

# Mark Andrew Robertson

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**Barrister**  
**Master of Law and Business**  
**LL.B / BCA**  
+61 431 596 327  
8<sup>th</sup> Floor Wentworth Chambers  
180 Philips Street  
**SYDNEY, 2028**

## EDUCATION AND QUALIFICATIONS

### Admissions

<b>2018</b>	Barrister New South Wales and New Zealand
<b>2014</b>	Admitted to practise in the High Court of Australia
<b>2013</b>	Solicitor of the Supreme Court of New South Wales
<b>2012</b>	Solicitor of England and Wales
<b>2004</b>	Barrister & Solicitor of the High Court of New Zealand

### Education

<b>2008 - 2009</b>	<b>Master of Law and Business (class rank - 1st - 'outstanding')</b> Bucerius Law School / WHU Otto-Beisheim School of Management, Hamburg, Germany
<b>1999 - 2003</b>	<b>Bachelor of Laws</b> , Victoria University of Wellington, New Zealand
<b>1999 - 2001</b>	<b>Bachelor of Commerce</b> , Victoria University of Wellington, New Zealand
<b>1998</b>	<b>'A' Bursary</b> , Kapiti College, New Zealand

### Awards

**Deutscher Akademischer Austausch Dienst (DAAD) prize** for best overall student in the Bucerius Law School / WHU Otto-Beisheim School of Management Master of Law and Business Program (2008 / 2009)

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## PROFESSIONAL EXPERIENCE

### AUSTRALIA

<b>2013</b>	<b>COLIN BIGGERS &amp; PAISLEY LAWYERS, SYDNEY, Senior Associate (current)</b>
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#### Examples of Australian cases:

- *Hyder v McGrath Sales Pty Ltd* [2017] NSWSC 1647 - misleading and deceptive conduct claim brought against real estate agents over exclusivity of parking rights

- *Amashaw Pty Limited v Marketform Managing Agency Ltd* [2017] NSWSC 612 - insurance - claim for the cost of making good the damage caused by the significant leak of petrol from an underground tank and line, and the associated explosion of a Sydney Water sewer main.
- *United Petroleum Pty Ltd v Bonnie View Petroleum Pty Ltd (in Liquidation)* [2017] VSC 334, application for non-party personal costs orders against liquidators
- *Perpetual Nominees Ltd v McGoldrick (No 3)* [2017] VSC 78 - duty of care owed by liquidators to guarantors
- *Lanco Resources Australia Pty Ltd v Griffin Energy Group Pty Ltd* (Subject to a Deed of Co Arrangement) & Ors - claim brought against GEG, the administrators and KordaMentha for alleged misleading and deceptive conduct in the sale of a coal mine in Western Australia.

## LONDON

2012

### QUINN EMANUEL URQUHART & SULLIVAN LLP, LONDON

- Locum solicitor on a claim brought by an American Hedge Fund following the insolvency and collapse of an Icelandic bank.

2011

### EVERSHEDS LLP, LONDON, *Associate*

- *UAB "ARVI" ir ko and UAB "SANITEX" v. Republic of Serbia* (ICSID Case No. ARB/09/21) - Drafted detailed submissions in an international investment dispute (ICSID) against a European State relating to an industrial fertiliser manufacturing plant, claimed value of EUR 43m.
- Drafted pleadings in an arbitration claiming fraud and breach of contract against a Russian oligarch who, in breach of contract and fiduciary duty orchestrated the transfer of the shares of a property development company worth \$250m.
- Assisted senior partner and counsel with preparation for a trial in the Royal Court of Guernsey relating to an offshore trust that involved breaches of fiduciary duty valued at £300m. Seconded to Guernsey during the three week trial period.
- Advised a large US company regarding sanctions imposed by the UN, EU, US and UK on Libya in early 2011 and bribery and corruption issues arising under the new UK Bribery Act that impacted on a takeover of a UK chemical distributor operating in Middle East/North Africa region by a US/UK corporation.

