

# Bernice Ng

Barrister

Eighth Floor Selborne Chambers  
L 8, 174 Phillip Street  
Sydney, NSW, 2000  
P: (02) 8023 9005  
E: bng@eightselborne.com.au

## Admissions

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May 2017	<b>Barrister</b> , New South Wales Supreme Court and High Court of Australia
May 2011	<b>Solicitor</b> , High Court of Australia
Nov 2010	<b>Solicitor</b> , New South Wales
Jun 2005	<b>Barrister and solicitor</b> , High Court of New Zealand

## Principal areas of practice

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- Commercial Law
- Corporations Law
- Class actions
- Equity
- Insolvency and Bankruptcy
- Professional liability
- Regulatory
- Trade practices & Competition law

## Education and Qualifications

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Jan 2012	<b>Insolvency Practitioners Association of Australia</b> (now known as the Australian Restructuring and Insolvency & Turnaround Association)  Insolvency Education Programme (Master Level course), Queensland University of Technology
Sep 2010	<b>University College London</b>  Master of Laws (with Distinction)
Mar 2005	<b>University of Auckland</b>  Bachelor of Laws (with Honours)  Bachelor of Commerce

## Professional experience

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Sep 2019 to present	<b>Eight Selborne</b> Chambers, Barrister
May 2017 to Aug 2019	<b>Eleven Wentworth</b> Chambers, Barrister
Oct 2010 to Apr 2017	<b>Baker McKenzie</b> , Senior Associate, Dispute Resolution
Jan 2007 to Sep 2009	<b>Bell Gully</b> , Solicitor, Litigation

Jan 2005 to Dec 2006	<b>Ministry of Justice</b> , Clerk to the Rules Committee and Judges' Clerk to Justice W D Baragwanath
Mar 2003 to Dec 2008	<b>University of Auckland</b> , Tutor in contract, equity and law and society
Mar 2003 to Dec 2004	<b>New Zealand Legal Research Foundation</b> , Assistant to the Editor of the New Zealand Law Review

### Selected matters

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#### Current cases

- SLB Investments Queensland Pty Ltd (recs and mgrs apptd) (in liq) v Queensland Motorways Management Pty Ltd and ors* (Queensland Supreme Court) (led by Jeremy Stoljar SC)

Appearing for the applicant in a class action.
- Allydrew Pty Limited trading as Andrew Harris Engineering and ors v Ryan and ors* (New South Wales Supreme Court) (unled)

Appearing for the defendants in respect of allegations of misleading or deceptive conduct and breaches of directors' duties.
- R&B Investments Pty Ltd (Trustee) and anor v Blue Sky Alternative Investments Ltd (administrators appointed) (in liquidation) and ors* (led by William Edwards KC)

Appearing for the applicants in a consolidated securities class action.
- Big Review TV Ltd (in liquidation) v FC Securities Pty Ltd and ors* (judgment reserved) (led by Jeremy Giles SC and Jack Hynes)

Appearing for the applicants in respect of alleged knowing involvement in contraventions of the *Corporations Act 2001* (Cth) and breaches of fiduciary duty.
- ASIC v Nuix Ltd and ors* (judgment reserved) (led by Jeremy Giles SC and Justin Hewitt SC)

Appearing for ASIC in respect of alleged contraventions of the *Corporations Act 2001* (Cth).

#### As junior counsel (led)

- Various schemes of arrangement
- Plutus Payroll Australia Pty Ltd (in liq) and ors v Saikali and ors* [2024] NSWSC 1093 (led by Jeremy Stoljar SC)

Appearing for the plaintiffs in respect of allegations of breaches of statutory and fiduciary duty.
- Fair Work Ombudsman v Sushi Bay Pty Ltd (in liq) and others* (No 2) [2024] FCA 76 (led by Victoria Brigden)

Appearing for the FWO in respect of alleged contraventions of the *Fair Work Act 2009* (Cth).

- *Mirvac Funds Management Ltd v Value Lodging Pty Ltd* [2022] NSWSC 787 (led by Robert Dick SC)

Appearing for the defendants on urgent application in relation to the interpretation of leases and subleases and purported notices of termination.

- *ASIC v GetSwift Limited and others* [2021] FCA 1384 (liability judgment) (led by Jason Potts SC)

Appearing for the non-executive director in respect of alleged contraventions of the *Corporations Act* 2001 (Cth).

