



EUGENE CHAN

Bachelor of Science (Advanced) - University of Sydney
Bachelor of Laws (Hons I) - University of Sydney
Master of Laws - University of Sydney
Bachelor of Civil Law - University of Oxford

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Admitted to the legal profession
2015

Admitted as a barrister in NSW
2020

Also entitled to practise in
Australian jurisdictions (Commonwealth,
State and Territory)

Eugene accepts briefs in all areas of law and has a particular focus on commercial and taxation matters. Immediately prior to coming to the Bar, Eugene was a solicitor in the dispute resolution team at King & Wood Mallesons and in the international commercial arbitration team at Freshfields Bruckhaus Deringer in Frankfurt. He also worked as a solicitor in the litigation department of the Australian Taxation Office, where he managed a broad range of taxation, insolvency, corporations and administrative law matters in the Federal and State Courts at first instance and on appeal. In 2019, Eugene was the Associate to the Hon Justice Steven Rares of the Federal Court of Australia.

Eugene graduated from the University of Sydney with a Bachelor of Laws (Hons I) and a Bachelor of Science (Advanced), majoring in Physiology and focusing on Pharmacology. He subsequently undertook postgraduate studies, reading the Bachelor of Civil Law at the University of Oxford and the Master of Laws at the University of Sydney.

Eugene is currently a contributor to Robson's Annotated Corporations Legislation and a reporter for the New South Wales Law Reports.

PROFESSIONAL EXPERIENCE

2020: King & Wood Mallesons, Solicitor, Dispute Resolution

2019: Federal Court of Australia, Associate to The Hon. Justice Steven Rares

2018: Freshfields Bruckhaus Deringer (Frankfurt, Germany), Associate, Disputes (International Arbitration)

April 2018: Essex Court Chambers (London, United Kingdom), Mini-pupillage

2013–2017: Australian Taxation Office, Lawyer and Acting Senior Lawyer, Dispute Resolution

PROFESSIONAL MEMBERSHIPS

2020 – present: New South Wales Bar Association (NSWBA)

2022 – present: Member of the NSWBA Diversity and Equality Committee

PUBLICATIONS & OTHER APPOINTMENTS

2023 – present: Contributor to Robson’s Annotated Corporations Legislation (Thomson Reuters)

2022 – present: Reporter for the New South Wales Law Reports

2017: Reporter for the Federal Law Reports

E Chan, ‘The capacity to use examination summonses under s 596A to investigate potential shareholder claims’ (2022) *Bar News (Autumn)* 22

E Chan, ‘Glencore’s High Court privilege dispute- potentially significant decision awaits’ (2019) 28 *Weekly Tax Bulletin* [894]

SELECTED CASES - AS JUNIOR COUNSEL

Vinidici Ruscutters Bay Pty Ltd v Zhang [2023] NSWSC 151 – acted for the defendant in a claim concerning misleading or deceptive conduct and deceit (led by M Condon SC, instructed by Juris Cor Legal).

Health Care Complaints Commission v Hill [2022] NSWCA 270 – acted for the respondent in an appeal concerning the legal (un)reasonableness of a decision of the Director of Proceeding and the Court’s jurisdiction on judicial review (led by A Moses SC and J Alderson, instructed by HWL Ebsworth).

FYMS and Commissioner of Taxation [2022] AATA 456; [2022] AATA 3790 (on appeal – WAD254/2022) – acted for the applicant in a privilege dispute in context of s 37 of the *Administrative Appeals Tribunal Act 1975* (Cth). Acting in the underlying Pt IVC tax proceeding involving personal services income and Pt IVA of the *Income Tax Assessment Act 1936* (Cth) (led by C Peadon, instructed by PricewaterhouseCoopers).

Nicolas Daoud & Co Pty Ltd v The Council of the Municipality of Kiama FCA NSD838/2022 – acting for the respondent in a claim involving breach of contract and misleading or deceptive conduct (led by A Moses SC, instructed by Hall & Wilcox).

JMP Builders Pty Ltd & Anor v Tassone NSWSC 2021/00061770 – acting for the plaintiffs in a claim involving fraud, misleading or deceptive conduct, restitution and limitation periods (led by L Livingston SC, instructed by Fazzini Lawyers).

TDWF and Commissioner of Taxation [2022] AATA 2549 – acted for the respondent seeking orders for delayed disclosure and non-publication and non-disclosure orders. Acting in the underlying Pt IVC tax proceeding (led by B Kasep, instructed by MinterEllison).

