



Gregory Nell SC

NEW/CHAMBERS

B.Ec (Syd) (1981), LL.B (Syd) (1983), LL.M (Syd) (2000)

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Admitted to the legal profession	1983
Admitted as a barrister in NSW	1991
Appointment as Senior Counsel	2006
Also entitled to practise in	All Australian jurisdictions (Commonwealth, State and Territory)

Principal areas of practice

Admiralty	Conflict of laws
Maritime law	Corporations and securities
Aviation and Transportation law	Equity
Alternative dispute resolution	Insurance and reinsurance, especially marine insurance
Appellate	International law
Arbitration	Trade practices and competition
Commercial law	

Previous professional experience

- Aug 1991 – called to the NSW Bar
- Jan 1990 – July 1991
Senior Associate, Norton Smith & Co. Solicitors, Sydney (practising exclusively in the firm's shipping department).
- July 1987 – July 1989
Solicitor, Hill Dickinson, Solicitors, London (working on a wide range of both wet and dry shipping litigation, as well as on marine insurance claims. During this time, I was admitted as a solicitor in England).
- Jan 1984 – May 1987
Solicitor, Norton Smith & Co. Solicitors, Sydney (initially in the firm's banking section, and then later also working in the firm's shipping department).
- Jan 1983 – July 1983
Accountant, Peat Marwick Mitchell, Sydney (working exclusively in the firm's taxation section, assisting with taxation planning, advice and compliance work).

Awards or professional recognition

- Gregory is recognised:
- as one of Australia's leading silk in the areas of Alternative Dispute Resolution, Aviation, Shipping & Maritime Law, Trade Law and Transportation Law (*Best Lawyers (Australia) 2008 - 2021*);
 - as the leading Transport Barrister – Australia (Market Leader in 2017-2020) (*Doyles Guide to the Australian Legal Profession 2011 - 2020*);
 - as a "notable practitioner" (2015) and Band 1 silk (2016 - 2019) in "Shipping – the Bar" Australia (*Chambers & Partners – Asia Pacific Guide: 2015 - 2019*);
 - as "one of the most prominent shipping practitioners in the region" (2020), "the pre-eminent shipping barrister in Australia" (2018), "the very best in the market" (2019) and Shipping Lawyer of the Year (2019) (*Who's Who Legal Australia (Transport Shipping)*, *Who's Who Legal : Shipping (2016 - 2020)* and *Who's Who Legal Global Elite Thought Leaders (2019 and 2020)*); and
 - in International Trade and Shipping (Shipping and Maritime) and Experts in Commercial Arbitration (*Expert Guides 2012 and 2013 respectively*)

Additional information

- Counsel assisting in "The Inquiry into Certain Australian Companies in relation to the United Nations Oil-for-Food Programme" (AWB Inquiry) (Dec 2005 to Nov 2006)
- Member of the Advisory Committee to the Australian Law Reform Commission in its "Review of the Marine Insurance Act 1909" (ALRC Report No. 91 published April 2001);
- Former, part time Fellow of the University of Melbourne lecturing in the Law Faculty's postgraduate Masters of Law on "International Carriage of Goods" (2004) and "Admiralty Law" (2009)
- Visiting Academic at the University of Queensland's TC Beirne School of Law co-teaching its postgraduate course "Maritime Law" (2019)