- *Brando Aus Holdco Pty Ltd v Gary Shayne as representative of the persons identified in Schedule 1* [2021] NSWSC 998; on appeal [2022] NSWCA 59 (led by Jason Potts SC)

Appearing for the plaintiff in relation to an application to join parties to proceedings in which the plaintiff alleges amongst other things breach of contract and statutory misleading or deceptive conduct in relation to the sale and purchase of shares.

- *Arrium Limited (in liq)* et al (led by Philip Crutchfield QC, Michael Borsky QC, Patrick Holmes, Daniel Snyder; and with Dominic Delaney)

Appearing for the liquidators in respect of allegations of insolvent trading against the former directors of Arrium Limited heard together with two other proceedings brought by lenders of Arrium Limited against the former directors of subsidiaries of Arrium Limited (in liq). The insolvent trading proceeding settled during the hearing.

- *In the matter of Courtenay House Capital Trading Group Pty Limited (in liquidation) and Courtenay House Pty Limited (in liquidation)* [2019] NSWSC 1113 (led by Ian Pike SC)

Application for directions in relation to unregistered managed investment scheme; issues as to trust law.

- *DIF III Global Co-Investment Fund LP and Anor v Babcock & Brown International Pty Ltd and Ors* [2019] NSWSC 527 (led by Ian Jackman SC; Robert Glasson)

Proceedings concerning breach of statutory misleading and deceptive conduct, negligence, breach of contract, breach of fiduciary duty and whether those claims were subject to an indemnity under the relevant policies of insurance.

- *Re 1st Fleet Pty Ltd (in liquidation); Commonwealth (Department of Jobs and Small Business) v Riad Tayeh and David Solomons as joint and several liquidators of the 1st Fleet Group of Companies* [2019] NSWSC 6 (led by Victor Kerr SC)

Application under s 70-90 or 90-15 of Schedule 2 – *Insolvency Practice Schedule (Corporations)* 2016 of the *Corporations Act* 2001 (Cth).

- *Talifero v Asbestos Injuries Compensation Fund Limited as Trustee for the Asbestos Injuries Compensation Fund* [2018] NSWCA 227 (led by Ian Jackman SC)

Appeal brought by the intervener in respect of judicial advice given pursuant to s 55 of the *James Hardie Former Subsidiaries (Winding up and Administration) Act 2005 (NSW)*.

- *X v Twitter Inc* [2017] NSWSC 1300; (2017) 95 NSWLR 301 (led by Justin Williams)

Interlocutory and then final injunctive relief in relation to the publication of confidential information on social media platform.

#### **As counsel (unled)**

- *In the matter of Usman Dental Pty Ltd (admis apptd)* [2025] NSWSC 591  
Appearing for administrators on application to adjourn winding
- *In the matter of Vonex Limited* [2024] NSWSC 1075  
Members' scheme of arrangement for the target.
- *In the matter of Cheema Investing Pty Ltd (in liq) and Cheema Trading Pty Ltd (in liq)* [2024] NSWSC 1145  
Application by liquidator in relation to two trading trust companies
- *Keybridge Capital Limited v Bell Potter Securities Limited* [2024] NSWSC 831  
Appearing for the Respondent on appeal from costs Review Panel.
- *In the matter of Halo Food Co Ltd (admin apptd) (recs and mgrs apptd)* [2023] FCA 1135  
Extension of convening period.
- *In the matter of Navigate Global Payments Pty Ltd (recs and mgrs apptd)* [2023] FCA 1089  
Appearing for the administrator in response to an application for orders including an order terminating a deed of company arrangement.
- *ASIC v GetSwift Ltd and ors* (Penalty judgment) [2023] FCA 100  
Appearing for the non-executive director in respect of contraventions of the *Corporations Act 2001 (Cth)*.
- Various schemes of arrangement for the bidder

#### **Publications**

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- Legg M., and Ng B., "Chapter 3: The Need for Litigation" in Legg M., (ed) *Resolving Civil Disputes* (Lexis Nexis, 2024, 2ed).
- Ng B., "Validity of a 'holding' DOCA" [2018-9] (Summer) Bar News 70
- Ng B., "Two bites at the cherry? Determining an administrator's remuneration" (2015) 27(4) Australian Insolvency Journal 39
- Ng B., "Liquidators, Committees of Inspection and Confidentiality Agreements" (2012) 24(3) Australian Insolvency Journal 24.