

# CURRICULUM VITAE

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## **SUMMARY**

I have been in practice for almost three decades, following my completion of bachelor's degrees at Monash University in economics (1992) and law (1994).

In over 20 years at the Victorian Bar, I have developed a broad trial and appeal practice in commercial, public law and common law matters. I was appointed as Senior Counsel in and for the State of Victoria on 1 October 2020, and granted letters patent on 16 February 2021. I am the Chair of the Victorian Bar Ethics Committee, and also serve on the Victorian Legal Admissions Committee, the Legal Costs Committee of the Supreme Court and the List Committee of Dever's List.

I have more than two decades' experience in commercial and public law matters involving infrastructure and private property rights. I work extensively in the highly specialised area of land and business valuation, including commercial ratings and land tax disputes, and lease disputes. I have particular expertise in significant claims associated with the compulsory acquisition of interests in land, planning blight compensation claims, and other compensation claims under the state *Planning and Environment Act*, the *MTPF Act*, the *Road Management Act*, the *Water Act* and the *Gas Industry Act*. I also advise determining valuers in rent review disputes, and advise and appear generally in matters involving commercial and domestic property and rights.

I also have a substantial professional liability practice. I regularly advise and appear in complex negligence claims on instructions from the LPLC and Lawcover, and for other insured professionals. I have also acted in a wide range of regulatory matters for the Victorian Legal Services Commissioner and Legal Services Board, both at first instance and on appeal, and am regularly consulted for advice on complex issues involving conflicts and other issues of professional ethics and responsibility.

I have a strong interest in professional sport and sports law. In 2023, I joined the Tribunal Counsel panel for the AFL, appearing in numerous AFL and AFLW Tribunal challenges, and appeals to the AFL Appeal Board.

A core part of my practice is alternative dispute resolution. I have been a Nationally Accredited Mediator since 2014, and Victorian Bar Advanced Mediator since 2023. I conduct mediations in commercial and civil disputes.

In 2018, I was appointed a sessional member of the Commonwealth Administrative Appeals Tribunal, a position that I held until my resignation in June 2021. In 2021-22, I served as Vice President (Convenor) of the Commercial Bar Association of Victoria.

## **Recent cases – Commercial (valuation, land acquisition, state taxes and other commercial and property claims)**

- Advising on the application the land tax trust surcharge in commercial leasing arrangements (leading T Barry, ongoing)
- Acting for developers on appeal to the Court of Appeal on the issue of the termination of contracts for the sale of land, and issues of statutory construction (leading T Warner, ongoing)
- Acting for the Minister for Environment in various disputes arising in relation to the Western Grasslands Reserve, including in judicial review proceedings
- Acting for the Secretary to the Department of Transport in proceedings involving the divestment of land under the Major Transport Projects Facilitation Act (leading J Trehwella); [2023] VSC 3, and on the subsequent appeal (ongoing)
- Acting for the Suburban Rail Loop Authority and for the State in relation to major road and rail infrastructure projects, including North East Link, West Gate Tunnel and Melbourne Metro Tunnel (ongoing)
- Acting for a developer in a compensation claim brought in the Supreme Court pursuant to section 98 of the Planning & Environment Act (leading J Trehwella); [2023] VSC 271 and [2023] VSC 315
- Acting for the Minister for Planning in judicial review proceedings challenging a planning scheme amendment (leading A Guild) (resolved prior to trial)
- Acting as an Arbitrator in a claim made under s. 45 of the Traditional Owner Settlement Act 2010 (Vic) (resolved prior to determination)
- Acting for LXRA in a Supreme Court compensation claim under s 191 of the Major Transport Projects Facilitation Act (leading J Trehwella) (resolved prior to trial)
- Acting for a developer in a Supreme Court compensation claim for loss arising from a planning permit amendment (leading S Gory and then R Burd) (resolved prior to trial)
- Acting for Head, Transport for Victoria in relation to a compulsory acquisition compensation claim involving a number of preliminary issues (leading T Barry); [2021] VSC 259, [2021] VSC 774, [2021] VSC 863 (appeal resolved prior to hearing; principal claim resolved prior to trial)
- Acting for Head, Transport for Victoria in relation to challenge to longstanding decision in Halwood, referred directly by trial Judge to Court of Appeal (leading R Chaile) [2021] VSCA 19; (2021) 63 VR 175 (see also [2018] VSC 360)
- Acting for a wind farm operator in VCAT and Supreme Court proceedings involving the valuation of the occupancy for ratings (FSL) purposes, and subsequent appeal to Court of Appeal) [2020] VSC 853; 2021 VSCA 274, 65 VR 327
- Acting for a landowner in an appeal from a trial division judgment at which he did not appear [2020] VSCA 16
- Acting for Head, Transport for Victoria in three Supreme Court claims for compensation pursuant to section 98 of the Planning & Environment Act, involving claims totaling in excess of \$80M; [2020] VSC 53 and [2020] VSC 241, two claims resolved prior to trial.
- Acting for a developer in the Supreme Court Commercial Court in a *Masters v Cameron* claim to enforce an agreement for the sale of land (resolved prior to trial), which also involving a dispute over access to subpoenaed documents [2019] VSC 177
- Acting for the Valuer-General in a complex land tax dispute involving the valuation of the Melbourne GPO, which ultimately lead to a legislative change ([2018] VCAT 1647)
- Acting for Western Water in a Supreme Court proceeding concerning the validity of compulsory acquisition of land (resolved prior to trial)
- Acting for the City of Casey in a series of land acquisition compensation claims, many of which resolved prior to final hearing, but including Jones [2016] VCAT 2090 and [2017] VCAT 539

