

ANGUS O'BRIEN

YEAR OF CALL: 2015

Angus's practice focuses on complex commercial, regulatory and public law matters. He has particular experience in the energy and resources, banking and finance and government sectors, and in matters involving contract law, commercial equity, corporations and insolvency law, competition law, administrative law and insurance law.

Prior to joining Chambers, Angus practised from Banco Chambers and One Essex Court, leading commercial chambers in Sydney and London respectively. He has substantial experience of interstate matters and disputes raising jurisdiction and choice of law issues.

Angus received Bachelors of Arts and Laws (Hons) from the University of Queensland and was ranked first in his year. He attended the University of Cambridge as a David M Livingstone (Australia) scholar, graduating with a Master of Laws (Hons). In March 2015 Angus received the Ludlows Award for the highest aggregate mark in the NSW Bar Exams.

Angus was an Associate at the High Court of Australia to the Hon. Justice (now Chief Justice) SM Kiefel AC.

AREAS OF PRACTICE

Appellate, Arbitration, Banking, Building & Construction, Class Actions, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Insurance, International, Judicial Review & Administrative, Resources & Energy.

CASES

Polaris Coomera Pty Ltd v Minister for the Environment[2021] FCA 254

March 2021, Judicial Review & Administrative

Australia Institute of Business & Technology - International Pty Ltd and Australian Skills Quality Authority [2021] AATA 36

January 2021, Judicial Review & Administrative

Rehabilitation Medicine Australia Pty Ltd v N I B Health Funds Ltd[2020] FCA 932

July 2020, Contract

Australian Skills Quality Authority v Brighton Pacific Pty Ltd[2020] FCA 617

LEVEL

TWENTY
SEVEN

CHAMBERS



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May 2020, Judicial Review & Administrative

LM Investment Management Ltd (receiver apptd) (in liq) v Drake & Ors[2019] QSC 281

November 2019, Corporations

Brighton Pacific Pty Ltd and Australian Skills Quality Authority[2019] AATA 3645

September 2019, Judicial Review & Administrative

Weir Services Australia Pty Limited v AXA Corporate Solutions Assurance[2018] NSWCA 100; (2018) 359 ALR 314

May 2018, Contract, Insurance

Freelancer International Pty Ltd and Australian Information Commissioner[2017] AATA 2426

November 2017, Judicial Review & Administrative, Professional Discipline & Regulatory

ACCC v Little Company of Mary Health Care Ltd[2015] FCA 1144

October 2017, Competition & Consumer, Professional Discipline & Regulatory

In the matter of Legal Practice Management Group Pty Ltd; nSynergy Pty Ltd and nSynergy International Pty Ltd [2017] NSWSC 259; [2018] NSWSC 527

September 2017, Corporations

Weir Services Australia Pty Ltd v AXA Corporate Solutions Assurance[2017] NSWSC 259

March 2017, Contract, Insurance

Macquarie International Health Clinic Pty Ltd v Sydney Local Health District; Sydney Health District v Macquarie Health Corporations Ltd (No 10)[2016] NSWSC 1587

November 2016, Contract, Land Law & Property

AXA Corporate Solutions Assurance SA v Weir Services Australia Pty Ltd[2016] EWHC 904 (Comm)

April 2016, Insurance, International

EXPERIENCE

In addition to the cases listed right, significant experience includes:

COMMERCIAL

> Acting (led by Gibson QC and D Clarry) in Supreme Court of Queensland proceedings involving claims to enforce a settlement agreement.

> Acting (led by P McQuade QC) in Supreme Court of Queensland proceedings involving claims for equitable relief for in excess of AUD 36 million.

> Acting (led by P McQuade QC) in Supreme Court of Queensland proceedings concerning the enforcement of a

judgment debt against a corporate trustee.

> Acting (unled) in Supreme Court of Queensland proceedings for the winding up of a partnership and companies on the just and equitable ground.

> Acting (unled) in Supreme Court of Queensland proceedings for the winding up of a partnership.

