



## Jack Hynes

**T** +61 2 8915 2138

**F** +61 2 9233 1137

**E** [hynes@selbornechambers.com.au](mailto:hynes@selbornechambers.com.au)

Ninth Floor Selborne Chambers 174 Phillip Street, Sydney NSW 2000

**T** +61 (2) 8915 2100

[www.9selborne.com.au](http://www.9selborne.com.au)

## Admissions, Qualifications and Memberships

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- Called to the Bar 2009
- Admission to the Legal Profession 2002
- BA, LLB (Hons), University of Adelaide, South Australia 1998, 2001
- Entitled to practice in all Australian jurisdictions (Commonwealth, State and Territory)
- Professional member of the Australian Restructuring Insolvency and Turnaround Association (ARITA)

## Principal Areas of Practice

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- Appellate
- Banking
- Commercial
- Consumer Protection
- Contracts
- Equity
- Corporate Insolvency
- Bankruptcy
- Trade Practices & Competition
- Insurance
- Partnership Disputes
- Real Property
- Restraint of trade
- Securities and investments
- Trusts

## Previous Professional Experience

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- Senior Associate Henry Davis York
- Associate to the Hon. Justice M. Nyland AM, Supreme Court of South Australia

## Recognition

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- Annually listed in Doyles Guide as Leading Commercial Litigation & Dispute Resolution Junior Counsel and Leading Insolvency & Restructuring Junior Counsel

## Selected insolvency and restructuring cases – where appeared unled or as lead counsel

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- *MF Lady Pty Ltd (Trustee) v Henry Morgan Ltd* [2022] FCA 978 (Jackson J) Winding up on just and equitable ground
- *Re Pindan Group Pty Ltd (Admins Apptd) (No 4)* [2022] WASC 143 (Strk J) Judicial advice
- *Commonwealth v Castel Electronics Pty Ltd* [2022] FCA 432 (Lee J) Deferral of deregistration
- *Re Pindan Group Pty Ltd (Admins Apptd) (No 4)* [2021] WASC 480 (Strk J) Application under s. 447A

