

CURRICULUM VITAE

PERSONAL DETAILS

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SUMMARY

Now in my 18th year at the Victorian Bar, I have developed a broad commercial and civil advocacy practice, including work in disputed contracts, enforcement of securities, personal and corporate insolvency and product liability. I regularly advise on and negotiate commercial settlements on behalf of clients, whether through structured mediation or Court-ordered ADR processes, or more "informal" channels. I draw on not only my experience as a solicitor and barrister, but on my training as Nationally Accredited Mediator.

As part of my general commercial practice, I work extensively in the highly specialised area of land and business valuation, including commercial ratings and land tax disputes, and lease disputes. I have more than 15 years' experience in claims associated with the compulsory acquisition of land (together with easements and other rights), including issues associated with residential and commercial premises, agricultural land, development sites and complex commercial economic loss claims. Whilst I act principally for government and statutory authorities, I have balanced that with experience in acting for claimants. I have had particular success in resolving claims in a timely and efficient manner, minimising unrecoverable legal costs. I also advise determining valuers in rent review disputes, and advise and appear generally in matters involving commercial and domestic property and rights, including easements and restrictive covenants.

In addition, I also regularly appear in and advise on matters involving professional liability, regulation and discipline, particularly in relation to lawyers. I have acted in a wide range of matters for the Victorian Legal Services Commissioner and Legal Services Board, both at first instance and on appeal. I regularly act for legal practitioners in negligence claims on instructions from the LPLC, and for other insured professionals. I am also a member of the Victorian Legal Admissions Committee and Bar Ethics Committee.

Although usually briefed to appear and advise in complex claims without a leader, I have considerable experience as a junior to a number of the Victorian Bar's most experienced silks.

Prior to coming to the Bar in 2001, I was a Senior Associate in the commercial litigation group of Clayton Utz.

In 2018, I was appointed a sessional member of the Commonwealth Administrative Appeals Tribunal.

Recent cases – Valuation, land acquisition and other commercial and property claims

- Acting for a landowner in an appeal from a trial division judgment at which he did not appear (led by M Rush QC)
- Acting for a wind farm operator in ongoing VCAT proceedings involving the valuation of the occupancy for ratings (FSL) purposes (unled)
- Acting for VicRoads in three Supreme Court claims for compensation pursuant to section 98 of the *Planning & Environment Act* (one now resolved), involving claims totaling in excess of \$80M (led by J Gobbo QC in two, unled in one)
- Acting for a developer in the Supreme Court Commercial Court in a *Masters v Cameron* claim to enforce an agreement for the sale of land (resolved prior to trial), which also involving a contested dispute over access to subpoenaed documents [2019] VSC 177 (unled)
- Acting for the Valuer-General in a complex land tax dispute involving the valuation of the Melbourne GPO, which ultimately lead to a legislative change ([2018] VCAT 1647) (led by S Morris QC and then P Connor QC).
- Acting for the West Gate Tunnel Authority in various ongoing Supreme Court land acquisition and related compensation (led by S Morris QC); ongoing
- Acting for Western Water in a Supreme Court proceeding concerning the validity of compulsory acquisition of land (resolved prior to trial)
- Acting for the Level Crossing Removal Authority in a land acquisition compensation claim which resolved prior to final hearing at VCAT
- Acting for the Minister for Energy, Environment and Climate Change in an application challenging the applicability of the Court of Appeal's earlier *Halwood* decision [2018] VSC 360, (unled at trial, led by D Batt QC on appeal); appeal to Court of Appeal resolved prior to hearing
- Acting for the Melbourne Metro Rail Authority/Rail Projects Victoria in various ongoing Supreme Court land acquisition and related compensation matters consequent upon the construction of the Melbourne Metro Tunnel (led variously by S Morris QC, J Delany QC, P Connor QC, and unled in some other matters); ongoing
- Acting for ISPT in a contested Supreme Court claim for compensation pursuant to section 98 of the *Planning & Environment Act* (unled); resolved prior to trial
- Acting for the City of Casey in a series of land acquisition compensation claims, many of which resolved prior to final hearing, but including *Jones* [2016] VCAT 2090 and [2017] VCAT 539 (indemnity costs) (unled).
- Acting for Boral in a disputed ratings valuation claim involving a brick works plant, a complex matter that resolved prior to final hearing (unled)
- Acting for a private client shopping centre owner in a disputed ratings valuation claim (*Demi* [2016] VCAT 1680) (unled)
- Acting for DELWP in a series of Supreme Court land acquisition compensation claims arising out of the construction of the Victorian Desalination Plant, all of which were successfully resolved prior to trial (unled)
- Acting for the City of Melbourne and the Valuer-General in a complex ratings dispute involving the valuation of the whole of the Port of Melbourne [2015] VSC 714 (led by J Pizer QC).
- Acting for the Valuer-General in a significant valuation dispute involving the regional water assets of Goulburn-Murray Water (GMW), resolved prior to final determination