> Acting (led by TL Wong) in Supreme Court of NSW proceedings concerning the exercise of an option.

> Acting (led by PJ Brereton SC and others) for the Commonwealth of Australia in Federal Court proceedings against AstraZeneca group companies on an undertaking as to damages.

> Advising (led by BW Walker SC and TL Wong) a major energy company with respect to a proposed ASX listing.

ENERGY & RESOURCES

> Acting (led by D Clothier QC) in Supreme Court of Queensland proceedings concerning the enforcement of a mining services agreement.

> Advising (led by S Doyle QC) a resources company with respect to issues of construction of resources joint venture agreements.

> Acting (led by P McQuade QC) in Supreme Court of Queensland proceedings involving a dispute between parties to a joint venture for exploration and development of a petroleum lease.

> Acting (led by L Rabinowitz QC) in a SIAC arbitration (Singapore seat) involving a USD 5.5b energy dispute under an SPA involving allegations of fraud and breach of warranty and an indemnity claim.

> Acting (led by K Stern QC) for BlueScope Steel in an approx. USD 260m claim in the Supreme Court of NSW against South32 group companies concerning the pricing mechanism under a long-term coal supply contract.

> Acting (led by AJ Myers QC and others) for BlueScope in Supreme Court of NSW proceedings against South32 group companies concerning a long-term coal supply contract.

> Assisting (as a pupil barrister) D Wolfson QC and C Patton in London Commercial Court proceedings by Marathon Oil UK LLC against Centrica and TAQA group companies in connection with a joint venture in the North Sea.

> Acting (as solicitor and advocate) for a private company in an UNCITRAL arbitration seated in Stockholm against an international oil major, involving claims in excess of USD 5b.

CORPORATIONS & INSOLVENCY

> Advising (led by P McQuade QC) a creditor with respect to the enforceability of securities over personal property.

> Acting (led by P McQuade QC) in Supreme Court of Queensland proceedings involving derivative claims for in

excess of AUD 28 million.

> Assisting (as a pupil barrister) L Emmett and J Fox in a three-week trial in the London Commercial Court involving claims for breaches of directors' duties, accessory liability and in the torts of bribery and conspiracy.

JUDICIAL REVIEW & ADMINISTRATIVE

> Acting (led by S McLeod QC) for a developer in Federal Court proceedings for judicial review of a controlled action decision under the *Environment Protection and Biodiversity Act 1999* (Cth).

> Acting (led by A Crowe QC) for a private VET provider in Federal Court proceedings for judicial review of regulatory decisions by the Australian Skills Quality Authority.

> Acting (unled) for a private higher education provider in AAT proceedings seeking merits review of regulatory decisions by the Tertiary Education and Standards Agency.

> Acting (led by A Crowe QC, M Hindman QC and S McLeod QC, at different times) for private VET providers in two sets of AAT proceedings seeking merits review of regulatory decisions by the Australian Skills Quality Authority and subsequent appeals to the Federal Court.

> Advising (led by S Doyle QC) a company with respect to reviews of adjudications under building security of payment legislation.

> Appearing (led by A Bell SC and RCA Higgins) for a manufacturer and supplier of medical devices in Federal Court proceedings for judicial review of decisions by the Minister of Health (*Applied Medical Australia Pty v Ministers for Health* (2016) 246 FCR 555; [2016] FCA 35).

COMPETITION & CONSUMER

> Advising (unled) a company with respect to a proposed exclusive distribution agreement.

> Advising (unled) a professional association with respect to its membership.

> Advising (unled) a company with respect to the enforceability of covenants in restraint of trade.

> Acting (led) for a company in connection with an ACCC investigation.

> Acting (led by N Sharp) for the ACCC in connection with a proposed merger.

BANKING

> Advising (led by S Finch SC and TL Wong) a bank in relation to its trading activities.

> Advising (led by RA Dick SC and PW Flynn) a bank concerning potential liabilities arising from the constitutional invalidity of Commonwealth legislation.

