

# San-Joe Tan

## *Barrister-at-Law*



35 West Chambers, Level 35 Santos Place, 32 Turbot Street, Brisbane Qld 4000  
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### **Qualifications**

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<b>Diploma in International Commercial Arbitration</b> Chartered Institute of Arbitrators.	2018
<b>Graduate Diploma in Legal Practice</b> College of Law, Australian National University.	2014
<b>Short Term Program in Chinese Law (non-award conferring)</b> Studied at Peking University, Beijing, as part of the LLM program covering: Chinese Civil Law, Chinese Company Law and Chinese Administrative Law.	June – December 2013
<b>Bachelor of Laws (Honours) and Bachelor of Commerce</b> The University of Queensland (UQ). Class 2A Honours (LLB). Dean's Honour Roll (BCom).	2008 – 2013

### **Professional experience**

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<b>Barrister – 35 West Chambers</b> Since commencing at the bar, I have developed a broad commercial practice. Examples of my experience include:	June 2019 to present
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#### *Building & construction*

- Acting for an electrical services contractor in an ACICA arbitration for variations and extension of time claims, which resulted in a successful outcome for the client (led by Matthew Jones).
- Acting and appearing for a home owner in QCAT proceedings regarding *quantum meruit* and the interpretation of the *Queensland Building and Construction Commission Act 1991* (Qld).
- Acting for an electrical sub-contractor regarding a defective works claim in the Queensland District Court.
- Acting for a civil works contractor in a substantial claim against a developer/owner of a residential sub-division for variations, delay damages and other relief.

#### *Insolvency & bankruptcy*

- Acting for the related party of a director in defending recovery proceedings under the *Corporations Act 2001* (Cth).
- Advising a liquidator regarding unpaid invoices and the interaction with the *Building Industry Fairness (Security of Payment) Act 2017* (Qld).
- Appearing at Public Examinations for examinees.
- Provision of advice to creditors of insolvent companies and of bankrupt estates as to their rights and remedies.

- Advising and appearing in matters involving Creditor's Statutory Demands.

*Intellectual Property*

- Acting for a grower in Federal Court proceedings under the *Plant Breeders' Rights Act 1994* (Cth) (led by Matthew Jones).

*Insurance*

- Acting for the insurer in Queensland Supreme Court proceedings relating to an employee's fraudulent misappropriation of money.
- Acting for the insurer in relation to a maritime claim in the Federal Circuit Court of Australia: *Helicopter Aerial Surveys Pty Ltd v Bradford Marine Pty Ltd* [2020] FCCA 3238.

*Defamation*

- Acting for a third party alleged to have amplified purported defamatory statements through re-publication (led by Andrew Crowe QC on a *pro bono* brief).

*Regulatory & administrative*

- Acting in a of judicial review application under the *Migration Act 1958* (Cth).
- Advised on merits of a review of a decision of the Australian Community Pharmacy Authority.

*Publications*

- Mediation and ADR in Queensland – forthcoming Thomson Reuters Practical Law paper (with Andrew Crowe QC and Matthew Jones).

**Infantry Officer – Australian Army (Reserve)**

I currently hold the rank of Captain. I completed 12 months full-time service (from April 2018 to March 2019), including deploying to Malaysia as part of Rifle Company Butterworth. While overseas, I was the Second-in-Charge of a 120-person Company, where my responsibilities included the administrative management of all deployed members, participating in tactical activities and engaging with armed forces across the South East Asian region.

January 2012 to present

**Associate – Jones Day**

Jones Day is a full-service global law firm, with a highly reputable Global Disputes team. My experience at Jones Day's Sydney office included:

- Acting for the receivers of a previously ASX listed company in s 180 *Corporations Act 2001* (Cth) proceedings against the former directors.
- Advising a bank in relation to impending legislative changes.

October 2017 to March 2018

**Solicitor – Tucker & Cowen Solicitors**

Tucker & Cowen Solicitors is a leading commercial litigation practice in Queensland. It has been recognised by Doyle's Guide as a leader in general litigation and insolvency. My experience at Tucker & Cowen included:

- Dismissing a Queensland Supreme Court claim for want of prosecution. In the subsequent appeal, the Queensland Court of Appeal overturned a 30 year old precedent relating to the interpretation of the

February 2015 to September 2017

*Uniform Civil Procedure Rules 1999 (Qld) (Ure v Robertson [2017] QCA 20).*

- An appeal to the Full Court of the Federal Court regarding the effect of the *Bankruptcy Act 1966 (Cth)* and whether the Court which sets aside a composition is bound to make an order restoring the parties to their pre-composition positions (*Mouglalis v Bendigo Bank [2017] FCAFC 47*).
- Acting for a Swiss bank to estop proceedings commencing in the Queensland Supreme Court based on *res judicata*.
- Applying to have proceedings transferred from the Queensland Supreme Court to the Supreme Court of Western Australia pursuant to the *Jurisdiction of Courts (Cross-vesting) Act 1987 (Cth)*.
- Acting for a property developer in urgent proceedings where an injunction was sought prohibiting further construction based on trespass to airspace.

**Associate to the Hon Justice R.W. Gotterson AO – Queensland Court of Appeal** 2014

My duties as Associate to Justice Gotterson included: legal research, proofing judgments and other court related documents and liaising with parties and other members of the Court.

**Awards and prizes**

**Prince of Wales Award** 2017

The Award is granted to Australian Defence Force Reservists recognising dedication and commitment to Reserve service and provides funding to enhance a recipient's professional development in their civilian career. The Prince of Wales Award allowed me to undertake the Diploma in International Commercial Arbitration.

**Andrea Bowler Memorial Prize for Family Law** 2013

A UQ Law School award to the most outstanding applicant who completed the Family Law subject based on criteria including academic results and active participation in extracurricular activities.

**Pro bono and community engagement**

**LawRight Pro Bono matters** 2019 to present

I regularly volunteer with the LawRight Enforcement Hearings Duty Lawyer scheme as well as accepting briefs in public interest matters.

**Volunteer – South West Brisbane Community Legal Centre** 2015 to 2017 and 2019 to present

I regularly provided legal advice during the South West Brisbane Community Legal Centre's Thursday evening drop-in sessions. Areas of advice were in relation to civil matters and traffic offences.