BANCO CHAMBERS

ROBERT NEWLINDS SC

Barrister

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ADMISSIONS

Senior Counsel: 2003

Head of Banco Chambers since 2012

Barrister: 1990

Fellow, Chartered Institute of Arbitrators (FCIArb)

Solicitor: 1986

Member, Inter Pacific Bar Association

Member, NSW, QLD and WA Bar Associations

AREAS OF PRACTICE

Arbitration
Building & Construction
Class actions
Commercial law
Corporations law
Equity
Insolvency
Inquests & inquiries

RANKINGS

Chambers & Partners Asia Pacific Guide

2015 – 2020

Band 1 in Insolvency and Restructuring: “A very good advocate,” "Has a long track record of acting on large and complex disputes," "a leading light in the insolvency arena," "one of the leaders of the Australian Bar," and "renowned for cross-examination"

2015 – 2020

Band 4 in Dispute Resolution: “a natural, instinctive advocate and excellent cross-examiner with a great courtroom presence," “a very tough silk," "His commercial acumen is amazing and his advocacy skills are revered," "a very good counsel and a very effective cross examiner with a robust style," "an exceptional advocate," and "a good man in a hard case.”

Doyles Guide

2015 – 2020

Preeminent Insolvency and Restructuring Senior Counsel

2015 – 2020

Leading Commercial Litigation & Dispute Resolution Senior Counsel

PROFILE

Robert Newlinds SC is one of Australia's preeminent barristers. For more than 25 years he has appeared in hundreds of cases and appeals across a wide range of jurisdictions.

His most recent and current work includes:

- Acting for the Hui family and related companies in the Federal Court of Australia and a related Arbitration in Shanghai in a dispute concerning a joint venture of 7 cattle stations in the Kimberley;
- Acting for Chris Kellaher, the former CEO of IOOF in successfully defending proceedings brought by APRA in the Federal Court of Australia;
- Acting for the founder of Quayeyeware in a dispute with the majority shareholders in a series of cases in the Federal Court of Australia;
- Acting for the Unit Holders of the former Hyatt Coolum Resort in a series of cases against Clive Palmer and companies associated with him including a class action alleging oppression in the Federal Court of Australia and Supreme Court of QLD;
- Acting for Wollongong Coal Ltd and Jindal Power & Steel (Aust) Pty Ltd on a successful scheme of company arrangement in the Supreme Court of NSW;
- Appearing for Bradcorp Pty Ltd in a dispute involving the development of Wilton Park;
- Conducting examinations for the liquidators of Queensland Nickel;
- Appearing for the developers of the Raine Square office tower in a 4 month hearing in the Supreme Court of Western Australia against Bankwest involving a claim for damages exceeding $200 million;
- Acting for the UK liquidator of the UK Bell Group in the Bell Group litigation in the Federal Court of Australia and Supreme Court of NSW;
- Acting in an estate dispute in the Supreme Court of NSW involving a disputed estate valued at $400 million;
- Acting for a party in arbitral proceedings in a dispute concerning a farming partnership involving claims for damages in the amount of $100 million

Robert argues the most difficult cases, always identifying and focusing on the essential issues. His style is clear, direct and succinct. Renowned for his cross-examination, he is not just a formidable barrister, but also efficient and highly effective. In conference he provides clear, sensible commercial advice as to strategy for both litigious and non-litigious matters.

He is a leader in the field of corporations' law, especially insolvency. He has conducted numerous cases both for and against all of the leading liquidators and voluntary administrators in Australia.

In regulatory matters he has specialist expertise, including having acted for and against ASIC and APRA. Most recently, he successfully defended the former CEO of IOOF, Chris Kellaher, in proceedings brought by APRA arising from the Banking Royal Commission.

He has substantial experience in large-scale inquiries and Royal Commissions. He appeared for Arthur Andersen in the HIH Royal Commission, and for the Commonwealth on a significant claim for privilege arising out of the Royal Commission into the Australian Wheat Board's dealings with Iraq. He has acted as counsel assisting ICAC (Operation Vesper) and for interested persons in a number of significant ICAC inquiries. In 2015, he appeared for the ACTU in the Royal Commission into the Trade Union movement, on the ACTU's application that the Commissioner, the Hon Dyson Heydon AC QC, disqualify himself.

