

# **ELIZABETH JANE HACKNEY**

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Nationalities: Australian, Italian, Hong Kong Permanent Resident

Admissions: Hong Kong (2016), Australia (NSW and High Court of Australia) (2009)

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## **Languages**

**English** (native)

**Spanish** (DELE B2 – August 2022)

**Italian** (PLIDA B1 – September 2020)

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## **Education**

### **Master of Laws in International Dispute Settlement (MIDS)**

*Geneva Center for International Dispute Settlement*

2022 –  
April 2023

Completion of Master Thesis entitled “Defeating the Hydra – Lessons from *Rockhopper* for States in Pursuing Climate Change Measures” (awarded a mark of 5.5/6).

Selected subjects include The Theory and Practice of Treaty Interpretation (6/6 – Equal 1<sup>st</sup> in Course), WTO Dispute Settlement (6/6 – Equal 1<sup>st</sup> in Course), The PCA and its Contribution to the Evolution of International Dispute Settlement (5.75/6 – 1<sup>st</sup> in Course and Recipient of MIDS-PCA Fellowship Prize), The New York Convention of 1958 (5.5/6) and The Arbitration Agreement in International Commercial Arbitration (5.5/6)

### **Master of Laws (International Arbitration and Dispute Resolution)**

*National University of Singapore*

2021-2022

Selected subjects include Current Challenges to Investment Arbitration (A+), Mediation/Conciliation of Inter- & Investor-State Disputes (A+), International Investment Law and Arbitration (A), Energy Arbitration (A), International Commercial Arbitration (A-), International Investment Law (A-) and Conflict of Laws in International Commercial Arbitration (A-)

### **Bachelor of Laws with First Class Honours**

### **Bachelor of Arts (International Studies – Spanish)**

*University of Technology, Sydney*

2003 - 2008

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## **Professional experience**

### **Arbitration Chambers, Hong Kong**

*Arbitration Assistant*

May 2023 -  
present

Elizabeth is presently acting as Tribunal Secretary in the following arbitrations:

#### **SIAC**

- An arbitration relating to the purchase and management of a luxury hotel and resort complex (Singapore seat and Singapore law governed).
- A dispute arising out of or in connection with a trade credit insurance agreement (Singapore seat and Singapore law governed).

#### **HKIAC**

- An arbitration under an Investors Agreement, involving the redemption of shares and repayment of a Convertible Note, together with a counterclaim for losses arising from alleged breaches by the Claimant (Hong Kong seat and Hong Kong law governed).

#### **SHIAC**

- A dispute arising under a Cooperation Agreement for the construction and management of a hospital (Shanghai seat and Chinese law governed).

#### **ICC**

- An arbitration under a contract for the sale and purchase of LNG, involving a claim for non-performance due to *Force Majeure* (New York seat and New York law governed).

**Westpac Banking Corporation, Sydney***Lawyer (Regulatory Investigations and Litigation) (consultant secondment)*

2020 – 2021

- Advised on high profile, complex regulatory investigations and litigious regulatory matters spanning the entire Westpac Group.
- Coordinated Westpac's response to investigations conducted by regulators such as the Australian Securities and Investment Commission (**ASIC**) and the Hong Kong Monetary Authority.
- Daily direct engagement and management of relationships with regulators, internal stakeholders and senior management.
- Balanced competing interests and demands of stakeholders to deliver favourable and cost-effective outcomes for Westpac.

