

DEREK TAK WEI WONG

Alinea Chambers • Level 33, 52 Martin Place, Sydney NSW 2000
Tel: + 61 2 9165 1411 • dwong@alineachambers.com.au • www.alineachambers.com.au

CAREER

2019 – present Barrister, Alinea Chambers

Recognised in Chambers and Partners Asia-Pacific – Dispute Resolution: The Bar (2023) and Legal 500: Commercial Disputes (2022, 2023)

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) <i>Australian Law Journal</i> 181
2013	Wong, 'Sovereignty Sunk? The Position of "Sinking States" at International Law' (2013) 14(2) <i>Melbourne Journal of International Law</i> 346
2012-2013	Wong and Trinh, 'The Case Concerning the Alfurnan Migrants' (<i>Compromis</i> 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 <i>Australian Law Journal</i> 57
2011	Wong, 'The High Court and the Woolwich Principle: Adoption or another Bullet that cannot be Bitten?' (2011) 85 <i>Australian Law Journal</i> 597
2011	Wong, 'Moot Point: Can an Entity Mortgage to Itself?' (2011) 85 <i>Australian Law Journal</i> 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 [2022] HCATrans 70 (special leave granted, appeal resolved by consent)

- 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

Bayer Australia Limited & Ors ats Turner (Essure Class Action) (VICSC, ongoing)

- Product Liability (Essure Medical Device)
- Led by D Collins KC, K Brazenor, with J Teng | Clayton Utz

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

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

OnePath Life Limited / Zurich Australia 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

Ethicon Sàrl & Ors ats Talbot [2023] FCA 228

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

Ethicon Sàrl & Ors ats Gill & Ors [2023] FCA 228 ; [2021] FCAFC 52; [2021] FCAFC 29; [2020] FCA 1838; [2020] FCA 279; [2019] FCA 1905; [2018] FCFCFA 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

McNab ats R&B Investments Pty Ltd (Blue Sky Class Action) (discontinued against McNab in 2023)

- Misleading or deceptive conduct
- Led by S Hooper KC | HWL Ebsworth

Davaria Pty Limited v 7-Eleven Stores Pty Limited (No 13) [2023] FCA 84

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

American Medical Systems / Astora Women's Health, LLC ats Philipsen (permanently stayed in 2022)

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

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, settled)

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

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

- 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] FCFCA 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 (ongoing)

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

Novartis Pharmaceuticals Australia v Minister for Health and Aged Care (FCA, settled)

- Administrative law – PBS pricing issues
- Led by K Morgan SC | Clayton Utz

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