Publications

Recent publications

- [“Enhancing Arbitration”](#) – an article describing recent amendments to the International Arbitration Act 1974 (Cth) published in Shipping Australia Ltd’s “Annual Review 2018” (Jan 2019)
- [“Some Practical Aspects Associated with the Judicial Sale of Ships”](#) – a paper presented at the Federal Court of Australia’s National Admiralty Seminar 2017 held on 24 July 2017
- [“Recent Developments in the Enforcement of Foreign Arbitral Awards”](#) – a paper presented at the Maritime Law Associations of the United States, Canada, Australia and New Zealand Combined Conference 2011 (Hawaii) published in (2012) 26 A&NZ Mar LJ 24
- [“The interaction between Admiralty and Insolvency Law – a Commentary on some Recent Issues Concerning the Arrest of Ships”](#) – a paper presented at the Maritime Law Association of Australia and New Zealand (MLAANZ) Annual Conference 2009 (Queenstown);
- [“The Arrest of Ships – Some Legal Issues”](#) – a paper presented at the Federal Court of Australia’s Admiralty and Maritime Seminar on “Ship Arrests and Insolvency” on 21 May 2009 and published at (2009) 23 A&NZ Mar LJ 39
- [“A history of the Navy Legal Panel”](#) - Bar News (NSW Bar Association) 2008 Winter edition at pp. 51-53 (reprinted in The Journal of Australian Naval History, volume 7 Issue 1 (Mar 2010))
- [“Utmost good faith in insurance contracts”](#) – a case note on CGU Insurance Ltd v AMP Financial Planning Pty Ltd (2007) 81 ALJR 1551 – Bar News (NSW Bar Association) 2007/08 Summer edition at pp. 23-25 (Recent Developments)
- [“No tortious duty of good faith”](#) – a case note on CGU Workers Compensation (NSW) Ltd v Garcia [2007] NSWCA 193; (2007) 69 NSWLR 680 – Bar News (NSW Bar Association) 2007/08 Summer edition at pp. 25-29 (Recent Developments)
- [“Legal Professional Privilege”](#) – a case note on AWB Limited v Cole (No.1) (2006) 152 FCR 30 - - Bar News (NSW Bar Association) 2007/08 Summer edition at pp. 29-30 (Recent Developments)
- [“Legal Professional Privilege re-visited”](#) – a case note on AWB Limited v Cole (No.5) (2006) 155 FCR 30 - Bar News (NSW Bar Association)
- [“The admissibility of expert evidence – Makita v Red Bull”](#) – Bar News (NSW Bar Association) 2006/07 Summer edition at pp. 63-70

Recent presentations

- *“Ship arrest and undertaking as to damages – is it time for a change ?”* (a presentation at the Maritime Law Association of Australia and New Zealand (MLAANZ) Annual Conference 2019 (Auckland, NZ))
- *“Why not inland waters ?”* (a presentation at the Maritime Law Association of Australia and New Zealand (MLAANZ) Annual Conference 2018 (Katoomba))
- *“Mouldy coffee, sweaty steel ... who bears the risk ?”* (a presentation to the Maritime Association of Australia and New Zealand NSW Branch mini conference 2017 (Newcastle) examining the judgment of the UK Court of Appeal in *Volcafe Ltd v CASV* and its implications for Australian law)
- *“Damages for unjustified arrest of ships”* (a presentation to both the Maritime Association of Australia and New Zealand NSW Branch mini conference February 2016 (Sydney) and Federal Court of Australia / MLAANZ (WA Branch) Admiralty and Maritime Law seminar 25 February 2016)
- *“Practical considerations associated with use of expert evidence”* (a presentation for the Law Society of New South Wales Young Lawyers Section, 6 Oct 2012)
- *“Demystifying the PPS Act in Admiralty Law”* (a presentation at the Federal Court of Australia Admiralty and Maritime Law Seminar in November 2010)
- *“Judicial Sale of Ships under Arrest”* (a paper presented at the Maritime Law Association of Australia and New Zealand Annual Conference 1997 (Hobart))

Professional memberships

Chairman, NSW Bar Association’s “Transportation, Maritime and Air Law Committee” (2012 – 2015)

Member of one of the NSW Bar Association’s Professional Conduct Committees (PCC) (2008 - 2015)

NSW Bar Association nominee to the Supreme Court of New South Wales Admiralty Users Group

Long time participant of the Federal Court of Australia Admiralty Users Group

Long time member of Maritime Law Association of Australia and New Zealand (MLAANZ)

Member of Australian Centre for International Commercial Arbitration (ACICA)

President, Anglo-Australasian Lawyers Society (Australian Chapter) (2015 to date)

