

JOCELYN D. JAFFRAY

ADMISSION DATES NSW Bar: 5 May 2014
Solicitor: 9 October 2009

PRACTICE AREAS Commercial, corporations and general equity
Insurance law

LEGAL CAREER

2014-current: 12 Wentworth Selborne
Legal 500 – Australian Bar, Commercial Disputes, Leading Junior Counsel, Tier 1

2023-current: Wharton, Advanced Finance Program (mergers & acquisitions, corporate valuation)

2011-2014: Solicitor, Herbert Smith Freehills

2010-2011: University of Cambridge, LLM

2009-2010: High Court Associate (to the Hon Justice Kiefel AO)

COMMITTEES/LECTURING POSITIONS

2017 to present: Profession Conduct Committee 2, NSW Bar Association

2017 to 2019: Education Committee, NSW Bar Association

2013-2015: University of Sydney – Lecturer, Evidence

2013-2014: University of New South Wales – Lecturer, Contracts

Commercial cases – ongoing (selected)

- ***Westpac Banking Corporation v Chubb Insurance Australia Limited & Anors*** (NSWSC 24/195557), ongoing, led by **M Jones SC** (insurance law, contractual construction – Westpac is seeking to recoup \$400 million from its insurers in respect of the record penalty of \$1.3 billion that was levied against it in 2020 for anti-money laundering failures)
- ***Greensill Group litigation - White Oak Commercial Finance Europe (Non-Levered) Limited v Insurance Australia Limited*** (FCA NSD1039/2021), ongoing, led by **J Sexton SC** with T O’Brien (insurance law, contractual construction, misleading or deceptive conduct; warranties of authority; claims in excess of \$150 million)
- ***Hassall Developments Pty Ltd (Receivers and Managers Appointed) (In Liquidation) v QBE Insurance (Australia) Ltd*** (FCA NSD825/2024), ongoing, **unled** (formation and construction of Industrial Special Risks insurance policy with a limit of liability of \$80 million; misleading or deceptive conduct)

Commercial judgments (selected cases from 2018 only – a full list is available on request)

- [Matheson Property Group Pty Ltd \(Trustee\) v Virgin Australia Holdings Limited \(No 4\) \[2024\] FCA 280](#), **unled** (acting for insurer; construction of insurance policy, whether excess of \$5 million payable first by insured before insurer liable under Policy)
- [Anderson v Canaccord Genuity Financial Ltd \[2023\] NSWCA 294](#), led by **A McGrath SC** (equity, damages, *Barnes v Addy*); the appeal ran for 8 days

