Andrew B Emmerson

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Admissions
Bar: 2019
Solicitor: 2008

Practice areas

Arbitration (Domestic and International)
Building and Construction
Class actions (Representative Proceedings)
Competition and Consumer Law
Corporations and Insolvency
Equity and Property
Professional Negligence
Tax and Duties

Academic
2016: LLM, Public and International Law (The University of Melbourne)
2006: BA/LLB (Hons) (The University of Melbourne)

Associateship/internship
2009: Intern, 6th Committee (International Law), Australian Mission to the UN, NYC
2008-09: Associate to the Honourable Justice Middleton, Federal Court of Australia

Prior legal experience
July 2013 to August 2019: Senior Associate, Baker McKenzie (Sydney)
April 2008 to June 2013: Associate, Baker McKenzie (Melbourne and Sydney)
March 2007 to March 2008: Articled Clerk, Baker McKenzie (Melbourne)

Andrew has experience preparing trials and appeals in most civil courts and tribunals.

As a solicitor, Andrew practised principally in commercial litigation, with experience in international and domestic arbitration, administrative law, building and construction disputes, insolvency, professional disciplinary proceedings, professional negligence, mining and energy joint venture disputes, representative proceedings, shareholder disputes, commercial property and tax disputes.

Andrew was a member of Baker McKenzie's Global Compliance and Investigations group, with experience in export control, trade sanctions, foreign bribery and corruption and criminal cartel investigations, acting for both individuals and corporations. He was a recommended Senior Associate in Legal500 Asia Pacific for Regulatory, Compliance and Investigations (2018, 2019).

Andrew was seconded to the Litigation Counsel role at Optus for three months in 2018.

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Appellate

- *Bo v Costi Cohen Pty Ltd* [2026] NSWCA 14 – security for costs on appeal
- *Gillespie v Gillespie* [2025] NSWCA 24 – derivative leave application (led by Mr J Hewitt SC)
- *KPE Superannuation Fund Pty Ltd v QRM Holdings Pty Ltd* [2022] NSWCA 284 (led by Mr J Hewitt SC)
- *Walton v ACN 004 410 833 Limited (formerly Arrium Limited) (in liq)* (2022) 275 CLR 508 – public examination power (led by Mr J Kirk SC)
- *ACN 004 410 833 Ltd (formerly Arrium Limited) (in liq) & Ors v Michael Thomas Walton* (2020) 383 ALR 298 (led by Mr PD Herzfeld SC)
- *Mistrina Pty Ltd v Australian Consulting Engineers Pty Ltd* [2020] NSWCA 223 – (led by Mr T Marskell)

Inquiries

- *Operation Rosny* – investigation by the Independent Commission Against Corruption (NSW) – appearing for an interested party (led by K Morgan SC)

First instance

- *Gillespie v Gillespies Cranes Nominees Pty Ltd & Ors* – [2026] NSWSC – judgment reserved – breach of discretionary trust (led by Messrs A J Bannon SC and J Hewitt SC)
- *BIG Review TV Pty Ltd & Anor v FC Securities & Ors (No 2)* [2026] FCA 1392 – breach of directors' duties and accessorial liability – (led by Mr J. Potts SC)
- *Re Ultra Commerce Holdings (Administrators Appointed)* [2026] FCA 821 – s 65-45 IPS application for relief on single administrator account
- *Blundell v Ashrafinia in the matter of Packstore Australia Pty Ltd* [2026] FCA 710 – breach of directors duties; liquidator recovery action
- *Re Yamari Ochre Pty Ltd (in liq) (No 2)* [2026] NSWSC 59 – member oppression (costs)
- *Re Yamari Ochre Pty Ltd (in liq)* [2025] NSWSC 1498 – member oppression
- *Alexiou v ANZ (Privilege)* [2025] FCA 1697
- *Special Gold Pty Ltd (in liq) v Dyldam Developments Pty Limited (subject to a Deed of Company Arrangement) (No 2)* [2025] FCA 825 (led by Mr D. Cook SC)
- *Re Dyldam Developments Pty Ltd* [2025] FCA 766 – relief under s 90-15 Insolvency Practice Schedule to amend a Deed of Company Arrangement (led by Mr D. Cook SC)

