



STEPHANIE GAUSSEN

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Clerk of Chambers

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Admitted to the legal profession

2013

Admitted as a barrister in NSW

2019

Also entitled to practise in

Australian jurisdictions (Commonwealth,
State and Territory)

Stephanie Gaussen is regularly briefed in a range of complex commercial disputes, whilst also maintaining a broad practice that includes professional negligence, contracts, tax, regulatory disputes, common law, insolvency, corporations law, consumer affairs, employment, crime and equity. She regularly appears unled in final and interlocutory matters, and led in larger and appellate matters.

Prior to being called to the bar in 2019, Stephanie worked as a solicitor in a large law firm and as a Federal Prosecutor at the Commonwealth Director of Public Prosecutions. In this role, Stephanie prosecuted matters including fraud, tax and ASIC offences. Stephanie gained extensive advocacy experience as a solicitor, where she regularly appeared in both Federal and State courts.

Stephanie was Tipstaff to the Honourable Justice John Hislop of the Supreme Court of New South Wales in 2012 – 2013. Stephanie has worked as a Teaching Fellow at UNSW, where she taught evidence law.

PROFESSIONAL EXPERIENCE

2018 – 2019: Sparke Helmore Lawyers

2015 – 2018: Commonwealth Director of Public Prosecutions

2013 – 2015: Commonwealth Attorney-General's Department

2012 – 2013: Tipstaff to the Honourable Justice John Hislop of the New South Wales Supreme Court

PROFESSIONAL MEMBERSHIPS

New South Wales Bar Association

SELECTED CASES

- Clayton v Bant** (2020) 272 CLR 1
 Led by David Jackson AM KC in the High Court of Australia, instructed by Ferguson Legal Solicitors (consideration of whether a divorce effected in Dubai precluded the prosecution of the appellant's claims in the Family Court for property under s. 79 and spousal maintenance under s. 74 of the *Family Law Act 1975* (Cth) whether by res judicata (or cause of action estoppel), or the "Henderson extension").
- Kathleen Folbigg v Attorney-General for New South Wales & Anor** (*special leave application* – S73/2021)
 Led by David Jackson AM KC in the High Court of Australia, instructed by Cardillo Gray Partners (special leave to appeal from the whole of the judgment of the New South Wales Court of Appeal in *Folbigg v Attorney General of New South Wales* [2021] NSWCA 44).
- CJZ Pty Ltd v Giant Dwarf Pty Ltd; CJZ Pty Ltd v Morrow** [2023] NSWCA 135
 Led by Ben Katekar SC in the NSW Court of Appeal, instructed by Bird & Bird (claim for damages alleging breach of Share Sale Agreement, misleading or deceptive conduct and tort of injurious falsehood. Cross-appeal in relation to defamation and costs of the proceedings).
- Hallmark Construction Pty Ltd v Harford; Copeland Building Services Pty Ltd v Same; Same v Harford Transport Pty Ltd** (2020) 294 IR 359
 Led by Geoffrey Watson SC in the NSW Court of Appeal (four appeals concerning contributory negligence, apportionment and employer's vicarious liability for employee's conduct).
- QNI Metals Pty Ltd and QNI Resources Pty Ltd v Park, Dopking, Trenfield and Olde**
 Led by Peter Dunning KC and Matt Karam in the Supreme Court of Queensland, instructed by Robinson Nielsen Legal (application to discharge security pursuant to a General Security Agreement and order to register a financing change statement removing certain registrations from the Personal Property Securities Register).
- Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Women's Correctional Centre**
 Led by Jonathan Horton KC, instructed by Simon Mitchell Lawyers and Crown Solicitor's Office (acted for the Commissioner of Corrective Services NSW, inquiry into the circumstances related to the sexual offences committed by former correctional officer Wayne Astill at Dillwynia Women's Correctional Centre).
- Sargent Security (Aus) Pty Ltd (in liq) v Scottish Pacific (BFS) Pty Ltd**
 Led by Nicholas Owens SC and Nick Kabilafkas in the Supreme Court of New South Wales, instructed by Gadens (claim for unconscionable conduct contrary to ss 12CA and 12CB of the *Australian Securities & Investments Commission Act 2001* (Cth), ss 20 and 21 of the *Australian Consumer Law* (NSW) and s 991A(1) of the *Corporations Act 2001* (Cth) arising from the alleged wrongful appointment of receivers to Sargent by Bibby Financial Services Australia Pty Ltd).
- Park, in the matter of Queensland Nickel Pty Ltd (in liq) (No 3)** [2022] FCA 1301
 Led by Pat Zappia KC, Gideon Gee and Kris Byrne in the Federal Court of Australia, instructed by Robinson Nielsen Legal (application for directions under s 90-15 of Schedule 2 of the *Corporations Act 2001* (Cth), application for judicial advice under s 96 of the *Trusts Act 1973* (Qld)).
- Deputy Commissioner of Taxation v Nedzad Kocic & Ors**
 Led by Simon White SC in the Federal Court of Australia, instructed by the Australian Government Solicitor on behalf of the Commissioner of Taxation (successful application for freezing order relief in relation to unpaid tax liabilities against eight respondents, complex claim pursuant to s 37A of the *Conveyancing Act 1919* (Cth) seeking to set aside transactions said to be a voluntary alienation to defraud creditors).
- Etienne Alexiou v Australia and New Zealand Banking Group Limited**
 Led by Ian Neil SC and Gideon Gee in the Federal Court of Australia, instructed by Levitt Robinson Solicitors (claim for whistleblower protections pursuant to Pt 9.4AAA of the *Corporations Act 2001* (Cth) and Division 1 of Part VIA of the *Banking Act 1959* (Cth) following termination of employment as a result of a protected disclosure).
- Chia v Ku-ring-gai Council** [2021] NSWCCA 189
 Led by Sally Dowling SC in the NSW Court of Appeal, instructed by Karim and Nicol Lawyers, (appeal against sentence and conviction for vicariously causing injury to protected trees without consent)
- Angus Graham v Australia and New Zealand Banking Group Limited**
 Led by Ian Neil SC and Gideon Gee in the Federal Court of Australia, instructed by Levitt Robinson Solicitors (claim pursuant to s 52D of the *Banking Act 1959* (Cth) and s 545(2)(b) of the *Fair Work Act 2009* (Cth) in relation to termination of employment).