- *LFI Ventures Pty Ltd v Carter, Australian Vocational Learning Institute Pty Ltd (in liq)* [2021] FCA 1555 (Goodman J) Application for leave to amend
- *In the matter of SBL Solutions Pty Ltd (subject to DoCA)* [2021] NSWSC 2002 (Black J) Proceedings to set aside Deed of Company Arrangement; [2021] NSWSC 1003 (Black J) Application for leave to reopen
- *Kogan, Re Rogulj Enterprises Pty Ltd (in liq)* [2021] FCA 856 (Cheeseman J) Approval under s. 477(2B); [2021] FCA 1137 (Yates J) Application for joinder; *(No 2)* [2021] 1504 (Cheeseman J) Approval under s. 477(2B);
- *Re Commonwealth Bank of Australia* [2021] NSWSC 401 (Black J) Statutory demands
- *Brooks, in the matter of Mezethes Salamanca Pty Ltd (Subject to DOCA) v Mezethes Salamanca Pty Ltd* [2021] FCA 378 (O’Callaghan J) Deeds of company arrangement
- *Mansfield v Thousand Angeles Island Pty Ltd (in liq), in the matter of Thousand Angeles Island Pty Ltd (in liq) (No 2)* [2021] FCA 283 (Farrell J) Judicial advice
- *Avant Garde Investments Pty Ltd (in liq), Re Avant Garde Investments Pty Ltd (in liq) v Cheema* [2021] FCA 125 (Jagot J) Approval under s. 477(2B) and judgment
- *Nikitins (Liq) v EncoreFX (Australia) Pty Ltd (In Liq), EncoreFX (Australia) Pty Ltd (In Liq) (No 2)* (2021) 149 ACSR 533; [2021] FCA 27 (Colvin J) Judicial advice
- *In the matter of Octaviar Administration Pty Limited (in liquidation)* [2020] NSWSC 927 (Rees J) Corporations – Application for approval of remuneration
- *In the matter of Riverside Spares Pty Ltd (in liquidation)* [2020] NSWSC 839 (Emmett AJA) Corporations – Approval under s. 477(2B)
- *James v ANZ (No. 1)* [2020] FCA 662 (Jagot J) Bankruptcy - Application for leave to further amend statement of grounds; *James v ANZ (No. 2)* [2020] FCA 663 (Jagot J) Bankruptcy - Application to set aside bankruptcy notice on ground of misstatement
- *In the matter of The Natural Grocery Company Pty Ltd (subject to DOCA)* [2020] NSWSC 572 (Black J) Corporations – Insolvency – Application for leave to under s. 442C to sell property
- *O’Ryan v Golding (No. 2)* [2019] NSWSC 1349 (Hammerschlag J) Application to stay just and equitable winding up; *(No. 3)* [2019] NSWSC 1372 (Hammerschlag J) Corporations – Insolvency – Application for leave to appoint administrators; *(No.4)* [2020] NSWSC 424 (Hammerschlag J) Corporations – Application for approval of remuneration
- *Plutus Payroll Australia Pty Ltd (In Liq), Re* (2019) 139 ACSR 536; [2019] NSWSC 1171 (Black J) Corporations – Insolvency – Judicial advice
- *In the matter of Anke Smart City (HK) Ltd (in liq)* [2019] NSWSC 312 (Black J) Corporations – Distribution of surplus to foreign company
- *Australian Executor Trustee Ltd v Provident Capital Ltd* (2018) 125 ACSR 133; [2018] FCA 439 (Rares J) Corporations – Court appointed receiver remuneration approval; *(No 2)* [2018] FCA 1969 (Rares J) Second remuneration approval; *(No 3)* [2020] FCA 1840 (Rares J) Third remuneration approval
- *Plutus Payroll Australia Pty Ltd (In Liq), Re* [2018] NSWSC 1092 (Black J) Corporations – Insolvency – Provisional liquidator remuneration approval – Indemnity deed approval
- *Kogan (Administrator), Red Lea Chickens Pty Ltd (Recs and Mgrs Apptd) (Administrators Apptd), Re* [2018] FCA 669 (Gleeson J) Corporations – Creditors’ meeting – Convening period extension of time
- *Scott, Tzukur Pty Ltd (Administrators Appointed), Re* [2018] FCA 16 (Rangiah J) Corporations – Creditors’ meeting – Convening period extension of time
- *Ramsay v Compton* [2018] FCA 742 (Gleeson J); [2017] FCA 612 (Flick J) Bankruptcy
- *Walley; Poles & Underground Pty Ltd (Admin Apptd), Re* [2017] FCA 486 (Gleeson J) Corporations – Insolvency – Liquidators – Conflicts – Judicial advice

- *AMT Group Pty Ltd (Admin Apptd), Re* [2017] FCA 303 (Yates J) Corporations — Creditors' meeting — Convening period extension of time
- *Bamboo Direct Pty Ltd (In Liq), Re* [2016] FCA 264 (Gleeson J) Corporations — Insolvency — Sale of assets — Judicial advice
- *Australian Executor Trustees Ltd v Provident Capital Ltd (Recs and Mgrs Apptd) (in Liq)* [2016] FCA 337 (Rares J) Corporations — Insolvency — Trustees — Judicial advice; (2015) 107 ACSR 567; [2015] FCA 781 (Rares J) Judicial advice; (No 4) [2012] FCA 1506 (Rares J) Corporations — Debentures — Amendment to deed; (No 3) [2012] FCA 1253 (Rares J) Judicial advice
- *Hayes; Dick Smith Holdings Ltd (Adm Apptd) (Recs and Mgrs Apptd) Re* [2016] FCA 24 (Yates J) Corporations — Insolvency — Administrators — Extension of convening period; (No 2) [2016] FCA 529 (Yates J) Corporations — Voluntary administration — Notice of second meeting of creditors
- *In the matter of Bobos Engineering Australia Pty Limited* [2015] NSWSC 2045; [2015] NSWSC 2050; [2015] NSWSC 2027 (Brereton J) Corporations — Administrator's application under s. 440A
- *National Australia Bank Ltd v State of New South Wales* [2014] FCA 298 (Perram J) Bankruptcy
- *Pascoe, in the Matter of Brentwood Village Ltd (in Liq)* [2014] FCA 1295 (Gleeson J) Corporations — Insolvency — Liquidators — Litigation funding agreement approval
- *Lesvos Pty Ltd, Re* [2012] NSWSC 1288 (Brereton J) Corporations — Directors — Unreasonable director related transactions
- *Carson, Re; Hastie Group Limited (No 5)* [2012] FCA 1174 (Emmett J) Corporations — Approval under ss. 477(2A) and 477(2B); (No 4) [2012] FCA 968 (Emmett J) Winding up on just and equitable grounds; (No 3) [2012] FCA 719 (Yates J) PPSA - Sale of unclaimed plant and equipment; (No 2) [2012] FCA 717 (Emmett J) Convening period extension of time
- *National Australia Bank Ltd v State of Victoria* (2010) 118 ALD 527; [2010] FCA 1230 (Bennett J) Bankruptcy — property disclaimer

