

STEPHEN SPEIRS

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ADMISSIONS

2021	Barrister
2016	United States Federal Court, Southern and Eastern Districts of New York, Supreme Court of New York
2013	Supreme Court of New South Wales

PROFESSIONAL EXPERIENCE

2019 – 2021	Senior Associate, Ashurst
2018 – 2019	Associate, Jones Day
2016 – 2018	Associate, Paul, Weiss, Rifkind, Wharton & Garrison LLP, New York, NY
2015 – 2016	Centre for Appellate Litigation, New York, NY
2014 – 2016	Clayton Utz, Graduate Lawyer
2013	Supreme Court of New South Wales Tipstaff to the Honourable Justice Ian G Harrison

TERTIARY EDUCATION

2016	<i>Columbia Law School, New York, NY</i> Master of Laws (LLM) <i>E.B. Convers Prize</i> (best original essay on a legal subject in Law School)
2012	<i>University of Sydney</i> Juris Doctor Student Editor: <i>Sydney Law Review</i> University Special Merit Scholarship
2009	<i>University of Sydney</i> Bachelor of Advanced Arts (Hon 1) University Special Merit Scholarship

ACADEMIC

2020 – ongoing	<i>University of Melbourne</i> Senior Teaching Fellow Subject: ‘White Collar Crime’
2019 – 2020	Appointed to the Advisory Committee of the Australian Law Reform Commission’s review into Australia ‘Corporate Criminal Responsibility Regime’

2019 – ongoing	<i>University of New South Wales</i> Teaching Fellow Subject: ‘Corporate Misconduct & White Collar Crime’
2016	<i>Columbia University, New York, NY</i> Research Assistant to John C. Coffee Jr, Adolf A. Berle Professor of Law

PUBLICATIONS & PRESENTATIONS

2022	Co-author of textbook: <i>Corporate Misconduct & White-Collar Crime in Australia: Regulation, Investigation & Enforcement</i> (Thomson Reuters, 2022).
2021	Speirs S, ‘Examining the Criminal Regime in Chapter 7 of the Corporations Act 2001’ (2021) 40(2) <i>University of Queensland Law Journal</i> 257.
2019	Bolster, I; Speirs S, ‘Stepping Through the Stages of a Corporate Criminal Prosecution’, <i>Law Society of NSW Journal</i> , 61, pp 68-70.
2019	Legg, M; Speirs S “‘Why Not Litigate?’” – The Royal Commission, ASIC and the Future of the Enforcement Pyramid’ (2019) 47 <i>Australian Business Law Review</i> 244-259.
2019	Legg, M; Speirs, S, ‘Why not litigate? ASIC Enforcement after the Banking Royal Commission’, <i>Law Society of NSW Journal</i> , 54, pp 70-73.
2019	UNSW Continuing Legal Education, Recent Developments in Corporate Governance and Compliance, ‘ASIC and the Future of Negotiated Outcomes’ (Sydney, May 2019).
2018	Legg, M; Speirs S, ‘Regulators’ Investigatory Powers and the Harman Obligation Not to Disclose’, <i>Law Society of NSW Journal</i> , 48.
2018	UNSW Continuing Legal Education, Regulation, Litigation & Enforcement, ‘Responsive Regulation and the Enforcement Pyramid’ (Sydney, August 2018).
2015	Speirs, S, ‘Consent and Fraud in Sexual Assault’ (2015), 89, <i>Australian Law Journal</i> , 151.

SELECTED CASES

Commercial / Class Actions / Regulatory

- *Australian Securities and Investments Commission v Macquarie Bank Limited* [2024] FCA 416 (for Macquarie - civil penalty proceeding, s 912A Corporations Act) – led by D Thomas SC and M Ellicott.
- *Fox v Westpac Banking Corporation*: Victorian Supreme Court representative proceedings acting for Westpac (Flex Commissions) – led by D Thomas SC.
- *Australian Securities and Investments Commission v Bekier & Ors* (NSD 1082/2022) (Corporations law, alleged breach of directors' duties by current and former directors and officers of The Star Entertainment Group Ltd) – led by RCA Higgins SC, J Arnott SC, S Patterson, with L Moretti (ongoing).
- *Australian Securities and Investments Commission v Latitude Finance Australia and Harvey Norman* (NSD 843/2022) (civil penalty, misleading and deceptive conduct) – led by N Sharp SC and A Hammond.
- *ASIC Banning Hearing (confidential)* (alleged breach of best interest obligations, ss. 961B, 961G and 961J Corporations Act) – led by D Thomas SC.
- *Australian Securities and Investments Commission v TerraCom Ltd and Ors* (acting for the CEO in civil penalty proceedings: contraventions alleging whistleblower, breach of s 180, and misleading and deceptive conduct) – led by R Foreman SC.
- *Bin Qld Finances Pty Ltd (in Liq) (CAN 119 243 220) & Ors v Steven Binetter*, Federal Court of Australia (NSD 377/2023) – led by J Arnott SC and B Mostafa.
- *GEMI 169 Pty Ltd & Anor -v- Suria Global (L) Pty Ltd & Ors - Supreme Court of New South Wales proceedings no. 2022/00181916* (fraudulent mortgages case) – led by J Arnott SC.
- *E & W Jardine Investments Pty Limited v Duke Developments Australia No 5 Pty Limited - Supreme Court of NSW Case No. 2022/00225619* (property development dispute, breach of contract, settled) – led by J Arnott SC and B Mostafa.
- *Commissioner for Fair Trading v Bowes Street Developments Pty Limited & Ors* (civil penalty proceedings in ACT Supreme Court, misleading and false deceptive conduct) – led by N Sharp SC, with A Osborne Brodie.
- *CIMIC Group Limited v AIG Australian Limited - Supreme Court of NSW Case No 172061//2020* (acting for primary underwriting of CIMIC Group Ltd (formerly Leighton Holdings)) – led by G Rich SC and E Bathurst.
- *Roche Group Pty Ltd ACN 000 606 682 & Anor v James Matthew Pery & Anor* (Supreme Court proceedings no 2021/2556313) (for individual and corporate entity defending alleged misuse of employer confidential information and breach of directors' duties, settled) – led by B Mostafa.
- *Sunnya Pty Ltd, Corporations List, Supreme Court of NSW (2022/329426)*, civil contempt – led by M Condon SC and B Mostafa.

