

# ANGUS O'BRIEN

YEAR OF CALL: 2015

Angus's practice focuses on advisory and appearance work in complex commercial 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 disputes raising jurisdiction and choice of law issues and is able to represent clients throughout Australia and the region.

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

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

## CASES

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***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

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

LEVEL

TWENTY  
SEVEN

CHAMBERS



LEVEL 27, 239 GEORGE ST  
BRISBANE QLD, 4000

[level27chambers.com.au](http://level27chambers.com.au)

T +61 7 3008 3989

M +61 401 026 756

[angus.obrien@  
level27chambers.com.au](mailto:angus.obrien@level27chambers.com.au)

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

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

### 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.

### COMMERCIAL

> 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 (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.

## **COMPETITION & CONSUMER**

- > 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.

## **CORPORATIONS**

- > Acting (led by P McQuade QC) in Supreme Court of Queensland proceedings involving derivative claims for in excess of AUD 28 million.
- > Acting (led by P McQuade QC) for a defendant in Supreme Court of Queensland proceedings for breaches of directors' duties.
- > 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.

## **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.

## **JUDICIAL REVIEW & ADMINISTRATIVE**

- > 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 Quality and Standards Agency.
- > Acting (led by A Crowe QC and S McLeod QC) for private VET providers in two sets of AAT proceedings seeking merits review of regulatory decisions by the Australian Skills Quality Authority.
- > 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 for Health (*Applied Medical Australia Pty Ltd v Minsters for Health* (2016) 246 FCR 555; [2016] FCA 35).

## RESOURCES & ENERGY

- > 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 and others) 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 SC) 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 Steel 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.

## MEMBER

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Bar Association of Queensland

Bar Association of New South Wales

Bar of England and Wales (Lincoln's Inn)

## CAREER

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**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

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

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

## AWARDS

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**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**

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### **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

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