

**EMILY GOLSHTEIN**  
**BARRISTER**

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**PROFESSIONAL DETAILS**

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**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**

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**Administrative and other public law matters**

- *Royal Commission into Defence and Veteran Suicide* (for Comcare, led by Rob Craig QC, ongoing).
- *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 including in *Nazarri v Lual & Anor* (damages trial, led by Andrew Moulds QC, ongoing), *Becka v Tuppen & Wasyl* (for TAC, damages trial, led by Paul Elliot QC), *Stiff v Woolworths Pty Ltd* (public liability for Woolworths, unled, resolved), *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 Flaberty 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 Ainé 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**

- Appearance for the VGSO in intervention order matters on behalf of the Chief Commissioner of Police, including in contested hearings.
- Occupational Health and Safety hearings.
- 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's Association (WBA) (appointed July 2021) and member of the Equitable Briefing Sub-Committee
- Common Law Bar Association

## **PROFESSIONAL EXPERIENCE PRIOR TO THE BAR**

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### **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**

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### **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**

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- Hebrew, Russian.