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- [Matheson Property Group Pty Ltd \(Trustee\) v Virgin Australia Holdings Limited \(No 2\) \[2023\] FCA 1329](#), **unled** (acting for Liberty Mutual; construction of insurance policy)
- [Matheson Property Group Pty Ltd \(Trustee\) v Virgin Australia Holdings Limited \(No 2\) \[2023\] FCA 899](#), led by **S Donaldson SC** (acting for insurers in respect to joinder application)
- [Walker Corporation Pty Ltd v The Owners – Strata Plan No 61618 \(2023\) 20 BPR 43,167; \[2023\] NSWCA 125](#), led by **JS Emmett SC** (Woolloomooloo Finger Wharf; strata management statement inconsistent with the *Strata Schemes Management Act 2015* (NSW))
- [Pitcher Partners Holdings Pty Ltd v Twigg \[2023\] NSWCA 193](#), led by **D Williams SC** (stay of proceedings, abuse of process) (acting for Pitcher Partners in ongoing proceedings in respect to claims against it in excess of \$100 million)
- [Twigg & Anors v Pitcher Partners Holdings Pty Ltd \(No 4\) \[2023\] NSWSC 109](#)
- [Pang v Cao \[2023\] NSWSC 773](#), **unled**, leading R O'Donnell (extension of caveat)
- [PPK Willoughby Pty Ltd v Baird \[2022\] NSWSC 1656](#), led by **T Faulkner SC** (successful application for costs orders against non-parties where a corporate plaintiff)
- [Harriette & Co Pty Ltd v Platine Property Development Pty Ltd \[2022\] NSWSC 1536](#); **unled**, leading N Condylis (injunctive relief; rule against penalties; relief against forfeiture)
- [Harriette & Co Pty Ltd v Platine Property Development Pty Ltd \[2022\] NSWSC 1611](#), **unled**, leading N Condylis (injunctive relief; rule against penalties; relief against forfeiture)
- [Anderson v Canaccord Genuity Financial Ltd \[2022\] NSWCA 168](#), **unled** (security for costs on appeal – special circumstances)
- [Anderson v Canaccord Genuity Financial Ltd & Ors \[2022\] NSWSC 58; \(2022\) 161 ACSR 1](#), led by **A McGrath SC** (equity, damages, corporations, *Barnes v Addy* knowing assistance, breach of confidence, pleaded loss in excess of \$140 million); the case ran for 6 weeks at first instance
- [Rickhuss v The Cosmetic Institute Pty Ltd \(No 3\) \[2022\] NSWSC 625](#), led by **T Mehigan SC** (class actions, strike out application; Breast Implant class action against the TCI Group), acting for insurer defendant
- [Sharma v Defence Housing Australia \[2022\] NSWSC 1444](#), **unled** (whether cause of action statute-barred; whether cause of action discloses no reasonable prospects of success)
- [Twigg & Anors v Pitcher Partners \[2022\] NSWSC 1043](#), led by **D Williams SC** (acting for Pitcher Partners in respect of a Motion to transfer proceedings to Victoria, pleaded loss in excess of \$100 million)
- [Walker Corporation Pty Ltd v The Owners – Strata Plan No 61618 \[2022\] NSWSC 1246; \(2022\) 20 BPR 42,717](#), led by **J Emmett SC** (statutory construction; strata law)
- **AHG WA (2015) Pty Ltd T/A Mercedes Benz Perth & Anors v Mercedes Benz Australia/Pacific Ptd Ltd**, **FCA 2022, VID604/2021**, **unled**, leading S Cromb (acting for Mercedes-Benz dealerships; whether subpoenas enforceable; notices to produce)
- [Anderson v Canaccord Genuity Financial Ltd & Ors \[2022\] NSWSC 649](#), **unled** (acting for Acorn Capital Ltd in obtaining costs orders against third-parties to the Proceedings, on appeal)
- [Wontok Enterprises Pty Ltd v Telstra Corporation Ltd \[2022\] NSWSC 506](#), **unled** (security for costs)
- [PPK Willoughby Pty Ltd v Baird \[2021\] NSWCA 312](#), led by **T Faulkner SC** (damages; *Potts v Miller*)
- [PPK Willoughby Pty Ltd v Baird \[2021\] NSWCA 212](#) led by **T Faulkner SC** (security for costs)
- [TP ICAP Management Services \(Australia\) Pty Ltd v Bradley Howell \[2021\] NSWSC 656](#), led by **J Lockhart SC** (employment law, equity, competition and consumer law). This case ran for over 6 weeks before Hammerschlag J
- [Anastasia Kalathas v 89 Ebley Street Pty Limited \[2021\] NSWSC 490; \(2021\) 20 BPR 41,365](#), **unled** (land law, contracts)

