

DEREK TAK WEI WONG

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CAREER

- 2019 – present Barrister, Alinea Chambers
- 2016-2019 Barrister, Tenth Floor Chambers
- 2011-2016 Solicitor & Law Graduate, King & Wood Mallesons (Mallesons Stephen Jaques)
- 2010-2011 International Moot Coach (Jessup), University of New South Wales Faculty of Law
- 2010 Tipstaff, the Hon. R.D. Giles, Court of Appeal, Supreme Court of New South Wales
- 2008-2009 Research Assistant to the Hon Keith Mason AC, and to Professors B Edgeworth, S Degeling, and R Rayfuse, University of New South Wales Faculty of Law
- 2007-2009 Peer Tutor and Mentor, University of New South Wales Faculty of Law

EDUCATION

- 2013 LLM (Hons 1), Cambridge University
- 2013 Student, Hague Academy of International Law (Public International Law Stream)
Scholarship from the Hague Academy of International Law
- 2009 BCom (International Business) / LLB (Hons 1), University of New South Wales
Valedictorian for best overall performance and contribution to the Faculty of Law (2009); Dean's List for Academic Excellence in Business Associations 2 (2009); Editorial Board Member of the UNSW Law Journal (2007-2009); Dean's List for Academic Excellence in The International Law Competitive Moot (2008); First Place in Public International Law (2007)
3rd best oralist in the world and Grand Finalist in the Jessup International Law Moot, International Rounds (2008); Grand Finalist in the Jessup International Law Moot, Australian Rounds (2008), the Sir Harry Gibbs Federal Constitutional Law Moot (2008) and the Australian Law Students Association Championship Moot (2007); Winner and best oralist in the UNSW Blake Dawson Moot (2007) and the UNSW Junior Moot (2006)

PUBLICATIONS AND OTHER ACADEMIC ACTIVITIES

- 2022 Legg, Mirzabegian and Wong, 'Shareholder Claims in Australia' in Charman and Du Toit (eds), *Shareholder Actions* (Bloomsbury Professional, 3rd ed, 2022)
- 2013-2019 Committee Member, International Law Association, Committee on International Law and Sea Level Rise
- 2015 Michael and Wong, 'Recourse to Contractual Context Reaffirmed' (2015) 89(3) *Australian Law Journal* 181

- 2013 Wong, ‘Sovereignty Sunk? The Position of “Sinking States” at International Law’ (2013) 14(2) *Melbourne Journal of International Law* 346
- 2012-2013 Wong and Trinh, ‘The Case Concerning the Alfurnan Migrants’ (*Compromis* for the 2012-2013 Philip C Jessup International Law Moot Competition)
- 2012 Wong and Michael, ‘Western Export Services v Jireh International: Ambiguity as the Gateway to Surrounding Circumstances?’ (2012) 86 *Australian Law Journal* 57
- 2011 Wong, ‘The High Court and the Woolwich Principle: Adoption or another Bullet that cannot be Bitten?’ (2011) 85 *Australian Law Journal* 597
- 2011 Wong, ‘Moot Point: Can an Entity Mortgage to Itself?’ (2011) 85 *Australian Law Journal* 331
- 2010-2011 Member, Chartered Institute of Arbitrators, Australia Branch

Scholarship from the Chartered Institute for the Diploma in International Commercial Arbitration; Best Oralist and Runner-up in the Chartered Institute Arbitration Competition

SELECT MATTERS

High Court of Australia

Page v Sydney Seaplanes (ongoing)

- Statutory interpretation; inconsistency
- Led by B Walker SC | Shine Lawyers

Ethicon Sàrl & Ors ats Gill & Ors [2021] HCATrans 187

- Class action – product liability (gynaecological mesh)
- Led by B Walker SC | Clayton Utz

Wonkana ats HDI Global Speciality SE (First AFCA Test Case) [2021] HCA Trans 117

- Insurance – COVID-19 and business interruption insurance – First AFCA Test Case
- Led by J Sheahan QC, with N Wootton | Clayton Utz

Class Actions / Representative Proceedings

Ethicon Sàrl & Ors ats Talbot (FCA, ongoing)

- Product Liability (gynaecological mesh)
- Led by R Dick SC | Clayton Utz

OnePath Life Limited & Ors ats Janssen (FCA, ongoing)

- Superannuation (involvement in *SIS Act* and other contraventions)
- Led by S Finch SC, R Craig QC, S Mirzabegian SC | MinterEllison

American Medical Systems / Astora Women’s Health, LLC ats Philipsen & Anor (FCA, ongoing)

- Product Liability (gynaecological mesh)
- Led by K Morgan SC, S Mirzabegian SC, with J Brezniak (part) | Baker McKenzie.

