

CURRICULUM VITAE

Timothy D. Castle SC

Barrister, FCIArb

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OVERVIEW

Experienced barrister and commercial litigator, with over 30 years' experience including over 20 years at the Sydney Bar, working primarily in complex commercial litigation. Tim returned to the Bar in December 2013 with the benefit of six years' experience in a range of legal, corporate and government roles, and having also graduated with an MBA from AGSM and attaining FCIArb qualifications.

Areas of legal interest and practice include arbitration, contracts, competition, corporate governance, financial services, franchising, general commercial, guardianship, insolvency, insurance, M&A, private international law, professional services, property, regulatory and administrative.

PROFESSIONAL EXPERIENCE

Barrister, Sixth Floor St James Hall Chambers

2013-2021

Appointed as a Senior Counsel in 2020 with a broad ranging commercial practice upon returning to the Bar in 2013. A key feature of this work has been matters involving financial disputes, with an emphasis on accounting issues and financial analysis, drawing on the experience of six years away from the Bar. Some of this recent work has included (with details of major cases appearing in a schedule prepared in 2020 attached):

- **Appellate work** – conducted cases in the Full Federal Court, the New South Wales Court of Appeal and the Queensland Court of Appeal on questions of arbitration, insurance law, franchising and contract law, banking law and breach of fiduciary duty;
- **Class Action** – appearances and other work in the Federal Court on behalf of representative franchisees, in various franchise systems, which in a matter involving claims for breach of contract, implied terms and unconscionable conduct;
- **Federal Court** – advised and appeared in arbitration, franchising, insolvency, insurance, joint venture and security disputes, including appearances on interlocutory applications, injunctions, hearings and appeals, as well as drafting pleadings for cases which were resolved without a hearing;
- **Supreme Court** – advised and appeared in banking, corporations, contract, insurance, insolvency, joint venture, real property and wills disputes in the Supreme Courts of New South Wales, South Australia and Western Australia
- **District Court** – briefed in hearings in a case involving a claim under a policy of general insurance on behalf of the insured, and also in a banking case about penalties, both of which were subsequently resolved on appeal in the Court of Appeal;

- **Local Court** – participation in the NSW Bar Association’s Duty Barrister Scheme, involving appearing on a pro-bono basis in the Local Court’s criminal jurisdiction, involving minor summary offences and pleas in mitigation, approximately one day per month, commencing 2021;
- **AAT and CALDB** – briefed in a matter on behalf of an accountant who was the respondent to an application by ASIC for a banning order and on the subsequent challenge to the Board’s decision;
- **NCAT, Guardianship Division** – briefed in two matters concerning the making of financial management orders.

Principal, Timothy D. Castle, Solicitor and Barrister

2012-2013

Specialist legal, dispute and regulatory adviser working externally as a sole practitioner or internally as a Special Counsel reporting to senior executives, general counsel and for representative associations, including:

- **Trade Law Strategic Opportunities** – prepared a report for UNCITRAL that led to the formation of UNCCA, in consultation with the Commonwealth Attorney General’s Department and the Law Council of Australia;
- **Franchise Law Reform 2013** – prepared detailed submissions and draft legislation on behalf of Competitive Foods Australia Pty Ltd to the Wein Review of the Franchising Code of Conduct, advocating the introduction of a good faith requirement and specific conduct standards in the regulatory structure of franchising in Australia.
- **Client Matters** – ongoing work on a range of confidential dispute and advice matters, including contract, franchising, insolvency and insurance matters, and the provision of statutory interpretation and advice in relation to future regulatory reform, as well as providing legal consultancy services to clients.

Partner, Atanaskovic Hartnell, Lawyers

2010-2012

Partner of leading corporate and M&A advisory firm in Sydney working across a range of the firm’s practice areas. This work included:

- **Mediation and Dispute Resolution** – initiated and led the resolution of a range of disputes through mediation processes, including in relation to a major franchise system involving restaurants in Western Australia, as well as other franchising, contract and employment disputes.
- **M&A related matters** – acted for a small Australian business which undertook several multi-million dollar capital raisings in Australia, as well as for a minority shareholder in proceedings in the Takeovers Panel.
- **Franchise Law Reform** – provided advice and submissions to Competitive Foods Australia Pty Ltd in support of a private member’s Franchising Bill in Western Australia, and appeared at a WA Parliamentary Inquiry in relation to that Bill.

