



**CHRISTOPHER
MITCHELL**

Barrister

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christopher.mitchell@banco.net.au

PROFESSIONAL

2016-date

Barrister

**Banco Chambers (2016/2017 and 2020 on)
7 Wentworth Selborne (2018/2019)**

2012-2016

**Senior Associate / Solicitor (Dispute Resolution)
Herbert Smith Freehills**

Experience in a range of commercial, insolvency, insurance and regulatory matters in the Supreme Court of NSW, Supreme Court of Victoria and Federal Court of Australia

2007-2012

**Associate Legal Officer (Office of the Prosecutor)
United Nations International Criminal Tribunal for the Former
Yugoslavia**

Member of the prosecution team on two successful prosecutions for genocide, war crimes and crimes against humanity in relation to the 1995 Srebrenica genocide:

Prosecutor v. Radovan Karadzic (president of the Bosnian Serb Republic)

Prosecutor v. Vujadin Popovic et al. (seven Bosnian Serb military/police officers)

2003-2007

**Graduate Solicitor (Corporate) / Paralegal (Employee Relations)
Herbert Smith Freehills**

EDUCATION

2007

**Bachelor of Laws (LLB Hons)
Macquarie University**

First Class Honours, Dean of Law School's Award for Excellence in Law, Lionel Murphy Prize for first place in Labour Law, Division of Law prize for first place in Comparative Law, Division of Law prize for first place in Law of the Sea, Division of Law prize for first place in International Dispute Settlement

1999

Bachelor of Arts (BA)
University of Sydney

TEACHING

2013-2020

Convener and lecturer for International Criminal Law,
Macquarie University

2014-2015

Co-convener/lecturer for International Dispute Settlement,
Macquarie University

PUBLICATIONS

2018

Lessons learned from the use of DNA evidence in Srebrenica-related trials at the United Nations International Criminal Tribunal for the Former Yugoslavia, with Kweku Vanderpuye, book chapter, ICTY Legacies, OUP 2018 (pending)

2010

Case note: Prosecutor v. Vujadin Popovic et al. [IT-05-88-T] (ICTY Trial Chamber) (2010), Australian International Law Journal, Volume 17, 2010

2008

Case note: Prosecutor v. Milomir Stakic [IT-97-24-A] (ICTY Appeals Chamber) (2006), Australian International Law Journal, Volume 13, 2006 (published 2008)

2005

Understanding the proposed small business exemption from Federal unfair dismissal laws, with John H.C. Colvin, Australian Financial Review Industrial Relations Conference, March 2005

2004

Union rights of entry, with Anthony Longland, College of Law Practice Papers

ADMISSIONS

2016

Barrister, New South Wales Bar

2012

Lawyer, High Court of Australia

2007

Lawyer, Supreme Court of New South Wales

APPEARANCES - UNLED

Adcorp Australia Limited v Dentsu Mitchell Media Australia
NSWSC 2017/127245 (settled)

Claim for breach of contract and misleading or deceptive conduct - for Dentsu Mitchell

<i>R v Biffin</i> , NSWDC 2015/16468 (jury trial)	Discharge firearm in a manner likely to injure (acquittal) – for the defendant, instructed by Legal Aid
<i>R v Smith</i> , NSWDC 2017/120133, (judge alone trial)	Assault occasioning actual bodily harm (DV) (withdrawn after first day of trial), instructed by Legal Aid
<i>R v Rose</i> , NSWDC 2017/135192 (jury trial and sentencing after conviction)	GBH and reckless wounding (partial acquittal), for the defendant, instructed by Legal Aid
<i>HCCC v Shams Aref</i> [2018] NSWCATOD 133	Professional discipline – for HCCC
<i>R v Frail</i> , NSWDC 2017/55401 (sentencing on plea of guilty)	Drug supply, for the defendant, instructed by Legal Aid,
<i>R v Tobin</i> , NSWDC 2018/321 (sentencing on plea of guilty)	Drug supply, for the defendant, instructed by Legal Aid
<i>R v Riley</i> , NSWDC 2017/8568 (contested committal hearing and jury trial), ongoing	Dangerous driving causing death, instructed by Legal Aid,
<i>HCCC v Dr Ralph Bright</i> [2019] NSWCATOD 169	Professional discipline – for HCCC
<i>R v Newman</i> , NSWDC 2019/122753 (ongoing)	Aggravated robbery, for defendant, instructed by Legal Aid
<i>R v Wilson</i> , NSWDC 2019/00087398 (ongoing)	Wound with intent to cause GBH, for defendant, instructed by Legal Aid
<i>R v Kennedy</i> , NSWDC 2019/00065271 (ongoing)	Aggravated kidnap, for defendant, instructed by Legal Aid
<i>R v Carter</i> , NSWDC 2018/00329707 (ongoing)	Aggravated break and enter and take child without consent, for the defendant, instructed by Legal Aid

