

## RECENT AND NOTABLE MATTERS

### COMMERCIAL DISPUTES, TRANSACTIONS & PROJECTS

**Aware Super** (2025) (instructed by K&L Gates)

**Team Super** (2025) (instructed by Mills Oakley)

**Apple** (2024) (instructed by Herbert Smith Freehills)

**HUB24** (2024) (instructed by Herbert Smith Freehills)

**Raptis Properties v One Managed Investment Funds Ltd atf CPF Diversified Fund** (Supreme Court of South Australia CIV-23-002352) (ongoing)

Acting for cross respondents, investment manager of CPF Diversified Fund, Capital Property Funds Ltd & an executive director (instructed by Corrs Chambers Westgarth)

**Westpac Banking Corporation v Jammal & Ors** (Supreme Court of NSW 2021/00366051) (settled 2024)  
Advised Westpac. Dispute re equitable mortgages, laches, & subrogation (instructed by HWL Ebsworth)

**Nature's Care Holdings v Chen [2024] NSWSC 14** (Rees J)  
Acted for vitamin manufacturer. Injunction obtained (instructed by Clifford Chance)

**Merger of Alcoa Super to Australian Retirement Trust** (2024)  
Opinion for Alcoa Super trustee (instructed by Hall & Wilcox)

**Acquisition of Bendigo & Adelaide Bank superannuation business by Betashares** (2023)  
Advised Betashares Group (instructed by King & Wood Mallesons)

**Re abrdn Australia Ltd & abrdn Asia PLC** (Supreme Court of NSW, Rees J, 20 June 2023)  
Acted for the Aberdeen Group applicants. Successfully obtained Court's consent to retirement of responsible entities from Australian funds management business (instructed by Minter Ellison)

**Merger of Australian Ethical Super with Christian Super** (2022)  
Advised Australian Ethical Super trustee (instructed by Norton Rose Fulbright)

**Merger between QSuper and Sunsuper, to create Australian Retirement Trust** (2021)  
Opinions for QSuper Board (briefed by King & Wood Mallesons) and Sunsuper (briefed by Allens) on Australia's largest ever fund merger, covering 2m members and over \$200bn in retirement savings

**Merger of Club Plus Super to Australian Super** (2021)  
Opinion for Club Plus Super (instructed by King & Wood Mallesons)

**Brighter Super** (2021)  
Advised Brighter Super trustee on issues following merger of Local Government Super, Energy Super, and Suncorp's superannuation business (instructed by Jones Day)

**IOOF Holdings Ltd** (2020)  
Opinion following acquisition of wealth management business (instructed by Gilbert & Tobin)

**Commonwealth Bank of Australia sale of Colonial First State Superannuation (2020)**

Opinion for retail bank ahead of sale of wealth management business (instructed direct)

**National Australia Bank sale of MLC Super (2018-2020)**

Various opinions for retail bank superannuation trustee ahead of sale of National Australia Bank wealth management business (instructed by Minter Ellison)

**ANZ Bank sale of One Path Custodians (2018-2019)**

Opinion for retail bank superannuation trustee ahead of sale of ANZ Bank wealth management business (instructed by Minter Ellison)

**Roads & Maritime Services (Transport for NSW) v AZH Consulting (Supreme Court of NSW 2019/00162659)**

Acted for Transport for NSW. Procurement fraud, freezing orders obtained (instructed by Norton Rose Fulbright)

**CORPORATE GOVERNANCE & COMPLIANCE**

**Australian Institute of Company Directors & Governance Institute of Australia (2019, 2025)**

Opinion on Law & Practice of Minutes of Directors Meetings (including use of Generative AI)

**Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland v Queensland**

**Master Builders Association & Anor: in re BUSS (Queensland) P/L [2022] FCA 283** (Greenwood J)

Acted for the BUSSQ trustee. Dispute re board vacancies (instructed by Thomson Geer)

**James Hardie Civil Penalty Proceedings - acted for ASIC (instructed by Clayton Utz)**

*ASIC v Macdonald* (No 11) [2009] NSWSC 287; (2009) 230 FLR 1; (2009) 71 ACSR 368; *ASIC v Macdonald* (No 12) [2009] NSWSC 714; 73 ACSR 638; *James Hardie Industries NV v ASIC* [2009] NSWCA 18

**CORRUPTION**

**Independent Commission Against Corruption Operation Landan (School Infrastructure) (2025)**

Acting for NSW Department of Education (instructed by Norton Rose Fulbright)

**National Anti-Corruption Commission (2023)**

Acted for Commonwealth re Royal Commission into the Robodebt Scheme (instructed by AGS)