Chair, Australian Maritime and Transportation Arbitration Commission (AMTAC) (2017 to date)

Links to other professional profiles

<http://au.linkedin.com/pub/gregory-nell-sc/82/24a/90b/>

Selected cases

Admiralty and Maritime cases:

- [Marshall v Shorebarge Pty Ltd](#) [2020] NTLC 03 (dispute as to applicable limitation period and application for extension)
- [Mount Isa Mines Ltd v the ship "Thor Commander"](#) [2018] FCA 1326, (2018) 365 ALR 519, [2019] 1 Lloyd's Rep. 167 (claim for damages following breakdown of ship) and [Mount Isa Mines Ltd v the ship "Thor Commander" \(No.2\)](#) [2018] FCA 1702 (costs)
- [The ship "Sam Hawk" v Reiter Petroleum Inc.](#) [2016] FCAFC 26, (2016) 246 FCR 337, [2016] 2 Lloyd's Rep. 639 (dismissal of arrest of a ship on the basis of a purported maritime lien)
- [Virtu Fast Ferries v the ship "Cape Leveque"](#) [2015] FCAFC 58, (2015) 232 FCR 22, (2015) 321 ALR 471, [2015] 2 Lloyd's Rep. 222 (appeal from the judgment in [Virtu Fast Ferries v the ship "Cape Leveque"](#) [2015] FCA 324 (challenge to arrest of a sister ship)
- [Programmed Total Marine Services P/L v the ships "Hako Endeavour", "Hako Excel" and "Hako Esteem"](#) [2014] FCAFC 134, (2014) 315 ALR 66 (appeal from the judgment at [2013] FCA 1261 see below); see also [\[2014\] FCAFC 169](#) (as to costs and form of orders made)
- [CMA CGM SA v Ship 'Chou Shan'](#) [2014] FCAFC 90, (2014) 311 ALR 234 (appeal against the grant of a stay of in rem proceedings on forum non conveniens grounds in [CMA CGM SA v Ship 'Chou Shan'](#) [2014] FCA 74
- [Programmed Total Marine Services Pty Ltd v Ships "Hako Endeavour", "Hako Excel" and "Hako Esteem" \(No 2\)](#) [2013] FCA 1261 (acting for the defendant ships to in rem proceedings for the recovery of costs and expenses claimed)
- [Dampskibsselskabet Norden A/S v Gladstone Civil Pty Ltd](#) [2013] FCAFC 107, (2013) 216 FCR 469 (successful appeal against the Federal Court's earlier refusal to enforce foreign arbitral award in [2012] FCA 696 (see below))
- [Atlasnavios Navegacao, LDA v The Ship "Xin Tai Hai" \(No 2\)](#) [2012] FCA 1497, (2012) 215 FCR 265, (2012) 301 ALR 357 (successfully resisted an application to set aside arrest and for a stay of in rem proceedings)
- [Dampskibsselskabet Norden A/S v Beach Building & Civil Group Pty Ltd](#) [2012] FCA 696, (2012) 292 ALR 161 (application to enforce a foreign arbitral award (although the application was refused, that decision was subsequently overturned on appeal (see above)))
- [Atlasnavios Navegacao, LDA v The Ship "Xin Tai Hai"](#) [2012] FCA 715, (2012) 291 ALR 795 (successful application for an anti-suit injunction)
- [The Elusive](#) [2010] NSWSC 525, (2010) 269 ALR 579 (proceedings for the sale of an arrested ship by the mortgagee)
- [The Ship "Gem of Safaga" v Euroceanica \(UK\) Ltd](#) [2010] FCAFC 14, (2010) 182 FCR 27, (2010) 265 ALR 88 (successful appeal from the judgment in [2009] FCA 1467 (see below) resulting in the arrest of the ship being set aside)
- [EMAS Offshore Pte Ltd v The Ship "APC Aussie 1" \(No 2\)](#) [2009] FCA 1583, (2009) 194 FCR 484 (application for release of ship from arrest)
- [Euroceanica \(UK\) Ltd v The Ship "Gem of Safaga"](#) [2009] FCA 1467, (2009) 182 FCR 1, (2009) 263 ALR 68 (unsuccessful application to set aside arrest, subsequently overturned on appeal (see above))
- [Genos Pty Ltd v Ship 'APL Sydney'](#) [2009] FCA 1090, (2009) 187 FCR 282, (2009) 260 ALR 692 (appearing for claimants for pure economic loss seeking to avoid shipowner's application to limit liability under the limitation of liability for maritime claims legislation)
- [EMAS Offshore Pte Ltd v The Ship "APC Aussie 1"](#) [2009] FCA 872, (2009) 258 ALR 454 (successful opposition of an application to amend an in rem writ in respect of a ship under arrest to add additional claims)
