

FOLEY'S LIST

COMMERCIAL LAW

CPD PODCAST SERIES

PODCAST TOPIC

SPEAKERS

Disputing a PPSR Registration – A Practical Guide

Mark McKillop

Trends and updates on ATO challenges to taxpayer LPP claims

Gareth Redenbach
& Alyse Mobrıcı

The Division 328 threshold tests - more than small business gateways

Anna Wilson

A New Phase of Environmental Protection in Victoria: Environment Protection Act 2017

Emma Pepler
& Eliza Bergin

Victorian Cases on Contracts of Sale of Land and on Forged Mortgages in 2021

Philip Barton

Best Practice Negotiation and Mediation Skills

Carey Nichol

County Court or VCAT? New jurisdictional implications for domestic building disputes

Jennika Anthony-Shaw
& Julian Lynch

Current Issues in Trusts and Estates Litigation

Andrew Dickenson

**MARK MCKILLOP**

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Mark McKillop accepts briefs as Counsel and as Mediator in all commercial matters, particularly in insolvency, banking, corporations, and property litigation. Mark has 25 years' experience in commercial law as Counsel and in his prior career as a solicitor in private practice and inhouse. As a barrister, he takes a direct and clear approach in discussing matters with clients and in presenting cases in Court.

Mark has an extensive advisory practice, including in relation to insolvency and reconstruction, banking and securities including an extensive PPSA practice, mortgage and security assessment, caveats, family law related security and mortgage matters.

Mark has appeared mainly in commercial matters including PPSA disputes, oppression matters, freezing orders, priority disputes, caveat applications, all aspects of voluntary administrations and liquidations, examinations, setting aside or termination of deeds of company arrangement, winding up (incl setting aside of demands), bankruptcy matters including sequestration, s120 and s121 recoveries, annulments, personal liability of insolvency practitioners, remuneration approval, preference and uncommercial transactions, cross border insolvency orders, mortgage enforcement and recovery, guarantee enforcement, managed investment schemes and financial aspects of Family Law matters.

PODCAST TOPIC

Trends and updates on ATO challenges to taxpayer LPP claims

SPEAKERS

**Gareth Redenbach
& Alyse Mobrıcı**



GARETH REDENBACH

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Gareth accepts briefs in commercial, taxation, corporations, administrative and equity matters. He has advocated in all trial divisions in Victoria as well as in the High Court, Full Federal Court and Victorian Court of Appeal. He is regularly briefed to appear and advise individually and as junior counsel.

Gareth came to the Bar in 2016 after roles as in-house counsel (international tax and transfer pricing) for the Macquarie Group based in New York, a senior associate at Minter Ellison and in the international tax department of PwC. He has significant experience in general law and regulatory matters for the financial services, public-private partnership and energy industries. Specifically, Gareth's prior experience sees him uniquely positioned to assist both Australian outbound investors and inbound investors (particularly from the US and Asia-Pacific regions) given his familiarity with the commercial, regulatory and tax drivers of investments and divestments. Gareth also has a particular interest in cryptocurrency and has worked with a number of businesses and high net worth individuals in this space.



ALYSE MOBRICI

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Alyse accepts briefs in matters of commercial and public law.

Her commercial practice encompasses banking and finance, building and construction, class actions, contractual disputes, energy and resources, and tax. Her public law practice includes regulatory and administrative law.

Immediately before the Bar, Alyse was a Principal Legal Adviser in the Office of General Counsel of both the Department of Justice and Community Safety and the Department of Premier and Cabinet. In these roles, she advised the Premier's and Ministers' offices on a breadth of matters, including class actions involving the State of Victoria and other significant State litigation.

Prior to this, Alyse was a Senior Associate at White & Case and a solicitor at Herbert Smith Freehills. She worked closely with banks and other ASX listed companies on a range of commercial law matters including derivatives and swaps, the creation and enforcement of security interests, energy regulation, infrastructure projects, and cross border financing transactions.

Alyse has a Masters of Law (First Class Honours) in commercial law from the University of Melbourne and is a member of the Victorian Building Appeals Board. She is currently undertaking her Graduate Diploma in Tax at the University of Melbourne.

