

DR RUTH C A HIGGINS SC, FAAL
BARRISTER

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APPOINTMENTS

- 2018** Elected a Visiting Fellow, Harris Manchester College, University of Oxford
Appointed Chair of NSW Bar Professional Conduct Committee #3
- 2017** Appointed Senior Counsel, New South Wales
- 2016** Elected a Visiting Fellow, New College, University of Oxford
Appointed to the pool of experts for Wholesale Energy Market Disputes Resolution Panel
- 2015-2019** Elected to the NSW Bar Association Bar Council
- 2014** Appointed Assistant General Editor, *Australian Law Journal*
- 2013** Elected a Fellow of the Australian Academy of Law
- 2007-2009** Elected to the NSW Bar Association Bar Council
- 2006** Admitted as a Barrister, New South Wales
- 2000** Appointed Lecturer in Law, Corpus Christi College, University of Oxford
- 1997** Visiting Scholar, Law School, Columbia University, New York
- 1996** Elected as a Snell Exhibitioner and Scholar, Balliol College, University of Oxford

QUALIFICATIONS

- 2001** Graduate Diploma in Law, College of Law, New South Wales
- 1996-2000** Doctor of Philosophy, Balliol College, University of Oxford
- Supervised by Professor Joseph Raz and published as *The Moral Limits of Law: Obedience, Respect and Legitimacy* (OUP, 2004)
- 1996** Diploma in Legal Practice, University of Glasgow
- 1991-1995** LLB (1st Class Honours), University of Glasgow
- Dr John MacCormick Prize, Most Distinguished Graduate Law 1995 (University medal)
 - Bennett Miller Prize for Outstanding Student in Private Law Honours
 - Guthrie Prize for Jurisprudence; Neil MacFarlane Bursary & First Class Distinction, Conveyancing; Certificates of Merit: Evidence; Company: Public and Family Law

PROFESSIONAL RECOGNITION

2020	<i>Best Lawyers Australia</i> : Lawyer of the Year, Sydney: Alternative Dispute Resolution
2008-2020	<i>Best Lawyers Australia</i> : Bet-the-Company Litigation; Litigation; ADR
2011-2019	<i>Chambers Partners</i> , Asia Pacific and Global (currently listed as a New Silk)
2010-2019	<i>Doyle's Guide</i> : Currently listed as: <ul style="list-style-type: none">• Preeminent Senior Counsel, Competition Law• Leading Senior Counsel, Commercial Litigation & Dispute Resolution• Recommended Senior Counsel<ul style="list-style-type: none">○ Technology, Media, & Telecommunications○ Insolvency and Restructuring
2018-19	<i>Who's Who Legal</i> : Senior Counsel, Competition Law (Global Competition review)
2015	<i>Lawyer Monthly</i> , Global Women in Law Awards: Competition Law; Banking & Finance Law
2014	<i>Lawyer Monthly</i> , Global Women in Law Awards: Administrative and Constitutional Law
2013	Sheahan Lock Partners Junior Barrister Award, <i>Lawyers Weekly</i> , Women in Law Awards

PUBLICATIONS

Forthcoming	<i>Law's Candour: Truth in the Adversarial Common Law</i> (Federation Press)
Forthcoming	"Section 50: Still Working After All these Years" <i>Competition and Consumer Law Journal</i>
2019	"Sir Owen Dixon & Common Law Method" in <i>Sir Owen Dixon's Legacy</i> (Fed Press, 2019)
2015	"Joint Venture Defences, Exceptions, Authorisation" 2015 AMPLA Yearbook
2013	<i>Historical Foundations of Australian Law, Part I</i> (Fed Press, 2013) co-editor and author
2011	<i>Constituting Law</i> (Fed Press, 2011) co-editor and author
2008	<i>Rediscovering Rhetoric</i> (Fed Press, 2008) co-editor and author
2005	"Price Fixing: The Passive Beneficiary Defence" 21/7 ANZ Trade Practices Law Bulletin
2004	<i>The Moral Limits of Law: Obedience, Respect, and Legitimacy</i> (OUP, 2004)

PRACTICE AT THE BAR

I practice in administrative; constitutional; commercial and equity; communications and media; competition, trade practices and consumer protection; corporations and insolvency; corporate criminal proceedings (including insider trading); insurance; intellectual property and regulatory law

I appear in the High Court and all State and Territory superior courts, including at intermediate level. I also appear in tribunals, in particular the Australian Competition Tribunal and the Administrative Appeals Tribunal.

