



TIFFANY WONG SC
Barrister

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

PRACTICE AREAS

Tiffany's core practices 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 – 02** 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

State of Queensland v Telecommunications Industry Ombudsman and Optus Fixed Infrastructure Pty Limited (Full Court, Federal Court of Australia, 2021, acted for Optus, appeal against decision of Collier J)

Industrial Relations Secretary v Public Service Association and Professional Officers Association Amalgamated Union of New South Wales (2021) 303 IR 322; [2021] NSWSC 160 (Acted for the Industrial Relations Secretary, judicial review of decision of the Industrial Relations Commission)

Warren v Secretary, Attorney-General's Dept (2021) 172 ALD 325; (2021) 303 IR 72 (Federal Court of Australia, acted for the Secretary, Attorney-General's Dept, appeal against decision of Administrative Appeals Tribunal)

Emanuel Exports Pty Ltd & Anor v Secretary, Department of Agriculture, Water and the Environment (Administrative Appeals Tribunal, 2021, acted for DAWE, review of decision to cancel licence to export animals)

Havilah Resources Ltd v Innovation and Science Australia (2020) 170 ALD 374 (Administrative Appeals Tribunal, acted for Innovation and Science Australia, review of decision to refuse registration for research and development tax incentive)

Secretary, NSW Minister of Health v Health Services Union NSW (2018) 273 IR 190 (NSW Industrial Relations Commission, intervening on behalf of the Secretary of Industrial Relations, issue of statutory construction concerning s 146C of the *Industrial Relations Act 1996* (NSW) and cl 6 of the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (NSW))

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

Corporations and Insolvency

In the matter of Mercedes Benz Financial Services Australia Pty Ltd [2021] FCA 1279 (first hearing); [2021] FCA 1410 (second hearing) (members' scheme of arrangement; corporate reconstruction)

Re Rhipe Ltd [2021] NSWSC 1170 (first hearing); [2021] NSWSC 1307 (second hearing) (members' scheme of arrangement)

Australian Unity Funds Management Ltd v NorthWest Healthcare Australia RE Ltd [2021] NSWSC 731 (Adjournment of unitholder meeting); [2021] NSWSC 914 (cancellation of meeting); [2021] NSWSC 1039 (discontinuance of proceedings and costs)

In the matter of Dragontail Systems Limited [2021] FCA 834 (first hearing); [2021] FCA 1109 (second hearing)

In the matter of Xenith IP Group Limited [2019] FCA 173 (first hearing) (members' scheme of arrangement)

In the matter of Mantra Group Limited [2018] FCA 510 (first hearing); [2018] FCA 805 (second hearing) (members' scheme of arrangement)

Re BIS Finance Pty Limited [2017] NSWSC 1713 (first hearing) (creditors' scheme of arrangement)

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

First Pacific Advisors LLC v Boart Longyear Ltd (2017) 121 ACSR 136; [2017] NSWCA 116 (acting for objector to creditors' scheme of arrangement)

Regulatory

ASIC v Cohen & Anor (2021, acting for ASIC in proceedings commenced against a former officer and contractor of the Freedom Group of companies, in relation to alleged involvement in contraventions of the conflicted remuneration provisions of the *Corporations Act 2001* (Cth))

ASIC investigation into contraventions of anti-money laundering legislation by the Commonwealth Bank of Australia (2019, acted for senior compliance officer of the CBA during s 19 examination)

ASIC investigation into GetSwift Ltd (2018, acted for General Counsel of GetSwift Ltd during s 19 examination)

ASIC investigation into foreign exchange trading (acted for Westpac, led by Steven Finch SC)

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

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

ASIC & Ors v Bank of Queensland Ltd, Senrac Pty Limited and Macquarie Bank Limited (2011) 86 ACSR 258 (Federal Court, appeared for ASIC in claim by investor advised by Storm Financial Ltd, led by Tony Bannon SC and Robertson Wright SC)

Equity and Commercial

Bleeker Street Nominees Pty Ltd atf Bleeker Street Trust & Anor v Merrill Lynch Equities (Australia) Ltd (NSWSC, proceedings commenced in 2021, acting for plaintiff, professional negligence claim against stockbroker)

Quadrent Pty Ltd & Anor v Fire & Rescue NSW (NSWSC, proceedings commenced in 2020, acting for Fire & Rescue NSW, product liability claim involving defective self-contained breathing apparatus)

Flexirent Capital Pty Ltd v M2 Commander Pty Ltd (NSWSC, proceedings commenced in 2020, acting for plaintiff, contract claims)

Franks v Franks (Supreme Court of New South Wales, 2020, acted for William and Narelle 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, acted for one of six parties seeking first priority over surplus moneys from sale of property, settled at mediation before the Hon. P. Bergin)

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

State Taxes

Godolphin Australia Pty Ltd v Chief Commissioner of State Revenue (Supreme Court of NSW, Ward CJ in Eq, 2021, land tax, whether primary production exemption available in respect of breeding of racehorses)

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

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

B&E Poultry Holdings Pty Ltd v Chief Commissioner of State Revenue (led by Rashelle Seiden SC, Supreme Court of New South Wales, 2019, payroll tax, degrouping, employment agency provisions)

Millennium Hi-Tech Group Pty Ltd v Chief Commissioner of State Revenue (Supreme Court of New South Wales, 2018, payroll tax, employment agency provisions)

Sayden Pty Ltd v Chief Commissioner of State Revenue (2013) 83 NSWLR 700 (land tax, special trusts)

Trust Law

University of New South Wales v Attorney General for the State of New South Wales [2019] NSWSC 178 (NSW Supreme Court, acting for the University of New South Wales, application for cy pres and administrative scheme to regularise a charitable trust over a residential college. See also [2016] NSWSC 1709)

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

Re Application of Willoughby City Council (as manager of the Talus Reserve Trust) [2016] NSWSC 1717 (NSW Supreme Court, acting for Minister for Crown Lands, proceedings for judicial advice regarding grant of a sublease by a reserve trustee)

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

Ashington Capital Pty Limited v Parissen Capital (Project X) Pty Limited & Anor [2012] NSWSC 410 (NSW Supreme Court, proceedings involving indemnity of trustee, rectification, security for costs application)

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