



## Luke Livingston

**NEW/CHAMBERS**

Bachelor of Laws (Hons I) (The University of Melbourne), 2001  
Bachelor of Arts (History) (Hons I) (The University of Melbourne), 2001

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Admitted to the legal profession	2003
Admitted as a barrister in NSW	2009
Also entitled to practise in	All Australian jurisdictions (Commonwealth, State and Territory)

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### Principal areas of practice

Administrative law	Equity
Banking and financial services	Proceeds of crime
Bankruptcy and insolvency	Property
Commercial law	Professional indemnity
Constitutional law	Taxation and revenue
Corporations and securities	Trade practices and competition
Disciplinary proceedings	Trusts

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### Previous professional experience

- 2003 to 2009: Solicitor/Senior Associate, Mallesons Stephen Jaques, Sydney  
Prior to coming to the Bar, Luke was a senior associate in the Dispute Resolution Group at Mallesons Stephen Jaques (now King & Wood Mallesons), where he practised in commercial litigation, with a focus on property, banking, contract and corporate disputes and equity and trust matters. Luke acted for and advised public companies, investment banks and other clients in the financial services, professional services and property sectors. Luke worked predominantly under the supervision of Julie Ward (now Ward JA and Ward CJ in Eq).
- 2002 to 2003: Associate to the Hon Justice W M C Gummow, AC, High Court of Australia Sydney/Canberra

### Publications

"Revocation of a Patent for Prior Secret Use by a Patentee" (2003) 14(1) Australian Intellectual Property Journal 5  
Co-Editor, Melbourne University Law Review, Volumes 25(1), 25(2) and 25(3) (2001)

### Professional memberships

Australian Association of Constitutional Law  
Australian Institute of Administrative Law  
New South Wales Bar Association

### Additional information

Luke accepts briefs to appear, primarily unled, in first instance hearings and appeals throughout Australia in all areas of equity, commercial, corporations, taxation, constitutional and public law. In 2008, Luke was awarded the Con Varnavas Award for the highest aggregate score in the NSW Bar Exams. In 2018, Luke successfully completed the Australian Bar Association Advanced Trial Advocacy Intensive (a 5-day residential course specialising in advanced trial advocacy).

### Professional profiles

[au.linkedin.com/pub/luke-livingston/66/a0b/809/](https://au.linkedin.com/pub/luke-livingston/66/a0b/809/)