Senior Executive Leader, Australian Securities and Investments Commission

2009-2010

Senior leadership role within ASIC reporting to the Commission, with responsibility for three financial services deterrence teams based in Sydney and Brisbane. This work included:

- **Board Member, Consumer Credit Reform Task Force** – participation in the internal oversight body that implemented the transition of the regulation of consumer credit from a state based regime to federal regulation, including consultation with Treasury in relation to legislation.
- **Investigation Leader, Storm Financial Group** – assembled and ran a large multi-disciplinary investigation in Brisbane, Sydney and Melbourne into the collapse of the Storm financial advisory group which had approximately 3,000 investors, working within tight timelines and considerable media scrutiny. Also convened discussions with the Commonwealth Bank and Slater & Gordon that led to a settlement process being implemented for most investors.

General Counsel and Consultant, Competitive Foods Australia Pty Ltd**2008**

General Counsel reporting to the Managing Director, Jack Cowin, and Group General Manager of CFAL in Sydney. CFAL is one of Australia's largest private companies 15,000 employees through the Hungry Jack's brand and other businesses. This work included:

- **Franchise Law Reform** – preparation of submissions and representation of CFAL at Federal and State Parliamentary and Government inquiries in Western Australia and South Australia in relation to franchising, and associated meetings with ministers, senior politicians and the ACCC to advocate for reform to the Franchising Code in response to a proposed takeover by Yum! of CFAL's KFC network in Western Australia.
- **Strategic Legal Review** – conducted a review and helped rationalise CFAL's engagement of lawyers around Australia from multiple firms to several key relationships.

Barrister, Seven Wentworth Chambers**1992-2007**

Member, and also Treasurer and Director of Seven Wentworth Chambers, which grew during this period from 14 members to over 50 members. This work included:

- **Major commercial cases** – appeared as counsel in a range of high-profile and complex cases during 15 years at the NSW Bar. These included acting for:
 - Telstra in the C7 litigation (2004-2007): a large commercial and competition law case, acting for Telstra (led by Alan Archibald QC and leading Ian Pike) in relation to the award of AFL and NRL rights, at first instance and on appeal;
 - Hungry Jacks Pty Ltd in the Burger King litigation (1998-2001), led by Tom Bathurst QC and Noel Hutley: awarded damages of \$75m in a breach of contract claim arising from a franchise dispute;
 - Macquarie Infrastructure in the Truth About Motorways litigation (1998-2000): acting for MIIML in relation to the prospectus for the M5 East Motorway;
 - News Limited in the Superleague litigation (1993-1996): trade practices litigation that led to the establishment of an alternative rugby league competition;
 - Numerous other parties in several hundred cases, including AMP, ASIC, Australian Stock Exchange, Australis, Carter Holt Harvey, Equitilink, GE Capital, ICAC, KPMG, QBE Mercantile Mutual and Vodafone, in a wide range of legal disputes including administrative law, commercial law, competition law, contracts, corporations law, insurance, professional negligence, and property disputes.
- **Chambers Management** – as Treasurer and Director of Seven Wentworth Chambers (1997-2004), initiated and led a change management program to update the accounting systems, staffing and procedures, which also saw the establishment of the first Annex in what is now Lockhart Chambers.
- **Business Reform, Council for Law Reporting for NSW** – Director and Deputy Chair of the Council (2002-2008), including initiating an organisational and financial restructure of the Council's publication operations.

Solicitor, Mallesons Stephen Jaques**1986-1992**

- **Commercial litigator** – lawyer in the Sydney office of one of Australia's largest firms (now King & Wood Mallesons), working on a range of matters, with a focus on banking and insolvency litigation.
- **Assistant to the Chairman of the Australian Securities Commission** - Six month secondment from Mallesons (1990) which involved assisting the first Chairman of the ASC with writing speeches, research and meeting preparation during the start-up phase of the ASC.

