



## Alysha Tuziak

### Senior Associate

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## OVERVIEW

Alysha Tuziak is a senior associate in the firm's Finance practice. She focuses on commercial litigation matters and has particular experience in debt recovery, securities enforcement, and corporate and personal insolvency. She advises insolvency firms, major banks, regional banks and other financial institutions on securities enforcement, liquidations and winding up proceedings, and bankruptcy proceedings.

Alysha also handles a large number of loan recoveries for banks and other financial institutions who have lent money to investors in failed managed investment schemes. She has also acted in debt recovery proceedings on behalf of large corporations who provide goods to customers on account.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Alysha worked at various Australian law firms in Melbourne and Brisbane. She also spent a few years at the Australian Competition and Consumer Commission (ACCC) within the Enforcement Operations branch.

## PROFESSIONAL / CIVIC ACTIVITIES

- Member of the Barristers Animal Welfare Panel

## SPEAKING ENGAGEMENTS

Alysha has given various presentations to senior bank employees on 'giving evidence' and the *Farm Debt Mediation Act 2011*.

## ADDITIONAL BACKGROUND

Alysha is currently completing a Masters of Commercial Law at the University of Melbourne and an Insolvency Education Program with the Australian Restructuring, Insolvency & Turnaround Association (ARITA).

## EDUCATION

- Graduate Diploma in Legal Practice, Queensland University of Technology, 2006
- Bachelor of Business, Griffith University, 2005 (*accounting*)
- LL.B., Griffith University, 2005 (*honours*)

## ADMISSIONS

- Federal Court of Australia
- High Court of Australia
- Supreme Court of Queensland
- Supreme Court of Victoria

## OTHER PUBLICATIONS

- "Deeds of Settlement: Avoiding the Risk of a Default Clause Being Classified as a Penalty," *TurksLegal Publication*, 2014
- "Don't Jump the Gun," regarding enforcement of farm mortgages, *TurksLegal Publication*, 2012
- "Mortgagees: Show Me the Money!," *TurksLegal Publication*, 2011

## AREAS OF FOCUS

- Restructuring and Insolvency

## REPRESENTATIVE EXPERIENCE

- Investigating alleged contraventions of the Franchising Code of Conduct.
- Defending claims of unconscionability made against banks.
- Advising on several pro bono matters involving the Domestic Animals Act 1994 and breed specific legislation.
- Advising on recovery proceedings on behalf of banks which involve the Farm Debt Mediation Act 2011.
- Advising on potential breaches of the Competition Law and the Australian Consumer Law, including misleading and deceptive conduct, misrepresentations about and breaches of implied contractual terms, defective goods and the liability of manufacturers and suppliers for such goods and alleged cartel conduct.
- Advising on possession and debt proceedings in Victoria, South Australia and Tasmania on behalf of banks against borrowers and guarantors (both individuals and companies).

- Advising businesses on the Privacy Act 1988.
- Conducting debt recovery proceedings against deceased estates.
- Dealing with complaints made against banks to the Financial Ombudsman Services (now called Australian Financial Complaints Authority).
- Foreign enforcement of Australian judgments, including in New Zealand, USA, UK, India, Israel, Singapore, South Africa, Germany, Hong Kong and Ireland.
- Advising on enforcement proceedings, including warrants of possession to obtain possession of properties, installment orders and garnishee orders.
- Advising on unsecured debt proceedings, including recovery actions on behalf of receivers against borrowers who invested in failed managed investment schemes such as Great Southern Plantations, Willmott Forests and Gunns Plantations.
- Advising on debt recovery where Family Court orders purport to vary liability for the debts.
- Advising on statutory demands and winding up proceedings.
- Advising on bankruptcy proceedings against individuals.
- Managing litigated matters on behalf of banks where defendants allege breaches of the Australian Consumer Law (ACL), ASIC Act and Corporations Act.
- Conducting enforcement proceedings against guarantors, including defended proceedings where defendants allege a Garcia or Yerkey v Jones type defence.
- Conducting litigation in which the bank client applied to set aside a Personal Insolvency Agreement and sought an enquiry into the conduct of the controlling trustees.