

Douglas Menzies Chambers

Room 409

180 William Street

MELBOURNE VIC 3000

Telephone: (03) 9225 6757

Mobile: 0417 521 562

Clerk: Foley's List Pty Ltd

E-mail: Deborah.Mandie@vicbar.com.au

PRIVATE and CONFIDENTIAL

Curriculum Vitae

September 2019

A. PERSONAL DETAILS

Deborah Mandie

Date of Birth: 25 August 1969

Qualifications: LLB (Hons, University of Melbourne), MA and BA (Hons, University of Melbourne)

Date of Admission to legal practice: 26 April 2005

Called to the bar: 11 May 2006

Current Occupation: Barrister

Previous Occupations: Commercial Solicitor; Professional Writer/ Copywriter in the advertising industry

B. INTRODUCTION

Deborah has been employed full time as a barrister for over 14 years.

In her first few years, Deborah was briefed in commercial and in large tax matters for the Australian Tax Office, both to appear and to provide complex advice work.

Over the last 11 years, Deborah has appeared alone and as both Senior and Junior counsel to prosecute significant and high-profile criminal matters and in proceeds of

crime (civil/quasi criminal) and disciplinary/public law matters in Victorian Courts at every level.

Deborah's practice as a prosecutor and as counsel in these matters involved taking briefs from numerous government offices, including the Commonwealth Director of Public Prosecutions (CDPP), the Australian Government Solicitor (AGS), the Australian Federal Police (AFP) and (predominantly) the Victorian Office of Public Prosecutions (OPP). As a part of her commercial practice, Deborah was briefed regularly by the State Revenue Office (SRO) and the Australian Tax Office (ATO).

C. LEGAL PRACTICE

a. Victorian Bar: Criminal/ Quasi Criminal 2010 – 2019

In addition to well over 40 criminal prosecutions, Deborah has appeared or is currently briefed to appear in a number of high-profile cases. These include:

- *DPP v William Vlahos* (Sept 2017 – Sept 2019) – Senior counsel in a large-scale fraud prosecution involving a high profile 'punting club' scheme;
- *DPP v Katherine Jackson* (2017 – 2019, current) – Lead prosecutor to 2018, currently Junior counsel to Mark Gibson QC for trial of numerous fraud and theft charges involving the Secretary of the Health Services Union Victorian Branch;
- *AFP v Zhang* [2019] VCC 1090 - appearing for the AFP on application for forfeiture under the *Proceeds of Crime Act*;
- *Chairperson of the Royal Commission into Management of Police Informants v Chief Commissioner of Victoria Police & Ors* [2019] VSCA 154 – providing advice and appearing as Senior counsel with Junior Christopher Tran for private client in response to application to the Court of Appeal for revocation of suppression orders;
- *DPP v Timothy Richardson* [2019] VCC 512 – appearing for OPP on application for forfeiture under *Confiscations Act*, involving a million-dollar property being the site of historical sex offending of teacher;

- *R v Lxxxxxx* (2018) – Junior counsel to then Senior Crown Prosecutor (and now Supreme Court Justice) Andrew Tinney on high profile murder trial (suppression orders in place);
- *AB v ACIC (Australian Criminal Intelligence Commission) & Anor* (2017 - 2018) – Junior counsel to Simon McGregor (now Coroner), providing strategic advice and preparing for trial in sensitive commercial/ quasi criminal matter for AGS;
- *DPP v Julian Richard Taylor* (2016 – 2018) – prosecutor in high-profile fraud trial involving a Victorian teacher falsely registered; See also unsuccessful conviction appeal of *Taylor v The Queen* [2019] VSCA 162 and numerous references to the role played by prosecutor throughout trial below;
- *R v Trotter* (2017) – Junior to Daryl Brown on murder trial;
- [Son Thanh Pham v DPP](#) [2017] VSC 261 – appearing in Supreme Court in response to application for exclusion from forfeiture under the *Confiscation Act 1997*, involving issues of equity and statutory construction.