**Independent Commission Against Corruption Operation Ember (Transport for NSW) (2019)**

Acted for Transport for NSW (Roads & Maritime Services) (instructed by Norton Rose Fulbright)

**Independent Commission Against Corruption Operation Credo (Australian Water Holdings) (2014-2017)**

**Operation Spicer (NSW public officials & Members of Parliament) (2014-2016)**

Acted for Senator Arthur Sinodinos (instructed by Arnold Bloch Leibler)

**ESG & CLIMATE CHANGE**

**Licensed superannuation trustees (various)**

Environmental, social and governance policies

Climate change financial risk considerations in investment portfolios

'Greenwashing' allegations in context of marketing material and investor information

Proxy voting strategies for listed company investments

Fossil fuel investments member information requests

**EXPERT DETERMINATIONS**

**Expert determination - licensed superannuation trustee and fund administrator (2021-2022)**

Acted as Expert Determiner. Fund administration contract dispute.

**Hunter & Central Coast Development Corporation ats Doma Group (2020-2021)**

Acted for Hunter & Central Coast Development Corporation & NSW Department of Planning, Industry & Environment. Expert Determination re contractual liabilities for site remediation (instructed by Hall & Wilcox)

## **FINANCIAL SERVICES REGULATION**

### **Financial Services Council (2024)**

Opinion on *Treasury Laws Amendment (Delivering Better Financial Outcomes) Bill 2024* (Cth) re trustee deduction of advice fees in superannuation (briefed by Herbert Smith Freehills)

### **Australian Securities and Investments Commission v RM Capital & The SMSF Club** (Federal Court

NSD906/2019, Jackson J, penalty reserved)

Acted for The SMSF Club. Conflicted remuneration allegations (instructed by Hall & Wilcox)

### **Horse racing and breeding investment syndicates** (2023)

Acted for responsible entity of registered managed investment scheme for the thoroughbred horse racing and breeding (stallion) industry. License cancellation hearing ('no further action' confirmation obtained) (instructed by Hall & Wilcox)

### **Australian Securities & Investments Commission v Westpac (Omnibus) [2022] FCA 515; (2022) 407 ALR 1; (2022) 159 ACSR 381**

Acted for ASIC. Successfully obtained civil penalties & compliance plan orders (instructed by AGS)

### **Australian Securities and Investments Commission investigations into Australian Financial Services Licensee** (2021, 2022)

Acted for licensed superannuation trustee. Resolved ASIC investigation into investment choice campaign (no enforcement action taken) and further ASIC investigation into advertising and disclosure notices (no enforcement action taken) (instructed by Dentons)

### **Australian Securities and Investments Commission investigations into REST Super** (2021)

Acted for REST Super's in-house lawyers in ASIC examinations (instructed by Minter Ellison)

## **INDUSTRIAL & EMPLOYMENT**

### **Cricket Australia/Australian Cricket Players Inc MOU Players Grievance Panel** (2025)

Panel Member. First ever complaint under agreed disputes process.

### **Fiona Brown v Commonwealth of Australia** (NSD327/2025) (ongoing Perram J)

Acting for former Director of Operations, Prime Minister's Office. Fair Work Act general protections claim and associated claims (instructed by Russell Kennedy)

### **Australian Federal Police** (since 2023)

Acting for the AFP (instructed by Maddocks)

### **Qantas Super** (2020)

Advised trustee of Qantas Super in context of staff stand-downs due to Covid-19 pandemic (instructed by King & Wood Mallesons)

### **Registered Organisations Commissioner v Communications, Electronic, Energy, Information, Postal, Plumbing & Allied Services Union [2020] FCA 96** (Flick J)

Acted for Commissioner. Successful prosecution of registered organisation, civil penalties ordered (instructed by Lander & Rodgers)

## **INSOLVENCY**

### **In re DSHE Holdings [2021] NSWSC 608** (Williams J)

Acted for administrators (McGrath Nicol). Successful application for termination of deed of company arrangement and application for remuneration approval (instructed by Norton Rose Fulbright)

### **The Ralan Group liquidation** (2021) (settled)

Acted for liquidators (Grant Thornton). Unfair preferences claims against National Australia Bank (instructed by Norton Rose Fulbright)

**In re Ovato Print Group [2020] NSWSC 1683 and [2020] NSWSC 1882** (Black J)  
Acted for the Commonwealth (Attorney-General's Department FEG Scheme). Scheme of arrangement (instructed by Norton Rose Fulbright)

**In re MF Global Australia Ltd (in liq) [2012] NSWSC 994; In re MF Global Australia Ltd (in liq) (No 2) [2012] NSWSC 1426; (2012) 267 FLR 27** (Black J)  
Acted for Contracts for Difference Client Group. Winding up of financial services business (instructed by Arnold Bloch Leibler)