**Stephenson Harwood, Hong Kong***Senior Associate (Litigation)*

2015 - 2019

- Grew a diverse cross border disputes practice ranging from contentious insolvency and fraud and asset tracing matters to professional negligence claims, private client disputes and investigations.
- Developed a wide-ranging client base including professional advisers and appointment takers in respect of professional liability claims and trust litigation.
- Advocated for high-net-worth individuals in a wide range of disputes, including family, administrative and criminal law proceedings.
- Notable matters and clients included:
  - PwC in their capacity as the Joint Provisional Liquidators of CECEP COSTIN New Materials Limited and the Provisional Liquidators of Shanghai Huaxin Group (Hongkong) Limited;
  - Deloitte in their capacity as former administrators pendente lite of the estate of Nina Kung (Wang);
  - FTI Consulting (FTI) and Rod Sutton (former Asia-Pacific Chairman of FTI) in various proceedings, notably those commenced by the new liquidators of the Wah Nam Group Ltd, which were struck out on the ground of reflective loss: *Wah Nam Group Ltd v Roderick John Sutton & Anor* [2017] HKCFI 160;
  - A major European bank and its Asian subsidiaries in various proceedings, among them a claim for fraudulent misrepresentation and breach of contract against former counterparty, with damages exceeding US\$150 million, and proceedings in Hong Kong to recover a majority equity stake in a HK listco;
  - A global bank in relation to a US\$89 million bunker fuel fraud, which involved obtaining numerous Mareva injunctions, disclosure and tracing orders against multiple defendants, the appointment of provisional liquidators and liaising with the Hong Kong Commercial Crime Bureau; and
  - Phillips Fine Watches Limited, a Hong Kong subsidiary of UK auction house Phillips, most recently in a cross-border dispute arising from a disputed auction which gave rise to complex issues of conflict of laws, title to goods and contractual liens.
- Actively contributed to all facets of firm life, particularly in my role as a founding member of the Hong Kong office's Corporate Social Responsibility and Diversity and Inclusion committees.

**Federal Court of Australia, Sydney Registry***Associate to the Hon Justice Annabelle Bennett AC SC*

2014

- Assisted her Honour, Australia's leading intellectual property judge, in Court and in the discharge of her judicial function.
- Drafted, edited and proofread judgments, including evaluating and synthesising submissions and undertaking research on novel points of law.
- Managed Court lists, files and parties in order to progress proceedings in accordance with case management principles.
- Administered the *Apple v Samsung* patent dispute; the longest running litigation in Australian history.

**Norton Rose Fulbright, Sydney***Associate (Commercial Disputes)*

2012 - 2014

- Built a practice focussed on shareholder representative proceedings, securities class actions and regulatory investigations arising from the 2009 global financial crisis.
- Acted for London based insurers in the *Storm* and *NAB CDO* class actions, which allowed me to combine my skills as a corporate litigator with my transactional experience and understanding of complex financial products.
- Defended financial advisers, accountants and banks in actions arising from losses suffered on investments as a result of the crisis. These cases involved answering allegations of negligence, misleading and deceptive conduct, and various breaches of the Corporations Act 2001, ASIC Act and ASX Listing Rules.

**King & Wood Mallesons, Sydney***Solicitor (Dispute Resolution; Banking & Finance – Securitisation), Law Graduate (Corporate – Equity Capital Markets), Law Clerk (Pro Bono & Community Programs) and Summer Clerk (Property; Competition)*

2007 - 2012

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**Achievements****Winner of MIDS Permanent Court of Arbitration Fellowship***First in MIDS PCA course, for which the prize was a year long Fellowship with the PCA in the Hague.*

2023

**Sir Harry Gibbs Constitutional Law Moot***Semi Finalist*

2008

*Participant*

2007

**Willem C. Vis International Commercial Arbitration Moot***Participant and UTS Representative*

2008

**UTS High Achiever Award***Recipient*

2005

***Community Engagement***

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**Bring Me A Book***Volunteer*

2015 - 2019

**Homeless Persons' Legal Service***Volunteer*

2012 - 2014

**Refugee Advice and Casework Service***Volunteer Migration Agent*

2010 - 2013

**National Children's and Youth Law Centre***National Key Contact and Volunteer – National Cyber Project\*

2008 - 2012

***Referees***

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The Hon Dr Annabelle Bennett AC SC, Former Judge, Federal Court of Australia

Professor Lucy Reed, National University of Singapore

Jamie Stranger, Office Managing Partner for Greater China, Stephenson Harwood