I have appeared at various enquiries including: as Senior Counsel for the CBA in the Banking Royal Commission; for CPH in the ILGA's inquiry into Crown Casino; as counsel assisting the ACCC East Coast Gas Enquiry; private and public hearings of the ICAC; the Special Commission of Enquiry into Electricity Transactions; for a claimant at the Office of the Independent Reviewer of Adverse Security Assessments and at numerous s 19 examinations conducted by ASIC. I have conducted many s 155 examinations for, and against, the ACCC.

I appear in confidential arbitrations, particularly in energy law disputes.

COMPETITION, CONSUMER AND REGULATORY LAW

- *AUSTRAC v Westpac Banking Corporation* NSD1914/2019 (for Westpac)
- *ACCC v BlueScope Steel Limited* [2019] FCA 1532 (for Ellis)
- *ACCC v Phoenix Institute of Australia Pty Ltd & Anr* NSD 2015/1471 (Amicus Curiae)
- *Vodafone Hutchison Australia Pty Ltd v ACCC & TPG* NSD 818/2019 (for TPG)
- *Australian Energy Regulator v AGL HP1 Pty Ltd* SAD 170/2019 & related cases (for the AER)
- *CDPP v Kawasaki Kisen Kaisha Ltd* (2019) 137 ACSR 575 (for CDPP)
- *ACCC v Bupa Aged Care Australia Pty Limited* VID 386 of 2019 (for Bupa)
- *ACCC v NSW Ports Operations Hold Co Pty Ltd* NSD 2289 of 2018 (for NSW Ports)
- *ASIC v R M Capital Pty Ltd and Another* NSD 906 of 2019 (for ASIC)
- *ASIC v Westpac Banking Corporation* NSD 1030 of 2018 (for Westpac)
- *ACCC v Pacific National Pty Ltd (No 2)* [2019] FCA 669 (for Pacific National)
- *ACCC v Jetstar Airways Pty Ltd* (2019) 136 ACSR 603 (for Jetstar)
- *ACCC v Colgate-Palmolive Pty Ltd* [2019] FCAFC 83 (for ACCC)
- *B&K Holdings (Qld) Pty Ltd v Garmin Australasia Pty Ltd* (2019) 134 ACSR 404 (for Garmin)
- *Hyder v McGrath Sales Pty Ltd* [2018] NSWCA 223 (for McGrath)
- *ACCC v Pacific National Pty Ltd* [2018] FCA 1221 (for Pacific National)
- *ACCC v Ramsay Health Care Australia Pty Limited* NSD 628 of 2017 (for ACCC)
- *Port of Newcastle Operations PL v Australian Competition Tribunal & Ors* [2018] HCATrans 55 (for NCC)
- *ACCC v Cascade Coal Pty Ltd (No 3)* [2018] FCA 1019 (for Loyal Coal)
- *Application by DBNGP (WA) Transmission Pty Ltd* [2018] ACompT 1 (for DBNGP)
- *Access Arbitration between Hydro Tasmania and Tasmanian Gas Pipeline Pty Ltd under Part 23 of the National Gas Rules* (for Hydro Tasmania)
- *SA Power Networks v Australian Competition Tribunal (No 2)* [2018] FCAFC 3 (for SAPN)

