

CHEYNE JAMES CLARKE

Barrister

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Education

- Juris Doctor (with Honours) - University of Technology Sydney
- Master of Laws – University of Sydney (expected graduation 2026)

Admissions

NSW Bar

- May 2023

Solicitor

- December 2013

Experience

Barrister– Eight Selborne

- May 2023

Allens Linklaters – Disputes and Investigations

- Senior Associate - July 2018 – March 2023
- Associate - August 2017 - June 2018

Gilbert + Tobin

- Lawyer - Disputes - February 2015 - August 2017
- Graduate - Disputes - July 2014 - February 2015
- Graduate - Banking and Finance - August 2013 - June 2014

Publications

- *The threshold question: Does a security interest have to constitute a right in rem to come within the scope of the PPSA?*, Cheyne Clarke, Journal of Banking and Finance Law and Practice (2016) 27 JBFLP 6.

Selected Matters as a Barrister (June 2023 – February 2026)

- *Coastal Services Centres Pty Ltd v United Petroleum Pty Ltd* [2023] NSWSC 1010 - acting for the lessor in a contractual dispute regarding the termination of a lease (led by Daniel Klineberg).
- *United Petroleum Pty Ltd v Coastal Services Centres Pty Ltd* [2023] NSWCA 97 – acting for the successful respondent in an appeal against the decision in *Coastal Services Centres Pty Ltd v United Petroleum Pty Ltd* [2023] NSWSC 1010 (led by Daniel Klineberg).
- *INPEX Operations Australia Pty Ltd v AIG Australia Limited & Ors* (CV 1631 of 2020) - acting for insurers in a dispute concerning claims made for alleged damage to the Ichthys LNG plant under a Construction Risks insurance policy (led by Todd Marskell and Ben Willesee).

- *Lam v Liu* [2025] NSWCA 254 – acting for the successful respondent in an appeal regarding the enforceability of an agreement to indemnify in respect of a judgment debt in the People’s Republic of China (led by James Willis).
- *Hanave Pty Ltd v Nomad Sydney Pty Ltd* (2025/00179186) - acting for insurers in a subrogated claim brought in the name of the owner of a building against the occupier of the building for recovery of loss suffered as a result of a fire at the building.
- *Acciona Infrastructure Australia Pty Ltd v Zurich Insurance plc UK Branch & Ors* (2019/00310776) - acting for insurers in a dispute concerning claims made for alleged damage to construction works on the Bruce Highway near Caboolture in Queensland under a Construction Risks insurance policy (led by Todd Marskell).

Selected Matters as a Solicitor (July 2014 – March 2023)

- Acting for Westpac Banking Corporation and two of its subsidiaries, in a class action in the Federal Court of Australia in relation to allegations concerning the sale of consumer credit insurance.
- Acting for Westpac Banking Corporation in proceedings commenced by ASIC in the Federal Court of Australia in relation to allegations concerning the sale of consumer credit insurance.
- Advising a subsidiary of a UK based investment firm, Man Investments Australia Limited, concerning an investigation into a multi-million-dollar employee fraud. This included bringing a *Mareva* injunction to freeze the defendants' assets, tracing the misappropriated funds to the defendants' assets and ultimately recovering the remaining funds.
- Acting for CIMIC in a multi-million-dollar securities class action in the Federal Court of Australia in relation to alleged bribery and corruption in Iraq.
- Advising one of the Big 4 retail banks in relation to ASIC's Close and Continuous Monitoring Program, including preparing senior executives for interviews with the regulator.
- Advising an investment bank in relation to ASIC's Close and Continuous Monitoring Program.
- Acting for Anglo American Coal Ltd in a multibillion-dollar dispute in the Queensland Supreme Court regarding the interpretation of a hardship provision in a coal supply agreement.