

NICHOLAS D C DILLON

COUNSEL & BARRISTER - AT - LAW

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PROFESSIONAL PROFILE

Background:

Nicholas Dillon was called to the bar of England and Wales in 1983 and admitted as a legal practitioner of the WA Supreme Court, the Federal Court and High Court of Australia in 1987. Nicholas was elected to the WA Bar Association in August 2001.

Before taking up practice as a barrister, Nicholas was a senior litigation partner of Corrs Chambers Westgarth and he has also been a company director including of a public listed company.

General areas of experience:

Nicholas is experienced in providing senior corporate/commercial advice, crisis management and the conduct of and appearing as Counsel in major dispute resolution/litigation projects.

Nicholas has appeared before all WA courts, the Federal Court and High Court and in many other jurisdictions including the Administrative Appeals Tribunal, Royal Commissions, Warden's Court, Coroner's Court, Federal and WA Industrial Relations Commissions and numerous specialist tribunals. However, his main jurisdiction is the WA Supreme Court and specifically actions in that Court's Commercial and Managed Cases List.

Nicholas has also appeared for clients in numerous arbitration proceedings and has been an arbitrator in a number of commercial disputes.

Areas for instructions:

Nicholas is available to accept instructions to act as Counsel to advise or appear in a broad range of civil and commercial matters. A number of specific practice areas are summarized below (in alphabetical order).

1. Construction Law*

Nicholas has acted in relation to a number of significant Construction Law disputes – including where the amount in dispute or damages exceeds \$100m. He is familiar with standard form construction contracts (AS contracts), alliancing agreements, private/public agreements and has drafted special project contracts. Over the last few years he has been engaged on a number of substantial mining infrastructure disputes. Nicholas has also acted in relation to delay claims.

2. Contract/transaction/finance disputes

Nicholas has provided assistance in settling the terms of various transaction contracts and securities documentation. Nicholas has acted in relation to a number of substantial disputes arising from breach of contract and interpretation of contracts (including international business sale agreements, franchise agreements, government tenders, guarantees and security documentation).

3. Corporations Law

Nicholas has experience in issues and proceedings relating to corporate governance, directors' duties, securities trading issues (insider trading), takeovers, liabilities of licensed security dealers/representatives, Corporations Law applications, ASIC investigations and ASX Rules compliance.

4. Defamation*

Nicholas has experience in giving advice on the conduct of proceedings in relation to defamation and contempt of court.

5. Insolvency*

Nicholas has provided advice and litigation support to receivers and managers, voluntary administrators, provisional liquidators and liquidators. Nicholas has given advice in relation to corporate workouts, strategies for debt recovery, unfair preferences and insolvent trading. He acted for various parties in matters arising from the collapse of major institutions including Teachers Credit Society, Rothwells Bank, Bond Corporation and Westpoint.

6. Insurance

Nicholas has provided advice to insurance companies and insured parties in relation to the terms of insurance contracts and the insurance industry legislation. Nicholas has acted in a number of significant professional indemnity proceedings, including a \$100m plus claim against auditors of a failed financial institution. In relation to maritime matters, he has acted for P&I Clubs, hull insurers and cargo interests.

7. Intellectual Property

Nicholas has experience in advising and acting for parties in intellectual property claims and disputes including where infringement is in issue. Nicholas also acts in relation to disputes relating to breaches of confidentiality and unlawful use of confidential information.

8. Major litigation/dispute resolution projects

Nicholas has experience in acting as Counsel in major litigation/dispute resolution projects, including those involving multiple proceedings and substantial document management. Nicholas has experience formulating strategies to bring effective management to litigation/dispute resolution projects. However, where matters have not settled Nicholas has appeared as trial Counsel.

9. Maritime Law

Nicholas has acted in relation to a number of ship arrests/releases and ship casualties (MV Kirki, MV Jarrah, Aurora Australis and HMAS "Westralia"). Nicholas has settled shipping contracts, ship sale and charter party agreements.

10. Property

Nicholas has provided advice in relation to property disputes including in relation to purchase of property, commercial and retail leasing and strata title developments.

11. Resources*

Nicholas has appeared before the Warden's Court on Mining Act tenement applications and compliance. Nicholas has appeared for parties in a number of important proceedings (in the Supreme Court and High Court) relating to Mining Act interpretation. Nicholas has advised in relation to farm in/out agreements and other mining exploration and mining agreements. He has also advised industry bodies in relation to lobbying for amendments to the Mining Act and undertaken such lobbying at Ministerial level including drafting proposed amendments. Nicholas has also acted in relation to royalty disputes and claims.

12. Competition and Consumer Act

Nicholas has acted in relation to a number of significant claims relating to contraventions of the *Competition and Consumer Act* (Sch 2 - Australian Consumer Law).

* Also see entries in "Legal Profiles – A Client's Guide to Australia's Leading Law Firms and their Practices" for the year 2000/2001 being the year before joining the Bar.