



Jonathon Turner

Partner

Commercial Disputes

D +61 2 8020 7766

M +61 421 513 454

E jturner@landers.com.au

Introduction

Jonathon is a contentious insolvency and restructuring partner based in Sydney, having previously practiced in London. Jonathon specialises in complex, cross-border and contentious insolvency, restructuring and commercial disputes. He is a trusted adviser to a range of domestic and international clients including leading financial institutions, insolvency practitioners, corporates and directors on a wide variety of contentious and non-contentious matters.

Experience

Jonathon has significant experience in conducting complex and high-profile commercial and insolvency disputes and non-contentious restructuring and commercial engagements. He adopts a commercial and strategic approach while ensuring that risks are effectively managed throughout any engagement.

Jonathon is dual-qualified having been admitted as a solicitor in Australia and England and Wales. His international experience includes acting in a number of high-profile and complex matters in London arising out of the global financial crisis in 2008. He has acted for clients in complex litigation in superior courts in Australia, England and Wales, and the Cayman Islands.

Jonathon's areas of expertise include:

- commercial disputes;
- corporate governance and directors' duties;
- investigations;
- corporate restructuring and insolvency;
- cross-border insolvency;
- PPSA and security enforcement; and
- banking and financial services.

Career Highlights

Jonathon's career highlights and experience include:

- acting for the liquidators of a number of reinstated companies pursuant to an application by the Deputy Commissioner of Taxation. Conducting public examinations and multiple recovery proceedings in the Supreme Court of NSW in the context of alleged money laundering, phoenix activity and an alleged conspiracy to defraud the commonwealth.
- acting for the liquidator (Brooke Bird) of North Shore Property Developments Pty Ltd (In Liq) in respect of public examinations in the Federal Court and potential recovery proceedings concerning alleged phoenix activity and tax evasion.
- acting for the liquidators of the Delta Group of companies, a mining services provider, in insolvent trading proceedings brought in the Federal Court.
- acting for the Sydney landlord (Brookfield) of Sneakerboy Retail in respect of investigations into an alleged fraudulent bank guarantee and subsequent administration of Sneakerboy Retail (Administrators appointed).
- acting for the secured creditor (HSBC) in respect of the voluntary administration of Jeanswest, including in respect of guarantees issued by Hong Kong entities.
- acting for a leading international payment provider in respect of investigations by AUSTRAC in respect of alleged breaches of AML/CTF obligations.
- acting for the secured creditor, and the receivers and managers appointed by the secured creditor, in respect of the voluntary administration, receivership and subsequent liquidation of the Jewel Group of companies. Advising the secured creditor in respect of ongoing public examinations and potential litigation.
- acting for the chief risk officer of a leading Australian financial institution in relation to investigations being carried out by ASIC and AUSTRAC.
- acting for a forensic accountant in respect of investigations undertaken by ASIC in respect of the subsequent liquidation of a corporate entity.
- acting for the FEG active creditor team in relation to entitlements paid out under the FEG scheme in relation to a number of external administrations.
- acting for the deed administrators (McGrathNicol) of Black Range Minerals Pty Ltd (subject to DOCA).
- acting for a non-resident registered liquidator at EY in respect of a show cause notice issued by ASIC and subsequent disciplinary proceedings.
- acting for the voluntary administrators and subsequently deed administrators of the Focus on Furniture group of companies.
- appearing for an overseas registered liquidator in an appeal before the AAT concerning registration as a liquidator in Australia. Appearing for the registered liquidator in respect of a subsequent committee established under the IPS (Corporations) by ASIC.
- acting for the deed administrators (KPMG) of Payless Shoes Pty Ltd (subject to DOCA) in public examinations and potential recovery proceedings.
- acting for the receivers and managers of Dick Smith Electronics (Administrators Appointed) (Receivers and Managers appointed).
- acting for the voluntary administrators and subsequently deed of company administrators (Grant Thornton) of JMIE Australia Pty Ltd (subject to DOCA).
- acting for the Department of Family and Community Services (NSW) and the liquidators of Community Work Pty Ltd (t/as Guardian Youth Care) (In Liq) in respect of alleged fraudulent conduct concerning a not-for-profit charity.
- acting for Alleasing, an asset finance and leasing company, in relation to a dispute in the Supreme Court of NSW against the voluntary administrators of OneSteel Manufacturing, an Arrium group entity, in relation to security interests under the PPSA.
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- acting for a number of Commonwealth departments, including the Australian Taxation Office and Department of Employment, in respect of the Arrium group of companies (November 2016).
 - acting for the former directors of Rivercity Motorway Management Limited in relation to Federal Court of Australia proceedings and public examinations concerning the collapse of a managed investment scheme and recovery proceedings brought by the liquidator.

