

**Freelance Commercial Litigator  
Barrister & Solicitor**

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**Professional Expertise**

Commercial litigation & dispute resolution

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**Professional Experience**

*Feb 2014 to date*

**Freelance Commercial Litigator  
Barrister & Solicitor**

General commercial litigation services to law firms, in-house counsel, businesses and individuals including legal advice on prospects and strategy; preparing and settling pleadings, submissions, correspondence, proofs of evidence and witness statements; discovery; settlement negotiations; appearances re injunctions, interlocutory disputes, mediations, trials and appeals.

Matters to date include:

- legal advice and/or representation re:
  - building & construction disputes;
  - commercial lease and sale of property disputes;
  - contractual disputes;
  - corporations disputes;
  - employment disputes;
  - enforcement of foreign judgment;
  - freezing orders;
  - injunctions;
  - international arbitration;
  - loan disputes;
  - misleading & deceptive conduct;
  - partnership disputes;
  - professional negligence;
  - restraints of trade;
  - sale of business disputes;
  - service and supply contract disputes;
  - shareholder oppression;
  - share purchase contract disputes;
  - statutory demands.

In addition to private retainer work I have acted and/ or continue to act as a consultant to various law firms, including:

- consultant to international law firm re international arbitration matter;

- consultant to national law firm re WA construction litigation;
- consultant to Perth law firms on various general litigation matters.

**September 2009 to Feb 2014**

**Barrister, Francis Burt Chambers, Perth**

Briefed on a wide range of commercial matters, mainly in the superior courts. Provision of legal advice and advice on evidence, prospects and strategy; prepare and settle pleadings, submissions, correspondence, proofs of evidence and witness statements; appear on injunctions, interlocutory hearings and applications, and as trial and appellate counsel including:

- counsel on a number of Supreme Court building and construction disputes, including a multi-million dollar action between tank subcontractors on a WA mining project
- junior counsel in WA Court of Appeal re dispute over proposed change of control of a wind farm joint venture between a Queensland government entity and a WA energy supplier
- advised ASX listed oil company re force majeure dispute regarding the laying of a subsea pipeline
- junior counsel for ASX listed iron ore miner re Federal Court appeal concerning land access by native title group
- junior counsel for ASX listed nickel producer in WA Supreme Court re contractual dispute over land access agreement
- counsel for a major Perth quarry re Aboriginal heritage dispute
- counsel for major unions defending a WA Supreme Court application by Chevron for injunctive relief, sought to restrain public protests in Perth
- counsel for company defending action by liquidator of another company seeking to set aside alleged uncommercial transactions (WA Supreme Court)
- counsel for customer of a major Australian bank re validity of bank guarantee (WA Supreme Court)
- counsel on appeal re alienation of residential property with intent to defraud judgment creditors (judgment currently reserved) (WA Court of Appeal)
- counsel on appeal for insurance policy holder re application of insurance policy to strata title property (WA Court of Appeal)
- counsel for Australian Stock Exchange listed company re capital raising prospectus compliance matter (Federal Court)
- counsel for company alleging breach of contract, statutory and fiduciary duties and tort of conspiracy by former employees who set up new company in competition with former employer,

- including recipient and accessory liability of new company (WA Supreme Court)
- counsel (including trial counsel) on a number of disputed residential and commercial property transactions (WA Supreme Court)
- counsel for former executive re disputed employment settlement agreement with Woodside Energy Ltd (Federal Magistrates' Court)
- counsel on a number of other executive employment & shareholding disputes (WA Supreme Court)
- counsel for the Public Trustee, obtained urgent interim injunction to restrain the sale of residential land (WA Supreme Court)
- appointed as an examiner by the Federal Court to conduct a bedside *de ben esse* examination of an ill claimant in the Vioxx class action
- counsel in WA Industrial Relations Commission re employment dispute
- counsel for an employee re appeal to Public Service Appeal Board
- counsel for Aboriginal parties defending a number of native title claim strike-out applications by the State in the Federal Court
- provision of native title advice regarding proposed land use by oil & gas/ mining industry
- retained as independent counsel to conduct a native title meeting concerning land including James Price Point, proposed as a future onshore oil & gas processing hub
- pro bono counsel for asylum seekers on judicial review applications in the Federal Magistrates' Court
- pro bono counsel for solicitor on a legal disciplinary matter in the State Administrative Tribunal

