

Christina Trahanas

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PRACTICE

Called to the Bar in 2018

Briefs accepted in all areas of law, including:

Commercial law, including corporations law, contracts, equity, professional liability, revenue law, trade practices, building and construction

Public and private international law

Public law, including administrative law, constitutional law, discrimination law, environment and planning law, human rights law, migration law

Arbitration

ADMISSIONS

Supreme Court of New South Wales, 2009

High Court of Australia, 2010

New York, 2015

EDUCATION

Bachelor of Laws (Hons I), University of New South Wales (UNSW)

Bachelor of International Studies in Languages with Distinction, UNSW

Ranking: 1st in International Studies/Law; 7th in Law

LLM, New York University (NYU)

Dean's Graduate Award

Pro bono placement: Make the Road, which represents Latino and other minority clients in immigration and other community legal matters

REPRESENTATIVE MATTERS

Administrative law / statutory construction

Coal of Queensland Pty Ltd v Innovation and Science Australia (Federal Court, QUD 51 of 2020) Appeal on question of law from AAT decision. Statutory construction. Led by S Free SC.

H2O Exchange Pty Ltd v Innovation and Science Australia [2021] FCA 11 Appeal on question of law from AAT decision. Statutory construction. Led by S Free SC.

Global Family Day Care Pty Ltd v Secretary Department of Education [2020] NSWCATAD 248 Merits review of decision cancelling service approval under *Children (Education and Care Services) National Law* (NSW). Unled.

Australian Pacific Touring Pty Ltd v Minister for Health (Federal Court, NSD 398/2020) (settled) Validity of determination of emergency requirements relating to cruise ships during pandemic. Statutory construction. Led by A McInerney SC and J Kennedy.

<i>Australaw Pty Ltd v Minister for Families and Social Services</i> [2020] FCA 227	Statutory construction. Led by S Free SC.
<i>Hall v NSW Land and Housing Corporation</i> [2020] NSWCATAP 2	Appeal against decision of General Member regarding termination of residential tenancy agreement. Unled.
<i>Two Cubed Pty Ltd v Secretary of the Department of Education NSW</i> [2019] NSWCATAD 122	Merits review of decision to deny application for provider law under <i>Children (Education and Care Services) National Law</i> (NSW). Unled.

Environment and planning

<i>Muswellbrook Shire Council v Hunter Valley Energy Coal Pty Ltd (No 3)</i> [2019] NSWCA 216	Construction of development consent. Led by R Lancaster SC.
<i>Muswellbrook Shire Council v Hunter Valley Energy Coal Pty Ltd (No 3)</i> [2018] NSWLEC 193	Judicial review and civil enforcement proceedings. Led by R Lancaster SC.

Migration

<i>DSC17 v Minister for Immigration and Border Protection and Immigration Assessment Authority</i> [2019] HCATrans 134	Application for special leave. Decision of Immigration Assessment Authority. Led by N Owens SC.
<i>SZHYH v Minister for Immigration and Border Protection (No 3)</i> [2019] FCA 589	Judicial review. Led by S Free SC, as amici curiae.

Revenue law

<i>Lakes Oil NL and Innovation and Science Australia</i> (Administrative Appeals Tribunal, 2018/2624)	Merits review of respondent's decision that applicant's activities not "R&D activities" within the meaning of the <i>Income Tax Assessment Act 1997</i> (Cth). Led by T Wong SC.
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Contract / Tort / Misleading and Deceptive Conduct

<i>William Inglis and Son Limited v Australian Turf Club Limited and SMEC Testing Services Pty Ltd</i> (NSW Supreme Court, 2019/165012)	Breach of contract, misleading and deceptive conduct, negligence. Led by N Owens SC.
<i>Smith v Commonwealth</i> (NSD 1908/2016) (settled)	Representative proceeding. Tort and breach of statutory duties. Led by J Kirk SC, S Free SC, A Munro and A Lyons.

Disciplinary proceedings

<i>Liu v Chinese Medicine Council of NSW</i> [2019] NSWCATOD 71	Appeal from decision to suspend registration as medicine practitioner. Led by S Free SC.
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Arbitration

<i>Muhammet Çap & Bankrupt Sehil İnşaat Endustri ve Ticaret Ltd. Sti. v. Turkmenistan</i> (ICSID Case No. ARB/12/6)	Investor-state arbitration. Unled.
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Corporations law, insolvency and equity / trusts

<i>In the matter of Halifax Investment Services Pty Ltd (in liquidation)</i> (Federal Court, NSD 2191 of 2018) and <i>In the matter of Halifax New Zealand Limited (in liquidation)</i> (High Court of New Zealand, CIV-2019-404-2049)	Insolvency. Application for judicial advice and directions. Trusts. Distribution of funds. Joint final hearing in the Federal Court of Australia and in the High Court of New Zealand. Led by A Leopold SC and E Holmes.
<i>Kelly, in the matter of Halifax Investment Services Pty Ltd (in liquidation) (No 8)</i> [2020] FCA 533	Insolvency. Application for judicial advice and directions. Led by A Leopold SC and E Holmes.
<i>Nation Energy (Australia) Pty Ltd v Paltar Petroleum Ltd (Administrators Appointed)</i> [2019] FCA 1473	Leave to bring interlocutory proceeding against a company in liquidation under 471B of the <i>Corporations Act 2001</i> (Cth) and leave to settle proceeding under s 240 of the <i>Corporations Act 2001</i> (Cth). Unled.
<i>In the matter of Banksia Securities Ltd (in liq) (receivers and managers appointed)</i> [2019] NSWSC 136	Application for remuneration by special purpose receivers. Led by M Izzo SC, who was appointed contradictor.

