

Fleur Shand



Fleur Shand is an experienced commercial and tax litigator

QUALIFICATIONS

Master of Taxation (Melb)
Bachelor of Laws (Hons)(Syd)
Bachelor of Arts (Hons)(Otago)
Post Graduate Diploma (Bus Ad)

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Appellate | Banking & Finance | Bankruptcy | Building & Construction | Class Actions | Commercial Arbitration | Consumer Credit | Consumer Law | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Energy & Resources | Equity & Trusts | Insurance | Private International Law | Real Property | Residential & Retail Tenancies | Taxation

INTELLECTUAL PROPERTY

Confidential Information

TORT LAW

Class Actions | Major Torts | Negligence | Professional Negligence

PUBLIC LAW

Administrative Law | Taxation | White Collar Crime

Fleur is an experienced commercial and tax litigator focusing on company and securities law, class actions, taxation disputes, contract disputes, regulatory and disciplinary action, commissions of inquiry, arbitrations and professional negligence claims.

With over 16 years' litigation experience, Fleur has acted for both corporate clients and individuals in the financial services, oil and gas, mineral resources, property and construction, professional services and automotive sectors. She has been involved in investigations and proceedings by the Australian Securities and Investments Commission, the Australian Taxation Office, the Tax Practitioners Board, the State Revenue Office, the Fair Work Commission and the Victorian Legal Services Board. She is a member of the Commercial Bar Association.

Fleur practises across all types of taxation law at the State and Federal level, including income tax, superannuation (including SMSF), capital gains, GST, transfer pricing, stamp duty, payroll tax, land tax, disciplinary matters and tax prosecutions. She is a member of the Tax Bar Association and the International Fiscal Association. She holds a Master of Taxation from Melbourne University and is a Fellow of the Tax Institute.

Fleur has appeared in the High Court of Australia, Federal Court of Australia, the Supreme Court, the County Court, the Federal Circuit Court, the Administrative Appeals Tribunal, the Magistrates' Court and the Victorian Civil and Administrative Tribunal. As well as practicing in Victoria, Fleur has acted in cases in New South Wales, Western Australia, and Tasmania.

Prior to joining the Bar in 2013, Fleur was a Senior Associate in the Dispute Resolution Group at King & Wood Mallesons.

Fleur holds a Bachelor of Laws with first class honours from the University of Sydney. She also holds a Post Graduate Diploma in Business Administration and a Bachelor of Arts with first class honours. While studying law at Sydney University, Fleur was a paralegal at the HIH Insurance Royal Commission.

Liability limited by a scheme approved under Professional Standards Legislation

Recent Cases

FEDERAL COURT - ABUSE OF PROCESS

[Directed Electronics OE Pty Ltd v Isuzu Australia Limited \[2022\] FCA 254](#)

Appearing for Isuzu Australia in application for dismissal or permanent stay of proceedings on grounds of abuse of process. Led by B Walker SC with M Hoyne.

ACTING FOR ASIC IN CYBERSECURITY REGULATORY ACTION IN FEDERAL COURT

[Australian Securities and Investments Commission v RI Advice Group Pty Ltd \[2021\] FCA 1193](#)

[Australian Securities and Investments Commission v RI Advice Group Pty Ltd \[2022\] FCA 496](#)

Acting for ASIC in a first in Australian legal history, in which the Federal Court found Australian Financial Services licensee, RI Advice, breached its license obligations to act efficiently and fairly when it failed to have adequate risk management systems to manage its cybersecurity risks. ASIC also successfully defended a strike out application brought by RI Advice: Australian Securities and Investments Commission v RI Advice Group Pty Ltd [2021] FCA

1193. Led by P W Collinson QC and S H Parmenter QC with P G Liondas.

CROWN RESORTS LIMITED SECURITIES CLASS ACTION

[Crown Resorts Limited v Zantran Pty Limited \[2020\] FCAFC 1 \(appeal re confidentiality obligations\)](#)

[Zantran Pty Limited v Crown Resorts Limited \[2019\] FCA 641 \(application for relief from confidentiality obligations\)](#)

Appearing for Crown Resorts Limited in the Zantran Pty Limited v Crown Resorts Limited securities class action in the Federal Court of Australia arising from detention of Crown staff in China. Led by N J Young QC, N D Hopkins QC and R G Craig QC with H C Whitwell and briefed by Minter Ellison Lawyers, including in successful appeal to Full Court enforcing obligations of confidence owed by former Crown employees led by N J Young QC with H C Whitwell.