Robert has appeared in the Supreme Court of every Australian State and Territory, the Federal Court of Australia, the Family Court of Australia, the High Court of Australia and numerous lower and specialised courts and tribunals. He also represents clients in

both domestic and international arbitrations, and accepts appointments as arbitrator, neutral evaluator, expert and mediator. He is a Fellow of both CIArb and ACICA.

SELECTED APPEARANCES

High Court of Australia

Mighty River International Ltd v Hughes; Mighty River International Ltd v Mineral Resources Ltd [2018] HCA 38; 130 ACSR 427

Re Lambie [2018] HCA 6

Re Canavan; Re Ludlam; Re Waters; Re Roberts; Re Nash; Re Xenephon [2017] HCA 45

Re Roberts [2017] HCA 39

Grant Samuel Corporate Finance Pty Limited v Fletcher (2015) 254 CLR 477

International Litigation Partners Pte Ltd v Chameleon Mining NL (2012) 246 CLR 455

Friend v Brooker (2009) 239 CLR 129

Master Education Services Pty Ltd v Ketchell (2008) 236 CLR 101

Gordon v Tolcher in his capacity as liquidator of Senafield Pty Ltd (in liq) (2006) 231 CLR 334

The Trustees of the Property of John Daniel Cummins, a Bankrupt v Cummins (2006) 227 CLR 278

MYT Engineering Pty Ltd v Mulcon Pty Ltd (1999) 195 CLR 636

Intermediate appellate cases

Robert has appeared as counsel in approximately 80 cases in appellate courts around Australia (excluding the High Court). His recent appearances at the appellate level include:

Drivas v Jakopovic [2019] NSWCA 218

Bundanoon Sandstone Pty Ltd v Cenric Group Pty Ltd; TWT Property Group Pty Limited v Cenric Group Pty Limited [2019] NSWCA 87

Sanpoint Pty Ltd v V8 Supercars Holding Pty Ltd [2019] NSWCA 5

Lardis v Lakis [2018] NSWCA 113

Cam & Bear Pty Ltd v McGoldrick [2018] NSWCA 110

Cappe v Tsung [2018] NSWCA 86

Saba v Plumb [2018] NSWCA 60

Hilton v Legal Profession Admission Board [2017] NSWCA 232

NSW Crime Commission v SG [2017] NSWCA 102

Mighty River International v Hughes & Bredenkamp [2017] WASCA 152 ***(Western Australia Court of Appeal)***

Cook v Modern Mustering Pty Ltd [2017] NTCA 1 ***(NT Court of Appeal)***

Compton v Ramsay Health Care Australia [2016] FCAFC 106; 246 FCR 508

HP Mercantile Pty Ltd v Harnett [2016] NSWCA 342

Lambert Leasing v QBE Insurance Ltd [2016] NSWCA 254

Harold Finger & Co v Karellas Investments Pty Ltd [2016] NSWCA 123

Alexander v Burne [2015] NSWCA 377

Pola v Australia and New Zealand Banking Group Ltd [2015] NSWCA 146

Attorney General of New South Wales v Homeland Community Ltd [2015] NSWCA 15

Kupang Resources Ltd v International Litigation Partners Pte Ltd [2015] WASCA 89 ***(Western Australia Supreme Court)***

Prepaid Services Pty Ltd v Atradius Credit Insurance NV [2014] NSWCA 440

DSG Holdings Australia Pty Ltd v Helenic Pty Ltd (2014) 307 ALR 143

Bramco Electronics Pty Ltd v ATF Mining Electrics Pty Ltd (No 3) [2014] NSWCA 63

Lessbrook Pty Ltd (in liq) v Whap [2014] QCA 63

JP Morgan Chase Bank v Fletcher (as liquidators of Octaviar Ltd) (in liq) (2014) 306 ALR 224; 97 ACSR 638

Trial matters

Robert is an immensely experienced trial barrister. What follows is a select list of recent major cases he has conducted as lead counsel in superior courts throughout Australia.

