

# TALIA EPSTEIN

12 Wentworth Selborne Chambers

## Admissions

Barrister: 2017  
Attorney, New York State: 2013  
Solicitor: 2009

## Qualifications

Bachelor of Laws (UNSW) (First Class Honours)  
Bachelor of International Studies (UNSW) (with Distinction)  
Master of Law (Columbia University, New York) (James Kent Scholar)

## Biography

Talia Epstein has a diverse practice at the Bar and is briefed in a broad range of commercial, regulatory and criminal matters (with particular expertise in complex white collar crime). Talia is briefed in a range of commercial matters, including representative proceedings. She is also regularly briefed on behalf of both the prosecution and defence in high profile white collar crime matters and acts for a range of regulators, including ASIC, the Therapeutic Goods Administration and the ACCC. Her criminal law practice includes prosecutions for the criminal cartel provisions of the *Competition and Consumer Act*, offences under the *Corporations Act* (including breaches of directors duties and insolvent trading provisions), taxation, environmental and work health and safety offences.

Earlier in her career, Talia worked as Associate to Justice Jacobson in the Federal Court. She has practiced in New York and Sydney. Talia holds a Bachelor of Laws with First Class Honours from UNSW and a Masters of Law from Columbia University, where she was a James Kent Scholar, the highest class of honours, attending on the Lionel Murphy Postgraduate Scholarship. She was the recipient of the Ludlows Award for the highest overall score in the February 2017 NSW bar examinations.

Talia was recognised as a Leading Junior in the 2024 Edition of the Legal 500 Guide to the Australian bar in the area of crime and regulatory (including white collar crime). She is a member of the NSW Bar's Diversity and Equality Committee.

## Areas of Practice

- Appellate (criminal and civil)
- Administrative law
- Commercial law, equity and class actions
- Competition and consumer law
- Criminal law (including white collar crime, regulatory prosecutions and workplace safety prosecutions)
- Regulatory law (including ACCC, ASIC and TGA matters)

## Selected Cases

Talia regularly advises on and appears in a range of commercial, criminal and regulatory matters. Select recent matters include:

### **Commercial / representative proceedings / regulatory**

<i>DHI22 v Qatar Airways Q.C.S.C (No 2)</i> [2024] FCA 348	Liability of airline for claims under Montreal Convention and in negligence	Led by B Walker SC for the respondent
<i>Top Ryde Financial Services Pty Ltd v RAMS Financial Group Pty Ltd</i> (Federal Court, ongoing)	Representative proceeding – Franchising Code of Conduct / Contract / Unconscionable conduct	Led by D Sulan SC for the applicant
<i>Laith &amp; Fadi Investments Pty Ltd &amp; Anor v Fogo Brazilia Holdings Pty Limited &amp; Anor</i> (Supreme Court, ongoing)	Representative proceeding – Misleading and deceptive conduct / Franchising Code of Conduct / Professional negligence	Unled for the fourth defendant
<i>ACCC v Mastercard Ltd</i> (Federal Court, ongoing)	Misuse of market power	Led by R Higgins SC and C Bannan for the respondent
<i>ASIC v Union Standard International Group Pty Ltd</i> (Federal Court, judgment reserved)	Extraterritorial operation of s 912A(1)(a) of Corporations Act	Led by S Mirzabegian SC; appointed as contradictors on question of law
<i>Invisalign Australia Pty Ltd v SmileDirectClub LLC</i> [2024] FCAFC 46	Comparative advertising / misleading and deceptive conduct	Led by N de Young KC and D Tynan for the respondents
<i>Invisalign Australia Pty Ltd v SmileDirectClub LLC</i> [2023] FCA 395		
<i>Ridge v Hays Specialist Recruitment (Australia) Pty Limited (No 2)</i> [2024] FCA 328	Representative proceeding – Settlement approval	Unled for the Funder
<i>Stellar Vision Operations Pty Ltd v Hills Health Solutions Pty Ltd</i> [2023] NSWCA 102	Contract / Fiduciary Duties / Joint venture	Led by R Newlinds SC for the respondent
<i>ASIC v Australian Mines Ltd</i> [2023] FCA 9	Continuous disclosure contravention	Led by Y Shariff SC for ASIC
<i>Barton v Secretary, Department of Health</i> [2023] FCA 1168	Contraventions of <i>Therapeutic Goods Act</i>	Unled for the Secretary