Re EO Projects Pty Ltd (in liq); Moss v Guest & Anor NSWSC 2021/00030835 – acted for the first defendant in an insolvent trading claim (led by G O’Mahoney, instructed by Cleary Hoare).

Wang & Ors v Cai & Ors NSWSC 2020/00143926; 2020/00310704 – acting for four defendants in a complex claim involving breach of fiduciary duty, agency and misleading or deceptive conduct (led by J Williams SC, instructed by Corrs Westgarth Chambers).

Asel Family Trust v Commissioner of Taxation AAT 2021/4628 – acted for the applicant in a Pt IVC proceeding concerning eligibility for JobKeeper payments (unled, instructed by Levitt Robinson).

Hill v Health Care Complaints Commission [2021] NSWSC 1645 – acted for the applicant seeking judicial review of two decisions on the grounds of legal unreasonableness, failure to give reasons, and irrelevant and relevant considerations (led by A Moses SC and J Alderson, instructed by HWL Ebsworth).

Commissioner of Taxation v Perez FCA NSD262/2020 – acting for the applicant in seeking civil penalties for alleged contraventions of s 290-5(1) of Sch 1 to the *Taxation Administration Act 1953* (Cth) concerning promotion of tax exploitation schemes. Acting for cross-respondents including the Tax Practitioners Board in a cross-claim relating to misfeasance in public office and denial of procedural fairness (led by G O’Mahoney, instructed by Australian Government Solicitor).

G&HC & YZQC v Commissioner of Taxation AAT 2019/1926; 2020/0826-0827; 2020/1919-1920 (reserved) – acting for the respondent in Pt IVC tax proceedings concerning claims for “feedstock expenditure” in the context of the research and development regime (s 355-445 of the *Income Tax Assessment Act 1997* (Cth)), and the jurisdiction of the Tribunal and powers of the respondent vis-à-vis AusIndustry (Innovation & Science Australia) (led by C Burnett SC, instructed by MinterEllison).

Poh See Tan v Commissioner of Taxation AAT 2020/8198-8201; 2022/3762-3763 – acted for the applicant in a Pt IVC proceeding concerning default assessments and administrative penalties (unled, instructed by Fortis Law).

URA Property Pty Ltd v Harriette & Co as Trustee for Harriette Investment Trust & Anor NSWSC 2020/00355207 – acted for the defendants in a claim involving unconscionability, penalties, misleading or deceptive conduct, and enforcement of mortgage (led by M Condon SC, instructed by Juris Cor Legal).

BSKF & HYG T v Commissioner of Taxation AAT 2019/6154-6155; 2019/6158-6161; 2020/4276-4281; 2020/5219; 2021/0463-0472 – acting for the respondent in complex Pt IVC proceedings involving jurisdictional issues, dividends, effect of settlement deeds and Pt IVA of the *Income Tax Assessment Act 1936* (Cth) (led by G O’Mahoney, instructed by Australian Government Solicitor).

Platinum West Holdings Pty Ltd ATF XYZ Dong Family Trust v Commissioner of State Revenue NCAT 2021/00335476 – acted for the applicant in relation to surcharge land tax (unled, instructed by Caspian Legal).

Axiak as Trustee for the Axiak Family Trust v Anthony F Trading as Workhorse Collision Repairs & Anor NSWLC 2021/00083829 – acted for the defendants in relation to a claim for monies had and received and equitable offset (unled, instructed by JHK Legal).

Cunningham v Therkildsen NSWLC 2020/00304443 – acted for the respondent seeking to set aside default judgment (unled, instructed by JHK Legal).

Operation Hector, Independent Commission Against Corruption (2023) – acting for a party in a public inquiry into the conduct of the employees of the Inner West Council, Transport for NSW and EDI Downer (led by A Moses SC and J Alderson, instructed by Hall & Wilcox).

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Administrative Law	Class Actions	Environment and Planning
Alternative Dispute Resolution	Competition and Consumer	Real Property
Appellate	Conflict of Laws	Restraint of Trade
Arbitration	Contracts	Shareholder Class Actions
Bankruptcy and insolvency	Corporations and Securities	Trade Practices

COMMON LAW

Appellate	Class Actions	Professional liability
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EQUITY

Trusts	Property
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TAXATION AND REVENUE

Appellate	Income tax	Land tax
Capital gains tax	International tax	Stamp duty and other state taxes
Goods and services tax		

PUBLIC AND ADMINISTRATIVE LAW

Disciplinary Proceedings	Judicial review and administrative law	Public law
Health Law		

INQUESTS AND INQUIRIES

Commissions of Inquiry
