

M J WELLS

PROFESSIONAL DETAILS

- Admission as a lawyer:** 2009
- Admission to the Bar:** 2016
- Qualifications:** BA LLB (Hons) (UQ) LLM MTAX (Syd)
- Professional experience:** Supreme Court of New South Wales, Tipstaff and Researcher to the President of the New South Wales Court of Appeal, the Honourable Justice James Allsop AO (2008–2009)
- Allens, Law Graduate / Lawyer (2010–2012)
- Herbert Smith Freehills, Solicitor (2012–2015)
- Corrs Chambers Westgarth, Senior Associate (2016)
- Council for Law Reporting for New South Wales, Reporter for the *New South Wales Law Reports* (2011–)
- Thomson Reuters, Reporter for the *Commonwealth Law Reports*, *Australian Tax Reports*, *Federal Court Reports* (2014–)
- LexisNexis AU, Reporter for the *Australian Law Reports*, *Australian Corporations and Securities Reports*, *Administrative Law Reports* (2011–2017)
- The University of Sydney Law School, Tutor (2012–)
- Memberships:** Australian Bar Association Taxation Committee, Member
- The Tax Institute, Fellow
- International Fiscal Association, Member
- The Society of Trust and Estate Practitioners, Associate
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SELECTED CASES

As junior counsel

Contract

The Salvation Army (NSW) Property Trust v The Commonwealth of Australia, Federal Court of Australia – contract (with Justin Hogan-Doran)

Citigroup Pty Limited v Lingathas, Supreme Court of New South Wales – contract, unconscionability (with Andrew Byrne)

HP Mercantile Pty Limited (In Liq) v Brett, District Court of New South Wales – contract (unled)

Goodoil Films Pty Limited v Vald Performance Pty Limited, Local Court of New South Wales – contract (unled)

Restraint of trade

Worldmark Pty Limited v Nathan, Supreme Court of New South Wales – restraint of trade (with Rod Smith SC and David Hughes)

Myrest Pty Limited v Howlett, Supreme Court of New South Wales – restraint of trade (with Justin Hogan-Doran)

Georges Apparel Pty Limited v Giardina [2017] NSWSC 290 – restraint of trade (with Andrew Byrne)

Equity and trusts

Pullen v O'Neill, Supreme Court of New South Wales – equity and trusts (unled)

Corporations law

In the matter of Broadwater Court Pty Limited, Supreme Court of New South Wales – corporations law (unled)

Morgan v Robson, Local Court of New South Wales – corporations law (unled)

Taxation and revenue

Canberra Cleaners Pty Limited v Commissioner for ACT Revenue [2017] ACTSC 197 – taxation and revenue (unled)

Retail leases

Green Apple Global Pty Limited v La Brasserie Investments Pty Limited [2018] NSWCATAP 9 – retail leases (unled)

Building and construction

EK Constructions Pty Limited v Zhu [2017] NSWCATAP 102 – residential building work (with Andrew Byrne)

Azzi v Phan [2017] NSWCATAP 215 – residential building work, costs (unled)

Residential tenancies

Coffs Harbour and District Local Aboriginal Land Council v Lynwood [2017] NSWCA 317 – residential tenancies (with David Price)

Channell v Graham [2017] NSWCATAP 129 – residential tenancies, costs (with Andrew Byrne)

As a solicitor

Contract

Barangaroo Delivery Authority v Lend Lease (Millers Point) Pty Limited [2014] NSWCA 279; *Lend Lease (Millers Point) Pty Limited v Barangaroo Delivery Authority* [2013] NSWSC 1848 – contract (acting for Lend Lease and its subsidiary)

Majors Bay Holdings Pty Limited v Joansons Management Pty Limited, Supreme Court of New South Wales – contract (acting for Toga Group and its subsidiary)

Equity

Westpac Banking Corporation v The Bell Group Limited, High Court of Australia, equity, corporations law (acting for a group of 20 major Australian and international banks)

Class actions

Hopkins v AECOM Australia Pty Limited, Federal Court of Australia – class actions, misrepresentation (acting for Lend Lease and Bilfinger)

Richards v Macquarie Bank Limited, Federal Court of Australia – class actions, unconscionable conduct (acting for Macquarie Bank)

Financial services regulatory

Australian Securities and Investments Commission v Storm Financial Limited (Receivers and Managers Appointed) (In Liq) (No 2) [2011] FCA 858 – regulatory proceedings, unregistered managed investment schemes (acting for Macquarie Bank)

Australian Securities and Investments Commission v Bank of Queensland Limited [2011] FCA 1361 – regulatory proceedings, misrepresentation, unconscionable conduct (acting for Macquarie Bank)

ASIC investigation into allegations of misuse of market sensitive information (acting for an international bank)

ASIC investigation into compliance with the *Australian Securities & Investments Commission Act 2001* (Cth) in relation to stockbroking advice (acting for the private wealth division of an international bank)

Taxation

ATO audit in relation to cross-border profit shifting (acting for a multinational e-commerce company)

ATO audits in relation to thin capitalisation and transfer pricing (acting for an international investment bank)

ATO audit in relation to deductibility of expenses under the offshore banking unit regime (acting for an international investment bank)

ATO audit in relation to an alleged tax avoidance scheme (acting for an ASX 20 retail bank)

ATO audit in relation to an alleged tax avoidance scheme (acting for an ASX 50 company)

Commissions of inquiry

Royal Commission into Trade Union Governance and Corruption (acting for a major construction company)

Special Commission of Inquiry into Electricity Transactions (acting for Ausgrid)