Jonathon's international experience includes:

- acting for the secured creditor in respect of the voluntary administration of Jeanswest and in respect of enforcement and security issues in Hong Kong, including in respect of guarantees issued by Hong Kong entities.
- acting for an investment bank and New Zealand government entities in relation to a just and equitable winding up petition before the Grand Court of the Cayman Islands concerning an exempted limited partnership.
- acting for the administrators of Lehman Brothers International Europe (LBIE) in the High Court, Court of Appeal and Supreme Court in respect of the "Waterfall I" and "Waterfall II" applications that concerned claims in respect of the surplus of funds (c. 5bn GBP) held after payment in full of secured and unsecured creditors.
- acting for a leading global investment bank in respect of proceedings in the UK High Court concerning a claim brought against BVG, a German public body responsible for public transport in Berlin, for sums in excess of \$100m allegedly due under a credit derivatives transaction (CDO) and a subsequent counterclaim brought by BVG alleging fraudulent conduct.

Qualifications

- Admitted into INSOL International Global Insolvency Practice Course (deferred to 2023/2024)
- ARITA Advanced Certificate in Insolvency, 2016
- Qualified Lawyers Transfer Scheme (England and Wales), 2014
- LLM with Distinction, UNSW, 2011
- B LAWS with Honours and B INST with Distinction, UNSW, 2008

Memberships

- Law Society of NSW
- INSOL International
- Australian Restructuring Insolvency & Turnaround Association (ARITA)
 - former member of NSW/ACT Division Committee 2021/2022
 - presenter and workshop leader for ARITA Advanced Certification

Awards

- Best Lawyers in Australia since 2020 (Restructuring)



Publications / Presentations

- *Who has priority?*, ARITA Journal, Vol 35, March 2023
- Presenting Remuneration Masterclass at ARITA Annual National Conference, October 2022
- *Case Study: Objecting to the decision to discharge of Salim Mehajer*, ARITA Journal, July 2022
- Panel Moderator, *An economic and geo-political view of the post COVID world: risks and opportunities*, ARITA Annual NSW Conference, May 2022
- Co-Presenter, *Annual Case Law Update*, ARITA Annual NSW Conference, May 2022
- *Case Study: Unconscionable conduct in asset-based lending and the effect of independent legal and financial advice certificates. Lessons from Stubbings v Jams 2 Pty Ltd [2022] HCA 6*, ARITA Journal, April 2022
- *Case Study: The use of s 447A of the Corporations Act to facilitate a share transfer*, ARITA Journal, October 2021
- *Maintaining Anti-Money Laundering Compliance & Reporting Suspected Proceeds of Crime: What Insolvency Practitioners need to know*, ARITA Journal, September 2021
- *Reforms to prevent misuse of the FEG Scheme: New obligations and risks when continuing to trade in voluntary administration* – Presenter at ARITA Seminar, October 2019
- *The ability of insolvency practitioners to operate in foreign jurisdictions* – INSOL World 2019
- *Australia's Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry and its Impact on Corporate Rescue* – International Corporate Rescue 2018
- *Independence and DIRRIs* – Presenter at Rosie Traill Corporate Insolvency Bootcamp, August 2018

Admission to Practice

- High Court of Australia, 2015
- Qualified in England and Wales, 2014
- Solicitor of the Supreme Court of NSW, 2009

Time with Firm

Jonathon joined Lander & Rogers in April 2023 having previously practiced at Norton Rose Fulbright (formerly Henry Davis York), Sydney (2015 to 2023) and Linklaters, London (2011 to 2015).

Jonathon was previously tipstaff to the Honourable Justice Barrett, Equity Division of the Supreme Court of NSW, (2009 to 2010)