

CAROLYN J CONWAY

Carolyn Conway was admitted to the Queensland Bar in 1996 and commenced in private practice in January 2001. She is a senior Junior Barrister and a long-standing member of Jeddart Chambers, a well-regarded civil and commercial law chamber group.

She holds a Bachelor of Arts (Drama), a Bachelor of Laws and a Master of Laws from the Queensland University of Technology.

Prior to coming to the Bar, Carolyn worked as an associate at the Administrative Appeals Tribunal, she worked at the Medical Board of Queensland, and she was in the enforcement litigation team and was special adviser to the Chairman at the Australian Securities and Investments Commission.

Since commencing at the Bar, she has gained experience in a wide range of practice areas in State and Federal Courts and Tribunals including the High Court of Australia. She has a broad commercial practice and has acted for and against ASIC and the Australian Taxation Office.

She has conducted a civil jury trial in a banking and finance matter in the District Court of Queensland.

She appeared in the Barrett Adolescent Centre Royal Commission of Inquiry representing, with Mr Diehm KC, the Director General of Queensland Health, the Acting Director General of Queensland Health and the Acting Clinical Director of the Barrett Adolescent Centre.

She has advised and acted in proceedings for a wide range of commercial clients including the Commonwealth, regulatory authorities, the Australian Tax Office, government departments, major banks and lenders, boards, large and small corporations and businesses, insolvency practitioners and private individuals.

Carolyn also acts as a mediator and as a representative of parties in mediation.



**Barrister-at law
Jeddart Chambers**

**Level 35 Santos Place
32 Turbot Street Brisbane Q
4000**

**T: +617 3229 2631
M: 0407 757 780**

conwaycj@jeddart.com

AREAS OF PRACTICE

Administrative Law | Commercial litigation | Corporate Law | Tax | Equity and Trusts |
Insolvency and Bankruptcy | Banking and Securities | Consumer Law | Trade Practices |
Commissions of Inquiry | Mediation

CAREER

- | | |
|---------------------|--|
| 2001 | Commenced practice at the private Bar, Queensland. |
| 1997 to 2000 | Australian Securities and Investments Commission – Lawyer – Litigation, Market Regulation and Enforcement. |

- (Feb – June 2000)** Special adviser to the Chairman – ASIC.
- 1997** Project Officer with the Medical Board of Queensland.
- 1994 – 1996** Associate to Deputy President DP Breen at the Administrative Appeals Tribunal, Commonwealth Law Courts, Brisbane.
- 1991 – 1993** Travelled extensively and worked in numerous positions including drama instructor in the USA, English teacher in Japan and assistant chef in Israel.
- 1990** Law clerk employed in suburban legal practice.

QUALIFICATIONS

- Currently** I hold a current unconditional **Practising Certificate** pursuant to the *Legal Profession Act* 2004. Since admission in 1996, I have regularly provided seminars and attended conferences in compliance with continuing professional development requirements.
- 2002** **Master of Laws:** Queensland University of Technology.
- 1996** **Barrister-at-Law,** Queensland.
- 1990** **Bachelor of Arts (Drama):** Queensland University of Technology
- 1989** **Bachelor of Laws:** Queensland University of Technology.
- 1985** Year 12, St Rita's College, Brisbane

MEMBERSHIPS AND AFFILIATIONS

Member of the Bar Association of Queensland.

Mentor in the QUT Career Mentor Scheme.

Former committee member of the Human Rights and Equal Opportunities Committee of the Bar Association of Queensland.

Former treasurer and committee member of the Women Lawyers Association of Queensland Inc.

Referees can be provided on request.

SELECTION OF CASES

YMQY & FFJN v Commissioner of Taxation (2022) - Fringe Benefits Tax matter - hearing dates in the AAT yet to be set.

Rusanov & Rusanova v Commissioner of Taxation (2022) - Part IVC TAA 1953 application following an audit - 5-day hearing listed in the AAT from 27 February 2023.

PQBZ v Commissioner of Taxation (2022) - Residency and Part IVC TAA 1953 application following an audit - final day of 5-day hearing in the AAT listed on 14 November 2022.

Bechtel v Commissioner of Taxation (2022) Fringe Benefits Tax matter with EF Wheelahan KC heard in October 2022 by Logan J in the Federal Court of Australia - decision reserved.