EDUCATION

Harvard University Executive Education

2011

- Global Change Agents – short leadership program for 60 participants from 20 countries at Harvard's Kennedy School of Government.

MBA (Exec), AGSM

2010

- Three year part-time program at the Australian Graduate School of Management, 2007-2009, graduating with the highest overall marks in the 2010 graduating class.

Bachelor of Arts (Honours), UNE

2007

- First Class Honours and a University Medal in Australian history. Thesis involved original research into capital punishment and the granting of mercy in early colonial New South Wales.
- Awarded Max Kelly medal by the History Council of New South Wales 2007.
- University of New England, undertaken part-time as an external student 1998-2006.

Bachelor of Economics/Bachelor of Law, University of Sydney

1985

- Major in Accounting and Economic Statistics.

Languages Spoken:

- French (B2), Spanish (advanced intermediate)

PROFESSIONAL ASSOCIATIONS

Fellow of the Chartered Institute of Arbitrators (FCIArb).

Co-chair of the Australian Chapter of the New York State Bar Association's International Section.

Chair, UNCITRAL Committee, LAWASIA.

Past Chair and Fellow, UNCITRAL National Coordination Committee of Australia.

Past Chair, International Committee of the Australian Bar Association.

Former Deputy Chair of the International Law Section of the Law Council of Australia.

Member of the NSW Bar Association.

Member, Francis Forbes Society for Australian Legal History.

PUBLICATIONS AND SPEECHES

- '25 Years of Cross Border Insolvency Reform', UN Day Lecture, Federal Court, Hobart, Oct 2019.
- '60th Anniversary of the New York Convention', UN Day Lecture, Federal Court, Hobart, Oct 2018.
- '50 Years of UNCITRAL – What's Next', UN Day Lecture presented around Australia, Oct/Nov 2017.
- 'Recent Developments in Relation to Damages: Opportunity Loss Claims', NSW Bar Association Continuing Professional Development Seminar, *Update in Financial Expert Evidence*, July 2011.
- 'Recent Decisions on Executive and Non-Executive Directors', Legalwise Seminar Series, *Commercial Litigation Update*, March 2011.
- 'Hedge Fund Litigation in Australia', New York State Bar Association, International Section Conference in Sydney, October 2010.
- Speeches of a Chief Justice: James Spigelman, 1998-2008*, CS2N Publishing, Sydney, 2008.
- Dowling's Select Cases 1828 to 1844: Decisions of the Supreme Court of New South Wales*, Francis Forbes Society, Sydney, 2005 (joint editor with Professor Bruce Kercher).
- The Dowling Legacy: Foundations of an Australian legal culture 1828 to 1844*, Francis Forbes Society, Sydney, 2005 (joint editor with Professor Bruce Kercher).
- 'Watching Them Hang: Capital Punishment and Public Support in Colonial New South Wales, 1826-1836', *History Australia*, vol.5, no. 2, 2008, pp.43.1-43.15.
- 'Constructing Death: Newspaper Reports of executions in colonial New South Wales, 1826-1837', *Journal of Australian Colonial History*, vol.9, 2007, pp.51-68.
- 'The "practical administration of justice": The adaptation of English law to colonial customs and circumstances, as reflected in Sir James Dowling's "Select Cases" of the Supreme Court of New South Wales, 1828-1844', *Journal of Australian Colonial History*, vol.5, 2004, pp.47-72.
- 'Caveats and priorities: the "mere failure to caveat"', *Australian Law Journal*, vol.68, 1994, pp.143-144.

