



ROBERT NEWLINDS SC
FCiArb

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ADMISSIONS **2003** Appointed Senior Counsel

1990 Barrister

1986 Solicitor

APPOINTMENTS **2015** Fellow, Chartered Institute of Arbitrators

2012 - 2020 Head of Banco Chambers

RANKINGS **2015 – 2021** **Chambers & Partners Asia Pacific Guide**
Band 1 in Insolvency and Restructuring

“A top restructuring barrister,” “an excellent trench fighter,” “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”

Band 4 in Dispute Resolution

“A fantastic general practitioner,” “good at a lot of things,” “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.”

2015 - 2020 **Doyles Guide**
Preminent Insolvency and Restructuring Senior Counsel

Leading Commercial Litigation & Dispute Resolution Senior Counsel

PROFILE Robert Newlinds SC is one of Australia’s preminent barristers. For more than 30 years he has appeared in hundreds of cases and appeals across a wide range of jurisdictions. He was the Head of Banco Chambers for 8 years from 2012 to 2020. His most recent and current work includes:

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- Acting for Brendan McAssey and others in a large commercial dispute worth more than \$100 million concerning the sale of a chain of child care centres in the Commercial List of the Supreme Court of NSW;
 - Acting for the former Chairman to the Advisory Board of the Winning Appliances Group concerning an option to purchase shares in the company before the Commercial List of the Supreme Court of NSW;
 - 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 successfully settled class action alleging oppression in the Federal Court of Australia and Supreme Court of QLD;
 - Acting in appeal proceedings in the Court of Appeal of Western Australia for the developers and liquidators of the Raine Square office tower against Bankwest involving a claim for damages exceeding \$200 million. Robert also appeared at the 4 month trial in 2018;
 - Acting for Jo Cooper in NSW Court of Appeal proceedings against the owners corporation of the Horizon Apartment complex concerning the validity of a by-law prohibiting the ownership of pets in the building;
 - Acting for Springfield Land Corporation in a significant claim against TPG concerning a contract to provide dark fibre to the town of Springfield in proceedings before the Supreme Court of QLD;
 - Acting as a party appointed expert in proceedings before the Supreme Court of the British Virgin Islands providing an opinion Australian corporations law.
 - Acting for a shareholder in the iconic Sydney restaurant Machiavelli in corporate oppression proceedings in the NSW Supreme Court
 - 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;

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- 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 valued in excess of \$100 million;
 - Conducting examinations for the liquidators of Queensland Nickel in the Federal Court of Australia;
 - 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 Western Australia;
 - Acting for a party in arbitral proceedings in a dispute concerning a farming partnership involving claims and counter claims exceeding \$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.

Whilst he will run hard cases, he will also provide the hard advice to clients, even if it is not what the client wants to hear.

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. 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

Mighty River International Ltd v Hughes; Mighty River International Ltd v Mineral Resources Ltd [2018] HCA 38; 265 CLR 480; 130 ACSR 427

Re Lambie [2018] HCA 6; 263 CLR 601

Re Canavan; Re Ludlam; Re Waters; Re Roberts; Re Nash; Re Xenophon [2017] HCA 45; 263 CLR 284

Re Roberts [2017] HCA 39; 91 ALJR 1018

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

APPEALS

Robert has appeared as counsel in approximately 90 final hearings in appellate courts around Australia (excluding the High Court). His recent appearances at the appellate level include:

Segal v Sharma [2020] NSWCA 314

Cooper v The Owners of Strata Plan No 58068 [2020] NSWCA 250; 19 BPR 40,787

Bradcorp Wilton Park Pty Limited v Country Garden Wilton West Pty Limited (Settled after two days of argument)

Drivas v Jakopovic [2019] NSWCA 218; 100 NSWLR 505

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; 134 ACSR 424

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 (**West Australian 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

Lambert Leasing v QBE Insurance Ltd [2016] NSWCA 254

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**)

TRIALS

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.

Coeur De Lion Investments Pty Ltd v The President's Club Ltd (No 2) [2020] FCA 1705 (**Qld Registry**)

In the matter of Railway & Transport Health Fund Ltd [2020] NSWSC 1435

Wang v Cai [2020] NSWSC 1414

In the matter of Bicher & Son Pty Ltd [2020] NSWSC 711; 147 ACSR 108

In the matter of Matcove Pty Ltd [2020] NSWSC 625

Dovgan & Dovgan [2020] FamCA 589

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

Hammond v Quayeyeware [2019] FCA 2207; 141 ACSR 434

In the matter of Global Advanced Metals [2019] NSWSC 1804; 141 ACSR 222

Australian Prudential Regulatory Authority v Kelaher [2019] FCA 1521; 138 ACSR 459

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 (**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; [2017] WASC 69 (**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

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

Hilton v Legal Profession Admission Board [2016] NSWSC 1617

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

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

CLIENTS

Robert's clients include some of Australia's highest profile companies and individuals, as well as smaller enterprises and individuals.

David Gordon, former Chairman of the advisory board to the Winning Appliances Group

George Gregan, former Wallaby

Linda Hammond, the founder of the Quay Eyeware brand

Chris Kelaher, the CEO of major listed superannuation fund IOOF

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

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

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

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*

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

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*

Optus, in a large commercial dispute with *Telstra*