

Jane Buncle

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Practice at the bar

I practice in the following areas of law: commercial and equity; corporations and insolvency; corporate criminal proceedings, including fraud; regulatory; trade practices; commercial and consumer protection; administrative; constitutional; and insurance.

I am briefed regularly as junior counsel in matters in the Supreme Court and the Federal Court, as well as commissions of inquiry and international arbitrations. Recent matters that I have been led in include appearing on behalf of CBA in the Banking Royal Commission and the AUSTRAC Proceedings; advising a national energy company in relation to the ICAC; appearing on behalf of Bupa in the Aged Care Royal Commission; and an international arbitration based in Singapore.

I am also regularly appear unled in contested motions in the Supreme Court and Federal Court, as well as a wide variety of civil matters in the District Court, the Federal Circuit Court, the Local Court and tribunals.

Recently, I have also developed my practice on corporate criminal proceedings, with a particular focus on fraud. This includes acting for both the Crown (NSW) and on behalf of multinational corporate entities.

Education

2014 – 2015	University of Oxford Bachelor of Civil Law (Distinction)
	Brasenose College Oxford University Hockey Club (Oxford Blue)
2009 – 2011	University of Edinburgh Graduate LLB (Distinction)
	Placed 3rd in graduating class Margaret Balfour Keith Prize in public and administrative law Chairman of the Graduate Law Society (MLS) Social Chair on the Law Students Council
2005 – 2007	Charles Sturt University (Bathurst) B.A Media Communications – Journalism (Distinction)

Selected matters

<i>Royal Commission into Aged Care Quality & Safety (for Bupa ANZ Healthcare Holdings)</i>	Commissions of inquiry	Led by J Sheahan QC, F McLeod SC and S Mirzabegian
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<i>Petrochemical Commercial Company Limited & 2 Ors v Nexus Management Limited & 15 Ors (on going)</i>	Fraud; freezing orders in aid of foreign proceedings.	Led by D Studdy SC
<i>Application of Jayne Elizabeth Beaumont</i> [2018] NSWSC 1705	Contracts; principal and agency; powers of attorney	Led by R A Dick SC
<i>Royal Commission into Misconduct in the Banking, Superannuation and Financial Services (for CBA)</i>	Commissions of inquiry; banking and finance regulation	Led by R CA Higgins SC
<i>AUSTRAC v Commonwealth Bank of Australia</i> [2018] FCA 930	Anti-money laundering and counter terrorism financing	Led by J Sheahan QC, S Mirzabegian, N Bender
<i>Beaumont v Peel & Len Peel Holdings Pty Ltd & Ors</i> [2018] NSWSC 95	Corporations Act; oppression	Led by R A Dick SC
<i>Samsung C&T Corporation v Duro Felguera Pty Ltd</i> (SIAC Arb. Case No. 065/16)	International Arbitration; misleading and deceptive conduct; repudiation; estoppel.	Led by A Archibald QC; J Sheahan QC; J Redwood
<i>AUSTRAC v Tabcorp Ltd & Ors</i> [2017] FCA 1296	Anti-money laundering and counter terrorism financing	Led by J Sheahan QC, P Brereton SC, R C A Higgins SC, S Mirzabegian
<i>New Start Trading Group v Norman Stanley Hayde & Anor</i> 2016/00326760 [2017] NSWSC 1454	Real property; estoppel; breach of contract	Led by R CA Higgins SC
<i>Re Kimblery Diamonds Ltd</i> (2016) 116 ACSR 233	Corporations; winding up	Led by D Sulan
<i>Admark Property Group Pty Ltd (in liq) v GJ Building and Contracting Pty Ltd</i> [2016] NSWSC 1309	Contempt; sentencing	Led by D Sulan
<i>Re Blue Sennar Air Pty Ltd (in liq)</i> (2016) 11 BFRA 374; [2016] NSWSC 772	Corporations; incidents of winding up	Led by D Sulan
<i>Banerji v Minister for Immigration and Border Protection & Ors</i> [2017] HCATrans 101	Application for show cause; writs of certiorari	Led by K Richardson SC
<i>Freiberg & Ors v Keller & Ors</i> 2016/151840 (settled)	Corporations Act; oppression	Led by M Darke SC
<i>Gary Lopez v HBS (PNG) Limited</i>	Conflict of laws;	Led by D Barnett