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- **Maspro Group Pty Ltd v Antonio Mastronardo**
Led by Luke Livingston SC in the Supreme Court of New South Wales, instructed by Di Girolamo Lawyers (successful application seeking orders pursuant to r 25.3(3) of the *Uniform Civil Procedure Rules 2005* (NSW) preserving, by payment into Court, a fund that represented settlement proceeds from a settlement between the Commonwealth Bank of Australia and the defendant).
 - **Mineralogy Pty Ltd & Anor v Dillon & Ors** CIV 2425 of 2023
Led by Matt Karam in the Supreme Court of Western Australia (claim for lawful means conspiracy).
 - **Tax Practitioner's Board v Jayden Van Dyke**
Unled, instructed by Minter Ellison in the Federal Court of Australia on behalf of the Tax Practitioner's Board (claim seeking declarations, civil penalties and permanent injunction for the alleged provision of tax agent services when unregistered in contravention of s 50-5 of the *Tax Agent Services Act 2009* (Cth), successful application for interim injunction).
 - **Mulberry Capital Management Pty Ltd v Shen** [2022] NSWSC 1220
Led by Matt Karam in the Supreme Court of NSW, instructed by Deutsch Miller (claim for breach of director's duties and breach of fiduciary duties, consideration of foreign law).
 - **ZOLL Medical Australia, Cardiac Defibrillators Australia Pty Ltd (In Liq) v Cardiac Defibrillators Australia Pty Ltd (In Liq)** [2022] FCA 167
Led by Matt Karam in the Federal Court of Australia, instructed by DLA Piper (application for leave to proceed against a company in liquidation, application for provision of information and documents).
 - **Classic Deco Pty Ltd v Fine Touch Pty Ltd** [2020] ACTSC 209
Led by Matt Karam in the Supreme Court of the Australian Capital Territory, instructed by McInnes Wilson Lawyers (dispute between two subcontractors relating to whether deeds of release were voidable by reason of economic duress).
 - **CGI Glass Lewis Pty Ltd v Vasey** [2019] NSWSC 794
Led by Ben Katekar SC in the Supreme Court of NSW, instructed by Bird & Bird (interlocutory injunction in relation to breach of employment contract).
 - **Milhem v Sam's Carpentry Pty Ltd (in liquidation) & IC Formwork Services Pty Ltd** [2023] ACTSC 51
Unled, instructed by Hall & Wilcox in the Supreme Court of the Australian Capital Territory, (successful application seeking leave to rely on expert evidence served out of time).
 - **Teena Riley v State of New South Wales**
Unled, instructed by Makinson d'Aspice in the District Court of NSW, on behalf of the Office of General Counsel, NSW Police Force (claim for damages for assault, battery, false imprisonment and malicious prosecution).
 - **Health Care Complaints Commission v a Practitioner**
Unled, instructed by Makinson d'Aspice in the NSW Civil and Administrative Tribunal, on behalf of the Practitioner (prosecution of complaint against a registered health practitioner).
 - **Commissioner of Taxation ats Tarik Assad - 2022/3499**
Unled, instructed by HWL Ebsworth in the Administrative Appeals Tribunal on behalf of the Commissioner of Taxation (successfully defended an application under Part IVC of the *Taxation Administration Act 1953*).
 - **Rummukainen v R** (2021) 97 MVR 134
Led by Paul Coady in the NSW Court of Appeal, appeal of conviction for dangerous driving causing death pursuant to s 52A(1)(c) of the *Crimes Act 1900* (NSW).
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PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Administrative Law	Competition and Consumer	Professional liability
Alternative Dispute Resolution	Contracts	Restraint of trade
Appellate	Corporations and Securities	Trade Practices
Banking and Financial Services	Insurance and Reinsurance	Sports Law
Bankruptcy and Insolvency	Mining Resources and Energy	Superannuation
Building, Construction and Technology	Product liability	

COMMON LAW

Alternative Dispute Resolution	Insurance and Reinsurance	Product liability
Appellate	Medical negligence	Professional indemnity
Defamation	Personal injury	Sports law
Dust Diseases		

CRIMINAL

Appellate	Proceeds of crime	Work Health and Safety
Fraud	White collar and corporate crime	

INDUSTRIAL / EMPLOYMENT

Disciplinary proceedings	Health Law	Work Health and Safety prosecutions
Government inquiries	Restraint of trade	

TAXATION AND REVENUE

Alternative Dispute Resolution	Appellate	Income Tax
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INQUESTS AND INQUIRIES

Commissions of Inquiry	Coronial Inquests
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PUBLIC AND ADMINISTRATIVE LAW

Alternative Dispute resolution	Health law	Proceeds of crime
Appellate	Judicial review and administrative law	Public law
Disciplinary proceedings	Merits review	

SECTORS

Government