



## Chris Tam

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### Profile

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

Called to the Queensland Bar in July 2010 and to 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 a company defending proceedings in the NSW Supreme Court's Commercial List that went to a "stopwatch" final hearing over Zoom four weeks after the proceeding commenced
- appearing at a two day trial for a building principal suing its former contractor for breach of contract in the Supreme Court of NSW's Commercial List
- 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 that is listed for a 50 day trial in 2021
- appearing for 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, including appearing for a litigation funder at settlement approval of 5 class actions yielding the largest funding commission in Australian history (*Clurname/S&P class actions*)
- appearing for 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 a defendant in proceedings on the Supreme Court of Queensland's Commercial List concerning trusts and fiduciary duties, including appearing in a successful appeal to the Queensland Court of Appeal from a circa \$3m summary judgment
- 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 John Hancock and Bianca Rinehart in litigation against Mrs Rinehart, Hancock Prospecting and others in the Supreme Courts of WA and NSW

**Larger ongoing cases include:**

- appearing for and advising a purchaser of a business suing the vendor for breaches of warranties in a share sale agreement in the NSW Supreme Court's Commercial List (with R Lancaster SC)
- acting for a company bringing a *Barnes v Addy* claim against the Commonwealth of Australia in the NSW Supreme Court's Commercial List (with CH Withers SC)

**Other work includes:**

- appearing for the State of Queensland resisting the High Court challenge to the constitutional validity of anti-bikie legislation introduced by the Newman government
- appearing in a commercial trial in the High Court of New Zealand
- acting for the Deputy Commissioner of Taxation seeking to enforce a circa AUD 50mil tax debt in the National Court of Papua New Guinea
- 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

**Professional Activities and Affiliations**

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- National Sports Tribunal, Member, Legal Assistance Panel
- Former Honorary Lawyer, Cycling Queensland, chaired disciplinary proceedings arising from racing incidents and proceedings concerning team selections
- NSW Bar Association – Duty Barrister's Scheme, Pro Bono Scheme for civil cases
- Former Member, Wellbeing Committee, NSW Bar Association, Wellbeing Committee and University Relations Committees, Qld Bar Association
- Associate to the Hon Justice JA Dodds-Streeton, Victorian Court of Appeal, Federal Court of Australia

**Education and Admissions**

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

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

**2018-20 Judgments**

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**Trial – contracts** – *One Pro Baulkham Hills Pty Ltd v Ming Tian Real Property Pty Ltd* [2020] NSWSC 1043 (leading C Hamilton-Jewell)

**Trial – contracts** – *Strut Master No 2 and anor v Zircodata Services Pty Ltd* [2020] NSWSC 716 (unled)

**Trial – domestic building work** – *Smith v Chronis* [2020] NSWCATCD 5 (unled)

**Bankruptcy – Creditor's Petition** – *Liang v Dai* [2020] FCA 243 (unled)

**Trial – contracts** – *Liang v Dai* [2019] NSWDC 595 (unled)

**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)

**Bankruptcy – leave to proceed** – *Hakea Holdings Pty Ltd v Free and anor* [2018] FCCA 2747 (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)

### Sample Publication and Presentation

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- “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

### Representative Queensland Cases

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- **Constitutional Law** – Acting for Queensland successfully resisting a High Court challenge to the Queensland VLAD anti-bikie legislation (with P Dunning QC SG, A MacSporran 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* (with P Dunning QC)
- **Unreasonable Director Related Transactions** – Acting for a lender defending the liquidator of Matthew Perrin’s companies’ proceedings concerning unreasonable director related transactions and proofs of debt, Commercial List, Supreme Court of Queensland (with G Gibson QC)
- **Arbitration** – Acting for a party in two large building arbitrations arising from a development project, IAMA Rules (with JB Sweeney)
- **Banking** – Acting for a Bank defending a AUD \$2 billion claim in the National Court of Papua New Guinea (with 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 (with JB Sweeney)
- **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)