
PRINCIPAL AREAS OF PRACTICE

- APPELLATE
- BANKING
- BANKRUPTCY & INSOLVENCY
- BUILDING & CONSTRUCTION
- CORPORATE & COMMERCIAL
- EQUITY & TRUSTS
- INSURANCE
- PERSONAL PROPERTY SECURITIES
- PROFESSIONAL NEGLIGENCE
- REAL PROPERTY

SELECT CASES (IN REVERSE CHRONOLOGICAL ORDER IN EACH CATEGORY)

CONTRACT CASES

- *Cardtronics Australasia Pty Ltd v FX Investments Australia Pty Ltd* [2020] FCA 218 (unled – contract case; whether a contract existed; whether its terms were superseded – against S C Russell);
- *Exotic Retirement Living v Construct by Design Commercial* [2018] NSWSC 860 (unled – successfully resisted liquidator’s application to have certain property assigned to a company in liquidation under deed or by equitable assignment – against D S Weinberger);
- *Auburn Shopping Village Pty Ltd v Nelmeer Hoteliers Pty Ltd* [2018] NSWCA 114 – (led by A S Bell SC – successfully resisted an appeal concerning Appellant’s claim for relief against forfeiture in respect of New South Wales gaming entitlements – against G Burton SC with M Heath);
- *Auburn Shopping Village Pty Ltd v Nelmeer Hoteliers Pty Ltd* [2017] NSWSC 1230 - (unled – successfully resisted Plaintiff’s application for increased rental – successful cross-claim for declarations re: valid election to terminate option to purchase New South Wales gaming entitlements based on Plaintiff’s repudiatory conduct; estoppel by representation and estoppel by convention – against M Heath);
- *Mercer Superannuation (Australia) Limited v Billinghamurst* [2018] HCATrans 98 – (led by R P Austin – special leave application concerning decision of a trustee of a superannuation fund on appeal from the Full Court of the Federal Court of Australia – against M W Wise QC and H L Redd);

CORPORATIONS ACT CASES

- *In the matter of Wonga Pastoral Development Co Pty Ltd* [2023] NSWSC 259 (led by V Whittaker SC – section 237 application seeking leave to cause a company to pursue actions against its directors and others – against D R Pritchard SC/A Macauley);
- *Volkswagen Financial Services Australia Pty Ltd v Atlas CTL Pty Ltd (Receivers and Managers Appointed) (In Liquidation)* [2022] NSWSC 573 (unled – successfully resisted administrator/liquidator claim for remuneration re: *Universal Distributing* principle – against J Evans QC and S Sykes);
- *Rapsey, in the matter of Australasian Mortgage Finance Limited (Administrator Appointed)* [2021] FCA 189 (unled – application for judicial directions in respect of creditor claims in the voluntary administration – against C O’Neill);