- [ASP Ship Management Pty Ltd v Administrative Appeals Tribunal](#) [2006] FCAFC 23, (2006) 149 FCR 261 (successful appeal from judgments at [2005] AATA 305 and [2005] AATA 312) in relation to the application of the seaman's compensation legislation)
- [Braverus Maritime Inc. v Port Kembla Coal Terminal Ltd](#) [2005] FCAFC 256, (2005) 148 FCR 68 (successfully opposing shipowner's appeal from the judgment at [2004] FCA 1211 (see below))
- [Tisand \(Pty\) Ltd v the owners of the ship "Cape Moreton" \(ex "Freya"\)](#) [2005] FCAFC 68, (2005) 143 FCR 43, (2005) 219 ALR 48 (successful opposition to the arrest of a ship following a change in vessel ownership)
- [Centrestate Exports Pty Ltd v Amarantos Shipping Co Ltd](#) [2005] SASC 158 (successfully opposing plaintiff's application to amend pleadings to withdraw an admission in proceedings arising out of a vessel colliding with a pier at Wallaroo SA)
- [Amarantos Shipping Co. Ltd v State of South Australia](#) [2004] SASC 276 (2004) 183 FLR 98, (2004) 89 SASR 438 on appeal from [2004] SASC 57, (2004) 205 ALR 459, (2004) 87 SASR 528 (appearing for claimants who successfully defeated application by shipowner to limit liability for claims made under the *Merchant Shipping (Liability of Shipowners and Others) Act 1900* (Imp))
- [Port Kembla Coal Terminal Ltd v Braverus Maritime Inc.](#) [2004] FCA 1211, (2004) 140 FCR 445, (2004) 212 ALR 158 (successful claim for damages by operator of a coal terminal for damage to its wharf / terminal when ship "Fortius" negligently collided with the wharf)
- [Kent v the vessel "Maria Luisa" \(No. 2\)](#) [2003] FCAFC 93, (2003) 130 FCA 12 (successfully resisting appeal from judgment in [Kent v SS "Maria Luisa" \(No.1\)](#) [2002] FCA 1207, (2002) 130 FCR 1 in which successfully applied for the arrest of the ship as a surrogate to be set aside)
- [Visscher v BHP Petroleum Pty Ltd](#) and ors [2002] NSWSC 65 (successfully resisting applicant's claim for a salvage reward)
- [Noferi v Smithers; Lokys v Smithers; Smithers v Lokys and anor](#) [2002] NSWSC 508 (application by owner of a seagoing recreational power boat to limit liability under the Limitation of Liability for Maritime Claims Act 1989 (Cth))
- [Westrac Equipment Pty Ltd v "Assets Venture"](#) [2002] FCA 440, (2002) 192 ALR 277 (successful claim against carrier for loss of cargo at sea)
- [Smithers v Lokys](#) [2001] FCA 239 (application to transfer limitation proceedings from the Federal Court to the Supreme Court)
- [CGU Insurance Ltd v Malaysia International Shipping Corp Berhad](#) [2001] FCA 1223 (2001) 187 ALR 279 (successfully opposing application for preliminary discovery against the owner of a ship)
- [Vilona v the ship "Alnilam"](#) [2001] FCA 411 (successful application to set aside arrest of ship)
- [Australia Tallow v Malaysia International](#) [2000] NSWSC 818 (successful defence of claim for damage to cargo)
- [Opal Maritime Agencies P/L v "Skulptor Konenkov"](#) [2000] FCA 507, (200) 8 FCR 519, (2000) 172 ALR 481 (appeal against dismissal of claim of Opal Maritime against proceeds of ship by Tamberlin J at [\[1998\] FCA 1343](#) (1998) 158 ALR 416)
- [Hi-Fert Pty Ltd v Kiukiang Maritime Carriers Inc.](#) [2000] FCA 660 (2000) 173 ALR 263 (claim for damage to cargo)
- [Westpac Banking Corp. v "Stone Gemini"](#) [1999] FCA 434, (1999) 110 FCR 47, (1999) 2 Lloyd's Rep. 255 (claim following misdelivery of cargo without production of bills of lading) –also [\[1999\] FCA 595](#) and [\[1999\] FCA 917](#) (as to currency of prejudgment interest)
- [Sun Lucky Co Ltd v "Mu Gung Wha"](#) [1999] FCA 220 (application to strike out arrest proceedings)
- ["Iran Amanat" v KMP Coastal Oil](#) [1999] HCA 11; (1999) 196 CLR 130 (appeal to the High Court against the Full Court of the Federal Court of Australia's refusal to set aside the arrest of a ship ([\[1997\] FCA 483](#) (1997) 75 FCR 78, (1997) 144 ALR 720) and overturning of the judgment of Tamberlin J at first instance [1996] FCA 1122)