## **INSURANCE REGULATION & CLAIMS**

**Council of Australian Life Insurers** (2024-2025)  
Opinion on issues arising under the *Insurance Contracts Act 1986* (Cth) and *Life Insurance Act 1995* (Cth) (instructed by Herbert Smith Freehills)

**Law Society of South Australia/Law Guard Management** (since 2019)  
Acting for Society/Manager of Professional Indemnity Scheme re various issues (briefed direct)

**LawCover professional negligence claims** (since 2018)  
Appointed Mediator in numerous matters

**Noble Oak Life** (2025)  
Opinion (instructed by King & Wood Mallesons)

**Royal Automobile Association of South Australia** (2025)  
Opinion in context of sale of general insurance business to Allianz (instructed by King & Wood Mallesons)

**Barich v Zurich Australia & RI Advice Group** (NSWSC 2022/265912) (settled at mediation 2025)  
Acted for Zurich Australia (instructed by Turks Legal)

**Chubb Insurance** (2021)  
Opinion for Chubb on policy coverage (instructed by Colin Biggers & Paisley)

**Martin v Commonwealth Superannuation Corporation** (NSWSC 2018/277432) (2020) (settled)  
Acted for CSC as trustee for the Public Sector Superannuation Scheme re TPD claim refusal (instructed by Ashurst)

**X & Y v APRA [2007] HCA 4; (2007) 226 CLR 630** on appeal from *Applicant Y v APRA* [2006] FCAFC 37; *Applicant X v APRA* [2005] FCA 1288; later *Graeber and Anor and APRA* [2007] AATA 1966; (2007) 46 AAR 115  
Resisted disqualification of senior managers of foreign reinsurer (instructed by Minter Ellison)

## **PRUDENTIAL REGULATION OF AND JUDICIAL ADVICE TO SUPERANNUATION TRUSTEES**

**Re AUSCOAL Superannuation P/L atf Mine Superannuation Fund [2024] NSWSC 32** (Robb J)  
Acted for Mine Super trustee. Judicial advice application concerning funding of defined benefits scheme in context of pending merger with TWUSUPER (instructed by Mills Oakley)

**Muffet v Qantas Superannuation [2024] FCA 39** (Yates J)  
Acted for Qantas Super trustee. Successful defence of appeal by Australian & International Pilots Association from Australian Financial Complaints Authority decision re defined benefits calculations (instructed by King & Wood Mallesons)

**Australian Prudential Regulation Authority investigation into FirstSuper co-chair** (2023-2024)  
Acted for First Super trustee (no enforcement action taken against trustee) (instructed by Ashurst)

**H.E.S.T. Australia v Attorney-General (Qld) & Attorney-General (Victoria); Mercy Super v Attorney-General (Qld) & Anor [2022] QSC 221; (2022) 12 QR 144** (Kelly J)  
Acted for Mercy Super trustee. Successful action against the Attorneys-General of Queensland and Victoria for declaratory relief authorising fund merger in context of potential statutory corrupt benefits prohibition under the local criminal laws (instructed by Ashurst)

**Australian Prudential Regulation Authority investigation into Superannuation Licensee (2022)**

Acted for licensed superannuation trustee. Compliance with APRA Prudential Standard *CPS 520 Fit and Proper*. Compulsory examinations of CEO (instructed by Ashurst)

**Re Energy Industries Superannuation Scheme [2022] NSWSC 1202 (Ball J)**

Acted for EISS trustee. Judicial advice re trust deed amendment in context of pending regulatory investigations (instructed by Dentons)

**Re SCS Super P/L atf Australian Catholic Superannuation Fund [2022] NSWSC 686 (Hallen J)**

Acted for Australian Catholic Super trustee. Judicial advice application (instructed by Minter Ellison)

**Australian Prudential Regulation Authority investigation into Superannuation Licensee (2021-2022)**

Acted for licensed superannuation trustee. Compliance with APRA Prudential Standard *CPS 520 Fit and Proper*. Additional license conditions imposed (instructed by Dentons)

**Re NGS Super P/L atf NGS Super [2021] NSWSC 1694 (Henry J)**

Acted for Non-Government Schools Super trustee. Judicial advice application (instructed by Minter Ellison)

**Re Care Super (No 1) [2021] VSC 805 and Re Care Super (No 2) [2021] VSC 854 (Lyons J)**

Acted for trustee. Judicial advice applications re exercise of trustee power to charge remuneration to fund risk reserve; ownership of shares in trustee company; lost trust deed (instructed by Mills Oakley)

