



ANTON TRICHARDT

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WHAT OTHERS SAY

"Anton Trichardt excels as a commercial barrister, leveraging his extensive experience to represent clients in high-value shipping litigation and arbitration proceedings." - **Who's Who Legal Australia 2019**

"Anton Trichardt's excellent book does much to clarify the law, the history and the underlying theory of maritime liens ... Combining that intellectual challenge [of conflict of laws] with the task of comprehending the enigmatic nature of the maritime lien is a remarkable feat, but it is one that Anton Trichardt has carried off with aplomb in this book ... This book is the product of a remarkable amount of research and scholarly thought. That such a work could be produced by a barrister maintaining a busy practice at the Bar is little short of astounding, and very humbling for a full-time academic such as myself. I learned much from it and I am happy to commend it to any reader." - **Martin Davies, Admiralty Institute Professor of Maritime Law, Tulane University, "Foreword" in Maritime Liens and the Conflict of Laws**

EDUCATIONAL & PROFESSIONAL MEMBERSHIPS

Anton holds the following degrees: B Jur (Pretoria); LLB (Pretoria); MALS (Chicago-Kent); MLM (UNSW); PhD (UWA) (supervisors: Prof Peter Handford and Dr Anthony Dickey QC); PhD (UNSW) (supervisors: Prof Paul Redmond and Prof Ross Buckley).

Anton is an Adjunct Associate Professor at UNSW.

Anton is a Fellow of the Chartered Institute of Arbitrators (CIArb), a Faculty Member of the CIArb, and a reserve Panel Member of Singapore International Arbitration Center (SIAC). He is also a member of the Victorian Bar's Arbitration Committee.

Anton is admitted in South Africa (1983), Western Australia (1997), High Court of Australia (1997), England and Wales (1999), New South Wales (2000), Victoria (2002), New Zealand (2008).

CURRENT POSITION

Anton practices as a barrister at the Victorian Bar (since August 2002).

PROFESSIONAL EXPERIENCE / AREAS OF EXPERTISE

Anton's practice covers various areas of law, including general commercial law, contract law, commodities law, corporate law (including corporate insolvency, shareholder disputes), banking and finance law, trusts,



construction and engineering law, maritime law, conflict of laws, offshore petroleum law, constitutional law (limitation on powers), as well as class actions.

He has been listed for the last few years in Chambers Asia Pacific, Best Lawyers Australia and Doyle's List for international arbitration, litigation, transport law, and maritime and shipping law. He has also featured in the Legal Who's Who for transportation law.

Before immigrating to Australia, Anton was a barrister at the Johannesburg Bar for 7 years.

ARBITRATION AND LITIGATION EXPERIENCE

Anton has appeared in numerous cases in the High Court of Australia, the Federal Court of Australia, and the Supreme Courts of Victoria, New South Wales, Queensland, and Western Australia, involving his areas of practice, details of which can be provided upon request. Whilst in South Africa, he appeared in the South African Supreme Court of Appeal, and the High Courts of the various provinces, as well as in the Namibian Supreme Court and Court of Appeal.

Anton has been involved in arbitrations (domestic and international) both as counsel and as arbitrator. Anton has been a sole arbitrator as well as presiding arbitrator of arbitral tribunals. Most recently, he was the presiding arbitrator with co-arbitrators from Singapore and Vietnam, involving companies incorporated in Singapore and Vietnam.

He has dealt with various matters, including disputes pertaining to construction and engineering (for example, defective works, delays, defective design, defective offshore rigs/supply vessels, prolongation costs, prevention principle, variations, consequential damages, liquidated damages), commodities (for example, contractual disputes involving forward and future contracts, options, washout provisions, force majeure), shipping (for example, charter parties, safe ports/berths warranties, export of livestock, force majeure), contracts (for example, international sale of goods, distributorship agreements, comfort letters, defective packaging), corporate law (including, corporate insolvency).

Anton has also been involved in a number of court proceedings regarding the recognition and enforcement of foreign and domestic arbitral awards.

AWARDS AND PUBLICATIONS

At the University of Pretoria, Anton received the Chief Justice Rumpff prize. He attended Chicago-Kent on a Fulbright Scholarship where he was also awarded the H Edsall Olson Scholarship and prizes for International Business Law and Comparative Law.

