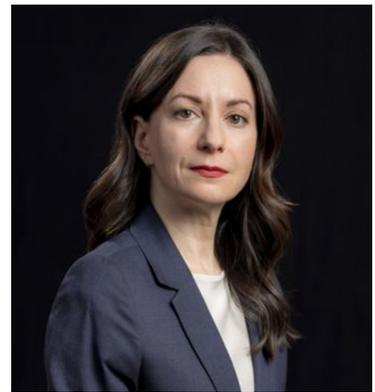


Kate Burke SC



Kate Burke SC practises in commercial and consumer protection law, and in employment and industrial relations.

QUALIFICATIONS

Bachelor of Laws (Hons)(Melb)
Bachelor of Arts (Melb)
Master of Laws (NYU)

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Bankruptcy | Class Actions | Consumer Credit | Consumer Law | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Equity & Trusts | Insurance | Superannuation

EMPLOYMENT & INDUSTRIAL

Discrimination | Employment Contracts | Industrial Disputes | Statutory Employment Rights

TORT LAW

Class Actions | Commissions & Inquiries | Common Law | Major Torts | Negligence | Personal Injury | Product Liability | Professional Negligence

PUBLIC LAW

Commissions & Inquiries | Discrimination

Kate is an experienced trial lawyer, with a specialty in class actions, multi-party and lengthy litigation. She has appeared in representative proceedings for plaintiffs, defendants, third parties, and as contradictor, in cases involving shareholders' rights, employment law, major torts, product liability, financial services, and the liability of governments and statutory authorities.

In commercial and consumer protection law, she is briefed by shareholders, companies, individuals, government and regulators, in cases involving trade practices, financial services, consumer rights, and product liability.

In employment and industrial relations, she regularly appears in cases involving statutory, agreement, award and contractual rights; disciplinary matters; and termination of employment. She has appeared before the Full Bench of the Fair Work Commission in numerous significant matters involving penalty rates, minimum entitlements, wage-setting, and work value.

Kate is the President of the Industrial Bar Association, and the Senior Deputy Chair of the Victorian Bar Readers' Course Committee.

Prior to coming to the Bar, Kate was Associate to Justice Hargrave in the Supreme Court of Victoria (2005-2006) and a solicitor at Slater & Gordon (2007-2010). She graduated from the University of Melbourne in 2006 (BA/LLB (Hons)), and from New York University in 2013 (LLM), where she specialised in class actions and complex litigation.

A sample of Kate's current and past cases is set out in the tab below.

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Recent Cases

CURRENT CASES

Dawson & Ors v Insurance Australia Ltd & Ors – Supreme Court of Victoria, consumer class action (insurance premiums)

Finance Sector Union v National Australia Bank – Federal Court of Australia, contraventions of s 62 of the Fair Work Act

Junior Doctors Class Actions – Federal Court of Australia, settlement approval of 30 class actions against public health services in Victoria for unpaid overtime

Lay & Batchelor v Nux Limited & Ors – Supreme Court of Victoria, shareholder class action (IPO and on-market contraventions)

Lonsford Insurance Brokers v Beever – Federal Court of Australia, privilege against self-incrimination

Labour Hire Licensing Authority v YCC Workforce Pty Ltd – Supreme Court of Victoria, prosecution of unlicensed labour hire firm

Shop, Distributive and Allied Employees' Association – Full Bench of the Fair Work Commission, application to vary junior rates in various modern awards

SIGNIFICANT APPEARANCES

Mining & Energy Union v BHP Ltd – Full Bench of the Fair Work Commission, application for bargaining orders (reserved)

Application by the Australian Retailers' Association – Full Bench of the Fair Work Commission, applications to vary the General Retail Industry Award (for the Minister for Employment and Workplace Relations, intervening) (reserved).

[*Anthony v Apple; McDonald v Google* \[2025\] FCA 902](#) - competition law class action

[*Police Association of Victoria v Chief Commissioner of Police, Victoria* \[2025\] FCA 865](#) - construction of enterprise agreement

[*Gender-based Undervaluation – Priority Awards Review* \[2025\] FWCFB 74](#) – assessment of gender-based undervaluation of wages for childcare workers, disability support workers, health professionals, and pharmacists

[*Andrianakis v Uber Technologies Inc* \[2024\] VSC 733](#) – settlement approval application (as contradictor – significant number of claims by unregistered group members and of objections)

[*ASMOF & Bolton v Peninsula Health \(No 3\)* \[2024\] FCA 1255](#) – pecuniary penalty orders for underpayment claims

[*Allen v G8 Education Ltd \(No 4\)* \[2024\] VSC 487](#) – settlement approval application (as contradictor – group costs order on settlement)

[*Annual Wage Review 2023–24* \[2024\] FWCFB 3500](#) – setting of national minimum wage

[*Cargill Australia Ltd v Viterro Malt Pty Ltd* \[2023\] VSCA 301](#) – appeal on costs

[*ASMOF & Bolton v Peninsula Health* \[2023\] FCA 939](#) – class action by junior doctors for unpaid overtime

[*DA Lynch v Star Entertainment Group & Ors* \[2023\] VSC 561](#) – multiplicity dispute (as contradictor)

[*Family and Domestic Violence Leave Review* \[2022\] FWCFB 2001](#) - application for paid family and domestic violence leave as new modern award right

[*Zantran v Crown Resorts \(No 4\)* \[2022\] FCA 500](#) – settlement approval application

[*Re Bogan v the Estate of Peter John Smedley \(Deceased\)* \[2022\] VSC 201](#) – group costs order (as contradictor)

[*Cargill Inc v Viterro Malt* \[2022\] VSC 13](#) – sale of business dispute (and relatedly, over 30 interlocutory applications)

[*Horticulture Award 2020* \[2021\] FWCFB 5554](#) – introduction of minimum wage for horticulture workers

[*RTBU v Metro Trains* \[2021\] FCA 458](#) – injunction preventing restructure of business

[*Zantran v Crown Resorts \(No 3\)* \[2021\] FCA 659](#) – access to transcript of regulator's examination

[*Broadlex Services v United Workers' Union* \[2020\] FCA 867](#) – appeal on statutory construction – redundancy entitlements on restructure of business

[*The Big Apple Group v Melbourne City Council* \[2020\] VSC 393](#) – judicial review of VCAT decision

[*Crown Resorts v Zantran* \[2020\] FCAFC 1](#) – application to interview witnesses under confidentiality obligations

[*CFMMEU v Asbestos Removalist Pty Ltd* \[2019\] FCCA 2977](#) – personal payment of pecuniary penalty order against directors

[*Family Friendly Working Arrangements* \[2018\] FWCFB 1692](#) – claim for flexible work arrangements in all modern awards

[AS v Minister for Immigration and Border Protection \(Ruling No 7\) \[2017\] VSC 137](#) – application to de-class proceedings under s 33N

[Four Yearly Review of Modern Awards – Penalty Rates \[2017\] FWCFB 1001](#) – defence of applications to reduce penalty rates for hospitality workers

Memberships

Victorian Bar - Commercial Bar Association

Victorian Bar - Industrial Bar Association - President

Victorian Bar - Readers' Course Committee - Senior Deputy Chair