



## Forthcoming Events & Updates

### Upcoming Commercial Bar Association CPD Seminars

#### Contractor's Disruption & Loss of Productivity Claims

Commercial Bar Association - Construction Law Section

**25 November 2013**

Mr. David McAndrew (Vice Chairman Construction Law Section of the Commercial Bar Association) and Mr. David Watson (Hinds Blunden)

#### Recent Developments in International Commercial Arbitration

**28 November 2013**

Commercial Bar Association - Arbitration & ADR Section

Mr. Albert Monichino S.C. (Co-Chair Arbitration and ADR Section of the Commercial Bar Association) and Mr. Andrew Baraclough of Counsel

#### Getting the Most Out of Hot tubs

Commercial Bar Association

**4 December 2013**

Presenter: Justice Middleton (Federal Court of Australia)

Chair: Mr. Ian Percy (Treasurer of the Commercial Bar Association)

#### Construction Programs and Critical Paths

Commercial Bar Association - Construction Law Section

**5 December 2013**

Mr. David Andrews (Tracey Brunstrom & Hammond).

#### Security of Payment in Victoria: Payment Claims, Adjudication and Court Intervention: An Introduction and Update

Commercial Bar Association - Construction Law Section

**17 February 2014**

Caroline Kirton S.C. (Chair of the Construction Law Section of the Commercial Bar Association) and Mr. Adam Rollnik of Counsel

### Conferences

#### Building Dispute Practitioners' Society

Discussion Nights:

**Wednesday 25 September**

The Attorney General Robert Clark

Domestic Building Reforms Revisited

**Wednesday 13 November**

Wrap up of the year by Toby Shnookal S.C.

Details: [www.bdps.com.au](http://www.bdps.com.au)

#### The Australian and New Zealand Sports Law Association Annual Conference

**16 - 18 October 2013**

Brisbane, Brisbane Convention and Exhibition Centre

[www.anzsla.com](http://www.anzsla.com)

#### Keating Chambers: Construction Law Conference 2013

**London - Thursday 17 October 2013**

The Construction Law Conference 2013 is held in partnership with Sweet and Maxwell. It features a number of developments across key topics and also addresses the issues affecting the construction industry. Details: [www.keatingchambers.com](http://www.keatingchambers.com)

Arbitration & ADR	Asia Practice	Banking & Finance
Construction Law	Corporations & Securities	Environment & Planning
Equity	Insolvency Law	Insurance & Professional Negligence
Public Law	Sports Law	

## President's Report



The last two months have been a very active period for CommBar.

In addition to the regular CPD Seminar Program for CommBar members, two very successful seminars were held on 7 and 8 August. On 7 August Justice Davies, Wendy Harris SC and Neil Young QC presented a seminar on "Preparing and Running a Commercial Trial - Tips for the Junior Bar".

On 8 August Justice Kyrou, Richard Niall SC and Phillip Solomon SC presented a seminar on "Advocacy in the Judicial Review and Appeals List".

Thanks are due to the presenters and to Kathleen Foley for organising the seminars.

The first of the co-hosted Federal Court/Monash University/CommBar National Commercial Law Seminar Series took place on 3 September to a packed Court 1 in the Federal Court.

The topic was "Current issues in the interpretation of Federal Legislation". The seminar was chaired by former Chief Justice Black and papers were presented by Justice Kenny, Professor Jeff Goldsworthy and Mark Moshinsky SC.

The next seminar in this excellent series is scheduled for Monday 21 October 2013 on Unconscionability and Good Faith in Business Transactions. The session will be chaired by the Honourable Ray Finkelstein QC and presented by Chief Justice Allsop, the Dean of Monash Law School Professor Bryan Horrigan and Dr Paul Vout of our Bar.

During the period, one of the founding members of CommBar and a former Chairman of the Bar, Melanie Sloss SC was appointed to the Supreme Court of Victoria.

CommBar member Joseph Santamaria QC was also appointed to the Court of Appeal.

On behalf of the members of CommBar, I congratulate both judges on their well-deserved appointments.

On 6 August 2013 we were fortunate to have her Ladyship Mrs Justice Andrews, a Judge of the Queens Bench Division of the High Court of England and Wales speak on the topic of guarantees. Her Honour is the co-author of the leading textbook "The Law of Guarantees" (published by Thomson, Sweet & Maxwell).

