



JUSTIN SIMPKINS

*Juris Doctor, Master of Laws - Bond University
Bachelor of Economics - University of Sydney*

T +61 2 9151 2020

F +61 2 9233 1850

E simpkins@newchambers.com.au

in [justin-simpkins-012a2222](#)

Admitted to the legal profession
2005

Admitted as a barrister in NSW
2013

Also entitled to practise in
Australian jurisdictions (Commonwealth,
State and Territory)

Justin has a broad commercial and equity practice, with particular expertise in insurance, equity, corporations and insolvency, class actions, employment and industrial relations, real property, trade practices and contract. He also has a common law practice encompassing professional negligence, property damage, dust diseases and historical sexual abuse.

Justin has previously been a Teaching Fellow in Contract Law at the University of New South Wales.

Prior to joining the Bar, Justin was a Senior Associate at Allens where he worked on a diverse range of complex commercial disputes.

PROFESSIONAL EXPERIENCE

2007 – 2013: Lawyer/Senior Associate (Litigation and Dispute Resolution; Insurance and Reinsurance), Allens;

2009: (Secondment) Regional D&O and Casualty Claims Specialist, Chubb Insurance, Singapore;

2006: Lawyer, Australian Securities & Investments Commission;

2005: Lawyer, Home Wilkinson Lowry Lawyers (now HWL Ebsworths).

PUBLICATIONS

Editorial Committee, *Insurance Law Bulletin*, Lexis Nexis

Editorial Committee, *Risk Management Newsletter*, Lexis Nexis

Reporter for the *New South Wales Law Reports* (2012-2024)

'Artificial Price in the context of market manipulation', *Bar News*, Summer 2013-14, pp 6-7

[‘Determining probative value, considerations of reliability and credibility’](#), Bar News, Winter 2013, pp 12-14

[‘Application of the Tendency Rule in Civil Proceedings’](#), Bar News, Winter 2013, pp 15-16

[‘Making international arbitrations domestic: excluding the Model Law’](#), The Australian ADR Reporter, Issue 18, June 2012, pp 43-44

[‘Enforcement of Foreign Awards in Australia’](#), Arbitration: The International Journal of Arbitration, Mediation and Dispute Management, Vol. 77, No. 1, 2011, pp 54-58 (with M Skinner)

PROFESSIONAL MEMBERSHIPS

NSW Bar Association

Australian Insurance Law Association

SELECTED CASES

Insurance

[R&B Investments Pty Ltd \(Trustee\) v Blue Sky Alternative Investments Limited](#) (Federal Court of Australia, ongoing) (unled) – acting for insurers in class action proceedings; [\[2023\] FCA 1499](#) – reserved question to the Full Court concerning common fund orders; [\[2023\] FCA 703](#)

[Swiss Re International Se v LCA Marrickville Pty Limited \(Second COVID-19 insurance test cases\)](#) [\[2021\] FCA 1206](#) – acting for Guild Insurance Limited and Allianz Australia Limited in AFCA test cases concerning policy response to COVID related business closures (led by E Muston SC)

[Allianz Insurance Australia Limited v Certain Underwriters at Lloyd’s of London](#) [\[2019\] NSWCA 271](#) – insurance; double insurance and contribution (led by A J Sullivan KC); [\[2019\] NSWSC 453](#) – first instance decision

[Creighton v Australian Executor Trustees; Smith v Australian Executor Trustees](#) (Supreme Court of NSW) – acting for Axis Specialty Europe SE in defence of a cross-claim concerning a claim for indemnity under a professional indemnity insurance policy (led by E C Muston SC)

[Robinson \(Liquidator\) v Taylor \(Trustee\) & Anor, in the matter of Reed](#) (Federal Court of Australia) – acting for an insurer in proceedings concerning the assignment of an insurance policy under s 117 of the Bankruptcy Act (led by R Dick SC); [\[2017\] FCA 27](#) – costs (unled)

[PBR Properties Pty Ltd & Ors v Chubb Insurance Australia Limited](#) (Supreme Court of Queensland) – acting for an insurer in defence of claim under a home and contents policy, raising issues of arson and fraud (led by S Couper KC)

Commercial / Equity / Real Property

[Bremner v French](#) (Supreme Court of NSW, unled) acting for a sale trustee appointed under the *Property Law Act 1958* (Vic) in proceedings following orders for sale (unled); [2024] NSWSC 835 – application for stay; [2024] NSWSC 793 – application to vary orders (unled)

[Cesira Ravagnolo v Lang Ravagnolo](#) [2024] NSWSC 662 – acting for the plaintiff in possession proceedings and defence to a proprietary estoppel claim (unled)

[Heal v Sydney Flames Basketball Pty Ltd](#) [2024] FCA 401 – acting for the defendant employer in a general protections and adverse action proceeding (led by P Moorehouse)

