

SIXTH FLOOR SELBORNE/WENTWORTH CHAMBERS
174 PHILLIP STREET SYDNEY, NSW 2000

IMTIAZ AHMED

TERTIARY EDUCATION

Master of Laws (specialising in Corporate Law, Antitrust and Intellectual Property) Harvard Law School 2003-2004

Cooke, Cooke, Coghlan, Godfrey and Littlejohn Scholarship for postgraduate study

Bachelor of Laws (Honours I) University of Sydney 1997-2001

John George Dalley Prize for proficiency in final year law by a combined law student, Pitt Cobbett Prize for Constitutional Law, Pitt Cobbett Prize for International Law, Minter Ellison Prize for Intellectual Property, Walter Reid Memorial Grant recipient, University of Sydney Law Faculty Alumni Scholarship

Bachelor of Economics University of Sydney 1997-1999

PROFESSIONAL EXPERIENCE

Barrister Sixth Floor Chambers 2010-present

Senior Associate and Solicitor King & Wood Mallesons (then Mallesons Stephen Jaques) 2003-2010

Associate and Research Assistant to the Hon Justice KE Lindgren Federal Court of Australia 2001-2003

ACADEMIC EXPERIENCE

Lecturer in Law (part time) – Corporate Law (undergraduate), Fiduciary Duties and Conflicts of Interest (postgraduate) (with Justice AJ Black and Alexander Morris) University of Sydney 2006-2009, 2015, 2017

Lecturer in Law (part time) – Fiduciary Duties and Conflicts of Interest (postgraduate) (with Justice AJ Black and Alexander Morris) University of NSW 2009-2011

Presenter – Regulation and compliance series, Insider Trading and Conflicts of Interest Australian Financial Markets Association 2008-2010

Lecturer in Law (part time) – Corporate Law and Regulation (postgraduate) University of NSW 2007

RECENT AND SELECTED CASES

Representative proceedings

Wigmans v AMP Limited and related proceedings (Led by Finch SC and Collins SC. NSW Supreme Court proceedings and Federal Court proceedings in relation to alleged misleading or deceptive conduct, breaches of the continuous disclosure regime and unconscionable conduct).

Wileypark Pty Ltd v AMP Limited (Led by Collins SC. Full Federal Court proceedings in relation to the operation of Pt IVA of the *Federal Court of Australia Act 1976* (Cth) and the interaction between State and Federal representative proceeding provisions).

Zonia Holdings Pty Ltd v Commonwealth Bank of Australia and related proceedings (Led by Hutley SC. Federal Court representative proceedings in relation to alleged misleading or deceptive conduct and contraventions of the continuous disclosure regime).

Lynch v Cash Converters Personal Finance Pty Ltd and related proceedings (Led by Collins SC. Federal Court proceedings relating to alleged contraventions of the *Credit Code* and unconscionability).

Australian Retirement Group Pty Ltd v Commonwealth Bank of Australia (led by Finch SC and Morgan SC. NSW Supreme Court proceedings in relation to alleged breaches of contract and unconscionable conduct).

Bradgate v Ashley Services Group Limited (Led by Collins SC. Federal Court representative proceedings in relation to alleged misleading or deceptive conduct and breaches of the continuous disclosure regime).

Sanda v PTTEP Australasia (Ashmore Cartier) Pty Ltd (Led by Finch SC. Federal Court representative proceedings in relation to alleged negligence in connection with offshore petroleum drilling).

Dalton v Volkswagen AG and related proceedings (Led by Hutley SC, Finch SC, Brereton SC and Higgins SC. Federal Court representative proceedings in relation to alleged misleading or deceptive conduct and breaches of statutory warranties).

Jones v Treasury Wine Estates Limited (Led by Lee SC. Federal Court proceedings in relation to alleged misleading or deceptive conduct and breaches of the continuous disclosure regime).

Muswellbrook Shire Council v The Royal Bank of Scotland NV and McGraw Hill International (UK) Limited (Led by Finch SC. Federal Court representative proceedings in relation to alleged misleading or deceptive conduct and negligence in connection with complex financial products).