**November 2006 to Aug 2009**

**Senior Associate  
Clayton Utz Lawyers, Perth**

Conducted a range of proceedings for plaintiffs and defendants in the Western Australian Supreme, District and Warden's Courts, and provided related advice including:

- settled a multi-million dollar claim by a mining company for damages in the WASC arising from equipment damage and business interruption loss caused by a fire on a mining excavator;
- conduct of proposed proceedings for a mining company seeking urgent injunctive relief in the WASC to enforce a contract for a motel to provide accommodation to the company's workforce;
- defended a Port Authority against threatened proceedings for injunctive relief relating to the construction of a pipeline on a new extension to the Authority's wharf;
- advised an electricity generation company on the termination of an electricity retail distribution

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agreement and the engagement of a former consultant to the distributor;

- conducted a defence by a Japanese corporation to a claim for termination of a joint venture agreement, the conduct of proposed proceedings for injunctive relief and the appointment of receivers and managers, and the defence to a related application for the appointment of receivers and managers in the Supreme Court of South Australia;
- conducted a defence to a claim that mining tenements purchased by the defendant were purchased subject to the rights of a third party to the mineral rights in those tenements;
- conducted a defence to a claim to enforce an “in principle” agreement for the purchase of mining tenements, and related advice;
- conducted a fraud investigation for a government entity in relation to the letting of multi-million dollar construction contracts;
- provided risk management advice to mining companies regarding anti-bribery laws and international conventions, and drafted compliance documentation;
- legal and risk management advice to a listed mining company regarding allegations of bribery and corruption in respect of the company’s African mining activities, and aiding and abetting certain war crimes in respect of a massacre of civilians by the military;
- defending the company in an African military court and in related preliminary legal proceedings commenced in the WA Supreme Court (WASC);
- assisted the conduct of a strategically significant defence to a personal injuries negligence claim by a contractor allegedly exposed to certain gases at a smelter;
- conduct of a defence by a mining company to third party proceedings in the District Court against a claim for indemnity arising from a claim for personal injuries.

Native title and Aboriginal heritage due diligence advice including:

- advising the Cameco / Mitsubishi consortium on the A\$520m acquisition of Rio Tinto’s Kintyre uranium mine in Western Australia;
- advising Norilsk Nickel on the A\$5.8bn acquisition of LionOre Mining;
- the acquisition of various other mining projects;
- capital raisings for various mining projects;
- exploration and mining negotiations;
- advising the State Solicitor’s Office (WA) on a range of native title matters.

*April 2004 – April 2006*

**Senior Associate (formerly Lawyer)  
Ebsworth & Ebsworth Lawyers, Brisbane**

Conducted a wide range of commercial litigation matters in the Supreme, District and Magistrates' Courts of Queensland, including:

- a defence and plea negotiation regarding a substantial Customs Act prosecution;
- a two week Supreme Court jury trial and related appeals concerning claims of misleading and deceptive conduct under the TPA and breach of contract;
- an aircraft leasing dispute concerning a Hong Kong-based freight forwarder;
- contractual and leasing disputes, TPA claims, alleged breaches of fiduciary duties by company office holders and shareholders disputes;
- a defence involving a substantial alleged Commonwealth fraud regarding the Pharmaceutical Benefits Scheme, and related proceedings under Proceeds of Crime legislation.
- as a consultant to the Department of Premier & Cabinet, Western Australia, conducted detailed consultations with native title holders and claimants in the Pilbara region to establish an approved body corporate to assume obligations under an agreement which has facilitated \$10 billion in infrastructure projects on the Burrup peninsula;
- consultations with native title claimants in the Gulf of Carpentaria region as to appropriate changes to the distribution of financial benefits under the Century Zinc Mine Agreement;
- provision of due diligence advice in relation to the native title aspects of commercial property transactions;
- provision of corporate and native title legal advice to a number of native title representative bodies (Aboriginal corporations) in Queensland and interstate, including legal advice regarding the proposed PNG to Queensland Gas Pipeline;
- provision of legal advice to ATSIS (Aboriginal & Torres Strait Islander Services, a former Federal Government agency) regarding the strategic and operational plans of native title representative bodies throughout Australia;
- negotiation of native title exploration agreements with a range of mining companies, and the State of Queensland;
- appearances in the Federal Court, Land & Resources Tribunal (Qld) and National Native Title Tribunal (Cth).

