



EMMA BEECHEY

Bachelor of Civil Law (University of Oxford), 2009

Bachelor of Laws with First Class Honours (University of Queensland), 2007

Bachelor of Arts with Honours (University of Sydney), 1997

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Legal Assistants

Penelope Dawson

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Admitted to the legal profession

2008

Admitted as a barrister in NSW

2013

Also entitled to practise in

Australian jurisdictions (Commonwealth, State and Territory)

Ms Beechey practises in commercial litigation, with specialisations in domestic and cross-border insolvency, banking and financial regulation. She regularly acts for local and foreign insolvency practitioners, major financial institutions, corporations, investors and regulators in complex commercial and insolvency matters.

She appears in all Australian courts, principally in the Federal Court and the Supreme Court of New South Wales at both trial and appellate level. She has appeared unled in significant cases at both first instance and on appeal. Her recent briefs include appearing unled for Garuda Indonesia in the NSW Court of Appeal in a successful claim of foreign state immunity; appearing for SMBC in relation to the Forum Finance fraud; appearing for three successful defendants in the *Anchorage v Bakewell* proceedings; and appearing unled in the NSW Court of Appeal in *Caron v Jabani (No 2)* (2020) 102 NSWLR 537.

Her recent cross-border insolvency briefs have included acting for Thai Airways, Garuda Indonesia, Astora Women's Health, and the liquidators of GetSwift and Caledonian Bank.

Ms Beechey also acts for financial regulators including ASIC and APRA, including in cryptocurrency-related matters and superannuation matters.

Ms Beechey is recognised annually in each of the Australian ranking guides. She is a Fellow of INSOL International and the lecturer for the Australian module of the INSOL Foundation Certificate in International Insolvency Law. She also has a detailed understanding of cryptocurrencies, smart contracts, blockchain technology and NFTs.

PROFESSIONAL EXPERIENCE

- **2019 – present:** Lecturer in Australian insolvency law for INSOL International's Foundation Certificate in International Insolvency Law
- **2014:** Lecturer in Evidence, University of Sydney
- **2010 – 2013:** Lawyer and Senior Associate, Henry Davis York, Banking, Restructuring and Insolvency Group
- **2008 – 2009:** Supervising Editor, Oxford University Commonwealth Law Journal
- **2007 – 2008:** Associate to the Honourable Justice S M Kiefel, High Court of Australia

RECENT AWARDS OR PROFESSIONAL RECOGNITION

2023 The Legal 500 Asia Pacific – Leading Junior, Commercial Disputes, Australia Bar

2024 Best Lawyers – Insolvency and Reorganisation Law, Australia, Lawyer of the Year 2024

2023 Chambers and Partners Asia Pacific – Restructuring/Insolvency: The Bar (Band 1)

2022 Doyle's Guide – Leading Insolvency and Reconstruction Junior Counsel in Australia

PROFESSIONAL MEMBERSHIPS

Professional Member of the Australian Restructuring Insolvency & Turnaround Association (ARITA)

Fellow of the International Association of Restructuring, Insolvency and Bankruptcy Professionals (INSOL International)

Commercial Law Association of Australia

SELECTED CASES

- Appellate
 - *Greylag Goose Leasing 1410 Designated Activity Co v PT Garuda Indonesia Ltd* [2023] NSWCA 134 (leading E Phelan; upheld claim of foreign state immunity)
 - *Anchorage Capital Master Offshore Ltd v Sparkes* [2023] NSWCA 88 (led by B Katekar SC)
 - *Caron v Jabani (No 2)* (2020) 102 NSWLR 537; (2020) 382 ALR 158; [2020] NSWCA 117 (successful appeal regarding trust beneficiaries' rights of tracing into a deficient mixed fund; decision introduced lowest intermediate balance rule as law in New South Wales)
 - *Blue Visions Management Pty Ltd v Chidiac & Ors* [2019] HCATrans 15 (led by D F Jackson QC, A J McInerney SC; fiduciary duties; successfully resisted grant of special leave to appeal)
 - *Gunasegaram v Blue Visions Management Pty Ltd; Same v Chidiac* (2018) 129 ACSR 265; (2018) 282 IR 15; [2018] NSWCA 179 (led by Anthony McInerney SC; breach of fiduciary duties)

- *Electric Life Pty Ltd v Unison Finance Group Pty Limited* [2016] HCASL 100 (successfully resisted grant of special leave to appeal)
- *Electric Life Pty Ltd v Unison Finance Group Pty Ltd* [2015] NSWCA 394 (successfully resisted appeal from decision below)
- *Unison Finance Group Pty Ltd v Electric Life Pty* [2015] NSWSC 170 (mistake, contractual interpretation, restitutionary relief, successful appeal from decision of Local Court)
- Ackers as joint foreign representative of Saad Investments Company Ltd (in official liquidation) (a company registered in the Cayman Islands) v Deputy Commissioner of Taxation [2014] HCATrans 231 (led by B A Coles QC; application for special leave, cross-border insolvency)

