



Matthew Harders

SENIOR ASSOCIATE | DISPUTE RESOLUTION AND LITIGATION | 5 YEARS PQE

Profile

A motivated and driven dispute resolution and litigation solicitor with a proven track record of successfully delivering millions of dollars in value to clients. Experienced in executing all functions of commercial litigation and dispute resolution across most Australian jurisdictions, from the earliest stages of a dispute through to trials and appellate proceedings.

Highly organised, outcome driven, focused on client and quality. A strong leader who works well under pressure and enjoys mentoring and developing junior practitioners.

Looking to explore opportunities with elite, top-tier or international firms.

Employment History

Senior Associate - Dispute Resolution and Litigation, Thomson Geer, Adelaide

JANUARY 2018 — PRESENT (PREVIOUS ROLES: ASSOCIATE, LAWYER AND GRADUATE LAWYER)

Consistently engaged in delivering all aspects of full-service commercial litigation, including:

- Running trials and appellate proceedings
- Representing clients in negotiations, mediations and arbitrations
- Executing large-scale document discovery
- Representing clients in Court
- Briefing, instructing and working closely with Senior and Junior Counsel.

Litigation experience on cases covering (but not limited to) the following areas:

- Shareholder disputes
- Contract disputes
- Trusts, including trust management
- Corporate trustees
- Urgent injunctions
- Insolvency and restructuring
- Asset recovery
- Intellectual property infringement
- Secured and unsecured debt recovery
- Statutory, equitable and fiduciary Directors' Duties

Experienced in advising on matters covering (but not limited to) the following areas:

- Corporate governance
- Restructuring
- Partnership and JV arrangements
- Tax
- Trust and fund management

The only solicitor within Thomson Geer engaged directly by upper management to recover debts owed to the Firm on a national basis. Successfully recovered hundreds of thousands of dollars owed to the Firm, slashing the Firm's Bad Debts liability.

Admission Details

Admitted to Practice: February 2018 (Supreme Court of South Australia)

Admitted to Practice in High Court and Federal Court of Australia

Class C (Unrestricted) Practising Certificate

Links

[LinkedIn](#)

Skills

Leadership

Strong Written and Verbal Communication Skills

Legal Research

Civil Litigation

Trials and Appeals

Tribunal Proceedings

Negotiation and Mediation

High Attention to Detail

Fast Learner

Second Language

Italian (good command)

Matter List

Adelaide Brighton Cement Ltd v Hallett Concrete Pty Ltd, SA Premium Cement & Concrete Pty Ltd, Mark Stephen Pickard and Barrie Hosking

Acting for Hallett Concrete Pty Ltd, SA Premium Cement & Concrete Pty Ltd and their directors in defending and counterclaiming in proceedings brought in the Supreme Court of South Australia. Matter involves highly complex considerations of contractual construction, validity and enforceability in the context of actual or potential restrictive trade practices contrary to the *Competition and Consumer Act 2010* (Cth), tortious interference with contractual relations and conspiracy to cause loss. Proceedings are ongoing. To date have been instrumental in successfully bringing and defending numerous contested interlocutory arguments, including successfully defending a strike out application, as well as coordinating and undertaking significant discovery of documents.

My role: Working directly with Special Counsel and two Partners to assist in managing a team of 6, taking responsibility for managing segmented work streams.

Hamilton v JJR Investment Holdings and Others

Acted for the Justin-EDC/ADC Group, a large property development group, in relation to two applications brought in the Supreme Court of South Australia by one director of the group and members of her immediately family seeking to remove and replace the corporate trustee of certain trusts which hold group assets. Successfully sought and obtained leave for our clients to intervene in the proceedings to oppose the applications, and successfully defended a subsequent disjoinder application. Matter involved issues concerning the rights of beneficiaries in connection with the exercise of the discretion of a trustee of a discretionary trust, the removal of trustees under the *Trustee Act 1936* (SA), breaches of fiduciary duties and breaches of the *Corporations Act 2001* (Cth).

My role: Solicitor with principal conduct of the matter reporting to the responsible Partner, managing a team of 4.

