

BART DZIUBINSKI

Tenth Floor Chambers, 10/180 Phillip Street, Sydney NSW 2000

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Areas of Practice

- Commercial law
- Corporations and insolvency law
- Regulatory, including taxation
- Financial services law
- Taxation (Federal and State)
- Equity and trusts
- Insurance

Admissions

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| 2024 | Admitted to the High Court of Australia |
| 2019 | Admitted to the Supreme Court of New South Wales |

Education

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| 2021 | Bachelor of Civil Law (with Distinction) University of Oxford <ul style="list-style-type: none">• Merton Lawyers' BCL Scholarship |
| 2019 | Bachelor of Laws (First Class Honours and University Medal) University of Technology Sydney |
| 2019 | Bachelor of Business with Distinction (Economics) University of Technology Sydney <ul style="list-style-type: none">• UTS Business School Economics Prize (first in Economics cohort) |

Professional Experience

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| 2024-Present | NSW Bar - Tenth Floor Chambers |
| 2019-Present | Casual Academic, University of Technology Sydney |
| 2020-2024 | Solicitor, O'Loughlin Westhoff |
| 2020 | Tipstaff to the Hon Justice S G Campbell, Supreme Court of New South Wales |
| 2019 | Tipstaff to the Hon Justice R W White, New South Wales Court of Appeal |

Select Cases

| CLASS ACTIONS | | | |
|--|------------------------------------|---|---|
| <u>Name</u> | <u>Citation(s)</u> | <u>Description</u> | <u>Led & instructed by</u> |
| Federal Court of Australia, Full Court | | | |
| <i>AghaeiRad v Plus500AU Pty Limited</i> | Ongoing. | Application for leave to appeal from [2025] FCA 1602 | M Darke SC and A Smith. Ashurst Australia. |
| Federal Court of Australia | | | |
| <i>The Owners Strata Plan v 3A GmbH & Anor</i> | [2025] FCA 1108; [2026] FCA 351 | Cladding-related claim alleging breach of consumer guarantees and misleading or deceptive conduct. | M Darke SC, L Shipway and A Smith. King & Wood Mallesons. |
| <i>AghaeiRad v Plus500AU Pty Limited</i> | [2025] FCA 1602, ongoing. | Claim alleging misleading and unconscionable conduct in relation to financial products offered to retail clients. | M Darke SC and A Smith. Ashurst Australia. |
| <i>Alford v AMP Superannuation Limited & Ors</i> | Resolved before judgment, 2025. | AMP superannuation class action. | M Darke SC, S Mirzabegian SC, K Loxley, A Lyons, N Wootton, and E Dunlop. King & Wood Mallesons. |

| INSURANCE | | | |
|-------------------------------------|---------------------------|--|---|
| <u>Name</u> | <u>Citation(s)</u> | <u>Description</u> | <u>Led & instructed by</u> |
| Federal Court of Australia | | | |
| <i>Greensill Capital litigation</i> | Ongoing. | Acting for Marsh Ltd and Marsh Pty Ltd in Greensill Capital litigation | M Darke SC, C Colquhoun SC, I Ahmed SC, R Jedrzejczyk, T Kane, P Meagher, N Gollan, A Hammond, C Chiam w/ S Crosbie JWS and HFW. |

| GENERAL COMMERCIAL/CONTRACTS | | | |
|--|--|---|---|
| <u>Name</u> | <u>Citation(s)</u> | <u>Description</u> | <u>Led & instructed by</u> |
| New South Wales Court of Appeal | | | |
| <i>Larsen & Ors v Tastec Pty Ltd</i> | [2025] NSWCA 145. | Appeal from \$nil damages assessment at first instance for misleading or deceptive conduct. | M Gracie. Ad Valorem Law. |
| Supreme Court of New South Wales | | | |
| <i>MML Holdings Limited & Anor v Crane Group Pty Limited & Anor</i> | Ongoing. | Claim for breach of share sale agreement. | S Balafoutis SC. C.G. Gillis & Co. |
| <i>AUS SX v Motorcycling Australia Limited</i> | Ongoing. | Claim for permanent injunction to restrain breach of contract. | S Lawrance SC. Peter Arthur, Solicitor. |
| <i>Wakim v Raftery</i> | Ongoing. | Resisting claim for enforcement of loan agreements. | P Knowles SC. O'Loughlin Westhoff. |
| <i>Catanzariti & Ors v Limousin No. 1 Estate Pty Ltd & Ors</i> | Ongoing. | Resisting claim for breach of contract and misleading or deceptive conduct in property development context. | B le Plastrier HWL Ebsworth. |
| <i>Rugless v Indigenous Commercial Corporation Pty Ltd & Anor</i> | Ongoing. | Claim for breach of business sale agreement. | Anais D'Arville. HWL Ebsworth. |
| <i>Hayes v I Properties Pty Ltd</i> | [2025] NSWSC 830. | Claim concerning alleged sham mortgages. | P Knowles SC. O'Loughlin Westhoff. |
| <i>Khattar v Hills Shoppingtown Pty Ltd (subject to a deed of company arrangement)</i> | [2024] NSWSC 1552. | Appointment of receiver by way of equitable execution. | P Knowles SC. O'Loughlin Westhoff. |
| <i>Ashdown (Archie Bear) Pty Ltd v Mosman Rowers Limited</i> | Resolved before hearing, 2025. | Resisting claim for damages and injunctive relief for breach of hospitality agreement. | J Sexton SC Rankin Ellison. |
| Federal Court of Australia | | | |
| <i>Quarter Turn Pty Ltd v Reinteractive Pty Ltd</i> | [2025] FCA 1110; [2025] FCA 1389; [2025] FCA 1431; [2026] FCA 32; | Breach of contract / misleading or deceptive conduct in software development context. | S Hartford-Davis. Wotton Kearney. |