In the matter of Wollongong Coal Ltd and Jindal Power & Steel (Aust) Pty Ltd [2020] NSWSC 73

Hammond v Quayeyeware [2019] FCA 2207

In the matter of Global Advanced Metals [2019] NSWSC 1804

APRA v IOOF & Ors [2019] FCA 1521

Hui v Champion [2019] FCA 1111

Bradcorp Wilton Park Pty Limited v Country Garden Wilton West Pty Limited [2019] NSWSC 1407

Wollongong Coal Limited v Gujarat NRE Properties Pty Ltd [2019] NSWSC 187

Westgem Investments Pty Ltd v Commonwealth Bank of Australia (Judgment reserved) ***(West Australian Supreme Court)***

Jahani, in the matter of Northern Energy Corporation [2018] FCA 1983

Cenric Group Pty Ltd v TWT Property Group [2018] NSWSC 1570

Mighty River International v Hughes & Bredenkamp [2018] WASC 368 ***(West Australian Supreme Court)***

Palmer v Parbery, in the matter of Queensland Nickel Pty Ltd [2018] FCA 1709

Hyundai Engineering & Steel Industries Co Ltd v Two Ways Constructions Pty Ltd [2018] FCA 1427

Australian Competition & Consumer Commission v Cascade Coal Ltd (no 3) [2018] FCA 1019

Comlin Holdings Pty Ltd v Metlej Developments Pty Ltd [2018] NSWSC 761

In the matter of Courtenay House Capital Trading Group [2018] NSWSC 404

In the matter of Surfstitch Group Ltd [2018] NSWSC 164

In the matter of Ten Network Holdings Ltd [2017] NSWSC 1529

Liberty Mutual Insurance Company v Kellogg Brown [2017] NSWSC 1519

Mighty River International v Hughes & Bredenkamp [2017] WASC 69 ***(West Australian Supreme Court)***

West Australian Rugby Union v Australian Rugby Union Ltd [2017] NSWSC 1174

Tsung v Cappe [2017] NSWSC 1053

V8 Supercars Holdings Ltd v Sanpoint [2017] NSWSC 1043

In the matter of Boart Longyear Ltd [2017] NSWSC 756

In the matter of Swan Services Pty Ltd (In liq) [2017] NSWSC 692

Jaeger v Bowden (No 3) [2017] NSWSC 324

Lakis v Lardis [2017] NSWSC 321

Brentwood Village Ltd (in liq) v Terrigal Grosvenor Lodge Pty Ltd (No 4) [2016] FCA 1359

In the matter of Swan Services Ltd (in liq) [2016] NSWSC 1724

Hilton v Legal Profession Admission Board [2016] NSWSC 1617

Obeid v David Ipp [2016] NSWSC 1376

Ramsay Health Care Australia Pty Ltd v Compton [2015] FCA 1207

Addenbrooke Pty Ltd v Duncan (No 6) (2015) 107 ACSR 600

Tamaya Resources Limited (in liq) v Claymore Capital Pty Ltd [2015] FCA 357

Primespace Property Investment Ltd v Vienne Pty Ltd [2015] FCA 326

Obeid v Independent Commission Against Corruption [2015] NSWSC 1891

Anglican Development Fund Diocese of Bathurst (in its own capacity and in its capacity as trustee of the Anglican Development Fund Diocese of Bathurst (receivers and managers appointed)) v Right Reverend Ian Palmer (Bishop of the Diocese of Bathurst) [2015] NSWSC 1856

Australian Institute of Fitness Pty Ltd v Australian Institute of Fitness (Vic/Tas) Pty Ltd (No 3) (2015) 109 ACSR 369

Jeffries v Indigenous Land Corporation [2015] NSWSC 1616

HP Mercantile Pty Limited v Hartnett [2015] NSWSC 1475

Ellimark Pty Ltd v Calvo (as executrix of the estate of the late Calvo) [2015] NSWSC 1240