## Selected commercial cases – where appeared unled or as lead counsel

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- *Nguyen v Star Pty Ltd* [2022] NSWSC 969 (Harrison AsJ) Summary dismissal
- *Wentworth Place Pty Ltd (in liquidation) (administrators appointed) v Gregory Ray Golding* [2020] NSWSC 928 (Hammerschlag J) Application for indemnity costs - lump sum costs orders
- *Koonara Management Pty Ltd v Rockliff (No 3)* [2020] FCA 523 (Gleeson J) Application for indemnity costs - lump sum costs orders
- *Brokenshire Ventures Pty Ltd v Commonwealth Bank of Australia & Anor* [2019] NSWSC 1471 (Adamson J) Banking — Negligence
- *Jameson Global Investments Pty Ltd v Byron Bay Land Development Pty Ltd* [2019] NSWSC 729 (Ball J) Contracts — Fiduciary Duties
- *Burkett v Bendigo and Adelaide Bank Ltd (No 2)* (2018) 133 ACSR 411; [2018] VSC 723 (Croft J) Banking — Deeds and Other Instruments — Agency — Restitution
- *MWP Transport Pty Limited v Michael Thomas Kent* [2018] NSWSC 1119 (McDougall J) Application for orders ancillary to freezing orders; [2018] NSWSC 524 (McDougall J) Application to stay proceedings where concurrent criminal and civil proceedings
- *National Australia Bank Ltd v C H Protheroe Pty Ltd* [2017] NSWSC 387 (Davies J) Banking — pleadings
- *Maksacheff v Commonwealth Bank of Australia* [2017] NSWSC 22 (Campbell J) Banking; (No 2) [2016] NSWSC 1109 (Campbell J) Summary dismissal; [2016] NSWSC 1108 (Campbell J) Practice and procedure — Parties — Amicus curiae; [2016] NSWSC 1586 (Schmidt J) Banking

