



**HARRIET LENIGAS**

*Barrister*

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**ADMISSIONS & QUALIFICATIONS**

*2019*

NSW Bar

*2011 - 2019*

Solicitor, Ashurst.

*2010*

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

*2004*

Bachelor of Music, Queensland Conservatorium of Music, Griffith University

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**PROFILE**

Harriet has ten years' experience advising and appearing in large scale, high value cross-border commercial disputes. She has appeared in ICC, LCIA, LMAA, HKIAC and UNCITRAL arbitrations in London, New York, Hong Kong and Australia. With a broad national practice, appearing in important proceedings throughout Australia in the Federal and Supreme Courts, Harriet accepts briefs in all areas of commercial law. Harriet also has significant experience in major infrastructure and energy disputes and class actions.

Prior to being called to the Bar, Harriet was a Senior Associate at Ashurst, where she instructed in international arbitrations and significant Australian court proceedings.

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

## SELECTED MATTERS

### Select international and arbitration matters

- \$40m London Maritime Arbitration Association (LMAA) arbitration seated in London before a three-member tribunal under English law. The arbitration concerned breaches of a coal supply contract. Led by Peter Braham SC and James Hutton SC, instructed by Peter Voss of Ashurst.
- HKIAC arbitration seated in Hong Kong. Acting in a dispute with an insurer and reinsurer concerning a hotel and casino in Macau. Led by Nuala Simpson, instructed by Travis Toemoe of King and Wood Mallesons.
- \$800m ACICA arbitration concerning defects and complex delay and disruption claims. Led by Duncan Miller SC, Damian O'Leary and Robert Williams, instructed by Scott Foreman of LK Law.
- \$25m ad hoc arbitration concerning the construction of a reinsurance contract. Led by Vanessa Whittaker SC, instructed by Stefan Sudweeks of Jackson Macdonald.
- ICC arbitration seated in New York under New Jersey Law concerning disputes arising out of a distribution agreement. Breach of contract, consumer fraud and CISG claims. Led by Adam Hochroth, instructed by AF Commercial Lawyers.
- \$2.8bn ICC arbitration concerning the construction of an LNG facility. Led by Adam Constable QC (England), Duncan Miller SC and Tim Breakspear SC, instructed by DLA and Clyde & Co.
- *Formerank Ltd v Luo* [2020] NSWSC 1641. Interlocutory application seeking injunctive relief and worldwide disclosure orders in support of an international arbitration seated in Hong Kong under HKIAC Rules. Led by Jonathon Redwood SC, instructed by David Benson of Clayton Utz.
- Confidential arbitration concerning a solar farm. Led by Tim Breakspear SC and Mark Sheldon, instructed by Emanuel Confos and Harriet Oldmeadow of Norton Rose Fulbright.
- Acting for Infrastructure NSW in relation to disputes arising out of the construction of the new Sydney Fish Market. Led by Nuala Simpson, instructed by Travis Toemoe of King and Wood Mallesons.
- Infrastructure arbitration concerning the construction a major road network. Led by Jeremy Giles SC, instructed by Alex Whiteside of Norton Rose Fulbright.
- Confidential arbitration concerning the construction of a Tollroad. Led by Tim Breakspear SC, instructed by Jeremy Chenoweth of Ashurst.

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- Assistant to the Hon Robert McDougal KC – Lochard Energy & Ors v Energy Australia Investments & Ors (Supreme Court of Victoria). Facilitating multiple expert conclaves.

### **Class actions**

- Opal Towers class action – Supreme Court of NSW. Led by Matthew Darke SC, Robert Yezerki SC and Nuala Simpson. Instructed by Chris Ryder of Corrs Chambers Westgarth.
- Lendlease class action – Supreme Court of NSW. Led by WAD Edwards SC and Ryan May, instructed by Maurice Blackburn.
- Light Rail class action – Supreme Court of NSW. Led by AJ Bannon SC, Adam Hochroth and Lucas Shipway, instructed by Amanda Banton of the Banton Group.