FlyCo SA Pty Ltd v Olimarc Pty Ltd

Acted for Olimarc Pty Ltd, a franchisee, in defending proceedings brought in the Magistrates Court of South Australia by the franchisor FlyCo SA Pty Ltd. Matter involved issues relating to the scope and effect of the good faith obligation under the *Franchising Code of Conduct*, contractual construction and implied terms, and conditions subsequent. Successfully negotiated a settlement of the franchisor's claim on terms favourable to the client, and pursued the client's counterclaim through to trial, winning judgment in its favour, including an order for costs. Continued to act for the client in opposing a subsequent appeal brought and argued before the Supreme Court of South Australia, as to which judgment remains reserved.

My role: Solicitor with principal conduct of the matter, limited Partner involvement.

Arysta LifeScience Australia Pty Ltd v Patton & Others

Acted for Arysta LifeScience Australia Pty Ltd, a franchisor, in proceedings commenced in the Supreme Court of South Australia against a former franchisee, its director and his associates. Matter involved complex consideration of the enforceability of personal guarantees given in the context of franchise relationships, and breaches of contractual and equitable obligations of good faith and confidence giving rise to breach of contract.

My role: Solicitor with principal conduct of the matter reporting to the responsible Partner, managing a team of 3.

Contura Mining Pty Ltd v Jarrad Holdings Pty Ltd

Acted for Contura Mining Pty Ltd, an investor company, in proceedings commenced in the Supreme Court of South Australia against Jarrad Holdings Pty Ltd, seeking to enforce a mortgage security over real property and to secure repayment of debt. Matter included defending a separate proceeding brought in the Supreme Court of South Australia by Jarrad Holdings Pty Ltd against our client, seeking declaratory relief voiding the mortgage ab initio. Matter involved extremely complex consideration of the fiduciary duties on an investor or third party when taking security from a company in significant financial distress, indefeasibility and enforceability of registered mortgages, unconscionability and misleading or deceptive conduct.

My role: Solicitor with principal conduct of the matter reporting to the responsible Partner.

Sherman v LSH Auto (Sydney) Pty Ltd

Acted for LSH Auto (Sydney) Pty Ltd, a licensed dealer of luxury Mercedes-Benz vehicles, in successfully prosecuting appeal proceedings commenced by it in the New South Wales Civil and Administrative Tribunal. The client self-represented at first instance and was unsuccessful. Critically involved in successfully obtaining leave to appeal and securing a re-hearing. Matter involved complex consideration of the consumer guarantees under the *Australian Consumer Law* and novel arguments on limitations on consumers' rights to reject goods.

My role: Solicitor with principal conduct of the matter reporting to the responsible Partner, managing a team of 4.

Marmota Ltd v Thomson Geer

Acted for Thomson Geer on behalf of the Partnership in prosecuting a debt recovery action brought against former client Marmota Ltd, and defending a costs adjudication application brought in the Supreme Court of South Australia by Marmota Ltd seeking a taxation of all legal fees charged by the Firm. Matter proceeded to trial and involved cross-examination of witnesses, and involved complex issues concerning statutory interpretation, contractual construction and the scope and limit of the inherent jurisdiction of the Supreme Court of South Australia.

My role: Solicitor with principal conduct of the matter reporting to the responsible Partner, managing a team of 3.

Caporn Piling Pty Ltd v McConnell Dowell Constructors (Aust) Pty Ltd

Acted for McConnell Dowell Constructors (Aust) Pty Ltd, a Tier 1 civil engineering construction company, in defending an Adjudication Application brought by a subcontractor pursuant to the *Building and Construction Industry Security of Payment Act 2009* (SA). Matter required the preparation of a substantial, detailed Adjudication Response submission and supporting statutory declaration within 5 days, addressing the scope, extent, application and enforceability of a complex construction contract and subcontract for a major South Australian infrastructure project.

My role: Working directly with the responsible Partner as a team of 2 to prepare the Adjudication Response.