Covidien & Ors ats Schofield & Anor (FCA, ongoing)

- Product Liability (gynaecological mesh)
- Led by K Morgan SC | DLA Piper

Davaria Pty Limited v 7-Eleven Stores Pty Limited (FCA, ongoing)

- Application for common fund order
- Led by S Finch SC for the litigation funder | Madison Marcus

Ethicon Sàrl & Ors ats Gill & Ors [2021] FCAFC 52; [2021] FCAFC 29; [2020] FCA 1838; [2020] FCA 279; [2019] FCA 1905; [2018] FCFCA 137; [2018] FCA 470 and others

- Product Liability (gynaecological mesh)
- Led by B Walker SC (FCFCA), S Finch SC (trial), K Morgan SC (FCFCA and trial), C Gleeson (trial, part); unled in stay application

Honda Australia ats Kularathne [2020] NSWCA 66; [2019] NSWSC 1493; [2018] NSWSC 1868

- Product Liability (Takata Airbags)
- Led by I Jackman SC, J Hewitt | K&L Gates

Westpac Banking Corporation ats Tate [2020] FCA 1374

- Financial services (responsible lending) – approval of discontinuance
- Led by J Kirk SC | King & Wood Mallesons

RBS Group (Australia) Limited ats Dillon (FCA)

- Financial services (Navra warrants)
- As a solicitor | King & Wood Mallesons

Westpac Banking Corporation ats Lee (FCA)

- Financial services (collapse of Storm Financial)
- As a solicitor | King & Wood Mallesons

PwC and PwCS ats Kirby (FCA)

- Financial services (collapse of Centro)
- As a solicitor | King & Wood Mallesons

Commercial and corporate

Certain underwriters ats Amphora Australia Holdings Pty Limited & Anor (NSWSC, ongoing)

- Insurance – coverage dispute
- Led by J Sheahan QC | DLA Piper

Coverforce Insurance Broking & Ors ats Absolute Tiling Solutions (NSWSC, ongoing)

- Negligence / misleading or deceptive conduct
- Led by G Rich SC | Meridian Lawyers

Aspen Pharmacare Australia Pty Limited ats Bektas (VICCC, ongoing)

- Product liability (Zantac)
- Unled | King & Wood Mallesons

Mineraria Sacilese S.P.A & Anor ats Redox Pty Limited (NSWDC, ongoing)

- Product liability (calcium carbonate)
- Unled | Clayton Utz

B&G Properties ats Fayad [2022] NSWCA 129

- Contract – interpretation of a guarantee – penalties
- Led by S Mirzabegian SC | Gilbert + Tobin

LCA Marrickville ats Swiss Re (Second AFCA Test Case) [2022] FCFCFA 17, [2021] FCA 1206

- Insurance – COVID-19 and business interruption insurance – Second AFCA Test Case
- Led by S Finch SC, A Pomerence QC, with N Wootton | Clayton Utz

ASIC v Melissa Caddick (2021) 395 ALR 481

- Financial services – investigations / provision of financial advice
- Led by S Mirzabegian SC for the parents of Ms Caddick | Baker McKenzie.

Star Entertainment Group Limited ats Guoyi Su [2021] NSWSC 243; substantive proceeding settled

- Contract – breach of contract
- Unled | King & Wood Mallesons

Wonkana ats HDI Global Speciality SE (First AFCA Test Case) (2020) 104 NSWLR 634

- Insurance – COVID-19 and business interruption insurance – First AFCA Test Case
- Led by J Sheahan QC | Clayton Utz

Esco & Ors ats University of Newcastle (NSWSC, settled)

- Product liability (fridge)
- Unled | Clayton Utz

Gilbert & Ors ats KTC [2019] NSWSC 181; [2019] NSWSC 330

- Equity – knowing assistance – procedure – strike out and summary dismissal
- Led by G Rich SC, G Ng | YPOL

Partnership of Slattery Thompson ats Graham (NSWSC, settled)

- Professional negligence – procedure – strike out
- Unled | YPOL

JP Morgan ats Octaviar (in liq) (NSWSC, settled)

- Insolvency – uncommercial transaction
- Led by S Nixon SC | King & Wood Mallesons

OPEL Networks Pty Limited (in liq) v Commonwealth of Australia (NSWSC, settled)

- Contract – breach of contract
- Led by A Bannon SC, M Darke SC, S Mirzabegian SC | Baker McKenzie.