- [Watson v Maximus Holdings \(NSW\) Pty Ltd \[2021\] FCA 87](#), led by **Green SC** (class action; discontinuance)
- [Davaria Pty Limited v 7-Eleven Stores Pty Ltd \(2020\) 143 ACSR 553; \[2020\] FCA 398](#), led by **N Hutley SC** and **C van Proctor** (class action; leave to appeal)
- [Alexiou v Australia and New Zealand Banking Group Limited \[2020\] FCA 1777](#), 303 IR 35, led by **B Walker SC** and **N Kidd SC** (statutory construction; retrospective operation)
- [Watson v Schreuder Partners Lawyers \[2020\] FCA 1044](#), **unled** (class actions; equity; preliminary discovery)
- [Juan Jose Martinez as Trustee for the Martinez HWLE Practice Trust v Griffiths \[2020\] NSWCA 42](#), **unled** (costs; offers of compromise)
- [Awad v Awad \(No 2\) \[2020\] NSWSC 25](#), **unled** (equity; constructive trusts; equitable damages)
- [Tredrea v KPMG \[2019\] NSWSC 871](#), led by **N Hutley SC** (class action settlement approval; common fund order) acting for litigation funder
- [PPK Willoughby Pty Ltd v Baird \[2020\] NSWSC 1757](#), led by **T Faulkner SC** (misleading or deceptive conduct; *Potts v Miller* damages; proper approach to damages),
- [PPK Willoughby Pty Ltd v Baird \[2020\] NSWSC 1396](#), led by **T Faulkner SC** (evidence)
- [In the matter of Techfire NSW Pty Limited \[2020\] NSWSC 1206](#), **unled** (winding up application; costs)
- [In the matter of Techfire NSW Pty Limited \[2020\] NSWSC](#), **unled** (insolvency; appointment of provisional liquidator)
- [Tredrea v KPMG \[2019\] NSWSC 640](#), led by **N Hutley SC** (class action settlement approval; common fund order) acting for litigation funder
- [Juan Jose Martinez as Trustee for the Martinez HWLE Practice Trust v Griffiths \[2019\] NSWCA 310](#), led by **S Donaldson SC** (contracts; damages; employment law)
- [T-S Capital Partners LLC v Paltar Petroleum Limited \(administrators appointed\), in the matter of Paltar Petroleum Limited \(No 1\) \[2019\] FCA 635](#), led by **J Giles SC** (s440A Corporations Act application for voluntary administration)
- [In the matter of Global Advanced Metals Pty Ltd \(2019\) 141 ACSR 222; \[2019\] NSWSC 1804](#), led by **R Newlinds SC** (corporations; leave to commence derivative action)
- [In the matter of Metal Storm Limited \(in liquidation\) \(receivers and managers appointed\) \[2019\] NSWSC 1667](#), led by **A McGrath SC** (privilege – s 119 Evidence Act)
- [In the matter of Metal Storm Ltd \(in liquidation\) \(receivers and managers appointed\) \(No 2\) \[2019\] NSWSC 1682](#), led by **A McGrath SC** (s 5D(3) of the *Civil Liability Act* (Qld) and evidence from a corporate plaintiff)
- [PPK Willoughby Pty Ltd v Baird \[2019\] NSWSC 769](#), led by **T Faulkner SC** (admissions – whether plaintiff can withdraw admission of authenticity of document; r 17.5 UCPR)
- [PPK Willoughby Pty Ltd v Baird \[2019\] NSWSC 705](#) (evidence; s 5D(3) of the *Civil Liability Act* and misleading or deceptive conduct)
- [PPK Willoughby Pty Ltd v Baird \[2019\] NSWSC 704](#) (evidence; s 5D(3) of the *Civil Liability Act* and evidence from a corporate plaintiff)
- [Griffiths v Juan Jose Martinez as Trustee for the Martinez HWLE Practice Trust \[2019\] NSWSC 664](#), led by **S Donaldson SC** (contracts; construction; damages)
- [In the matter of Global Advanced Metals Pty Limited \[2019\] NSWSC 1545](#), **unled** (privilege; s 75 of the Evidence Act; issue waiver and s 237 of the Corporations Act)
- [Noe v New South Wales Police Force \[2019\] NSWSC 504](#), **unled** (evidence; privilege)
- [Awad v Awad \[2019\] NSWSC 385](#), **unled** (proprietary estoppel; constructive trusts)
- [Harris v Dewell & Anor \[2018\] HCASL 276](#), led by **J Giles SC** (family law)
- [Prowl Pty Ltd v D L Brookvale Pty Ltd NSWSC \[2018\] NSWSC 1255](#), led by **T Faulkner SC** (contracts; construction; rectification; GST)

- [PPK Willoughby Pty Ltd v Baird & Anors \[2018\] NSWSC 1889](#), **unled** (security for costs; delay and prejudice)
- [Picos v Western Pacific Automotive Pty Ltd \[2018\] NSWSC 536](#), **unled** (appeal; appeal incompetent)
- Various unreported motions and applications in the Federal Court and the Supreme Court

Commercial investigations

- Representing a former neobank company director in investigations by the Australian Prudential Regulation Authority, **unled**, 2023
- ASIC regulatory proceedings for a banning order under s 290A of the *Corporations Act*, led by **M Steele SC**, 2019

Commercial cases – settled from 2023 (selected)