TAXATION - VARIOUS PART IVC PROCEEDINGS

Acting unled for Commissioner of Taxation and taxpayers in various ongoing and past proceedings brought under Part IVC of the *Taxation Administration Act 1953* and s344 of the *Superannuation Industry (Supervision) Act 1993* concerning income tax, capital gains tax, Div 7A loans, GST, PAYG, luxury car tax, SMSFs (including early access to superannuation benefits, disqualification of trustees under the Superannuation Industry (Supervision) Act 1993, excess non-concessional contributions), work-related expenses, fraud and evasion, and penalties, including [Hussain and Commissioner of Taxation \(Taxation\) \[2018\] AATA 1111](#); [Diarra and Commissioner of Taxation \(Taxation\) \[2019\] AATA 5545](#), [CGWT and Commissioner of Taxation \(Taxation\) \[2020\] AATA 6155](#), and [Buzadzic and Commissioner of Taxation \(Taxation\) \[2021\] AATA 4820](#) (currently on appeal).

7-ELEVEN FRANCHISEE CLASS ACTION

[Davaria Pty Limited v 7-Eleven Stores Pty Ltd \[2019\] FCA 2214 \(communications protocol\)](#)

[Davaria Pty Limited v 7-Eleven Stores Pty Ltd \[2020\] FCA 398 \(leave to appeal re communications protocol\)](#)

[Davaria Pty Limited v 7-Eleven Stores Pty Ltd \[2020\] FCA 1234 \(discontinuance of claims against one respondent\)](#)

[Davaria Pty Limited v 7-Eleven Stores Pty Ltd \(No 8\) \[2021\] FCA 295 \(application to amendment statement of claim\)](#)

[Davaria Pty Limited v 7-Eleven Stores Pty Ltd \(No 9\) \[2021\] FCA 473 \(evidentiary ruling\)](#)

Acting for 7-Eleven Stores Pty Ltd in the Davaria Pty Limited v 7-Eleven Stores Pty Ltd franchisee class action in the Federal Court of Australia. Led by N J Young QC and R G Craig QC with K E Foley and A McRobert, and briefed by Norton Rose Fulbright.

ACTING FOR ASIC IN URGENT EX PARTE APPLICATION IN FEDERAL COURT

Appearing for ASIC in urgent ex parte injunction in Federal Court seeking travel restrictions, disclosure orders and other ancillary orders against individuals under investigation by ASIC for breaches of the Corporations Act with C

Tsang.

MODSCAPE HOLDINGS PTY LTD V COR CORDIS PTY LTD & OTHERS (S ECI 2019 00357) (PROFESSIONAL NEGLIGENCE)

Acting (unled) for chartered accountant and tax advisor defendant in Supreme Court professional negligence proceeding, briefed by Colin Biggers & Paisley.

KOLESNIKOV V PEPPERSTONE GROUP - S ECI 2019 05109 (FINANCIAL SERVICES)

Acting (unled) for AFSL holder defendant in Supreme Court proceeding concerning alleged breach of contract and statutory claims under the ASIC Act and the Corporations Act, briefed by Clyde & Co.

CONNECTIVE OSN PTY LTD V PARKER & OTHERS (S E CI 2018 02033) (PROFESSIONAL NEGLIGENCE)

Acting (unled) for registered tax agent and accountant defendant in Supreme Court professional negligence proceeding, briefed by Clyde & Co.

BANKSIA SECURITIES LIMITED CLASS ACTION AND RELATED PROCEEDINGS

[*Australian Funding Partners Ltd v Botsman & Ors* \[2019\] HCATrans 102](#) (Special leave to appeal)

[*Botsman v Bolitho* \[2018\] VSCA 278](#) (appeal against settlement approval)

[*Botsman v Bolitho \(No 2\)* \[2018\] VSCA 348](#) (costs)

[*Banksia Securities Limited v the Trust Company* \[2017\] VSC 583](#) (legal professional privilege)

Acting for Trust Company Nominees Limited (the trustee of Banksia Securities, a debenture-issuer regulated by a trust deed under Chapter 2L of the Corporations Act 2001) in class action and related proceedings in the Supreme Court of Victoria, including interlocutory proceedings concerning claims of client legal privilege over discovered documents. Also appeared in the Court of Appeal, and in the High Court opposing application for special leave to appeal regarding the orders made by the Court of Appeal approving the settlement of the class action, but remitting the issue of the funder's commission and costs to the Supreme Court. Led by I G Waller QC with P G Liondas, briefed by Clayton Utz.

MURRAY GOULBURN CLASS ACTIONS

[*Endeavour River Pty Ltd v MG Responsible Entity Limited* \[2019\] FCA 1719](#) (settlement approval)

Acting for Murray Goulburn defendants in Webster v MG Co-operative Co Ltd & Ors and Endeavour River Pty Ltd v MG Responsible Entity Pty Ltd & Anor unit-holder class actions in the Federal Court. Led by W A Harris QC with J H Kirkwood, and instructed by Herbert Smith Freehills.