Inabu Pty Ltd v Leighton Holdings Limited (Led by Finch SC. Federal Court representative proceedings in relation to alleged contraventions of the continuous disclosure regime and misleading or deceptive conduct).

City of Swan v McGraw Hill Financial Inc; Liverpool City Council v McGraw Hill Financial Inc; Clurname Pty Ltd v McGraw Hill Financial Inc; Coffs Harbour City Council v McGraw Hill Financial Inc (Led by Finch SC and Rees SC. Federal Court representative proceedings in relation to alleged misleading or deceptive conduct and negligence in connection with complex financial products).

Sherwood & Ors v Commonwealth Bank of Australia & Anor; ASIC v Commonwealth Bank of Australia & Ors (Led by Finch SC, Payne SC and Hollo SC. Federal Court representative and regulatory proceedings in relation to the collapse of Storm Financial Limited including claims in contract, for unconscionability, and for contraventions of the Corporations Act).

Pharm-a-care Laboratories v Commonwealth of Australia and related proceedings (Led by Marshall SC and Hollo SC. Federal Court representative proceedings in relation to alleged misfeasance in public office).

Corporations

In the matter of the Bell Group Limited (Led by Hutley SC, Finch SC and Rich SC. WA Supreme Court proceedings concerning various actions under the *Corporations Law* and *Corporations Act*, in contract and in equity in relation to the Bell Group).

ICWA v Woodings (Led by Hutley SC. WA Supreme Court proceedings to restrain liquidator in relation to consideration of proofs of debt).

In the matter of Trevor (Led by Hutley SC. Federal Court proceedings to set aside examination summonses and related issues concerning parliamentary privilege).

In the matter of Asciano Limited (Led by Young QC and Hutley SC. Scheme of arrangement and related takeover issues).

ASIC v Whitebox Trading Pty Ltd (Led by Halley SC. Federal Court proceedings in relation to alleged market manipulation in respect of ASX securities).

ASIC v Whitebox Trading Pty Ltd (Led by Donaghue QC and Halley SC. Federal Court appeal in relation to operation of the civil penalty regime)

ASIC v Thorn Australia Limited (Led by Halley SC. Federal Court proceedings in relation to alleged contraventions of the Consumer Credit Code).

Brickworks Ltd v MH Carnegie & Co Ltd & Ors (Led by Bannon SC. Federal Court proceedings relating to a claim for misleading or deceptive conduct and cross-claim for oppression).

Hathway & Ors v Leichhardt Municipal Council (Led by Collins SC. Supreme Court proceedings relating to a claim for injunctions under s 444F of the *Corporations Act* and in equity on the basis of alleged breach of a duty of good faith and fraud on a power).

In the matter of Signature Capital Investments Limited (Federal Court scheme of arrangement and related issues).

Corowa Shire Council & Ors v Local Government Financial Services & Ors (Led by Finch SC and Collins SC. Federal Court first instance and appeal proceedings in relation to misleading or deceptive conduct and negligence in connection with the assignment of ratings to complex structured finance products).

Findlay v Next Financial Limited; Bell v Next Financial Limited (Led by Finch SC. Federal Court proceedings concerning the existence of a managed investment scheme and disclosure in a PDS).

In the matter of Golden Cross Resources (Federal Court proceedings concerning calling of company meeting and related application under section 1322 of the *Corporations Act*).

Australian Executor Trustees Limited v Provident Capital Limited (Led by Hollo SC. Application by receivers and managers for advice pursuant to s 424 of the *Corporations Act*).

In Re Australian Capital Reserve Limited (Led by Bathurst QC. Federal Court proceedings for judicial advice in connection with transactions to be undertaken by liquidator).

Acting for examinees in connection with examinations conducted pursuant to s 19 of the *ASIC Act* concerning matters including alleged continuous disclosure contraventions, insider trading, contraventions of AFSL conditions and market manipulation.

Commercial

ASIC v AMP Financial Planning Pty Ltd (Led by Collins SC. Federal Court proceedings concerning alleged breached of the *Future of Financial Advice* provisions of the *Corporations Act*).