[Australian Marketing Initiatives Pty Ltd v LJ Hooker Corporation Pty Ltd](#) (Supreme Court of NSW, settled) – acting for the defendant in a contractual dispute and misleading or deceptive conduct claim (unled)

[Salmon v Albarran](#) [2023] NSWSC 1238 – acting for the plaintiff in proceedings concerning allegations of breach of fiduciary duty by receivers and solicitor (led by H K Insall SC)

[Jun International Property Pty Ltd v Australian Brothers Group Pty Ltd](#) (Supreme Court of NSW, settled) – acting for the plaintiff in proceedings concerning the distribution of funds following a property development joint venture; [2022] NSWSC 701 – application for stay pending expert determination (unled)

[Employsure Ltd v McMurchy; Employsure Ltd v Kumaran](#) [2021] NSWSC 1179 – acting for the successful plaintiff in restraint proceedings against former employees and their new employer (led by P J Brereton SC)

[Belflora Pty Ltd v Vinflora Pty Ltd](#) [2021] NSWCA 178 – acting for the successful respondent in restraint of trade proceedings (led by A Moses SC); [2020] NSWSC 1229 (first instance decision)

[Harden v Willis Australia Group Services Pty Ltd; Willis Australia Group Services Pty Ltd v Harden](#) [2021] NSWSC 939 – acting for Willis in restraint proceedings against a former employee (led by A Moses SC)

[Beverly Farming Pty Ltd v Landmark Operations Limited](#) (Supreme Court of Victoria, settled) – professional negligence (unled)

[ELMO Software Limited v Civmec Constructions & Engineering Pty Ltd](#) (District Court) – acting for the defendant in relation to a claim concerning breach of contract (led by G Nell SC)

[El Bayeh v Bayeh](#) [2018] NSWSC 775 – for the defendant in a claim of misleading or deceptive conduct (unled)

[University of New South Wales International House Ltd v University of New South Wales](#) [2016] NSWSC 1709 - charitable trusts (led by T G R Parker SC); [2017] NSWSC 306 – costs (led by T G R Parker SC)

[Zakhour v Vodafone Hutchison Australia Pty Ltd](#) (2017, Supreme Court of Victoria, settled) – real property, leases, proper construction of lease; acting for Vodafone in proceedings concerning damage allegedly caused by the installation of a mobile tower (unled)

[Lane Cove 83 Pty Limited v Vodafone Network Limited](#) [2017] NSWCATCD 13 – retail leases; acting for Vodafone in a successful challenge to NCAT’s jurisdiction (unled)

[van Haandel v Byron Bay Beach Hotel Properties Pty Limited](#) [2016] NSWSC 1484 - real property, construction of an option agreement (led by T G R Parker SC)

[Sengthong v Lao Buddhist Society of NSW Incorporated](#) [2016] NSWSC 1408 - charitable trusts; incorporated associations; appointment of receivers (led by M K Condon SC)

[Fujifilm Australia Pty Ltd v Hubbed Pty Ltd](#) (2015, District Court) – acting for the defendant in proceedings concerning breach of contract and defences under the Sale of Goods Act 1923 (unled)

[Tamaya Resources Ltd \(in liq\) v Deloitte Touche Tohmatsu & Ors; HFPS Pty Limited & Anor v Tamaya Resources Ltd \(in liq\)](#) (Federal Court of Australia, settled) – breach of directors’ duties, negligence claim and shareholder class action (led by G A Rich SC); [2015] FCA 1098 – procedure; application to amend (unled)

[Addenbrooke Pty Limited v Duncan \(No 6\)](#) (2015) 107 ACSR 600 - misleading conduct in relation to issue placement of shares (led by F M Douglas QC); [2014] FCA 625

Corporations / Insolvency

[In the matter of Leone Holdings](#) (Supreme Court of NSW, settled) – oppression, derivative action (unled); [2024] NSWSC 414 – costs (unled)

[Re Citadel Financial Corp Pty Ltd \(subject to Deed of Co Arrangement\)](#) (2020) 146 ACSR 220; [2020] NSWSC 886 – successful application to set aside a DOCA (unled)

[T-S Capital Partners, LLC v Paltar Petroleum Limited \(Administrators Appointed\)](#) [2019] FCA 635 – administrator’s adjournment application; [2019] FCA 636 – winding up application (led by F Assaf SC)

[Action Scaffolding & Rigging Pty Limited \(in liq\) v Citadel Financial Corporation Pty Ltd, in the matter of Action Scaffolding & Rigging Pty Limited \(in liq\)](#) (2019) 135 ACSR 372; [2019] FCA 327 – application to remove controller (unled)