**2010**

**Dr JULIAN D M LEW QC, 20 ESSEX STREET, LONDON, *Assistant to international commercial arbitral tribunals*<sup>1</sup>**

- Assistant to Dr Lew and various tribunals comprised of leading international arbitrators on > 20 international commercial arbitrations (£ 10m - > £900m in dispute) under the ICC, LCIA, UNCITRAL, SIAC, and other major institutional arbitration rules.
- Analysed pleadings filed by leading multinational law firms, researched legal issues, attended hearings, assisted with preparation of awards, drafted Terms of Reference, procedural orders and correspondence with parties and co-arbitrators.

**SIR GAVIN (formerly Mr Justice) LIGHTMAN, SERLE COURT, LONDON, *Secretary to the Arbitral Tribunal*<sup>2</sup>**

- Appointed by the parties as Secretary to the Tribunal on a complex international commercial arbitration conducted under the LCIA Rules (>US\$20m) involving Russian and South African parties in dispute over rights to a gold mine in Kazakhstan.
- Liaised with the parties on all issues that required input from the tribunal, drafted various procedural and interim orders and directions, reviewed and analysed parties' pleadings and submissions, assisted Sir Gavin with various research tasks and co-ordinated hearing logistics.

**2009**

**WILMER HALE CUTLER PICKERING AND DORR LLP, LONDON, *Internship (as part of Master's study) – International Arbitration Group (Headed by Gary B. Born)***

- Assisted with various major arbitrations including a review of submissions and witness evidence for a large European telecommunication company with an amount in dispute of several billion Euros. Undertook numerous research tasks on a number of other arbitrations prior to filing of memorials.

## **NEW ZEALAND**

**2004**

**THOMAS DEWAR SZIRANYI LETTS, LAWYERS, Barrister & Solicitor of the High Court of New Zealand**

- Represented many clients on a wide variety of contentious matters in the Wellington region.
- Advocated in the District Courts held at Upper Hutt, Lower Hutt, Porirua and Wellington, the High Court Wellington, and once in the Court of Appeal of New Zealand on civil, commercial and criminal matters.
- Drafted pleadings, interlocutory applications, submissions, court orders and other necessary documentation for court proceedings, including civil and commercial claims, corporate and personal insolvency, debt collection, construction contracts, Personal Property Securities Act issues, employment disputes and commercial property claims.

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<sup>1</sup> Dr Julian DM Lew QC is a world leading arbitrator, professor of law at Queen Mary University London and has been involved with international arbitration for more than 30 years as counsel and as an arbitrator. Before 2005, he was a partner and for some years the head of the international arbitration practice group of Herbert Smith.

<sup>2</sup> Sir Gavin Lightman was a judge of the English High Court of Justice, Chancery Division, for 14 years, is a leading authority in England on insolvency and the Law of Companies and Receivers.

- Represented clients in negotiations, mediations and judicial settlement conferences.

### Examples of New Zealand cases

#### Company litigation / Insolvency / Debt Collection

- *Kings Wharf Coldstore Limited (in receivership and liquidation) v David Wilson*, CIV-2001-485-954, High Court of New Zealand, Wellington Registry, Miller J - Researched and drafted detailed closing legal submissions for court on behalf of the plaintiff in a matter where the defendant defrauded the plaintiff of \$2.5 million.
- *Compton Earthmoving Contractors (2004) Ltd v Cromdale Developments Ltd* High Court Wellington CIV-2006-485-1592, 11 June 2007, Associate Judge Gendall - Appeared and advocated on applications for summary judgment, applications for liquidation and other debt collection matters.

#### Commercial Property Litigation

- *B S Developments No 12 Ltd v P B & S F Properties Ltd* (2006) 7 NZCPR 603 (Court of Appeal) and *B S Developments No 12 Ltd v P B & S F Properties Ltd* (2005) 6 NZCPR 741 (High Court), Mackenzie J - Worked closely with Gerard Dewar and Bruce Corkill QC. Gathered and analysed evidence, briefed witnesses. Researched and drafted submissions in the High Court and Court of Appeal of New Zealand. Submissions focused on contractual and agency issues.
- *C & K Apparel Ltd v Melling Retail Ltd*, CIV-2006-032-660 – Wellington District Court, 9 July 2008, District Court Judge T J Broadmore - Acted for defendant as junior counsel in successful trial regarding the right of the tenant client to repudiate a lease agreement under the Contractual Remedies Act 1979

