

JAMES HEALY*

Barrister and Arbitrator

LLB, FCI Arb, DipCI Arb, RITP

Francis Burt Chambers, Perth

Arbitration (counsel and arbitrator) · Construction and Infrastructure · Energy and Resources · Corporations, Insolvency and PPSA · Regulatory Inquiries



James specialises in advice and disputes on major projects in the construction, infrastructure, energy and resources sectors, practising as both counsel and arbitrator. His extensive experience in energy, resources and construction disputes has seen him act at various times for all proponents in these matters across Australia and internationally. He also practises extensively in corporate and personal insolvency, loan recovery matters, directors' and trustees' duties. His experience spans litigation, domestic and international arbitration, adjudication (including judicial review of adjudication decisions), mediation and expert determination.

Prior to joining the Bar in 2010, James was a partner of a national law firm (now K&L Gates) and assisted clients with all commercial and contentious aspects of the development of resource projects in Australia, the Asia Pacific and Africa.

He is regularly briefed to appear as trial counsel and appellate counsel, acting as sole counsel or as part of a larger counsel team.

Arbitration

His practice involves advising on complex contractual disputes with respect to major construction, engineering and infrastructure projects with a present emphasis on the renewables sector. This has included acting for parties in international arbitrations in the London Court of International Arbitration (LCIA), Singapore International Arbitration Centre (SIAC) and numerous *ad hoc* international arbitrations seated in Perth. As a result, he has worked extensively with delay and quantum experts and in preparing supporting lay evidence for these types of claims.

James is regularly nominated for appointment as arbitrator in domestic and international commercial and resources disputes. His appointments have included a domestic property development dispute and international resources disputes concerning royalties from base minerals. He has been a Fellow of the Chartered Institute of Arbitrators since 2012, is a member of the global CI Arb Approved Faculty List, and is a past director and Vice President of the CI Arb Australian division.

Energy and Resources — Approvals and Disputes

James advises proponents, investors and landholders on the statutory approvals and land tenure pathway for energy and resources projects in Western Australia, including development approvals, environmental approvals and land access arrangements for renewable hydrogen and green ammonia projects.

He advises and acts in disputes at each stage of the project lifecycle, including joint venture and farm-in disputes, royalty and offtake disputes, tenure and access disputes, and construction and commissioning claims.

Directors' and Partners' Fiduciary Duties

James has substantial experience in disputes concerning the fiduciary duties of directors, partners, trustees and executors. This includes matters relating to oppression and winding up of companies and partnerships and other matters relating to corporate control disputes.

Regulatory Inquiries and Investigations

James's experience extends to regulatory inquiries and investigations. He appeared as counsel in the Royal Commission into Institutional Responses to Child Sexual Abuse and acted in the Perth Casino Royal Commission. In 2023, he was appointed by the board of the Western Australian Cricket Association to conduct a governance inquiry.

Construction and Infrastructure

James has been counsel in many of the leading cases on the former *Construction Contracts Act 2004* (WA) judicial review and statutory demands decisions in Western Australia, and was involved in preparing the Law Society of Western Australia's response to the *Building and Construction Industry (Security of Payment) Act 2021* (WA). His construction practice extends from major resources and infrastructure projects to commercial building, hospital and processing plant disputes.

Corporations, Insolvency and Personal Property Securities

James is regularly briefed to advise and appear in relation to schemes of arrangement, statutory demands and applications by liquidators for directions. He is regularly sought out for specialist advice on the *Personal Property Securities Act 2009* (Cth), and has argued questions concerning the vesting of after-acquired property, the characterisation of commercial property fixtures and chattels, and in-substance security interests arising from financing leases.

James makes significant contribution to *pro bono* matters in the areas of inheritance disputes, loan defaults and guarantees provided by individuals, and mortgagee recovery actions.

James is a member of the joint Law Council of Australia and Law Society of WA Insolvency and Restructuring Committee, having been a past chair of that committee, and the Law Council of Australia Construction and Infrastructure Committee.

Through his involvement in the Law Council of Australia, Law Society of Western Australia, Chartered Institute of Arbitrators (CI Arb) and Australian Restructuring Insolvency and Turnaround Association (ARITA), he is actively involved in law reform. James regularly teaches, presents and publishes papers on arbitration, construction law and insolvency in Australia and overseas, including through the CI Arb Approved Faculty, ARITA training programmes and the UWA/AMPLA Mining Law Programme.

