

## Daniel Emmerig

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### Practice Areas

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Daniel accepts briefs to advise and appear in all areas of law, with a particular focus on commercial and corporate law.

Prior coming to the Bar, Daniel was an Associate in the Disputes and Investigations team at Allens. Daniel has experience in a range of areas including commercial law, class actions, corporations and insolvency, civil penalty proceedings, superannuation, and environment and planning law.

Daniel also has experience acting in regulatory matters, including investigations and proceedings conducted by ASIC, APRA, ATO, the AFP and the former Department of Planning and Environment.

Daniel is also currently studying a LLM in International Corporate and Commercial Law at King's College London.

### Admissions

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2024	Barrister – New South Wales Bar
2019	Solicitor – Supreme Court of New South Wales

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### Qualifications

Ongoing	<b>King's College London</b> , LLM, International Corporate and Commercial Law
2018	<b>University of New South Wales</b> , Bachelor of Laws, Bachelor of Fine Arts

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### Professional Experience

2019 – 2024	Allens Solicitor, <i>Disputes &amp; Investigations</i>
2018	Research Assistant Assistant to Dr Jonathan Horton KC, <i>Ground Floor Wentworth Chambers</i>
2018	Gilbert + Tobin Paralegal, <i>Competition, Consumer + Market Regulation</i>

**Selected cases (barrister):**

- *Claire Rewais & Sam Rewais trading as McVitty Grove v BPB Earthmoving Pty Ltd & Anor* (Court of Appeal, 2024/00402944)

*Building and Construction Industry Security of Payment Act 1999* (SOPA) adjudicator's determination; issue of jurisdiction; service; interaction between the SOPA and the *Home Building Act 1989* (led by David Weinberger) (judgment reserved).
- *Lowe v Certain Underwriters at Lloyd's of London Subscribing to Policy Number ATCSI00100* [2024] FCA 858

Insurance; professional sporting injury; hemiplegia (led by David Williams SC).
- *Claire Rewais & Sam Rewais trading as McVitty Grove v BPB Earthmoving Pty Ltd & Anor* [2024] NSWSC 1271

SOPA adjudicator's determination; issue of jurisdiction; service (led by David Weinberger).
- *Mendonca v Tonna* [2024] NSWCA 288

Application for pre-emptive cost capping orders (led by David Stewart).
- *LSR3 v New South Wales* [2024] NSWSC 1570

Application for separate question; historic abuse; whether just and reasonable to set aside previous releases (led by David Weinberger).
- *Henry Jones Food Pty Ltd & Anor v SPC & Ors* (S ECI 2021 00939)

Sale of a business; IXL Jam; breach of warranty; misleading or deceptive conduct (led by David Weinberger) (judgment reserved).
- *Jigaroo Holdings Pty Ltd v Johnston* [2024] NSWSC 1539

Estoppel; misleading or deceptive conduct; renewal of commercial lease (led by J Jaffray).
- *The Star Pty Ltd v AB* [2024] NSWSC 690

Permanent injunction; disclosure of confidential information (led by Pouyan Afshar)
- *O'Brien v Grabowski; Airvest Pty Ltd v O'Brien* [2024] NSWSC 692

Family provision; promissory estoppel; oral contract (led by David Parish)
- *Gavan Property Group Pty Ltd v Michael Robert Luck* (Supreme Court of NSW, 2024/00224693)

Restraint of trade (led by David Williams SC).
- *Gavan Property Group Pty Ltd v Anthony Pulvirenti* (Supreme Court of NSW, 2024/00238679)

Restraint of trade (led by Pouyan Afshar).
- *Thomas & Anor v Belle Homes Australia Pty Ltd trading as Belle Lifestyle Homes* (Supreme Court of NSW, 2024/00270068)

SOPA determination; issue of jurisdiction; owner occupier construction contract (led by David Stewart).
- *Volkswagen Financial Services Australia Pty Ltd v ACN 613 546 633 Pty Ltd* (Federal Circuit and Family Court of Australia (Division 2), SYG553/2024)

Access to and repossession of a vehicle (unled).

- *Sigma Resourcing Pty Ltd v Matraville Medical Corporation Pty Ltd* (Local Court of NSW, 2024/00012608)

Commercial contract; oral variation (unled).

**Selected cases (solicitor):**

- *Australian Securities and Investments Commission v Macquarie Bank Limited* [2024] FCA 416  
Acting for Macquarie Bank in a claim brought by ASIC in relation to the provision of financial services under an AFSL
- *Southernwood v Brambles* (Federal Court, VID972/2018) (judgment reserved)  
Acting for Brambles Ltd in a shareholder class action in relation to ASX disclosures
- *Australian Securities and Investments Commission v Westpac Banking Corporation (Omnibus)* [2022] FCA 515  
Acting for Westpac and subsidiaries in relation to claims brought by ASIC under provisions of the *Corporations Act* and *ASIC Act*
- *Secretary, Department of Planning and Environment v Sell & Parker Pty Ltd* [2022] NSWLEC 60  
Acting for Sell & Parker Pty Ltd in a sentencing proceeding in relation to offences concerning conditions of a development consent
- *Residents Against Intermodal Developments Moorebank Inc v Independent Planning Commission* [2021] NSWLEC 1501  
Acting for Qube Holdings Ltd in Class 1 proceedings in relation to a development consent for Moorebank Intermodal Terminal
- Banking dispute with major Anti-Money Laundering/Counter-Terrorism Financing (AML/CTF) issues (settled)  
Acting for a major bank in a contract dispute with a customer which raised significant AML/CTF issues
- Tax dispute – transfer pricing (settled)  
Acting for a product manufacturer in a major tax dispute with the Australian Tax Office
- Class action – water rights (settled)  
Acting for a state government corporation defending a class action in relation to a contractual dispute about water access rights
- Torts – police accountability  
Acting on secondment with the Public Interest Advocacy Centre in relation to alleged assault, battery and false imprisonment of an Indigenous minor.