> Assisting (as pupil barrister) J Goldsmith in London Commercial Court proceedings involving a USD 50m claim on a promissory note by a Chinese state-owned company against a Nigerian energy company.

INTERNATIONAL

> Acting (led by P McQuade QC) in Supreme Court of Queensland proceedings involving derivative claims on behalf of a foreign company for in excess of AUD 28 million.

> Acting (led by RA Dick SC and PW Flynn) for Weir Services Australia Pty Ltd in a jurisdiction challenge in the Supreme Court of NSW raising issues of *forum non conveniens*.

> Assisting (as a pupil barrister) A Malek QC, C Patton and P Dutton in responding to an application challenging the jurisdiction of the High Court of England and Wales over a high-profile claim against Mr Gennadiy Bogolyubov, a Ukrainian businessman.

> Assisting (as a pupil barrister) J Goldsmith in responding to an application challenging the jurisdiction of the High Court of England and Wales over a USD 50m claim by a Chinese state-owned company against a Nigerian energy company and to stay the claim to arbitration.

MEMBER

Bar Association of Queensland

Bar Association of New South Wales

Bar of England and Wales (Lincoln's Inn)

LawRight

CAREER

2017 Call to the Bar of England and Wales (Lincoln's Inn)

2015 Call to the Bar (NSW)

2013-2015 Associate in the International Arbitration and Litigation group of Skadden, Arps, Slate, Meagher & Flom (UK) LLP, London

2011-2012 Associate at the High Court of Australia to the Hon. Justice (now Chief Justice) SM Kiefel AC

2011 Admission to the legal profession (QLD)

EDUCATION

2013 Masters of Laws (Hons 1), University of Cambridge

2010 Bachelor of Arts and Bachelor of Laws (Hons 1), University of Queensland

AWARDS

2015 Ludlows Award for highest aggregate marks in the February 2015 NSW Bar Exams

2013 College Prize for LLM (Jesus College, Cambridge)

2013 Jesus College Foundation Scholarship (Jesus College, Cambridge)

2010 John Hughes Wilkinson Memorial Prize for highest overall marks in the LLB program (University of Queensland)

2010 Minter Ellison Prize in Law for highest overall marks in the LLB program (University of Queensland)

2010 Virgil Power Prize for highest overall marks in 3rd and 4th year LLB courses (University of Queensland)

2010 University of Queensland TC Beirne School of Law Valedictorian

2008 Sir Samuel Griffith Memorial Prize in Law for Civil Procedure (University of Queensland)

2008 Australian Law Students' Association National Client Interviewing Competition – Winner

2007 Walter Harrison Prize for Law of Property A (University of Queensland)

2007 University of Queensland Phillip C Jessup International Law Moot Competition Team – Australian Championship Winner, International Championship Semi-Finalist

2006 Ross Anderson Memorial Prize for Constitutional Law B (University of Queensland)

PUBLICATIONS

Implications - construction of the term “likely” in the EPBC Act

April 2021, Judicial Review & Administrative

Managing Class Action Disputes - Class Definition

July 2020, Class Actions

Impact of COVID-19 on Commercial and Construction Contracts: A Consideration of Force Majeure and Frustration

April 2020, Building & Construction, Contract

Emergency and Interim Measures in Commercial and Investor-State Arbitration

November 2019, Arbitration, International

Backwards Tracing

December 2015, Banking

Thematic Overview: Company and Insolvency Law in the UK Supreme Court

August 2014, International, Corporate Insolvency & Bankruptcy

The Relationship between Contract and Unjust Enrichment: Unpacking *Lumbers v Cook*

August 2011, Contract

Ahmadou Sadio Diallo (*Republic of Guinea v Democratic Republic of the Congo*): Clarifying the Scope of Diplomatic Protection of Corporate and Shareholder Rights

January 2008, International, Land Law & Property

Liability limited by a scheme approved under professional standards legislation