Alyse is reading with Tom Clarke. Her Senior Mentor is Daniel McInerney QC.

The Division 328 threshold tests - more than small business gateways

Anna Wilson



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Anna Wilson specialises in taxation, insolvency and related matters. She acts for the Commissioner and the taxpayer in both State and Federal jurisdictions. Her practice extends to tax technical and structuring advice, tax investigations and audits, private rulings and objections, through to litigation and alternative dispute resolution. Anna also acts in regulatory/disciplinary matters such as those involving registration with the Tax Practitioners Board and/or membership of professional accounting associations. She was involved in the superannuation round of the Financial Services Royal Commission and acts in disputes between members of self-managed superannuation funds.

Anna has extensive experience as a tax and commercial specialist in large law firms having worked for over 10 years with Norton Rose Fulbright, including 15 months in Munich, Germany and two years with Gadens in Melbourne. She commenced her legal career working mainly in property law before concentrating on tax from 2008

Anna obtained her law and science degrees (majoring in mathematics and physics) from Monash University and has a Masters of Taxation Law from Melbourne University, where she was awarded the Graham Hill Taxation Law prize. Anna now lectures in the Masters program at Melbourne University, teaching the subject Capital Gains Tax: Problems in Practice.

Anna has a special interest in residency for tax purposes, insolvency and bankruptcy, employee share schemes, self-managed superannuation funds, limited recourse and other borrowing arrangements involving SMSFs, estate and succession planning, trusts, charitable structures, income tax exempt and deductible gift recipient endorsements as well as State taxes, particularly stamp duty and land tax.

PODCAST TOPIC

A New Phase of Environmental Protection in Victoria: Environment Protection Act 2017

SPEAKERS

Emma Pepler
& Eliza Bergin



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Emma undertakes advocacy and provides advice in a broad range of legal matters:

- Planning, environment, and government related matters for both merits hearings and judicial reviews;
- Associated disciplines such as negligence, nuisance, trespass, water, contamination, environment impact assessment, extractive industry, vegetation, forestry, heritage, land valuation, property, rates and owners corporations;
- Criminal matters relating to environment or regulatory type prosecutions; and
- Court or Tribunal civil or public law matters including in relation to procedure and freedom of information.

Emma also provides legal and strategic advice in relation to the Planning and Environment Act 1987, Environment Protection Act 1970, Local Government Act 1989, Water Act 1989, Environment Protection and Biodiversity Conservation Act 1999, the Victorian Civil and Administrative Tribunal Act 1998 and related Acts.



ELIZA BERGIN

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Eliza Bergin practises in commercial, public and regulatory law. Eliza appears in all jurisdictions including the Supreme Court, Tribunals, Inquiries and Royal Commissions. Eliza is listed as a recommended junior counsel in Doyle's Guide (2018, 2019). From January 2019 until early 2021, she was appointed one of the Counsel Assisting the Royal Commission into Aged Care Quality and Safety.

Eliza's particular expertise is in planning and environment, land valuation and compulsory acquisition. She represents clients from a range of industry sectors, Councils, State bodies and individuals. Eliza appears as an advocate for clients in all forums. She has experience with most planning and development issues including: development of major infrastructure such as pipelines, wind farms, electricity infrastructure and mines; urban renewal, high-density residential and social housing; transport and rail; water overflows; contaminated sites; infrastructure and development contributions; heritage; restrictive covenants and easements.

PODCAST TOPIC

Victorian Cases on Contracts of Sale of Land and on Forged Mortgages in 2021

SPEAKERS

Philip Barton



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Philip Barton is a commercial barrister specialising in property issues. He holds BA and LLM degrees and have practised as a barrister for over 40 years. He practises in –

- Property Law
- Probate
- Equity and Trusts
- Retail Tenancies
- Commercial Law
- Land Valuation
- Mediation/Alternative Dispute Resolution

Philip Barton appears in the Supreme, Federal and County Courts and at VCAT.

Philip has written numerous articles and seminar papers, including for the Australian Law Journal and annually in the Law Institute Journal, in which he also writes book reviews.