A few years ago, Anton participated in an international colloquium at the National University of Singapore organized by Prof Paul Myburgh which resulted in a chapter of a book (item 4 below). Other participants included Belinda Ang J (Singapore), Steven Rares J (Australian Federal Court), Prof Martin Davies (Tulane University), Prof Michael Tsimplis (Southampton University), Prof Kate Lewins (Murdoch University), Prof Graham Bradfield (Cape Town University), and Toh Kian Sing SC (Singapore).

He has recently authored a paper, 'Jurisdiction and Admissibility: Emerging zeitgeist in International Commercial Arbitration Jurisprudence' which will be published in the upcoming ICC Dispute Resolution Bulletin, and which will apparently be the subject of a 'jurisprudential debate' between different chapters of the ICC.



Anton has authored and co-authored two books, three monographs, chapters in books, and articles:

1. "Untangling a legal knotweed" (2021) 95(4) *Law Institute Journal* 40
2. "Damages for unlawful subletting" 2020 (Jan/Feb) *Law Institute Journal* 28
3. "Duty of Confidentiality to Opposing Party Resulting from Settlement Negotiations" 2019 (June-August) *Commercial Law Quarterly* 3
4. "Arrest as security and security arrests", Chapter 3 in Paul Myburgh (ed), *The Arrest Conventions* (Hart Publishing, 2019)
5. "Breach by anticipatory repudiation" (Dec 2015-Febr 2016) *Commercial Law Quarterly* 3
6. "Delivery, Shipment and Insurance", Chapter 6 in *International Contracts* (loose leave service, Westlaw Publishing, USA)
7. *Maritime Liens and the Conflict of Laws* (Centre for Business Law, UFS, 2012)
8. *Letters of Comfort: A Trans-systemic Analysis* (Kluwer Law International, 2012)
9. "Recovery of Property or Compensation", "Winding Up of Other Bodies", "Winding Up Generally" in *Butterworths Australian Corporate Law and Practice* (chapters updated in loose leave service)
10. "Cross-border Insolvency" in *Butterworths Bankruptcy Law and Practice* (chapter in loose leave service)
11. "The new cross-border insolvency regime" (2008) 20 *Australian Insolvency Journal* 12
12. "The Spectre of *Houldsworth* in the Antipodes" (2006) 27 *The Company Lawyer* 155
13. "Comfort Letters are like boomerangs ... they tend to come back" (2005) 26 *The Company Lawyer* 54
14. "The Comfort Letter Trap" (2004) 78(11) *Law Institute Journal* 46
15. "Australian Green Shoes, Price Stabilisation and IPOs – Part 1" (2003) 21 *Company and Securities Law Journal* 26
16. "Australian Green Shoes, Price Stabilisation and IPOs – Part 2" (2003) 21 *Company and Securities Law Journal* 75
17. "The UNCITRAL Model Law on Cross-Border Insolvency" (2002) 3(1) *Butterworths Insolvency Law Bulletin* 1
18. "War clauses in charter-parties – there is more to war than you think" (2003) 19 *Journal of Contract Law* 75
19. "The UNCITRAL Model Law on Cross-border Insolvency" (2002) 6 *Flinders Journal of Law Reform* 95
20. "Market stabilisation and the Green Shoe option: Some comments from Australia" (2002) 4 *International and Comparative Corporate Law Journal* 249 (published by the Institute for Advanced Legal Studies, London)
21. "Novel causes of action and the common law of obligations" published in LAAMS (Legal and Accounting Management Seminars Pty Ltd) *Conduct in Contracts* (NSW), Sydney, 19 March 2002
22. "Chameleonic documents in law – a comfort letter trilogy" October 2001 *Butterworths Journal for International Banking and Finance Law* 416
23. "Sports, policy and liability of sporting administrators" (2001) 75 *Australian Law Journal* 504
24. "Comfort letters – a quartet of decisions interrupts the judicial quiescence" (2001) 9(2) *Tilburg Foreign Law Review* 162
25. "Plugging black holes: freezing assets in aid of foreign proceedings" June 2001 *Law Society Journal* 50
26. "The new Australian Takeover Panel – the end of legalism and tactical litigation?" (2001) 9(1) *Tilburg Foreign Law Review* 19 (law review in The Netherlands)