(unled)

- Acting for the City of Geelong in a ratings dispute over the valuation of the Shell Refinery, resolved prior to the commencement of final hearing (unled)
- Acting for the City of Whittlesea in a test case over the valuation of electricity assets owned by SPI-Ausnet, and including a dispute over the characterisation of certain assets as fixtures or chattels [2014] VCAT 1179 (unled)
- Acting for each of Roads Corporation, the Department of Transport, the Minister for Planning, PTV, Linking Melbourne Authority Victorian Urban Development Authority and other related bodies in a series of land acquisition matters involving freeway and highway upgrades, transit city upgrades, railway station development and school land purchases. These claims, brought over a number of years in both VCAT and the Supreme Court of Victoria, have involved private homes, commercial and industrial sites, farms and other rural land, and “land-banked” residential and commercial development parcels. Many of the claims were successfully resolved before trial.
- Acting for both acquiring authorities and private land owners in proceedings before the Court to determine preliminary questions as to planning conditions affecting compulsorily acquired land (see for example, *Streetworks* [2011] VSC 264 and *Carter* [2010] VSC 273)
- Acting for Grampians Wimmera Murray Water (GWMW) in an extensive portfolio of claims relating to the construction of the Wimmera Mallee pipeline project, and involving the acquisition of land, easements and other property interests. Each of the claims was resolved prior to hearing and determination, and many of them prior to referral to VCAT or the Supreme Court.

Recent cases: Professional negligence, professional discipline:

- Acting for a law practice (on instructions from the LPLC) in circumstances where the solicitor the subject of the claim was deceased, together with a complex costs application ([2018] VSC 702, [2017] VSC 183 (unled)
- Acting for solicitors (on instructions from the LPLC) in various Supreme Court and County court professional negligence claims (unled); ongoing
- Acting for solicitors (on instructions from NSW LawCover) in a Supreme Court professional negligence claim (unled); ongoing
- Acting for individuals in County Court proceedings commenced against a law practice for negligent advice, including complex causation and loss issues (settled prior to trial); (unled)
- Acting for solicitors and counsel (on instructions from the LPLC) in resisting claims for personal costs orders in VCAT and the Supreme Court (unled).
- Acting for the Victorian Legal Services Board and a manager of a law practice in a Supreme Court challenge to the validity of his reappointment [2017] VSC 690 (unled)
- Acting for the Victorian Legal Services Commissioner in obtaining strike off orders, including ([2016] VSC 780, [2014] VSC 421); (unled)
- Acting for the Victorian Legal Services Commissioner on appeal from decisions of

VCAT (see, for example, [2015] VSC 697) (unled)

- Acting for and against the Victorian Legal Services Commissioner in various disciplinary proceedings commenced in the Legal Practice List of VCAT (eg [2018] VCAT 728, [2015] VCAT 2034, [2015] VCAT 1545, [2015] VCAT 1117; [2014] VCAT 1179, [2014] VCAT 1134, [2014] VCAT 539)
- Acting for the Victorian Legal Services Board in sensitive matters involving the grant of practising certificates, including also appeals from decisions to suspend or cancel, or refuse to grant practising certificates
- Acting for a chiropractor in an appeal from a decision to take immediate action ([2017] VCAT 2077 (led by R Attiwill QC), and later by consent on 27/03/18).
- Acting for accountants in Supreme Court proceedings concerning the adequacy of tax structuring advice (unled); resolved prior to trial

TERTIARY EDUCATION

- 1991 **Bachelor of Economics** (Monash University)
- 1994 **Bachelor of Laws** (Monash University)

OTHER ROLES AND PROFESSIONAL DEVELOPMENT

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| 1996 | Admitted to practice in Supreme Court of Victoria and High Court; solicitor at Clayton Utz Lawyers, Melbourne |
| 2001 | Signed Victorian Bar Roll |
| 2014 | Nationally Accredited Mediator |
| 2017 | Appointed to Victorian Legal Admissions Committee and Victorian Bar Ethics Committee |
| 2018 | Appointed as Sessional Member, Commonwealth AAT |

REFERENCES

Available upon request