Officer in Charge, Australian Electoral Commission, Adelaide

SHORT-TERM ROLE - MAY 2022

Successfully managed a team of 9 operating a polling place to assist in delivering the 2022 Australian Federal Election. Harnessed synergies within the team ensure the quick, efficient and accurate issuing of ordinary and declaration votes, accurate House of Representative scrutiny and count and Senate count in accordance with strict legislative requirements.

Education

Bachelor of Laws and Legal Practice, Flinders University of South Australia, Adelaide

JANUARY 2012 — JUNE 2017

Graduated with Distinction.

Achievements:

- GPA: 5.64/7
- 2016 – Recipient of New Colombo Plan Scholarship to undertake an intensive elective course "*China's Law and Legal System*" held at the East China University of Political Science and Law in Shanghai, China.
- 2014 – Winner of the State Ombudsman Prize for achieving the highest mark in the topic "*Administrative Law 1: Judicial Review*"
- 2014 – Accepted into Golden Key International Honours Society for achieving academic results in the top 15% of Flinders University
- 2012 – Winner of the Kelly & Co Lawyers First Year Moot

Bachelor of Business (Business Economics), Flinders University of South Australia, Adelaide

JANUARY 2012 — JUNE 2017

Achievements:

- GPA: 6.64/7
- 2016 – Congratulatory Letter from the Dean of Flinders Business School for achieving the highest mark in topic "*Import-Export Theory and Practice*"
- 2015 – Chancellor's Letter of Commendation for outstanding academic performance

Bachelor of Letters (Italian), Flinders University of South Australia, Adelaide

JANUARY 2013 — DECEMBER 2015

Achievements:

- GPA: 6.37/7
- 2017 – Chancellor’s Letter of Commendation for outstanding academic performance

Clerkships

Summer Clerk - Kain Lawyers, Adelaide

NOVEMBER 2016 — JANUARY 2017

5 week program gaining experience across practice areas including Disputes, Corporate/Transactions, Commercial and Property. Involved in a wide variety of aspects of legal practice, including drafting advice, participating in client meetings, attending court, lodging documents and assisting the Disputes Team on a large-scale litigation matter in the Federal Court of Australia.

Summer Clerk - Dispute Resolution and Litigation, Thomson Geer, Adelaide

JANUARY 2017 — FEBRUARY 2017

4 week program gaining experience in the Dispute Resolution and Litigation practice area. Involved all aspects of commercial litigation practice, including drafting advice, drafting pleadings, participating in client meetings, attending court, lodging documents and assisting with various matters in the Supreme Court of South Australia.

Other Associations

Australian Mensa Inc., Adelaide

MARCH 2022 — PRESENT

Member of Australian Mensa Incorporated, the Australian chapter of the renowned global high-IQ society.

To be eligible for membership, candidates must have an IQ assessed at being within the top 2% of the population.

Mensa is a not-for-profit society. Its purposes are to identify and foster human intelligence for the benefit of humanity, encourage research into the nature, characteristics and uses of intelligence, and to provide a stimulating intellectual and social environment for its members.

Ambulance Officer - South Australian Ambulance Service, Regional South Australia

FEBRUARY 2013 — OCTOBER 2015

Completed a Certificate IV in Health Care (Ambulance) to maintain an Authority to Practice as an Ambulance Officer. Assisted in staffing roster shortfalls in country or metro-fringe Ambulance stations, responding to 000 calls to the Ambulance service for help by providing emergency medical care and transport.

Firefighter - South Australian Country Fire Service, Happy Valley Brigade, Happy Valley

OCTOBER 2011 — JUNE 2015

Completed a Certificate II in Public Safety (Fire Fighting Operations) as a part of ongoing training and upskilling. Engaged in responding to 000 calls to the Fire Service for help and performing both urban and rural fire fighting operations, as well motor vehicle collisions, search and rescue, and storm recovery.

Extra-curricular activities

Industry Mentor at Flinders University of South Australia

JANUARY 2018 — PRESENT

Legal Industry Mentor engaging with and supporting law students in the final stages of their studies to assist with the transition into practice.

Social Basketball

OCTOBER 2014 — PRESENT