

## HUSSEIN ELACHKAR - CURRICULUM VITAE

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### Tertiary Education

BCom(Accounting)/LLB (UNSW)

### Admitted to the Legal Profession

2010

### Principle Areas of Practice

Administrative Law

Equity and trusts

Building & Construction

Family Law

Commercial Law

Family Provisions & Probate

Defamation Law

Real Property

### Previous Professional Experience

*Credit and Investments Ombudsman:*

2010 – 2012

*Energy and Water Ombudsman:*

2012 – 2014

*Birchgrove Legal:*

2014 – 2018

### Selected Cases

*Alsuleiman v Nationwide News Pty Ltd & Anor*

Acting for the applicant, a leading Australian imam, in Defamation proceedings in the Federal Court of Australia against the publishers of the Daily Telegraph and Courier Mail. The case raises a number of important issues, including in relation to the defence of truth at common law and its differentiation from the truth defence pursuant to the s25 Defamation Act.

*CYD v Secretary of the Department of Education NSW*

Acted for the applicant in a successful administrative appeal in the NSW Civil and Administrative Tribunal concerning a decision of the Secretary of the Department of Education to cancel the applicant's family day care provider approval pursuant to s33(1)(a) Education and Care Services National Law Act 2010 (NSW).

*Etihaf & Etihaf*

Acted for the Applicant in Family Court of Australia proceedings concerning property and children, with a range of issues including Airport Watchlist Orders following threats of removing the children from the jurisdiction of Australia, family violence, drug use, and the enforcement of orders for sale of the matrimonial property in circumstances where a child resided at the property.

*Carr v Chan*

Acted for the defendant in Family Provisions proceedings in the Supreme Court of NSW.

*Mohammed v Nationwide News Pty Ltd*

Acted for the applicant mufti in defamation proceedings in the Supreme Court of NSW against the publisher of the Daily Telegraph. The case raised some interesting questions, including the approach to be adopted in considering a strike out application regarding particulars in support of a justification defence.

*Sunrising Family Day Care Pty Ltd v The Department of Education & Training*

Acted for the Applicant (the provider of a family day care service) in an administrative appeal of a decision by the Secretary of the Department to cancel the applicant's Commonwealth approval to receive Child Care Benefit payments pursuant to *A New Tax System (Family Assistance) (Administration) Act 1999*.

*Uzunlar & Uzunlar*

Acted for the Applicant in the Family Court of Australia for urgent ex parte orders, including Airport Watchlist orders, and in subsequent related proceedings concerning property and children.

*Warringah Timbers Pty Ltd v Mackenzie*

Acted for the Defendant supplier in commercial proceedings in the Supreme Court of NSW concerning alleged non-payment of ongoing trade debts, and further alleged *Corporations Act* civil penalty provisions, including under s182.