- *Decon Australia Pty Ltd v TFM Epping Land Pty Ltd (No 2)* [2021] FCA 32 (led by V Whittaker SC – successfully resisted a challenge to a deed of company arrangement – against J C Giles SC and E Ball);
- *McInerney, in the matter of Fairview Architectural Pty Ltd (Administrators Appointed)* [2020] FCA 1251 – (led by M Henry – successful application to extend the convening period of a voluntary administration – A Cheshire SC for interested party);
- *Billingsley v Napoli, in the matter of Biometric Identity Systems Pty Ltd (administrators appointed)* [2019] FCA 1640 (unled – successful application to validate the appointment of voluntary administrators under s 447A of the *Corporations Act 2001* (Cth) – against P Reynolds);
- *In the matter of Beauvale Nominees Pty Ltd (in liq)* [2019] NSWSC 1903 (unled – successful application to terminate a winding up under s 482 of the *Corporations Act 2001* (Cth));
- *In the matter of Flow Systems Pty Ltd (subject to deed of company arrangement)* [2019] NSWSC 888 – (led by J Giles SC – successful application to vary a deed of company arrangement – D Sulan for Deed Proponent);
- *Hill (Administrator) in the matter of Flow Systems Pty Ltd (Administrators Appointed)* [2019] FCA 35 (unled – successful application to limit personal liability of voluntary administrator under s 447A of the *Corporations Act 2001* (Cth));
- *Hill, in the matter of Flow Systems Pty Ltd (Administrators Appointed)* [2019] FCA 27 – (unled – successful application to extend voluntary administration convening period under s 439A(6) of the *Corporations Act 2001* (Cth));
- *Mansfield, in the matter of Highrise Telecoms Pty Limited (Administrators Appointed) (No 2)* [2018] FCA 2023 – (unled – successful resistance to challenge to appointment of voluntary administrators – against H W Somerville);
- *Mansfield, in the matter of Highrise Telecoms Pty Limited (administrators appointed)* [2018] FCA 1654 – (unled – successful application to extend time to convene second meeting of creditors; short service application re: substantive challenge to administrator appointment);
- *In the matter of Asia Pacific Data Centre Limited* [2018] NSWSC 1375 - (led by R P Austin – successful application to determine responsible entity’s entitlement to vote under section 253E of the *Corporations Act 2001* (Cth) – against A S Bell SC and E A J Hyde; S A Lawrence);
- *Atlas CTL Pty Ltd (in liq) and PJM Fleet Management Pty Ltd (in liq)* [2019] VSC 866 (unled – resistance to application for receivers to be excused from rental liability – against H Austin QC and A Roe);
- *In the matter of Boart Longyear Limited (No 4)* [2017] NSWSC 1357 – (led by R P Austin – application to amend orders concerning a scheme of arrangement - against M Izzo and B Ng);
- *In the matter of Boart Longyear Limited (No 3)* [2017] NSWSC 1227 – (led by R P Austin – successful application for costs incurred by non-parties to scheme of arrangement – against I Jackman SC; R Higgins; M Izzo; L Rich);
- *Snowside Pty Ltd as trustee for the Snowside Trust v Boart Longyear Ltd* [2017] NSWCA 215 – (led by R P Austin – application for leave to appeal and appeal against orders granting scheme of arrangement – against M Izzo; M Oakes; P M Wood; N Bender);
- *In the matter of Boart Longyear Limited (No 2)* [2017] NSWSC 1105 – (led by R P Austin – resistance by interested party to application for orders in respect of proposed scheme of arrangement – against I M Jackman SC/R Higgins/M Izzo/L Rich);

- *In the matter of Boart Longyear Limited* [2017] NSWSC 756 – (led by R P Austin – interlocutory application to restrain proceedings against corporation pending approval of scheme of arrangement – against C R C Newlinds SC and M Izzo; M L Rose);
- *Dean-Willcocks, in the matter of Brand New Media Pty Ltd (Administrators Appointed)* [2016] FCA 586 (unled - successful application to extend voluntary administration convening period under s 439A of the *Corporations Act 2001* (Cth));
- *Re ACN 153 866 114 Pty Ltd (Administrators Appointed)* [2015] NSWSC 2039 – (unled - successful application to extend voluntary administration convening period under s 439A of the *Corporations Act 2001* (Cth));
- *Farnsworth in his capacity as voluntary administrator, in the matter of Monorant Pty Ltd (administrator appointed) (No 3)* [2013] FCA 1400 – (unled - successful application to subsequently extend voluntary administration convening period under s 447A of the *Corporations Act 2001* (Cth));
- *In the matter of Vivo International Corporation Pty Limited* [2013] NSWSC 1462 – (unled - application to set aside a statutory demand – against A Shearer);

PERSONAL PROPERTY SECURITIES ACT CASES

- *StockCo Agricapital Pty Ltd v Tucki Hills Pty Ltd* [2022] FCA 929 (unled – successful application for access to land to take possession of livestock – statutory construction of s 138C of the *Personal Property Securities Act 2009* (Cth));
- *NRMA Treasury Ltd, in the matter of Elenium Automation Pty Ltd* [2022] FCA 808 (unled – successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under section 588FM of the *Corporations Act 2001* (Cth));
- *Diversa Pty Ltd v Taiping Trustees Limited* [2022] FCA 316 (led by V Whittaker SC and B McLachlan – priority contest between two secured creditors in respect of shares in corporate entities – against Mr H N G Austin QC and Mr A Roe);
- *Elimatta Pty Ltd v NT Bullion Pty Ltd, in the matter of NT Bullion Pty Ltd* [2021] FCA 1416 (unled – successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under section 588FM of the *Corporations Act 2001* (Cth));
- *In the matter of Bowery Bar Pty Ltd* [2021] NSWSC 697 (unled – application concerning whether statutory licence was subject to a “security interest” for the purposes of the *Personal Property Securities Act 2009* (Cth) – against D Sulan/R Jameson);
- *In the matter of 100% Plumbing Maintenance Pty Ltd* [2021] NSWSC 103 (led by M Izzo SC – successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under section 588FM of the *Corporations Act 2001* (Cth) and s 293 of the *Personal Property Securities Act 2009* (Cth));
- *De Lage Landen Pty Ltd v Blayney Crane Services Pty Ltd, in the matter of Blayney Crane Services Pty Ltd* [2020] FCA 1692 (unled – successful application concerning the proper statutory construction of s 588FL of the *Corporations Act 2001* (Cth) – against E Beechey and D Krochmalik);
- *Von Arx v Todae Solar Pty Ltd, in the matter of Todae Solar Pty Ltd (Administrators Appointed)* [2020] FCA 1071 (unled – successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under section 588FM of the *Corporations Act 2001* (Cth));
- *BMW Australia Finance Limited v @Civic Park Medical Centre Pty Ltd as trustee for @Civic Park Medical Centre Unit Trust* [2019] FCA 999 (unled - successful application for an

