

STEWART WEBSTER

YEAR OF CALL: 2012

Stewart's practice is focused on complex commercial disputes in Australian courts and in arbitral proceedings. He is regularly engaged by leading national and international law firms to advise and appear for multi-nationals, Australian public companies, external administrators and government entities. Stewart has particular expertise in large-scale disputes in the energy & resources, building & construction and IT sectors. He regularly acts in complicated contractual cases as well as matters involving commercial equity and trusts, corporations law, insolvency law and administrative law issues.

Stewart is ranked as a leading junior counsel for Dispute Resolution in Chambers & Partners Asia-Pacific guides (2019 and 2020), is listed in the Financial Review's Best Lawyers 2020, and is ranked in Doyle's Guide to the Legal Profession as recommended junior counsel for commercial disputes (Australia and Qld), insolvency matters (Qld) and building & construction disputes (Qld). He is a member of CIArb.

Stewart previously worked as a solicitor at Allens, as an associate in the Federal Court of Australia and for leading Japanese commercial law firm Nishimura & Asahi in Tokyo.

AREAS OF PRACTICE

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

SELECTED CASES

***Australian Conservation Foundation Incorporated v Minister for the Environment and Energy* (2017) 251 FCR 359; [2017] FCAFC 134**

August 2017, Appellate, Judicial Review & Administrative, Resources & Energy

***Australian Competition and Consumer Commission v Flight Centre Limited (No 2)* (2014) 307 ALR 209; (No 3) [2014] FCA 292**

December 2013, Competition & Consumer



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***Burrabungba v Minister for Natural Resources and Mines* (2016) 222 LGERA 13; [2016] QSC 273**

November 2016, Judicial Review & Administrative, Resources & Energy

***Hwang v Lawrie* [2014] 1 Qd R 562**

July 2013, Appellate, Commercial Equity

***Kelly v Commissioner of Taxation* (2013) 213 FCR 460; [2013] FCAFC 88**

August 2013, Tax, Appellate

***Lee v Abedian* [2017] 1 Qd R 549; [2016] QSC 92**

April 2016, Professional Negligence

***Morris Finance Ltd v Brown* (2016) 93 NSWLR 551**

December 2016, Appellate, Corporate Insolvency & Bankruptcy, Commercial Equity

***Re RiverCity Motorway Pty Limited (Administrators Appointed) (Receivers and Managers Appointed)* (2014) 225 FCR 541**

September 2014, Corporations, Corporate Insolvency & Bankruptcy

***Sunland Group Ltd v Gold Coast City Council* [2018] QPELR 826; [2018] QPEC 22**

May 2018, Planning & Environment

***Wilmar Sugar Australia Limited v Queensland Sugar Limited* (2016) 335 ALR 72**

February 2016, Corporations, Commercial Equity, Contract

EXPERIENCE

Stewart has broad experience in providing advice and advocacy for proceedings in the superior courts of Australia and in arbitral proceedings. A selection of past and ongoing cases in which Stewart has been briefed is set out below. Cases in which Stewart has acted or is acting unled are marked with an asterisk (*).

Energy & resources / building & construction disputes

Arbitral matters

- A major infrastructure provider – in a multi-party expert determination concerning fees payable in relation to a \$1 billion infrastructure upgrade project (instructed by Quinn Emanuel)
- A global resources company – in a multi-party long-term contract pricing clause arbitration (instructed by Allens)
- McConnell Dowell – in proceedings to set aside an arbitral award relating to a building & construction dispute on a large LNG project (instructed by Pinsent Masons)

Court matters

- Anglo American – acting in Supreme Court proceedings involving claims for variations and delays

- concerning the construction of two mine drifts using a Earth Pressure Balance Tunnel Boring Machine under an Incentive Based Cost Reimbursable Contract (instructed by Minter Ellison)
- Acting for BHP-Mitsubishi Alliance (BMA) in a claim for compensation for over \$100m concerning an alleged lost commercial opportunity (instructed by Allens)
 - Adani Australia – resisting various judicial review challenges to mining and environmental approvals in the Supreme Court of Queensland, Federal Court and Full Federal Court (instructed by Ashurst)
 - Providing advice in relation to a joint venture dispute for a multi-billion dollar LNG project (instructed by Boies Schiller Flexner (London))
 - Anglo American – acting in a major contractual dispute with two power station customers (instructed by Gilbert + Tobin)
 - Acting for GVK-Hancock in Land Court proceedings for recommendations under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* to grant a mining lease and environmental approval for a combined underground and open cut mine in the Galilee Basin intended to produce 30 mtpa of thermal coal (instructed by Ashurst)
 - Appearing for the plaintiff in an eight week building & construction trial in the Supreme Court of Queensland involving claims for variations, extensions of time and liquidated damages concerning construction for the Wiggins Island Coal Export Terminal, and in related appeals (instructed by Thomson Geer)
 - A private equity firm – appearing for the defendant in Supreme Court proceedings relating to a dispute about the construction of a hotel (instructed by Thomson Geer)*

