

# CHRISTOPHER PALMER

Barrister



## ADMISSIONS

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- NSW Bar: 2008
- High Court of Australia: 2004
- NSW Supreme Court: 2004

## SELECTED CASES

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### *Banking and Corporations Law*

- *In the matter of Ceni Enterprises Pty Ltd*, appearing for a corporate shareholder in opposed applications for a court ordered shareholders' meeting and winding up for oppression or on the just and equitable ground in the Corporations List of the NSW Supreme Court - instructed by William James
- *In the matter of Kimberley Diamonds Limited (in liquidation)*, appeared for a Chinese secured corporate lender on a liquidators' application for approval and directions in the Corporations List of the NSW Supreme Court - instructed by Andelain Consulting Pty Limited
- *In the matter of JJ & MC Kingwill Pty Ltd*, appeared for the respondent to an opposed application for substitution as the plaintiff and winding up in the Corporations List of the NSW Supreme Court - instructed by Henry Davis York
- *Trust Co Fiduciary Services Ltd v Hassarati*, appeared for National Australia Bank Limited in relation to a cross-claim for restitution in a mortgage dispute in the Common Law Division of the NSW Supreme Court - instructed by National Australia Bank Limited
- *SR7 Pty Limited & Ors ats Fraser*, a shareholder dispute in the Equity Division of the NSW Supreme Court in the context of a proposed takeover - led by JE Richards, instructed by Axis Legal
- *In the matter of Always Recycling Pty Ltd*, acted for National Australia Bank Limited on a liquidator's application for directions in the Corporations List of the NSW Supreme Court - instructed by National Australia Bank Limited
- *KEB Australia Bank Ltd ats Ko*, a loan agreement dispute in the Common Law Division of the NSW Supreme Court - instructed by Bartier Perry
- *Cash Handling Systems Pty Ltd (In Liquidation) v Waite*, a claim against a director in the NSW District Court - instructed by Baker & McKenzie

### *Commercial Disputes*

- *Crupe Pte Ltd & Crupe International (Holdings) GMBH v Stuart Robertson & Michele Robertson*, an application for worldwide asset freezing (USD 121.7 million) and disclosure orders in the Equity Division of the NSW Supreme Court - instructed by Colin Biggers & Paisley
- *Lightstream Pictures Pty Ltd ats Sydney Film Production Company Pty Ltd & Soo*, a film industry dispute in the Equity Division of the NSW Supreme Court - instructed by Marshalls + Dent + Wilmoth
- *Unindian Holdings Pty Ltd v Australia India Film Fund Pty Ltd & Gupta*, a film industry dispute in the Equity Division of the NSW Supreme Court - instructed by Marshalls + Dent + Wilmoth

5 Selborne, Level 5, 174 Phillip Street, Sydney NSW 2000, Australia  
+612 8067 5525 | palmer@selbornechambers.com.au

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- *Lets Go Adventures Pty Ltd v Barrett*, an application for urgent post-appeal worldwide asset freezing and disclosure orders in the NSW Court of Appeal - instructed by Colin Biggers & Paisley
- *Brannigan v Smith & Jamieson*, a contractual dispute regarding an option to purchase property and its exercise in the Real Property List of the NSW Supreme Court (reported at (2017) 18 BPR 37,193), analysed in P Beekink and J Papineau, 'Brannigan v Smith' (2017) 32(9) APLB 146 - instructed by Cordato Partners Lawyers
- *Bechini v IUS Pty Ltd & Ors*, a professional negligence claim against an architect, its professional indemnity insurer and policy broker in the Common Law Division of the NSW Supreme Court - instructed by HBA Legal
- *Butterfield Services Pty Ltd as Trustee for The Bondi Health Care Centre Trust v Dr Jonathan Bentley*, a contractual dispute in the Common Law Division of the NSW Supreme Court - instructed by John F Morrissey & Company Lawyers
- *McBride v Christie's Australia Pty Ltd & Ors*, appeared for a major auction house on a subpoena to produce in an art industry dispute in the Equity Division of the NSW Supreme Court - instructed by John F Morrissey & Company Lawyers
- *Hi-Tech Telecom Pty Ltd ats Optus Mobile Pty Ltd; Hi-Tech Telecom Pty Ltd v Optus Networks Pty Ltd*, telecommunications industry disputes in the Commercial List of the NSW Supreme Court - instructed by Axis Legal
- *MDC (Europe) Limited v Optus Networks Pty Ltd*, a telecommunications industry dispute in the Equity Division of the NSW Supreme Court - led by JE Richards, instructed by Axis Legal
- *Chubb Security Australia Pty Ltd ats Edwards*, proceedings involving an application for urgent asset freezing and disclosure orders in the Commercial List of the NSW District Court - instructed by Mallesons Stephen Jaques
- *Canwin (Aust) Pty Ltd v Angorita Pty Ltd*, proceedings involving trust issues, amongst others, in the Commercial List of the NSW Supreme Court - led by MW Shand QC and JE Richards, instructed by Andrew Priestly & Associates
- *Carbotech-Australia Pty Ltd v Yates & Ors*, appeared for 3 defendants in proceedings concerning alleged breaches of fiduciary duties (misuse of confidential information), contract, *Corporations Act 2001* (Cth) provisions and various torts in the Equity Division of the NSW Supreme Court, discussed in The Hon Mr Justice PW Young AO, 'Practice: Subpoenas - Legal Professional Privilege - Case Note; Carbotech-Australia v Yates' (2009) 83(2) ALJ 81 - led by AJ Bulley, instructed by Cameron & Myers

