# Anya Poukchanski



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### Areas of Practice

- Administrative Law
- **Appellate**
- Banking, Securities & Insolvency
- Class Actions & Representative Proceedings
- Commercial Law
- **Commercial Litigation**
- Commissions & Inquiries
- Competition
- Constitutional Law
- Corporate
- **Intellectual Property**
- **Professional Conduct**
- Public Law
- Regulatory
- **Trade Practices**

## **Education** Columbia University – Masters of Law | 2016

James Kent Scholar (for outstanding academic achievement), W Bayard Cutting Jnr Fellowship for International Law, Sophia Wood Travelling Scholarship University of Sydney

## University of Sydney – Bachelor of Law (Honours Class 1) | 2012

Commonwealth Scholarship for academic merit, Walter Reid Memorial Prize 2012 for academic achievement

# **Economics and Social Sciences (University Medal)** | 2010

Economics and Business Faculty Scholarship with Merit, Walter Reid Memorial Prize 2011 for academic achievement

**Experience** Barrister, 5 Wentworth | 2024 – Present

**Barrister, Tenth Floor Chambers** | 2020 – 2024

Senior lawyer, Australian Government Solicitor | 2016 – 2020

Sessional lecturer constitutional law and public law, University of Sydney 2016 - 2018

Lawyer, Royal Commission into Institutional Responses to Child Sexual Abuse 2014 - 2015

Appointments	Associate to the Hon Justice Jayne Jagot, Federal Court of Australia   2013 – 2014
	Barrister 2020
	Solicitor 2013

### Notable Cases General commercial and class actions

- Levy v Wang (judgment reserved, unled for the plaintiff, instructed by Hicksons) – District Court of NSW – contract, sale of property.
- Ningbo Weisheng Dingxuan Equity Investment Fund v Yu Zhong (ongoing, unled for the second respondent, instructed by Tahota Law Firm) – Federal Court – enforcement of foreign arbitral award in Australia.
- Lendi Group Broking Pty Ltd v Walker & Boutros (settled, led by Stuart Lawrance SC for the defendants, instructed by Johnson Winter Slattery) – Supreme Court – alleged breach of non-compete clause.
- Macquarie Leasing Pty Ltd (led by Matthew Darke SC) advice construction of contract of insurance.
- Haswell v Commonwealth of Australia (No 3) [2023] FCA 1093 (led by Edward Muston SC and Sophie Callan SC for the Cth, instructed by King & Wood Mallesons) class action alleging breaches of duty re PFAS chemicals.
- Hodge v TAL Life Limited [2023] NSWSC 1102 (unled for 2<sup>nd</sup> and 3<sup>rd</sup> defendants, instructed by Corrs Chambers Westgarth) application to set aside subpoena.
- **Thomas v Commonwealth Financial Planning** (ongoing, led by Sera Mirzabegian SC for the CMLA defendant, instructed by Allens) – Federal Court – class action alleging breaches of fiduciary duties in relation to life insurance sales.

# Intellectual Property

University of Adelaide & Ors v Copyright Agency Limited (settled, led by Richard Cobden SC for university applicants, instructed by Baker & McKenzie) - review of copyright tribunal decision.

- Copyright Agency Ltd v Isentia Pty Ltd (2022) 294 FCR 636 (Led by John Hennessy SC and Frances St John, preparation of submissions only) instructed by Baker & McKenzie
- National Australia Bank Limited Opposition against AU TM Application
   No. 2199764 for UWALLET in the name of New U Life Corporation
   (opposition) for opponent, led by David Larish

## Civil Penalty

- ACCC v Qtech Pty Limited (reserved, led by Nicholas De Young KC for the ACCC, instructed by AGS) – Federal Court – contraventions of cartel provisions.
- Australian Energy Regulator v Origin Energy Electricity Limited (ongoing, led by Frances Gordon KC for Origin, instructed by Allens) – Federal Court – contraventions of National Energy Retail Law.
- ACCC v Emma Sleep Pty Ltd (ongoing, led by Nicholas De Young KC for Emma Sleep, instructed by Allens) – Federal Court – misleading and deceptive conduct.
- Chief Executive of AUSTRAC v The Star Pty Limited (ongoing, led by Michael Hodge KC and Daniel Tynan for AUSTRAC, instructed by AGS) – Federal Court - contraventions of anti-money laundering and terrorism financing regime.
- Chief Executive of AUSTRAC v Crown Melbourne Ltd [2023] FCA 782 (led by Michael Hodge KC and Catherine Gleeson SC for AUSTRAC, instructed by AGS) contraventions of anti-money laundering and terrorism financing regime.
- ASIC v Membo Finance Pty Ltd [2023] FCA 126 (led by Andrew Harding SC for ASIC, instructed by ASIC) contraventions of the National Credit Code.
- ACCC v Viagogo AG [2022] FCAFC 87 (led by Kate Morgan SC for Viagogo, instructed by Minter Ellison) contraventions of the Australian Consumer Law.

## Administrative/judicial review

- Abdel-Hady v Minister for Home Affairs (ongoing, led by Patrick Knowles SC for the Minister, instructed by AGS) FCFCOA immigration detention and habeas corpus.
- Tikomaimaleya v Minister for Immigration, Citizenship and Multicultural
   Affairs [2023] FCAFC 199 (led by Rachel Francois for the Minister, instructed by Sparke Helmore) judicial review.

- Stanley v Director of Public Prosecutions (NSW) [2023] HCA 3 (led by Catherine Gleeson SC for the NSW DPP, instructed by the NSW DPP) – nature of jurisdictional error.
- LegPro33 Pty Ltd ATF LegPro 33 Unit Trust v Chief Commissioner of State
   Revenue (settled, unled, for the applicant, instructed by Baker & McKenzie) –
   NCAT challenge to land tax assessments.
- Brownlie v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2023] FCA 436 (led by Patrick Knowles SC for the Minister, instructed by AGS) – judicial review.
- LLYW and Minister for Immigration, Citizenship, and Multicultural Affairs
   [2022] AATA 3174 (unled for the Minister, instructed by AGS) migration merits review.
- Commissioner of NSW Police v Deputy State Coroner [2021] NSWSC 398 (led by Geoffrey Kennett SC for the Commissioner, instructed by HWL Ebsworth)
   review of non-disclosure orders made by Coroner over Police materials.

### Other matters

- Sideris v Law Society of NSW (ongoing, unled for Law Society, instructed by MinterEllison) – NSW Supreme Court – application for summary dismissal.
- Inquest into the Death of Jai Wright (concluded, unled for NSW Police, instructed by Makinson d'Apice) State Coroner's Court application for protective orders over Police materials.
- Pacific Bay Resort Pty Limited v Transport for NSW (ongoing, led by James Emmett SC for Transport, instructed by Clayton Utz) – Land and Environment Court – class 3 compulsory acquisition of land proceedings.
- State of NSW v Elmir [2023] NSWSC 1101 (led by Jennifer Single SC for the State, instructed by NSW Crown Solicitor) terrorism high risk offender extended supervision orders.
- HYYL v Privacy Commissioner [2023] AATA 2961 (led by Emma Bathurst for the Privacy Commissioner, instructed by Corrs Chambers Westgarth) compensation for privacy breaches to class.
- Council of the Law Society of New South Wales v Green [2022] NSWCA 257
   (led by Kate Morgan SC for the Council, instructed by the Law Society) professional discipline.
- Medical Council of NSW v Smithson [2021] NSWCA 53 (led by Philip Strickland SC for the respondent, instructed by Unsworth Legal) – professional discipline.