Selected cases (cont'd)**Admiralty and Maritime (cont'd)**

- [Chapman Marine Pty Ltd v Wilhelmsen Lines A/S](#) [1999] FCA 178, (1999) AMC 1221 (appearing for carrier who successfully limited its liability for damage to cargo to the US COGSA package limit)
- [Patrick Stevedores No.2 Pty Ltd v mv "Turakina"](#) [1998] FCA 16900, (1998) 154 ALR 666 (success opposition of application to set aside arrest of ship) – also subsequently appearing for the plaintiff in various applications made in the course of the arrest and sale of the ship, including at [\[1999\] FCA 1615](#), (1999) 95 FCR 52 (re costs of arrest), [\[1999\] FCA 1463](#) (1999) 167 ALR 143 (re payment of out proceeds of sale); [\[1998\] FCA 1011](#) (re costs of parties claiming on proceeds); [\[1998\] FCA 457](#) (1998) 84 FCR 493, (1998) 154 ALR 514 (orders for payment of wages of master and crew and responsibilities of the Admiralty Marshall); [1998] FCA 244 [\[1998\] FCA 1013](#) (directions concerning arrest and ownership of arrested property); and [\[1998\] FCA 16903](#) (1998) 84 FCR 506 (application by solicitor to be released from undertaking)
- [Patrick Stevedores No. 2 P/L v proceeds of sale of the vessel "Skulptor Konenkov"](#) [1997] FCA 1625, (1995) 75 FCR 47, (1997) 144 ALR 394 (appearing for plaintiff in application concerning the priority of various claims against the proceeds of sale of the ship arrested in Australia)
- [Morelines Maritime Agency Ltd v the ship "Skulptor Vuchetich"](#) [1996] FCA 1227, (1996) 136 ALR 206 (application as to whether forklifts on board an arrested ship formed part of the "ship" for the purposes of its arrest and sale)
- [Patrick Stevedores No. 2 P/L v mv "Skulptor Konenkov" and ors](#) [1996] FCA 1257, (1996) 136 ALR 211 (application by maritime claimants to treat the proceeds of sale of the "Skulptor Konenkov" and "Skulptor Vuchetich" as one fund for all claimants)
- ["Shin Kobe Maru" v Empire Shipping Company Inc.](#) [1994] HCA 54, (1994) 181 CLR 404 (appearing with David Jackson QC and A W Street in successfully resisting appeal to the High Court from the judgments of the Full Court of the Federal Court [\[1992\] FCA 476](#), (1992) 38 FCR 227, (1992) 110 ALR 463 and Gummow J [\[1991\] FCA 499](#), (1991) 32 FCR 78, (1991) 104 ALR 489 refusing to set aside the arrest of the ship)
- [Port of Geelong Authority v the ship "Bass Reefer"](#) [1992] FCA 378, (1992) 37 FCR 374 (application to set aside arrest of ship)

