

Huw Watkins

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Overview

Huw has substantial experience with international and domestic commercial disputes. His practice at the bar incorporates general corporate and commercial law, insolvency, building and construction and international/domestic arbitration matters. He appears in all jurisdictions in Australia and in domestic and international arbitrations.

Commercial Disputes

Huw acts in all areas of commercial law. He has recently been briefed in:

- Shareholder, partnership and joint venture disputes.
- Shareholder oppression and directors' duties matters.
- Australian Consumer Law and Franchising Code Claims.
- Challenges to preliminary discovery in respect of foreign entities.

Commercial Arbitration

Huw is a fellow of ACICA and the Chartered Institute of Arbitrators. He is listed as an arbitrator across the Asia Pacific region. He teaches International Dispute Resolution at Keio University (LLM program).

Huw is also a member of the Vicbar International Arbitration Committee and the International Committee of the Australian Bar Association. He is involved with efforts to improve the uptake and education in respect of arbitration throughout Victoria through Arbitration Victoria (a new low cost arbitration scheme).

Huw has recently been involved in:

- A major project-related arbitration involving the Ichthys project.
- ACICA arbitration for the successful respondent in defending claims of frustration and force majeure related to an arbitration.
- Acting as sole arbitrator in an expedited arbitration relating to a post-acquisition dispute.

Huw is recognised by Doyle's Guide in 2022 and 2023 as a leading Junior Counsel in International Arbitration in Australia.

Huw speaks fluent Japanese and often runs matters with issues relating to foreign language evidence.

Employment History

Victorian Bar, Barrister (May 2019-current)
Ashurst Tokyo, Senior Associate (May 2018 - December 2018)
Ashurst Tokyo, Associate (October 2014 - April 2018)
Ashurst Australia (Melbourne), Lawyer (February 2011 - October 2014)
Keith E. Hoban, Barrister & Solicitor (August 2010 - February 2011)

Appointments/ Memberships

Arbitrator, Asian International Arbitration Centre (Malaysia)
Arbitrator, SIAC Reserve List, HKIAC
Panel Member, Victorian Commercial Arbitration Scheme
Fellow/Arbitrator, ACICA
Fellow, Resolution Institute
Victorian Bar International Commercial Arbitration Committee member

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| | Lecturer, Keio University (2018-2023) |
| Qualifications and admissions | Victorian Bar Roll (May 2019) CIArb Fellowship (2018) Victorian Supreme Court and High Court of Australia (2010) Australian National University (Dip. Legal Practice with merit) (2010) Monash University (LLB (Hons)) (2009) Monash University (BA (Hons) majors in Chinese & Japanese) (2009) |
| Detailed experience (matters pre-2019 are as a solicitor) | <i>International Arbitration / International Dispute Resolution</i> <ul style="list-style-type: none">• ACICA Arbitration (sole arbitrator): Arbitrator in expedited arbitration relating to post acquisition disputes regarding return of bank guarantees (specific performance) and breach of warranty. Initiated in September and award issued in January 2024.• ACICA Arbitration: Respondent counsel in circa €800,000 licensing dispute relating to the COVID-19 pandemic, frustration and force majeure (2021).• CAA (Taiwan) Arbitration: Advice and preparation of claims under the CAA Arbitration Rules in relation to a franchise dispute and claims of force majeure resulting from COVID-19 (2020).• ICC Arbitration (Construction, Subcontract Dispute): Acting as respondent counsel for the contractor in a major international arbitration relating to an EPC sub-contract dispute (2019-2022).• SIAC Arbitration (Commercial, JV Contract, SE Asian Project): Claimant counsel for a major Japanese trading house in respect of a dispute with its JV Partner in a SE Asian project. Appeared as the junior advocate in successful defence of preliminary challenge to arbitrability and jurisdiction in November 2018 (2016-2019).• SIAC Arbitration: Claimant counsel for a major Japanese contractor in respect of a SIAC arbitration relating to a project dispute in Indonesia (2016-2018).• Construction arbitration (ICC, Singapore): Acted as respondent counsel for a Japanese engineering company in a dispute relating to the scope of its obligations under an EPC contract, delay and liquidated damages claims. Responsible for Japanese witnesses and junior counsel for the cross-examination of the technical experts (2016-2019).• Construction arbitration (ICC, Singapore): Successful challenge to jurisdiction of Tribunal in an ICC arbitration seated in Singapore (2015 - 2016).• Gorgon LNG Project: Detailed pre dispute advice and liability analysis in respect of allegedly defective goods (2015).• Contaminated product dispute: Advise Japanese trading house in respect of claims against manufacturer of food products supplied to client and on-sold in Japan (2015). <i>Domestic arbitration / Litigation / Strategic Advisory</i> <ul style="list-style-type: none">• <i>Walker Trusco Pty Ltd & Ors v Amelda Keys and Anors:</i> Acted for the former owner of Aspen Medical in respect of proceedings for loss of opportunity, misrepresentation and breach of trustee duties. Including acting in respect |

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of defence to claims for infringement of copyright and breach of confidential information. Led by Michael Wise KC together with Natalie Hickey.

