



HARRIET LENIGAS

Barrister

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ADMISSIONS & QUALIFICATIONS

2019

Barrister

2011

Solicitor (NSW)

2010

Juris Doctor, University of Technology, Sydney (GPA 3.33 out of 4)

2003

Bachelor of Music, Queensland Conservatorium of Music, Griffith University

PROFILE

Harriet has almost ten years' experience advising and appearing in large scale, high value cross-border infrastructure disputes and international and domestic arbitrations. She has experience in ICC, LCIA, LMAA and UNCITRAL arbitrations. Since coming to the Bar in 2019, Harriet has appeared in arbitrations seated in London, New York and Australia. Harriet has particular experience advising on aspects of construction law, including complex delay and disruption claims. She has appeared led and unled in courts throughout NSW and accepts briefs in all areas of commercial law.

Prior to coming to the Bar, Harriet was a Senior Associate at Ashurst, where she instructed in international arbitrations and significant Australian court proceedings concerning contractual claims, class actions, shareholder disputes and misleading and deceptive conduct claims.

Harriet was also the associate to the Hon L. G. Foster in the Federal Court of Australia.

SELECTED MATTERS

International and Arbitration

- Advising and appearing for a major international coal producer in a London Maritime Arbitration Association (LMAA) arbitration seated in London before a three member tribunal under English law. The

arbitration concerned breaches of a long-term coal supply contract. The client was awarded over \$80 million USD in damages. Led by Peter Braham SC and James Hutton, instructed by Ashurst.

- Advising and appearing in an ICC arbitration seated in New York under New Jersey Law concerning disputes arising out of a distribution agreement. The case involves claims for breach of contract, consumer fraud and CISG claims (\$12 million USD). Led by Adam Hochroth, instructed by AF Commercial Lawyers.
- Acting for the State of South Australia in an ACICA arbitration concerning the construction of the \$2.5 billion new Royal Adelaide Hospital. The claims are in excess of \$800 million. The case concerns defects and complex (global and non-global) delay and disruption claims. Led by Duncan Miller SC and instructed by Lipman Karas.
- Advising and appearing in an expert determination concerning defects in infrastructure operated by a NSW Government State Owned Corporation. Led by Tim Breakspear, instructed by Norton Rose Fulbright.

Australian court proceedings and select advice work

- *Man Investments Australia Ltd v Kelly & Anor* (interlocutory injunction), Supreme Court of NSW. Led by James Lockhart SC and instructed by Allens Linklaters.
- *Meriton v Owners Corporation SP81965 & Ors* (motion), Supreme Court of NSW. Successfully appeared unled in two contested motions: joinder of parties under r 6.19 of the UCPR and application to transfer proceedings. Instructed by HFW.
- Application for judicial advice pursuant to s 96 of the *Trusts Act 1973* (QLD).
- *GN Residential Pty Ltd v Robert Bird Group Pty Ltd* (construction and infrastructure), Supreme Court of NSW. Led by Tim Breakspear and instructed by Lander & Rogers.
- *Meriton v Owners Corporation SP91965* (breach of contract), Supreme Court of NSW. Led by Robert Newlinds SC and instructed by HFW.

- *GAG Kingsley Property Company Pty Ltd v Chief Executive of Subsidence Advisory NSW* (judicial review and merits review), Land and Environment Court of NSW. Led by James Hutton and instructed by Sparke Helmore.

PREVIOUS EXPERIENCE

2011-2019, Ashurst, Senior Associate

Harriet was a senior associate at Ashurst where she advised and acted for clients in international arbitrations and proceedings in Australian courts.

Yancoal Australia: Acting in Supreme Court proceedings brought by a former subsidiary of Noble Group Limited concerning a \$280 million contractual dispute (with Dr Andrew Bell SC and James Hutton).

Petroleum Joint Venture: Acting for an international petroleum joint venture in an UNCITRAL arbitration against a State for the wrongful cancellation of a petroleum development licence and pipeline licence.

Sub-sea contractor: Acting in an ICC arbitration concerning various construction and contractual disputes relating to construction and installation activities at the Chevron Gorgon and Wheatstone LNG facilities (with Duncan Miller SC and James Hutton).

Oil Exploration Company: Acting in a \$50 million arbitration against a rig company for the wrongful termination of a drilling services contract.

Oil Exploration Company: Advising on the implications of the establishment of a maritime boundary between Australia and Timor Leste pursuant to a treaty and the effect of that treaty on certain petroleum exploration and development licences.

Oil and Gas Exploration Company: Acting in an LCIA arbitration seated in London under English law concerning a \$90 million contractual dispute with an off-shore drilling contractor (with Dr Andrew Bell SC and James Hutton).

Major Electricity Producer: Acting in two domestic arbitrations concerning claims for force majeure arising from two successive and catastrophic plant failures. The claimant claimed \$75 million in liquidated damages for failure to supply electricity (with Dr Andrew Bell SC and James Hutton).

Oil Search: Advising on the defence of class action proceedings in the PNG National Court of Justice concerning alleged contamination of a wetland

protected by the RAMSAR Convention on Wetlands of International Importance.

WestConnex: Advising in respect of a potential injunction and stop work order foreshadowed by the Environmental Defenders Office concerning WestConnex's obligations to carry out remedial works to the former Alexandria Landfill site after the site was compulsorily acquired (Land and Environment Court of NSW).

Peabody Energy: Advising in respect of potential injunctions and environmental litigation affecting a major coal mine (Land and Environment Court of NSW).

Iron Ore JV: Providing advice in respect of royalty payment disputes.

A major international energy and resources company: Advising in respect of a contractual dispute with the purchaser of mining assets and the risks associated with termination.

Loyal Coal (a subsidiary of Whitehaven Coal): acting for Loyal Coal in Federal Court proceedings brought by the ACCC for bid rigging and anti-competitive conduct concerning the tender process for the award of exploration licences in the Bylong Valley (with Dr Ruth Higgins SC).

Allco Class Action: Acting for KPMG in the Allco Class Action (Jeremy Kirk SC and Perry Herzfeld).

Samsung: Successfully defending an application for an injunction brought by Apple concerning the release of Samsung's Galaxy Tab in the High Court of Australia.

Commonwealth Government: Advising on various aspects of a confidential procurement project including confidentiality issues and potential disputes arising out of the procurement process.

ATO: Advising and acting on a claim brought against multiple ATO officers in the Supreme Court of NSW for misfeasance in public office, breach of duty and bad faith (with Robert Weber SC and Stephanie Patterson).

Commonwealth Department of Finance: Advising in respect of disputes concerning a major defence procurement program.

Air Niugini: contractual dispute (with Michael Izzo SC).

**PRO BONO, RESEARCH &
PUBLICATIONS**

Pro-bono legal advice to Decision Support Analytics, a medical research and analytics company, 2015 – 2018

Co-editor of Ashurst's "Disputes - Year in Review" publication, 2018

Australian International Disputes Centre Bulletin, "Hot Tubbing in international arbitration: finding a path through the maze of expert evidence," 2016

Energy Source, "Demobilising offshore drilling rigs: shifting costs," 2016

Ashurst Australia, Privilege Update, "When fair may be foul: waiver of legal privilege over compliance advice," 2015

Co-author of articles on international arbitration for the Australian International Disputes Centre Bulletin, 2012