See - <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VSC/2017/261.html>

- *DPP v Outen* (2015 - 2016); *Ramon Harris (a pseudonym) v The Queen* [2015] VSCA 112 – appearing in a multiple complainant child sex offences trial and on interlocutory appeal to the Court of Appeal;
- *DPP v Adrian Bayley* (2014 – 2015) – appearing as Junior counsel to the then Crown Prosecutor Peter Rose SC on three high profile rape trials, responsible for drafting and presenting of pre-trial submissions and appearing on the plea *DPP v Adrian Bayley* [2015] VCC 698;
- *DPP v Craig Thomson* (2013 - 2014) – appearing as Junior counsel to Lesley Taylor QC (now Justice of the Supreme Court) in prosecution of MP and former National Secretary of the Health Services Union on multiple fraud and theft charges. Fraud charge convictions overturned on appeal to County Court;

- *DPP v Simon Cooper* [2013] VCC 1763 – appearing as Junior counsel to Jim Pearce QC of the SA Bar to prosecute on plea of Chief Magistrate in child sex offence matter, responsible for plea opening and submissions on sentence;
- *R v Adrian Bayley* [2013] VSC 313 – appearing as Junior counsel to the then Chief Crown Prosecutor Gavin Silbert QC and Brett Sonnett on plea to murder of Jillian Meagher;
- *R v James Peters* [2013] VSC 93 – appearing as Junior counsel to the then Chief Crown Prosecutor Gavin Silbert QC on plea to negligently cause serious injury to multiple patients at abortion clinic infected with Hepatitis C. Also appeared on proceeds of crime application.
- *DPP v Calvert* (Unreported, County Court of Victoria, Judge Tinney, 16 September 2011) – appearing as Junior counsel to Gavin Silbert on rape trial by member of military/ navy; conviction overturned *Calvert v The Queen* [2012] VSCA 191;
- *DPP v Peter Goldsmith* (2012) – appearing in Ballarat rape trial, with first successful conviction in seven years;
- *DPP v Frederick Saxe* – appearing and advising in Sale multiple arson matter, resolved to a plea
- *IMO Reetika Ajjan and application by Commissioner of AFP* (2012) – *ex parte* AFP application for restraining orders under the *Proceeds of Crime Act*
- *DPP v Dragoljovic* (2008 – 2009) – appearing as Junior counsel to Michael Cahill QC (now Judge Cahill of County Court) on long-running tax fraud trial for CDPP.

Deborah has provided complex advices to both OPP and private clients in the areas of fraud, tax crime, confiscations/proceeds of crime and other, including:

- *Operation Faseny, Examination of Lang Ying* (2018 – 2019) – advising and appearing for AFP on coercive examination of Mr Ying in the AAT;

- *Confiscation and Other Matters Amendment Act 2016 Advice (2017)* – advising the OPP Proceeds of Crime on the effect of various amendments under the amending legislation on the validity of restraining orders;
- *IMO the Confiscation Act 1997; Between Vele MESKOVSKI and DPP (2016 – 2017)* – advising the OPP Proceeds of Crime on evidence and prospects of success in application for exclusion from forfeiture;
- *IMO Panagiotis MOURKAKOS; In the Matter of an application by the DPP (2016)* – advising the OPP Proceeds of Crime on notice requirements and application of legal privilege to provision of legal documents on application for restraining order;
- Federal Criminal Tax advice (2016) - advising private client (Malaysian based) on complex federal/criminal tax matters, briefed by NT firm De Silva Hebron, Barristers & Solicitors;
- *DPP v Philip TRAN* – providing general advice to the DPP Proceeds of Crime in relation to the *Confiscation Act 1997 (Vic)* for the purposes of informing DPP policy;
- *Hezan & Ithanian v the Commissioner of the AFP [2013] VCC 823* - advising and appearing for private clients on application for exclusion under the *Proceeds of Crime Act 2002 (Cth)*, briefed by Spicer Lawyers, Melbourne;
- *Hydroponic Tech Pty Ltd v DPP (2013)* – advising the OPP Proceeds of Crime on prospects of success and statutory interpretation issues;
- *Rana Omran and Youssef Taha and DPP (2012)* – preparing submissions as Junior counsel to Norman O’Bryan for DPP Proceeds of Crime on appeal to Supreme Court of Appeal;

From 2015 to 2018 Deborah also prepared in excess of 30 written cases for the OPP on conviction and sentence appeals to the Court of Appeal and appeared as sole counsel in a number of these.

