

Stephen Ipp

Solicitor 1993

Barrister 2006

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Stephen Ipp is a barrister specialising in arbitration, building and construction, commercial, corporations, insolvency and real property law.

He acts in a wide range of disputes involving shareholder claims, commercial fraud, real property transactions, complex recoveries for financiers and liquidators, engineering and infrastructure disputes, general building and strata defect claims and insurance claims. Stephen also appears in arbitrations.

Stephen advises on trial strategy at all stages of the litigation process and works closely with instructing solicitors. He has more than 25 years of experience working with experts across a wide range of professional disciplines.

In 2017, Stephen completed a Master of Laws in Construction Law at the University of Melbourne, where he was awarded the 2014 Piper Alderman Award for Construction Dispute Resolution.

His other postgraduate qualifications include a Diploma in International Commercial Arbitration (CIArb), a Graduate Diploma in Advanced Insolvency Law & Practice (ARITA) and a Graduate Diploma in Applied Finance & Investment (FINSIA).

Before coming to the Bar in 2006, Stephen practised for over 12 years as a solicitor at Henry Davis York in Sydney and at Blake Dawson Waldron (now Ashurst) in Melbourne and Perth. He also worked in London as a solicitor on large scale international fraud litigation and insolvency investigations.

Stephen is recognised in *The Best Lawyers in Australia* 2021 to 2024 for his expertise in Insolvency and Reorganization Law, in 2023 and 2024 in Insurance and in 2024 in Banking and Finance. Stephen is a Fellow of the Chartered Institute of Arbitrators (UK) (FCIArb).

QUALIFICATIONS

- Fellow of the Chartered Institute of Arbitrators (London)
- Masters of Construction Law (University of Melbourne) 2017
- Bachelor of Laws (University of Western Australia) 1992
- Diploma of International Commercial Arbitration (Chartered Institute of Arbitrators) 2014
- Graduate Diploma, Advanced Insolvency Law and Practice (Insolvency Practitioners of Australia) 2004
- Graduate Diploma, Applied Finance and Investment (Financial Services Institute of Australia) 1995

SPECIALISATIONS

- Arbitration Law (International and Domestic)
- Building and construction law
- Commercial law and equity
- Corporations law
- Insolvency law
- Real property law

PROFESSIONAL RECOGNITION

- FCI Arb
- *The Best Lawyers in Australia* 2021 to 2024 for Insolvency and Reorganization Law
- *The Best Lawyers in Australia* 2023 and 2024 for Insurance
- *The Best Lawyers in Australia* 2024 for Banking and Finance
- Piper Alderman Award for Construction Dispute Resolution 2014 (University of Melbourne)

NOTABLE CASES

Commercial Law and Equity

- Acting for a financier in Supreme Court proceedings regarding a claim for damages in excess of \$120 million and claims for redemption and priority of mortgage securities.
- **Business Finance Pty Ltd (Recs and Mgrs Apptd) v Partner Invest Pty Ltd (In liq) [2022] NSWSC 1.** Dispute regarding the assignment and priority of mortgage securities.
- **Business Finance Pty Ltd v Casula Projects Pty Ltd [2022] NSWSC 1156.** Dispute regarding claims for breach of directors' duties, fraud and reinstatement of a mortgage.
- **Mudge v Business Finance Pty Ltd (Recs and Mgrs Apptd) [2021] NSWCA 250.** Appeal regarding the removal of a caveat.
- **Blue Mirror Pty Ltd v Pegasus Australia Developments Pty Ltd [2021] NSWSC 961.** Application for a freezing order in relation to a claim for fraud.
- **Zaps Transport (Aust) Pty Ltd v Richland Express Pty Ltd [2018] NSWSC 1930.** Dispute involving liabilities for customs duties.
- **Lisec Australia Pty Ltd v Saramech Pty Ltd [2015] NSWSC 365.** Dispute involving product liability claims involving complex machinery and equipment. The main proceedings settled at trial. Stephen also appeared in an application for an interim preservation order.

