

## 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
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)
1999	Legal Practitioner, Supreme Court of New South Wales
1997	B Com (Accounting), LLB (UNSW)

## employment

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

## achievements

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).

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

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

Member of the **UNSW Jessup International Mooting Team**, which represented Australia in the international rounds held in Washington D.C. The UNSW Team was placed fifth overall.

## 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, 2019 acting for Innovation and Science Australia, leading Brendan Lim, 7 day hearing involving claim for the research and development tax incentive by a junior mining company)

*Re Warren and Secretary, Department of Jobs and Small Business* [2019] AATA 95 (Administrative Appeals Tribunal, acting for the Department of Jobs and Small Business, unled, concerning application for additional payments under the *Fair Entitlements Guarantee Act 2012* (Cth))

*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 (acting 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)

*Alannah MacTiernan and Secretary, Department of Infrastructure and Regional Development* [2016] AATA 506 (Administrative Appeals Tribunal, acting for the Secretary, Department of Infrastructure and Regional Development, application by Federal MP Ms MacTiernan for documents concerning the 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 scheme company, leading S Scott, members' scheme of arrangement)

*In the matter of Mantra Group Limited* [2018] FCA 510 (first hearing); [2018] FCA 805 (second hearing) (acting for scheme company, members' scheme of arrangement, led by Sheahan SC in first hearing, unled in second hearing)

*Re BIS Finance Pty Limited* [2017] NSWSC 1713 (first hearing, acting for scheme company, led by Sheahan SC, creditors' schemes 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, 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 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)

## 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, unled, application for cy pres and administrative scheme to regularise a charitable trust over a residential college. See also [2016] NSWSC 1709)

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

*Northern NSW Helicopter Rescue Service Ltd v Northern Region SLISA Helicopter Rescue Service Pty Ltd* (NSW Supreme Court, 2018, unled, 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*)

## Equity and commercial

*Franks v Franks* (Supreme Court of New South Wales, 2019, acting 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)

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

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

*Nicolai v Indochina Medical Co Pty Ltd* (No 1) [2012] FCA 729; (No 2) (2013) 300 ALR 755 (Federal Court, winding-up proceedings, application for release from Harman undertaking, successful costs application)

*Matrix Film Investment One Pty Ltd & Ors v Alameda Films LLC & Ors* [2010] NSWSC 771 (NSW Supreme Court, represented Warner Bros. in dispute with National Australia Bank Ltd in relation to the earnings of the film, The Matrix, led by Justin Gleeson SC)

*Campbell v Backoffice Investments Pty Limited* (2009) 238 CLR 304 (misleading and deceptive conduct, oppression, led by Justin Gleeson SC in the High Court, Jonathan Simpkins SC in the NSW Supreme Court)