

Eugene Chan

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2015
2020 (September) Solicitor
 Barrister

PROFESSIONAL EXPERIENCE

2020 **King & Wood Mallesons** (Sydney)
 Solicitor, Dispute Resolution

2019 **Associate to the Hon. Justice Steven Rares** (Sydney)

2018 **Freshfields Bruckhaus Deringer** (Frankfurt, Germany)
 Associate, Disputes (International Arbitration)

2013-2017 **Australian Taxation Office** (Sydney)
 Graduate, lawyer and Acting Senior Lawyer, Dispute
 Resolution

TERTIARY EDUCATION

2017-2018 **Bachelor of Civil Law** (University of Oxford)

2015-2021 **Master of Laws** (University of Sydney)
 Nancy Gordon Smith Prize for LLM
 University of Sydney Foundation Prize

2008-2013 **Bachelor of Science**
 Bachelor of Laws (Hons I) (University of Sydney)
 University of Sydney Academic Merit Prize
 Dean's List of Excellence in Academic Performance
 Walter Reid Memorial Prize
 International Exchange Scholarship

SELECT MATTERS AS COUNSEL

Taxation

- *GQHC & YZQC v Commissioner of Taxation* [2024] AATA 409 – feedstock expenditure in the R&D regime (s 355-445 of the *Income Tax Assessment Act 1997* (Cth)), and powers of the Commissioner vis-à-vis AusIndustry (for the Commissioner, led by C Burnett SC, instructed by Minter Ellison).
- *Sage and Commissioner of Taxation* (AAT, ongoing) [2022] AATA 456; [2022] AATA 3790; [2023] FCA 1247– personal services income and Pt IVA of the *Income Tax Assessment Act 1936* (Cth) (for the taxpayer, led by C Peadon, instructed by PricewaterhouseCoopers).

- *Commissioner of Taxation v Perez* (FCA, ongoing) [2023] FCA 1221 – civil penalties for alleged contraventions of s 290-5(1) of Sch 1 to the Taxation Administration Act 1953 (Cth) in relation tax exploitation schemes; cross-claim for misfeasance in public office (for the Commissioner and Tax Practitioners Board, led by G O’Mahoney, instructed by Australian Government Solicitor).
- *BSKF & HYG T v Commissioner of Taxation* (AAT, ongoing) – effect of settlement deeds, dividend stripping, ss 177F and 177EA of the *Income Tax Assessment Act 1936* (Cth), validity of multiple penalty notices, and scheme shortfall penalties (for the Commissioner, led by G O’Mahoney, instructed by Australian Government Solicitor).
- *TDWF and Commissioner of Taxation* (AAT, ongoing) [2022] AATA 2549 (non-publication and non-disclosure orders) – default assessments and Division 7A of the *Income Tax Assessment Act 1936* (Cth) (for the Commissioner, led by B Kasep, instructed by Minter Ellison).
- *KPHR v Commissioner of Taxation* (AAT, ongoing) – controlled foreign companies under the CFC rules and undisclosed income (for the Commissioner, led by L Livingston SC, instructed by Australian Government Solicitor).
- *SBXB & YSPQ v Commissioner of Taxation* (AAT, ongoing) – personal services income and default assessments (for the taxpayers, led by C Peardon, instructed by Piper Alderman).
- *Asel Family Trust v Commissioner of Taxation* (AAT, settled) – eligibility for JobKeeper payments (for the taxpayer, unled, instructed by Levitt Robinson).
- *Krause v Commissioner of Taxation* (AAT, settled) – operation of s 118-195(1) of the *Income Tax Assessment Act 1997* (Cth) in context of a deceased estate and a will (for the Commissioner, unled, instructed by ATO).
- *Platinum West Holdings Pty Ltd ATF XYZ Dong Family Trust v Commissioner of State Revenue* (NCAT, settled) – surcharge land tax (for the taxpayer, unled, instructed by Caspian Legal).