## AS LEADING OR SOLE COUNSEL

## Commercial, corporations and insolvency

- *Mineralogy Pty Ltd v Sino Iron Pty Ltd* [2020] WASC 40 – application for a permanent stay for abuse of process or *Anshun* estoppel in connection with a US\$190 million claim for minimum production royalties in a large iron ore mining project.
- *In the matter of ACN 607 358 887 Pty Ltd (formerly known as Carzapp Pty Ltd)* [2020] NSWSC 144 – shareholder oppression, set-off, relief, costs.
- *Luo v Windy Hills Australian Game Meats Pty Ltd (No 3)* [2019] NSWSC 862 – Commercial List claim for breach of contract, restitution, misleading or deceptive conduct and breach of trust in connection with the supply of beef products from Pakistan to Vietnam.
- *In the matter of AMJ Transport NSW Pty Ltd (in liq)* [2019] NSWSC 818 – application under ss 447C, 447A and 1322(4) of the *Corporations Act 2001* (Cth) and s 90-15 of Sch 2 to the Act.
- *Palmer v Citic Limited (No 2)* [2019] WASC 14 – application for preliminary determination of separate questions regarding contractual indemnity.
- *In the matter of Pure Nature Sydney Pty Ltd* [2018] NSWSC 914 – shareholder oppression, ss 232 and 233 of the *Corporations Act 2001* (Cth).
- Appearing for the plaintiff in proceedings in the Supreme Court of New South Wales by an employer against former employees for breach of contract, contravention of statutory duties as officers of the company, breach of fiduciary duty and breach of confidence (ongoing).
- Appearing for the plaintiffs in proceedings in the Supreme Court of Western Australia seeking recovery of substantial sums under an indemnity contained in a deed governing a large iron ore mining project (ongoing).
- Shareholder proceedings in the Supreme Court of Western Australia involving allegations of oppression, breach of contract, breach of fiduciary duties and unconscionable conduct (settled, 2018).
- Complex proceedings in the Corporations List of the Supreme Court of New South Wales involving allegations of breach of trust, oppression and rectification (settled, 2018).
- *Tanilba Beach Pty Limited v JR & JB Pty Limited* [2018] NSWSC 288 and [2018] NSWSC 1250 – enforcement of judgment.
- *Kenquist Nominees Pty Limited v Campbell (No 3)* [2017] FCA 1230 – privilege, discovery, class action for shareholder loss.
- *In the matter of Linton Developments (Qld) Pty Limited* [2017] NSWSC 336 – application to set aside statutory demand.
- *Tyne v UBS AG (No 4)* [2017] FCA 374 – bankruptcy.
- *NT Beverages Group Pty Ltd v PT Bromo Tirta Lestari* [2017] FCA 775 – application to set aside statutory demand.
- Appeared for a defendant in product liability and professional negligence proceedings, in connection with a surgical procedure, in the Supreme Court of New South Wales (settled, 2017).
- *Patdith Services Pty Ltd v Mitronics Corporation Pty Ltd* [2016] FCA 1315 – security for costs in appeal proceedings
- *Blair v The Owners - Strata Plan No 71656* [2016] FCA 1522 – bankruptcy
- *Lee v Elgammal* [2016] NSWCA 26 – appeal relating to professional negligence, claims against solicitor, guarantee for loan.
- *Capital Finance Australia Limited v Clough* [2015] NSWSC 1327 – personal property securities legislation.
- *Freestone Auto Sales Pty Ltd v Musulin* [2015] NSWCA 160 – appeal relating to misleading or deceptive; supply of goods.
- *Hoad v GEL Custodians Pty Limited* [2014] NSWSC 513 – banking, misleading or deceptive conduct, contract.
- *Westpac Banking Corporation v Morris* [2014] NSWSC 332 – banking, funds in court.
- *Burrell Solicitors Pty Limited v Reavill Farm Pty Limited* [2014] NSWSC 569 (strike-out application, security for costs) and *Burrell v Reavill Farm Pty Ltd & Ors* [2014] FCCA 1449 (bankruptcy).
- *Deputy Commissioner of Taxation v Soong* [2013] FCCA 2016 – bankruptcy/taxation.
- *Fang v Koumoukelis* [2013] NSWLC 5 – loss of use of chattel, principles governing assessment of damages.
- *Deputy Commissioner of Taxation v Revolve Ltd* [2012] FCA 555 – insolvency.
- *Gindy v Holden Street Pty Ltd* [2012] NSWSC 1269 – misleading or deceptive conduct, amendment of pleadings.
- *Westgate Finance v May* [2012] NSWSC 806 – claims for privilege, subpoena.
- *Australia & New Zealand Banking Group Limited v Turner as trustee of the bankrupt estate of George William Rad* (2011, Bergin CJ in Eq, Supreme Court of New South Wales) – bills of sale legislation.
- *Tennant Limited v FloMin Inc* [2009] NSWSC 1246 – statutory demand.
- Liquidators' examinations.
- Trials in the Supreme Court, District Court and Local Court concerning contracts, banking disputes, misleading or deceptive conduct, unconscionable conduct, Contracts Review Act claims and liquidator's claims.