- **Change of Control Dispute:** Shareholder agreement dispute presently before the NSW Supreme Court. Acting unled as counsel for the Plaintiff, a Hong Kong incorporated company (2023 – ongoing)
- **Share Sale Agreement Dispute:** Unled NSW district court proceedings for a HK incorporated company relating to the recovery of service fees under a Share Sale Agreement. Successful recovery (2023).
- **Bertrams & Ors v Giken (Federal Court of Australia):** Counsel to defendants in Federal Court proceedings relating to allegations of oppressive conduct, misleading and deceptive conduct and other matters. Federal Court proceeding with related NSW SC proceedings. Led by Terry Mehigan SC (2021-2023)
- **Brighton Automotive Holdings Pty Ltd v Honda Australia Pty Ltd [2021] VSC 757 (Supreme Court of Victoria – International Jurisdiction dispute)** – Acting for Honda Motors in an application to contest jurisdiction and service outside of jurisdiction of an application for preliminary discovery. Led by Tom Clarke (2021 – ongoing).
- **Satchell v 70 Esplanade Pty Ltd [2021] VCC 1946:** Appeared unled for the Second Defendant in 8 day hearing relating to a property development joint venture dispute.
- **Aquasure Pty Ltd v Thiess Pty Ltd & Ors (2021 VSC):** Junior counsel responsible for privilege review and preparation of evidence and submissions relating to a privilege dispute involving the Wonthaggi Desalination Plant.
- **Han v SAL National Pty Ltd (Human Rights) [2021] VCAT 395.** Defence of discrimination claim brought against lighting manufacturer.
- **Domestic Arbitration - Incorporated association:** Counsel to the claimant in a domestic construction arbitration (2021).
- **Indonesian Agent:** Advice relating to arbitration prospects and termination of an Agency Agreement in Indonesia (2021).
- **Anees v Minister for Immigration [2020] FCAFC 28,** led by Julian Burnside KC.
- **DFU16 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2021] FCA 222**
- **Leota v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 1120**
- **Anees v Minister for Immigration and Border Protection (No 2) [2020] FCAFC 67,** led by Julian Burnside KC.
- **HK based Lender:** Advice regarding long-arm jurisdiction and service of process issues relating to Supreme and County Court proceedings (2020).
- **Marubeni:** Strategic advice on exit mechanisms, Australian insolvency law and potential oppression remedies in relation to distressed joint venture (2017-2018).

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- **Sharp Corporation:** Providing strategic advice to Sharp Corporation in relation to product liability related proceedings in the Victorian Supreme Court (2017).
 - ***Mitchell Water Australia Pty Ltd v Grampians Wimmera Mallee Water Corporation SCI 2013 3496:*** Assisted GWM with its conduct of litigation in the Supreme Court of Victoria in relation to a construction dispute arising out of a major water infrastructure project (2013-2014).
 - ***Wheelahan & Ors. v City of Casey:*** Assisted Casey City Council with its long-standing litigation against Frankston City Council and others arising out of the management of a local landfill by two municipal councils and related class action (2014).
 - ***Maxir Nominees v VCM Construction (2013) VSC:*** Acted for Hitachi in relation to claims in respect of air-conditioning works for a car dealership.
 - ***Glen Eira City Council v Hansen Yuncken Pty Ltd (2013) VSC:*** Acted for Glen Eira City Council in relation to construction dispute relating to the development of a sports and recreation centre.
 - ***EF Office No.1 Pty Ltd v Murray Goulburn Co-operative Ltd (2013) VSC:*** Acted for Essendon Fields in relation to a commercial dispute relating to business park development.
 - ***Motta Property Investments Pty Ltd v BlueScope Steel Limited (2013) NSWSC:*** Acted for BlueScope in property dispute.
 - **Gas Heater Claims:** Advised Japanese gas water heater manufacturer in respect of claims made in respect of allegedly defective gas water heaters in Australia.

Transactional Advice

- **JBIC:** Advising JBIC on its equity financing of a business park development in India (2016-2017).
- **BREXIT advice to Kirin:** Provide Kirin with legal advice in respect of its distribution arrangements in Europe and the effect of BREXIT (2016).
- **Distributor arrangements for Kirin Technology Services:** Provide Kirin with advice in respect of the establishment of a distributorship arrangement in India (2016).
- **Kito Corporation's acquisition of SCAW Metals Pty Ltd:** Advise Kito corporation in respect of its acquisition of SCAW Metals Pty Ltd from the Industrial Development Corporation (2016).
- **Nikken Sekkei acquisition of minority stake in The Buchan Group:** Advise Nikken Sekkei on its acquisition of approximately 38% of The Buchan Group (Aust) Pty Ltd (an Australian global retail architecture firm) and related business alliance with The Buchan Group (2015).
- **Melbourne Star Observation Wheel:** Advised Sanoyas on the acquisition of the Melbourne Star Observation Wheel in Melbourne by Sanoyas Rides Australia and the subsequent management company acquisition (2013).

Appellate

- ***Anees v Minister for Immigration* [2020] FCAFC 28**
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| Languages | English (Native), Japanese (Fluent, JLPT N1), Chinese - Mandarin (Limited) |
| Nationality | Australian / British |
