



**TIFFANY
WONG SC**
Barrister

+61 2 8239 0288
tiffany.wong@banco.net.au

PRACTICE AREAS

Tiffany's core practice areas are public law and equity and commercial law.

Tiffany has a broad public law practice, acting both for private parties as well as government agencies and has substantial experience both bringing and defending applications for judicial review. Tiffany is regularly briefed to advise and appear in complex commercial and insolvency disputes acting on behalf of banks, hedge funds, bondholders and liquidators, as well as regulators such as ASIC. She has a particular expertise in matters involving financial and accounting issues, drawing upon both her legal and accounting studies at university. She routinely advises on difficult questions regarding the construction of contracts and statutes.

**QUALIFICATIONS AND
ADMISSIONS**

2019

Appointed Senior Counsel

2003

Barrister, New South Wales

Received an **achievement award** at the conclusion of the New South Wales Bar Practice Course in September 2003 (being one of two awards granted that intake)

2001

Attorney, Supreme Court of New York and United States Federal Court, Southern and Eastern Districts of New York.

2000

Master of Laws (Columbia University, NY)

Named a **Kent Scholar** in the LLM course at Columbia University, New York for achieving a GPA of 3.8 or above (an award generally given to the top 1-3% of each graduating class).

1999

Legal Practitioner, Supreme Court of New South Wales.

1997

B Com (Accounting), LLB (UNSW)

Sir Kevin Ellis Prize for best performance in the combined B Com, LLB course at UNSW.

LEGAL EXPERIENCE

2000 - 2002

Litigation Associate, Sullivan & Cromwell LLP, New York, U.S.A.

1998

Legal Researcher/Tipstaff to the Hon. Justice Mason, AC

President of the Court of Appeal, Supreme Court of NSW

RECENT WORK

A summary of Tiffany's recent and notable work is below. A detailed list of appearances is available on request.

Public Law

Havilah Resources Ltd v Innovation and Science Australia (Administrative Appeals Tribunal, acting for Innovation and Science Australia, leading Brendan Lim, 7 day hearing, application for the research and development tax incentive by a junior mining company)

Re Warren and Secretary, Department of Jobs and Small Business [2019] AATA 506 (Administrative Appeals Tribunal, acting for the Department of Jobs and Small Business, unled in first hearing, application for additional payments under the *Fair Entitlements Guarantee Act 2012*)

Secretary, NSW Minister of Health v Health Services Union NSW (2018) 273 ALR 100 (Industrial Relations Commission, intervening on behalf of the Secretary of Industrial Relations, application for statutory construction concerning s 146C of the *Industrial Relations Act 1996*)

Telstra Corporation Ltd v ACCC (2017) 155 ALD 379; [2017] FCA 316 (acting for Telstra, led by Alan Archibald QC, seeking judicial review of ACCC determination of fixed line services provided by Telstra to other telecommunications carriers)

Alannah MacTiernan and Secretary, Department of Infrastructure and Regional Development AATA 506 (Administrative Appeals Tribunal, acting for the Secretary, Department of Infrastructure and Regional Development, application by Federal MP Ms MacTiernan for declaration of Roe Highway State 8 and the Perth Freight Link)

Corporations and insolvency

In the matter of Xenith IP Group Limited [2019] FCA 173 (first hearing, acting for Xenith IP Group Limited, leading S Scott, members' scheme of arrangement)

In the matter of Mantra Group Limited [2018] FCA 510 (first hearing); [2018] FCA 511 (second hearing) (acting for scheme company, members' scheme of arrangement, unled in first hearing, unled in second hearing)

Re BIS Finance Pty Limited [2017] NSWSC 1713 (first hearing, acting for scheme company, leading S Sheahan SC, creditors' schemes of arrangement)

In the matter of Ten Network Holdings Ltd [2017] NSWSC 1247 (acting for v Ten Network, led by Richard McHugh SC, opposing application by WIN Corporation Pty Ltd to restrain voluntary administrators from holding second meeting)

First Pacific Advisors LLC v Boart Longyear Ltd (2017) 121 ACSR 136; [2017] FCA 1000 (objector to creditors' scheme of arrangement, led by Justin Gleeson SC)

In the matter of Emeco Holdings Ltd (2017, Federal Court of Australia, scheme of arrangement, acting for bondholders)

In the matter of Arrium Ltd (2016, proposed creditors' scheme of arrangement, acting for Arrium Ltd)

Regulatory

ASIC investigation into contraventions of anti-money laundering legislation Bank of Australia (2019, acted for senior compliance offer of the CBA during

ASIC investigation into GetSwift Ltd (2018, acted for General Counsel of GetSwift Ltd during examination)