## Equity and property

- *Burrell Solicitors Pty Ltd (in liq) v Reavill Farm Pty Ltd (No 2)* [2019] NSWSC 67 – declaratory and other relief concerning the validity and consequences of an assignment of judgment debts.
- *Mineralogy Pty Ltd v BGP Geopexplorer Pte Ltd* [2018] QCA 174 – appeal from a judgment of US\$17 million concerning the proper construction of a guarantee and principles of discharge of liability under a guarantee on the ground of variation or breach.
- Appeared for the plaintiffs in proceedings in the Commercial List of the Supreme Court of New South Wales alleging breach of contract, misleading or deceptive conduct, breach of fiduciary duties, breach of trust and breach of directors' duties in relation to foreign exchange investments (settled, 2019).
- *Frogley v Orr* (Supreme Court of New South Wales, 2017, Rein J) – appointment of trustees, declaratory relief.
- *Verke Pty Ltd v Registrar-General of New South Wales* (Supreme Court of New South Wales, 2017, Darke J) – rectification of instrument of transfer.
- *Hawcroft v Hawcroft General Trading Co Pty Ltd* [2016] NSWSC 555 – equitable assignment, equitable estoppel, common mistake.
- *L J Carroll v L T Carroll* [2016] NSWSC 390 – application for extension of caveat, proprietary estoppel, equitable charge, constructive trust.
- *Domazet v Jure Investments Pty Limited* [2016] ACTSC 33 – rectification, trusts, rule against perpetuities.
- *Rothnere Pty Limited v Magic Markets Pty Limited* [2015] NSWSC 1785 – claim by lessor against lessee, mitigation of loss.
- *Cuzeno Pty Limited v The Owners - Strata Plan 65870* [2013] NSWSC 1385 – implied easements, non-derogation from grant, s 88K of the *Conveyancing Act 1919* (NSW).



- *Swaab v Sayed* [2013] NSWSC 887 (equitable charge, declaratory relief) and related application for extension of caveat.
- *Australia & New Zealand Banking Group Ltd v Mishra* [2012] NSWSC 1333 – mortgages, remedies of mortgagee.
- *Burrell Solicitors Pty Ltd v Reavill Farm Pty Limited (No 2)* [2011] NSWSC 1615 – real property, caveats.
- *FloMin Inc v Australian Raw Materials Corporation Pty Ltd (vol admin appt'd)* [2011] NSWSC 585 – informal contracts, declaratory relief.
- Proceedings in the Supreme Court in relation to vendor and purchaser disputes and applications for relief under the *Conveyancing Act 1919 (NSW)* and the *Real Property Act 1900 (NSW)*.
- Applications for freezing orders, interlocutory injunctions and removal of caveats.

#### Public law

- *Application by the Commissioner of the Australian Federal Police* [2018] NSWSC 1563 – proceeds of crime, applications for exclusion of property from restraining order.
- *Commissioner of the Australian Federal Police v Agius* [2017] NSWSC 1764 – priority of interests, enforcement of statutory charge in support of pecuniary penalty order.
- *Lister v Fraser* [2017] NSWLEC 1707 – environmental law.
- *Commissioner of the Australian Federal Police v Lee* [2017] NSWSC 1205 – proceeds of crime, exclusion application.
- *Savellis v Financial Ombudsman Service Limited* [2016] NSWSC 1771 – dispute resolution scheme; construction of contract; administrative law.
- *Application of the Commissioner of the Australian Federal Police* [2015] NSWSC 888 – proceeds of crime, examination orders where criminal proceedings pending.
- *Watpac Construction (NSW) Pty Ltd v Council of the City of Sydney* [2014] NSWLEC 163 – planning law; neighboring land access order.
- *Hoxton Park Residents Action Group v Liverpool City Council (No 4)* [2012] NSWLEC 67 – injunction, temporary stay.
- *Health Care Complaints Commission v Townsend* (2012) – Medical Professional Standards Committee (professional disciplinary proceedings).
- *Health Care Complaints Commission v Duong* [2010] NSWPYT 2 – Physiotherapists Tribunal of New South Wales (professional disciplinary proceedings).
- Examinations conducted pursuant to the *Proceeds of Crime Act 2002 (Cth)*.

#### Regulatory and civil penalty proceedings

- Appeared for a director in Administrative Appeals Tribunal proceedings seeking a stay and confidentiality orders in respect of a decision by ASIC to disqualify the applicant from managing corporations under s 206F of the *Corporations Act 2001 (Cth)* (December 2019).
- *ACCC v Cascade Coal & Ors* [2019] FCAFC 154 – competition law, exclusionary provision, joint venture defence.
- *ACCC v Cascade Coal & Ors (No 3)* [2018] FCA 1019 – competition law, exclusionary provision, cartel conduct.
- *ASIC, in the matter of Whitebox Trading Pty Ltd v Whitebox Trading Pty Ltd (No 2)* [2017] FCA 385 – costs, s 192A of the *Evidence Act 1995 (Cth)*.