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| | [2026] FCA 102; [2026] FCA 125, ongoing. | | |
| District Court of New South Wales | | | |
| <i>TMA Australia Pty Ltd v Australian United Retailers Limited</i> | Ongoing (reserved). | Sale of goods contractual dispute. | C Colquhoun SC. K&L Gates. |
| <i>TMG Sydney Pty Ltd v Debt Fix Pty Ltd</i> | Ongoing. | Breach of cybersecurity contract. | Unled. Wotton Kearney. |
| <i>Aonari Pty 10 Pty Ltd v Metallum Fabrication Pty Ltd</i> | Ongoing. | Breach of building contract. | Unled. Peter Arthur, Solicitor. |
| <i>Prospa Advance Pty Ltd v David Ockenden & Ors</i> | Resolved before hearing, 2026. | Resisting claim for damages for breach of guarantee. | Unled. Blackstone Waterhouse Lawyers. |

| CORPORATIONS/CORPORATE & PERSONAL INVOLVENCY | | | |
|---|---------------------------|--|---|
| <u>Name</u> | <u>Citation(s)</u> | <u>Description</u> | <u>Led & instructed by</u> |
| New South Wales Court of Appeal | | | |
| <i>In the matter of Bailey Roberts Group Pty Ltd (in liq)</i> | Ongoing (reserved). | Shareholder oppression claim. | P Herzfeld SC. HWL Ebsworth. |
| Supreme Court of New South Wales | | | |
| <i>Favero v Potentia Capital VCLP II, LP & Ors</i> | Ongoing. | Resisting claim for breach of shareholders' agreement. | Stuart Lawrance SC Arnold Bloch Leibler. |
| <i>Australian Capital Land Pty Limited v Ng; Gateway Parramatta One Pty Ltd (In Liquidation) v Ng</i> | [2025] NSWSC 1615. | Application for stay of domestic civil proceedings pending determination of foreign concurrent criminal prosecution. | J Lockhart SC Koffels. |
| <i>In the matter of Bailey Roberts Group Pty Ltd (in liq)</i> | [2025] NSWSC 227. | Shareholder oppression claim. | S Hartford-Davis. HWL Ebsworth. |
| <i>In the matter of Camelia Grove Operations Pty Ltd & Ors</i> | [2024] NSWSC 1383. | Injunction restraining contravention of s 440B of the <i>Corporations Act 2001</i> (Cth). | H Somerville. Ronayne Owens Lawyers. |

| Federal Court of Australia | | | |
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| <i>Curulli & Anor v Knarf Holdings Pty Ltd</i> | Ongoing. | Shareholder oppression claim. | H Chiu SC. H+A Legal. |
| <i>Union Standard International Group Pty Ltd (in liq) v Zakhaim</i> | Ongoing. | Claim alleging breach of officers' duties in financial services context. | J Evans KC. O'Loughlin Westhoff. |

| CONSUMER & PRODUCT LIABILITY (NON-CLASS ACTION) | | | |
|---|--------------------------------|---|---------------------------------------|
| <u>Name</u> | <u>Citation(s)</u> | <u>Description</u> | <u>Led & instructed by</u> |
| Supreme Court of New South Wales | | | |
| <i>3A Compositied GmbH ats Casumo Constructions Pty Ltd</i> | Ongoing. | <i>Australian Consumer Law</i> claim against ACP manufacturer. | A Smith. Henderson Webb. |
| District Court of New South Wales | | | |
| <i>GWH Build Pty Ltd v Winning Appliances Pty Ltd</i> | Resolved before hearing, 2026. | Product defect claim under <i>Australian Consumer Law</i> . | Unled. CS Law. |
| Local Court of New South Wales | | | |
| <i>Oscars Group Pty Ltd v Mesh Furniture Pty Ltd & Anor</i> | Ongoing. | Product defect claim under the <i>Australian Consumer Law</i> . | Unled. Horne Legal. |