- extension of time to lodge financing statements on the Personal Property Securities Register under section 588FM of the *Corporations Act 2001* (Cth) and s 293 of the *Personal Property Securities Act 2009* (Cth));
- *Wickham Hill Pty Ltd v Ding* [2019] NSWSC 631 (unled – successful application to have registrations removed from the Personal Property Securities Register; equitable injunctive relief; proper construction of security interest documents – against E Bishop);
 - *Toll Energy and Marine Logistics Pty Ltd v Conlon Murphy Pty Ltd* [2019] FCA 532 – (unled - successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under s 293 of the *Personal Property Securities Act 2009* (Cth));
 - *IBM Global Financing Australia v Applied Business Technology Pty Ltd* [2018] NSWSC 1984 – (unled – successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under s 293 of the *Personal Property Securities Act 2009* (Cth));
 - *FC Securities Pty Ltd v Menilden Creek Farming Pty Ltd* [2018] NSWSC 1681 - (unled - successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under section 588FM of the *Corporations Act 2001* (Cth));
 - *In the matter of Psyche Holdings Pty Limited* [2018] NSWSC 1254 (unled - successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under section 588FM of the *Corporations Act 2001* (Cth));
 - *In the matter of Club Capitol Pty Ltd and the other named parties in schedules A and B to the originating process* [2018] NSWSC 398 – (unled - successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under section 588FM of the *Corporations Act 2001* (Cth) and s 293 of the *Personal Property Securities Act 2009* (Cth));
 - *In the matter of Mehajer Brothers Pty Limited (as trustee for Mehajer Bros Trust)* [2017] NSWSC 1852 – (unled – partially successful opposed application under section 588FM of the *Corporations Act 2001* (Cth) and section 293 of the *Personal Property Securities Act 2009* (Cth) – against P Reynolds);
 - *Scottish Pacific (BFS) Pty Ltd v Registrar of Personal Property Securities* [2017] FCA 1378 – (unled – application to compel Registrar of Personal Property Securities to restore registrations to the Personal Property Securities Register; where application not made under *Administrative Decisions (Judicial Review) Act 1977* (Cth) – against P Horobin; J Horowitz; E A Walker);
 - *In the matter of Duke Contracting Australia Pty Ltd* [2017] NSWSC 767 – (unled – successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under s 293 of the *Personal Property Securities Act 2009* (Cth));
 - *In the matter of 4 in 1 Wyoming Pty Ltd & The Companies Listed in Schedule A to The Originating Process* [2017] NSWSC 407 – (unled - successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under section 588FM of the *Corporations Act 2001* (Cth) and s 293 of the *Personal Property Securities Act 2009* (Cth));
 - *NFT Specialized in Tower Cranes LLC v Machforce Pty Ltd (in liquidation)* [2017] WASC 95 (unled – application concerning the proper construction of contractual leasing arrangements; application for extension of time under s 588FM of the *Corporations Act 2001* (Cth) – against J E Scovell);
 - *In the matter of David Brown Gear Industries Pty Ltd* [2017] NSWSC 907 - (unled - successful application for an extension of time to lodge financing statements on the

Personal Property Securities Register under section 588FM of the *Corporations Act 2001* (Cth));