Criminal law and coronial inquests

<i>Environment Protection Authority v David Levy and Arcadia Investment Holdings Pty Ltd</i> (Land and Environment Court, No 260569 of 2018 and No 260564 of 2018)	Prosecution for offence of permitting place to be used as waste facility. Duplicity. Led by A Mitchelmore SC and T Phillips.
<i>Inquest into the death of Bernard Gore</i> , November 2019 and July 2020	Appeared as counsel assisting. Led by A Mitchelmore SC.
<i>Environment Protection Authority v Hardman Chemicals Pty Ltd</i> [2020] NSWLEC 8	Sentencing. Non-compliance with licence condition. Unled.
<i>Secretary, Department of Planning and Environment v Singtel Optus Pty Ltd</i> [2019] NSWLEC 44	Proceedings on penalty. Led by R Lancaster SC.

Practice and procedure

<i>Przybylowski v Australian Human Rights Commission</i> [2020] FCA 198	Application for summary dismissal. Unled.
<i>Hy-Tec Industries (Queensland) Pty Ltd v Tweed Shire Council (No 2)</i> [2020] NSWLEC 5	Costs. Unled.
<i>De Varda v Austin</i> [2019] NSWCA 42	Leave to appeal. Led by S Callan (now SC).

Freedom of information

<i>DRF v Commissioner of Police, NSW Police Force</i> [2019] NSWCATAD 5	Administrative review of claim under <i>Government Information (Public Access) Act 2009</i> (NSW). Unled.
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Opinions

Opinions on a number of areas, including corporations law, administrative law, migration law, tort, planning law, workers compensation law. Instructors include Herbert Smith Freehills, King & Wood Mallesons, MinterEllison, Corrs Chambers Westgarth, the Australian Government Solicitor, the NSW Crown Solicitor, Environment Protection Authority, Norton Rose Fulbright, Public Interest Advocacy Centre, Hicksons Lawyers, Legal Aid NSW, Refugee Advice & Casework Service, YPOL Lawyers and Clayton Utz.

PROFESSIONAL BACKGROUND

Barrister, Eleven Wentworth, 2018–

Associate, Curtis, Mallet-Prevost, Colt & Mosle LLP, New York, 2014–2018

Working in the International Arbitration Group, in high-stakes and complex international commercial arbitrations and investment treaty arbitrations.

Matters included:

- representing a State-owned resources company in a multi-billion dollar arbitration administered by the International Chamber of Commerce (ICC) against another State-owned resources company;
- representing an Asian State in a billion-dollar arbitration and annulment proceedings administered by the International Centre for Settlement of Investment Disputes (ICSID) and brought by companies involved in the mining industry;
- representing a Central Asian State in several ICSID arbitrations brought by construction companies;
- representing a European State in ICSID annulment proceedings arising out of an arbitration brought by companies operating in the renewable energy industry; and
- representing a European State in an ICC arbitration brought by persons involved in the banking and finance industry.

Pro bono work with Her Justice, working on family, divorce and immigration law for low income women living in New York.

Acting Senior Legal Officer and Legal Officer, Office of International Law (OIL), Australian Attorney-General's Department, 2011–2013

Solicitor, Government Law Practice Group, New South Wales Crown Solicitor's Office, 2010–2011

Research Director to James Spigelman AC QC, then Chief Justice of NSW, 2009

Tipstaff to Justice John Basten, Judge, NSW Court of Appeal and NSW Court of Criminal Appeal, 2008–2009

SELECTED PUBLICATIONS, CONFERENCES AND EDITORIAL EXPERIENCE

'Substantive Protection' in *Business Guide to Trade and Investment, Volume II: International Investment* (International Chamber of Commerce and International Law Institute 2018) (co-authored with Claudia Frutos-Peterson)

'Conflicts of Interest' in *Handbook on Third-Party Funding in International Arbitration* (Juris Publishing, 2018) (co-authored with Miriam Harwood)

'Third-Party Funding: Security for Costs and Other Key Issues' in *Investment Treaty Arbitration Review* (Law Business Research, 2nd ed, 2017) 103 (co-authored with Miriam Harwood and Simon Batifort)

‘Investment Arbitration: Jurisdiction and Procedure’ in *International Arbitration Review* (Law Business Research, 6th ed, 2015) 1 (co-authored with Miriam Harwood and Simon Batifort)

‘*BG Group v. Argentina: The US Supreme Court and Judicial Review of Investment Treaty Awards*’ (2014) 108 *American Journal of International Law* 750 (co-authored with Anthea Roberts)

‘Recent Developments in the Maritime Boundaries and Maritime Zones of the Pacific’ (2014) 31 *Australian Yearbook of International Law* 41

‘Australian Legislation Concerning Matters of International Law 2009’ (2013) 30 *Australian Yearbook of International Law* 261

General Editor and Forum Editor, *UNSW Law Journal*, 2006

Member, Editorial Board, *UNSW Law Journal*, 2003–2007

LANGUAGES

I am proficient in Spanish, French and Modern Greek.