CORPORATIONS ACT - FEDERAL COURT

[Wun v CellOS Software Ltd \(2018\) 132 ACSR 316; \[2018\] FCA 1947](#)

Acting for shareholders in Federal Court proceedings concerning whether the board of directors had power to postpone a Shareholders' meeting called under s 249F of the Corporations Act 2001 (Cth). With P G Liondas, briefed by Clarendon Lawyers.

MITIC V OZ MINERALS LIMITED SECURITIES CLASS ACTION AND RELATED PROCEEDINGS

[Mitic v Oz Minerals Ltd \[2015\] FCA 1152 \(privilege dispute\)](#)

[Mitic v OZ Minerals Limited \(No 2\) \[2017\] FCA 409 \(settlement approval\)](#)

Acting for OZ Minerals Holdings in the securities class action and related proceedings in the Federal Court of Australia concerning the merger of Zinifex and Oxiana. Also appeared in interlocutory proceedings concerning claims of legal professional privilege over discovered documents. With N P De Young, briefed by K+L Gates. The proceedings were settled before trial.

ASAHI HOLDINGS (AUSTRALIA) PTY LTD V PACIFIC EQUITY PARTNERS PTY LTD

Acting for defendant executive in Federal Court proceedings involving claims of misleading and deceptive conduct in connection with the \$NZ1.5 billion sale of an alcoholic beverage business to Asahi. With J P Slattery and briefed by K+L Gates (settled).

APPLICATION TO SET ASIDE JUDGMENT (VICTORIAN SUPREME COURT)

[Deputy Commissioner of Taxation v Zeqaj \[2019\] VSC 194](#)

Appearing unled for Deputy Commissioner of Taxation in Supreme Court hearing of defendant's application to set aside a monetary judgment entered against him by the Deputy Commissioner of Taxation upon his default in filing a notice of appearance to the writ. Briefed by Australian Government Solicitor.

BANKRUPTCY - SEQUESTRATION ORDER

[Deputy Commissioner of Taxation v Zeqaj \[2019\] FCCA 2740](#)

[Zeqaj v Deputy Commissioner of Taxation \[2020\] FCA 1270](#)

Appearing unled for the Deputy Commissioner of Taxation and on appeal to the Federal Court seeking sequestration order where respondent filed notice of grounds of opposition to the sequestration petition.

PETSINIS V VICTORIAN LEGAL SERVICES BOARD (FULL COURT OF SUPREME COURT OF VICTORIA)

[*Petsinis v Victorian Legal Services Board \[2016\] VSC 389*](#)[Download Summary of judgment - Petsinis v VLSB.pdf](#)

Appearing for the Victorian Legal Services Board in application for readmission to the legal profession by solicitor struck off roll for dishonesty offences. Led by S R Senathirajah QC.

TIMBERCORP FINANCE PTY LTD V COLLINS[*Timbercorp Finance Pty Ltd v Collins \(2016\) 119 ACSR 478; \[2016\] VSC 776*](#)

Appearing for defendants in trial of two proceedings representing issues raised by defendants in recovery proceedings commenced by Timbercorp Finance Pty Ltd (in liq). Led by M D Wyles QC, with D J Fahey.

SNF (AUSTRALIA) PTY LTD V CIBA SPECIALTY CHEMICALS WATER TREATMENT LIMITED (PRIVILEGE DISPUTE)

Appearing for corporate recipient of subpoena before Beach J in Federal Court, successfully resisting production on the grounds of legal professional privilege. Unled, briefed by Clayton Utz.

SEAROAD LOGISTICS PTY LTD V PATRICKS STEVEDORES OPERATIONS NO 2 PTY LTD[*SeaRoad Logistics Pty Ltd v Patricks Stevedores Operations No 2 Pty Ltd \[2014\] VSC 170*](#)

Appearing for plaintiff in Supreme Court proceedings concerning the proper construction of a commercial lease. Led by S M Anderson QC.

DISCIPLINARY - TAX AGENTS SERVICES ACT 2009[*Dadwal and Tax Practitioners Board \[2018\] AATA 2878*](#)[*Tax Practitioners Board Media Release dated 23 August 2018*](#)

Acting unled for Tax Practitioners Board in proceedings in Administrative Appeals Tribunal for review of decisions of the Tax Practitioners Board to terminate or not renew the registration of tax agents

Memberships

Victorian Bar - Commercial Bar Association

Victorian Bar - Tax Bar Association

Fellow of The Tax Institute

Member of the International Fiscal Association