- *Re OneSteel Manufacturing Pty Ltd (administrators appointed)* [2017] NSWSC 21 (led by A Archibald QC and P Kulevski – Constitutional challenge to vesting provision of the *Corporations Act 2001* (Cth) and the *Personal Property Securities Act 2009* (Cth) – against N C Hutley SC, J Hyde Page, B Lim, L McGovern; P A Horobin);
- *Re Elite Sydney Pty Ltd* [2016] NSWSC 1934 (unled – application for determination of vesting provisions in respect of taxi plates under *Passenger Transport Act 1990* (NSW) – against P Horobin);
- *Re Accolade Wines Australia Ltd* [2016] NSWSC 1023 – (led by B A Coles QC – successful application for an extension of time to lodge financing statements on the Personal Property Securities Register under section 588FM of the *Corporations Act 2001* (Cth) and s 293 of the *Personal Property Securities Act 2009* (Cth));
- *Primaplas Pty Ltd v Gelpack Enterprises Pty Ltd (in liq)* [2015] NSWSC 1558 (unled – successful appeal from decision of liquidator re: creditor claim for priority re: security – against J White);

PRACTICE AND PROCEDURE CASES

- *Pleash (Liquidator), in the matter of SFG Relocations Pty Ltd v Fourie* [2022] FCA 552 (unled – successfully resisted application for discovery re: company books and records – against P Afshar);
- *In the matter of Atlas C.T.L Pty Ltd* [2021] NSWSC 305 (unled – successfully contested discovery application re: priority dispute between BMW Australia Finance and Nissan Australia Finance in the liquidation of Atlas CTL Pty Ltd – against H Austin QC);
- *Infocus Tax and Business Advisory Pty Ltd v Andrews (No 2)* [2020] NSWSC 1072 (unled – successful application for security for costs; costs of interlocutory process; application to amend pleadings – against P Longergan);
- *Infocus Tax and Business Advisory Pty Ltd v Andrews* [2020] NSWSC 168 (unled – application for separate question; application for security for costs – against P Lonergan);
- *Bauer Equipment Australia Pty Ltd v ACN 153 866 114 Pty Ltd* [2016] QSC 76 (led by R N Traves QC – successful application to transfer proceedings from Supreme Court of Queensland to Supreme Court of New South Wales – against P P McQuade QC and M J May);
- *Trajkovski v Asiapac Securities Pte Ltd (No 2)* [2016] NSWSC 191 – (unled – application for an amendment of orders under the slip rule – against R Parsons);
- *Trajkovski v Asiapac Securities Pte Ltd* [2015] NSWSC 1432 – (unled – procedural applications regarding leave to amend summons and security for costs – against R Parsons);
- *Asiapac Securities Pty Ltd v Ashlee Holdings Pty Ltd* [2015] NSWSC 1431 – (unled – application to set aside default judgment – against R Parsons);
- *In the matter of LSW Group Pty Ltd; In the matter of ACN 092 138 442 Pty Limited (in liquidation)* [2015] NSWSC 1433 – (led by M Condon SC – resistance to application to vacate hearing dates – against B Nolan);
- *Ringwood & Ply Pty Ltd v Conform Australia Pty Ltd* [2014] NSWDC 316 (unled – successful resistance to application to set aside default judgment – against C Carroll);

- *Hannaford v Commonwealth Bank of Australia* [2013] NSWCA 472 – (led by J White – resistance to an appeal to a decision of the Local Court of New South Wales – against A Kumar);
- *La Vie Developments Pty Ltd v Illawarra Regional Development Group Pty Ltd* [2013] NSWSC 748 – (led by J White – resistance to an appeal to a decision of the Local Court of New South Wales – against B Loukas);

COSTS CASES

- *Di Gregorio v Lumi Finance Pty Ltd* [2022] FCA 1256 (unled – successful resistance of allegations of professional negligence of a legal practitioner – successful costs application for indemnity costs);
- *Volkswagen Financial Services Australia Pty Ltd v Atlas CTL Pty Ltd (Receivers and Managers Appointed) (In Liquidation)* – [Costs] [2022] NSWSC 665 (unled – application for indemnity costs order against voluntary administrators of Atlas CTL Pty Ltd – against J Evans QC and S Sykes)
- *Decon Australia Pty Ltd v TFM Epping Land Pty Ltd (No 3)* [2021] FCA 147 (unled – successful application for costs - against J C Giles SC and E Ball);

