



## Chris Tam

**Eight Selborne**  
8/174 Phillip Street  
Sydney, NSW 2000

**T: + 61 2 8023 9007**

**E: [ctam@eightselborne.com.au](mailto:ctam@eightselborne.com.au)**  
[www.eightselborne.com.au](http://www.eightselborne.com.au)  
[www.linkedin.com/in/cmtam](http://www.linkedin.com/in/cmtam)

### Profile

---

Practicing principally in commercial law (corporations and insolvency, equity and class actions)

Called to the Queensland Bar in July 2010 and the NSW Bar in September 2017

Extensive experience appearing unled in the Courts and before arbitrators

Appeared in the Supreme Courts of NSW, Queensland, Victoria, WA and the ACT, Federal Court – Sydney, Brisbane and Melbourne, High Court of Australia and High Court of New Zealand

Extensive experience directly advising in-house counsel pre-proceedings concerning contractual issues, principally in the mining, engineering and ports/shipping sectors

#### **Most recent work includes:**

- appearing for and advising a director respondent in the *Forge* class action in the Federal Court and in *Forge's* liquidator's proceeding in the NSW Supreme Court against former directors
- appearing for and advising litigation funders and a law firm in the *S&P*, *Getswift* and *OzTech* class actions in the Federal Court and the *Surfstich* class action in the NSW Supreme Court
- appearing for and advising a defendant in proceedings on the Supreme Court of Queensland's commercial list concerning trusts and fiduciary duties
- appearing for and advising a building principal suing its former contractor for breach of a design and construct contract concerning a circa \$20m property development in the Supreme Court of NSW
- urgently appearing in the Supreme Court of NSW for bidders obtaining remedial orders under the *Corporations Act* to cure inadvertent contraventions during two takeovers
- appearing for and advising a group member resisting a litigation funder's application for special leave to appeal to the High Court from the Victorian Court of Appeal's judgment in the *Banksia* class action
- appearing for and advising John Hancock and Bianca Rinehart in litigation against Mrs Rinehart, Hancock Prospecting and others in the Supreme Courts of WA and NSW

#### **Other work includes:**

- appearing in a constitutional case in the High Court and in a trial in the High Court of New Zealand
- appearing unled in over 50 substantive and contested applications in the Supreme Court of Queensland, including all forms of injunctions, appearing unled in 20 trials and 10 appeals in various Queensland Courts and Tribunals and appearing unled in appeals in the Queensland Court of Appeal
- Corporations and Equity Duty matters in the Supreme Court of NSW

## Professional Activities and Affiliations

---

- NSW Bar Association – Health and Wellbeing Committee, Duty Barrister’s Scheme, Pro Bono Scheme for civil cases
- Cycling New South Wales – Judiciary Committee
- Associate to the Hon Justice JA Dodds-Streeton, Victorian Court of Appeal, Federal Court of Australia

## Education and Bar Admissions

---

BA/LLB (University of Queensland), LLM, in progress (University of Melbourne)

Queensland, NSW, High Courts of Australia and New Zealand, Singapore International Commercial Court

## Recent Publication and 2019 Presentations

---

- “The Varieties of Restitution by I Jackman SC” (2018) 92 *Australian Law Journal* 477, 480 (book review)
- “Statutory Interpretation, “gap filling” and *Lewski*” – CPD at ASIC, Sydney office, national simulcast, March 2019
- “*ASIC v Kobelt*, St Crispin’s Day Speech and Rituals – the Role of the Courts and the Bar in policing unconscionable conduct” – CPD at Eight Selborne, March 2019
- “Settlement Approvals going wrong – lessons learnt from the *Banksia Class Action*” – CPD at Squire Patton Boggs, June 2019

## 2018/19 Superior Court Judgments

---

**Takeovers – dispatch of bidder’s statement – extension** – *In the matter of Sandon Capital Investments Limited* [2019] NSWSC 1512 (leading T Rogan)

**Takeovers/off-market bid – extension** – *In the matter of Clime Capital Limited* [2019] NSWSC 1479 (leading T Rogan)

**Representative Proceedings – Special Leave** – *Australian Funding Partners Ltd v Botsman & Ors* [2019] HCATrans 102 (with CH Withers)

**Professional Negligence – Interrogatories** – *Budniak v NSW Trustee and Guardian* [2019] NSWSC 237 (unled)

**Costs** – *St Hilliers Property Pty Ltd v ACT Projects Pty Ltd (No 3)* [2019] ACTSC 32 (with PH Greenwood SC)

**Security for Costs** – *Aligned Investment Management v Aligned FM* [2018] NSWSC 1852 (unled)

**Arbitration – Stay** – *Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd* [2018] WASC 407 (with CH Withers)

**Arbitration – Stay** – *Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd* [2018] WASC 122 (with CH Withers)

**Representative Proceedings – Costs** – *Oztech Pty Ltd v Public Trustee of Queensland (No 17)* [2018] FCA 2068 (unled)

**Representative Proceedings – Opt Out** – *TW McConnell v Surfstich Group Ltd (No 2)* [2018] NSWSC 1749 (with G Rich SC)