- ***Peregrine (HJ Franchising) Pty Ltd v Hungry Jacks***, Federal Court of Australia, led by **T Castle SC** (acting for Hungry Jacks in respect to a franchise dispute) 2023-2024
- ***Arab Bank (Switzerland) Ltd v Tokio Marine***, Federal Court of Australia, led by **D L Williams SC** (insurance law, contractual construction, trade credit insurance, claims about \$20 million) 2022-2023
- ***Zeep Medical Pty Ltd v Robinson & Anors***, Supreme Court of NSW, **unled** (breach of confidence, equitable compensation, damages) 2023
- ***Scott's Refrigerated Logistics Group Pty Ltd v HCC International Insurance Company Pls***, Supreme Court of NSW, **unled** (construction of insurance policy; calculation of loss; whether share sale agreement misleading or deceptive; damages \$20 million) 2023
- ***Hawkesbury City Council & Anor v Kara-Ali & Anor***, Supreme Court of NSW, **unled** (tracing; voidable transactions; 37A of the *Conveyancing Act*; s 588FDA of the *Corporations Act*) 2023

Criminal / Intention torts

- [Carvana v State of New South Wales \[2024\] NSWSC 254](#), **unled** (torts, malicious prosecution, trespass to goods, false imprisonment, damages)
- [Attorney General for New South Wales v XX \[2019\] HCATrans 52](#), led by **N Hutley SC and J Single** (Bowraville murders double jeopardy; statutory construction)
- [New South Wales Crime Commission v D154 \[2019\] NSWSC 1](#), **unled** (Criminal law; Chapter III of the Constitution; Abuse of Process; r 36.16 UCPR)
- [Attorney General for New South Wales v XX \(2018\) 98 NSWLR 1012; 274 A Crim R 30; \[2018\] NSWCCA 198](#), led by **W Abraham QC** and **J Single** (**Bowraville serial murders**; Application for retrial after acquittal under *Crimes (Appeal and Review) Act 2001* (NSW))
- ***Attorney General of NSW v XX [2017] NSWCCA 181***, led by **W Abraham QC** (Subpoena; Legitimate forensic purpose; Privilege)
- [Presley v Director of Public Prosecutions for the State of South Australia; Smith v The Queen; Miller v The Queen \(2017\) 259 CLR 380](#), led by **W Abraham QC** (Joint criminal enterprise)
- [D151, D152 & D154 v New South Wales Crime Commission \[2017\] NSWCA 143; 345 ALR 484](#), led by **W Abraham QC** (Constitutional law; Chapter III of the Constitution; Contempt laws)
- [Dib v R \[2016\] NSWCCA 15](#), led by **W Abraham QC** (Criminal law; Appeal on conviction)

Other Courts

Jocelyn has acted **unled** in numerous cases in the District Court of NSW, the Fair Work Commission, the Federal Circuit Court, NCAT and the Family Court of Australia (as it then was) in various areas

including commercial law, family law, strata, industrial relations and employment disputes, including:

- [Ward v Owners of Strata Plan 53158 Observatory Tower \[2023\] FedCFamC2G 1087](#)
- [Australian Workers' Union v Cobar Management Pty Ltd \[2023\] FWC 1364](#)
- [Hatch v WestTrac Pty Ltd \[2020\] FWC 5729](#)
- [Dyson v Centennial Myunna Pty Ltd \[2020\] FWC 5486](#)
- [SafeWork NSW v Building Maintenance Unit Service Pty Ltd \[2019\] NSWDC 16](#)
- [Dewell & Harris \[2019\] FamCA 10](#)
- [Warren v The Owners – Strata Plan No 61618 \[2019\] NSWCATCD](#)
- [CMFEU v Mt Arthur Coal Pty Limited \[2018\] FWC C2018/2679](#)
- [Waters v Mt Arthur Coal Pty Limited \(2018\) 278 IR 354; \[2018\] FWC 3285](#)
- [Waters v Mt Arthur Coal Pty Limited \[2018\] FWCFCB 5755](#)
- [El Ossman v Minister for Immigration & Anor \[2017\] FCCA 433](#)
- [CWF v Arndt \[2017\] NSWCATAD 251](#)
- [Parish v Mt Arthur Coal Pty Ltd \[2016\] FWC 6427](#)

Please contact the clerk, Fiona Hayden, for a full list of cases.