

GRÁINNE MARSDEN

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ADMISSIONS AND EDUCATION

2021	Barrister, New South Wales
2012	Solicitor, Supreme Court of New South Wales and High Court of Australia
2010	Bachelor of Laws (First Class Honours) and Bachelor of Arts, Australian National University

PROFESSIONAL

2021 – present	12 Wentworth Selborne Chambers Barrister
2018 – present	University of Technology Sydney Casual Academic, Faculty of Law (Evidence and Criminal Law; Bar Preparation Program)
2017 – 2021	Legal Aid NSW Grade IV Solicitor, Criminal Law Division
2015 – 2017	North Australian Aboriginal Justice Agency Criminal & Youth Solicitor, Darwin
2012 – 2015	Herbert Smith Freehills, Sydney Graduate & Solicitor, Disputes
2011	Supreme Court of New South Wales Tipstaff to the Hon I V Gzell AO

SELECTED MATTERS

Commercial & Insurance:

- *Atkins Projects & Infrastructure Pty Ltd v Vital Metals Ltd* (ongoing, led by T Maltz) – Federal Court – breach of contract, summary termination, whistleblowing.
- *State of NSW v Lam* (ongoing, led by D Lloyd SC) – NSW Supreme Court – historic child sexual abuse.
- *Regional Project Managers Australia Pty Ltd v Property NSW* (ongoing, unled) – NSW District Court – contractual dispute, quantum meruit.
- *Bluth v Boyded Industries Pty Ltd* [2024] HCASL 235 (led by M Jones SC – special leave refused with costs.
- *Bluth v Boyded Industries Pty Ltd (No 2)* [2024] NSWCA 194 (led by M Jones SC) – costs.
- *Odlum v Friend* [2024] NSWCA 159 (led by D Lloyd SC) – professional negligence, lawyer and client, settlement advice.
- *Bluth v Boyded Industries Pty Ltd* [2024] NSWCA 67 (led by T Faulkner SC) – professional negligence, loss of opportunity.
- *Boyded Industries Pty Ltd v Bluth* [2023] NSWSC 915 (led by T Faulkner SC) – professional negligence, loss of opportunity.
- *Hickey v State of NSW* (settled, led by D Lloyd SC) – NSW Supreme Court – intentional torts.
- *Tsiakas v State of NSW* (settled, led by S Omeri KC) – NSW District Court – intentional torts.
- *Gu v Kam & Beadman Pty Ltd* [2022] NSWSC 1350 (led by D Lloyd SC) – professional negligence, accountant and client, breach of duty.
- *Sheppard v Smith* [2022] NSWCA 167 (led by G Sirtes SC) – abandonment of easement.
- *Odlum v Friend* [2022] NSWSC 574 (led by D Lloyd SC) – professional negligence, lawyer and client, settlement advice.
- *Toth v Stewart Law Pty Ltd* [2022] NSWCA 85 (led by D Lloyd SC) – advocate’s immunity.
- *Hassib v LSH Auto Sydney Pty Ltd v Mercedes-Benz Australia/Pacific Pty Ltd* (settled, led by D Lloyd SC) – Federal Circuit Court – consumer guarantees.
- *Pike v The Greenwood Hotel Operations Pty Ltd v TOA Protection Pty Ltd* (settled, led by D Lloyd SC) – NSW

Supreme Court – negligence, failure to take reasonable precautions.

Criminal:

- *EPA v Sunset Power International Pty Ltd* (ongoing, led by H El-Hage SC) – Land & Environment Court – s 64 of the *Protection of the Environment Operations Act 1997* (NSW).
- *EPA v Sydney Water* (ongoing, led by H El-Hage SC) – Land & Environment Court – sentence, s 64 of the *Protection of the Environment Operations Act 1997* (NSW).
- *EPA v Maules Creek Coal Pty Ltd (No 3)* [2024] NSWLEC 97 (led by C Leggat SC and A Garsia) – ss 64 and 140(1) of the *Protection of the Environment Operations Act 1997* (NSW).
- *Shah v R* [2024] NSWCCA 113 (led by G Wright SC) – conviction appeal, coincidence evidence, miscarriage of justice.
- *Maules Creek Coal Pty Ltd v EPA* [2023] NSWCCA 275 (5 judge bench, led by C Leggat SC and A Garsia) – apprehension of bias, interpretation of s 5F(3)(a), *Criminal Appeal Act 1912* (NSW).
- *EPA v Sydney Water* [2023] NSWLEC 119 (led by H El-Hage) – statutory interpretation.
- *EPA v Maules Creek Coal Pty Ltd* [2023] NSWLEC 94 (led by C Leggat SC and A Garsia) – apprehension of bias.
- *EPA v Crush and Haul Pty Ltd; EPA v Cauchi* [2022] NSWLEC 113 (unled) – sentence, s 64 of the *Protection of the Environment Operations Act 1997* (NSW).
- *Xie v R* [2022] NSWCCA 185 (led by M Millward) – conviction appeal, unreasonable verdict, miscarriage of justice.
- *Totaan v R* [2022] NSWCCA 75; 108 NSWLR 17; 400 ALR 578; 365 FLR 69 (5 judge bench, led by J Single SC) – sentence appeal, s 16A of the *Crimes Act 1914* (Cth).
- *Macdonald v R; Obeid v R; Obeid v R* [2021] NSWSC 1662 (led by S Callan SC) – appeals bail.

Inquests and Inquiries:

- *Inquest into the death of Mathew Lothian* (ongoing) (counsel assisting, led by R Ranken).
- *Inquest into the death of a First Nations Child* (ongoing) (counsel assisting, led by R Ranken).
- *Inquest into the death of Gesios and McGreevy* (ongoing) (interested party, unled).
- *Special Commission of Inquiry into LGBTIQ hate crimes* (counsel assisting, led by P Gray SC and J Emmett SC, with C Melis, W de Mars, K Heath, M O'Brien, C Palmer and R McEwen).
- *Special Commission of Inquiry into offending by former corrections officer Wayne Astill at Dilwynia Women's Correctional Centre* (counsel assisting, led by D Lloyd SC and J Davidson).

Professional discipline

- *Law Society of New South Wales v Moody* (ongoing, unled) – NCAT – professional discipline.
- *Payne v Law Society of New South Wales* [2024] NSWCATOD 118 (led by C Webster SC) – application for review of an administrative decision.
- *Law Society of New South Wales v Croke* [2024] NSWCA 195 (led by C Webster SC) – roll removal.
- *HCCC v Chan* [2024] NSWCATOD 138 – professional discipline (pharmacist, criminal finding).
- *HCCC v GKW* [2024] NSWCATOD 113 – professional discipline (nurse, impairment).
- *HCCC v Ruming* [2024] NSWCATOD 77 – professional discipline (nurse, criminal finding).
- *HCCC v Zoing* [2024] NSWCATOD 67 – professional discipline (nurse, criminal finding).

High Risk Offender and Forensic Patient

- *State of New South Wales v Silapa (Final)* [2024] NSWSC 1151 (unled) – high risk offender matter.
- *Attorney General of NSW v Roban (a pseudonym) (Preliminary)* [2024] NSWSC 643 (unled) – forensic patient.
- *Attorney General of NSW v Roban (a pseudonym) (Preliminary)* [2023] NSWSC 1427 (unled) – forensic patient.
- *State of New South Wales v Amson (Final)* [2023] NSWSC 1263 (unled) – high risk offender matter.
- *State of New South Wales v Coe (Final)* [2023] NSWSC 1142 (unled) – high risk offender matter.
- *State of New South Wales v Carr (Preliminary)* [2023] NSWSC 1068 (unled) – high risk offender matter.
- *State of New South Wales v Silapa (Preliminary)* [2023] NSWSC 760 (unled) – high risk offender matter.
- *State of New South Wales v Amson (Preliminary)* [2023] NSWSC 719 (unled) – high risk offender matter.
- *State of New South Wales v Coe (Preliminary)* [2023] NSWSC 644 (led by P Coady) – high risk offender matter.
- *State of New South Wales v Thompson (Final)* [2023] NSWSC 610 (unled) – high risk offender matter.
- *State of New South Wales v HT (Preliminary)* [2023] NSWSC 249 (unled) – high risk offender matter.
- *State of New South Wales v Delaporte (Final)* [2022] NSWSC 1004 (unled) – high risk offender matter.
- *State of New South Wales v Delaporte (Preliminary)* [2022] NSWSC 436 (unled) – high risk offender matter.
- *State of New South Wales v Woods (Final)* [2022] NSWSC 535 (unled) – high risk offender matter.