### **Select led Australian court proceedings**

- *Munkara & Ors v Santos NA Barossa Pty Ltd* – Federal Court of Australia (see *Munkara & Ors v Santos NA Barossa Pty Ltd* [2023] FCA 1348, *Munkara & Ors v Santos NA Barossa Pty Ltd (No 2)* [2023] FCA 1421). Multiple injunction proceedings and urgent final hearing. Proceedings commenced by Tiwi Islanders against Santos concerning the Barossa Gas Pipeline and the applicable regulatory regime (the *Offshore Petroleum and Greenhouse Gas Storage (Environmental) Regulations 2009* (Cth)). Led by Joshua Thompson SC, Vanessa Whittaker SC, John Waters SC and Nathan Landis. Instructed by Quinn Emanuel.
- *INPEX Operations Australia Pty Ltd & Anor v AkzoNobel N.V. & Ors* – Federal Court of Australia (see *INPEX Operations Australia Pty Ltd v AkzoNobel NV* [2023] FCA 382). A multi-billion dollar misleading and deceptive conduct claim concerning the coating applied to the INPEX Ichthys LNG Facility. Led by Jeff Gleeson KC, Tim Breakspear SC and Gabi Crafti. Instructed by Chris Ryder, Kirsty Sutherland and Callum Strike of Corrs Chambers Westgarth.
- *Epic Pharmacy Services Pty Ltd v Giles & Ors* – Supreme Court of NSW (interlocutory proceedings) and Supreme Court of Victoria (transferred main proceedings). Acting for entities in the ICON Group in various disputes concerning the provision of hospital pharmacy services (interlocutory proceedings: transfer application and injunctions, principal proceedings: breach of contract, termination of contract,

restraint of trade). Led by Vanessa Whittaker SC and Penelope Abdiel, instructed by Travis Toemoe of King and Wood Mallesons.

- *The Owners – Strata Plan No 80877 v Lannock Capital 2 Pty Ltd & Ors* – Supreme Court of NSW (see *The Owners – Strata Plan No 80877 v Lannock Capital 2 Pty Ltd & Ors* [2023] NSWSC 1401). Acting for Westpac, NAB and others in a dispute concerning the termination of the Mascot Towers strata scheme (priority dispute with other creditors). Led by Vanessa Whittaker SC, instructed by Emma Hodgman of Thompson Geer.
- *Cornerstone Investment Aust Pty Ltd (in liquidation) v Seymour & Ors* [2022] NSWSC 1564 – Supreme Court of NSW. Strike out application. Led by Peter Brereton SC, instructed by Andrew Carter of Ashurst.
- *CPB Contractors Pty Ltd & Ors v HDI-Global SE Australia & Ors* – Supreme Court of NSW. Insurance dispute concerning a project in New Zealand. Led by Anne Horvath SC, instructed by David Gerber of Clayton Utz.
- *A&L Lindsay v B&J McNamara Pty Ltd and Carter Holt Harvey Pinepanels Pty Ltd* – Supreme Court of NSW. Construction defects case. Led by Fiona Roughley SC, instructed by Luke Hastings of Freehills.
- *Man Investments Australia Ltd v Kelly & Anor* – Supreme Court of NSW. Interlocutory injunction. Led by James Lockhart SC, instructed by Allens Linklaters.
- *Sydney Water Corporation v Durrubbin Water Features* – Supreme Court of NSW. Construction and infrastructure – defects and quantum issues concerning the rectification of a water pipeline. Led by Tim Breakspear SC, instructed by Frank Bannon of Clayton Utz.
- *CommsChoice Pty Ltd v Workways Australia Ltd* – Supreme Court of NSW. Technology and communications – breach of contract. Led by Nicholas Bender SC, instructed by Zaven Mardirossian of Arnold Bloch Leibler.
- *GAG Kingsley Property Company Pty Ltd v Chief Executive of Subsidence Advisory NSW* – Land and Environment Court of NSW. Judicial review and merits review. Led by James Hutton SC, instructed by Sparke Helmore Lawyers.
- *Beta ACT Pty Ltd as Trustee for the Brendas Family Trust v FTI Consulting Pty Ltd* [2021] ACTSC 293. Interlocutory dispute re limitation issues, summary dismissal and amendment of pleadings. Led by Fiona Roughley SC, instructed by David Goldman of Norton Rose Fulbright.

