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Stewart M Anderson QC

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Areas of Practice

Common Law/Personal Injury
 Professional Negligence

Commercial
 Banking
 Bankruptcy
 Competition
 Corporate Insolvency
 Corporations Law
 Insurance
 Intellectual Property
 Real Property
 Securities and Investments

Equity

Trusts

Alternative Dispute Resolution
 Arbitrators

Arbitration Qualifications

Certified Arbitrator - Australian Institute for Commercial Arbitration
 Fellow - Australian Institute for Commercial Arbitration

Admitted to the Legal Profession: 04 Mar 1985
Signed Victorian Bar Roll: 26 Nov 1987
Appointed Silk: 24 Nov 2005
Qualifications: BEc, LLB, DipComLaw
Also entitled to practise in:
 New South Wales
 Queensland
 South Australia
 Tasmania
 Western Australia
Previous occupation: Commercial litigation solicitor - Molombly & Molomb

Profile

Previous Occupation: Commercial litigation solicitor – Molombly & Molombly (now K&L Gates).

Stewart has practiced law for over 30 years.

Since signing the Bar Roll in 1987 he has developed an extensive practice in commercial law appearing in many cases in the Supreme Court of Victoria and the Federal Court both at trial division and on appeals.

Stewart practices in each State and Territory of Australia.

Between 2013 and 2016 he appeared in the Supreme Court and Federal Court for Apache Corporation, a US oil and gas producer sued by the Oswals for in excess of AUSD2 billion.

Stewart has also appeared in many Class Actions, including acting for Merck Sharp & Dohme in the Vioxx Class Action (2011-2012) and Eli Lilly in the Permax Class Action (2012-2013). Between 2006 and 2008 Stewart appeared in the Supreme Court of Victoria in the substantial commercial dispute between Biola Holdings Ltd and Glaxo Group Ltd.

Prior to that he appeared in the Supreme Court of Victoria in the Longford gas class action.

He has also appeared in the Tricontinental (1990-91), Longford Gas (1998-99) and Bushfires (2011) Royal Commissions.

Stewart is a certified Arbitrator and is a fellow of the Australian Institute for Commercial Arbitration.

Some of the recent cases he has appeared in are:

Radhika Oswal v ANZ Banking Group, Apache Corporation & Ors [2016] VSC 134

Strike-out application brought shortly before trial.

Radhika Oswal v ANZ Banking Group, Apache Corporation & Ors [2016] VSC 119

Security for costs. Broad brush approach.

Yarra Pilbara Fertilisers Pty Ltd v Oswal [2015] FCA 49

Transfer proceeding under *Jurisdiction of Courts (Cross-Vesting) Act 1987*. Whether commonality or diversity of issues.

Oswals matters - Pre-trial discovery and privilege applications [2016] VSC 386

Veall v Veall [2015] VSCA 60

Testamentary capacity. Test - whether circumstances arousing suspicion. Elderly testator with cognitive impairment. Change of bequests from previous wills.

Pankaj Oswal v Carson & Ors [2014] VSC 209

Strike-out/pleading. Disclose no reasonable cause of action.

Veall & Anor v Veall [2014] VSC 38

Elderly testator. Whether lack of testamentary capacity. Change of Will. Rational reason for altering Will. Whether testator knew of contents of Will.

Pankaj Oswal v Apache Corporation [2014] FCA 642

Application for stay pending determination of another proceeding. Public interest consideration. Possibility for conflicting determinations.

Pankaj Oswal v Apache Corporation [2014] FCA 129

Discovery issues. Stay.

Sutherland v Jatkar [2014] FCA 532

Meaning of "provable debt"; whether claim for contribution under s. 23B of the Wrongs Act 1958 (Vic) a provable debt. Whether claim a contingent debt or liability. Whether claim a demand in the nature of unliquidated damages arising otherwise than by reason of contract, promise or breach of trust. Whether claim within the exclusive jurisdiction of the Federal Court.

SeaRoad Logistics v Patrick Stevedores [2014] VSC 170

Dispute between tenant and sub-tenant. Whether rent review clause from Head-Lease incorporated into Sub-Lease. Validity of rent review procedure undertaken. Whether sub-tenant a monthly tenant or a tenant in equity for further term.

Labelmakers Group Pty Ltd v LL Force Pty Ltd (No. 4) [2013] FCA 1224

Breach of fiduciary duty, contractual and statutory obligations. Election made for equitable compensation. Whether costs to be assessed on an indemnity basis.

Labelmakers Group Pty Ltd v LL Force Pty Ltd (No. 2) [2013] FCA 1059

Equity. Remedies of damages or equitable compensation. Alternative: account of profits, equitable lien, injunctive relief, delivery up. Election to be made as to whether equitable compensation or account of profits.

International CAT Manufacturing Pty Ltd (in liq) v Rodrick & Ors [2013] QCA 372

Corporations – Charges, debentures and other borrowings. Validity of charge.

BA & BB v Sutherland [2013] VSC 336

Jurisdiction of States in bankruptcy. Application for stay of contribution proceedings under Part IV of the Wrongs Act 1958. Whether contribution claims contingent liabilities under s. B2(1) of the Bankruptcy Act 1966 (Cth).

Strategic Property Reservoir Pty Ltd v Condec Pty Ltd [2012] VSC 634

Variation of contract; wrongful termination; fiduciary duties between joint venturers; breach of fiduciary duties; diversion of business and estoppel by convention and equitable estoppel.

500 Burwood Highway Pty Ltd v Australian Unity Limited [2012] VSC 596

Invalidate expert determination for lack of impartiality and actual bias.

Labelmakers Group Pty Ltd v LL Force Pty Ltd [2012] FCA 512

Breach of confidence, breach of fiduciary duties, breach of Corporations Act and breach of express and implied terms of service contract.

Marriner v Australian Super Developments Pty Ltd [2012] VSCA 171

Joint venture dispute involving directors duties, fiduciary duties and breach of trust.

Deutsch v Deutsch [2012] VSC 227

Derivative claim by potential beneficiaries against defaulting trustee.

Tziporah Deutsch v Pearl Rodkin [2012] VSC 450

Conspiracy. Whether dominant purpose of agreement was to injure plaintiff. Compensatory damages awarded. Whether conspiracy involved deliberate disregard for the plaintiff's rights. Exemplary damages awarded.

Dalkeith Resources Pty Ltd v Regis Resources Limited [2012] VSC 288

Service contract dispute involving termination, and removal of director under the Corporations Act.

Wheelahan v City of Casey [2011] VSC 215

Class action for negligence with respect to the construction and operation of a landfill site.

Australian Super Developments Pty Ltd v Marriner [2010] VSC 66

Joint Venture. Breach of directors' duties. Breach of fiduciary duties. Estoppel. Misleading and deceptive conduct.

David Walker & Anor v Newmont Australia Ltd [2010] FCA 298

Jurisdiction to serve subpoena. Sabre orders.

[Click here](#) to view Stewart Anderson's CV.

Victorian Bar Committee memberships

Supreme Court - Corporations & Commercial Court Users' Group

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The information referred to above has been supplied by the barrister concerned. Neither Victorian Bar Inc nor the barrister's clerk have independently verified the accuracy or completeness of the information and neither accepts any responsibility in that regard.