1-41668 [2018] ACTSC 190	negligence	
<i>Charitou v Parramatta City Council</i> 2017/384966 (ongoing)	Contract; specific performance	Led by C Withers
<i>R v Reslan</i> (unreported, 26 November 2018)	Fraud; perverting the course of justice	Unled
<i>Victor Hammond (tutor appointed) v Elpat Pty Limited & 2 ors</i> [2018] NSWSC 1972	Freezing order	Unled
<i>Sharma ats Booking.com NCAT No 17/32489</i> (settled)	Misleading and deceptive conduct; NCAT.	Unled.
<i>Beken v Kapitanof</i> 2017/0038776 (unreported, 14 April 2018)	Stay, security for costs, conflict of laws	Unled
<i>In the matter of Italiasia Pty Ltd</i> [2017] NSWSC 811	Resisting reinstatement application	Unled
<i>Kure v He</i> [2017] NSWSC 1488	Security for costs	Unled
CMQ16 v <i>Minister for Immigration and Border Protection & Anors</i> [2017] FCCA 998; [2018] FCA 881.	Migration; application for judicial review	Unled
<i>Wei v Su</i> [2017] NSWDT 142 and various unreported judgments.	Setting aside notice to produce and subpoena; security for costs.	Unled

Advisory matters

Advising a Public Private Partnership about jurisdiction under the ICAC Act.	Commissions of inquiry; ICAC Act.	Led by N Chen SC
Advising multi-national organization about potential exposure under an insurance policy.	Corporate criminal conduct; building and construction.	Led by B Walker SC
Advising a multi-national property and infrastructure company regarding their public liability insurance policy.	Public liability insurance; building and construction.	Led by R A Dick SC
Advising an individual regarding a valuation report issued as part of major family law dispute.	Professional negligence; Australian consumer law.	Led by P Brereton SC

Advising a national publicly listed company regarding possible corporate criminal sanctions under the <i>Criminal Code</i> .	Criminal code; corporate liability; statutory construction.	Led by N T Robinson QC
Advising litigation funder regarding potential add-on insurance action	Class actions; unconscionability; insurance.	Led by R CA Higgins SC
Advising a NSW statutory body regarding their long service leave obligations and entitlements.	Long Service Leave Corporation Act 2010; statutory construction.	Led by T Wong
Advising a multi-national technology, construction and engineering company on issue waiver and prospective liability in Singapore based arbitration proceedings.	Issue waiver; estoppel; international arbitration.	Led by J Redwood

Experience

Nov 2018 – present	Crown prosecutor (non-salaried), NSW DPP
June 2016 – present	Refugee Case Worker Service - volunteer barrister
May 2016 – present	Duty Barrister (NSW) – District and Local Court
Oct 2011 – Sep 2014 Aug 2015 – May 2016	Herbert Smith Freehills (Sydney) Solicitor – Dispute Resolution Group Supervising partners: Jason Betts, Peter Butler, Juliana Warner, Bryony Adams
May – Sep 2011	United Nations HQ New York – Mediation & Conflict Resolution
May – Sep 2010	North Australian Aboriginal Justice Agency (NAAJA)

Publications

Buncle J, “*Is a reference date a precondition to the validity of a payment claim?* [2017] (Autumn) Bar News 16.

Buncle J, Whitehead L, “*The enforceability of mediation agreements*” Australian International Dispute Centre Bulletin, Edition 5, Volume 4, 28 October 2013

Buncle J, Whitehead L, “*Should Alternate Dispute Resolution be compulsory in legal education?*” Australian International Dispute Centre Bulletin, Edition 5, Volume 4, 28 October 2013