Insolvency and restructuring matters

- Liquidators of the Rivercity Motorway Group – acting in Federal Court proceedings for advice and complex directions (instructed by Johnson Winter & Slattery)
- Deed Administrators – resisting an application to terminate a Deed of Company Arrangement in the Federal Court (instructed by Clayton Utz)*
- Acting for private equity firm in Scheme of Arrangement proceedings in relation to a publicly listed company on the ASX (instructed by PricewaterhouseCoopers Legal)
- Acting in Supreme Court proceedings to resist an unfair preference claim (instructed by James Conomos Lawyers)

Other commercial disputes

- IBM – acting in Supreme Court proceedings brought by the Queensland Government relating to the implementation of an updated Queensland Health Payroll system (instructed by Jones Day)
- Airservices Australia – acting in Supreme Court proceedings brought by the Brisbane Airport Corporation relating to alleged environmental contamination from PFAS chemicals in fire-fighting foam (instructed by Maddocks)
- Mitsui & Co – providing advice relating to potential Supreme Court proceedings involving the enforcement of rights relating to guarantees (instructed by Allens)*
- Findex Group – acting in a restraint of trade dispute against a former partner of Crowe Horwath (instructed by SBA Law)*
- Zip Industries – acting in Federal Court proceedings relating to alleged misleading or deceptive conduct (instructed by Gilbert + Tobin)*
- Brisbane City Council – acting in a complex IT dispute with TechnologyOne (instructed by Minter Ellison)
- Liquidators of companies in the Octaviar Group – acting in relation to a large and complex claim for

damages against a firm of auditors (instructed by Clayton Utz)

- Sunland Group – acting in Supreme Court proceedings for damages arising from land transactions in Dubai (instructed by Holding Redlich)
- Sunland Group – acting in a series of related applications and appeals concerning a large multi-stage mixed use development on the Gold Coast, including in a successful application to set aside infrastructure charges notices which resulted in the Queensland government introducing legislative changes (instructed by Holding Redlich)
- Queensland Sugar Limited – acted in an oppression action brought by Wilmar Sugar (instructed by Allens)

RECOMMENDATIONS

Chambers & Partners Asia-Pacific (Dispute Resolution)

- 2019 “*heavily in demand*” with a “*perfect mix of technical skill and user-friendliness*” and “*unflappability in court*”.
- 2020 “*he has excellent knowledge of the law and is excellent on his feet*”...“*technical excellence and pragmatic, commercial advice*”.

Australian Financial Review Best Lawyers® 2020 – Corporate Law

Doyle’s Guide to the Australian Legal Profession

Listed as among leading Junior Counsel for:

- Commercial Litigation & Disputes (Qld) (2015 – 2019)
- Insolvency & Restructuring (Qld) (2016 – 2018)
- Construction & Infrastructure (Qld) (2017 – 2019)

MEMBER

Arbitration:

MCI Arb | ACICA Associate Member | YSIAC | YIAG | Young ICCA | AFIA | Young ITA

Bar Associations:

Bar Association of Queensland | International Bar Association

Society of Construction Law Australia (SOCLA)

UQ Law Alumni Association (Life Member)

CAREER

2012 Barrister

2011 Solicitor, Allens

2010 Associate to the Honourable Justice John A. Dowsett AM, Federal Court of Australia

2009 Legal Editor, Nishimura & Asahi (Tokyo)

EDUCATION

2010 University of Queensland, Bachelor of Laws (Hons I)

2008 University of Queensland, Bachelor of Arts (Japanese / Mandarin)

AWARDS

2008 Lovells Prize for Excellence in Japanese and Law Studies (UQ)

2008 Phillip C. Jessup International Mooting Competition - 3rd placed individual oralist (Australian National Tournament)

PUBLICATIONS

Best Practice International Arbitration in Australia: an Australian view on current issues affecting the arbitral mandate

November 2019, Arbitration, International

Proprietary claims and tracing

April 2017, Corporate Insolvency & Bankruptcy

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