



CASPAR CONDE

Telephone: +61 2 9151 2058
Clerk: +61 2 9151 2080
DX: DX 187 Sydney
Email: conde@newchambers.com.au

Admitted to the legal profession: 06 Oct 2006

Admitted as a barrister in NSW: 28 Sep 2012

Educational qualifications: BCom, LLB (Hons. I), LLM (Syd)

Also entitled to practise in: All Australian jurisdictions (Commonwealth, State and Territory), Singapore International Commercial Court

Principal areas of practice: Commercial, Public / administrative, Appellate, Inquiries

Profile:

Caspar Conde practises in commercial and public law, including appeals and inquiries. He regularly appears, both led and unled, in the Federal Court of Australia and the Supreme Court of New South Wales. He has also appeared in the High Court of Australia, the Full Federal Court, the New South Wales Court of Appeal, the Queensland Supreme Court, the New South Wales District and Local Courts, the Administrative Appeals Tribunal and the Takeovers Panel. He is admitted in New South Wales and the Singapore International Commercial Court.

Mr Conde has acted for commercial entities, private individuals and government bodies such as the Australian Attorney-General's Department, the Australian Taxation Office, the Australian Federal Police, the Australian Securities and Investments Commission and the NSW Department of Industry.

Before being called to the Bar, Mr Conde was a judge's associate at the High Court of Australia in Canberra for the Hon. Justice Ian Callinan AC in 2006; a ministerial adviser to the Australian Attorney-General the Hon. Philip Ruddock in 2007; and a solicitor at Allens (Linklaters' alliance partner in Australia) between 2008 and 2012, where he was made Senior Associate. He spent eight months on secondment to the investment bank UBS AG in Sydney in 2011.

In 2005, while completing his undergraduate studies, Mr Conde won the Australian Institute of Administrative Law's public essay prize.

In 2019, the Commissioner of the Australian Federal Police awarded Mr Conde a Group Citation for Conspicuous Conduct in recognition of “outstanding excellence in approach and tenacity over seven years of hard fought litigation” and “upholding the values of the Australian Federal Police and objectives of the Proceeds of Crime Act thereby ensuring an excellent return to the Confiscated Assets Account”.

Key areas of work:

- Commercial disputes (including insurance). Mr Conde has appeared in various commercial disputes involving allegations of breach of contract (including insurance policies), economic torts and misleading or deceptive conduct. Cases include general commercial contractual disputes (e.g. *Fields Group Pty Ltd v Wilson Security Pty Ltd* [2019] NSWCA 286 and *Advanced National Services Pty Ltd v Daintree Contractors Pty Ltd* [2019] NSWCA 270); insurance disputes (e.g. *Uniting Church in Australia Property Trust (NSW) v Allianz Australia Insurance Ltd*, Federal Court, NSD1144/2019); obtaining what appears to have been the first injunction issued in Australia to restrain cryptocurrency (*Incent Loyalty Pty Ltd v Godbolt*, NSW Supreme Court, 2017/207112); shareholder and partner disputes (e.g. *Re Pioneer Energy Holdings Pty Ltd* [2013] NSWSC 1134 and *TL Lawyers Pty Ltd v Hart*, NSW Supreme Court, 2012/8190); and property law disputes (e.g. *Agripower Barraba Pty Ltd v Blomfield* (2015) 317 ALR 202 and *UTSG Pty Ltd v Gwynvill Properties Pty Ltd* [2018] NSWSC 137).
- Class actions. In 2019 and 2020, Mr Conde was recognised in the 12th and 13th editions of *The Best Lawyers in Australia* for his work in class action litigation. He has appeared and provided advice in relation to a number of class action representative proceedings in Australia. Examples of such appearances and advice work include actions against AMP, Bank of Queensland, Bellamy’s, CoreStaff, Dick Smith, Ford, GetSwift, Iluka, IOOF, Lendlease, OZ Minerals, Premium Income Fund, QRx, Quintis, S&P, Sims, Spotless and Volkswagen. He appeared in successful settlement approval applications led by Michael Lee SC (as his Honour then was) in *City of Swan v McGraw-Hill Companies, Inc* (2016) 112 ACSR 65 and *Mitic v OZ Minerals Ltd (No 2)* [2017] FCA 409.
- Competition law. In 2019, Mr Conde was led by Rod Smith SC for the successful respondents in *ACCC v Cascade Coal Pty Ltd* [2019] FCAFC 154, an appeal involving allegations of cartel conduct, bid-rigging and contractual exclusionary provisions. All of Mr Conde’s class action work has included allegations of breaches of the Australian competition and consumer law.
- Public law. Mr Conde has appeared in numerous proceedings on behalf of the Commissioner of the Australian Federal Police to recover proceeds of crime. Mr Conde was led by Elizabeth Cheeseman SC in one of Australia’s largest and longest-running proceeds of crime matters, against Anthony Dickson and Michael Issakidis (see *AD v Commissioner of the AFP* (2018) 97 NSWLR 588), which included a successful defence of the constitutional validity of various federal proceeds of crime laws in Australia. Mr Conde has appeared in relation to a director banning order for ASIC (*Re Tarrant and ASIC* (2013) 62 AAR 192) and in freedom of information challenges (e.g. *Re*

Queensland Nickel Pty Ltd [2014] AATA 933). Mr Conde has provided general advice to government departments and private entities in relation to questions of judicial review and constitutional law.

- Inquiries. In 2017, Mr Conde was appointed counsel assisting Ian Callinan AC QC to travel to India and resolve questions of Indian law as part of a reference in Federal Court of Australia proceedings relating to an alleged \$9 billion fraud (see *Kadam v MiiResorts Group 1 Pty Ltd (No 5)* (2018) 129 ACSR 74). In 2016, Mr Conde was counsel assisting Jonathan Horton QC in an inquiry into the licence of The Star Casino in Sydney. That inquiry, which had the powers of a royal commission, reported to the NSW Government in November 2016 with various findings and recommendations.
- Schemes of arrangement. Mr Conde has worked on a number of schemes of arrangement, both as a solicitor (Westpac-St George, Sino Gold Mining-Eldorado, Dulux demerger) and as a barrister (*Viscopy Ltd* [2017] NSWSC 1516).
- International. In 2017, Mr Conde appeared unled in the Federal Court of Australia to obtain recognition and enforcement, for the first time in that Court, of two International Centre for Settlement of Investment Disputes, or “ICSID”, awards (*Lahoud v Democratic Republic of Congo* [2017] FCA 982). He has advised on Australian aspects of legal issues being arbitrated in London, New York and Singapore.

Publications:

D. F. Jackson QC and J. C. Conde, “Statutory interpretation in the first quarter of the twenty-first century” (2014) 38 *Australian Bar Review* 168.

F. M. Douglas QC and J. C. Conde, “Establishing the scope and terms of contracts” (2013) 37 *Australian Bar Review* 140.

J. C. Conde, “Accountability for the exercise of public power” (2005) 46 *AIAL Forum* 1.