



## AMY REID

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### Clerk of Chambers

Angela Noakes

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### Admitted to the legal profession

2016

### Admitted as a barrister in NSW

May 2020

### Also entitled to practise in

All Australian jurisdictions (Commonwealth, State and Territory)

Amy has a wide-ranging practice, with particular experience in commercial law, corporate insolvency and corporations law matters. Amy also has experience acting in complex regulatory investigations and proceedings, including privacy investigations in relation to significant data breaches. Since coming to the bar, Amy's clients have included large commercial organisations, insolvency practitioners and insurers, as well as regulators and government bodies including the Australian Securities and Investments Commission, the Australian Information Commissioner, the Australian Taxation Office and the Australian Federal Police.

Prior to being called to the bar, Amy was an Associate at MinterEllison in Sydney, working in the litigation and insolvency team. During her time as a solicitor, Amy advised and acted for major financial institutions, insolvency practitioners, corporations and government bodies in relation to domestic insolvency proceedings, complex debt recovery proceedings, regulatory investigations, competition disputes, corporations law matters and general commercial litigation.

## PROFESSIONAL EXPERIENCE

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2015 to 2020: MinterEllison, Sydney; Dispute Resolution and Insolvency.

## SELECTED CASES

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### Commercial, Corporations & Insolvency

- *Mineralogy Pty Ltd v ASIC* [2021] FCA 996, led by J Giles SC, instructed by MinterEllison (successful application by ASIC to set aside originating process for want of jurisdiction on the basis that there was no justiciable controversy, plaintiff sought declarations that its financial statements contained a true and fair view of its financial position and that it had complied with the requirements of Chapter 2M of the Corporations Act).

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- *Karpik v Carnival plc (The Ruby Princess) (Initial Trial)* [2023] FCA 1280, led by D McLure SC, G O'Mahoney, T Prince and T March together with H Cooper, instructed by Clyde & Co for the respondents (class action, negligence, misleading or deceptive conduct, claims for failure to comply with consumer guarantees).
  - *Belverdere Pty Ltd v Idameneo (No 123) Pty Ltd*, proceedings before the NSWSC, led by G O'Mahoney, instructed by Johnson Winter Slattery for the defendant (termination for breach of contract, alleged repudiation, construction of contract, implied terms).
  - *In the matter of ACN 050 019 960 Pty Ltd (in liq) (formerly York Civil Pty Ltd)*, proceedings before the FCA, led by M Karam, instructed by Gilchrist Connell Lawyers for the second defendant (insolvent trading claim brought against the second defendant in his capacity as the trustee of the bankrupt estate of a former director).
  - *Langford v RCL Cruises Ltd t/as Royal Caribbean Cruises* [2023] FCA 626, led by C Gleeson SC, instructed by HFW Australia for the respondents (private international law, application for temporary stay of FCA proceedings where parallel proceedings commenced by applicants in US arising out of incident at Whakaari/White Island).
  - *Deputy Commissioner of Taxation v Twin Creeks Golf & Country Club Ltd*, proceedings before the NSWSC (resolved prior to hearing), led by L Livingston SC, instructed by Sunfield Chambers Solicitors & Associates for the defendant (contested application to wind up company in insolvency).
  - *Bridging Capital Holdings Pty Ltd v Self Directed Super Funds Pty Ltd* [2021] FCA 1625, led by M Karam, instructed by Bartier Perry (oppression, just and equitable winding up, orders for purchase of plaintiff's interests by consent, valuation of shareholding).
  - *In the matter of Fynfan Pty Ltd (in liq)*, proceedings before the NSWSC, unled, instructed by Aubrey Brown Lawyers for the liquidator (application for special leave to distribute surplus, application for approval of liquidator's current and future remuneration and for directions in relation to the external administration, further application for release of liquidator).
  - *In the matter of Lidoreel Pty Ltd (dereg)*, NSWSC 2021/147962 (ex tempore judgment), unled, instructed by Rowlandson & Co Solicitors (successful application to reinstate company and appoint new directors where application made by executor of deceased estate of former director and majority shareholder).
  - *Munjal v HYW Global Pty Ltd and Ors*, proceedings before the NSWSC, unled, instructed by Bartier Perry for the applicant (successful application for freezing orders, claim for breach of fiduciary duty, breach of trust, knowing assistance, restitution).
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- Acting for a large insurer in relation to disputes arising under a reinsurance agreement, including in relation to the payment of reinsurance amounts in respect of benefits claimed (settled), led by G Rich SC and P Knowles, instructed by MinterEllison.

#### Regulatory Investigations & Proceedings

- Acting for the Australian Information Commissioner in connection with the investigation of the personal information handling practices of entities in relation to significant data breaches, including conducting examinations (both led and unled) pursuant to s 44(3) of the *Privacy Act 1988* (Cth).
- *Commissioner of Taxation v Julian Bakarich & Ors*, proceedings before the FCA (reserved), led by G O'Mahoney and K Petch, instructed by the Australian Government Solicitor (civil penalty proceedings, promotion of tax exploitation schemes concerning claims in relation to the R&D tax incentive, agreed pecuniary penalty amount in respect of first defendant, further penalties sought against corporate defendants).

