
Gemma-Jane Cooper

Admission date: 26 April 2006
Bar roll: 16 May 2013
Qualifications: LLB (H2A) (Monash); BA (Monash)

Employment History

- 16 May 2013 -** **Victorian Bar**
I completed the March 2013 bar readers' course and signed the bar roll on 16 May 2013.
- January 2011 to February 2013** **Wotton + Kearney – Senior Associate**
For two years I worked as a Senior Associate for Partner Andrew Seiter, providing public liability and insurance advice, with a particular focus on defending workers' common law claims and section 138 recovery actions.
- May 2010 to January 2011** **Norton Rose – Associate in the Insurance Division**
I worked in the insurance practice at Norton Rose doing medical negligence and public liability work, before spending a number of months working on the Victorian Bushfires litigation.
- 2005 to May 2010** **Minter Ellison – Lawyer in the Insurance & Corporate Risk practice group**
I commenced articles of clerkship with Minter Ellison in March 2005, and was admitted as a lawyer in April 2006. Whilst at the firm, I worked in the Insurance & Corporate Risk practice group at the firm for partner David Poulton.

Experience

General litigation

Relevant experience includes:

- acting for private insurers defending workers' common law claims and section 138 recovery actions
- acting for various Government Departments defending public liability claims involving personal injury, sexual assault and property damage
- acting for insurers in relation to professional indemnity and public liability claims
- providing advice to insurers regarding indemnity
- defending actions in the Building Appeals Board for damage arising out of "protection works"
- acting for insurers in subrogated recovery claims, primarily in the area of property damage
- acting for media clients handling litigious defamation, suppression and contempt matters
- advising commercial and government clients on appropriate risk assessment and management
- significant appearance experience at contested directions hearings as well as making substantive appearing as an intervener on behalf of media clients in proceedings in the Supreme Court in relation to suppression orders.

Public Liability

Specific experience includes:

- general “slip and trip” claims
- advising on the vicarious liability of security companies for assaults perpetrated by their employees
- applications for compensation under section 85B of the Sentencing Act
- recreational sporting incidents, including advising on recreational waivers under the Trade Practices Act and Australian Consumer Law
- construction claims involving multiple contractors, overlapping insurance obligations and indemnities
- acting for private insurers defending workers’ common law claims and section 138 recovery actions across a broad range of areas, including hospitality, construction, security guard assaults and recreational sporting accidents
- defending dependency and nervous shock claims made by the families of deceased workers
- acting for Government departments regarding duty of care, potential liability and risk management of various programs

Professional Indemnity

Specific experience includes:

- acting for the Legal Practitioners Liability Committee in relation to claims made against other solicitors as a result of the provision of negligent advice
- acting for commercial organisations in relation to claims made for the negligent provision of services, including claims alleging negligent advice provided by engineers and negligent maintenance of cooling towers

Medical Negligence

Specific experience includes:

- acting for MIPS defending claims of medical negligence against doctors

Contractual and insurance advice

Specific experience includes:

- advising on contractual indemnities and warranties
- advising on insurance clauses in contracts, including on the issues of double insurance and other insurance and the **Insurance Contracts Act**

Due Diligence Reports

Specific experience includes:

- preparing due diligence reports both in the areas of insurance and privacy in relation to commercial transactions run by the firm's corporate practice group.

Media, FOI & privacy

Specific experience includes:

- acting for *The Age* and other media organisations relation to suppression orders, defamation, surveillance, privacy, spam, FOI and court reporting and contempt

- advising government agencies of the privacy implications and compliance requirements when transferring personal information between each other, including the disclosure and transfer of personal data and employee details
- drafting privacy policies and collection statements for commercial clients
- advising on the compliance of privacy policies, procedures and collection statements with relevant legislation
- advising commercial clients on how to respond to a large scale breach of the *Privacy Act 1988* (Cth), including notifying relevant government agencies and departments and taking steps to rectify the breach and prevent recurrence
- advising on credit reporting and privacy obligations of finance companies
- advising commercial clients of the merits of making an FOI application to a government agency.