

## CURRICULUM VITAE

### MANDY TIBBEY

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### ADMITTED TO PRACTICE AS A SOLICITOR, JULY 1987.

### ADMITTED AS A BARRISTER, 2 FEBRUARY 2004.

### ACADEMIC QUALIFICATIONS:

- Master of Laws, UNSW, 2005.
- Graduate Certificate in Management, UWS, 1998.
- Bachelor of Laws, UNSW 1986.
- Bachelor of Jurisprudence, UNSW 1981.

### LEGAL EXPERIENCE

#### WORK AS A BARRISTER, 2004- present.

#### STATE

**Supreme, District and Local Courts:** Wills and probate matters, general equity matters, property and commercial matters including contract, tort disputes in relation to sale of businesses; consumer law and trade practices; retail leases; real property; debt; intellectual property; professional negligence; mortgage, guarantee and possession matters, involving trial work and interlocutory proceedings, including obtaining urgent injunctive orders; Member of Legal Aid General criminal law panel.

**ICAC:** appeared in Operation Spicer

#### **Land and Environment Court**

**Administrative Decisions Tribunal (now NCAT):** Briefed to appear in Equal Opportunity, Community Services and Retail Leases divisions at first instance and on appeal.

**CTTT:** tenancy matters.

**Guardianship Tribunal (now NCAT):** orders for guardianship and financial management; before appointed as a part-time Senior Member (Legal) to Guardianship Division of the NSW Civil and Administrative Tribunal in August 2014.

**Court of Appeal:** as a junior in commercial, equity and property disputes.

**Part Time Senior Legal Member NCAT,** appointed to the Guardianship Division of NCAT in August 2014 and cross appointed to Administrative and Equal Opportunity Division and Commercial And Consumer Division the other two divisions referred to in 2015.

Have determined wide range of matters, general consumer matters, motor vehicle, residential tenancies, guardianship, financial management, reviews of enduring powers of attorney and enduring guardianship appointments, discrimination, victimisation.

## **FEDERAL**

**Federal Court:** migration, trade practices and consumer law.

**Federal Magistrate's Court:** discrimination, family law, bankruptcy, industrial law, migration.

**Administrative Appeals Tribunal:** social security appeals, criminal deportation appeals.

**Nationally Accredited Mediator, member of Supreme of NSW and District Court of NSW panel of mediators, accredited with Resolution Institute and NSW Bar Association,** conducting commercial and family mediations

## **OTHER**

**Disciplinary Matters:** briefed in disciplinary proceedings involving church personnel, including junior counsel in ground-breaking case to Appellate Tribunal, Anglican Church of Australia regarding professional discipline of bishops, disciplinary proceedings in other Anglican dioceses and other churches.

## **PROFESSIONAL ASSOCIATION SERVICE**

- Member of Board of 8 Wentworth Chambers 2019;
- Member NSW Bar Association Professional Conduct Committee 2014 - 2016
- Chair, Women Barrister's Forum ('WBF'), a Section of the NSW Bar Association July 2013 to May 2014, member of Executive of WBF 2008 – July 2013.
- Member, Bar Association of NSW Human Rights Committee 2007-2008.

- Member of the Executive, Second Floor Wentworth Chambers 2007 - 2014
- Advisory Board Member for Sir Francis Forbes Society for Australian Legal History July 2019 to date;
- Member, Sir Francis Forbes Society for Australian Legal History 2005 to date.
- Member, LEADR, now Resolution Institute, 1994 to date.
- Member, Women Lawyers Association 2000 to date.
- Member, Civil Sub-Committee, Legal Aid NSW, representing Bar Association of NSW, 2008- 2015.

### **EXPERIENCE IN LEADING, TRAINING, MENTORING**

- Registered Tutor for new barristers
- Mentored law students
- Acted as Coach in NSW Bar Course 2013
- Judge in Australia-wide Baker and McKenzie National Intervarsity Women's Moot for some years since 2012
- Judge in Freehills Contracts Moot 2018
- Completed ABA Excellence in Appellate Advocacy Course, Sydney 13 – 15 September 2013

### **OTHER LEGAL TRAINING, QUALIFICATIONS AND EXPERIENCE**

- A contributing author, Thomsons Civil Practice and Procedure and the Civil Procedure Handbook 2012 – to date ( updating annotations to and commentary on the Uniform Civil Procedure Rules)
- Legal reporter, preparing headnotes of cases for the Australian Corporations and Securities Reports, late 2004 - 2012.
- Visitor, Australian College of Theology (adjudicating on plagiarism allegations) 2008-to date.
- Member (legal) Ethics Committee, Australian College of Theology, 2006 – to May 2014.
- Registered Migration Agent, 7 January 1993 –7 January 2002.
- Volunteer solicitor, (evening work) Refugee Advice and Casework Service 1994-6;
- Member AIDS Council of NSW Legal Working Group 1991-2;
- Volunteer and Redfern Legal Centre 1979-80, 1987; member of Management Committee 1980.

### **PUBLISHED LEGAL ARTICLES**

- Forthcoming chapter on Sir Ronald Wilson in book to be published by Federation Press on Christian influences on selected Australian jurists.
- Book review Mary Robinson "Everybody Matters: A Memoir" Bar News Autumn 2013.

- “Undoing Unjust Contracts: Developments in Jurisprudence under the Contracts Review Act (1980) NSW,” (2009) 32 Australian Bar Review, July 2009.
- “Developments in Anti-Vilification Law,” (2001) 21 Aust Bar Review 2004.