APPEARANCES - LED

Class actions

<i>Volkswagen, Audi and Skoda class actions and ACCC proceedings</i> , Federal Court of Australia, settled	Alleged use of “defeat device” in diesel cars – for Audi, Volkswagen, Skoda, led by N Hutley SC, P Brereton SC and Dr R Higgins SC
<i>Infigen Ltd ats Richard Graham & Anor and Kuhn & Anor</i> ,	Class action seeking damages for bushfire caused by electricity assets – for Infigen, led by Dr R Higgins SC

NSWSC 2017/00131194 and
2017/00255662, settled

Commercial, corporations and insolvency

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| <i>Hancock Prospecting Pty Ltd v Rinehart</i> , Federal Court of Australia proceedings NSD 916 and 922 of 2016, ongoing | Various claims by Mrs Gina Rinehart's children for ownership of HPPL's assets and other relief - for HPPL, led by N Hutley SC and J Giles SC |
| <i>Hancock Prospecting Pty Ltd ats DFD Rhodes, Wright Prospecting Pty Ltd and J and B Rinehart</i> , WASC case no. CIV 3041 of 2010, 2617 of 2012 and 2737 of 2013, ongoing | Various claims by DFD Rhodes, WPPL and Mrs Gina Rinehart's children for ownership of HPPL's assets and other relief - for HPPL, led by N Hutley SC and J Giles SC |
| <i>Hancock Prospecting Pty Ltd ats Bianca Rinehart atf the Hope Margaret Hancock Trust</i> , NSWSC 2017/86718, ongoing | Shareholder oppression suit - for HPPL, led by N Hutley SC and J Giles SC |
| <i>BlueScope Steel v Illawarra Coal Holdings</i> , NSWSC 2015/190735, settled | Alleged breach of long-term coal supply contract - for BlueScope, led by J Sheahan QC and Dr R Higgins SC |
| <i>Babcock & Brown DIF III v Babcock & Brown International Pty Ltd</i> , Supreme Court of Victoria 2013/05903, settled | Alleged breach of fiduciary duty - for Babcock & Brown International, led by P Brereton SC |
| <i>DIF III - Global Co-Investment Fund LP v BBLP LLC</i> , NSWSC 2016/00285820, settled | Alleged breach of fiduciary duty - for Babcock & Brown International, led by P Brereton SC |
| <i>In the matter of Australian Institute of Professional Education Pty Ltd (In Liquidation)</i> NSWSC 2017/00317853 (settled) | Claim against directors for various breaches of Corporations Act - for a director, led by V Whittaker SC |
| <i>Mine Subsidence Board v Darren Bullock</i> , NSWSC 2016/280727, settled | Claim against former employee for breach of fiduciary duty and money had and received - for MSB, led by T Wong |
| <i>Ron Medich Properties Pty Ltd v Bentley Smythe & Ors</i> , NSWSC 2011/18119 | Winding up application with cross-claim for conspiracy to commit murder - for Ron Medich Properties, led by D Sulan |
| <i>Abate, in his capacity as Liquidator of Alberto Rajii, v Alberto Rajii</i> Federal Court, NSD No. 2118 of 2017 (finalised) | Recognition of foreign insolvency proceedings as foreign main proceeding - for the liquidator, led by D Sulan |

<i>Amit Laundry Pty Ltd v Rajil Jain</i> , NSWSC [2017] NSWSC 1603	Real property – claim for title to property held on resulting trust – for Rajil Jain, led by S Dawson SC
<i>Armstrong Strategic Management Pty Limited v Expense Reduction Analysts Group Pty Ltd (No 10)</i> [2017] NSWSC 16	Application for lump sum indemnity costs – for Expense Reduction, led by EAJ Hyde
<i>Faye Parker v Attis Capital et al</i> , NSWSC 2017/56434, settled	Claim for fraudulent misappropriation of investment portfolio – for Attis Capital and D Reynolds, led by F Assaf
<i>Noakes Group Pty Ltd v KZ Marine Group Limited</i> , NSWSC 2016/214436, settled	Claim against marine goods supplier for breach of contract and negligence – for Noakes, led by Dr JA Watson