*Feb 2002 to April 2004*

**A/Principal Legal Officer and Legal Manager**  
(formerly Senior Legal Officer),  
**Queensland South Representative Body Aboriginal Corporation (QSRBAC)**, Toowoomba, QLD

- Obtained an interim injunction under the former Aboriginal heritage Act, to restrain a coal mining development, and then negotiated a mining agreement over freehold land;

- Managed the legal and other aspects of a complex native title claims workload across QSRBAC's region (covering approx the "southern" third of Queensland, incl Brisbane and adjacent islands);
- Managed multi-disciplinary teams, including in-house & consultant lawyers, anthropologists, archaeologists, historians, environmental and mining advisers, and QSRBAC staff;
- Prepared and conducted native title determination applications and related legal proceedings, including appearances in the Federal Court and Land & Resources Tribunal;
- Provided legal advice to traditional landowners and QSRBAC;
- Negotiated numerous native title agreements.

**May 2001 – Jan 2002**

**Senior Solicitor, Native Title Unit  
Victorian Government Solicitor's Office, Melbourne**

Provided a wide range of legal advice regarding native title including:

- briefing and assisting the Solicitor-General for the State of Victoria on native title matters;
- advising the State and its instrumentalities in relation to the effect of native title law on mainland and offshore exploration, mining, petroleum and pipeline development including legislative amendment;
- negotiating and drafting of native title agreements, including exploration, mining and petroleum deeds, and 'model' rules for certain types of Aboriginal corporations;
- preparing & conducting native title and other legal proceedings.

**April 1998 – April 2001**

**Senior Solicitor  
Northern Land Council** (a land council established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) ('ALRA')), Darwin

- Provided a wide range of land rights, native title, corporate and other legal advice to traditional landowners throughout the Top End of the Northern Territory under the ALRA and Native Title Act
- Numerous consultations with traditional landowners regarding proposed and existing exploration, mining, pastoral, tourism, fishing, military and other land uses, including:
  - appearing in the NNTT to successfully challenge the Northern Territory's section 29 notification regime;
  - conducting a related representative proceeding in the Federal Court by traditional landowners against the Northern

- Territory in relation to its proposed exploration regime under the NTA;
- developing and implementing a strategy to respond to the release of a 'backlog' of exploration tenements throughout the Top End;
- leading the project management and negotiation of a mining agreement in respect of a uranium mining project;
- negotiating a major native title agreement with the Commonwealth in respect of a new military training area.

**1996 – 1998**

**Financial Analyst**

**KPMG Corporate Finance, Melbourne**

Undertook a wide range of work relating to electricity and gas privatisation in Victoria;

- financial modelling
- performance and commercial reviews / due diligence
- share and business valuations

**1995 – 1996**

**Articled Clerk**

**J.M.Smith & Emmerton, Solicitors, Melbourne**

- General experience in commercial law including commercial advice, trade practices, industrial relations, litigation, insolvency, banking and finance, property, copyright, family and wills

**Professional Qualifications**

- Nationally Accredited Mediator (2015-2016) *National Mediator Accreditation Standards*
- Accredited Mediator – Business & Commercial (2014-2016) *Australian Commercial Disputes Centre*
- Advanced Trial Advocacy Course (2013) *Australian Bar Association*
- Graduate Diploma in Energy & Resources Law (2009) *Melbourne University*
- Bachelor of Laws (1995) *Monash University*
- Bachelor of Economics (1994) *Monash University*

**Testimonials**

- See my [website](#) and [Google Reviews](#)

**Admitted to practice in:**

- Supreme Court of Western Australia (2007)
  - Supreme Court of Queensland (2002)
  - Supreme Court of the Northern Territory (1998)
  - High Court of Australia (1996)
  - Supreme Court of Victoria (1996)
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