Commercial

- *Yaem Pty Ltd & Anor v MMP Industrial Pty Ltd & Anor* (NSWSC, ongoing) [2023] NSWSC 1080 (separate questions) – misleading and deceptive conduct and breach of warranties arising from the sale of a business (for the sellers, led by B Katekar SC and G Gee, instructed by Gadens).
- *Vinidici Rushcutters Bay Pty Ltd v Zhang* [2023] NSWSC 151 – misleading or deceptive conduct and deceit (for the defendant, led by M Condon SC, instructed by Juris Cor Legal).
- *Wang & Ors v Cai & Ors; Adventure Continent Group Pty Ltd v Zhou & Ors* (NSWSC, ongoing) – breach of fiduciary duties, agency, misleading or deceptive conduct, and equitable fraud (for six defendants, led by J Williams SC, instructed by Corrs Westgarth Chambers).
- *Nicolas Daoud & Co Pty Ltd v The Council of the Municipality of Kiama* (FCA, ongoing) – breach of contract, misleading or deceptive conduct, unconscionability and estoppel (for the Council, led by A Moses SC and J Alderson, instructed by Hall & Wilcox).
- *JMP Builders Pty Ltd & Anor v Tassone* (NSWSC, ongoing) – fraud, misleading or deceptive conduct, restitution and limitation periods (for lenders, led by L Livingston SC, instructed by Fazzini Lawyers).

- *Re Lloyds Curry Shop Pty Ltd (in liquidation)* (FCA, ongoing) – insolvent trading claim (for the liquidator, led by N English, instructed by Gavin Parsons and Associates).
- *Re EO Projects Pty Ltd (in liq); Moss v Guest & Anor* (NSWSC, settled) – insolvent trading claim (for the director, led by G O’Mahoney, instructed by Cleary Hoare).
- *URA Property Pty Ltd v Harriette & Co as Trustee for Harriette Investment Trust & Anor* (NSWSC, settled) – unconscionability, penalties, misleading or deceptive conduct, and enforcement of mortgage (for the defendants, led by M Condon SC, instructed by Juris Cor Legal).
- *Ahmed & Ors v Australian Finance Group & Ors* (NSWSC, finalised) – directors’ duties, forgery and misappropriation of funds (for the sixth defendant, unled, instructed by Australian Finance Group).
- *Axiak as Trustee for the Axiak Family Trust v Anthony F Trading as Workhorse Collision Repairs & Anor* (NSWLC, finalised) – claim for monies had and received and equitable offset (for the defendant, unled, instructed by JHK Legal).

Corporations, insolvency and bankruptcy

- *Glowberth Pty Ltd v Official Trustee in Bankruptcy* (FCA, finalised) – leave to appeal against decision of Supreme Court concerning vesting of property under s 58 of the *Bankruptcy Act 1966* (Cth) (for the Trustee, instructed by Australian Government Solicitor).
- *Lewis & Anor v Australian Securities & Investments Commission* (FCA, finalised) – reinstatement of company under s 601AH(2) of the *Corporations Act 2001* (Cth) (for the directors, unled, instructed by Peter Kilmurray Lawyers).
- *In the matter of Lee* (FCA, ongoing) – review of a Registrar’s decision concerning bankruptcy notice (for the debtor, unled, instructed by KJV Partners).

Administrative law and inquiries

- *Parole Board of Queensland v Armitage* (HCA special leave, finalised) – “no body-no parole” legislation (*Corrective Services Act 2006* (Qld)) (for the Parole Board, led by J Horton KC).
- *Hill v Health Care Complaints Commission* [2021] NSWSC 1645; [2022] NSWCA 270 – judicial review proceedings at first instance and on appeal concerning the legal reasonableness, relevant/irrelevant considerations, the failure to give reasons, and the Court’s jurisdiction (for the medical practitioner, led by A Moses SC and J Alderson, instructed by HWL Ebsworth).
- *Operation Hector, Independent Commission Against Corruption* – public inquiry into the conduct of the employees of the Inner West Council, Transport for NSW and EDI Downer (for a party, led by A Moses SC and J Alderson, instructed by Hall & Wilcox).

OTHER MEMBERSHIPS AND POSITIONS

- Committee Member, NSW Bar Association New Barristers Committee (2023-present)
- Committee Member, NSW Bar Association Diversity and Equality Committee (2022-present)
- Contributing author, Robson’s Annotated Corporations Legislation (2023-present)
- Reporter, NSW Law Reports (2022-present)