- *ACCC v Colgate-Palmolive Pty Ltd (No 4)* [2017] 353 ALR 460 (for ACCC)
- *CDPP v Nippon Yusen Kabushiki Kaisha* [2017] 254 FCR 235 (for CDPP)
- *ACCC v Cement Australia Pty Ltd* [2017] FCAFC 159 (for Cement Australia)
- *Australian Olympic Committee, Inc v Telstra Corporation Limited* [2017] FCAFC 165 (for Telstra)
- *ACCC v MSY Technology Pty Ltd Australian Competition and Consumer Commission v MSY Technology Pty Ltd* [2017] FCA 1251 (for ACCC)
- *ACCC v Flight Centre Limited* [2016] 261 CLR 203 (for ACCC)
- *Application by SA Power Networks* [2016] ACompT 11 (for SAPN)
- *Origin, Alinta and Others v Australian Energy Market Operator* - Dispute Resolution Panel under clause 8.2(1) of the National Electricity Rules (Chaired by Peter Gray QC) (for Alinta)
- *Application by South Australian Council of Social Services* [2016] ACompT 7 (for SAPN)
- *ACCC v Colgate Palmolive Ltd (No 3)* [2016] FCA 676 (for ACCC)
- *ACCC v Colgate-Palmolive Pty Ltd (No 2)* [2016] FCA 528 (for ACCC)
- *ACCC v Safety Compliance Pty Ltd (in liq) (No 3)* [2016] FCA 303 (for ACCC)
- *ACCC v Cement Australia & Others* [2016] FCA 968 (for Cement Australia)
- *Application by Glencore Coal Pty Ltd* [2016] A CompT 6; *(No 2)* [2016] ACompT 7 (for NCC)
- *ACCC v Woolworths Limited* [2016] ATPR 42-251 (for ACCC)
- *ACCC v Ozsale Pty Ltd* [2016] FCA 1049 (for ACCC)
- *Commonwealth v Director, Fair Work* [2015] 258 CLR 482 (for the Commonwealth)
- *AOC v Telstra Corporation Limited* [2016] FCA 857 (for Telstra)
- Counsel Assisting, *ACCC Inquiry into the East Coast Gas Market April 2016*
- *ACCC v Safety Compliance Pty Ltd (No 2)* [2015] 110 ACSR 306 (for ACCC)
- *ACCC v HomeopathyPlus! Australia Pty Ltd (No 2)* [2015] FCA 1090 (for ACCC)
- *ACCC v Origin Energy Electricity Ltd* [2015] FCA 278 (for Origin)
- *Applications Nos 1-8 of 2015* ACompT (for Victorian network entities)
- *ACCC v Renegade Gas Pty Ltd, Speed-e-gas & Others* [2014] FCA 1135 (for Speed-e-Gas)
- *ACCC v HomeopathyPlus! Australia Pty Ltd* [2014] 146 ALD 278 (for ACCC)
- *ACCC v Informed Sources and Others* VID 450/2014 (for BP)
- *ACCC v Little Company of Mary* NSD 2014 (for Little Company of Mary)
- *Application for Authorisation of Acquisition of Macquarie Generation by AGL Energy Limited* [2014] A Comp T 1 (for AGL)
- *McHugh v Australian Jockey Club Limited* [2014] 314 ALR 20 and [2012] 299 ALR 363 (for AJC, VJC)

- *ACCC v Cement Australia Pty Ltd* [2013] 310 ALR 165 (for Cement Australia)
- *ACCC v Australian Power & Gas Company Limited* [2013] FCA 1358 (for APG)
- *Cyclopet Pty Ltd v Australian Nuclear Science and Technology Org* [2012] FCA 1326 (for ANSTO)
- Acting for an applicant before the Office of the Independent Reviewer of Adverse Security Assessments
- Representing MacGen at Special Commission of Enquiry into Electricity Transactions [2011]
- *ACCC v Star Promotions Club Pty Ltd* [2010] FCA 139 (for ACCC)
- *Apple Inc & Another v Samsung Electronics Co Ltd* NSD 1243 of 2011 (for Apple)
- *Cyclopet Pty Ltd v Australian Nuclear Science and Technology Org* [2012] FCA 1326 (for ANSTO)
- *ActewAGL Distribution v The Australian Energy Regulator* [2011] 123 ALD 486 (for ActewAGL)
- *Application by ActewAGL Distribution* [2010] ACompT 4 (for ActewAGL)
- *Auskay International v Qantas Airways Ltd* [2010] FCA 521 (for ACCC)
- *Application by EnergyAustralia* [2009] ACompT 9 (for EnergyAustralia)
- *Application by EnergyAustralia* [2009] ACompT 7 (for EnergyAustralia)
- *ACCC v Clarion Marketing Pty Ltd* [2009] FCA 1441 (for ACCC)
- *ACCC v Singapore Airlines Cargo Pte Ltd* [2009] 256 ALR 458 (for ACCC)
- *Application by Telstra Corporation Limited* [2009] ACompT 1 (for Telstra)
- *ACCC v AMV Holding Ltd* [2009] FCA 605 (for ACCC) (for ACCC)
- *Application by Medicines Australia* [2007] ACompT 4 (for ACCC)