#### Taxation

- *Snell v Deputy Commissioner of Taxation* [2020] NSWCA 29 – appeal in respect of proceedings for the recovery of director penalties under Div 269 of Sch 1 to the *Taxation Administration Act 1953 (Cth)*.
- Appearing for the Commissioner of Taxation in Federal Court proceedings under Pt IVC of the *Taxation Administration Act 1953 (Cth)* in connection with disputed income tax liabilities and penalties exceeding \$10 million (ongoing).
- *Deputy Commissioner of Taxation v Armstrong Scalisi Holdings Pty Ltd* [2019] NSWSC 129 – operation of the notice of estimate provisions regarding PAYG withholding amounts under Div 268 of Sch 1 to the *Taxation Administration Act 1953 (Cth)*.
- *Hill and Tax Practitioners Board* [2019] AATA 756 and *Re S&T Income Tax Aid Specialists Pty Ltd and Tax Practitioners Board* [2019] AATA 4099 – stay applications pending hearings of disciplinary proceedings.
- *Hookey and Commissioner of Taxation* [2018] AATA 1509 – small business relief provisions in respect of capital gains tax in Div 152 of the *Income Tax Assessment Act 1997 (Cth)*.
- Appeared for the Commissioner of Taxation in proceedings concerning residence for tax purposes (Administrative Appeals Tribunal, heard December 2018, judgment reserved).
- Appeared for the Tax Practitioners Board in multiple proceedings in the Administrative Appeals Tribunal under the *Tax Agent Services Act 2009 (Cth)* (heard 2019, judgments reserved).
- Appeared for the Commissioner of Taxation defending proceedings in the Federal Court seeking restitution and constructive trust remedies (settled, 2018).
- *Walsh, Liquidator of D&R Community Services Pty Ltd (Receivers & Managers Appointed) (In Liq) v Commissioner of Taxation* [2018] FCA 1739 – transfer of proceedings.
- *Devi v Commissioner of Taxation* [2016] AATA 67 – income tax; entitlement to deductions; whether applicant conducted a business of share trading.
- *In the matter of 4 Doonan Street Collinsville Pty Ltd (in liq)* [2015] NSWSC 437 – taxation; running balance accounts; corporate winding up.
- *Senior and Commissioner of Taxation* [2015] AATA 353 – income tax; capital gains.
- *Pillay v Commissioner of Taxation* [2013] AATA 447 – taxation, income tax.

#### AS JUNIOR COUNSEL

##### Commercial, corporations and insolvency

- *UBS AG v Tyne* (2018) 92 ALJR 968, 360 ALR 184, [2018] HCA 45. Led by J Stoljar SC (abuse of process, permanent stay, s 37M of the *Federal Court of Australia Act 1976 (Cth)*).
- *Coeur de Lion Investments Pty Ltd v The President's Club Limited* [2017] QCA 309. Led by D F Jackson QC (contractual construction).
- *Reavill Farm Pty Ltd v Burrell Solicitors Pty Ltd* [2017] NSWCA 156. Led by A J McInerney SC (misleading or deceptive conduct, causation).