- *Muriniti v Lawcover Insurance Pty Ltd* [2022] NSWSC 90 (acting for five individuals in alleged conspiracy to pervert the course of justice) – led by B McClintock SC.
- *Muriniti v Lawcover Insurance Pty Ltd* [2022] NSWCA 159 – unled.
- *Coastal Air Condition and Electrical Pty Limited v Australian Taxation Office – Supreme Court of NSW Case No 113533/2021* (acting for liquidator in s 588FF voidable transaction proceedings, settled) – unled.
- *Daylight Agency Pty Ltd (in Liquidation) ACN 093 738 348 – Federal Court NSD114/2022* (insolvent trading, settled) – unled.
- *Confidential*. Representing body corporate in ASIC investigation of alleged breaches of DDO obligations in Pt 9.4B of the *Corporations Act 2001* (Cth) – led by T Wong SC.

White Collar Crime

- *ASIC v Blumenthal* – advised in relation to search warrant executed by AFP on application by ASIC in relation to suspected breaches of corporations law – unled.
- Advising the CDPP in relation to stay application brought by Clive Palmer in relation to prosecution brought alleging breaches of s 631(1) of the Corporations Act – leg by N Williams SC.
- *Confidential*. Briefed in criminal proceedings alleging illegal phoenixing activity and contraventions of the Corporations Act – unled (ongoing).
- *Confidential*. Acting for body corporate in relation to investigation conducted by Serious Financial Crimes Taskforce (SFCT) concerning allegations of dishonestly causing a loss to a Commonwealth pursuant to s 135.1(3) of the Criminal Code, and conspiracy to dishonestly cause a loss to the Commonwealth pursuant to s 135.4(3) of the Criminal Code – led by S Hartford Davis (ongoing).
- *Confidential*. Acting for individual re alleged insider trading conduct (ongoing).

Equity

- *Ballam & Ors v Ferro & Anor* [2022] NSWSC 1200 – led by T Alexis SC.
- *Dedakis v Deligiannis – Supreme Court of NSW Case No. 2022/345407* – led by T Alexis SC (ongoing).
- *Hildenbrandt & Anor v Markela Papakonstantinou & Anor* NSWSC 2023/107545 – led by T Alexis SC.

SELECTED CASES (AS A SOLICITOR)

Regulatory / Commercial / Inquiries

- Represented Consolidated Press Holdings Pty Limited in the public inquiry commissioned by the Independent Liquor & Gaming Authority (ILGA) in relation to announced sale of interest in Crown Resorts Limited to Melco Resorts & Entertainment Limited, allegations of anti-money laundering, and various other corporate compliance issues.

- *Newsat Limited v Adrian Ballintine & Ors* – represented Newsat Limited, a former publicly listed Australian satellite company, in proceedings commenced in the Federal Court against its former CEO and Chairman for breach of directors’ duties (settled).
- *Australian Securities and Investments Commission v Rio Tinto Limited* (NSW 290/2018) – acted for second defendant in civil penalty proceedings prosecuted by ASIC.
- Represented a large creditor in the Bell Group liquidation (various State Supreme Courts).
- *The Bank of Tokyo-Mitsubishi UFJ, Ltd. v. Maria Vullo, No. 1 :17-cv-08691* – represented BTMU in matter concerning anti-money laundering and OFAC violations investigated by New York Department of Financial Services (NYDFS) and the United States Office of Comptroller of the Currency (OCC).

White Collar Crime

- *Australian Securities and Investments Commission v Societe Generale Securities Australia Pty Ltd* – acted for defendant in prosecution concerning breaches of the client money provisions in ss 993C and 993D of the Corporations Act.
- *Commonwealth Director of Public Prosecution v ANZ & Ors* – acted for immunity applicant in relation to criminal cartel matter.
- *Australian Competition and Consumer Commissioner v Alkaloids of Australia & Kenneth Joyce* – acted for corporate defendant charged with cartel conduct, ss 44ZZRRF(1), 45AF(1), 45ZZRG(1) and 45AG(1) of the Competition and Consumer Act.
- *Confidential insider trading matter* – acted for individual investigated for alleged insider trading by ASIC. Matter referred to the CDPP for brief assessment.
- *Confidential investigation into alleged fraudulent accounting* – acted for body corporate in relation to an investigation conducted by ASIC alleging fraudulent accounting.

Criminal Law

- *The People of the State of New York v Lynette Acevedo* (ind 1467/10, June 14, 2016) - represented the accused appeal her conviction of attempted murder and first-degree assault before Full Bench of First Department of the Appellate Division of Supreme Court of New York (appeared unled).
- Represented defendant in dangerous driving occasioning death matter (s 52A of the *Crimes Act 1900* (NSW)) in District Court of NSW.

Administrative Law

- Appeared unled in the following Federal Court appeals: *CZBQ v Minister for Immigration and Border Protection* [2015] FCA 526; *SZUDS v Minister for Immigration and Border Protection* [2015] FCA 502; *SZUBA v Minister for Immigration and Border Protection* [2015] FCA 120; *SZTQW v Minister for Immigration and Border Protection* [2015] FCA 112; *Mann v Minister for Immigration and Border Protection* [2015] FCA 65.