- *Westpac v Allerton* [2016] NSWSC 1076 (Ball J) Banking
- *Robinson; Reed Constructions Australia Pty Ltd (in Liq), Re v JFK Interiors Australia Pty Ltd* [2015] FCA 1500 (Farrell J) Practice and procedure — Joinder — Identity of party
- *Engel v National Biodiesel Ltd* (2015) 245 FCR 436; (2015) 330 ALR 436; (2015) 109 ACSR 173; [2015] FCA 1114 (Markovic J) Corporations — Shareholder application under ss 247A, 247C
- *Westpac Banking Corp v Barber* [2015] NSWSC 1606 (Hammerschlag J) Banking
- *Lee v Knapik* [2015] NSWSC 334 (Garling J) Appeal from Local Court
- *Patel v Agromin (Aust) Pty Ltd* [2015] NSWSC 282 (Young AJA) Preliminary discovery
- *ANZ Banking Group v Arapali* [2014] NSWSC 881 (McDougall J) Discovery
- *Westpac Banking Corporation v Diagne* (2014) 17 BPR 33,551; [2014] NSWSC 822 (Ball J) Banking
- *Provident Capital Ltd v Anderson (No 3)* [2013] NSWSC 705 (Beech-Jones J) Costs against solicitor
- *Provident Capital Ltd (recs and mgrs apptd) (in liq) v Quaid Partners Pty Ltd* [2013] NSWSC 645 (McCallum J) Time limit extensions
- *Taleb v National Australia Bank Ltd* (2011) 82 NSWLR 489; (2011) 16 BPR 30,247; [2011] NSWSC 1562 (Bryson AJ) Equity — Priorities — Banking
- *Lilex Pty Ltd (recs and mgrs apptd) v Smallseeds Pty Ltd* [2011] NSWSC 1426 (Black J) Banking - Real property — Caveats
- *Westpac Banking Corporation v Mason* [2011] NSWSC 1241 (McCallum J) Banking
- *BT Securities Ltd v Lobel* [2011] NSWSC 33 (Harrison J) Banking
- *Westpac Banking Corporation v Corry* (2011) 16 BPR 30,577; [2011] NSWSC 1014 (Johnson J) Banking
- *National Australia Bank v Nikolaidis* (2011) 15 BPR 29,287; [2011] NSWSC 506 (McCallum J) Banking
- *Total Real Estate Training Pty Ltd v Howard* [2011] NSWSC 735 (Gzell J) Preliminary discovery/inspection
- *International Skin Care Suppliers Pty Ltd v Whyte* [2011] NSWSC 46 (Barrett J) Injunctions

## Appeals – where appeared unled or as lead counsel

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- *Commissioner of Taxation v Bosanac (No 7)* [2021] FCAFC 158 (Kenny, Davies and Thawley JJ) Equity – Presumption of advancement; *(No 2)* [2022] FCAFC 5 (Kenny, Davies and Thawley JJ) Costs
- *Golding v O’Ryan* [2019] NSWCA 259 (Bell P, Macfarlan, Gleeson JJA)
- *Maksacheff v Commonwealth Bank of Australia* [2017] NSWCA 126 (McColl JA and Emmett AJA) Banking; [2017] NSWCA 76 (Sackville AJA) Banking
- *Cicek v Estate of late Solomon* [2014] NSWCA 278 (Meagher, Barrett and Ward JJA) Banking – Reopening of case
- *Kelly v Westpac Banking Corporation* [2014] NSWCA 348 (McColl, Gleeson JJA and Sackville AJA) Banking
- *Benchmark (Aust) Pty Ltd v National Australia Bank Ltd* [2012] NSWCA 130 (Barrett JA, Sackville AJA) Banking
- *Secretary, Dept of Families, Housing, Community Services and Indigenous Affairs and George, Re* [2011] AATA 91 (Deputy President Hon. Tamberlin QC, Letcher QC) Social Security - Administrative law

## Selected cases – where appeared led

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- *Jewel of India Holdings Pty Ltd, Re* [2022] NSWSC 356 (Williams J) Application to set aside examination summonses/orders for production – Abuse of process (led by Jeremy Kirk SC)
- *Canavan v ICRA Rolleston Pty Ltd (Recs and Mgrs Apptd) (In Liq)* [2022] FCA 117 (Downes J) Application for leave to amend (led by Robert Dick SC); *(No 2)* FCA 137 (Downes J) Appointment of special purpose liquidators (led by Robert Dick SC)