- *QNI Resources Pty Ltd v Queensland Nickel Pty Ltd (in liq)* [2017] QCA 167. Led by D F Jackson QC (corporations law, winding-up).
- *Tyne (Trustee) v UBS AG (No 2)* [2017] FCAFC 5; 341 ALR 415. Led by J Stoljar SC (abuse of process, permanent stay).
- *Burrell Solicitors Pty Ltd v Reavill Farm Pty Ltd* [2016] NSWSC 303. Led by A J McInerney SC (causation, breach of retainer, misleading or deceptive conduct, advocates' immunity).
- *Tyne v UBS AG (No 3)* [2016] FCA 5. Led by J Stoljar SC (abuse of process, estoppel).
- *Ekes v Commonwealth Bank of Australia* (2014) 313 ALR 665, [2014] NSWCA 336. Led by A J McInerney SC (issue estoppel, Anshun estoppel, abuse of process).
- *Tyne v UBS AG* [2014] FCA 1073. Led by J Stoljar SC (security for costs; re-litigation by trustee; anti-suit injunction).
- *DSG Holdings Australia Pty Ltd v Helenic Pty Ltd* (2014) 307 ALR 143, (2014) 99 ACSR 121, [2014] NSWCA 96. Led by R Dick SC (corporate insolvency - application to set aside deed of company arrangement).
- *Richards v Macquarie Bank Limited (No 5)* [2013] FCA 1442. Led by J Kirk SC (application for Court approval of representative proceedings).
- *Perpetual Custodians Ltd as custodian for Tamoran Pty Ltd as trustee for Michael Crivelli v IOOF Investment Management Ltd* (2013) 304 ALR 436, (2013) 278 FLR 49, [2013] NSWCA 231 and (2012) 91 ACSR 530, [2012] NSWSC 1318. Led by P J Jopling QC and P G Liondas (contractual construction).
- *Telesto Investments Ltd v UBS AG* (2013) 94 ACSR 29, [2013] NSWSC 503 and (2012) 262 FLR 119, [2012] NSWSC 44. Led by J Stoljar SC (private international law, res judicata, issue estoppel, abuse of process).
- *Pritchard v DJZ Constructions Pty Ltd* (2012) 16 BPR 31,141, [2012] NSWCA 196, *DJZ Constructions Pty Ltd v Pritchard* [2010] NSWSC 1024 and [2010] NSWSC 1472. Led by A J McInerney (professional negligence, guarantee and indemnity).
- *Mercland Investment Group Pty Ltd v Duncalm Pty Ltd* [2012] FCA 183. Led by D A McLure (misleading or deceptive conduct).
- *Bank of Western Australia Limited v Tannous* [2012] NSWSC 559. Led by M B J Lee SC (Anshun estoppel, abuse of process).
- Commercial arbitration before the Hon J Clarke QC (2011-2012). Led by A J Meagher SC and then by R P L Lancaster SC (rent review, valuation of land).
- *Easyway Australia Pty Ltd v Infinite Plus Pty Ltd* [2011] FCA 351. Led by F M Douglas QC (misleading or deceptive conduct, comparative advertising).
- *CTI Joint Venture Company Pty Ltd v CRI Chatswood Pty Ltd (in liq)* [2011] NSWLEC 90 (interlocutory injunction) and [2011] NSWLEC 91 (joinder of parties). Led by R P L Lancaster SC.

#### Equity and property

- *Lewis Securities Ltd (in liq) v Carter* [2018] NSWCA 118, 355 ALR 703, 128 ACSR 120. Led by A G Bell SC (fiduciary duty, *Barnes v Addy* claims).
- *Hawcroft General Trading Co Pty Ltd v Hawcroft* [2017] NSWCA 91. Led by T Alexis SC (contractual construction, equitable assignment, equitable estoppel).
- *Lewis Securities Ltd (in Liq) v Carter* [2017] NSWSC 412. Led by A G Bell SC (equity, knowing receipt and knowing assistance in breach of fiduciary duty).
- *Issa v Issa* [2015] NSWSC 112. Led by A P Coleman SC (limitation of actions; equitable compensation).
- *His Eminence Petar the Diocesan Bishop of the Macedonian Orthodox Diocese of Australia and New Zealand v Kotevich* [2014] NSWSC 1215. Led by T G R Parker SC (equity, estoppel, charitable trusts, discretionary bars to relief).
- *Macedonian Orthodox Community Church St Petka Incorporated v Metropolitan Petar* [2013] NSWCA 223. Led by T G R Parker SC (charitable trusts, incorporated associations, accessory liability for breach of trust).
- *BJ McAdam Pty Ltd v Jax Tyres Pty Ltd* [2012] FCA 799, [2012] FCA 1438, [2013] FCA 643 - breach of trust, misleading or deceptive conduct, oppression: (led by J Kirk SC) and related application by trustee for judicial advice: [2012] NSWSC 1114 (led by T G R Parker SC).
- *Alpha Wealth Advisory Services v Steer* (2011, McDougall J, Supreme Court of New South Wales). Led by R Beech-Jones SC (contract, fiduciary duties).
- *BBB Constructions v Aldi Foods* [2010] NSWSC 1352. Led by G M Watson SC and F G Kalyk (unconscionable conduct, estoppel, quantum meruit).
- *Manildra Laboratories Pty Ltd v Campbell* [2009] NSWSC 987 and [2010] NSWSC 70. Led by F M Douglas QC (fiduciary duty, breach of confidence, contract).