Professional Qualifications & Memberships

- 1999 – LLB – University of Western Australia
- 2000 – Admitted – Supreme Court of Western Australia and High Court of Australia
- 2012 – DiplCI Arb, Fellow – Chartered Institute of Arbitrators
- RITP – Professional Member of the Australian Restructuring Insolvency & Turnaround Association
- 2017 – Australian Bar Association Appellate Advocacy Course (Brisbane)
- 2018 – Australian Bar Association Advanced Trial Advocacy Course (Sydney)
- 2019 – National Institute of Trial Advocacy course on depositions (New York)

Professional Organisations

James is an active member of the following organisations:

- Law Council of Australia & WA Law Society – Construction and Infrastructure Law Committee
- Law Council of Australia & WA Law Society – Insolvency and Reconstruction Law Committee
- Australian Restructuring Insolvency and Turnaround Association (ARITA)
- Law Society of Western Australia – senior advisory panel and ethical guidance panel

Recent Matters

- Counsel, appearing unled against Senior Counsel, in a seven-day misleading or deceptive conduct trial in the Supreme Court of Western Australia concerning gold toll milling arrangements (2024–2025).
- Counsel in a five-day mortgagee recovery trial in the Supreme Court of Western Australia concerning rural property (2024–2025).
- Counsel at trial and on appeal in a District Court claim concerning causation and remoteness of damage arising from a fire at a fertiliser plant (2022–2024).
- Counsel for the Commissioner of Taxation in a six-day unfair preference trial in the Supreme Court of Western Australia (2024).
- Counsel in a construction and unjust enrichment dispute concerning works for a motor speedway (2025).
- Counsel in a termination payment dispute arising from a dredging contract, and in insurance recovery proceedings arising from a builder's insolvency.
- Counsel at trial, on appeal and on a special leave application to the High Court of Australia in a Supreme Court dispute concerning fraud, fiduciary duties and equitable claims within a family company and deceased estate.
- Appointed by the Western Australian Cricket Association to conduct a governance inquiry into the operation of its board (2023).
- Counsel in the Perth Casino Royal Commission and in the Royal Commission into Institutional Responses to Child Sexual Abuse.
- Appointed arbitrator in domestic property development dispute.
- Appointed arbitrator in international resource disputes concerning payment of royalties from base minerals.
- Trial counsel in property dispute concerning nuisance and damages claim.
- Counsel in Federal Court application for directions concerning distribution of recovered funds from the Marco Ponzi Scheme.
- Counsel in a dispute concerning crypto-currency and blockchain assets and associated corporate control.
- Advice in respect of the regulation of, and development approvals for hydrogen and green ammonia projects in Western Australia, including land tenure, development and environmental approvals.
- Counsel in African investment arbitration concerning access and development of mineral concessions.

- Counsel in international arbitration seated in Indonesia concerning construction of a processing plant, and an international arbitration in the Philippines concerning a joint venture dispute over offshore petroleum permits.
- Offshore oil and gas processing plant dispute for South Korean client.
- Briefed to advise and appear in Supreme Court proceedings involving construction of a gold mine and associated infrastructure.
- Briefed to advise and appear in relation to Supreme Court proceedings concerning design and construction of a Perth hospital.
- Counsel in various winding up and oppression proceedings concerning control and management (particularly of unlisted mining companies).
- Project financing success fee dispute for an infrastructure development in the Sydney Federal Court.
- Judicial review proceedings under the *Construction Contracts Act 2004* (WA).
- Counsel in a design and construction dispute concerning a biofuel cogeneration plant.
- Numerous unfair preference claim recoveries under the *Corporations Act 2001* (Cth).
- *Personal Property Securities Act 2009* vesting and recovery proceedings.

