



ROBERT NEWLINDS SC
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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 – 2022 **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 very able leading counsel who is not afraid to make strong tactical decisions," "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 - 2021 **Doyles Guide**

Market Leader, Insolvency and Restructuring Senior Counsel

Leading Commercial Litigation & Dispute Resolution Senior Counsel

PROFILE

Robert Newlinds SC is one of Australia's preeminent barristers. For more than 30 years he has appeared in hundreds of cases and appeals across a wide range of jurisdictions. His most recent and current work includes:

- Advising Credit Suisse Asset Management AG in relation to the collapse of Greenhill Capital (UK) Ltd;
- Advising and appearing for Jakin Loke on an application made by ASIC to suspend his licence as a Registered Auditor;
- Appearing for the developers of the Raine Square office tower against BankWest in a forthcoming one week appeal hearing in the WA Court of Appeal. This follows an earlier 4 month hearing in the Supreme Court of Western Australia. The claims for damages exceeds \$200 million;
- Acting in ongoing family court proceedings where the asset pool exceeds \$500 million;
- Acting for Spring Farm Developments Pty Ltd in a class action in which it is that alleged inadequate land compaction in a greenfields development at Spring Farm has caused damage property and property values;
- Appearing for Russel Pillemer and his investment company in a dispute with former Prime Minister Malcolm Turnbull's son, Alex Turnbull. Alex Turnbull alleged that engaged in misleading or deceptive conduct in the acquisition of Alex' shares in the investment company resulting in losses of \$12 million. Robert cross examined both Malcolm Turnbull and Alex in the trial;
- Appearing for Little Zaks, a chain of childcare centres, in a dispute with an offshore hedge fund over the exercise of an option to purchase the chain for more than \$50 million;
- Appearing for former Wallaby George Gregan and his partner in a business dispute with a former partner in a fitness equipment wholesale business;
- Appearing for the plaintiff in a class action brought against carmaker Volkswagen advancing a claim of diminished vehicle values and other damages on account of the vehicles being equipped with defect Takata airbags. The proceedings are currently before the NSW Court of Appeal;
- Acting for Brendan McAssey and his holding company in a dispute with a US based fund arising from its acquisition of a chain of childcare centres for more than \$100 million. The proceedings were successfully settled before the commencement of a four week hearing;
- Appearing 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;
- Appearing for Jo Cooper in NSW Court of Appeal proceedings against the Owners' Corporation of the Horizon Apartment Complex concerning the lawfulness of a strata by-law that banned all pets in the building;

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- Appearing for a shareholder in the iconic Sydney restaurant Machiavelli in corporate oppression proceedings in the NSW Supreme Court;
 - Appearing 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;
 - Appearing for Chris Kellaher, the former CEO of IOOF in successfully defending proceedings brought by APRA in the Federal Court of Australia;
 - Appearing for the founder of Quayeyeware in a dispute with the majority shareholders in a series of cases in the Federal Court of Australia;
 - Appearing 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;
 - Appearing 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;
 - Appearing for Bradcorp Pty Ltd in a dispute involving the development of Wilton Park in the Supreme Court of NSW and on appeal; and
 - 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;

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. 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, including most

significantly appearing for The Hon Arthur Sinodinos in Operation Credo and Spicer. 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; 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

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

SELECTED CASES - APPEALS

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:

Michael Wilson & Partners Ltd v Emmott [2021] NSWCA 315

Fuller v Albert (No 2) [2021] NSWCA 183

CEG Direct Securities Pty Ltd v Wang [2021] NSWCA 76

Sara Stockham Pty Ltd v WLD Practice Holdings Pty Ltd [2021] NSWCA 51

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

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

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**)

SELECTED CASES - 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.

Dwyer v Volkswagen Group Australia Pty Ltd [2021] NSWSC 715

O'Reilly v Precision Mining and Drilling (Subject to Deed of Company Arrangement) [2021] WASC 176

Dovgan v Dovgan [2021] FamCA 306

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

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

Cour de Lion Investments Pty Ltd v The President's Club Ltd [2020] FCA 204; [2020] FCA 1705 (Qld Registry)

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

Australian Prudential Regulatory Authority v Kelaher [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 (**West Australian Supreme Court**)

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

Centric 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

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

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

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

CLIENTS

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

Credit Suisse, in a complex, high value debt recovery matter

Russell Pillemer, CEO of Pengana Capital and former business partner to Malcolm Turnbull

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

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

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 of 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*