<i>Kirca v Ozer</i> (2023, Supreme Court NSW) (settled mid-hearing)	Contract / easement	Unled for the respondent
<i>Batterham v Clayton Utz Partnership</i> [2022] FCA 360; [2022] FCA 1435	Misleading and deceptive conduct / strike out	Led by S Mirzabegian SC for the respondent
<i>Stellar Vision Operations Pty Ltd v Hills Health Solutions Pty Ltd</i> [2022] NSWSC 144	Contract / Fiduciary Duties / Joint venture	Led by R Newlinds SC for the respondent
<i>Tassal Operations Pty Ltd v Pymont Seafood Pty Ltd</i> (2022, Supreme Court NSW) (settled pre-hearing)	Contract	Unled for the plaintiff
<i>Deputy Commissioner of Taxation v Huang</i> (No 4) [2022] FCA 618	Freezing orders	Led by L Livingston SC for the Commissioner
<i>Deputy Commissioner of Taxation v Shi</i> (2021) 273 CLR 235 (also [2020] FCAFC 100; 380 ALR 226 in Full Federal Court)	Freezing orders; privilege against self-incrimination	Led by S White SC for the appellant
<i>Pipeclay Lawson Ltd v Brand Ventures Pty</i> [2021] NSWSC 909	Commercial tenancy dispute	Led by S White SC for the plaintiff
<i>Smiths Detection (Australia) Pty Ltd v Basham &amp; Ors</i> [2020] NSWSC 500	Employment restraint & application to strike out defence on grounds of abuse of process	Led by J Clarke SC and Y Shariff
<i>Huang v Deputy Commissioner of Taxation</i> (No 2) [2020] FCAFC 160	Costs	Unled for the Commissioner
<i>Almona Pty Ltd v Parklea Corporation Pty Ltd</i> [2019] NSWSC 1868	Breach of mortgagee's duty of sale and fraud under <i>Real Property Act</i> , misleading and deceptive conduct	Led by N Hutley SC and E Hyde
<i>Deputy Commissioner of Taxation v Ausmart Services Pty Ltd</i> [2018] FCA 1912; <i>Deputy Commissioner of Taxation v Shi</i> [2018] FCA 1915	Freezing orders and appointment of provisional liquidators	Led by S White SC and P Afshar

### ***Criminal law & related***

#### Offences under the Corporations Act and ASIC Act:

<i>R v Allianz Ltd</i> (Supreme Court NSW, 2024, judgment reserved)	False and misleading conduct in relation to the supply of travel insurance	Led by N Robinson KC, with N Morrissey for the Crown
<i>ASIC v Commonwealth Bank of Australia</i> (Federal Court of Australia, 2022, charges withdrawn after sentencing hearing)	False and misleading conduct under the ASIC Act in relation to the supply of consumer credit insurance	Led by D Staehli SC for the Crown
<i>R v Sigalla</i> [2021] NSWCCA 22; 357 FLR 148; <i>R v Sigalla (No 2)</i> [2021] NSWCCA 151	Offences of dishonestly using position as director under s 184(2) of the Corporations Act	Led by T McDonald SC for the Crown
<i>R v Young</i> [2020] QCA 3	Insolvent trading and fraud charges arising from Kleenmaid corporate collapse	Led by W Abraham QC for the Crown

Advising ASIC and the Commonwealth DPP on charges relating to conduct uncovered in the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry

Criminal cartel proceedings under the Competition and Consumer Act:

<i>CDPP v Joyce</i> [2022] FCA 1423	Cartel conduct	Led by P Strickland SC for the defendant
<i>ACCC v ANZ, Deutsche Bank, Citigroup and ors, including Commonwealth Director of Public Prosecutions v Citigroup Global Markets Australia Pty Limited (No 1 – Indictment)</i> [2021] FCA 757	Cartel conduct	Led by S Dowling SC for the Crown

Briefed by Commonwealth DPP in charges brought against an individual for hindering ACCC officials in the course of a cartel investigation by inciting others to give false evidence in s 155 examinations

Taxation offences:

<i>Pratten v R</i> [2021] NSWCCA 251	Appeal against tax fraud conviction	Led by T McDonald SC for the Crown
<i>Castagna v R; Agius v R</i> [2019] NSWCCA 114; 278 A Crim R 194; 109 ATR 830	Appeal against tax fraud conviction	Led by T Game SC and S White SC for the appellant
<i>R v Agius; R v Castagna</i> [2018] NSWSC 1248	Sentence, tax fraud	Led by P Strickland SC for the defendant

Other:

<i>Gould v R</i> [2023] NSWCCA 103	Perverting the course of justice in Federal Court	Led by, variously, J Single SC and Y Shariff SC for the Crown
<i>Gould v R; R v Gould</i> [2021] NSWCCA 92	taxation proceedings <i>Hua Wang Bank Berhad v Commissioner of Taxation</i>	
<i>Gould v R (Cth)</i> [2021] NSWCCA 27	and associated appeals	
<i>R v Gould</i> (trial proceedings, District Court 2019)		
<i>Environment Protection Authority v Eveston</i> [2022] NSWLEC 128	Sentence – Environmental protection offence	Unled
<i>Environment Protection Authority v Al-Sarray</i> [2022] NSWLEC 31	Sentence – Offences in the waste industry	Unled
<i>Huynh v R</i> [2021] NSWCCA 148	Stated case – powers of the District Court on appeals from Local Court, including consideration of federal jurisdiction	Led by S Dowling SC for the Crown
<i>R v Choi</i> (trial proceedings, NSWSC, 2021)	Breach of UN sanction laws by brokering transactions with North Korea	Led by J Single SC for the Crown
<i>R v Khayat</i> (trial proceedings, NSWSC, 2019)	Terrorism	Led by L Crowley QC and Y Shariff for the Crown

Various District Court proceedings (unled) for defendants in work health and safety prosecutions

Crime-related matters:

<i>Commissioner of Police v Wine Investment Services</i> [2023] NSWSC 971	Application by DPP to join and stay proceedings	Unled for DPP
<i>State of New South Wales v Holt</i> [2022] NSWSC 1684	Terrorism High Risk Offender application	Led by T McDonald SC for NSW
<i>State of New South Wales v Kiskonen (Preliminary)</i> [2021] NSWSC 915	Terrorism High Risk Offender application	Led by J Emmett SC for NSW
<i>Harris v State of New South Wales</i> [2021] NSWCA 208	False imprisonment and unlawful arrest	Unled

### **Constitutional and administrative law**

<i>Incollingo v Tax Practitioners Board</i> [2023] FCA 878	Judicial review – use of evidence subject to a certificate under s 128 of the Evidence Act	Led by S Lloyd SC for the respondent
<i>Famous Kids Family Day Care Pty Ltd v Secretary, Department of Education</i> [2023] NSWCATAD 10	Revocation of family day care registration	Unled for the respondent
<i>Lacey (a pseudonym) v Attorney-General (NSW)</i> (2021) 104 NSWLR 333	Application of Aboriginal customary law to Local and Children’s Court procedures	Led by C Ronalds SC
<i>Eveston v Environment Protection Authority</i> [2021] NSWLEC 54	Jurisdiction of LEC to entertain appeal	Unled
<i>Hackett (a pseudonym) v Secretary, Department of Communities and Justice</i> [2020] NSWCA 83; 379 ALR 248	Appeal from adoption order	Led by M England SC
<i>Attorney General (NSW) v Gatsby; Attorney General (NSW) v Johnson</i> (2018) 99 NSWLR 1	Constitutional law, status of NCAT	Led by Solicitor General S Donohue SC and C Lenehan for the Commonwealth
<i>Rowland v NSW Land and Housing Corporation</i> [2020] NSWCATAP 139	Social tenancy dispute	Unled
<i>Amos v Department of Finance, Services &amp; Innovation</i> [2019] NSWCATAD 96	GIPA application	Unled

### **Inquiries**

Advises individuals and corporations about appearances before inquiries

Counsel assisting the Inquiry into the conviction of the Croation 6, 2023, ongoing

Counsel assisting Inspector of ICAC South Australia in investigation into Hanlon prosecution, 2023

*Royal Commission into Aged Care Quality and Safety*, Sydney Hearing 2 into the response to COVID-19 in aged care (August 2020) (appeared for Anglicare)