(indemnity costs)

- Acting for Boral in a disputed ratings valuation claim involving a brick works plant, a complex matter that resolved prior to final hearing
- Acting for a shopping centre owner in a disputed ratings valuation claim, [2016] VCAT 1680
- Acting for DELWP in a series of Supreme Court land acquisition compensation claims arising out of the construction of the Victorian Desalination Plant, all of which were successfully resolved prior to trial (unled)
- Acting for the City of Melbourne and the Valuer-General in a complex ratings dispute involving the valuation of the whole of the Port of Melbourne [2015] VSC 714.
- Acting for the Valuer-General in a significant valuation dispute involving the regional water assets of Goulburn-Murray Water (GMW), resolved prior to determination
- Acting for the City of Geelong in a ratings dispute over the valuation of the Shell Refinery, resolved prior to the commencement of final hearing
- Acting for the City of Whittlesea in a test case over the valuation of electricity assets owned by SPI-Ausnet, and including a dispute over the characterisation of certain assets as fixtures or chattels [2014] VCAT 1179

### **Recent cases: Common law, professional negligence and professional discipline and regulation**

- Acting for a national community legal practice (on instructions from Lawcover) in Supreme Court proceedings involving historical institutional abuse (leading M Williams) (resolved at trial)
- Acting for a law practice (on instructions from the LPLC) on appeal to the Court of Appeal (leading T Jeffrie); [2023] VSCA 147
- Acting for a law practice (on instructions from LawCover) in relation to a complex construction dispute and questions of limitation of actions (leading E Bateman)
- Acting for a law practice (on instructions from LawCover) in a Supreme Court professional negligence claim involving trusts advice and also litigation advice (resolved)
- Acting for the AFL in the 2023 AFL and AFLW seasons as Tribunal Counsel (including on appeal to the Appeal Board in the matters of Sicily and Bedford (leading A Hughes) and Mansell (leading G Coleman)
- Acting for a law practice (on instructions from the LPLC) on appeal to the Supreme Court (and later the Court of Appeal) from a Magistrates' Court decision on liability under the Civil Procedure Act (including [2020] VSC 696, [2022] VSC 214, [2022] VSC 324, [2023] VSCA 147 (all leading T Jeffrie)
- Acting for a law practice (on instructions from LawCover) in a Supreme Court professional negligence claim involving advice on options arrangements (resolved)
- Acting for solicitors and counsel (on instructions from the LPLC) in resisting claims for personal costs orders in VCAT and the Supreme Court)
- Acting for the Victorian Legal Services Board and a manager of a law practice in a Supreme Court challenge to the validity of his reappointment [2017] VSC 690
- Acting for accountants in Supreme Court proceedings concerning the adequacy of tax structuring advice; resolved prior to trial

## **OTHER ROLES AND PROFESSIONAL DEVELOPMENT**

1996	Admitted to practice in Supreme Court of Victoria and High Court; Solicitor and Senior Associate (2000) at Clayton Utz
2001	Signed Victorian Bar Roll
2014	Nationally Accredited Mediator (ongoing)
2017	Appointed to Victorian Legal Admissions Committee and Victorian Bar Ethics Committee (ongoing)
2018	Appointed Sessional Member, AAT (to June 2021)
2020	Appointed as Senior Counsel Appointed to Legal Costs Committee (ongoing)
2021	Issued Letters Patent Appointed to Victorian Bar RCMP Sub Committee (to 2022) Elected Vice President (Convenor) CommBar (to November 2022) Appointed Deputy Chair of Victorian Bar Ethics Committee Appointed to the List Committee of Dever's List (ongoing)
2022	Appointed Chair of Victorian Bar Ethics Committee (ongoing)
2023	Victorian Bar Advanced Mediator (ongoing)