# DEREK TW WONG

ALINEA CHAMBERS

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#### **TERTIARY EDUCATION**

Student (Public International Law Stream) Scholarship from The Hague Academy of	<b>o</b>	2013	
Master of Law (Hons 1)	University of Cambridge	2012-13	
Bachelor of Laws (Hons 1)	University of New South Wales	2005-09	
Academic Excellence in Business Assoc	ce and contribution to the Faculty of Law (2009); De ciations 2 (2009); Dean's List for Academic Exceller 08); First Place in Public International Law (2007)		
Finalist in the Jessup International Law I Constitutional Law Moot (2008) and the	Jessup International Law Moot, International Round Moot, Australian Rounds (2008), the Sir Harry Gibb Australian Law Students Association Championshi ake Dawson Moot (2007) and the UNSW Junior Mo	s Federal o Moot (2007);	
Bachelor of Commerce	University of New South Wales	2005-07	
PROFESSIONAL EXPERIENCE			
Barrister	Alinea Chambers	2019 – present	
	Tenth Floor Chambers	2016 – 2019	
Solicitor and Law Graduate	King & Wood Mallesons (formerly Mallesons Stephen Jaques)	2011 – 2016	
International Law Moot Coach (Jessup)	Faculty of Law, University of New South Wales	2010 – 2011	
Tipstaff to the Hon R D Giles	Court of Appeal, NSW Supreme Court	2010	
ACADEMIC EXPERIENCE			
Committee Member	International Law Association, Committee on International Law and Sea Level Rise	2013 – 2019	
Member	Chartered Institute of Arbitrators, Australia Branch	2010 – 2011	
Scholarship from the Chartered Institute and Runner-up in the Chartered Institute	for the Diploma in International Commercial Arbitra of Arbitrators Arbitration Competition	tion; Best Oralist	
Research Assistant	Faculty of Law, University of New South Wales	2008 – 2009	
Research Assistant to the Hon Keith Mason AC, and to Professors B Edgeworth, S Degeling and R Rayfuse			
Editorial Board Member	University of New South Wales Law Journal	2007 – 2009	
Peer Tutor and Mentor	Faculty of Law, University of New South Wales	2007 – 2009	

#### **PUBLICATIONS**

Michael and Wong, 'Recourse to Contractual Context Reaffirmed' (2015) 89(3) Australian Law Journal 181

Wong, 'Sovereignty Sunk? The Position of "Sinking States" at International Law' (2013) 14(2) *Melbourne Journal of International Law* 346

Wong and Trinh, 'The Case Concerning the Alfurnan Migrants' (Compromis for the Jessup Moot 2012 - 2013)

Wong and Michael, 'Western Export Services v Jireh International: Ambiguity as the Gateway to Surrounding Circumstances?' (2012) 86 Australian Law Journal 57

Wong, 'The High Court and the *Woolwich* Principle: Adoption or another Bullet that cannot be Bitten?' (2011) 85 *Australian Law Journal* 597

Wong, 'Moot Point: Can an Entity Mortgage to Itself?' (2011) 85 Australian Law Journal 331