Brisconnections Finance Pty Limited v Arup Pty Ltd; Arup Pty Ltd v Macquarie Bank Limited (Led by Finch SC and then Collins SC. Federal Court proceedings in relation to alleged implied contractual terms and misleading or deceptive conduct).

TZI 1 Pty Ltd v Patrick Container Ports Pty Ltd (Led by Young QC. NSW Supreme Court proceedings relating to alleged breaches of contract).

Kojic v Commonwealth Bank of Australia (Led by Hollo SC. Federal Court appeal in relation to attribution of corporate knowledge and unconscionability).

Brambles Industries Limited v Recall Holdings Limited (Led by Kirk SC. NSW Supreme Court proceedings in relation to alleged breaches of contract and restitutionary claims).

Korda v Australian Executor Trustees (SA) Ltd (Led by Lockhart SC. High Court appeal concerning the circumstances in which a trust will be imputed).

King Tide Pty Ltd v Trilogly Funds Management Limited (Qld Supreme Court proceedings alleging breach of contract and misleading or deceptive conduct).

Individual claimants v Commonwealth Bank of Australia (Led by Hollo SC. 19 proceedings in the NSW Supreme Court concerning alleged breaches of contract, misleading or deceptive conduct, unconscionability, breaches of fiduciary duty and negligence).

Telesto Investments Ltd v UBS AG (Led by Stoljar SC. NSW Supreme Court proceedings in connection with claims for breach of fiduciary duty, misleading or deceptive conduct and misrepresentation concerning margin loan facilities).

JW Ross & Sons (Australia) Pty Ltd v Dobbin & Ors (Led by Walton SC. NSW Supreme Court proceedings in relation to alleged misuse of confidential information, breach of fiduciary duty and breach of contract).

Baulderstone Hornibrook Pty Ltd v Queensland Investment Corporation Ltd (Led by Collins SC. NSW Supreme Court proceedings in relation to alleged breaches of contract arising from a construction dispute).

In the matter of Progressive Direct Insurance Company (Federal Court proceedings in relation to an insurance scheme).

Competition and Consumer Protection

ACCC v Volkswagen AG (Led by Brereton SC. Federal Court proceedings in relation to alleged misleading or deceptive conduct).

ACCC v Colgate Palmolive Pty Ltd (Led by Scerri QC and Higgins SC. Federal Court proceedings in relation to alleged anti-competitive conduct in contravention of the *Competition and Consumer Act*).

ACCC v Pirovic Enterprises Pty Ltd (Led by Williams SC. Federal Court proceedings in relation to misleading or deceptive conduct).

Acting in connection with ACCC merger clearances.

Taxation and revenue

Commissioner of State Revenue v CCT Holdings Limited (Led by Marshall SC. Appeal proceedings in connection with the operation of exemptions to the payment of stamp duty under the *Duties Act 1997* (NSW)).

Mamacas v Commissioner of Taxation; Walsh v Commissioner of Taxation; Ranogajec v Commissioner of Taxation (Led by Walker SC. Federal Court and AAT proceedings concerning whether gambling winnings constitute assessable income).

McDonald's Australia Ltd v Commissioner of Taxation (Led by Hmelnitsky SC. Federal Court proceedings in relation to method for determining calculation of GST).

I have also provided advices to a wide range of corporations, government entities and individuals in areas including corporate law, contract, insurance, and taxation.

PUBLICATIONS

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| Conflict of Laws | Australian Corporate Finance Law and Practice (looseleaf) |
| Chapter 1.2, Interpretation | Australian Corporations Law Principles and Practice (looseleaf) |
| Intellectual Property | Lindgren's Business Law of Australia (12 th ed and looseleaf) |
| Insurance Law | Lindgren's Business Law of Australia (looseleaf) |
| Unconscionable Dealing (with KE Lindgren and J Phillips) | Paul Vout (ed), Unconscionable Conduct (1 st ed), Laws of Australia (looseleaf) |