**Re QSuper Board [2021] QSC 276 (Kelly J)**

Acted for Queensland Public Sector Superannuation Scheme trustee. Landmark judicial advice application to amend trust deed authorising introduction of a fee charging power to build a fund to pay for potential Commonwealth fines and penalties (instructed by King & Wood Mallesons)

**PUBLIC LAW & GOVERNMENT**

**Federal Courts (2024-2025)**

Advising the Federal Court of Australia and the Federal Circuit & Family Court of Australia on various issues

**Commonwealth of Australia (2022-2023)**

Advising the Commonwealth Government on issues relating to the Robodebt Scheme

**Khalafallah v Director, Professional Services Review Agency & Anor (Federal Court NSD44/2025) (Downes J - consent final orders 12 June 2025)**

Acting for medical specialist. Judicial review application of decisions re Medicare billing and professional services. Two decisions successfully quashed to date (instructed by Hall & Wilcox)

**Commonwealth (Federal Circuit and Family Court of Australia) v Comcare (Federal Court QUD33/2024) (Raper J - consent final orders 27 June 2024)**

Acted for the Federal Circuit & Family Court of Australia. Judicial review application concerning Comcare decision under the *Freedom of Information Act*. Access decision successfully quashed (instructed by K&L Gates)

**Lehrmann v Network Ten (Trial Judgment) [2024] FCA 369 (Lee J) and Reynolds v Higgins & Sharaz (Supreme Court Western Australia CIV1840/2023) (Tottle J) (reserved)**

Acted for Fiona Brown, former Director of Operations, Prime Minister's Office and former Chief of Staff to Senator Reynolds. Public interest immunity and witness trauma (instructed by Russell Kennedy)

**Sweeney v Australian Financial Complaints Authority & Anor [2022] FCA 1525 (O'Callaghan J)**

Acted for MLC Super trustee. Successful defence of appeal from decision of Australian Financial Complaints Authority (instructed by Minter Ellison)

**REGULATORY & DISCIPLINARY INVESTIGATIONS & ENFORCEMENT**

**Chartered Accountants Australia New Zealand (2021-2025)**

Disciplinary Tribunal Panel Member. Determined professional discipline matters.

**Australian Health Practitioner Regulation Agency investigation (2025)**  
Acting for medical specialist under investigation (instructed by Hall & Wilcox)

**A.C.T. Gambling & Racing Commission investigation of Hellenic Club of Canberra (2022-2025)**  
Acting for Gambling Commission. Notice of Disciplinary Action; A.C.T. Civil and Administrative Tribunal proceedings and proposed Supreme Court proceedings (instructed by the A.C.T. Government Solicitor)

**Australian Charities & Not-for-Profits Commission into Hillsong Church (2023-2024)**  
Acted for Charities Commission. Court enforceable undertaking obtained (instructed by AGS)

**Aged Care Quality & Complaints Commission investigation and audit (2018)**  
Advised Garden View Aged Care (instructed by Sparke Helmore and Hall & Wilcox)

**Ombudsman's Inquiry into Water Compliance & Enforcement (2017-2018)**  
Acted for WaterNSW (instructed by Norton Rose Fulbright)

**Australian Charities & Not-for-Profits Commission into RSL LifeCare (2017-2018)**  
Acted for RSL LifeCare. Court enforceable undertaking provided (instructed by Clayton Utz)

## **ROYAL COMMISSIONS & PUBLIC INQUIRIES**

**Royal Commission into the Robodebt Scheme (2022-2023)**  
Acted for the Commonwealth of Australia (instructed by the AGS)

**Royal Commission into National Natural Disaster Arrangements (2020)**  
Senior Counsel Assisting the Royal Commission

**Royal Commission into Aged Care Quality and Safety (2018-2020)**  
Acted for AMP Capital, Anglican Care, & Aegis Aged Care Group (instructed by Hall & Wilcox)  
Acted for Catholic HealthCare (instructed by Moray & Agnew)  
Acted for RSL LifeCare (instructed by Clayton Utz)  
Acted for Garden View Aged Care (instructed by Sparke Helmore)

**Royal Commission into Misconduct in Banking, Superannuation & Financial Services Industry (2018)**  
Acted for Commonwealth Bank of Australia & Aussie Home Loans (instructed by Clayton Utz)  
Acted for Energy Industries Superannuation Scheme trustee (instructed by Hall & Wilcox)

**NSW Public Inquiry into Charitable Fundraising (aka the RSL Inquiry) (2017-2018)**  
Acted for RSL LifeCare (instructed by Clayton Utz)

**Special Commission of Inquiry into the Medical Research & Compensation Foundation (aka the James Hardie Inquiry) (2004)**  
Counsel Assisting the Special Commission

July 2025