PUBLIC AND CONSTITUTIONAL LAW

- *APRA v TMeffect Pty Ltd* [2018] 125 ACSR 334; [2018] 158 ALD 473 (for APRA)
- *Australian Information Commissioner v Elstone Pty Limited* [2018] 162 ALD 104 (for AIC)
- *Vodafone Hutchison Australia Pty Ltd v ACCC* [2017] FCA 1549 (for Vodafone)
- *CrownBet Pty Ltd v State of New South Wales* [2017] NSWSC 1470 (for Tabcorp)
- *Nexdius Pty Ltd v Minister for Health* [2017] AATA 2295 (for the Minister)
- *Freelancer International Pty Ltd v Australian Information Commissioner* [2016] 69 AAR 399
- *Freelancer International Pty Ltd v Australian Information Commissioner* [2016] AATA 2839
- *TMeffect v APRA* [2017] AATA 921 (for APRA)
- *TodayFM (Sydney) Pty Ltd v ACMA* [2015] 255 CLR 352 (for TodayFM)
- *DPP (Cth) v Keating* [2013] 248 CLR 459 (for the Commonwealth)

- *Sportsbet Pty Ltd v Racing New South Wales* (2012) 249 CLR 298 (for Tabcorp)
- *Applied Medical Australia Pty Ltd v Minister for Health* (2016) 151 ALD 299 (for Applied Medical)
- *Tabcorp Holdings Ltd v Sportsbet Pty Ltd* (2012) 249 ALR 113 (for Tabcorp)
- *Sportsbet Pty Ltd v Harness Racing Victoria (No 6)* (2012) 206 FCR 50 (for Tabcorp)
- *Sportsbet Pty Ltd v State of New South Wales and TAB Ltd* S356 of 2011 (for Tabcorp)
- *Tabcorp Holdings Limited v State of Victoria* [2014] VSCA 311 (for Tabcorp)
- *AfSD v Barangaroo Delivery Authority* [2013] NSWADT 252
- *AGL South Australia Pty Ltd v ESCOSA* SASC No. 1675 of 2012 (for AGL)
- *AGL Energy Ltd v Queensland Competition Authority* [2009] QSC 90 (for AGL)
- *AGL Victoria Pty Ltd v SPI Networks (Gas) Pty Ltd* (2006) Aust Contract R 90-241; [2007] HCA Trans 53 (for AGL)

CORPORATIONS, CORPORATE CRIME AND INSOLVENCY LAW

- Senior counsel for CPH Crown Holdings Pty Ltd in the Inquiry by the Honourable Patricia Bergin SC under section 143 of the *Casino Control Act 1992* (NSW) (Inquiry)
- *Ghee v BT Funds Management Ltd & Westpac Life Insurance Services Ltd* VID 962/2019 (for the Westpac entities)
- *Forge Group Limited (In Liquidation) (Receivers and Managers Appointed) v Clough Limited & Ors* Supreme Court of Western Australia Proceedings COR 52 of 2019 (for Clough)
- *Greenshades Pastoral Pty Ltd v Hardi Australia Pty Ltd* S Ct NSW 2019/101980 (for Hardi)
- *Uber Class Action* (for the Class)
- *New Hope Corporation Ltd v Northern Energy Corporation Limited* [2019] NSWSC 879
- *Takata Air Bag Class Action* [2018] NSWSC 1868 (for Nissan)
- *In the matter of Investa Listed Funds Management Limited as responsible entity for the Armstrong Jones Office Fund and the Prime Credit Property Trust* [2018] NSWSC 1766 (for the bidder)
- *BCBC Singapore Pte Ltd -v- PT Bayan Resources TBK (No 4)* (2018) 134 ACSR 1
- *Smith and Creighton v Australian Executor Trustees Limited (No 2)* (2018) NSWSC 875
- *Obeid v The Queen* [2018] HCATrans 54
- Senior Counsel for the CBA in the Royal Commission into Financial Services, 2018
- *Redenbach and Another v Legal Practice Management Group Pty Ltd and Others* (2018) 125 ACSR 513
- *Dalton v Volkswagen AG (No 1)* [2018] FCA 123 (for VW, Audi and Skoda)
- *Kuhn & Others v Infigen Energy Limited* S Ct NSW 2017/131194 (for Infigen)
- *DHL Supply Chain (Australia) Pty Ltd True Alliance Pty Limited* S Ct NSW 2018/4639
- *KPMG ats Equititrust* NSD2028/2013 and NSD2025/2013 (for KPMG)

