorporation of terms into contract of passage – whether exclusive jurisdiction or class action waiver clauses are unfair terms under the ACL or contrary to public policy: *Carnival plc v Karpik (The Ruby Princess)* [2022] FCAFC 149 (Allsop CJ, Rares and Derrington JJ) – [Federal Court judgments LIJ November 2022](#)

Class actions - Multiplicity of proceedings – whether “no win, no fee” model more likely to be in the interests of group members: *Kosen-rufu Pty Ltd v Dixon Advisory and Superannuation Services Ltd* [2022] FCA 573 (Thawley J) – [Federal Court judgments LIJ August 2022](#)

Industrial relations - Allegations of contraventions of the *Fair Work Act 2009* (Cth) - where employees had been granted or sought sponsorship for work visas: *Basi v Namitha Nakul Pty Ltd* [2022] FCA 712 (Halley J) – [Federal Court judgments LIJ August 2022](#)

Public administration - Urgent mandatory injunction sought by Australian Electoral Commission for removal of non-compliant election signs: *Australian Electoral Commission v Kelly* [2022] FCA 628 (Jagot J) – [Federal Court judgments LIJ August 2022](#)

Evidence – legal professional privilege at common law – waiver - Whether forensic report attracts legal professional privilege – whether privilege is waived over whole or part of report – whether Court has power to examine document to determine issue of partial waiver: *TerraCom Ltd v Australian Securities and Investments Commission* [2022] FCA 208 (Stewart J) – [Federal Court judgments LIJ May 2022](#)

Arbitration – freezing orders – practice and procedure - International commercial arbitration – freezing orders in anticipation of enforcement of arbitral award – where enforcement sought in this Court and in foreign courts: *Viterra BV v Shandong Ruyi Technology Group Co Ltd* [2022] FCA 215 (Stewart J) – [Federal Court judgments LIJ May 2022](#)

Negligence – duty of care – climate change litigation – Class action on behalf of Australian children under 18 against the Minister for the Environment – threat of global warming and climate change to the world and mankind – novel duty of care: *Minister for the Environment v Sharma* [2022] FCAFC 35 (Allsop CJ, Beach and Wheelahan JJ) – [Federal Court judgments LIJ May 2022](#)

Partnerships – privilege against self-incrimination - Whether partners in a firm could refuse to answer questions or provide documents by claiming the privilege against self-incrimination or the privilege from exposure to civil penalties: *Sadie Ville Pty Ltd v Deloitte Touche Tohmatsu (A Firm) (No 3)* [2018] FCA 1107; 357 ALR 695 (Moshinsky J) – S Martin, “Hastie Class Action: the Privileges of Partnership?” [CommBar Law Digest](#) (8 March 2019)