TABLE OF CASES 2018-2021
T.D. CASTLE

Case	Jurisdiction	Appellant/ Plaintiff	Respondent/ Defendant	Keywords	Description
Walton v Commonwealth Bank of Australia [2020] NSWCA 191	NSWCA Basten JA, Mcfarlan, White JJA	N Obrart Blayne Ledger Barron & Allen	TD Castle Justin Bates Dentons	Practice & Procedure	<ul style="list-style-type: none"> Concurrent hearing of leave to appeal and appeal from a decision of McCallum J granting leave to discontinue with no order as to costs (1 day) Leave to appeal refused, on the basis of no issue of principle arising
Energy City Qatar v Hub Street Equipment Pty Ltd [2020] FCA 1116	Federal Court Jagot J	TD Castle Cowell Clarke (Brett Cowell)	M Bonnell Henry William Lawyers	Arbitration	<ul style="list-style-type: none"> Application enforcing an international arbitration award from Qatar, and rejecting grounds of challenge on the basis of non-service, constitution of the arbitral tribunal and other issues Application of ss.2D, 8(5), 8(7), 9 and 39 of the <i>International Arbitration Act</i>.
Gooley v NSW Rural Assistance Authority [2020] NSWCA 156	NSWCA Macfarlan, Meagher, White JJA	P King McKells (Peter McKell)	TD Castle Dentons (Justin Bates)	Banking Contracts	<ul style="list-style-type: none"> Appeal dismissed, in a case alleging the Bank had repudiated its loan contract, and alleging unconscionable conduct in relation to asset lending, and breaches of various statutory provisions. Notice of Contention upheld setting aside a finding by Parker J that the Bank had breached the Banking Code.
Energy City Qatar v Hub Street Equipment Pty Ltd	Federal Court Jagot J	TD Castle Cowell Clarke	M Bonnell Henry William	Security for Costs Arbitration	<ul style="list-style-type: none"> Application for security for costs refused in relation to the respondent's defence under s.8(5), 8(7) of the <i>International</i>

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[2020] FCA 1033		(Brett Cowell)	Lawyers		<i>Arbitration Act.</i>
In the matter of Allied Master Chemists of Australia Ltd [2020] NSWSC 291	NSWSC Corporations Rees J	TD Castle Dentons (Justin Bates)		Corporations Act PPSA	<ul style="list-style-type: none"> Ex parte application granted for extension of time for registration of a PPSA security interest, due to inadvertence. No <i>Guardian Securities</i> condition required in the circumstances.
Goyal (Korda Mentha) v D'Aquino Settled at Mediation	Federal Court (Mediator: McDougall QC)	TD Castle Norton Rose (Bernie Walrut)	B Katekar P Santuci Cheney Southers	Insolvency PPSA	<ul style="list-style-type: none"> This claim concerned disputes arising in the liquidation of a wholesaler liquor manufacturing and distribution business. Resolved at mediation – February 2020.
Worth v International Insurance Company of Hannover [2020] NSWSC 249	NSWSC Equity Parker J	TD Castle P Mann LMI Legal (Peter O'Brien)	S Donaldson SC N Olson McInnes Wilson (Keely Graham)	Insurance Arson fraud	<ul style="list-style-type: none"> Proceedings seeking judgment against an insurer dismissed in relation to a housefire, which Parker J held was caused by the plaintiff. 10 day trial with cross-examination of 3 fire experts and 1 accounting expert called by the insurer. Appeal has been lodged and will be heard in November.
Gooley v NSW Rural Assistance Authority (No 3) [2019] NSWSC 1314	NSWSC Commercial Parker J	P King I Leong McKells Lawyers (Peter McKell)	TD Castle Dentons (Justin Bates)	Banking Contract Statutory Claims	<ul style="list-style-type: none"> Claim by the borrower for \$13m dismissed after a trial with 15 days of evidence and extensive written submissions. I acted for the main defendant, CBA. Appeal dismissed – see above.
Zervas v Burkitt (No 2)	NSWCA Bell P	TD Castle D Edney	CP O'Neill	Misrepresentation Accessorial	<ul style="list-style-type: none"> Appeal from a decision in the District Court dismissed in relation to