CVC Mezzanine Finance v Masters Home Improvement Pty Limited (NSWSC, settled)

- Contract – repudiation of an agreement for lease
- Led by S Finch SC, S Mirzabegian SC | Harpur Phillips

Oakland Investment Group Limited ats Sino-Resource [2018] QCA 165

- Application by a third party to be added as a party to the appeal
- Unled | Legal World Pty Limited

Brickworks Limited ats RBC Investor Services Australia Nominees Pty Limited [2017] FCA 756

- Corporations – oppression
- Led by I Jackman SC, D Thomas SC (submissions), and as a solicitor | King & Wood Mallesons

Melville ats Dougall [2017] NSWCA 309

- Professional negligence – limitation periods
- Led by P Knowles | YPOL

Sell & Parker ats Online Safety Systems (LEC, settled)

- Contract; trade practices
- Unled | Resolve Litigation

Re Featherston Resources Limited [2014] NSWSC 1139

- Corporations – derivative shareholder action
- As a solicitor | King & Wood Mallesons

Regulatory (including crime)

AUSTRAC investigation into The Star Entertainment Group Limited

- Money laundering and counter terrorism financing
- Led by J Sheahan QC, A Munro | HWL Ebsworth

McLean ats Commonwealth Director of Public Prosecutions [2021] FCA 757; [2021] FCA 511

- Crime / competition – cartel (ANZ share placement)
- Led by K Morgan SC, S Callan SC | Watson Mangioni

Westpac Banking Corporation ats ASIC [2020] FCFCA 111; [2019] FCA 1244

- Financial services (responsible lending)
- Led by J Kirk SC, J Williams SC | King & Wood Mallesons

DHP19 v Department of Health [2019] FCA 1531; [2019] FCA 1451

- Administrative law – suspension of operation of decision
- Led by K Smark SC | Mills Oakley

AIPE Pty Limited (in liq) ats ACCC [2017] FCA 521

- Insolvency – leave to proceed against a company in liquidation
- Led by K Morgan SC | MinterEllison

Knight Watch ats Commissioner of State Revenue [2017] NSWCATAD 223

- Tax – payroll tax
- Led by K Morgan SC | Clamenz Lawyers

Ladbrokes Digital Australia Pty Limited ats Liquor & Gaming NSW (2017, LC)

- Crime – gambling advertising
- Led by K Morgan SC | K&L Gates

Confidential Information Bank

- Investigation re FX manipulation
- As a solicitor | King & Wood Mallesons

Bresic Whitney ats Office of Fair Trading

- Crime - underquoting
- As a solicitor | King & Wood Mallesons

Other litigation

Covidien ats Matthews (NSWSC, settled)

- Product liability (hernia mesh)
- Unled | DLA Piper

CMT Architects v Waverley Council [2019] NSWLEC 1001

- Planning – procedure – joinder application by third party
- Unled | McCabes

ICON Cancer Care ats Squires (FCC, settled)

- Employment – unlawful dismissal
- Unled | K&L Gates

The Ship “Diamantgracht” (FCA, settled)

- Negligence – admiralty
- As a solicitor | King & Wood Mallesons

Commissions and inquiries

Gotterson AO QC Review of The Star Entertainment Group Limited (ongoing)

- Review under the *Casino Control Act 1982* (Qld) ss 30, 91
- Led by G Beacham QC, P Holmes | King & Wood Mallesons

Bell SC Review of The Star Pty Limited

- Review under the *Casino Control Act 1992* (NSW) ss 31, 143
- Led by K Richardson SC, P Holmes | King & Wood Mallesons

Royal Commission into Misconduct in the Banking Superannuation and Financial Services Industry

- Assisting QBE with responses | King & Wood Mallesons

Royal Commission into Institutional Responses to Child Sexual Abuse

- Various case studies
- As a solicitor | King & Wood Mallesons

International and domestic commercial arbitrations

Australian IT Company

- International arbitration (Resolution Institute rules) – IT contract
- Led by S Mirzabegian SC | Gilbert + Tobin

Australian construction company

- Domestic arbitration (ACICA rules) – construction contract
- Led by E Hyde | King & Wood Mallesons

International oil and gas company

- International arbitration (SIAC rules) – Oil and gas contract
- As a solicitor | King & Wood Mallesons

Australian superannuation fund

- Domestic arbitration (*ad hoc* arbitration) – IT contract
- As a solicitor | King & Wood Mallesons

Various SIAC and ACICA Arbitrations

- International arbitration (ACICA and SIAC rules) – acting as Tribunal Secretary
- As a solicitor | King & Wood Mallesons