

Shelley Scott

BARRISTER

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Qualifications BA/LLB (with Distinction) - 1st place commercial and consumer contracts
Australian Restructuring Insolvency Turnaround Association (**ARITA**) –
Advanced Certification – 1st place NSW
Admitted to the legal profession 2007
Called to the bar 2018

Core Practice Areas	Bankruptcy & Insolvency	Corporations Law
	Commercial and equity	Proceeds of Crime
	Commissions of inquiry	Regulatory matters
	Competition & consumer law	White collar crime

Professional experience **Alinea Chambers**, Barrister, December 2018 – May 2021
MinterEllison (Sydney), 2007-18
Senior Associate, Litigation (general commercial and insolvency)

Selected cases

As Junior Counsel (led)

- *Breach of directors' duties; deceit, misleading and deceptive conduct: Kalaf & Ors v ICAP Australia Pty Ltd [2021] NSWSC 656*, led by David Mackay
- *Trespass, damages, mesne profits: Sydney Local Health District v Macquarie International Health Clinic Pty Ltd [2020] NSWCA 274*, trespass, damages for trespass, mesne profits, led by David Williams SC and Bora Kaplan (special leave pending)
- *Creditors' scheme of arrangement: In the matter of Ovato Print Pty Ltd [2020] NSWSC 1683; 150 ACSR 32*, led by Ian Jackman SC
- *Termination of contract: Macquarie International Health Clinic Pty Ltd v Sydney Local Health District [2020] NSWCA 161; 103 NSWLR 443* led by Ian Jackman SC and J Williams
- *Restitution, breach of contract: O'Donnell v Goway Travel Pty Ltd [2020] NSWSC 682*, led by Lachlan Gyles SC and Adrian Maroya
- *Inquiry into the conduct of a liquidator, Commissioner of Taxation v Iannuzzi [2018] FCA 1053*, led by David McLure SC and Thomas Prince.
- *444GA application, Federal Court of Australia: In the matter of Sphere Healthcare*, led by David Sulan
- *Redomiciliation scheme of arrangement: Champion Iron Limited, in the matter of Champion Iron Limited [2020] FCA 81* led by Michael Izzo SC
- *Members' scheme of arrangement: URB Investments Limited, in the matter of URB Investments Limited (No 2) [2019] FCA 2160* led by Ross Foreman SC
- *Redomiciliation scheme of arrangement: Sundance Energy Australia Limited, in the matter of Sundance Energy Australia Limited [2019] FCA 1944* led by Michael Izzo SC
- *Members' scheme of arrangement: Xenith IP Group Limited, in the matter of Xenith IP Group Limited [2019] FCA 173*, led by Tiffany Wong SC
- *Members' scheme of arrangement, Folkestone Limited, in the matter of Folkestone Limited (No 2) [2018] FCA 1593*, led by Michael Izzo SC

As Junior Counsel (unled)

- Inquest into the death of Ian Fackender
- *Application for freezing orders* (instructed by the Australian Taxation Office)
- Inquest into the death of Makushla NIKOLAEVSKY: https://coroners.nsw.gov.au/coroners-court/download.html/documents/findings/2020/NIKOLAEVSKY_FINDINGS.pdf
- *Application to transfer proceedings interstate: Charoen Pokphand Foods Public Company Ltd v Aqua Star Pty Ltd [2020] NSWSC 1373*
- *Setting aside statutory demand: In the matter of Hengji Development Pty Ltd [2019] NSWSC 1515*
- *Leave to file an amended defence: Apollo Kitchens (NSW) Pty Limited v Goway Travel Pty Limited [2019] NSWSC 1913*
- *Breach of contract, ostensible authority, restitution:*
 - *Baum v Goway Travel Pty Ltd [2019] NSWCATCD 12*

- *Toovey v Goway Travel Pty Ltd [2019] NSWCATCD 11*
- *Indemnity costs application, Morris v McConaghy Australia Pty Ltd (No 5) [2018] FCA 1582*
- *Breach of retail lease, Zambrero Property Pty Limited v H&L Invest Pty Limited [2019] (unreported), Local Court of New South Wales hearing: retail leases*
- *Security for costs, Supreme Court of New South Wales, Mao and Sun Pty Limited v Shaoyong Guo*
- *District Court Proceedings: Appeared on various interlocutory applications, including applications for security for costs and procedural motions.*
- *Corporations List matters: appeared in various Corporations List matters including applications for winding up and statutory demand proceedings*
- *Local Court proceedings: appeared in various Local Court hearings, including in relation to the Australian Consumer Law.*

As a solicitor

- *Royal Commission into Trade Union Governance and Corruption: Secondment to Solicitor Assisting the Commission team.*
- *Inquiry into the conduct of a liquidator: Commissioner of Taxation v Iannuzzi [2018] FCA 1053*
- Acted for Deloitte in their capacity as provisional liquidators appointed to various entities within the Plutus Group of companies which are at the centre of allegations concerning a significant fraud on the ATO.
- Acted for GlaxoSmithKline Australia in connection with an ACCC and New Zealand Commerce Commission investigation.
- *Acted for GlaxoSmithKline Australia in its misleading and deceptive conduct claim concerning Nurofen: GlaxoSmithKline Australia Pty Ltd v Reckitt Benckiser (Australia) Pty Limited (No 2) [2018] FCA*
- Acted for SingTel Optus in NSW Supreme Court breach of fiduciary duty and misleading and deceptive conduct proceedings against former senior employees: *SingTel Optus v Almad [2013] NSWSC 1098 and on appeal Hasler v SingTel Optus Pty Ltd; Curtis v SingTel Optus Pty Ltd; SingTel Optus Pty Ltd v Almad Pty Ltd (2014) 87 NSWLR 609.*
- Acted for a publicly listed mining company in misleading and deceptive conduct proceedings under the Corporations Act 2001 (Cth).
- Acted for ANZ (and receivers appointed by ANZ) in recovery proceedings and public examinations concerning a property developer.
- Acted for Vitaco Holdings Limited in connection with a members' scheme of arrangement.
- Acted for Challenger Managed Investments in connection with the ASIC investigation into Storm Financial.
- Acted for SingTel Optus in public examination of the directors of Sumo Distribution and Storage Pty Ltd (in Liquidation)
- Acted for Axiom Molecular Pty Ltd the respondents to proceedings brought seeking damages and account of profits for breach of fiduciary duties: *Global Medical Solutions Australia Pty Ltd v Axiom Molecular Pty Ltd [2012] NSWSC 1517.*

- Acted for Challenger Managed Investments Limited and the Colonial First State Investments (the trustees) of two frozen managed investment funds in judicial advice proceedings concerning unsolicited attempts by a company to purchase the units of several investors for a fraction of fair market value: See *Challenger Howard Mortgage Fund* [2011] NSWSC 213 and *Colonial First State Investments Ltd as Responsible Entity for Colonial First State Mortgage Income Fund, Re* [2011] NSWSC 484.
- Acted for the voluntary administrators of the Westbus Group of companies in protracted proceedings by minority shareholders alleging oppression and breaches of directors' duties.
- Acted for adopted son in proceedings concerning mental capacity to grant a power of attorney and statutory will: *Scott v Scott* [2012] NSWSC 1541