ASIC investigation into foreign exchange trading (acted for Westpac, led by Michael Jones SC)

ASIC investigation into the Colonial Mutual Life Assurance Society Limited, and others (acted for ASIC, led by Michael Jones SC)

ASIC investigation into ACE Insurance Limited (acted for ASIC, led by John Sheahan SC)

ASIC & Ors v Bank of Queensland Ltd, Senrac Pty Limited and Macquarie Bank Ltd (ACSR 258 (Federal Court, appeared for ASIC in claim by investor advised by ASIC, acted by Tony Bannon SC and Robertson Wright SC)

Trust Law

University of New South Wales v Attorney General for the State of New South Wales (178 (NSW Supreme Court, acting for the University of New South Wales, unlisted proceedings and administrative scheme to regularise a charitable trust over a residence) [2016] NSWSC 1709)

Financial Services Royal Commission (2018, led by John Sheahan SC and Peter Hume SC for BT Financial Group in respect of public hearing on superannuation)

Northern NSW Helicopter Rescue Service Ltd v Northern Region SLSA Helicopter Pty Ltd (NSW Supreme Court, 2018, unlisted, acting for the Attorney General in proceedings in rem patriae, dispute over whether assets held on charitable trust)

Re Application of Willoughby City Council (as manager of the Talus Reserve) (1717 (NSW Supreme Court, acting for Minister for Crown Lands, proceedings regarding grant of a sublease by a reserve trustee)

Saffron v Marshin Holdings Pty Ltd (2016, NSW Supreme Court, representing NSW, proceedings regarding validity of declaration made by trustees of the trust settled by the late Abraham Gilbert Saffron)

Ashington Capital Pty Limited v Parissen Capital (Project X) Pty Limited & Ashington Capital Pty Limited (NSW Supreme Court, proceedings involving indemnity of trustee, rectification application)

Antill v Mostyn [2010] NSWSC 587 (NSW Supreme Court, liability of trustee in proceedings regarding acquiescence, application of s 23C of the *Conveyancing Act 1919*)

Equity and commercial

Franks v Franks (Supreme Court of New South Wales, 2019, acting for William Franks in oppression suit brought by them against their daughter Camilla Franks)

Kesinda Pty Ltd v Zheng Wei (Supreme Court of New South Wales, 2019, acting for Kesinda Pty Ltd seeking first priority over surplus moneys from sale of property, settled at mediation by P. Bergin)

Eureka Operations Pty Ltd v Viva Energy Australia Ltd [2016] VSCA 95 (Victoria Supreme Court, acting for Viva Energy Australia Ltd, led by Steven Finch SC, successfully defended proceedings regarding proper construction of Alliance Agreement concerning operation of petrol stores on Shell branded petrol stations)

Simson v Wotif.com Holdings Ltd (2015, NSW Supreme Court, acting for Wotif, led by Ian Jackman SC, interpretation of share sale agreement)

Hare v Van Brugge (2013) 84 NSWLR 41 (NSW Court of Appeal, entitlement to use inclinor on adjacent property, led by Robert Dick SC on appeal, not led)

Nicolai v Indochina Medical Co Pty Ltd (No 1) [2012] FCA 729; (No 2) (2013) 2013 FCA 100 (Federal Court, winding-up proceedings, application for release from Harman undertakings, led by Justice Finkelstein)

Matrix Film Investment One Pty Ltd & Ors v Alameda Films LLC & Ors [2010] 180 CLR 1 (High Court, represented Warner Bros. in dispute with National Australia Bank over the earnings of the film, The Matrix, led by Justice Gummow)

Campbell v Backoffice Investments Pty Limited (2009) 238 CLR 304 (misleading conduct, oppression, led by Justice Gummow in the High Court, Jonathan Slicer SC in the NSW Supreme Court)

State Taxes

Banfirn Pty Ltd v Chief Commissioner of State Revenue [2019] NSWSC 1058 (Kennett SC, payroll tax, employment agency contracts)

Winlina Pty Ltd v Chief Commissioner of State Revenue [2019] NSWSC 1080 (Kennett SC, constitutionality of joint and several liability notices issued in respect of joint liabilities);

B&E Poultry Holdings Pty Ltd v Chief Commissioner of State Revenue (led by Justice Gummow in the Supreme Court of New South Wales, 2019, payroll tax, degrouping, employment agency contracts)

Millennium Hi-Tech Group Pty Ltd v Chief Commissioner of State Revenue (led by Justice Gummow in the New South Wales, 2018, payroll tax, employment agency provisions)

Sayden Pty Ltd v Chief Commissioner of State Revenue (2013) 83 NSWLR 72 (Kennett SC, trusts)