- Commercial and Equity (first instance)
 - *SMBC Leasing and Finance, Inc v Flexirent Capital Pty Ltd (No 2)* [2022] FCA 1597 (led by T Mehigan SC; specific performance, contractual construction)
 - *Westpac Banking Corp v Forum Finance Pty Ltd (in liq); SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in liq)*, Federal Court of Australia Proceedings No. NSD 616/2021; No. NSD 681/2021 (hearing 6-24 February 2023, judgment reserved) (led by M Izzo SC, fraud, trust and equitable claims)
 - *Deputy Commissioner of Taxation v GTGF Australia Ltd (Recs and Mgrs Apptd)* [2022] FCA 1148 (multi-company GST fraud)
 - *Anchorage Capital Master Offshore Ltd v Sparkes (No 3); Bank of Communications Co Ltd v Sparkes (No 2)* [2021] NSWSC 1025 (led by B Katekar SC; employees' duty of care to bankers; misleading representation; negligence; material adverse change)
 - *In the matter of Courtenay House Capital Trading Group Pty Limited (in liq) and Courtenay House Pty Limited (in liq)* (2019) 139 ACSR 469; [2019] NSWSC 1113 (trust beneficiaries' rights; tracing into a deficient mixed fund)
 - Anglican Development Fund Diocese of Bathurst (in its own capacity and in its capacity as trustee of the Anglican Development Fund Diocese of Bathurst (receivers and managers appointed v Right Reverend Ian Palmer (Bishop of the Diocese of Bathurst) (2015) 336 ALR 372; [2015] NSWSC 1856 (led by A G Bell SC; complex debt recovery claim)

- Bankruptcy, Insolvency, Cross-border Insolvency (first instance)
 - *Borrelli (Liquidator) v Orthogonal Trading Ltd (In Liq) (A Co registered in British Virgin Islands)* [2023] FCA 393 (recognition of foreign main proceeding)
 - *Greylag Goose Leasing 1410 Designated Activity Company v P.T. Garuda Indonesia Ltd* [2022] NSWSC 1623 (successful claim of foreign state immunity against an application to wind up Indonesia's national airline)
 - *Solos Ltd v Aussie Hoops Pty Ltd* [2022] FCA 1022
 - *Bradley, Astora Women's Health, LLC v Astora Women's Health, LLC* [2022] FCA 1195 (interim Model Law recognition of foreign insolvency proceeding)
 - *Philipsen v Astora Women's Health, LLC* [2022] FCA 1196 (first relief granted in Australia under Art 25 of the Model Law on Cross-Border Insolvency for co-operation between the Court and a foreign representation)
 - *Bradley, Astora Women's Health, LLC v Astora Women's Health, LLC (No 2)* [2022] FCA 1268 (led by Stewart Maiden KC; final Model Law recognition of foreign insolvency proceeding)
 - *In the matter of Portman Securities Pty Ltd (in liq)*, Supreme Court Proceedings No 2022/101521 (liquidator's examinations)

- *In the matter of Hydrodec Group Plc* ([2021](#)) [152 ACSR 408](#); [\[2021\] NSWSC 755](#) (leading E Phelan; successfully resisted *Model Law* recognition and obtained orders for winding up of foreign company)
- *Didyasarín v Thai Airways International Public Co Ltd* [\[2020\] FCA 1154](#); *Didyasarín v Thai Airways International Public Co Ltd (No 2)* [\[2020\] FCA 1509](#); *Didyasarín v Thai Airways International Public Co Ltd (No 3)* [\[2021\] FCA 1092](#) (led by S Maiden QC; Model law recognition and relief)
- *Re Anglican Development Fund Diocese of Bathurst Board (Recs and Mgrs Apptd)* [\[2017\] NSWSC 967](#) (retirement and remuneration of court-appointed receivers)
- *In the matter of Centaur Litigation SPC (in liquidation) (a company registered in the Cayman Islands)*, Federal Court of Australia No NSD114/2016 (led by A G Bell SC; foreign liquidators' public examinations, freezing orders)

- Commissions on Inquiry
- Acted for APRA in the [Financial Services Royal Commission](#) (2018, led by R Dick SC)

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Appellate	Competition and Consumer	Cross Boarder Insolvency
Banking and Financial Services	Contracts	Real property
Bankruptcy and Insolvency	Conflict of laws	Superannuation
Building, Construction and Technology	Corporations and Securities	

EQUITY

Appellate	Property	Trusts
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INQUESTS AND TRUSTS

Commissions of Inquiry

SECTORS

Banks and Financial Institutions	Funds	Technology, Media and Telecommunications
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