



Justin Simpkins

NEW/CHAMBERS

BEd (Syd), JD, LLM (Bond)

Telephone	+61 2 9151 2049
Clerk's telephone	+61 2 9151 2080
Fax	+61 2 9233 1850
Email	simpkins@newchambers.com.au

Admitted to the legal profession	2005
Admitted as a barrister in NSW	2013
Also entitled to practise in	All Australian jurisdictions (Commonwealth, State and Territory)

Principal areas of practice

Arbitration	Corporations and Security
Bankruptcy and Insolvency	Equity
Building & construction	Insurance and reinsurance
Commercial Law	Property
Competition and Consumer/Trade Practices	Trusts
Contracts	

Previous professional experience

- 2007 – 2013: Lawyer/Senior Associate (Litigation and Dispute Resolution; Insurance and Reinsurance), Allens;
- 2009: Regional D&O and Casualty Claims Specialist (secondment), Federal Insurance Company, Singapore (a Chubb Insurance company);
- 2006: Graduate Lawyer, Australian Securities & Investments Commission;
- 2005: Lawyer, Home Wilkinson Lowry Lawyers (now HWL Ebsworths).

Publications

'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)
Reporter for the New South Wales Law Reports (since 2012)

Professional memberships

NSW Bar Association
Australian Insurance Law Association
Society of Construction Law Australia

Additional information

Justin has a diverse practice with a particular focus on commercial/equity, construction and insurance disputes. He has appeared led and unled in the Federal Court, State Supreme Courts, including the New South Wales Court of Appeal, and in lower courts and tribunals. Justin has also appeared as counsel in a number of commercial arbitrations.

Justin is an occasional Teaching Fellow in Contracts Law at the University of New South Wales and a reporter for the New South Wales Law Reports.

Professional profiles

<https://au.linkedin.com/pub/justin-simpkins/22/a22/12>

Justin regularly appears led and unled in interlocutory and final hearings in superior (Federal Court, Supreme Court) and inferior courts (Local and District Courts), tribunals (NCAT, AAT) and arbitrations covering a variety of areas of law. Some of the matters Justin has been briefed in include the following:

Insurance

- *Allianz Insurance Australia Limited v HCC Underwriting Agency Ltd* [2019] FCA 453 – insurance; double insurance and contribution (led by A Sullivan QC)
- *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 QC)

Commercial/Equity/Real Property

- *Beverly Farming Pty Ltd v Landmark Operations Limited* (Supreme Court of Victoria) – 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 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) – 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) – 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

- *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] 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, E A Cheeseman SC, R Craig and G O'Mahoney)
- *Lewis v Lewis, In the matter of AH Lewis (Holdings) Pty Ltd* (Supreme Court of NSW) – oppression, derivative action (unled)
- *Cominos v Comino, In the matter of Cosmas Pty Limited* (Supreme Court of NSW) – 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

- *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

- *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) Liability limited by a scheme approved under Professional Standards Legislation.
- *Knighton Contract Pty Ltd v [2015] NSWCATAP 119* - consumer protection, appeal to NCAT Appeal Panel (unled)