Mayne v Mainrow Pty Ltd & Ors [2021] – for the Applicant in an oppression action brought in the Federal Court where access to books and records were sought on an interlocutory basis and the matter was resolved at mediation.

Quirky Mama Pty Ltd (subject to Deed of Company Arrangement) v Screen Australia (2022) – with Mr Hack KC in an application for review of decision pursuant to Division 376 of the ITAA 1997 regarding a tax offset paid in relation to production expenditure on a film - currently waiting hearing dates for a 5-day hearing in the AAT.

Bolwell (Liquidator), in the matters of Mandalay Road Holdings Pty Ltd (In liq) v Goldsmith-Medd (Trustee) [2021] FCA 479 - application to appoint liquidator as receiver in order to sell assets held by trust followed by an application for vacant possession and an application to regularise the trust in the Federal Court where decision is currently reserved.

Blyton v Bates and Infront Australian Business Solutions [2021] QDC 180 – trial in the Magistrates Court followed by appeal to the District Court relating to retrieval of stolen goods and application of the *Sale of Goods Act 1896*.

Fig Food and Grocery Pty Limited & Ors v Metcash Food and Grocery Pty Limited & Anor Supreme Court proceedings 11218/18 [2021] for the Defendant opposing a claim for damages pursuant to the *Australian Consumer Law* and the *ASIC Act 2001* for misleading and deceptive conduct – resolved at mediation.

Re Quirky Mama Productions Pty Ltd [2021] QSC 345 – appeared on behalf of the defendant administrators who the applicant sought to make personally liable for expenses.

Rose & Stimpson in their capacity as joint and several deed administrators of Occupation Two (subject to DOCA) and Quirky Mama Productions Pty Ltd (subject to DOCA) v Karen Barnes [2020] – application pursuant to s 444F of the *Corporations Act 2001* to limit the rights of a secured creditor.

In the matter of Occupation Two (administrators appointed) and Quirky Mama Productions Pty Ltd (administrators appointed) [2020] - application seeking declarations pursuant to s 445G of the *Corporations Act 2001* that a DOCA be varied to exclude a secured creditor and that the DOCA was valid.

Perpetual Trustee Company Limited v Masswealth [2020] QDC 253 and [2020] QDC 263 – banking and finance matter where misleading and deceptive conduct was alleged.

Secure Funding Pty Ltd v West [2020] 21 October District Court judgment Burnett DCJ – appearance for the lender where the self-represented defendant claimed the loan contract was unjust under the *Consumer Credit Code* and required a **civil jury trial**.

West v Secure Funding Pty Ltd [2020] QCA 296 – application for a stay of judgment following civil jury trial and cross application for security for costs.

Strawbridge, in the matter of Virgin Australia Holdings Ltd (administrators appointed) (No 2) [2020] FCA 717 - represented the Commissioner with Mr P Hanks KC as an interested person in relation to application by the administrator to limit personal liability under 443A of the *Corporations Act 2001* in respect of payments made under the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020* (Cth)

Joanne Dunn as liquidator of ACN 093 117 232 Pty Ltd v Commonwealth of Australia represented by the Australian Government Department of Jobs and Small Business QUD409/2019 – opposed application by liquidator for fees – resolved by mediation.

ACN 093 117 232 Pty Ltd (in liq) v. Intelara Engineering Consultants Pty Ltd (in liq) [2019] FCA 1489 – declaration of uncommercial, insolvent, voidable transaction following issue of summons' for delivery of documents and participation in public examinations and appointment of special purpose liquidator.

Commonwealth of Australia, in the matter of ACN 093 117 232 Pty Ltd (in liq) v. ACN 093 117 232 Pty Ltd (in liq) [2018] FCA 1922 – appointment of special purpose liquidator.

The Trust Company (PTAL) Ltd v Amos [2018] QSC 92 – banking and finance matter – misrepresentation alleged – removal of a caveat and judgment for vacant possession followed by applications for stay and for injunctions preventing sale, both dismissed.

Perpetual Trustee Company Ltd v Hodge [2017] QSC 268 – banking and finance matter – estoppel question – judgment based on guarantee.