Philip completed the Bond University Dispute Resolution Centre Advanced Mediation Course in 2004 and the National Mediator Accreditation Course conducted by Cyngler Consulting in 2020. He is accredited under the Australian National Mediator Accreditation System.

**CAREY NICHOL**

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Prior to coming to the law, Carey Nichol initially worked in the external audit division of Chartered Accountants Deloitte. On being admitted to practice in 1981, he was then an employee solicitor at Middleton's until 1984 when he joined Anderson Rice. Carey was a partner in Anderson Rice from 1986 and headed up the Commercial Litigation Section of that firm until leaving to join the Victorian Bar in 2001. Carey was a member of the Executive of the Law Institute Litigation Lawyers Section and also a member of the County Court Liaison Committee for a number of years.

Carey has a wealth of experience in most areas of litigation spanning in excess of some 40 years in private practice. During this time Carey has acted for clients and appeared in the Federal Court, Supreme Court, County Court, Victorian Civil and Administrative Tribunal and Magistrates' Court jurisdictions.

Carey has a special interest in Alternative Dispute Resolution and has since being accredited in 2004 acted as mediator in well in excess of 2000 mediations in a wide variety of matters. Carey is a nationally Accredited Mediator and also obtained an Accreditation as an Advanced Mediator of the Victorian Bar in May 2006. He is a longstanding member of the Alternate Dispute Resolution Committee and the Accredited Subcommittee of the Victorian Bar.

PODCAST TOPIC

County Court or VCAT? New jurisdictional Implications for Domestic Building Disputes

SPEAKERS

**Jennika Anthony-Shaw
& Julian Lynch**



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Jennika practices in commercial litigation, with a focus on the areas of Equity and Trusts, Building and Construction, Property, and Insolvency. She has a thorough knowledge of substantive law, litigation strategy and civil procedure, and has a particular affinity for complex problem solving. Jennika is briefed led and un-led in domestic as well as international arbitration proceedings, and also advises and advises in Trust and Property matters in the United States and European jurisdictions.

Prior to coming to the Bar, Jennika was the Supreme Court of Victoria's Commercial Group Proceedings Coordinator. In that role she provided enhanced case management of the Court's shareholder actions and managed investment scheme proceedings, as well as managing the high volume of individual recovery actions emanating from the Timbercorp and Great Southern litigations. She has contributed as an author to several Supreme Court Practice Notes and has specialist procedural expertise in the conduct of Class Action proceedings and Electronic Civil Proceedings (RedCrest). Between 2013-2015 Jennika was Senior Associate to the Honourable Justice Vickery at the Supreme Court of Victoria, and was responsible for the management of the Technology, Engineering and Construction list. She gained specialised legal knowledge in the conduct of large-scale construction related disputes and security of payment matters.



JULIAN LYNCH

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Julian practices predominantly in commercial and public law. He has a particular interest in building, engineering and construction disputes with a significant technical or engineering focus.

Julian previously worked as a structural engineer and project manager on a variety of major projects, including the West Gate Tunnel and Ballarat Line Upgrade.

He has experience with the design, construction and investigation of bridges, foundations, pipelines, tunnels, roads, railways, embankments, structural defects, concrete and steel, culverts, waterway structures, gantries, transmission towers, contaminated soils and waste management.

He also has a practical knowledge of contractual issues associated with the construction industry and is committed to the efficient resolution of disputes.

He holds a Bachelor of Civil Engineering (with Honours), a Bachelor of Laws and a Diploma of Languages (Mandarin) from Monash University.

Julian is reading with James M Shaw and his senior mentor is Albert Monichino QC. He is a member of the Society of Construction Law and Engineers Australia.

PODCAST TOPIC

Current issues in Trusts and Estates Litigation

SPEAKERS

Andrew Dickenson



Andrew Dickenson practises mostly in the area of wills and estates, including the testators family maintenance claims, and equity and trusts.

Andrew also appears regularly in proceedings involving real property including sale of land disputes and caveat removal applications.

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Foley's List clerks are highly regarded for their expertise, experience and recommendations across all areas of practice: advising practitioners on the most appropriately skilled advocate, litigator or mediator to suit the client and the situation.

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