

GERALD NG

CURRICULUM VITAE

PRINCIPAL AREAS OF PRACTICE

- Administrative
- Commercial
- Constitutional
- Insolvency
- Tax
- Banking
- Conflict of Laws
- Equity
- Intellectual property
- Trade practices and competition

PROFESSIONAL HISTORY

- 2008 to present: Barrister
- 2010-2011: Part-time lecturer, Federal Constitutional Law, University of New South Wales
- 2006-2008: Law Graduate and Solicitor, Mallesons Stephen Jaques
- 2005-2006: Associate to the Hon. Justice W. M. C. Gummow, AC, High Court of Australia

EDUCATION AND QUALIFICATIONS

- 2000-2004: Bachelor of Economics/Bachelor of Laws (First Class Honours), University of Sydney
 - ranked 3rd among the candidates for the degree of Bachelor of Laws in the graduating class of 2004 and awarded:
 - the Nancy Gordon Smith Prize;
 - the Blake Dawson Waldron Prize, for proficiency in Personal Tax; and
 - the Allens Arthur Robinson Prize (shared), for proficiency in Advanced Contracts.
- 2006: admitted as a lawyer of the Supreme Court of NSW, the High Court of Australia and the Federal Court of Australia.

NOTABLE MATTERS

I have experience acting in proceedings, and providing advice, including:

- appearing in a successful challenge to the grant of ministerial approval in respect of concept plans for major development at Catherine Hill Bay and Gwandalan (see *Gwandalan Summerland Point Action Group Inc v Minister for Planning* (2009) 79 NSWLR 269);
- appearing before the Full Court of the Federal Court of Australia in proceedings concerning the constitutional validity of Item 7 in Schedule 4 to the *Migration Legislation Amendment (Act (No. 1) 2008* (Cth) (see *Bainbridge v Minister for Immigration and Citizenship* (2010) 181 FCR 569);
- appearing in proceedings in the Federal Court of Australia concerning the validity of income tax assessments based on documents allegedly stolen from the LGT Group in Liechtenstein and given to tax authorities worldwide by an alleged whistleblower (see *Denlay v Federal Commissioner of Taxation* (2011) 193 FCR 412);
- acting for the Police Integrity Commission (“**the PIC**”) in proceedings commenced by the New South Wales Crime Commission (“**the NSWCC**”) concerning a PIC investigation into the practices and procedures of the NSWCC under the *Criminal Assets Recovery Act 1990* (NSW) (see *New South Wales Crime Commission v Police Integrity Commission* [2011] NSWSC 443);
- acting for Fuji Xerox Australia Pty Limited and Fuji Xerox Finance Limited in multiple proceedings against a distributor of Fuji Xerox-branded products (*CSG Limited v Fuji Xerox Australia Pty Ltd* [2011] NSWCA 335 and *Fuji Xerox Finance Pty Limited v CSG Limited* [2012] NSWSC 890);
- twice acting for the plaintiff in proceedings successfully litigated in the original jurisdiction of the High Court of Australia challenging the constitutional validity of steps taken by the Commonwealth Government in implementing the National School Chaplaincy Program (and subsequently the National School Chaplaincy and Student Welfare Program) (see *Williams v Commonwealth of Australia* [2012] HCA 23 and *Williams v Commonwealth of Australia (No 2)* [2014] HCA 23);
- successfully acting for Racing NSW in two appeals in the High Court of Australia concerning the constitutional validity of the race fields legislation enacted in NSW (*Betfair Pty Ltd v Racing New South Wales* [2012] HCA 12 and *Sportsbet Pty Ltd v New South Wales* [2012] HCA 13);
- acting for the Australian Racing Board in the successful defence of a claim in the Federal Court of Australia that the prohibition upon the participation of horses produced by artificial insemination in thoroughbred horseracing is anti-competitive (see *McHugh v Australian Jockey Club Limited (No 13)* [2012] FCA 1441 and *McHugh v Australian Jockey Club Limited* [2014] FCAFC 45);

- appearing in proceedings in the High Court of Australia challenging the validity of s 154A of the *Crimes (Administration of Sentences) Act 1999* (NSW) (see *Crump v New South Wales* [2012] HCA 20);
- acting for Linfox Australia Pty Ltd in proceedings in the Administrative Appeals Tribunal concerning the application of the road user charge in reduction of fuel tax credits arising under the *Fuel Tax Act 2006* (Cth);
- acting in long-running litigation concerning charitable trusts established for the purposes of the Macedonian Orthodox religion (see *Macedonian Orthodox Community Church St Petka Incorporated v Metropolitan Petar* [2013] NSWCA 223);
- appearing for an interested party in the Independent Commission Against Corruption public inquiry known as “Operation Jasper” concerning the conduct of, amongst others, Ian Macdonald and Edward Obeid Sr;
- appearing in proceedings involving allegations of apprehended bias in the conduct of Operation Jasper (see *Duncan v Ipp* [2013] NSWCA 189).

PUBLICATIONS

- “Built on Quicksand: The Purchase Money Security Interest under the General Law” (2006) 80 *Australian Law Journal* 53.
- “Technological protection measures – the problem of ‘access to a work’” (2006) 17 *Australian Intellectual Property Law Journal* 114.
- “The Onus of Proof in a Claim for Reliance Damages for Breach of Contract” (2006) 22 *Journal of Contract Law* 139.
- “Damages for personal injury sustained during international carriage by air” (2010) 48(1) *Law Society Journal* 66.
- “Slaying the Ghost of Henry VIII: A Reconsideration of the Limits upon the Delegation of Commonwealth Legislative Power” (2010) 38 *Federal Law Review* 205.

OTHER INTERESTS

Chairman, Internal Appeals Tribunal, Australian Labor Party (New South Wales Branch)