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- *Tomingley Gold Pty Ltd v Protector* – Supreme Court of NSW. Construction and infrastructure – breach of contract, defects in plant. Led by Tim Breakspear SC, instructed by David Jenaway of Allen & Overy.
  - *WCX M4-M5 Link AT Pty Ltd v Acciona Infrastructure Projects Australia Pty Ltd* – Supreme Court of NSW. Construction dispute. Led by Jeremy Giles SC, instructed by Alex Whiteside of Norton Rose Fulbright.

### Select unled matters

- *Lavigne v Garrett* – Supreme Court of NSW (see *Lavigne v Garrett* [2023] NSWSC 1383 re application for delivery up of solicitor’s file). Professional negligence claim against solicitors acting on a property transaction. Instructed by Michelle Fox of Quinn Emanuel.
- *Shellbay Stones International Pty Ltd v Geoff Hopkins & Associates Pty Ltd* – Supreme Court of NSW, dispute concerning the construction of the Harbord Diggers Club. Instructed by Frank Bannon of Clayton Utz.
- *Global Switch v Exyte Singapore Pte Ltd* – Supreme Court of NSW. Construction dispute concerning the construction of a specialised IT facility. Instructed by Frank Bannon of Clayton Utz.
- *Healey v National Australia Bank*, NSW District Court, instructed by Emma Hodgman of Thompson Geer.
- *Jalloh v Multiplex Constructions Pty Ltd & Ors* – District Court of NSW. Construction dispute. Instructed by Stefan Sudweeks of Mills Oakley.
- Acting for Supabarn in a multimillion-dollar dispute concerning the construction of a shopping centre. Instructed by Corrs Chambers Westgarth.
- *Centennial Coal v AirEng Pty Ltd* – construction dispute. Instructed by Sparke Helmore Lawyers.
- *Zivko Dipoudj v FDC Construction and Fitout Pty Limited* [2022] NSWSC 1564).
- *Mavroidis v The Owners – Strata Plan 63341* – Supreme Court of NSW. Strata dispute. Instructed by Summerville Legal.
- *Verizon Connect Australia Pty Ltd v Proactive Drilling Services Pty Ltd* – Local Court. Breach of contract, misleading or deceptive conduct and defects in equipment.
- *Samira Alqastoma v Arcadia Funds Management Pty Ltd* – District Court of NSW. Summary dismissal and negligence proceedings. Instructed by HFW.

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- *Meriton v Owners Corporation SP81965 & Ors* – Supreme Court of NSW. Interlocutory application – joinder of parties under r 6.19 of the UCPR and application to transfer proceedings. Instructed by HFW.
  - *Barclay Pearce Capital Pty Ltd v Aegros Ltd* – Supreme Court of NSW. Transfer application and subsequent proceedings in the District Court of NSW, instructed by Mark Webeck of HWL Ebsworth.
  - *Lucius Pitkin Inc v AIS Technical Limited* – Supreme Court of NSW. Summary Judgement. Instructed by Bridges Lawyers.
  - Confidential arbitration concerning the construction of an aged care facility. Instructed by Alex Whiteside of Norton Rose Fulbright.

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## 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.

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 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.

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Loyal Coal (a subsidiary of Whitehaven Coal): acting for Loyal Coal in Federal Court proceedings brought by the ACCC for alleged 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).

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

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## **RESEARCH & PUBLICATIONS**

Presentation at ACICA Australian Arbitration Week, 2022. "Nuance, challenge and opportunity: How courts and tribunals are approaching different laws applying to the seat and the contract".

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.