Crime

<i>ACCC v ANZ, Deutsche Bank, Citigroup and ors</i> [2018] 00175183 (Local Court pre-committal to Federal Court)	Cartel offences – for the ACCC, led by Peter Neil SC, Ruth Higgins SC, Stephen Free SC
<i>R v Mark Stocco</i> [2017] NSWSC 304 (sentencing)	Sentencing (murder) – for Mr Stocco, led by I Nash (PD)
<i>R v CH</i> , NSWDC, jury trial	Aggravated child sexual assault (acquittal) – for the defendant, led by I Nash (Public Defender)
<i>R v CE</i> , NSWDC, jury trial	Aggravated child sexual assault (acquittal) – for the defendant, led by I Nash (Public Defender)

Insurance

<i>ACE Insurance Ltd, in the matter of ACE Insurance Ltd</i> [2016] FCA 997 (8 August 2016)	Application for transfer of general insurance business – for ACE, led by N Owens SC
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Personal Injury

<i>George Younes bht Mirna Dib v Dr Tamanna Parvin</i> , NSWSC 2017/141974 (settled)	Medical negligence, for Dr Parvin (instructed by MIPS), led by M Walsh SC
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Proceeds of crime

<i>Commissioner of the Australian Federal Police v Cui and Li</i> [2017] NSWSC 1817	Proceeds of crime – exclusion application, for Ms Cui and Mr Li, led by S Dawson SC
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Regulatory

<i>Chief Executive Officer of Australian Transaction Reports and Analysis Centre v TAB Limited</i> , FCA 852 of 2015, settled	Alleged breaches of anti-money laundering and counter-terrorism financing laws - for Tabcorp, led by J Sheahan QC, P Brereton SC and Dr R Higgins SC
<i>ACCC v Ozsale Pty Limited</i> [2016] FCA 1049	Consumer law - admitted contraventions of ACL s 106 - for the ACCC, led by Dr R Higgins SC
<i>ACCC v Colgate-Palmolive Pty Ltd (No 3)</i> [2016] FCA 676	Trade practices - admitted contraventions of s 45(2) of the Trade Practices Act - for the ACCC, led by Dr R Higgins SC

Royal Commission

<i>Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry</i>	For National Australia Bank Ltd, led by Neil Young QC and Wendy Harris QC
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Urgent relief

<i>Fairfax ats Ben Roberts-Smith</i> , Federal Court of Australia, 10 August 2018	Injunction to prevent publication of a story regarding Mr Roberts-Smith - for Fairfax, led by S Dawson SC
<i>Mine Subsidence Board v Bullock</i> [2016] NSWSC, unreported	Two freezing orders - for the MSB, led by T Wong
<i>FremantleMedia Australia v Le</i> [2016] NSWSC 1167	Freezing order - for FMA, led by D Sulan
<i>FremantleMedia Australia v Le</i> [2016] NSWSC 983	Worldwide asset disclosure - for FMA, led by D Sulan

APPEARANCES - APPEAL

<i>Royal Bank of Scotland PLC v Babcock & Brown DIF III Global Co-Investment Fund LP</i> [2017] VSCA 138	Enforcement of foreign exclusive jurisdiction clause - appear for BBIPL, led by P Brereton SC and V Whittaker
<i>Amit Laundry Pty Ltd v Rajil Jain</i> [2019] NSWCA 20	Real property - claim for title to property held on resulting trust - for Rajil Jain, led by S Dawson SC
<i>Hancock Prospecting Pty Ltd ats DFD Rhodes, Wright Prospecting Pty Ltd and J and B</i>	Mandatory stay under Commercial Arbitration Act 2012 (WA) - for Hancock Prospecting, led by N Hutley SC

Rinehart, WA CAVC 12 of 2019,
ongoing

*Hancock Prospecting Pty Ltd v
Bianca Rinehart atf the Hope
Margaret Hancock Trust*,
NSWCA 2018/369661, ongoing

Meaning of trust documents and
property in corporate
documents - for Hancock
Prospecting, led by N Hutley SC

*Babcock & Brown International
Pty Ltd v Allianz Australia*,
NSWCA, 2019/178170, ongoing

Construction of insurance policy
- for BBIP, led by
P Brereton SC

R v RB, NSWCCA
2017/00056625, ongoing

Admissibility of prior sexual
history of complainant
- for defendant, led by
K Richardson SC

ADVISORY

Advised the Australian Rugby
Union on a confidential dispute
(settled)

Unled

Advised Clayton Utz in relation
to a report prepared by Clayton
Utz for the board of AMP
Limited into allegations of
charging fees for no service and
misleading ASIC

Led by N Hutley SC

Advised an entity on potential
exposure under s 316 of the
Crimes Act NSW (1900) in
relation to the Royal
Commission into Institutional
Responses to Child
Sexual Abuse

Led by R McHugh SC

Advised a foreign government
on a law of the sea dispute
(disputed title to islands)

Led by Professor Natalie Klein

Advised Indigenous Business
Australia on a governance issue

Led by R Dick SC