



## **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, and wills and probate
- Employment and restraints of trade
- Banking and insolvency
- Corporations law
- Business law, contracts, and consumer protection
- Insurance, and torts including professional negligence
- Family law
- Land law, conveyancing, Local Council planning and DAs.

### **Experience**

I have 27 years' experience in general and commercial litigation, with 20 years at the Bar, including:

- Trusts, succession, injunctions and cases in contract, employment, directors' duties, shareholders' disputes, consumer protection / trade practices, 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 14 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

1999-2002 (3 years): Solicitor and Senior Associate, Allens Arthur Robinson

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Selection of cases at the Bar

Matter	Description
<i>Bible Society Australia re Estate of Bartlett</i> NSW Supreme Court (settled in 2021)	<ul style="list-style-type: none"> <li>• Successful for a charity as beneficiary, on a bequest interpretation dispute</li> </ul>
<i>Hopkins v Edwards</i> [2020] VSC 456	<ul style="list-style-type: none"> <li>• Reinstated invalidly removed charity trustees</li> </ul>
<i>Grain Technology Australia Ltd &amp; ors v Rosewood Research Pty Ltd &amp; 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"> <li>• Official Receivership over charitable trust assets including commercial office buildings;</li> <li>• Acting for beneficiaries claiming substitution of a new trustee, led by Garth Blake SC;</li> <li>• Taxation liabilities arising from use of assets</li> </ul>
<i>193 Lords Place Pty Ltd ats Punin</i> (2018)	<ul style="list-style-type: none"> <li>• Proprietary estoppel; real property; elder law</li> </ul>
<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"> <li>• Acting for a national franchisor against the State Government of Victoria; statutory interpretation of the <i>Estate Agents Act</i></li> </ul>
<i>The Owners of Strata Plan 15482 &amp; ors v Focus Corp Pty Ltd t/as PHD Building Services &amp; anor</i> (District Court of New South Wales) (2015)	<ul style="list-style-type: none"> <li>• 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</li> </ul>
<i>In the Matter of Live Board Holdings Limited (Administrators Appointed)</i> [2014] NSWSC 161	<ul style="list-style-type: none"> <li>• Acting for a creditor against administrators in a dispute about sale of assets</li> </ul>
<i>Elston Partners Australia Pty Ltd &amp; ors v Leahy &amp; Furner</i> ACT Supreme Court (settled in 2012)	<ul style="list-style-type: none"> <li>• 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</li> </ul>
<i>Selvarajah v National Australia Bank Limited</i> NSW Supreme Court (settled in 2011)	<ul style="list-style-type: none"> <li>• 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;</li> <li>• Expert evidence as to the practice of a prudent and diligent banking officer</li> </ul>
<i>Robey v Westpac Banking Corporation</i> ACT Supreme Court (settled in 2011)	<ul style="list-style-type: none"> <li>• Acting for the director in an administration, receivership and liquidation of an IT services business, led by Garth Blake SC;</li> <li>• Defending a receiver's claims under guarantees as security for credit facilities totalling over \$5,000,000</li> </ul>
<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"> <li>• Acting for insurance brokers sued by the liquidator of New Cap Reinsurance Corporation Limited (in Liq), led by Michael Pembroke SC;</li> <li>• Defending a liquidator's claims for reinsurance trading losses of \$200,000,000;</li> <li>• Claim for costs over \$4,000,000 based on a <i>Calderbank</i> letter and indemnity costs principles</li> </ul>
<i>Muc v Aon Risk Services</i> [2007] FCA 901	<ul style="list-style-type: none"> <li>• Strike-out on behalf of insurance brokers</li> </ul>
<i>ASIC v Vines</i> (2005) 55 ACSR 617	<ul style="list-style-type: none"> <li>• Acting for a former director of GIO in civil penalty claims for breach of directors' duties, led by James Stevenson SC</li> </ul>