

CHRISTOPHER PALMER

Barrister



ADMISSIONS

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

SELECTED CASES

M&A and Corporate Governance

- *Crupe Pte Ltd & Crupe International (Holdings) GmbH v Stuart Robertson & Michele Robertson*, appeared for a Singaporean company and its Swiss subsidiary in an urgent worldwide asset freezing (USD 120 million +) and disclosure orders application in the Equity Division of the NSW Supreme Court in support of relief sought in a Singaporean High Court proceeding - sole counsel at initial urgent ex parte hearing, with DB Studdy SC at contested hearing, instructed by Colin Biggers & Paisley
- *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 - with JE Richards, instructed by Axis Legal
- *In the matter of Ceni Enterprises Pty Ltd*, appeared for a corporate shareholder in opposed applications for a court ordered shareholders' meeting, winding up for oppression or on the just and equitable ground and leave to bring derivative actions 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 regarding a significant foreign asset divestment in the Corporations List of the NSW Supreme Court - instructed by Andelain Consulting Pty Limited

Corporate Insolvency

- *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
- *In the matter of ACN 107 936 827 (Formerly known as Eaton Group Australia Pty Ltd (in Liquidation) ACN 107 936 827*, appeared for a party against which liquidators made an unfair preference claim - with JE Richards, instructed by Andrew Priestly & Associates
- *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

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Liability limited by a scheme approved under Professional Standards Legislation

- *Cash Handling Systems Pty Ltd (In Liquidation) v Waite*, a liquidator's claim against a director in the NSW District Court - instructed by Baker & McKenzie

Banking and Financial Services

- *Atkins ats Dotaz Management Pty Ltd*, a loans dispute in the Commercial List of the NSW Supreme Court - instructed by William James
- *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
- *KEB Australia Bank Ltd ats Ko*, a loan agreement dispute in the Common Law Division of the NSW Supreme Court - instructed by Bartier Perry

Workplace Disputes

- Financial services industry, appeared for a former key employee in an equity remuneration dispute, resolved without court proceedings following Dispute Meeting - instructed by Petrine Costigan Lawyers
- *Rod Hayes ats Tynan Mackenzie Pty Ltd*, appeared for a financial advisor in proceedings seeking relief for alleged solicitation of clients and employees of a financial services business in the Equity Division of the NSW Supreme Court - with JE Richards, instructed by Marshalls + Dent
- *Simhadri and Simhadri Consulting Pty Ltd ats Kushiro Pty Limited t/a Precision Hearing*, appeared for an audiologist and her consulting entity in proceedings concerning alleged solicitation of customers, misuse of confidential information and breach of post-employment restraints in the Equity Division of the NSW Supreme Court - with AJ Bulley, instructed by Stavropoulos Solicitors

Energy and Resources

- *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 - with AJ Bulley, instructed by Cameron & Myers
- *JR Engineering Assistance Pty Ltd ats Scott Waters*, a mine injury claim in the Common Law Division of the NSW Supreme Court - with L King SC, instructed by Hicksons Lawyers
- *Helensburgh Coal Pty Limited ats Geoffrey Craft*, a substantial quantum mining injuries claim in the Common Law Division of the NSW Supreme Court - with L King SC, instructed by Hicksons Lawyers
- *Whitehaven Coal Mining Limited ats Edward Pavey*, a significant mining injuries claim in the Common Law Division of the NSW Supreme Court - with L King SC, instructed by Hicksons Lawyers

Other Commercial Disputes

- *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
- *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
- *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 - with 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

Property Disputes

- *Graeme Rodger & Carol Rodger ats Gino Cunial & Maree Cunial*, appeared for trustees of a self-managed superannuation fund in proceedings seeking declarations regarding the existence and form of a *Retail Leases Act 1994* (NSW) lease in the Equity Division of the NSW Supreme Court - instructed by Moin, Morris and Schaefer
- *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
- *Northey v Bega Valley Shire Council*, applications for reinstatement of an appeal regarding 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 - with JE Richards, instructed by Savage & Love

Insurance Claims

- *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
- *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 - with 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 - with L King SC, instructed by David Legal

- *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

Equity and Trusts

- Very substantial quantum trusts matter advices, resolved without court proceedings - with John Sheahan KC and Jane Needham SC (now Needham J), instructed by Clayton Utz
- Very substantial quantum trust and real property advice, resolved without court proceedings - instructed by MinterEllison
- *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
- *Canwin (Aust) Pty Ltd v Angorita Pty Ltd*, proceedings involving trust issues, amongst others, in the Commercial List of the NSW Supreme Court - with MW Shand KC and JE Richards, instructed by Andrew Priestly & Associates

PROFESSIONAL CAREER

- 2008 - Present: Barrister, 5 Selborne
Predominantly commercial and corporate disputes
- 2005 - 2008: Lawyer, Middletons (K&L Gates)
Commercial Litigation, following Corporate and Commercial, Commercial Litigation, and Competition and Trade Practices rotations

PROFESSIONAL MEMBERSHIPS

- Asia-Pacific Forum for International Arbitration
- Banking & Financial Services Law Association
- National Sports Tribunal Legal Assistance Panel
- New South Wales Bar Association:
 - Alternative Dispute Resolution Committee 2021/22, 2022/23 (and Arbitration Subcommittee), 2023/24 (and Arbitration Subcommittee)
 - Practice Development Committee 2021/22, 2022/23

EDUCATION

- 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))