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[2019] NSWCA 236	Macfarlan, McCallum JJA	Kartsounis & Co (Jim Kartsounis)	Hicksons Lawyers	liability	representations made about insurance of a car (different counsel appeared at first instance).
Macarthur Projects Pty Ltd v Cottage Developers Pty Ltd [2019] NSWSC 1149	NSWSC Commercial Ward CJ in Eq	M Pesman SC Beazley Boorman (Philip Beazley)	TD Castle HWL Ebsworths (David Jury)	Practice and Procedure	<ul style="list-style-type: none"> Application for special costs granted against the plaintiff, on recommending proceedings after failing to provide security for costs of prior proceedings.
Commonwealth Bank v Daleport Pty Ltd (No 6) [2019] NSWSC 958	NSWSC Common Law McCallum J	TD Castle Dentons (Justin Bates)	N Obrart Ledger Lawyers (Blayne Ledger)	Misrepresentation Practice and Procedure	<ul style="list-style-type: none"> Application granted for determination of separate questions and an order for leave to discontinue with no order as to costs. Proceedings discontinued.
Ozmen v Neptune [2019] FCA 721 [2019] FCA 904	Federal Court – Admiralty Rares J	TD Castle E Kovacs Holman Webb (Mark Sheller)	E Cox SC Ms C Gleeson Barringer Leather (Greg Leather)	Contracts Joint Venture Fiduciary Duty	<ul style="list-style-type: none"> Successfully argued for orders to return a Vessel with damages to be assessed. 14 day hearing with subsequent hearings to settle the orders, including cross-examination of 4 witnesses. Major issue was interpretation of the JVA, and consideration of whether it was just and equitable the joint venture be wound up. Appeal dismissed.
Jacobs v Hughes [2018] WASC 414	WA Supreme Court Strk AJ	TD Castle CK Pearce Blackwell Legal	SK Dharmananda SC Clayton Utz	Receivers Corporations Act	<ul style="list-style-type: none"> Unsuccessful application by a receiver against a former receiver with the Commonwealth intervening. Short hearing in WASC with written

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		(Chris Pearce)			<p>submissions.</p> <ul style="list-style-type: none"> Major issue was the entitlement to a fund held by the former receivers, and claimed by the Commonwealth under ss.433, 561 of Corporations Act.
R&B Drilling v CGU [2019] FCA 458 [2018] FCA 904	Federal Court - Insurance List Allsop CJ	TD Castle LVA Lawyers (Louis Van Aardt)	D Mitchell SRB Legal	Insurance Construction Property	<ul style="list-style-type: none"> Unsuccessful application for indemnity under a public liability policy. 2 day hearing with 1 witness and extensive consideration of authorities Main issue was whether a public liability responded to a site incident, and the nature of property in a tunnel.
Rosebridge Commissioner v [2019] AATA 426	AAT – Taxation Division SM Lazanas	TD Castle Ms E Kovacs LVA Lawyers (Louis Van Aardt)	C Slater ATO Internal	GST Liquidators	<ul style="list-style-type: none"> Unsuccessful application to set aside a ruling by the Commissioner on behalf of a liquidator. 1 day hearing of legal argument. Main issue involved statutory construction of the GST Act provisions.
Devine v Liu [2018] NSWSC 1453	Corporations List Parker J	AP Cheshire SC Mills Oakley	TD Castle Ms S Alexandre- Hughes Resolve Litigation (David Hing)	Liquidators Security for Costs Insolvent trading	<ul style="list-style-type: none"> Interlocutory application for costs and security for costs, acting for 1 of the directors. 1 day hearing and written submissions. Underlying claim made by a liquidator against former directors for insolvent trading, and also preferences. Other pleading and costs issues arose. Another director in similar interest represented by D Smallbone and D

