

AMELIA SMITH

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RANKINGS

Best Lawyers Australia – 2022 edition

PROFESSIONAL EXPERIENCE

Barrister – Tenth Floor Chambers (September 2017)

Selected matters:

- **The Owners – Strata Plan No 87231 v 3A Composites GmbH & Anor – Federal Court of Australia proceeding NSD 215/2019** (for the first respondent, “cladding” consumer guarantee class action, led by Matthew Darke SC, continuing).
- **Joyo-Kin Pty Ltd v The Hollard Insurance Company Pty Ltd – Federal Court of Australia proceeding (NSD116/2021)** (case concerning COVID-19 business interruption cover, for the insurer, led by Terry Mehigan SC, continuing).
- **ASIC v BT Funds Management Ltd and Asgard Capital Management Ltd – Federal Court of Australia proceeding (VID552/2020)** (for defendant subsidiaries of Westpac Banking Corporation in regulatory proceedings brought by ASIC, led by Ruth Higgins SC, continuing).
- **Fox v Westpac Banking Corporation & Anor – Supreme Court of Victoria (S ECI 2020 02946)** (for Westpac Banking Corporation and subsidiary in a representative, led by Penny Neskovic QC, continuing).
- **Giabal Pty Ltd /& Others v Gunns Plantations Limited and Gunns Limited & Others** (for former director of Gunns entities, representative proceeding, unled, continuing).
- **Lochard Energy (Iona Operations Holding) Pty Ltd & Ors v EnergyAustralia Investments Pty Ltd & Ors – Supreme Court of Victoria proceeding SCI 2017 00122** (for the cross-defendant, promoter duties, led by Noel Hutley SC and David Sulan, settled).
- **In the matter of Woodings (as liquidator of The Bell Group Limited and Bell Group Finance) and Totterdell (as liquidator of The Bell Group Limited) (COR 146 of 2014) and Insurance Commission of Western Australia v Woodings (as liquidator of The Bell Group Limited) and others CIV 2666 of 2016 - - Supreme Court of Western Australia proceedings** (for the Insurance Commission of Western Australia, led by Garry Rich SC and David Sulan, settled).
- **Duck v Airservices Australia (No 3) [2021] FCA 304** (for the funder, led by Matthew Darke SC).
- **Mastoris v DSHE Holdings Limited (receivers and managers appointed) (in liquidation) ACN 166 237 841 and Findlay v DSHE Holdings Limited (receivers and managers appointed) (in liquidation)– Supreme Court of New South Wales proceedings (2017/294069, 2018/52431)**

(for company in liquidation as first defendant in two shareholder class actions, led by Matthew Darke SC and Charles Colquhoun, settled)

- **In the matter of ACN 004 410 833 Limited (Formerly Arrium Limited) (Subject to Deed of Company Arrangement) [2019] NSWSC 1708** (for deed administrators, then liquidators, led by Peter Wood and various applications unled).
- **Branded Media Holdings Pty Limited (in liquidation) and Brand New Media Pty Limited (in liquidation) – Supreme Court of New South Wales proceeding [2020] NSWSC 557** (corporations, for the Commonwealth of Australia, led by Michael Izzo SC).
- **Nilepac Pty Limited v Amstelside B.V. (Supreme Court of New South Wales proceeding no 2019 / 178545) [2020] NSWSC 57** (for foreign company respondent, inconvenient forum application, unled).
- **Australian Style Holdings Pty Ltd as trustee of the Australian Style Investment Unit Trust v Brookfield Multiplex Capital Management Limited – Supreme Court of New South Wales proceeding 2015 / 331802** (for defendant directors - directors' duties, duties of MIS responsible entity and trustee duties, led by Peter Wood, settled).
- **Turner v TESA Mining (NSW) Pty Ltd [2019] FCA 1644; Augusta Ventures Ltd v Mt Arthur Coal Pty Ltd [2020] FCAFC 194** (for the funder, led by Matthew Darke SC at first instance and Garry Rich SC on appeal).
- **De Aboitiz v Conlea Pty Ltd & Anor – Supreme Court of New South Wales proceeding 2017/166521** (for the plaintiff, shareholder oppression, led by Ian Jackman SC and Peter Kulevski and interlocutory applications unled).
- **Lioe v Davidson and Purwa [2019] NSWSC 721** (for the plaintiff, resulting and constructive trust, led by Vahan Bedrossian).
- **Gillings v Australia & New Zealand Banking Group Limited and OnePath Life Limited – Supreme Court of New South Wales proceeding - 2018/257914** (for the plaintiff, misleading or deceptive conduct/unconscionable conduct of financial services licensee, led by Charles Colquhoun).
- **In the matter of OrotonGroup Limited (subject to Deed of Company Arrangement) –Supreme Court of New South Wales proceedings (corporations)** (for deed administrators, led by Michael Henry SC, application under s 444GA of the *Corporations Act 2001* (Cth)).
- **Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry** (for Westpac Banking Corporation, led by Penny Neskovic QC, John Sheahan SC and Matthew Darke SC in various rounds).
- **David Scott Hopkins (as trustee of the David Hopkins Super Fund) v Macmahon Holdings Limited – Federal Court of Australia proceedings NSD 1346/2015** (for the respondent, shareholder class action, led by Robert Dick SC and Adam Hochroth).
- **Blair-Ret Pty Ltd & Anor v James Tonge - Supreme Court of New South Wales proceeding 2017/292755** (for the plaintiffs, breach of trustee duties, unled).