Lambert Leasing Inc v Qbe Insurance Ltd [2015] NSWSC 750

KBL Mining Limited v Kidman Resources Limited [2015] NSWSC 515

Harold R Finger & Co Pty Ltd v Karellas Investments Pty Ltd [2015] NSWSC 354

Ramsay Health Care Australia Pty Ltd v Compton [2015] NSWSC 163

Katter v Melhem (2014) 319 ALR 646

Re Nexus Energy Ltd (subject to deed of company arrangement) (2014) 105 ACSR 246

In the Matter of New South Wales Leagues' Club Ltd [2014] NSWSC 1610

Con Kafataris and Ors v Cory Davis and Ors (2014) 109 IPR 29

Jubilee Properties Pty Ltd v Parkview Farm Pty Ltd [2014] NSWSC 563

Roy Medich Properties Pty Ltd v Ron Medich Properties Pty Ltd [2014] NSWSC 466

Pedrana v Racing NSW [2014] NSWSC 462

HP Mercantile Pty Ltd v Clements [2014] NSWSC 290

HP Mercantile Pty Ltd v Clements [2014] NSWSC 213

Cody v Live Board Holdings Ltd (2014) 97 ACSR 606

A more extensive list of Robert's cases from throughout his career is available on the Banco Chambers website.

CLIENTS

Robert's clients include some of Australia's highest profile companies and individuals

Westgem Investments, the developer of the Raine Square office tower in Perth

Stephen Parbery, the liquidator of Clive Palmer's company, Queensland Nickel

Katrina McCulloch, Tasmanian Senate candidate, in the High Court of Australia

The NSW Legal Profession Admission Board in opposition to an application by Mr Howard Hilton to be readmitted to practise as a solicitor

Korda Mentha in the administration of the Ten television network in the Supreme Court of NSW before Justice Black

Malcolm Roberts in a s44 dual citizenship case in the High Court of Australia

Western Force Rugby Union Club in an appeal from an arbitral determination excluding the Club from the Super 15 Rugby Competition

Mighty River International in its dispute with Mineral Resources Ltd in the Supreme Court of West Australia Court of Appeal and High Court of Australia

Members of the Obeid family in a misfeasance case brought against officers of ICAC

The Liberal Party of Australia (NSW Branch) in a dispute with the NSW Electoral Commission

Ramsay Health Care in a dispute in the Supreme Court of NSW and the Full Court of the Federal Court of Australia

Partnership 818 in a significant claim arising out a an aircraft accident in north Queensland

ANZ Bank in an appeal in the NSW Court of Appeal concerning the exercise of a power of sale large farm, including water rights

Modern Mustering Pty Ltd in relation to a large claim arising out of a helicopter crash in the Supreme Court of Northern Territory

The majority shareholders of *Australian Institute of Fitness Pty Ltd* in a complex claim of oppression and breach of directors duties

The former *Bishop of Bathurst* and his associates in defence of a large claim by the *Commonwealth Bank of Australia* and the *Anglican Archdiocese of Bathurst*

The *ACTU* on an application that the Honourable Dyson Heydon AC disqualify himself from further conduct of the Royal Commission into the Trade Union movement

Creditors of *Retail Adventures Pty Ltd* and *Retail Adventures Holdings Pty Ltd* in relation to an application to set aside a resolution of creditors

Mr Travers Duncan in relation to a significant claim by investors in *Cascade Coal Pty Ltd*

The Honourable *Senator Arthur Sinodinos AO* in relation to ICAC Operations *Credo* and *Spicer*

Racing New South Wales in relation to the rules of thoroughbred racing in NSW and a dispute with on-course veterinary surgeons

The New South Wales Rugby League in a dispute concerning the *NSW Rugby Leagues Club*

The *Balmain Tigers* leagues club in a dispute with a major creditor over the appointment of a Receiver

The *Commonwealth DPP* in relation to claims of insider trading in derivatives

JP Morgan in a substantial claim by the liquidators of *Octaviar Ltd* which went to the High Court

The liquidators of one of the companies associated with *Nathan Tinkler (Mulsanne Resources Pty Ltd)*

St Barbara Mines Ltd in relation to a significant claim by *Kingstream* in the Supreme Court of Western Australia

ASIC, on the application to wind up *Storm Financial Ltd*

The voluntary administrators and liquidators of *Lehman Brothers Australia Ltd*

The Australia and New Zealand Banking Group Ltd, in respect of claims by investors in *Opes Prime Stockbroking Ltd*

Apple Computer Australia Pty Ltd, in substantial litigation lasting for over a decade comprising a series of cases and appeals arising from the failure of *Buzzle Operations Pty Ltd*

Optus, in a large commercial dispute with *Telstra*

The Commonwealth of Australia, on an application concerning the *ABC Learning Group*