27. "Perils of the sea 'Down Under' (1999) 10 Stellenbosch Law Review 436 (law journal of the University of Stellenbosch, South Africa)
28. "Rugby administrators take note – a recent development in Antipodean law" (1999) 15 *Professional Negligence* 153
29. "Sub-bailment on terms in Western Australia" 1999 (July) *Brief* 8
30. *Reform of South African Corporate Law: Purchase by a Company of its Own Shares*, the third volume in the Corporate Law Development Series of the Co-ordinating Research Institute for Corporate Law, a sub-committee of the South African Standing Advisory Committee on Company Law (1998)
31. "'Them damaged cargo blues' – the perils of the sea exception" 1998 (Dec) *Brief* 10
32. "Comfort letters in Australia: some pointers for South African auditors and lawyers" 1994 *SA Mercantile Law Journal* 360 (law journal of the University of South Africa)
33. Paper delivered at an International Conference on The Future Development of South African Corporate Law held by the Coordinated Research Institute for Corporate Law (CRIC) on 28-31 July 1993 at the Carlton Hotel, Johannesburg, and published as "Capital in Company Law" (1994) 1 *Corporate Law Development Series* 141
34. Book review re "H Daniels Technique in Litigation (1993)" in 1994 South African Law Journal
35. "Kleinwort Benson Ltd v Malaysia Mining Corporation Bhd (1989) 1 All ER 785 (CA)" 1990 *Journal for Contemporary Roman Dutch Law* 436 (case note on comfort letters)
36. "Non-extradition of political offenders - a superfluous anachronism?" 1989-1990 *Obiter* 69 (law journal of the University of Port Elizabeth)
37. *Disinvestment, divestment, divestiture – a survey of US state, county, and municipal legislation* (monograph published by the Centre for Business Law, Faculty of Law, University of the Orange Free State, Bloemfontein, 1990)
38. *Extraterritorial application of United States antitrust laws: the South African experience and reaction* (monograph published by the Centre for Business Law, Faculty of Law, University of the Orange Free State, Bloemfontein, 1989)
39. *The purchase by a company of its own shares: the English rule vs the American rule* (monograph published by the Centre for Business Law, Faculty of Law, University of the Orange Free State, Bloemfontein, 1989)
40. "Comfort letters: are they binding under South African law?" 1988 *De Rebus* 795
41. "Computer crime by means of the automated teller machine – just another face of fraud?" 1987 *South African Journal for Criminal Law and Criminology* 122
42. "A confession for a concession" 1987 *Journal for Contemporary Roman Dutch Law* 428 (article on plea bargaining)
43. "Civil disobedience and jurisprudence" 1986 *Comparative and International Law Journal of South Africa* 357 (law journal of the University of South Africa)
44. "Civil disobedience" 1986 *De Rebus* 216 (the South African attorneys' law journal)
45. "Finbro Furnishers (Pty) Ltd v Registrar of Deeds, Bloemfontein 1985 (4) SA 773 (A)" 1986 *Journal for Contemporary Dutch Law* 110 (case note on what is a mineral)
46. "Die invloed van die eksistensialisme op die regsfilosofie en regs wetenskap" (The influence of existentialism on jurisprudence and the law) 1985 *Journal for Contemporary Roman Dutch Law* 183 (independent law journal)



47. "Die regsfilosofiese implikasies van die Marxisme" (The jurisprudential implications of Marxism) 1984 *Codicillus* 17 (law journal of the University of South Africa)

48. "Ruimtereg" (Space law) 1983 *De Jure* 95 (law journal of the University of Pretoria)

Anton is currently working on a manuscript on "Gentleman's Agreements: Theory and Practice" (about 70% complete) – LexisNexis will be publishing the book. Anton has written a paper, 'Multi-Tiered Dispute Resolution Clauses and the Jurisdiction-Admissibility Dichotomy in Common Law Jurisdictions', which was presented at the Victorian Bar. The paper is currently being updated for an ICC Australasian debate in June 2023.

As a Faculty Member of the CI Arb, Anton is authorized to present arbitration law courses for the CI Arb and has done so. Anton also often sits as "arbitrator" in moot court competitions.

LANGUAGES

English, basic Dutch.