## SELECTED MATTERS

### **Class Actions / Representative Proceedings**

Ethicon ats Talbot (ongoing)	Product liability (gynaecological mesh)	Led by R Dick SC   Clayton Utz
OnePath Life ats Janssen (ongoing)	Superannuation (involvement in SIS Act and other contraventions)	Led by S Finch SC, R Craig QC, S Mirzabegian SC   MinterEllison
Davaria v 7-Eleven (ongoing)	Application by litigation funder for common fund order	Led by S Finch SC   Madison Marcus
<i>Ethicon ats Gill</i> [2021] HCATrans 187; [2021] FCAFC 52; [2021] FCAFC 29; [2020] FCA 1838; [2020] FCA 279; [2019] FCA 1905; [2019] FCA 1814; [2019] FCA 587; [2019] FCA 177; [2018] FCFCA 137; [2018] FCA 470	Product liability (gynaecological mesh)	Led by B Walker SC (HCA and FCFCA appeal), S Finch SC (trial), K Morgan SC (FCFCA appeal / trial), C Gleeson (trial, part)   Clayton Utz
American Medical Systems / Astora ats Philipsen [2018] FCA 1580 (substantive proceeding ongoing)	Product liability (gynaecological mesh)	Led by K Morgan SC (part), S Mirzabegian SC (part)   Baker McKenzie.
Covidien ats Schofield [2020] FCA 1526 (substantive proceeding ongoing)	Product liability (gynaecological mesh)	Led by K Morgan SC   DLA Piper
Honda ats Kularathne [2020] NSWCA 66; [2019] NSWSC 1493; [2018] NSWSC 1868 (settled)	Product liability (Takata Airbags)	Led by I Jackman SC, J Hewitt   K&L Gates
Westpac ats Tate [2020] FCA 1374 (settled)	Responsible lending – approval of discontinuance	Led by J Kirk SC   King & Wood Mallesons
RBS Group (Australia) ats Dillon	Navra Warrants	As a solicitor
Westpac ats Lee	Collapse of Storm Financial	As a solicitor
PwC and PwCs ats Kirby	Collapse of Centro	As a solicitor
Commercial		
LCA Marrickville ats Swiss Re (Second AFCA Test Case) [2021] FCA 1206 (ongoing)	Insurance – AFCA Test Case re COVID-19-business interruption	Led by S Finch SC, A Pomerenke QC, with N Wootton   Clayton Utz
Wonkana ats HDI (First AFCA Test Case) [2021] HCA Trans 117; (2020) 104 NSWLR 634	Insurance – AFCA Test Case re COVID-19-business interruption	Led by J Sheahan QC, with N Wootton   Clayton Utz
SEGL ats Su [2021] NSWSC 243 (substantive proceeding settled)	Contract – Breach of contract	Unled   King & Wood Mallesons
Gilbert & Ors ats KTC [2019] NSWSC 281; [2019] NSWSC 330	Knowing assistance – Procedure – Strike out	Led by G Rich SC, G Ng   YPOL
Partnership of Slattery Thompson ats Graham (settled)	Professional negligence – Procedure – Strike out	Unled   YPOL
JP Morgan ats Octaviar (in liq) (settled)	Insolvency – Uncommercial transaction	Led by S Nixon SC   King & Wood Mallesons
OPEL Networks Pty Ltd (in liq) v Commonwealth of Australia (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 (settled)	Contract – Repudiation of an agreement for lease	Led by S Finch SC, S Mirzabegian SC   Harpur Phillips
<i>Oakland Investment Grp Ltd ats Sino-Resource</i> [2018] QCA 165	Application by a third party to be added as a party to the appeal	Unled   Legal World Pty Limited

Brickworks ats Perpetual [2017] FCA 756	Corporations – Oppression	Led by I Jackman SC, D Thomas SC (subs) and as a solicitor		
Sell & Parker ats Online Safety Systems (settled)	Contract; Trade Practices	Unled   Resolve Litigation		
PLAMAN Group – Re Featherston Resources Ltd [2014] NSWSC 1139	Corporations – Derivative shareholder action	As a solicitor		
Regulatory				
<i>McLean ats CDPP</i> [2021] FCA 757; [2021] FCA 511 (substantive proceeding ongoing)	Competition – criminal cartel proceedings	Led by K Morgan SC, S Callan SC   Watson Mangioni		
Westpac 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 Dept of Health [2019] FCA 1451; [2019] FCA 1531	Administrative Law – Suspension of operation of decision	Led by K Smark SC   Mills Oakley		
<i>AIPE Pty Ltd (in liq) ats ACCC</i> [2017] FCA 521	Insolvency – Leave to proceed against a company in liquidation	Led by K Morgan SC   MinterEllison		
Knight Watch ats Cmr of State Revenue [2017] NSWCATAD 223	Tax – Payroll Tax	Led by K Morgan SC   Clamenz		
Confidential International Bank	Investigation re FX manipulation	As a solicitor		
<b>Commission and Inquiries</b>				
QBE Insurance Group Ltd	Banking Royal Commission	King & Wood Mallesons		
Bupa ANZ Healthcare Holdings	Aged Care Royal Commission	Herbert Smith Freehills		
Child Sexual Abuse Commission	Case studies (for the Commission)	As a solicitor		
Domestic and International Commercial Arbitrations				
Australian construction company	Domestic arbitration (ACICA)	Led by E Hyde   King & Wood Mallesons		
International oil and gas company	International arbitration (SIAC)	As a solicitor		
Australian superannuation fund	Domestic ad hoc arbitration	As a solicitor		
Tribunal secretary	SIAC and ACICA Arbitrations	As a solicitor		
Other matters				
Covidien ats Mathews (settled)	Product Liability – Hernia Mesh	Unled   DLA Piper		
<i>CMT Architects v Waverley Council</i> [2019] NSWLEC 1001	Planning – Procedure – Joinder application by third party	Unled   McCabes		
<i>Melville ats Dougall</i> [2017] NSWCA 309	Professional negligence; limitation periods	Led by P Knowles   YPOL		
ICON Cancer ats Squires (settled)	Employment – Unlawful dismissal	Unled   K&L Gates		
Ladbrokes ats NSWL&G (NSWLC)	Crime – Gambling advertising	Led by K Morgan SC   K&L Gates		
The Ship "Diamantgracht"	Negligence – Admiralty	As a solicitor		
Bresic Whitney ats OFT	Crime – Underquoting	As a solicitor		
Advices / Opinions				

Misc Advices / Opinions

Advices / opinions for corporations and individuals on areas including corporations law, contract, consumer protection, insurance, trusts, property, arbitration, auditor reporting, and other contentious matters.