#### Public & Administrative Law

- *Dickson v Commissioner of the Australian Federal Police (No 2)* [2023] NSWCA 111, led by C Conde, instructed by the Australian Federal Police for the Commissioner (proceeds of crime, application to set aside judgment and orders of Court of Appeal, requirement to give written notice of application for pecuniary penalty orders, argument that certain provisions of the Act were constitutionally invalid).
- *Dickson v Commissioner of the Australian Federal Police (No 1)* [2023] NSWCA 10, led by C Conde, instructed by the Australian Federal Police for the Commissioner (proceeds of crime, application for leave to appeal from orders dismissing motion seeking to stay or dismiss application for pecuniary penalty orders, and dismissing cross-summons seeking to challenge constitutional validity of certain provisions of the Act).
- *Farab Custodians Pty Ltd v Federal Commissioner of Taxation*, FCA NSD 506/2017 (settled prior to final hearing), led by D McLure SC, T Prince and C Ensor, instructed by Australian Government Solicitor (defending claim by taxpayer alleging negligence against the Commissioner and Commonwealth in relation to GST refunds and enforcement of statutory duty regarding taxpayer's running balance account).
- *VMQD v Commissioner of Taxation* AAT 2016/5637-5638 (settled), led by K Stern SC and G O'Mahoney, instructed by MinterEllison (application for review under Pt IVC of the TAA,

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default assessments, burden of proof on application for review, review of amended assessment following finding of fraud or evasion).

- *Commissioner of the Australian Federal Police v Ors*, proceedings before the ACTSC, led by G O'Mahoney, instructed by the Australian Federal Police for the Commissioner (proceeds of crime, application for examinations, application for stay of examination pending resolution of criminal proceedings).
- *Commissioner of the Australian Federal Police v Nguyen and Ors*, unled, instructed by the Australian Federal Police for the Commissioner (proceeds of crime, money laundering offences, conducting examinations of relevant persons before the AAT, application for exclusion from forfeiture).

#### **Inquiries & Royal Commissions**

- Ruby Princess Special Commission of Inquiry, led by D McLure SC, G O'Mahoney and T March together with H Cooper, instructed by Clyde & Co (acting for the owners and operators of the Ruby Princess). Report available [here](#).

#### **Publications**

- Contributing editor of Robson's Annotated Corporations Legislation, Chapters 2A, 2B, 2C and 2D (Parts 2D.2 – 2D.6) (Looseleaf Service, Thomson Reuters).

#### **Selected cases as a solicitor**

- *Commissioner of Taxation v Iannuzzi (No. 2)* [2019] FCA 1818; *Commissioner of Taxation v Iannuzzi (No. 1)* [2018] FCA 1053: acting for the Commissioner of Taxation in relation to an application for an inquiry into a liquidator's conduct pursuant to former s 536 of the Corporations Act 2001 (Cth) in relation to the external administration of 23 companies.
- *Iannuzzi v Commissioner of Taxation* [2019] FCAFC 39: acting for the Commissioner of Taxation in relation to an application for leave to appeal concerning an objection to the use of material obtained by the Commissioner pursuant to compulsory powers under former s 263 of the Income Tax Assessment Act 1936 (Cth) and s 353-10 of Sch 1 of the Taxation Administration Act 1953 (Cth).
- *Australian Institute of Professional Education Pty Ltd (In Liq)*: acting for the liquidators appointed to a vocational and higher education provider in relation to various litigious and advisory matters including recovery proceedings in the Supreme Court of New South Wales

and advising the liquidators in relation to the treatment of amounts received as VET FEE-HELP assistance from the Department of Education.

- *In the matter of Australian Road Express Pty Ltd and another* – Federal Court of Australia Proceedings (settled): acting for a security trustee in relation to a claim brought against it by the Department of Small Jobs and Business seeking compensation for alleged contraventions of s 596AB of the *Corporations Act 2001* (Cth).
- Acting for the receivers and lender group in proceedings commenced by the Department of Employment seeking damages in respect of employee entitlements paid out through the Fair Entitlement Guarantee scheme, which the Department claimed should have been paid out by the former receivers pursuant to s 433 of the *Corporations Act 2001* (Cth) (settled).
- Advising and acting for major financial institutions, insolvency practitioners, corporations and government departments in relation to complex debt recovery proceedings, regulatory investigations, corporations law matters, liquidator's examinations, insolvency appointments and technical insolvency disputes including claims in relation to the recovery of voidable transactions, retention of title and the enforceability of securities.

## PRINCIPAL AREAS OF PRACTICE

### COMMERCIAL LAW

Appellate	Class Actions	Corporations and Securities
Banking and Financial Services	Competition and Consumer	Cybersecurity
Bankruptcy and Insolvency	Conflicts of Law	Insurance and Reinsurance
Building, Construction and Technology	Contracts	International Law

### EQUITY

Appellate	Property	Trusts
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### INQUESTS AND INQUIRIES

Commissions of Inquiry

### PUBLIC AND ADMINISTRATIVE LAW

Proceeds of Crime

## SECTORS

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Banks & financial institutions

Government

Technology, Media &  
Telecommunications

Funds

## AWARDS OR PROFESSIONAL RECOGNITION

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Vice Chancellor's Full Scholarship Recipient, Bond University

Finalist International Rounds, International Criminal Court Trial Competition, The Hague, the Netherlands 2013

Winner Australian Rounds, International Criminal Court Trial Competition, 2013