#### Proceeds of crime

- *Lordianto v Commissioner of the Australian Federal Police; Kalimuthu v Commissioner of the Australian Federal Police* (2019) 374 ALR 58, (2019) 93 ALJR 1282, [2019] HCA 39. Led by S P Donaghue QC, Solicitor-General for the Commonwealth (cuckoo smurfing; when property ceases to be proceeds of crime).
- *Lordianto v Commissioner of the Australian Federal Police* [2018] NSWCA 199 and *Commissioner of the Australian Federal Police v Fernandez* [2018] NSWCA 198; and related special leave application in *Lordianto* and *Kalimuthu*. Led by A R Moses SC (cuckoo smurfing; when property ceases to be proceeds of crime).
- *Commissioner of the Australian Federal Police v Lordianto* [2017] NSWSC 1196. Led by E A Cheeseman SC (application to exclude property from restraining orders under s 330(4)(a) of the *Proceeds of Crime Act 2002* (Cth)).
- *Commissioner of the Australian Federal Police v Cacu* [2017] NSWCA 5. Led by T M Thawley SC (proceeds of crime, stay application).
- *Commissioner of the Australian Federal Police v Pham* [2015] NSWSC 1383. Led by A Moses SC (proceeds of crime, forfeiture order).

#### Public and constitutional law

- *Palmer v Australian Electoral Commission* [2019] HCA 24. Led by D F Jackson QC (constitutional law; electoral law).
- *Plaintiff M47/2018 v Minister for Home Affairs* (2019) 93 ALJR 732, 367 ALR 711, [2019] HCA 17. Led by R Merkel QC (constitutional challenge to indefinite immigration detention).
- *Bunderra Holdings Pty Ltd v Pasmenco Cockle Creek Smelter Pty Ltd (subject to Deed of Company Arrangement)* (2017) 96 NSWLR 434, [2017] NSWCA 263. Led by S B Lloyd SC (construction of development consent, retrospective incorporation).