### ***Equity & Trusts***

- *Balweb Pty Ltd ats Jonsue Investments Pty Ltd*, a dispute regarding the nature of a beneficiary's interest in property in the Equity Division of the NSW Supreme Court (reported at (2013) 9 ASTLR 460), analysed in The Hon Sir Anthony Mason AC KBE GBM, 'Discretionary trusts and their infirmities' *Trusts & Trustees* 20(10) Dec 2014:1039-1054, referenced in The Hon Mr Justice RW White, 'Insolvent Trusts: Implications of *Buckle* and *CPT Custodian*' (2017) 44 Aust Bar Rev 1 and referred to in D Loxton, 'In with the Old, out with the New? The Rights of a Replaced Trustee Against its Successor, and the Characterisation of Trustees' Proprietary Rights of Indemnity' (2017) 45 ABLR 285 - instructed by John F Morrissey & Company Lawyers
- *Northey v Bega Valley Shire Council*, applications for the reinstatement of an appeal relating to the nature of an interest in property in the NSW Court of Appeal - instructed by Hassett Dixon
- *Sinclair v Registrar-General*, a compensation claim under the *Real Property Act 1900* following a caveat's removal in the Equity Division of the NSW Supreme Court - led by JE Richards, instructed by Savage & Love

### ***Insurance and Common Law***

- *Zhang v Popovic & Ors*, a catastrophic injuries claim in the Common Law Division of the NSW Supreme Court (reported at (2016) 75 MVR 153), NSW Court of Appeal (reported at (2016) 93 NSWLR 561) and High Court of Australia - led by L King SC, instructed by Gorman Law
- *Zaki v Better Buildings Constructions Pty Ltd*, an application to join an insurer to proceedings in the Common Law Division of the NSW Supreme Court, the first Supreme Court authority applying the *Civil Liability (Third Party Claims Against Insurers) Act 2017 (NSW)* and discussed in J Woodward and I Freeman, 'Memo on Rushleigh v Forge and Zaki v Better Buildings' (2018) 34(1) ILB 19 - led by L King SC, instructed by David Legal
- *SMN v Shiel & Ors*, a psychiatric injuries claim in the Common Law Division of the NSW Supreme Court - instructed by Henry Davis York

### **PROFESSIONAL CAREER**

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- 2008 - Present: NSW Bar
- 2005 - 2008: Middletons (K&L Gates)
- 2001 - 2004: Phillips Fox (DLA Piper)

### **PROFESSIONAL MEMBERSHIPS**

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- Asia-Pacific Forum for International Arbitration
- Banking & Financial Services Law Association
- London Court of International Arbitration YIAG
- New South Wales Bar Association

### **EDUCATION**

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- BA, LLB, LLM (UNSW); Joy van Ardenne Memorial Prize; Phillips Fox Scholarship for Law; Ben Lexcen Sports Scholarship 2000 & 2001
- GradDip Leg Prac (College of Law (NSW))