- *Hyder v McGrath Sales Pty Ltd* [2017] NSWSC 1647; [2018] NSW ConvR ¶56-390 (for McGrath)
- *Application by 24/7 Customer, Inc* [2017] NSWSC 1609; [No 2] [2018] NSWSC 171; [No 3] [2018] NSWSC 1065
- *Jemena Gas Networks (NSW) Ltd v AGL Energy Limited* [2017] NSWCA 266
- *In the matter of Boart Longyear Limited* [2017] 323 FLR 241; [2017] 122 ACSR 437
- *Reliance Rail Pty Limited v Permanent Custodians Limited* [2017] 112 ACSR 317
- *Seymour Whyte Ltd, in the matter of Seymour Whyte Ltd (No 2)* [2017] FCA 1182
- *Global Investments Limited v Babcock & Brown Global Investments Mmt Pty Ltd* [2017] NSWSC 729
- *Lanco Resources Australia Pty Ltd v Griffin Energy Group Pty Ltd (No 3)* [2017] WASC 51
- *Lanco Resources Australia Pty Ltd v Griffin Energy Group Pty Ltd (No 2)* [2017] WASC 32
- *Attwells v Jackson Lalic Pty Ltd* [2016] 256 CLR 569
- *Skyland Petroleum Limited, in the matter of Skyland Petroleum* [2016] FCA 927
- *DIF III Global Co-Investment Fund LP v BBLP LC* [2016] VSC 401
- *Cantor v Audi Australia Pty Ltd and Another* [2016] FCA 1391
- *Craig v Silverbrook and Memjet Pty Ltd* [2016] NSWSC 530
- *CEO of Australian Transaction Reports and Analysis Centre v TAB Limited* [2016] FCA 122; [2016] FCA 148
- *iProperty Group Limited, in the matter of iProperty Group Limited (No 2)* [2016] FCA 36
- *In the matter of HIH Insurance Limited (In Liquidation) and Others* [2016] 335 ALR 320
- *Regina v OC* [2015] 90 NSWLR 134
- *iProperty Group Limited, in the matter of iProperty Group Limited* [2015] FCA 1507
- *DIF III Global Co-Investment Fund LP v BBLP LC* [2015] VSC 484
- *Fletcher v Fortress Credit Corp (Aust) II Pty Ltd* [2014] QSC 303
- *HIH Insurance Limited v De Bortoli Superannuation* [2014] 101 ACSR 1
- *Investec Bank Australia Ltd v Anderson* [2013] NSWSC 74
- *Investec Bank Australia Limited v Anderson* [2013] NSWSC 74
- *SingTel Optus Pty Ltd & Ors v Weston* [2012] NSWSC 1002
- *Fortress Credit Corporation v Fletcher* [2015] 254 CLR
- *Int. Litigation Partners Pte Ltd v Chameleon Mining NL* [2012] 246 CLR 455
- *BOS International (Australia) Ltd v Babcock & Brown Int. Pty Ltd* [2011] NSWSC 1382
- *Alliance Craton Explorer Pty Ltd v Quasar Resources Pty Ltd and Heathgate Resources Pty Ltd* [2013] HCATrans 215