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					Ratnam.
RE GP No 1 (In Liq) [2018] FCA 1933	Federal Court (South Australia) Besanko J	TD Castle LVA Lawyers (Louis Van Aardt)	Ms G Walker Andreyev Lawyers	Liquidators Security for Costs	<ul style="list-style-type: none"> • Orders made for security for costs against the liquidator. • Short hearing in Adelaide. • Main issue in the underlying proceedings is contest about between a liquidator and a secured creditor about funds received from a failed managed investment scheme.
Tammerkand v AAMI (2018)	District Court Olsson SC DCJ	TD Castle LMI Legal (Peter O'Brien)	D Neggo	Insurance Arson fraud	<ul style="list-style-type: none"> • Successful in obtaining judgment for insured in a house fire case. • 3 day hearing with cross examination of several witnesses and experts. • Main issue was whether my client, the only person in the house at the time, had deliberately lit the fire that led to the claim – found that he did not. • Judgment has been circulated to parties but not yet published.
Ozmen v Kanki [2018] FCA 1411	Federal Court – Admiralty Burley J	TD Castle Musgrave Legal (Penny Musgrave)	Ms C Gleeson Barringer Leather (Greg Leather)	Receivers Joint Venture	<ul style="list-style-type: none"> • Successful application to appoint a receiver to a joint venture, after a prior unsuccessful application in 2017. • 1 day hearing at which voluminous evidence was led about the conduct of the parties since the prior application. • The final hearing took place before Rares J in 2019.

Case	Jurisdiction	Appellant/ Plaintiff	Respondent/ Defendant	Keywords	Description
Gooley v RAA [2018] NSWSC 593	Commercial List Stevenson J	P King McKells (Peter McKell)	TD Castle Dentons (Justin Bates)	Evidence	<ul style="list-style-type: none"> • Successful application on behalf of CBA to have advance rulings on evidence. • 1 day hearing. • Main issue was whether experts reports filed by the plaintiff should be struck out under s.192A of the Evidence Act.
CBA v Daleport [2018] NSWSC 1935 [2018] NSWSC 842	Common Law McCallum J	TD Castle Dentons (Justin Bates)	Ms N Obrart Ledger Lawyers (Blayne Ledger)	Banking Practice Procedure &	<ul style="list-style-type: none"> • Multiple hearings of motions in relation to discovery, costs and other matters. • Long running proceedings brought by Bankwest in relation to a failed building development project with allegations by the borrower/guarantor of wrongdoing by the Bank.
QBE v Southern Colliery Maintenance [2018] NSWCA 55 97 NSWLR 459	NSWCA Macfarlan, Leeming, Payne JJA	AP Coleman SC G Ng Mills Oakley (Kathryn Ruschen)	TD Castle HWL Ebsworth (Alistair Little)	Insurance Contracts	<ul style="list-style-type: none"> • Appeal dismissed, seeking to set aside a judgment entered against the insurer in respect of a settlement of a claim by an occupier against an employer. • 2 day appeal from McLoughlin SC DCJ. • Multiple issues raised about non-disclosure, contractual indemnities, policy interpretation, reasonableness of settlement.
Global Constructions v AIG [2018] FCA 98	Federal Court – Insurance List Allsop CJ	TD Castle LMI Legal (Peter O’Brien)	Ms J Thornton Gilchrist Connell (Justine Siavelis)	Insurance	<ul style="list-style-type: none"> • Successful application for award of indemnity under the policy. • 1 day hearing with submissions on agreed facts. • Main issue was the construction of the insurance policy in relation to claimed set

Case	Jurisdiction	Appellant/ Plaintiff	Respondent/ Defendant	Keywords	Description
					offs for fraud by the former MD.

