

EMILY GOLSHTEIN
BARRISTER

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PROFESSIONAL DETAILS

Admitted to practice: 20 February 2013
Signed Bar Roll: 26 October 2016
Qualifications: BA, LLB (Monash) (2011)
Previous legal positions: Senior Judge's Associate, Supreme Court of Victoria (2014-2015)
Solicitor, Transport Accident Commission (2012-2013)

PROFESSIONAL EXPERIENCE AT THE BAR

Administrative and other public law matters

- *Royal Commission into the Casino Operator Licence* (acting for Crown Melbourne Ltd) and *Perth Casino Royal Commission* (acting for Crown and its subsidiaries).
- Class action in *Markovic ats Unified Security Group & Anor* (for MSS Security Pty Ltd, led by Lachlan Armstrong QC, Anna Robertson (now Judge Roberston) and Charles Parkinson SC).
- *COVID-19 Hotel Quarantine Program Inquiry* (for MSS Security Pty Ltd, led by Anna Robertson (now Judge Robertson)).
- Trial work, including in *El-Najjar v Swidryk Investments P/Ltd & Ors* (for VWA, ongoing judicial review, led by Fiona Spencer), *Elwick 9 v Freeman & Ors* (acting for appellant in judicial review concerning the inconsistency between owners' corporation and planning laws, led by Emrys Nekvapil) [2018] VSC 234, planning hearing (unled) in *Skantzos v Mornington Peninsula Shire Council* (VCAT, 2017).
- Appearances in contested hearings concerning the appointment and revocation of Powers of Attorney, and guardianship and administration orders (various, VCAT, unled).
- Appearances in merits reviews concerning security business licence applications (VCAT, unled).
- Preparation of advice and pleadings in relation to judicial review appeals.
- Advising upon and preparing legislative flowcharts and guides for VicRoads in relation to legislative reform of *Road Safety Act 1986* (Vic) in Victoria in 2018.

Common law

- Appeal work, including in *El-Najjar ats Swidryk Investments Pty Ltd & Anor* (Medical Panel appeal, ongoing for VWA, led by Fiona Spencer), *Hughes v VWA* (Medical Panel appeal, ongoing for VWA, led by Fiona Ryan SC).
- Trial work, including in relation to public liability, *Wrongs Act* and professional liability claims, TAC and VWA damages trials; including in *Reynolds v Patel* (for TAC, ongoing damages trial, led by Barbara Myers SC), *Hitchcock v Singh* (for TAC, ongoing damages trial, led by Barbara Myers SC), *Tsiragakis v JobCo Employment Service Inc* (for VWA, ongoing damages trial, led by Scott Smith QC), *Sharon Flaherty on behalf Megan Hussey v Reedy* (for TAC, ongoing damages trial, led by Chris Blanden QC), *Rushton v*

Woolworths Pty Ltd (for Woolworths, ongoing, led by Roisin Annesley QC), *McFadden v Greater Shepparton Council* (damages trial, led by Anna Robertson (now Judge Roberston), *Nikou v Vicinity Centres PM Pty Ltd* (public liability jury trial, led by Neill Murdoch QC), *Melton v Setaro* (TAC damages jury trial, led by Paul Jens QC), *Sprague v Craig Langley Pty Ltd* (for VWA, damages trial, led by Aine Magee QC) (resolved), *Prasad v Shining Knight Cleaning Services* (led by Chris Winneke QC) (resolved), *Munson v Webb & Ors* (professional liability jury trial, unled, including written advice, interlocutory appearances, settled at pre-trial mediation).

- Appearances in serious injury applications and s 23A *Limitations of Actions Act* applications, including in *Makrides v TAC* (for TAC, led by Scott Smith QC), *He v TAC* (led by Ross Middleton QC), *McDonald v National Express* (led by Andrew Moulds QC), *Blackman v TAC* (led by Andrew Moulds QC), *Rogers v Berry Street Victoria Inc.* (led by Jamie Gorton QC), *Kelaart v Coca-Cola* (led by Jacinta Forbes QC), *Ouk v Toyota* (led by Gerard Nash QC), and *Brennan v TAC* (led by Paul Elliot QC).
- Appearances in Workcover statutory benefits disputes on behalf of Plaintiffs and Defendants.
- Appearances in compulsory conferences and mediations.
- Preparation of written work including advices on prospects, quantum assessments, and statutory interpretation, drawing pleadings, interrogatories, and legal contentions.
- Preparation of medical panel referral documents on behalf of Plaintiffs and Defendants.