- *James v Australia and New Zealand Banking Group Ltd* [2022] FCAFC 18 (Rares, Murphy and Banks-Smith JJ) Bankruptcy (led by Jeremy Stoljar SC)
- *ANZ Banking Group Ltd v James* [2021] FCA 768; (*No 2*) [2021] FCA 784; (*No 3*) FCA 788 (Cheeseman J) – Bankruptcy (led by Jeremy Stoljar SC)
- *Compton v Ramsay Health Care Australia Pty Ltd (No 2)* [2018] FCAFC 21– Bankruptcy (led by Jeremy Stoljar SC)
- *Hodges v Sandhurst Trustees Ltd* [2018] FCA 1346 (Lee J) Class Actions – settlement approval (led by Mark Hoffmann QC); [2017] FCA 401 Class Actions - procedural (led by Mark Hoffmann QC)
- *MWP Transport Pty Ltd v Kent* [2018] NSWSC 300 (Ball J) Freezing and ancillary orders (led by Adan Bell SC)
- *Ramsay Health Care Australia Pty Ltd v Compton* (2017) 261 CLR 132; (2017) 345 ALR 534; (2017) 91 ALJR 803; (2017) 122 ACSR 115; [2017] HCA 28 – Bankruptcy (led by Jeremy Stoljar SC); (2017) 256 FCR 345; [2017] FCAFC 221 (led by Robert Newlinds SC); (2016) 247 FCR 387; [2016] FCAFC 125 (led by Robert Newlinds SC); (2016) 246 FCR 508; [2016] FCAFC 106 (led by Robert Newlinds SC)
- *Swan Services Pty Ltd (in liq), Re* [2016] NSWSC 1724 (Black J) Corporations — Insolvent trading (led by Robert Newlinds SC)
- *Brentwood Village Ltd (in liq) v Terrigal Grosvenor Lodge Pty Ltd (No 4)* (2016) 122 ACSR 378; [2016] FCA 1359 (Markovic J) Corporations — Directors — Breach of duties — Penalty (led by Robert Newlinds SC)
- *Kisimul Holdings Pty Ltd v Simms* [2016] NSWSC 814 (Ball J) Contract (led by Mark Hoffmann QC)
- *Ramsay Health Care Australia Pty Ltd v Compton* [2015] NSWSC 163 (Hammerschlag J) Guarantees — non-est factum (led by Robert Newlinds SC)
- *Brentwood Village Ltd (in Liq) v Terrigal Grosvenor Lodge Pty Ltd (No 2)* [2015] FCA 944 (Gleeson J) Interlocutory injunctions (led by Robert Newlinds SC)
- *Solarus Projects Pty Ltd (Receivers and Managers Appointed) (In Liquidation) v AAI Ltd Trading As Vero Insurance (No 8)* [2015] NSWSC 412 (Campbell J) – Insurance (led by AS Martin SC)
- *Brentwood Village Ltd, Re* [2015] NSWSC 1342 (Brereton J) Corporations — Insolvency — Examinations (led by Robert Newlinds SC)
- *Razdan v Westpac Banking Corporation* [2014] NSWCA 126 – Banking (led by Jeremy Stoljar SC)
- *International Skin Care Suppliers Pty Ltd v Commonwealth Bank of Australia* [2013] NSWSC 1768 (Hammerschlag J) Banking (led by Alec Leopold SC)
- *Australian Executor Trustees Ltd v Provident Capital Ltd* (2012) 203 FCR 461; (2012) 90 ACSR 650; [2012] FCA 728 (Rares J) Debenture trustee application for appointment of receivers (led by Alexander Street SC)
- *International Skin Care Suppliers Pty Ltd v Whyte* [2011] NSWSC 463 (Barrett J) Fraudulent dispositions (led by Bernard Coles QC)
- *Garage Fashions Pty Ltd v Insurance Australia Ltd t/as NRMA Insurance* [2011] NSWSC 968 (Schmidt J) Insurance (led by Peter Braham SC)
- *Australian Securities and Investments Commission v Fortescue Metals Group Ltd* (2011) 190 FCR 364; (2011) 274 ALR 731; (2011) 81 ACSR 563; [2011] FCAFC 19 - Corporations — Continuous disclosure — Directors — Breach of duty — Care and diligence (led by David Jackson QC)
- *Nominal Defendant v Saleh* (2011) 57 MVR 412; [2011] NSWCA 16 – insurance (led by Geoffrey Watson SC)
- *Rubicon Asset Management Ltd (admin apptd), Re* (2009) 77 NSWLR 96; (2009) 74 ACSR 346; [2009] NSWSC 1068 (McDougall J) Managed investment schemes (led by Adam Bell SC)