In addition, Deborah has appeared as defence counsel at an appellate level and for a selection of criminal briefs on a pro-bono basis, including most recently:

- *Gild v The Queen* [2018] VSCA 317 – appearing as Senior counsel with Junior Daniel Nguyen on appeal against conviction in Court of Appeal.

b. Victorian Bar: Commercial/Tax/Insolvency 2006 – 2015

From her first year at the bar in 2006, Deborah appeared and advised as Junior or sole counsel in large tax and corporate law matters, most notably:

- *AXA Asia Pacific Holdings Ltd v Commissioner of Taxation* [2009] FCA 1427; *COT v AXA Asia Pacific Holdings* [2010] FCAFC 134 – appearing as Junior in Tax matter involving a tax avoidance scheme under Part IVA/ CGT to Mark Moshinsky S.C. (Now Justice of Federal Court) in Full Federal Court Appeal and High Court Application for leave to Appeal, and to Jennifer Davies S.C. (now Justice of Federal Court) and Kevin Pose in Federal Court trial;
- *Rio Tinto Limited v COT* (2010) – advising the COT on conversion of FX Loans and issues of tax consolidation as Junior to Mark Moshinsky S.C. (Now Justice of Federal Court);
- *Belmont Trust Superannuation Fund v COT* (2010) advising the Commissioner of Taxation in AAT in response to application for review under *Superannuation Industry (Supervision) Act 1993*;
- *BHP Billiton Limited v The Commissioner of Taxation* (2008) – advising and drafting position paper for the Commissioner of Taxation in a matter involving a tax avoidance scheme under Part IVA, as Junior to Gregory J. Davies QC;
- *Gregory Andrews as Official Liquidator of Casey Downs Retirement Village Pty Ltd (in liq) v Duffy & Simon Lawyers (a firm) & Ors* (2008) - advising in insolvency matter liquidators' costs as Junior to John R. Dixon S.C. (Now Justice Dixon of Supreme court);

- *Morton v Elgin Stuczynski* [2008] VSCA 25 – appearing in Supreme Court Appeal from decision involving a Banking/Loan Contract dispute over the meaning of compound interest, Junior to Paul J Hayes;
- *BMW Australia Pty Ltd & Ors v Alto Group* – advising on good faith and drafting submissions in contract and franchise dispute, Junior to John Karkar QC and Philip Crutchfield S.C.;
- *Biota Holdings Ltd & Anor v Glaxo Group Ltd & Ors* (2006 – 2007) – advising and appearing in large contract dispute, Junior to Stewart Anderson S.C.

Deborah has appeared as sole counsel in numerous State Tax Matters and regulatory matters, including:

- *Jason Zahar v Commissioner of SRO* (2015) – appearing in VCAT for SRO to prosecute State tax matter;
- *Commissioner of SRO v Bill Karras and Alan Mak* (2014) – appearing in County Court of Victoria for SRO to prosecute a criminal tax matter;
- *Alya Yousif and Commissioner of SRO* (2012) – appearing in VCAT for determination of First Home Owners' Grant dispute.
- *Psychology Board of Australia v Jeffrey Wilkinson* (2011) – appearing in VCAT in relation to a Professional Conduct matter;
- *Steven Watts v Psychology Board of Victoria* (2011) - appearing in VCAT for Mr Watts in relation to a Professional Conduct matter, briefed by DLA Piper

c. Previous Legal Positions

From 2004 – February 2006 Deborah Mandie practised as a solicitor at Allens Arthur Robinson.