- *SingTel Optus Pty Ltd & Ors v Weston* (2012) 90 ACSR 225
- Acting for a witness at the ICAC inquiry into the grant of mining leases in NSW (Project Jasper) 2012
- Acting for Securrency International Pty Ltd in respect of alleged contraventions of the ss 11.5(1) and 70.2(1) of the *Criminal Code Act 1995* (Cth)
- *Rivercity Motorway Finance Pty Ltd v AECOM Australia Pty Ltd* [2012] FCA 1304
- *Buzzle Operations Pty Ltd (in liq) v Apple Computer Australia Pty Ltd* [2011] 277 ALR 189; [2009] 74 NSWLR 469 and [2010] 238 FLR 384
- *OneSteel Manufacturing Pty Ltd v BlueScope Steel Pty Ltd* [2011] NSWSC 1450
- *REST SEA Gas Pipelines Pty Ltd v APT SEA Gas Holdings Pty Ltd* [2010] NSWCA 296
- *Oasis Fund Management Ltd and Ors v ABN Amro Bank NV and Ors* [2010] NSWSC 584
- *Deloughery and Others v Weston* (2010) 79 ACSR 180
- *Katayama v Japan Airlines Corporation* (2010) 79 ACSR 286
- *Thoroughvision Pty Ltd v Sky Channel Pty Ltd* [2010] VSC 139
- *Re Rubicon Asset Management* [2009] 74 ACSR 346
- *Manchester Unity Australia Limited; Application by Goaley* [2008] FCA 1845
- *Iss Facility Services Australia Ltd v Grounds and Gardens Pty Ltd* [2008] NSWSC 1406

INTELLECTUAL PROPERTY/MEDIA AND BROADCASTING

- *Northern Territory v Collins* (2008) 235 CLR 619
- *Bauer Consumer Media Ltd v Mamamia.com.au Pty Ltd* [2014] FCA 1400
- *Today FM Sydney Pty Ltd v ACMA* (2012) 129 ALD 669
- *Macquarie Media Holdings Ltd v ACMA* [2009] 173 FCR 582
- *Beyond Productions Pty Ltd v Screen Australia* (2011) 82 ATR 194
- Advising PBL in the corporate restructure and float of PBL media interests to CVC, Channel Ten and CBS in respect of Channel 11 and Channel 7 in the corporate restructure and float of the 7 media interests

EXTERNAL ACTIVITIES AND APPOINTMENTS

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| 2019 | Invited to be a member of the Federal Court of Australia Commercial and Corporations [General] User Group NSW and ACT |
| 2019 | Invited to speak at Law Council Federal Court Regulatory Case Management Conference |
| 2019 | Invited to speak at the RBB Economics competition law workshop |
| 2019 | Invited to speak at Law Council Competition and Consumer Workshop |
| 2019 | Invited to judge the Holt Prize, Federation Press, 2019 |

2018	Invited to speak at LCA Federal Court Judges Competition Law Conference Invited to speak at ACCC & AER Annual Regulatory Conference Invited to speak at ABA National Conference
2017	Invited to speak at Australian Academy of Law “Hypotheticals” Session Invited to speak at Competition Law Conference, Sydney
2016	Invited to speak at Business Council Competition Law Conference
2015	Invited to speak at AMPLA national conference
2013	Invited to attend FCA/LCC, “International Commercial Law and Arbitration” and “Class Actions and Electronic Trials” conferences
2012	Invited to speak at Australian Business Law, “Rising Stars: Competition Workshop” Invited to contribute to <i>Federal Court Case Management Handbook</i> (competition law)
2011	Invited to attend FCA/LCC, “The Court’s Work: How it Might or Should be Done” Invited to attend FCA/LCC, “International Commercial Law, Litigation, Arbitrations”
2009-	Oxford University Press: Peer Reviewer, Legal Academic Press
2007	Co-convenor, with J Gleeson SC of NSW Bar Association Rhetoric Series
1999-2000	Warden Dellal Building, Balliol College, University of Oxford
1998-99	Social Secretary, Balliol College Middle Common Room; Balliol College Women’s Pool Team
1993-96	Glasgow University Law Society Executive Committee

READERS

2011	Fiona Roughley
2013	Emma Beechey Sebastian Hartford Davis
2014	Danielle Forrester Naomi Oreb Ben Mee and David Larish (Mentor)
2015	Angus O’Brien Peter Gaffney
2016	Christopher Mitchell
2017	Leanne Rich Peter Strickland