

## 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 as it then was, she worked at the Medical Board of Queensland, she worked in private practice for a sole practitioner, 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 the 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, 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.

She is currently the Deputy Editor of Hearsay, the quarterly journal of the Bar Association of Queensland.

## AREAS OF PRACTICE

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Administrative Law | Commercial Law and Litigation | Taxation and Revenue | Corporate Law | Insolvency and Bankruptcy | Banking, Finance and Securities Law | Consumer Law | Trade Practices | Equity, Trusts, Wills, Probate and Family Provision Law | Commissions of Inquiry | Alternative Dispute Resolution and Mediation



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## CAREER

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<b>1996</b>	Admission as a barrister
<b>2001</b>	Commenced practice at the private Bar, Queensland.
<b>1997 to 2000</b>	Australian Securities and Investments Commission – Lawyer – Litigation, Market Regulation and Enforcement.
<b>(Feb – June 2000)</b>	Special adviser to the Chairman – ASIC.
<b>1997</b>	Project Officer with the Medical Board of Queensland.
<b>1994 – 1996</b>	Associate to Deputy President DP Breen at the Administrative Appeals Tribunal, Commonwealth Law Courts, Brisbane.
<b>1991 – 1993</b>	Travelled extensively and worked in numerous positions including drama instructor in the USA and English teacher in Japan.
<b>1990</b>	Law Clerk for private practitioner.

## QUALIFICATIONS

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

## MEMBERSHIPS AND AFFILIATIONS

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Member of the Bar Association of Queensland.

Deputy Editor of Hearsay, the quarterly journal of the Bar Association of Queensland.

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

## SELECTION OF CASES

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***S.N.A Group v Commissioner of Taxation (2026)*** briefed on behalf of the Commissioner with Mr Sharpley KC to respond to an application for special leave to appeal to the High Court made by the taxpayer (currently awaiting outcome) following a successful appeal by the Commissioner of Taxation to the Full Court of the Federal Court: ***Commissioner of Taxation v S.N.A Group [2026] FCAFC 10 (McElwaine, Feutrill and Wheatley JJ)***.

***Murphy v Official Trustee in Bankruptcy (2026)*** for the Official Trustee defending an application to the Federal Circuit Court to overturn a decision of the Official Trustee to reject a proof of debt - currently listed for a 4-day hearing in July 2026.

***Brown v Commissioner of Taxation & Ors (2026)*** for the director in Supreme Court proceedings brought by the Commissioner opposing director penalty notices.

***Perpetual Corporate Trustee Ltd v AAA Asset Management Pty Ltd & Ors (2026)*** for the primary lender in proceedings brought in the Family Court seeking to restrain commercial lenders from exercising contractual rights under mortgages and guarantees.

***PQBZ v Commissioner of Taxation (2022-2026)*** - Residency and Part IVC TAA 1953 matter involving a 5-day hearing in the AAT in 2022. Successfully appealed by the Commissioner to the Federal Court: ***Tan v Commissioner of Taxation [2024] FCA 406 (Derrington J)***; and remitted for rehearing to the ART in 2026 where it is currently **reserved**.

***Larmar v Commissioner of Taxation (2025-2026)*** for the Commissioner with Mr Livingston SC in an appeal by the taxpayer to the Federal Court heard over 5 days— currently **reserved**.

***Rusanov & Rusanova v Commissioner of Taxation (2022-2025)*** - Part IVC TAA 1953 application for the Commissioner heard over 5 days in the AAT in 2023: ***Rusanov v Commissioner of Taxation [2023] AATA 2782 (DP Molloy)***. The taxpayers unsuccessfully appealed to the Federal Court in 2024: ***Rusanov v Commissioner of Taxation [2024] FCA 777 (Downes J)***; and unsuccessfully appealed to the Full Federal Court in 2025: ***Rusanov v Commissioner of Taxation [2025] FCAFC 11 (Logan, Feutrill and Wheatley JJ)***; and then unsuccessfully sought special leave to appeal to the High Court of Australia in 2025: ***Rusanov v Commissioner of Taxation (2025) HCA Disp 246 (Edelman, Gleeson JJ)***.

***Metcash v Bansal (2025)*** franchisee dispute ultimately settled by agreement.

***O'Connell v Kawana Tennis Association [2025] QSC 60 (Bowskill CJ)*** for the applicant in a Supreme Court application to have decision to exclude a member overturned.

***Russo v NDIS (2025)*** responding to an application in the AAT to have an NDIS plan reviewed ultimately resolved by agreement.

***Bechtel v Commissioner of Taxation (2023-2024)*** Fringe Benefits Tax matter in relation to transport costs of fly in fly out workers with EF Wheelahan KC heard in 2022 in the Federal Court: ***Bechtel v Commissioner of Taxation [2023] FCA 676 (Logan J)***. Decision was unsuccessfully appealed by the taxpayer to the Full Court of the Federal Court: ***Bechtel v Commissioner of Taxation [2024] FCAFC 33 (Derrington, Downes and Hespe JJ)***.

**YMQY & FFJN v Commissioner of Taxation (2022-2024)** - Fringe Benefits Tax matter – ultimately withdrawn by the Applicants as a result of the decision in Bechtel (referred to above).

**Halim v Commissioner of Taxation (2024)** for the Commissioner in proceedings against a development group ultimately resolved by agreement.

**Stewart v Estate of Marco Pugliari (2024)** estate proceedings undertaken with Mr Whitely for the widow involving a deceased executor, assets on trust and overseas properties.

**In the matter of Petrie Dental Property (in liq) (2024)** for the liquidators and receivers in relation to a partnership dispute in the Supreme Court.

**McEwan v Official Trustee in Bankruptcy & Ors (2023)** for the Official Trustee responding to Supreme Court proceedings brought by a self-represented applicant.

**In the matter of Ellume Ltd (subject to a DOCA) (2023)** proceedings on behalf of the Deed Administrators brought on an urgent basis in the Federal Court of Australia.

**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.

**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 – ultimately resolved at mediation.

**Bolwell (Liquidator), in the matter 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 a successful application to regularise the trust in the Federal Court: **Bolwell (Liquidator) in the matter of Mandalay Road Holdings Pty Ltd (in liq) v Goldsmith-Medd (Trustee) [2022] FCA 479**.

**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 9-day **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 of Taxation 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)

***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 conduct of public examinations following successful 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* [2014] FCAFC 33** – GST – characterisation of supply made by a travel company – appeared in the Full Court for the taxpayer with Mr Doyle KC as his Honour then was.

**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 Mr 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 Mr 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 Norris** [2008] QCA 038 – 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 Mr 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 (as his Honour then was) 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 judgment 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.