Commercial law

- Trial work, including in *Barker v Barker & Ors* (acting for plaintiff in large-scale liquidation proceedings) (led by Philip Crutchfield QC, Tyson Wodak) (VSC, 2017) (resolved a week out of trial), insolvency appeal in *Seventh Asteroid v McCann* (led by Michael Galvin QC), defamation trial in *Giurina v New* (unled, MCV, 2016), *Adtalk Pty Ltd & Ors* (unled, for plaintiff in breach of trust, ACL, unjust enrichment claim).
- Appearances in interlocutory matters, including winding up applications (VSC), strike out applications (concerning ACL, professional negligence, equal opportunity and discrimination issues) (CCV), summary judgment, and debt recovery disputes.
- Appearances in mediations and contested hearings, including the preparation of advice and legal contentions, including in relation to owners' corporation disputes, *Social Security Act* matters, Retail and Residential tenancies, and other property disputes.

Quasi-Criminal matters

- Trial work, including appearance (unled) in summary prosecution (for the VGSO).
- Appearance for the VGSO in intervention order matters on behalf of the Chief Commissioner of Police, including in contested hearings.
- Appearance (unled) in sentence appeal in *Mullan v DPP* (CCV, 2017).
- Plea hearings, including in relation to *Building Act* prosecutions.

Professional Memberships

- Board Member, Jewish Professional Women's Network (JPWN) (appointed July 2021)
- Ordinary Committee Member, Women Barrister Association (WBA) (appointed July 2021) and member of the Equitable Briefing Sub-Committee
- Common Law Bar Association
- Commercial Bar Association

PROFESSIONAL EXPERIENCE PRIOR TO THE BAR

Associate/Senior Associate to the Honourable Justice Kevin Bell AM

Trial Division, Supreme Court of Victoria

(Dec 2013-Jan 15, May-Aug 2015)

- Assisted his Honour on a wide variety of civil proceedings in the Common Law Division, including personal injury trials, judicial reviews and appeals, including medical panel matters, cases concerning the *Charter of Human Rights and Responsibilities Act*, Practice Court matters including caveat removals, freezing orders, and Forensic Leave Panel matters.
- Assisted his Honour on a wide variety of criminal proceedings in the Criminal Division, including homicide trials, bail hearings, applications under the *Crimes (Mental Impairment and Unfitness to be Tried) Act*, and applications under the *Surveillance Devices Act*.
- Assisted his Honour with complex legal research, preparing court orders, case summaries and drafting speeches.

Senior Associate to the Honourable Justice Stephen Kaye AM

Court of Appeal, Supreme Court of Victoria

(Jan-Apr, 2015)

- Assisted his Honour on a wide variety of cases, across the Trial and Appellate Divisions of the Court, including in relation to accident compensation, contempt of court, defamation and white-collar crime.
- Assisted his Honour with complex legal research, preparing court orders and case summaries.

Solicitor (previously, Law Graduate)

Transport Accident Commission (TAC)

(2012-2013)

- Provided legal advice to the TAC in relation to the eligibility of claims and statutory benefits under the *Transport Accident Act*, including in relation to serious injury applications, common law damages assessments and liability claims.
- Appearances (alone) at compulsory conferences, mediations, interlocutory proceedings, including several appearances opposed to self-represented litigants in serious injury applications in the CCV.
- Instructed in trials in the Supreme and County Courts, including jury trials, and proceedings at VCAT.

Subpoena Officer, Child Protection

Department of Human Services

(2010-2011)

- Processed, analysed and coordinated the preparation of responses to subpoenas received from Victorian law firms and Independent Children's Lawyers.

COMMUNITY (VOLUNTEER) EXPERIENCE

Prosecution Intern Office of the Co-Prosecutors (volunteer)

United Nations Assistance to the Khmer Rouge Tribunal, Cambodia

(Jan-Jun 2010)

- Provided legal advice on substantive and procedural issues arising during the investigation into, and prosecution of, senior leaders of the Khmer Rouge.

- Participated in advanced pre-trial preparations, including complex legal research and forensic analysis of evidence, and drafting of seven appellate briefs consisting of submissions on fact and law.

Legal Intern (volunteer)

Asylum Seeker Resource Centre (ASRC) (2009-2013)

- Provided representation and advice about the refugee status determination process, including preparation of cases before the RRT and the Federal Court, including drafting legal submissions.

Legal Intern (volunteer)

Castan Centre for Human Rights Law (2009)

- Assisted Castan Centre Directors with legal research on human rights projects.

Legal Intern (volunteer)

Victoria Law Foundation (2008)

- Conducted legal policy research and drafted submissions to Parliament and various other organisation on behalf of the Victorian Bar.

Paralegal (volunteer)

Fitzroy Legal Service (2006-2008)

- Undertook initial client interviews and delivered legal advice under the supervision of legal practitioners in the regular and family law clinics.

OTHER LANGUAGES

- Hebrew, Russian.