The Barrett Adolescent Centre Commission of Inquiry held in **2016** representing, with Mr Diehm KC, the Director General of Queensland Health; the Acting Director General of Queensland Health; and the Acting Clinical Director of the Barrett Adolescent Centre.

Perpetual Trustee Company Limited v Brennock [2016] – recovery proceedings under a loan.

ATS Pacific Pty Ltd v. Commissioner of Taxation [2014] – GST - Special Leave Application High Court of Australia – appeared for the taxpayer with Ms Seiden KC.

ATS Pacific Pty Ltd v. Commissioner of Taxation [2013] FCAFC – GST – characterisation of supply made by a travel company – appeared for the taxpayer with Mr Doyle KC.

Groves, in the matter of Groves (Bankrupt) v. Robinson (Trustee) [2013] FCA 490 – appeared on behalf of trustees in bankruptcy opposing application to depart Australia.

ASIC v. Sherwin Financial Planners Pty Ltd [2013] FCA – Corporations matter on behalf of ASIC – interim asset preservation orders pursuant to s 1323 *Corporations Act 2001* pending execution of search warrants followed by interlocutory injunctions requiring disclosure of assets and freezing orders and appointment of a receiver.

Bezuidenhout and Commissioner of Taxation [2012] AATA 799 – residency and assessment.

Tabtill No 2 Pty Ltd v. DLA Phillips Fox (a firm) [2012] QSC 115 appeared with K Downes QC (as her Honour then was) in relation to costs assessment under the *Legal Profession Act* 2007.

Commonwealth Bank of Australia v. Jorgensen [2011] QCA 376 for the Applicant seeking to dismiss application for extension of time in which to appeal from District Court decision.

Coldham-Fussell v. Commissioner of Taxation [2011] QCA 45 – appearance with R Derrington SC (as his Honour then was) for the Commissioner in the Court of Appeal where the Appellants sought to rely on defences pursuant to ss 588FGB of the *Corporations Act* 2001 from a finding regarding unfair preference payments.

Commonwealth of Australia v. Queensland Vocational Training College Pty Ltd [2010] QSC 341 – for the Commonwealth in a claim for payment pursuant to a contract.

Bond v. Australian Securities and Investments Commission (2009) 108 ALD 187 – appeared for ASIC opposing application for review of decision prohibiting provision of financial services pursuant to s 920A and 920B of the *Corporations Act* 2001.

Guildford v. Repatriation Commission [2008] AATA 952 – legally aided matter appearing for the Applicant seeking review of decisions refusing claims for pensions under the *Veterans' Entitlements Act* 1986.

ASIC v. Risqy [2008] QSC 107; **ASIC v. Risqy (No. 2)** [2008] QSC 139 – with GJ Gibson QC to wind up a managed investment scheme and for breaches of directors' duties, declarations of breach and disqualification orders.

Deputy Commissioner of Taxation v. Michael John Norris [2008] QCA 038 – appearance for the Commissioner where the Appellant appealed default judgment in relation to Director Penalty Notices with respect to PAYG liabilities of the Appellant's companies.

Deputy Commissioner of Taxation v. PM Developments Pty Ltd [2008] FCA 1886 – appearance for the Commissioner where liquidator sought directions in relation to disbursement of funds and application of GST to the sale of a property.

Landbank Tinana v. McKay & Kreicberg [2006] QSC 226 and [2007] QCA 121 – claim for specific performance where valid termination of contract was in issue and on appeal with Bain KC.

Pryke & Ors v. Commissioner of State Revenue [2006] QSC 226 and [2007] QCA 121 – for the Commissioner of State Revenue where the Appellant sought to apply s 152 of the *Duties Act* 2001 to exempt themselves from an assessment of stamp duty on the transfer of property and on appeal with Mr Gotterson QC (as his Honour then was).

Hillstone Grove Vineyards Limited v. Custodial Limited [2005] QSC 38 – appearance with Mr Doyle KC opposing application for injunctions to restrain the Applicant from winding up a scheme.

Deputy Commissioner of Taxation v. Jennings [2005] QSC 312 – appearance for the Commissioner on summary judgement applications for unpaid income tax liabilities.

ASIC v. Sheers and Howes [2003] QSC 270 – for ASIC in claim for breach of directors' duties, declarations of contravention and banning orders.