**Representative Proceedings – Settlement Approval** – *Liverpool City Council v McGraw-Hill Financial, Inc (now known as S&P Global Inc)* [2018] FCA 1289 (with G Rich SC)

**Representative Proceedings – Injunctions** – *Webb v Getswift (No 3)* [2018] FCA 1133 (unled)

**Representative Proceedings – Opt Out** – *Webb v Getswift (No 2)* [2018] FCA 994 (unled)

**Appeal – Summary Judgment** – *Hung v Hung* [2018] QCA 087 (unled)

**Credit Contracts** – *Picos v Western Pacific Automotive Pty Ltd* [2018] NSWSC 536 (unled)

**Administrative Law – Prerogative Relief** – *Marlinspike Debt Acquisitions v The Undone* [2018] NSWSC 4; [2018] NSWSC 77; [2018] NSWSC 132 (unled)

### **Representative Ongoing Matters (Superior Courts)**

---

#### Federal Court of Australia

- **Representative Proceedings** – Acting for a director respondent in the *Forge* class action (led by M Elliott SC)
- **Directors Duties** – Acting for a company suing a former director, Commercial List, NSW Supreme Court (also [2018] FCCA 2747) and then in the transferred case to the Federal Court of Australia (led by CH Withers)

#### Supreme Court of New South Wales

- **Director's Duties** – Acting for a director defendant in proceedings brought by the liquidator of the *Forge* group (led by M Elliott SC)
- **Contracts – Warranties** – Acting for the purchaser of a business suing the vendor for breach of contractual warranties (led by R Lancaster SC)
- **Representative Proceedings** – Acting for litigation funders intervening at the settlement approval of the *Surfstich* representative proceedings (led by G Rich SC)
- **Testamentary Capacity** – Acting for the executors of a large estate in a dispute concerning the testator's testamentary capacity (led by C Harris SC)
- **Building and Construction** – Acting for a Principal suing its former Contractor for breach of a design and construct contract concerning a circa \$20m development (unled)
- **Representative Proceedings – DOCAs** – Acting for litigation funders applying to amend a DOCA which effectuated the abovementioned settlement of the *Surfstich* class action (unled)

#### Other State Supreme Courts

- **Fiduciaries** – Acting for an appellant successfully appealing a circa \$3mil summary judgment in the Queensland Court of Appeal and then defending the ongoing proceedings in the Supreme Court of Queensland, Commercial List (unled)

National Court of Papua New Guinea

- **Taxation** – Acting for the Deputy Commissioner of Taxation seeking to enforce a circa AUD 50mil tax debt in the National Court of Papua New Guinea (led by Dr J Renwick SC)

**Representative Queensland Cases**

---

- **Constitutional Law** – Acting for Queensland successfully resisting a High Court challenge to the Queensland VLAD anti-bikie legislation (led by P Dunning QC SG, A MacSparran QC and G del Villar)
- **Admiralty** – Acting for the Registrar of the Australian Register of Ships resisting an appeal in the Full Federal Court concerning the *Shipping Registration Act* (led by P Dunning QC)
- **Unreasonable Director Related Transactions** – Acting for a lender resisting the liquidator of Matthew Perrin’s companies’ proceedings concerning unreasonable director related transactions and proofs of debt, Commercial List, Supreme Court of Queensland (led by G Gibson QC)
- **Arbitration** – Acting for a party in two large building arbitrations arising from a development project, IAMA Rules (led by JB Sweeney)
- **Banking** – Acting for a Bank defending a AUD \$2 billion claim in the National Court of Papua New Guinea (led by M Varitimos CBE QC and G Beacham QC)
- **Anti-Suit Injunctions – Intellectual Property** – Acting for a company resisting an anti-suit injunction under the *Trans-Tasman Proceedings Act* in the Supreme Court of Queensland and then defending proceedings in the High Court of New Zealand concerning kiwifruit intellectual property rights (led by JB Sweeney)
- **Institutional Child Abuse** – Acting for an institution defending over 100 proceedings concerning child sexual abuse in the Supreme and District Courts of Queensland (led by RJ Douglas QC and M Fordham SC)
- **Injunctions – Appeals** – Acting for a franchisee resisting an injunction in the District Court of Queensland and then resisting the appeal from the dismissal of the injunction in the Queensland Court of Appeal (unled)