- **Jandson Pty Limited (ACN 003 144 330 v Syed Ahmad Shoaib Ali Pty Limited (as trustee for Syed Family Trust) and Ali - NCAT proceedings no. HB16/51048** (for the defendants, breach of contract and statutory warranty, unled).
- **Pensacola Pty Ltd (ACN 010 127 376) v Varnum Pty Ltd (ACN 608 737 015) & Ors – Supreme Court of Queensland proceeding 8689/2017** (for the defendants, breach of contract and misleading and deceptive conduct, unled).
- **Michael Triguboff v Bruce Rexstraw as Executor of the estate of Ruth Sarah Kandel – NSW Supreme Court proceedings no 2017/284588** (for the plaintiff, application for disclosure by executor, unled).

Foreign Pupil at Outer Temple Chambers, London (2016 – 2017)

Assisted Andrew Spink QC and Michael Bowes QC in civil and criminal matters, particularly in relation to foreign bribery and economic torts.

Research Assistant to Professor Sir Roy Goode CBE QC, Emeritus Professor of Law, University of Oxford (2016 – 2017)

Research on various aspects of the global harmonisation of commercial law.

Senior Associate and Lawyer (Litigation) - Arnold Bloch Leibler, Sydney (2011 – 2016)

General commercial litigation, with particular experience in:

- **Directors duties:** Representing company directors and officers in defence of claims brought by receivers, liquidators and ASIC in respect of breaches of duties.
- **White collar crime:** Representing executives of Australian and offshore companies in relation to civil and criminal investigations, including concerning fraud, corruption and foreign bribery.
- **Insolvency:** Representing individuals and companies (including foreign representatives) in various domestic and international insolvency proceedings.
- **Class actions:** Representing individual executives in long running *Great Southern Limited* class actions in Victoria and Western Australia.
- **Competition:** Representing individuals in dispute with global conglomerate in relation to breaches of Australian competition law.
- **Sale of goods:** Representing large listed clothing retailer in a dispute with its international suppliers relating to breaches of domestic and international sale of goods legislation.

Associate to Hon Justice McKerracher - Federal Court of Australia (2010 - 2011)

Research Assistant - Anthony Mason Chambers (2009-2010)

Law Clerk - Attorney-General's Department, Canberra - Intercountry Adoption Branch (2008-2009)

EDUCATION

- 2018** LLM, University of Sydney (High Distinction).
- 2009** BIntStudies, LLB/LP (Hons I), DipLang (Span), Flinders University (Adelaide, South Australia) and University of Valencia (Valencia, Spain).

PUBLICATIONS, PAPERS, AND PRESENTATIONS

- With Jonathan Milner, “Duties of directors in related party transactions” in Australian Institute of Company Directors, Vol 13, Iss 21: <http://www.companydirectors.com.au/director-resource-centre/publications/the-boardroom-report/back-volumes/volume-13-2015/volume-13-issue-21/duties-of-directors-in-related-party-transactions>.
- “Gherebi v Obama” 16 AILJ (2009) 271.
- “ACCC v Channel Seven Pty Ltd (Brisbane) & Ors” in 31:5 *Law Society Bulletin* (June 2009) 10.

PROFESSIONAL MEMBERSHIPS

- Member of the New South Wales Bar Association.
- Committee Member – International Law Association, Committee on the Use of Force.