In that time, she worked in the following practice areas: Corporate and Commercial (mergers and acquisitions); Tax (tax litigation and advice to clients including BHP and WMC on issues of stamp duty, corporate consolidations and Part IVA); and Litigation.

Award: Winner of the Hanover Inter-firm Moot, 2005.

From 2002 – 2003, while still at university, Deborah was employed as a research assistant in the Litigation Department at Allens Arthur Robinson.

In 2000, she was associate to Justice Mandie of the Supreme Court of Victoria, then in charge of the Commercial and Corporations Lists.

d. Teaching/Publications

From January 2013 to August 2015 Deborah was employed as a sessional lecturer in the 'Principles of Equity' subject for the Monash University JD Course, involving the preparing and delivering of weekly lectures for a trimester each year.

In August/September 2008, updated and presented a paper (previously authored by Deborah) entitled 'Procedures and Pitfalls in Winding Up and Company Reinstatements – recent developments in the law', delivered to Leo Cussons Institute and to the Commercial Litigation Department of Slater & Gordon.

16 June 2008, authored and delivered paper on the current law as it relates to actions for relief against excessive interest charged on loans, presented to Litigation Department, Cornwall Stoddart.

19 March 2008, authored paper on the topic of Interest charged on Loans, based on the Court of Appeal case *Morton v Elgin-Stuczynski* in which Deborah appeared as junior counsel, presented to a study group for Accredited Commercial Litigation Specialists at the Law Institute of Victoria.

18 October 2007, authored and delivered CLE paper to the Victorian Commercial Insolvency section, entitled 'Procedures and Pitfalls in Winding Up and Company Reinstatements – recent developments in the law', published on Vicbar site, CPD papers with co-presenter Associate Justice Eftim.

Co-authored a chapter (with Jon Webster and Rob Simkiss of Allens Arthur Robinson) on Mergers and Acquisitions Regulation in Australia for Aspatore

Books, an International Reference publication on Mergers and Acquisitions Regulation around the world, published 2005.

Authored a chapter on Hong Kong Securities Regulation and market manipulation for inclusion in a book on the subject while at Allens Arthur Robinson, published 2005.

D. PREVIOUS EMPLOYMENT

From 1993 – 1995, was employed full time as an advertising copywriter at DDB Needham Worldwide, in Melbourne.

Awards: Street Remley award for best radio advertisement; Selected to attend Queens Trust 'Future Leaders of Australia' conference in Perth.

From 1995 – 2005, employed as a Freelance Advertising Copywriter by numerous clients and advertising agencies, including DDB Worldwide (Sportsgirl; Telstra; Heinz; IOOF; Cadbury – Schweppes), Y & R Mattingly (Myer), Singletons (Crown Casino; Grand Prix) and Carter Holt Harvey.

E. EDUCATION AND AWARDS

2004, University of Melbourne: Graduated with Bachelor of Laws, Honours.

Award: Allens Arthur Robinson 1st Prize in Torts and the Process of Law, 2001.

1992 – 1994, University of Melbourne: Graduated with Master of Arts, Honours –

Award: Australian Postgraduate Research Award (APRA), 1992 – 1993 Research Scholarship.

1988 – 1991, University of Melbourne - Bachelor of Arts, H1 Honours (ranked 2nd in year).

Award: HECS Scholarship 1990

F. OTHER RELEVANT INFORMATION

Member of the Victorian Bar for almost 14 years.

As Senior counsel, Deborah Mandie has had three juniors: Christopher Tran, Daniel Nguyen and Lachlan Cameron.

Member of Law Council of Australia's Business Law Section, Insolvency and Reconstruction Committee (from 2010 to Dec 2012)

Member of the Taxation Institute of Australia (to July 2010)

Secretary to the Insolvency Section of CommBar (to 2009)

Standing chair of the Disciplinary & Appeals Committee, Cycling Victoria, pro bono, in 2012.

Trained advocacy coach, assisting with the practice moots for the Bar Readers Course and in 2015, assessment of final student moots at Monash University.