Oil Pollution

- [Newcastle Port Corporation t/as Port Authority of New South Wales v Dudgeon; Newcastle Port Corporation t/as Port Authority of New South Wales v Svitzer Australia Pty Ltd](#) [2015] NSWLEC 139 (acting for defendants prosecuted for the discharge of oil into the sea under the Marine Pollution Act 1987 NSW)
- [Mooney v MS Magdalene Schiffahrtsgesellschaft mbH](#) [2014] NSWSC 1277 (appearing for ship owner and master in a claim by oyster farmer for damage allegedly done by oil pollution on application for separate hearing of constitutional issues)
- [Newcastle Port Corporation v RN Dredging BV](#) [2013] NSWLEC 217, (2013) 199 LGERA 359 (acting for defendant prosecuted for the discharge of oil into the sea under the Marine Pollution Act 1987 NSW)
- [Newcastle Port Corporation v MS Magdalene Schiffahrtsgesellschaft MBH; Newcastle Port Corporation v Vazhnenko](#) [2013] NSWLEC 210 (acting for defendant prosecuted for the discharge of oil into the sea under the Marine Pollution Act 1987 NSW)
- [Filipowski v Magnavia Schiffahrtsgesellschaft MBH & Co. Kommanditgesellschaft, Dion and Branco](#) [2007] NSWLEC 404 (acting for defendant prosecuted for the discharge of oil into the sea under the Marine Pollution Act 1987 NSW)
- [Filipowski v Frey](#) [2005] NSWLEC 661 (acting for the defendant prosecuted for discharge of oil under the Marine Pollution Act 1987 NSW)
- [Filipowski v Frey](#) [2004] NSWLEC 182 (dispute in connection with service of summons commencing prosecution)
- [Filipowski v Cadem Shipping Pty Ltd](#) and anor [2005] NSWLEC 552 (acting for defendant prosecuted for discharge of oil)
- [Director of Public Prosecutions \(NSW\) v Roslyndale Shipping Pty Ltd](#) [2003] NSWCCA 356, (2003) 59 NSWLR 210 (appearing with E Fullerton SC in successfully opposing an appeal by the DPP from [Morrison v Peacock and Roslyndale Shipping Company](#) [2003] NSWLEC 68 in relation to penalty imposed for contravention of the Marine Pollution Act 1987 (NSW) following High Court judgment below) (see also [Director of Public Prosecutions \(NSW\) v Roslyndale Shipping Pty Ltd](#) [2004] NSWCCA 262, (2004) 148 A Crim R 341 (re costs of the appeal))
- [Morrison v Peacock](#) [2002] HCA 44; (2002) 210 CLR 274 (appeal to the High Court concerning the interpretation of the Marine Pollution Act)
- [Webb v Chung and ors](#) [2002] NSWLEC 135 (acting for defendants to prosecution for discharge of oil)