## **PRESENTATIONS**

- “Survey of Recent Appeals from Guardianship Division of NCAT to Appeal Panel and Supreme Court,” College of Law 29 August 2019
  - “Powers of Attorney in a Commercial Context,” College of Law, 28 March 2019;
  - “Liability for Clergy Misbehaviour “ presentation prepared with Garth Blake SC for Religious Law Conference, Legalwise, 18 November 2018
  - Preparation and Presentation for on “Determining Incapacity in the NCAT Guardianship Division,” STEP WA, Perth, 26 October 2018
  - “Enduring Powers of Attorney: Uses and abuses: Avenues for review through NCAT and the Supreme Court, ” Paper prepared for UNSW CPD/CLE 11 October 2018
- “Egan v Egan [2018] NSWSC 202” Benchmark presentation 19 April 2019.
- “Recent Developments in Family Provision Clams” UNSW CPD/CLE 21 March 17
  - “Acting in Guardianship and Financial Management Matters” UNSW CPD/CLE 4 August 2016
  - “Family Provision Clams under the Succession Act “ City of Sydney Law Society CPD/CLE 13 October 2016
  - “Powers of Attorney in a Commercial Context” UNSW CPD/CLE 19 August 2015
  - “Insights into Discrimination Practice and Disability Discrimination” Young Barristers Committee, NSW Bar Association 25 February 2015
  - “Professional Liability and Forged Mortgages” NSW Bar Association CPD March 2015
  - 2 CPD/CLE presentations to City of Sydney Law Society in 2013 on “Mediation: Tips and Tactics” and “What your client can do when the bank forecloses”.

- Paper on “Advance Care Directives and Refusal of Treatment” for “It All Hinges on Capacity” UNSW seminar 28 February 2011 and 2012
- Presentation of papers on Mental Health Act 2007 for UNSW seminars 2011 and 2012.
- “The Adventures and Tribulations of Sir Francis Forbes, Chief Justice of NSW 1824 – 1836, as documented by his Wife, Lady Amelia Sophia Forbes,” Presentation to Australia and New Zealand Law and History Society 31<sup>st</sup> Annual Conference on “Administering the Law in a Young Colony” December 2012.
- “Contracts Review Act – Update” for Television Education Network, March 2010.
- “Undoing Unjust Contracts: Developments in Jurisprudence under the Contracts Review Act 1980 (NSW)” Bar Association of NSW March 2009.
- As part of Bar Association’s Human Rights Sub-Committee 2007 – 2008, involved in preparing submissions to Bar Council on privacy law, vilification, Charter of Rights.
- Presentation of workshop, training and papers to Christian Conference of Asia Annual Human Rights Training, Indonesia 2002, Malaysia 2003, Indonesia 2005, Thailand 2006, 2007, 2008, on “The Philosophical and Historical Development of UN Human Rights Instruments and their Implementation” and “International Human Rights and the United Nations System”.
- Workshop presenter on international human rights, negotiation and mediation at Young Ambassadors for Peace workshops of Uniting Church in Australia, in Sri Lanka 2002, Canberra 2002, Solomon Islands 2003 and North East India 2003.

### **SIGNIFICANT CASES**

*Ekerawali v Commissioner of Police, NSW Police Force* [2019] NSWCATAD 79

*Burns v Smith* [2019] NSWCATAD 56

*Egan v Egan* [2018] NSWSC 202

*El-Kassir v Commissioner of Police, NSW Police Force* [2018] NSWCATAD 232

*Lindsay v Arnison* [2017] NSWSC 41

*AMP Bank Limited v Brown and Kavanagh* [2017] NSWSC 313

*Hinder v The Salvation Army (NSW) Property Trust (No 3)* [2017] NSWCATAD 16

*Choi v Deloitte Touche Tomatsu* [2016] NSWADT 304.

*Hinder v The Salvation Army (NSW) Property Trust (No 2)* [2016] NSWCATAD 55

*National Australia Bank Limited v Smith* [2014] NSWSC 1605

*DSR v Minister for Immigration and Citizenship* [2013] AATA 341

*Gani v Maiolo* [2012] NSWSC 1417 (27 November 2012)

*Deerubbin Local Aboriginal Land Council v Hunter* [2012] NSWADTAP 15 (7 May 2012)

*Hunter v Deerubbin Local Aboriginal Land Council* [2011] NSWADT 202

*Menka Tasevska v Vlado (Larry) Tasevski & Anor* [2011] NSWSC 174

*Perpetual Trustees Vic Ltd v Bodiroza* [2010] NSWSC 238

*Perpetual Trustees Vic Ltd v Bodiroza* [2009] NSWSC 861

*Mighell & Anor v Gargoura & Ors* [2009] NSWSC 248 (3 April 2009)

*Hurst v Star City Pty Ltd* [2009] NSWADT 65 (26 March 2009)

*McDonald v McDonald* [2008] NSWSC 1372 (19 December 2008)

*Rimoni v Minister for Immigration and Citizenship* [2008] AATA 761 (28 August 2008)

*Grogan and Ors v First Rate Leisure Pty Limited and Ors* [2007] NSWADT 294

*Tleyji v The TravelSpirit Group Pty Ltd* [2005] NSWADT 294

*Evans v National Crime Authority* [2003] FMCA 375

*Hudson v Strathfield Golf Club* [2000] NSWADT 88