| FINANCIAL SERVICES | | | |
|--|----------------------------|--|---------------------------------------|
| <u>Name</u> | <u>Citation(s)</u> | <u>Description</u> | <u>Led & instructed by</u> |
| Supreme Court of New South Wales | | | |
| <i>Malass & Ors v Alam & Ors</i> | [2026] NSWSC 151, ongoing. | Resisting various claims in the context of an issue of cryptocurrency. | S Balafoutis SC. NY Lawyers. |
| Federal Court of Australia | | | |
| <i>Cazorla & Anor v VT Markets Pty Ltd & Ors</i> | Ongoing. | Misleading or deceptive conduct in the context of CFDs. | Unled. HWL Ebsworth. |

| FEDERAL TAX | | | |
|---------------------------------------|---------------------------|---------------------------|---------------------------------------|
| <u>Name</u> | <u>Citation(s)</u> | <u>Description</u> | <u>Led & instructed by</u> |
| Administrative Review Tribunal | | | |

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|--|---------------------------------------|--|--|
| <i>VTBL v Commissioner of Taxation</i> | [2025] ARTA 2415, ongoing (reserved). | Part 4C proceeding for the taxpayer. | C Burnett SC. O'Loughlin Westhoff. |
| <i>Applebee v Commissioner of Taxation</i> | [2025] ARTA 2625. | Part 4C proceeding for the Commissioner. | Unled. Australian Taxation Office, Litigation and Legal Services. |
| <i>Ahmed v Commissioner of Taxation</i> | Resolved before hearing, 2026. | Part 4C proceeding for the Commissioner. | Unled. Australian Taxation Office, Litigation and Legal Services. |
| Federal Circuit and Family Court of Australia | | | |
| <i>Wu v Commissioner of Taxation</i> | Ongoing. | ADJR proceedings concerning a decision not to remit GIC. | Unled. Australian Taxation Office, Litigation and Legal Services. |

| STATE TAX | | | |
|---|---------------------------|---|---------------------------------------|
| <u>Name</u> | <u>Citation(s)</u> | <u>Description</u> | <u>Led & instructed by</u> |
| Supreme Court of New South Wales | | | |
| <i>Secom Australia Pty Ltd v Chief Commissioner for State Revenue</i> | Ongoing. | Payroll Tax (Employment Agency Provision), security services. | D Lewis. Clayton Utz. |
| <i>Acting for various taxpayers in pre-litigation stage of payroll and land tax disputes with OSR</i> | | | |

| WILLS AND ESTATES | | | |
|--|--------------------------------|--|---------------------------------------|
| <u>Name</u> | <u>Citation(s)</u> | <u>Description</u> | <u>Led & instructed by</u> |
| <i>Piper v Piper & Anor</i> | Ongoing. | Family provision claim. | H Chiu SC. John R De Mattia & Co. |
| <i>McNamee & Ors v McNamee & Ors</i> | Ongoing. | Mutual wills dispute. | F Douglas KC. Swan Lawyers |
| <i>In the estate of Kemeny</i> | Ongoing. | Complex estate dispute involving Kemeny's liquor business. | F Douglas KC. Swan Lawyers |
| <i>In the estate of Kelly</i> | Resolved before hearing, 2026. | Family provision / breach of trust claim against executor. | Unled. Somerville Laundry Lomax. |

| PROPERTY |
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| <u>Name</u> | <u>Citation(s)</u> | <u>Description</u> | <u>Led & instructed by</u> |
|--|--------------------------------|---|--|
| Supreme Court of New South Wales | | | |
| <i>Hay Retail Enterprise Pty Ltd v Nelham Investments Pty Ltd & Anor</i> | Ongoing. | Claim for disposal of personal property allegedly subject to PPSA security interest. | Unled. Blackstone Waterhouse Lawyers. |
| <i>Evolution MIT Services Pty Ltd atf the A-STAR Bigfoot Logistics Property Trust 1 v Port Botany Operations Pty Ltd</i> | Resolved before hearing, 2025. | Acting for lessee of major port logistics facility in commercial lease termination dispute. | R Scruby SC. William James. |

| GENERAL EQUITY | | | |
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| <u>Name</u> | <u>Citation(s)</u> | <u>Description</u> | <u>Led & instructed by</u> |
| Federal Court of Australia, Full Court | | | |
| <i>DC Rd ats Zhang & Ors</i> | Ongoing. | Resisting appeal from first instance orders in [2026] FCA 16. | C Colquhoun SC, M Kearney. Corrs Chambers Westgarth. |
| Supreme Court of New South Wales | | | |
| <i>Williams & Ors v Solari & Ors</i> | Ongoing. | Claim for trust documents, accounts, and for breach of fiduciary duty. | F Douglas KC. Swan Lawyers. |
| <i>Sinn v Chua & Anor</i> | Ongoing. | Trust claim concerning property development joint venture. | Unled. Blackstone Waterhouse Lawyers. |
| <i>Nelson v Nelson</i> | Ongoing. | Claim for breach of trust. | Unled. HWL Ebsworth. |