Insurance / Marine Insurance

- [Watkins Syndicate 0457 at Lloyds v Pantaenius Australia Pty Ltd](#) [2016] FCAFC 150, (2016) 244 FCR 5 (appearing for insurer in relation to claim for contribution as between insurers and application of s.54 of the *Insurance Contracts Act* (Cth))
- [Alstom Limited v Liberty Mutual Insurance Company \(No 2\)](#) [2013] FCA 116 (appearing on behalf of insurers to defend claim for indemnity under a marine insurance policy for damage to a transformer)
- [Orica Australia Pty Ltd v Limit \(No 2\) Ltd](#) [2011] VSC 65 (appearing on behalf of insurers to defend claim for indemnity under a marine insurance policy following movement of cargo on board a ship during its voyage to Australia)
- [General Reinsurance Australia Ltd v HIH Casualty & General Insurance Ltd \(in liquidation\)](#) [2009] NSWCA 22 (appearing on behalf of re-insurers disputing claim under a reinsurance policy on the appeal from the judgment at [\[2008\] NSWSC 461](#))
- [Ocean Marine Mutual Insurance Association \(Europe\) OV v Jetopay Pty Ltd](#) [2000 FCA] 1463, (2000) 120 FCR 146 (appearing on appeal against judgment ordering indemnity under a marine insurance policy)
- [Laho Ltd v QBE Insurance \(Vanuatu\) Ltd](#) [2001] VUSC 130 (appeared in the Supreme Court of Vanuatu for insurer refusing claim for indemnity under a marine insurance policy for the total loss of a vessel)
- [Neuchatel Swiss General Insurance Co Ltd v Vlasons Shipping Inc](#) [2001] VSCA 25 (appeal from the judgments noted below))
- [Vlasons Shipping Inc. v Neuchatel Swiss General Insurance Co Ltd No. 2](#) [1998] VSC 135 (application as to whether judgment should be given in a foreign currency or Australian dollars and as to the rate of interest to be applied to the judgment)
- [Vlasons Shipping Inc. v Neuchatel Swiss General Insurance Co Ltd](#) [1998] VSC 91 (appearing with B Rayment QC on behalf of insurers in defending claim for indemnity under a marine insurance policy for loss of a vessel following typhoon)
- [Switzerland Insurance Australia Ltd v Mowie Fisheries Pty Ltd](#) [1997] FCA 231, (1997) 74 FCR 205, (1997) 144 ALR 234 (appeal from judgment at [\[1996\] FCA 88](#) (1996) 140 ALR 57 granting indemnity under a marine insurance policy for loss of fishing vessel)

Selected cases (cont'd)**Arbitration and Private International Law :**

- [Joban Kosan Co Ltd v Flame SA](#) [2018] NSWSC 1754 (application for stay in favour of arbitration, and costs)
- [Hargood v OHTL Public Company Ltd](#) [2015] NSWSC 446 (application for stay on *forum non conveniens* grounds)
- [Lightsource Technologies Australia Pty Ltd v Pointsec Mobile Technologies AB](#) [2011] ACTSC 59, (2011) 250 FLR 63 (application for a stay of proceedings in favour of arbitration)
- [Dance With Mr D Limited v Dirty Dancing Investments Pty Ltd](#) [2009] NSWSC 332 (successful application to stay proceedings in favour of the parties' agreement to alternate dispute resolution)
- [Colosseum Investment Holdings Pty Ltd v Vanguard Logistics Services Pty Ltd and ors](#) [2005] NSWSC 803 (application for stay of proceedings on *forum non conveniens* grounds)
- [MRT Performance Pty Ltd v Mastro Motors Inc.](#) [2005] NSWSC 316 (application for anti-suit injunction)
- [Incitec Ltd v Alkimos Shipping Corporation](#) [2004] FCA 698, (2004) 138 FCR 496, (2004) 206 ALR 558 (application for stay of Federal Court proceedings in favour of exclusive jurisdiction clause)
- [Fullford v Pearson](#) [2004] NSWSC 150 (application for stay of proceedings on *forum non conveniens* grounds)
- [Sea Containers v ICT Pty Ltd](#) [2002] NSWCA 84 (appeal of order made at [\[2002\] NSWSC 77](#) removing arbitrators for misconduct)
- [Rosenboom and ors v Qantas Airways Ltd](#) [2002] NSWSC 792 (cross vesting application in aviation proceedings)
- [Seereederei Baco Liner GmbH v "Al Aliyu"](#) [2000] FCA 656 (successful application for stay of *in rem* action on *forum non conveniens* grounds)
- [American Diagnostica v Gradipore Ltd](#) (1998) 44 NSWLR 312 (appeal against arbitral award)
- [Hi-Fert Pty Ltd v Kiukiang Maritime Carriers Inc. \(No.5\)](#) [1998] FCA 1485, (1998) 90 FCR 1, (1998) 159 ALR 142, [1999] 2 Lloyd's Rep. 782 (appearing with J Allsop SC on behalf of ship owner at appeal against orders staying Federal Court proceedings in favour of arbitration)
- [Hi-Fert Pty Ltd v Kiukiang Maritime Carriers Inc \(No.3\)](#) [1998] FCA 558, (1998) 86 FCR 374, (1998) 155 ALR 94 (hearing before Full Court on competency of appeal and application for leave to appeal)
- [Hi-Fert Pty Ltd v Kiukiang Maritime Carriers Inc. \(No.1\)](#) [1996] FCA 1914 (1996) 71 FCR 172 (appearing on behalf of ship owner applying for a stay of Federal Court proceedings in favour of arbitration) (see also judgments at [\[1997\] FCA 1423](#), [\[1997\] FCA 575](#))