#### Contract / Commercial litigation / Civil litigation/ Tort litigation

- *Mollison v Hi-Tech Tyres and Alloys & Geoff Dixon International*, Wellington District Court - Drafted all pleadings and other court documentation and submissions, briefed witnesses, attended a Judicial Settlement Conference and negotiated a favourable settlement with the insurer in a claim for a loss of a rally car.
- *Clarke v Police* [2007] NZSC 83 (Supreme Court of New Zealand); *Clarke v Police* [2007] NZCA 294 (Court of Appeal); *Clarke v Police* HC Wellington CIV-2005-485-245, *Re Clarke ex parte Watts* HC Wellington, CIV-2006-485-2461, Associate Judge Gendall - Advocated as leading counsel on behalf of Police Detective in ongoing litigation brought against him by a vexatious litigant in the District Court, High Court, Court of Appeal and Supreme Court of New Zealand.
- *Chatha v Attorney-General*, CIV-2006-454-868, High Court, Palmerston North, 2 May 2008, Associate Judge Gendall – Advocated as leading counsel for fifth defendant on application to strike out the claimant's numerous and untenable causes of action.

## Criminal Defence

- Advocated on behalf of many criminal defendants before the District Courts held at Wellington, Lower Hutt, Upper Hutt and Porirua, New Zealand. For example *New Zealand Police v Taiapa CRI-2006-032-002-679*, 2 May 2007, Judge S. M. Harrop.
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## PUBLICATIONS

- *Pure economic loss claims: Brookfield Multiplex Ltd v Owners Corporation Strata Plan 61288 and its lessons for owners, builders, developers, vendors, purchasers, professional advisors and their respective insurers* (2016) 28 ILJ 71, Mark Robertson, (Published by LexisNexis), ISSN 0817-623X, 16 pages ([www.lexisnexis.com.au](http://www.lexisnexis.com.au))
  - “*Cross Border Insolvency and International Commercial Arbitration: Characterisation and Choice of law issues in light of Elektrim v Vivendi and analysis of the European Insolvency Regulation*” *International Arbitration Law Review*, Volume 12 issue 6.
  - *The new ICC Rules of Arbitration: a brief overview of the main changes*, *International Arbitration Law Review* (Vol. 14, no. 5, 2011).
  - *Libyan sanctions - the interplay of different regimes*, *Global Arbitration Review*, 12 October 2011.
  - *Venezuela and ICSID: a reminder of unresolved issues*, *Global Arbitration Review*, 27 January 2012.
  - *Iura Novit Curia and Due Process in Liber Amicorum en l’honneur de Serge Lazareff*, ICC Publication No. 973, 2011 Edition.
  - “*The Arbitrator and Confidentiality*”, in Derains, Yves *Dossiers of the ICC Institute of World Business Law*.
  - Drafted numerous book chapters in Eversheds “*Practical Guide to International Arbitration*”.
  - Book Review - *Arbitration International, Volume 29 Issue 2 Williams & Kawharu on Arbitration by David Williams QC and Amokura Kawharu with contributing authors Daniel Kalderimis, Anna Kirk and Campbell Walker* (Published by LexisNexis, 2011), ISBN 9781877511547, 1246 pages
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## INTERESTS, MEMBERSHIPS AND ASSOCIATIONS

- NSW Bar Association
- New Zealand Law Society
- Member of the Young International Arbitration Group
- Arbitrator at the Wilhelm C. Vis Moot Competition, Vienna in 2010, 2011, 2012
- PADI Scuba Dive Master (Dahab, Egypt 2013)
- Recreational sailing, hiking, snowboarding, hunting and fishing

## REFEREES

(please ask before contacting any of the following individuals)

- Hugh Rennie QC, Harbour Chamber, Wellington
- Michael Galvin QC, Lonsdale Chambers, Melbourne
- Michael Elliot SC, 8 Selbourne Chambers, Sydney
- Dr Ruth Higgins SC, Banco Chambers, Sydney
- Jonathan Newby, Partner, Collin Biggers & Paisley Lawyers, Sydney
- Gerard Dewar, Partner, Thomas Dewar Sziranyi Letts, Wellington
- Dr Julian D M Lew QC, barrister and arbitrator, 20 Essex Street, London
- Professor Clifford Larsen, Dean Bucerius Law School Master of Law and Business Program.