



Curriculum Vitae of Lachlan Menzies, Barrister

Areas of practice

I am in practice at the New South Wales Bar in the following areas:

- Equity and trusts, including charitable trusts and commercial trusts
- Employment and restraints of trade
- Banking and insolvency
- Corporations law
- Consumer protection
- Torts and Professional negligence, and Insurance
- Revenue law
- Procedure including document production, and legal professional privilege.

Experience

I have 25 years' experience in general and commercial litigation, with 18 years at the Bar, including:

- Injunctions and cases in contract, employment, directors' duties, shareholders' disputes, consumer protection / trade practices, trusts, torts and professional negligence including solicitors, and other general commercial litigation
- Banking and insolvency disputes, including guarantees, receiverships and liquidations, misrepresentation and unconscionable conduct, and *Garcia* cases
- Defence conduct in torts and professional negligence and D&O claims, third party access to insurance proceeds, liability insurance coverage.

Lecturer in Master of Applied Law (Commercial Litigation) at the College of Law

For 12 years I have been an adjunct lecturer at the College of Law for Masters degree courses in elective subjects: Insurance, Corporations Law, Pre-trial procedures, Complex Litigation, Insolvency.

Admission Years

Barrister (New South Wales): 2003; Solicitor (New South Wales): 1996

University Degrees

BSc (Syd) 1990-1992; LLB (Syd) 1990-1994; LLM (Syd) 1999-2001

Previous positions

1995 (1 year): Tipstaff to the Hon. Justice Abadee, Supreme Court of New South Wales
1996-1999 (3½ years): Solicitor, Ebsworth & Ebsworth (insurance litigation)
1999-2002 (3 years): Solicitor and Senior Associate, Allens Arthur Robinson (insurance and general commercial litigation)

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Selection of cases at the Bar

Matter	Description
<i>Grain Technology Australia Ltd & ors v Rosewood Research Pty Ltd & ors</i> (current), including judgments on judicial advice in: <i>Re Rosewood Research Pty Ltd</i> [2014] NSWSC 449; and <i>Re Rosewood Research Pty Ltd (No 2)</i> [2014] NSWSC 1226	<ul style="list-style-type: none"> • Official Receivership over charitable trust assets including commercial office buildings; • Acting for beneficiaries claiming substitution of a new trustee, led by Garth Blake SC; • Taxation liabilities arising from use of assets
<i>193 Lords Place Pty Ltd ats Punin</i> (2018)	<ul style="list-style-type: none"> • Proprietary estoppel; real property; elder law
<i>Century 21 Australia Pty Ltd v State of Victoria</i> (Supreme Court of Victoria, trial and appeal) [2016] VSC 590 (Ginnane J) [2017] VSCA 205	<ul style="list-style-type: none"> • Acting for a national franchisor against the State Government of Victoria; statutory interpretation of the <i>Estate Agents Act</i>
<i>The Owners of Strata Plan 15482 & ors v Focus Corp Pty Ltd t/as PHD Building Services & anor</i> (District Court of New South Wales) (2015)	<ul style="list-style-type: none"> • Economic loss claim, acting for property owners claiming against a Lloyd's Syndicate third party access to liability insurance proceeds in a claim over \$600,000
<i>In the Matter of Live Board Holdings Limited (Administrators Appointed)</i> [2014] NSWSC 161	<ul style="list-style-type: none"> • Acting for a creditor against administrators in a dispute about sale of assets
<i>Elston Partners Australia Pty Ltd & ors v Leahy & Furner</i> ACT Supreme Court (settled in 2012)	<ul style="list-style-type: none"> • Acting for an employer in the financial services industry in an injunction against former employees misusing client information for a competitor, led by Ian Neil SC
<i>Selvarajah v National Australia Bank Limited</i> NSW Supreme Court (settled in 2011)	<ul style="list-style-type: none"> • Acting for a guarantor and mortgagor defending a bank's claims for possession of real estate assets claimed as security for credit facilities totalling over \$7,000,000; • Expert evidence as to the practice of a prudent and diligent banking officer
<i>Robey v Westpac Banking Corporation</i> ACT Supreme Court (settled in 2011)	<ul style="list-style-type: none"> • Acting for the director in an administration, receivership and liquidation of an IT services business, led by Garth Blake SC; • Defending a receiver's claims under guarantees as security for credit facilities totalling over \$5,000,000
<i>Ingot Capital Investments Pty Ltd v Macquarie Equity Capital Markets Ltd (No 6)</i> (2007) 63 ACSR 1 <i>Ingot Capital Investments Pty Ltd v Macquarie Equity Capital Markets Ltd</i> [2008] NSWSC 25 (unled in an interlocutory claim for privilege) <i>Ingot Capital Investments Pty Ltd v Macquarie Equity Capital Markets Ltd (No 7)</i> (2008) 65 ACSR 324 (costs)	<ul style="list-style-type: none"> • Acting for insurance brokers sued by the liquidator of New Cap Reinsurance Corporation Limited (in Liq), led by Michael Pembroke SC; • Defending a liquidator's claims for reinsurance trading losses of \$200,000,000; • Claim for costs over \$4,000,000 based on a <i>Calderbank</i> letter and indemnity costs principles
<i>Village Life Ltd v Hanne</i> [2008] NSWDC 291	<ul style="list-style-type: none"> • Appeal setting aside an assessment of Supreme Court costs
<i>Muc v Aon Risk Services Australia Limited</i> [2007] FCA 901	<ul style="list-style-type: none"> • Strike-out application on behalf of insurance brokers
<i>ASIC v Vines</i> (2005) 55 ACSR 617	<ul style="list-style-type: none"> • Acting for a former director of GIO in civil penalty claims for breach of directors' duties, led by James Stevenson SC