- *Commissioner of the Australian Federal Police v Elzein* (2017) 94 NSWLR 700, [2017] NSWCA 142. Led by A Moses SC (constitutional law, proceeds of crime legislation, powers of examination).
- *Lazarus v Independent Commission Against Corruption* (2017) 94 NSWLR 36, [2017] NSWCA. Led by A Moses SC (construction of validating legislation, constitutional law).
- *Palmer v Ayres* (2017) 259 CLR 478, [2017] HCA 5. Led by D F Jackson QC (constitutional law; challenge under Ch III of Constitution to liquidator's power of compulsory examination).
- *Pasminco Cockle Creek Smelter Pty Limited v Lake Macquarie City Council* [2016] NSWLEC 143. Led by R P L Lancaster SC (construction of development consent, declaratory relief).
- *Duncan v Independent Commission Against Corruption* [2016] NSWCA 143. Led by D F Jackson QC and C T Barry QC (judicial review, director's duties, procedural fairness).
- *New South Wales Cremation Company Pty Limited v Valuer General* [2016] NSWLEC 135. Led by A E Galasso SC (valuation of land).
- *Queensland Nickel Pty Ltd v Commonwealth of Australia* (2015) 255 CLR 252, [2015] HCA 12. Led by D F Jackson QC (constitutional law; challenge to carbon tax legislation under s 99 of the Constitution).
- *Goldie Marketing Pty Ltd v Financial Ombudsman Services* [2015] VSC 292 (dispute resolution scheme; construction of contract; administrative law) and [2014] VSC 587 (interlocutory injunction) – Led by J R J Lockhart SC.
- *McGuigan & Ors v ICAC; Cascade Coal & Ors v ICAC* [2014] NSWSC 1018. Led by D F Jackson QC and C T Barry QC (administrative law, judicial review of corrupt conduct findings).
- *L & B Linings Pty Ltd v WorkCover Authority of New South Wales* [2012] NSWCA 15. Led by S D Epstein SC (administrative law, jurisdictional error, procedural fairness).
- *Macquarie Generation v Hodgson* (2011) 186 LGERA 311, [2011] NSWCA 424 (led by R P L Lancaster SC), [2010] NSWLEC 34 (led by B W Walker SC and R P L Lancaster SC) and [2011] NSWLEC 3 (led by B W Walker SC) - protection of the environment legislation, climate change, nuisance.
- *Health Care Complaints Commission v Ng* [2012] NSWPH 1. Led by J B Simpkins SC (professional disciplinary proceedings).
- *Davis v Chief of Army* (2011) 278 ALR 199, 247 FLR 207, [2011] ADFDAT 1. Led by D A McLure (criminal law, defence force discipline).
- *Spencer v The Commonwealth* (2010) 241 CLR 118, [2010] HCA 28. Led by B W Walker SC (constitutional law; statutory power of summary dismissal).
- *Halley v Minister Administering the Environmental Planning and Assessment Act 1979* (2010) 170 LGERA 449, [2010] NSWLEC 6, and (2010) 178 LGERA 327, [2010] NSWCA 361. Led by R P L Lancaster SC (compulsory acquisition of land).

#### Regulatory and civil penalty proceedings

- *Australian Securities and Investment Commission v Whitebox Trading Pty Ltd (No 7)* [2019] FCA 849. Led by R G McHugh SC and M J Steele SC (market manipulation).
- *ASIC, in the matter of Whitebox Trading Pty Ltd v Whitebox Trading Pty Ltd* [2017] FCA 324. Led by R G McHugh SC (client legal privilege).

#### Taxation

- *Deputy Commissioner of Taxation v Huang* [2019] FCA 1728 and [2019] FCA 2122. Led by A J McNerney SC (applications for freezing orders and judgment, and resisting an application for a stay on enforcement, in respect of a \$140 million taxation debt).
- *Binqld Finances Pty Ltd (in liq) v Israel Discount Bank Limited* [2019] FCA 1186. Led by S B Lloyd SC (taxation; whether a settlement deed constitutes "protected information" under *Taxation Administration Act 1953* (Cth)).
- *Commissioner of Taxation v Tomaras* (2018) 93 ALJR 118, 93 ALJR 118, [2018] HCA 62. Led by S B Lloyd SC (availability of power to make a substitution order under s 90AE of the *Family Law Act 1975* (Cth) in respect of taxation debts).
- *Commissioner of Taxation v Tamarama Fresh Juices Australia Pty Ltd* [2017] FCAFC 154 and *Binqld Finances Pty Ltd (In Liq) v Tamarama Fresh Juices Australia Pty Limited* [2017] FCA 358. Led by S B Lloyd SC (taxation; non-disclosure of protected information under *Taxation Administration Act 1953* (Cth)).
- *FLZY v Commissioner of Taxation* [2016] AATA 348. Led by D McGovern SC (income tax, whether profit derived from sale of property was a capital gain or a revenue gain).
- *Commissioner of Taxation v 4 Doonan Street Collinsville Pty Ltd (in liq)* (2016) 332 ALR 349, [2016] NSWCA 69. Led by N Williams SC (corporations, insolvency, taxation).
- *Oswal v Commissioner of Taxation* [2013] FCA 745 and [2014] FCA 812. Led by B J Sullivan SC and M Hirschhorn (capital gains tax, trusts).

#### ADVICE PRACTICE

- Advice for businesses, individuals and government agencies in respect of a range of disputes involving all areas of commercial and public law including contract, equity, property, corporations, taxation, constitutional and administrative law.