Commercial Law and Equity - Continued

- **Dawn Jade Ltd v Himanshu Girdhar Dua [2014] NSWSC 1085.** Stay of enforcement of a foreign judgment.
- **North Coast Transit Pty Ltd [2013] NSWSC 1119.** Dispute regarding a shareholder oppression claim for damages exceeding \$40 million. Stephen appeared both led and unled in a number of interlocutory applications, including an injunction application. The proceedings settled before trial.
- **Current Images Pty Ltd v Dupack Pty Ltd [2012] NSWCA 99.** Appeal regarding construction of contract terms
- **Oliver v Commonwealth Bank of Australia (No 2) [2010] FCA 755.** Acted for group members in a class action regarding the failure of Storm Financial Ltd. Stephen also appeared in a stay application.

Insolvency

- **Snell v Deputy Commissioner of Taxation [2020] NSWCA 29.** Appeal involving director penalty notice claims.
- **Treset Pty Ltd v South Pelagic Holdings Pty Ltd (Recs and Mgrs Apptd) (Admins Apptd) [2020] FCA 187.** Application to adjourn a winding up application.
- **In the matter of Fellmane Pty Ltd (in liq) [2020] NSWSC 595.** Application regarding guarantor's right of subrogation.
- **Weston in his capacity as liquidator of Starcom Group Pty Ltd (In liq) v Rajan [2019] FCA 1455.** Application for adoption of a referee's report in relation to an insolvent trading claim.
- **In the matter of Heavy Plant Leasing Pty Ltd (in liq) [2018] NSWSC 707.** Claims for insolvent trading, unfair preferences, breach of directors' duties and breach of fiduciary duties.
- **In the matter of Production Printing (Aust) (in liq) [2017] NSWSC 505.** Claims regarding a defective registration of a security interest under the Personal Property Securities Act.
- **Re TMTE Group Pty Ltd [2014] NSWSC 1895.** Application to adjourn a winding up application.
- **Canadian Solar v ACN 138 535 832 Pty Ltd, In the matter of ACN 138 535 832 Pty Ltd (Subject to a Deed of Company Agreement) [2014] FCA 783.** Application to terminate a deed of company agreement.
- **RE Young (in his capacity as liquidator of Great Wall Resources Pty Ltd) (in liq) [2013] NSWSC 879.** Appeal against the rejection of a proof of debt.
- **Lodge Partners Pty Ltd v Pegum (2009) 255 ALR 516.** Application to set aside a statutory demand.

Building and Construction

- In 2022, Stephen acted for a contractor in an infrastructure dispute regarding claims for damages arising from the construction of a road tunnel in New South Wales.
- In 2022, Stephen acted in arbitration and litigation proceedings for a contractor in an infrastructure dispute arising from a water sewerage treatment plant in Queensland.
- In 2020 and 2021, Stephen acted for contractors in an infrastructure dispute involving claims for \$300 million regarding the design and construction of a railway line in Sydney.
- In 2018, Stephen acted in Supreme Court proceedings involving defects, variations and set off claims against a major contractor. The case settled before trial.
- In 2016, Stephen appeared in arbitration proceedings for an insurer of a gas power plant owner in a \$6 million claim regarding plant operation incidents at a power plant.
- In 2015, Stephen acted in proceedings to set aside an expert determination, claims for liquidated damages, extensions of time and the release of bank guarantees. The case settled before trial.
- In 2015, Stephen acted in proceedings regarding multiple claims arising out of a mine contamination incident. The case settled before trial.

Bankruptcy

- **Goyal v Battaglia [2020] FCCA 182.** Application for the substitution of a petitioning creditor.
- **Jones v Official Receiver [2017] FCA 1294.** Appeal against declarations and orders as to transfers of property being void.
- **David Young v Capocchiano & Anor [2015] FCCA 3346.** Application for a sequestration order.
- **Tomasetti v Scott [2013] FCCA 1693.** Application for the review of a trustee's decision.
- **French v Provident Capital Ltd (Receivers and Managers Appointed) (in liq) FCCA, August 2016 (Driver J); Labraga v Exception Holdings Pty Ltd (in liq) [2009] FMCA 397; Stanley Coumanios v Bank of Western Australia Limited [2009] FMCA 486.** Applications to set aside bankruptcy notices.