EXPERIENCE

2013	BARRISTER – 3 ST JAMES HALL CHAMBERS
2011 - 2021	PART TIME LECTURER – UTS FACULTY OF LAW
2012 - 2013	ASSOCIATE - HIGH COURT OF AUSTRALIA - THE HON JUSTICE W M C GUMMOW AC – JAN 2012 – OCT 2012 - THE HON JUSTICE S J GAGELER – OCT 2012 – JAN 2013
2011 - 2012	TIPSTAFF – SUPREME COURT OF NEW SOUTH WALES - THE HON JUSTICE R I BARRETT
2010 - 2011	MALLESONS STEPHEN JAQUES (NOW KING AND WOOD MALLESONS) - BANKING AND FINANCE; DISPUTE RESOLUTION

EDUCATION

2006 - 2010	- BACHELOR OF LAWS (FIRST CLASS HONOURS AND UNIVERSITY MEDAL) (UTS); - BACHELOR OF BUSINESS (FINANCE, DISTINCTION) (UTS)
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BOOKS

- *Annotated Personal Property Securities Act 2009 (Cth)*, (4th ed, 2020) (with J Harris);
- *PPS in Practice*, (1st ed, 2020) (with C Athanassios);
- *Law Principles and Practice: Equity and Trusts* (Palgrave Macmillan, 2011) (With J Juriansz, S Chapple, L Robinson & J Harris);

ARTICLES

- 'The commercial trust in insolvency – A persistent concern for insolvency practitioners and their advisors' (2018) 45 ABR 193;
- "Can the granting of a security interest constitute an unfair preference" (2017) BCLB 129; (2017) 18(1) INSLB 4;
- "The PMSI predicament" (2016) 25 APLJ 76;
- "Pollution on the PPSR – and what to do about it" (2015) 33(1) CASLJ 30;
- "The master agreement, terms of trade or the invoices: What is the source of the security interest?" (2015) 24 APLJ 335;
- "Why the Australian Finance Industry Should Pay Closer Attention to Chattel Paper" (2014) 25(4) JBFLP 228;
- "Vesting in the Insolvency Practitioner" (2013) 25(3) AIJ 26;
- "A year with the Personal Property Securities Act 2009 (Cth): The Personal Property Securities Register, amendment demands and judicial proceedings" (2013) 31 CASLJ 295;
- "The persistence of equitable doctrines with respect to the law relating to personal property securities: Assessing the impact of the Personal Property Securities Act 2009 (Cth)" (2013) 24 JBFLP 3;
- "The consumer and the Personal Property Securities Act 2009: Does the regime protect consumers?" (2013) 87 ALJ 59;
- "Power to legislate and the Financial Framework Legislation Amendment Act" (2012) 36 ABR 171;
- "Systems of registration: Synergies between Torrens and the Personal Property securities regime" (2012) 21 APLJ 32 (with S Kang);
- "A Period of Transition: Ch 9 of the Personal Property Securities Act 2009" (2012) 20 APLJ 193;
- "The Role of the Court in Insolvency Proceedings: An analysis of the appropriateness, utility and effect of judicial directions in contemporary administrations" (2012) 24(2) APLJ 6;
- "The Personal Property Securities Act 2009 (Cth) – A personal property Torrens register? An analysis of the priority afforded to interests perfected by registration" (2012) 20 APLJ 102;
- "Ipso Facto Clauses: Should they be enforceable under Pt 5.3A?" (2011) 19 ILJ 4;
- "The Personal Property Securities Act and commercial lease arrangements: A practitioner's guide" (2011) 22 JBFLP 3.

INDUSTRY INVOLVEMENT

INDUSTRY RECOGNITION

2022 - PRESENT	Recommended Commercial Litigation & Dispute Resolution Junior Counsel – New South Wales – Doyles Guide
2020 - PRESENT	Leading Insolvency & Restructuring Junior Counsel – New South Wales (and recommended Junior Counsel in Australia) – Doyles Guide
2019	Recommended Insolvency & Restructuring Junior Counsel – New South Wales – Doyles Guide

PROFESSIONAL MEMBERSHIPS

2021 - PRESENT	ARITA Professional Member
2017 - PRESENT	Financial member of the Commercial Law Association of Australia
2017 - PRESENT	Member of the Law Council of Australia - Insolvency and Reconstruction Law Committee
2012 - PRESENT	Editor of the Australian Banking and Finance Law Bulletin (LexisNexis)