On 12 September, CommBar hosted a retirement dinner for the Honourable David Habersberger QC at the Essoign Club. Over one hundred people were in attendance, and speeches were made by the Chairman of the Bar, Fiona McLeod SC and David Habersberger QC. It was a privilege for CommBar to be able to host this function for David, and to celebrate his service to both the Bar and Bench.

Lastly, a date has now been set for the annual CommBar cocktail function. These will be held at the Federal Court on 6 November 2013. Please put the date in your diaries. Further details and invitations will follow in due course.



William Lye Chair of the Asia Practice Section of the Commercial Bar Association, her Ladyship Mrs Justice Andrews, Dr Josh Wilson SC, Will Alstergren SC, Vice Chairman of the Victorian Bar Council

**Philip Crutchfield SC | President**



**Commercial Bar Association of Victoria**  
[www.commbar.com.au](http://www.commbar.com.au)

Room 0412, Joan Rosanove Chambers | 550 Lonsdale Street | Melbourne 3000, Australia

**T** +61 3 9225 7242 **F** +61 3 9225 7623 **E** [pdcrutchfield@vicbar.com.au](mailto:pdcrutchfield@vicbar.com.au)

#### Quotes of Note

*There is no wisdom equal to that which comes after the event.* Geraldine Jewsbury

*If I had refused to institute a negotiation or had not persevered in it, I would have been degraded in my own estimation as a man of honor.* John Adams

## Arbitration and ADR



Article by **Albert Monichino SC**

[\*Coeclerici Asia \(Pte\) Ltd v Gujarat NRE Coke Limited \[2013\] FCA 882\*](#)

[Return to menu](#)

## Asia Practice



Update by **Dr Josh Wilson SC** and **William Lye**

[\*China Seeks Equity - China Gets Equity\*](#)

[Return to menu](#)

## Banking and Finance



**Case Note by Samantha Cipriano**

[\*National Australia Bank Ltd v Clowers\* \[2013\] NSWCA 179](#)

[Return to menu](#)

## Construction Law



**Case Note by David McAndrew**

[\*Hudspeth v Scholastic Cleaning and Consultancy Services Pty Ltd & Ors. \(No. 6\)\* \[2013\] VSC 159 \(9 April 2013\)](#)



**Case Note by Adam Rollnik**

[\*Dura \(Australia\) Constructions Pty Ltd v Hue Boutique Living Pty Ltd\* \[2013\] VSCA 179 \(26 July 2013\)](#)



**Case Note by Andrew Downie**

[\*WTE Co-Generation & Anor v RCR Energy Pty Ltd & Anor\* \[2013\] VSC 314 \(21 June 2013\)](#)

[Return to menu](#)

## Corporations and Securities

**Update by Roslyn Kaye**

[\*Re Banksia Mortgages Limited\* \[2013\] VSC 451](#)

[Return to menu](#)

## Environment & Planning

**Article by Peter O'Farrell**

[Return to menu](#)

## Equity

Case Note by Suresh Senathirajah

[\*Legal Services Board v Gillespie-Jones \[2013\] HCA 35 \(14 August 2013\)\*](#)

[Return to menu](#)

## Insolvency Law



Case Notes by Andrew Mapp

[\*Ackers \(as joint foreign representative\) v Saad Investments Company Limited: In the matter of Saad Investments Company Limited \(in official liquidation\) \[2013\] FCA 738\*](#)

[Return to menu](#)

## Insurance and Professional Negligence



Case Note by Alexandra Golding

[\*Prepaid Services Pty Ltd & Ors v Atradius Credit Insurance NV \[2013\] NSWCA 252\*](#)

[Return to menu](#)

## Public Law

Case Note by Alexander Solomon-Bridge

[\*Bare v Small \[2013\] VSCA 204\*](#)

[Return to menu](#)

## Sports Law



Monitors Report by Andrew Downie

[\*Sports Law Round-Up\*](#)

[Return to menu](#)

You are receiving this because you are a member of the Commercial Bar Association.

[Subscribe](#) or [Unsubscribe](#) from this newsletter

Please send contributions for the Commercial Bar newsletter to the editor: [Comelia Fourfouris-Mack](#) .

Strategic  
Advice  
Effective  
Advocacy



Commercial  
Bar Association  
of Victoria  
[www.commbar.com.au](http://www.commbar.com.au)