Other Appeals

A. Appeals in 2016-2017

Case	Jurisdiction	Appellant/ Plaintiff	Respondent/ Defendant	Keywords	Description
Virk v Yum Restaurants [2017] FCAFC 190	FCAFC Gilmour, Nicholas, Moshinsky JJ	TD Castle JA Arnott Ms S Gory J Kartsounis & Co (Jim Kartsounis)	NC Hutley SC KL Andronos SC SA Keiser Webb Henderson (Andrew Christopher)	Contracts Franchising Unconscionable Conduct	<ul style="list-style-type: none"> • Appeal against the dismissal of a franchisee class action in relation to the imposition of a “Value Strategy” by Pizza Hut – appeal dismissed. • 4 day appeal from Bennett J. • Principal issue concerned the contractual duty of reasonableness and its relationship with the duty of good faith, and its application to the facts and the financial analysis involved. • Special Leave to appeal dismissed at a hearing, led by Myers QC [2018] HCA Trans 88.
Arab Bank v Sayde [2016] NSWCA 328 93 NSWLR 231	NSWCA Gleeson JA, Sackville AJA, McDougall J	NC Hutley SC TD Castle Gadens Lawyers (Campbell Hudson)	D Pritchard SC AJ Macauley Somerville Legal	Banking	<ul style="list-style-type: none"> • Appeal upheld setting aside orders made in the District Court against the Bank. • 1 day appeal from Mahony SC DCJ. • The issue was whether the charging of default interest, at a higher rate, for late payment was a penalty in light of the High Court decision in <i>Paciocco</i>.
Kekatos v Westpac [2016] NSWCA 205	NSWCA Basten, Meagher JJA, Sackville AJA	D Allen Ronane Lawyers	TD Castle D Moujali Gadens Lawyers (Justin Bates)	Banking Practice Procedure &	<ul style="list-style-type: none"> • Appeal dismissed, seeking that orders for summary judgment for the undisputed part of the claim and possession ought be set aside.

Case	Jurisdiction	Appellant/ Plaintiff	Respondent/ Defendant	Keywords	Description
					<ul style="list-style-type: none"> • Short appeal from Adamson J who made the orders on a motion by the Bank below. • The underlying issue was that of subrogation by a subsequent lender to refinancing of a prior debt to prior mortgage securities to found a writ of possession.
Watkins v Pantaenius [2016] FCAFC 150 244 FCR 5	FCAFC Allsop CJ, Rares, Besanko J	GJ Nell SC I Griscti GTR Lawyers	TD Castle Tress Cox Lawyers (Mark Sheller)	Insurance	<ul style="list-style-type: none"> • Appeal dismissed against the application of s.54 of the <i>Insurance Contracts Act</i> 1984 to a marine accident where the master failed to clear customs before departing. • 1 day appeal from Foster J who upheld the claim at trial.
Comgroup v PFI [2016] QCA 88	Queensland Court of Appeal McMurdo P, Atkinson and Mullins JJ	TD Castle J Green Corrs Chambers	DG Clothier JA Castelan Tucker & Cowan	Equity	<ul style="list-style-type: none"> • Appeal dismissed seeking to set aside a judgment arising out of fraudulent invoices paid by the appellant. • 1 day appeal from Queensland District Court (briefed on appeal only). • The main issue concerned whether the knowledge requirement for the purpose of <i>Barnes v Addy</i> was satisfied

B. Appeals from My First Period at the Bar

I have been involved as a junior counsel in my first period at the Bar in a range of appeals including:

- *News Limited v Australian Rugby Football League Ltd (Superleague)* (1996) 64 FCR 410 (led by Hughes QC and Heydon QC with Comans, Gleeson and Cobden) – a trade practices case.
- *Australian Breeders v Jones* [1997] FCA 1405 (led by Jackson QC) – a professional negligence case.
- *Morwood v Chemdata* [1998] FCA 1471 (led by Gyles QC) – a trade practices case.
- *Truth About Motorways v Macquarie Infrastructure* (2000) 200 CLR 591 (led by Jackson QC with Clarke) – a case about standing.
- *Chinadotcom v Morrow* [2001] NSWCA 82 (led by Walker SC) – a case about referral to mediation.
- *Burger King Corporation v Hungry Jack's Ltd* (2001) 69 NSWLR 558 (led by Bathurst QC and Hutley SC) – a franchising case.
- *Aberdeen Asset Management v Challenger Wealthlink* [2002] NSWCA 245 (led by Myers QC) – a contract case.
- *Meytor v Queensland Electronic Switching* [2003] 1 Qd R 186 (led by Bathurst QC) – a corporations case.
- *Hewlett Packard Australia Pty Ltd v GE Capital Finance Ltd* (2003) 135 FCR 206 (led by Macfarlan QC) – a securities case.
- *Vodafone Pacific Ltd v Mobile Innovations* [2004] NSWCA 15 (led by Bathurst QC) – a contract case.