[Australian Securities Investments Commission v Australia and New Zealand Banking Group Limited](#) (Federal Court of Australia) – acting for ASIC in proceedings concerning alleged market

manipulation and unconscionable conduct in relation to the Bank Bill Swap Rate (led by J H Karkar QC and E A Cheeseman SC)

[Lewis v Lewis, In the matter of AH Lewis \(Holdings\) Pty Ltd](#) (Supreme Court of NSW, settled) – oppression, derivative action (unled)

[Cominos v Comino, In the matter of Cosmas Pty Limited](#) (Supreme Court of NSW, settled) – oppression (led by M K Condon SC)

[Grass v Bradley Allen Love Lawyers](#) [\(2015\) 300 FLR 324](#) – bankruptcy, application to set aside bankruptcy notice (unled)

Building and Construction

[Paul Kennedy McCallough t/as The Green Side Up v New Start Australia Pty Ltd](#) (District Court of NSW) – application for stay of proceedings following adjudication application under the Building and Construction Security of Payments Act (unled)

[Sherilyn Pty Ltd v Ganellan Pty Ltd & Ors](#) (Supreme Court of NSW) – acting for a contractor in relation to a claim for damages made by the owner of an adjoining building (unled)

[Prime Marble & Granite Pty Ltd v Mehajer](#) [\(2017\) 26 DCLR \(NSW\) 27](#) – quantum meruit claim for unpaid building works (unled)

[Concourt Pty Ltd v Victoria Mary Kerr; Victoria Mary Kerr v Concourt Pty Ltd](#) [\[2014\] NSWCATCD 256](#) - building and construction, defects (unled); [\[2015\] NSWCATAP 106](#) - appeal to the NCAT Appeal Panel (unled) and [\[2015\] NSWCATAP 145](#) - appeal to the NCAT Appeal Panel (unled)

Other

[Gambhir v Vistion of IT Pty Ltd](#) [\[2024\] NSWSC 188](#) – appeal from the Local Court (unled)

[Council of the Law Society of New South Wales v Martin](#) [\[2021\] NSWCATOD 194](#) – acting for a solicitor in disciplinary proceedings (unled)

[His Eminence Petar the Diocesan Bishop of the Macedonian Orthodox Diocese of Australia and New Zealand v Mitreski](#) [\[2018\] NSWSC 13](#) – application to lift stay (unled); [\[2018\] NSWSC 295](#)- costs (unled)

[Wallaby Grip Limited v Maclean](#) [\[2017\] NSWSC 246](#) - cross-vesting (unled)

[Kaspersky Lab UK Ltd v Hemisphere Technologies Pty Ltd](#) [\[2016\] NSWSC 1476](#) - international arbitration (led by D R Meltz)

[Khanna v Sabi Foods International \(Aust\) Pty Ltd](#) [\[2016\] NSWSC 1009](#) - appeal from the Local Court, successful application for dismissal of appeal proceedings pursuant to r 13.4 of the UCPR (unled)

[Helicopter Aerial Surveys Pty Ltd v Garry Robertson \[2015\] NSWSC 2104](#) - procedure, scope of the implied undertaking in *Harman v Secretary of State for the Home Department* (unled)

[Knight v Oztrack Pty Ltd \[2015\] NSWCATAP 119](#) - consumer protection, appeal to NCAT Appeal Panel (unled)

[Virtu Fast Ferries Ltd v The Ship "Cape Leveque"](#) (2015) 232 FCR 9; 325 ALR 706 – admiralty (led by A M Stewart SC)

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

| | | |
|---------------------------------------|-----------------------------|---------------------------|
| Administrative Law | Corporations and Securities | Real property |
| Bankruptcy and Insolvency | Insurance and Reinsurance | Restraint of trade |
| Building, Construction and Technology | Partnership disputes | Shareholder class actions |
| Class Actions | Product liability | Trade Practices |
| Competition and Consumer | Professional liability | Superannuation |
| Contracts | | |

COMMON LAW

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|--------------------------------|------------------------|------------------------|
| Alternative Dispute Resolution | Motor vehicles | Professional liability |
| Insurance and Reinsurance | Professional indemnity | |

CRIMINAL LAW

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| Fraud | White collar and corporate crime |
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EQUITY

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| Alternative Dispute Resolution | Property | Wills and Estates |
| Family Provision | Trusts | |

INDUSTRIAL / EMPLOYMENT

| | | |
|------------------------|--------------------------|--------------------|
| Civil and Human rights | Disciplinary proceedings | Restraint of trade |
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INQUESTS AND INQUIRIES

Commissions of Inquiry

PUBLIC AND ADMINISTRATIVE LAW

Disciplinary proceedings

SECTORS

Banks and Financial Institutions
Funds

Technology, Media and
Telecommunications

Primary resources