Recent Decisions

- *Broadbent v Mews* [2026] WASC 267 (trustee directions)
- *Syme & the PE White and Sons Partnership* [2026] WASC 161 (partnership dispute)
- *Badat v BP Australia Pty Ltd* [2026] WASC 48 (*Contaminated Sites Act 2003* (WA))
- *Re Aurumin Ltd; Ex Parte Aurumin Ltd* [2025] WASC 440 (scheme of arrangement)
- *Wahhab v BMD Nominees Pty Ltd* [2026] WADC 2 (S) (costs)
- *McDougall v Rural Bank* [2025] WASC 326 (mortgagee recovery)
- *Mews as co-trustee of Jeff Mews Will Trust v Mews* [2025] WASC 240 (trustee directions)
- *Re Aston Minerals Limited; Ex Parte Aston Minerals Limited [No 2]* [2025] WASC 210 (scheme of arrangement)
- *National Australia Bank Ltd v RGP Group Holdings Pty Ltd* [2025] WASC 102 (loan recovery)
- *Sartzidis v Moss* [2025] WASC 83 (judicial review from SAT)
- *Menzies Civil Australia v CM Luxury* [2025] WASC 65 (construction and unjust enrichment)
- *Field (Trustee) v Spencer* [2025] FCA 122 (guarantee and recovery proceedings)
- *Summit Rural v Lenane* [2024] WASCA 122 (causation and remoteness of damage)
- *McGeough v Law Complaints Officer* [2024] WASCA 5 (professional discipline)
- *Oldham re Ruby Base Pty Ltd (in liq)* [2023] WASC 115 (liquidator's application for directions)
- *Pindan (in liq) v Infra Tech Projects (in liq)* [2023] WASC 27 (insolvency)
- *Australian Securities and Investments Commission v Marco (No 13)* [2023] FCA 83 (Ponzi scheme distribution)
- *Firm Construction v Firesafe* [2022] WASC 288 (statutory demand)
- *ACN 009 009 072 Pty Ltd (in liq) v ASIC* [2022] WASC 22 (insolvency)
- *Gold Valley Iron Pty Ltd (in liq) v OPS Screening & Crushing Equipment Pty Ltd* [2022] WASCA 134; *OPS Screening & Crushing Equipment Pty Ltd v Gold Valley Iron Pty Ltd (in liq)* [2020] WASC 412

(*Personal Property Securities Act 2009* dispute), including a subsequent special leave application to the High Court of Australia

- *Mervyn Jonathan Kitay as liquidator of ACN 009 009 072 Pty Ltd v Chaucer Syndicates Ltd (CRN 184915) as managing agents for Chaucer Syndicate* [2021] WASC 450 (applications under sections 601AG and 601AH of *Corporations Act 2001* (Cth))
- *Bardoc Gold Ltd; ex parte Bardoc Gold Ltd* [2022] WASC 113 (scheme of arrangement)
- *Superline Enterprises Pty Ltd v Palassis Architects (a firm)* [2021] WASC 430; [2019] WASC 414 (construction dispute)
- *Soussa v Thomas* [2021] WASC 172 (loan recovery)
- *Jacobs (as liquidator of Necessary Holdings Pty Ltd (in liq)) v Lenton Brae Ltd Partnership (a firm)* [2021] WASC 10 (winding up)
- *Bellaire Pty Ltd v Roselink Enterprises Pty Ltd atf Ice Nemesis Unit Trust [No 2]* [2020] WASC 390 (*Personal Property Securities Act 2009* dispute)
- *Salini-Impregilo SPA v Francis* [2020] WASC 358 (*Construction Contracts Act 2004* dispute)
- *Arunkalaivanan and Medical Board of Australia* [2020] WASAT 118 (State Administrative Tribunal hearing)
- *Exore Resources Ltd; ex parte Exore Resources Ltd (No 2), Re* [2020] WASC 333 and [2020] WASC 285 (scheme of arrangement)
- *GPM Resources Pty Ltd v Golden Mile Mining Pty Ltd* [2020] WADC 102 (gold toll milling dispute)
- *Parton v Robins* [2020] WASC 206 (cross-vesting)
- *G & R Rossen Pty Ltd v Buchanan* [2019] WASC 373 (real estate dispute)
- *Barrett-Lennard v River Wind Pty Ltd* [2019] WASCA 119 (farming easement)
- *Clough Projects Australia Pty Ltd v Floreani* [2018] WASC 101 (*Construction Contracts Act 2004* judicial review)
- *Hughes v Pluton Resources Ltd* (2017) 52 WAR 456 (*Personal Property Securities Act 2009*)

* Current as at 19 July 2026.