Commercial

- [THC Holding Pty Ltd v CMA Recycling Pty Ltd](#) [2014] NSWSC 1136 (sale of goods – claim for goods purchased against claim of liquidator)
- [Tarangau Game Fishing Charters P/L v Eagle Yachts P/L & Anor](#) [2013] QSC 16 (interlocutory applications for summary dismissal and opposing amendments to pleadings in proceedings for the negligent design and construction of a pleasure craft)
- [Nicholson v the vessel "Sea-Ya"](#) [2005] FCA 614 (specific performance of contract for the purchase of a ship)
- [Hudson Investment Group Ltd v Australian Hardboards Ltd and ors](#) [2005] NSWSC 716 (dispute between related corporations)
- [BNP Paribas v Pacific Carriers Ltd](#) [2005] NSWCA 72 (rehearing on damages / reasonableness of settlement after HCA appeal)
- [Pacific Carriers Ltd v BNP Paribas](#) [2004] HCA 35, (2004) 218 CLR 451 (successful appeal to the High Court of Australia from judgment of NSWCA at [\[2002\] NSWCA 379](#) (first appeal) overturning first instance judgments of Hunter J at [2001] NSWSC 900 and [2001] NSWSC 963)

Competition

- [Australian Competition and Consumer Commission v Visa Inc.](#) [2015] FCA 1020, (2015) 339 ALR 413 (appearing for the ACCC in proceedings against Visa for contravention of s.47 of the Competition and Consumer Act 2010 (Cth))
- [Australian Competition and Consumer Commission v NSK Australia Pty Ltd](#) [2014] FCA 453 (appearing for the ACCC at a penalty hearing on prosecution under cartel provisions of the Competition and Consumer Act)
- [Australian Competition and Consumer Commission v Koyo Australia Pty Ltd](#) [2013] FCA 1051 (appearing for the ACCC at a penalty hearing on prosecution under cartel provisions of the Competition and Consumer Act)

Other

- [Fair Work Ombudsman v Sierra Fleet Services Pty Ltd](#) [2018] FCCA 3354 (successful defence of claim for breach of the Fair Work Act)
- [Cargill Australia Ltd v Viterra Malt Pty Ltd \(No. 13\)](#) [\[2018\] VSC 478](#) and (No. 16) [\[2018\] VSC 529](#) (discovery and confidentiality orders)
- [Rynne v Lauda-Air Luftfahrt Aktiengesellschaft](#) [2003] QDC 4 (aviation, successful application for summary dismissal)
- [Christoforidis v Cygnet Bulk Carriers SA](#) [2002] FCA 690, (2002) 122 FCR 1 (application for production of documents from ATSB and associated claims of privilege and public interest immunity)

(a more complete list (including earlier cases than those listed above) can be provided on request)