- *Pascoe (in his capacity as administrator of the Estate of the Late Kut Sze Tu and as constructive trustee)* [2024] NSWSC 738 – application for judicial advice (led by Mr J Stoljar SC)
- *Ballast Holdings Pty Ltd v Leonite Capital (No 2)* [2024] FCA 142 – costs on successful application to set aside statutory demand
- *Ballast Holdings Pty Ltd v Leonite Capital* [2023] FCA 1245 – costs on successful application to set aside statutory demand
- *Bluesky Consultancy (Aust) Pty Ltd v Study Group Australia Pty Limited* [2023] NSWSC 705 – costs on defending application for preliminary discovery
- *Racing New South Wales v Racing Victoria Limited (No 2)* [2023] NSWSC 576 – preliminary discovery
- *Andrianakis v Uber Technologies Inc & Ors; Taxi Apps Pty Ltd v Uber Technologies Inc & Ors* [2022] VSC 196 – application challenging claims to client legal privilege (led by Mr A J Bannon SC and Mr R Yezerski)
- *G&S Engineering Services Pty Ltd v MACH Energy Australia Pty Ltd (No 3)* [2020] NSWSC 1721 - application for leave to amend (led by Mr M Christie SC and Dr B Kremer)
- *NSP Property Holdings Pty Ltd v AOL Express Pty Ltd & Ors* (November 2020) – successful application to set aside default judgment (*ex tempore* judgment)
- *Wang Lawyers Pty Ltd v Xu* (September 2020) – acted for successful defendant in claim for unpaid legal costs (*ex tempore* judgment)
- *In the matter of LCW Property Holdings Pty Ltd (deregistered)* [2020] NSWSC 71 – reinstatement application (led by Mr J Hewitt)

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Representative matters as solicitor

Arbitration

- Private arbitration (international, SIAC rules): seeking replacement of bank guarantees required under building and construction contract.
- Private arbitration (domestic) - Representing mining company in arbitration with contractor relating to negligent design and construction of equipment installed at mine site.

- Private arbitration (domestic) - representing private company involved in Commonwealth construction project.

Class and Funded Actions

- *Petersen Superannuation Fund Pty Ltd v Bank of Queensland & Anor* - acting for litigation funder in class action as intervener in settlement approval and common fund order application.

Corporate and Commercial - general

- *Masters Home Improvement Australia Pty Ltd v Aventus Cranbourne Thompsons Road Pty Ltd* [2019] VSC 428 - successfully acting for Tenant where Landlord unreasonable withheld consent to sublease.
- *Outback Energy Hunter Pty Ltd v New Standard Energy PEL 570 Pty Ltd* [2018] SASC 8 - Joint venture dispute acting for Defendant / Appellant - Full Court of South Australia (reserved).
- *Evolution Group (Vic) Pty Ltd v Pakenham Retail Centre Pty Ltd & Masters Home Improvement Australia Pty Ltd* - Acting for Masters in defending significant breach of lease / permitted use claim in VCAT as part of portfolio leasing dispute work.
- Advising foreign company in relation to restraints of trade in exclusive distribution arrangement (confidential - ongoing).
- *AMPCI & Anor v Parsons Brinkerhoff & Ors* - acting for Plaintiffs in NSW Supreme Court proceedings in claims against traffic forecasters for misleading and deceptive conduct and professional negligence arising from infrastructure investments in the Lane Cove Tunnel.
- *Ange v Coffey Projects (Australia) Pty Ltd & Ors*; *Leto v Coffey Projects (Australia) Pty Ltd; Khoury v Coffey Projects (Australia) Pty Ltd*: Supreme Court of NSW and Court of Appeal proceedings regarding professional negligence, misleading or deceptive conduct claims arising from fraudulent investment.
- *Greg Wheeler Contracting Pty Ltd v TransGrid* - (Supreme Court of NSW) Representing State Owned Corporation in defending NSW Supreme Court claim by unsuccessful tenderer for breach of contract arising from tenders the subject of an ICAC investigation.
- Members schemes of arrangement.

Compliance / Confidential Investigations

- 2019 (ongoing) - advising on warrant, investigation and threatened criminal cartel proceedings.
- 2018 (ongoing) - representing an individual in relation to AFP investigation into foreign bribery and corruption allegations.
- 2018 - investigation and advising listed US multination and local Australian subsidiary in relation to Local Council tender and secret commissions in Australia.
- 2017 - acting for purchaser under contractual warranty claim in relation to business valuation and fraud claim.
- 2013-2015 - Beam Inc - DOJ self-reporting investigation concerning bribery and corruption in relation to operations in India.
- General anti-bribery and trade sanctions advice to local and multinational corporations.

Insolvency and Restructuring

- *Re Oceanlinx Limited (Receivers & Managers Appointed) (In Liquidation)* - Federal Court of Australia acting for Receivers.
- *Forge Group Power Pty Limited (receivers and managers appointed) (in liquidation) v General Electric International, Inc & Ors* [2016] NSWSC 52 - acting for second and third defendants in dispute concerning title to gas turbines located in Western Australia under the *Personal Property Securities Act 2011* (Cth).

Insurance / Negligent design and manufacture

- *BioVision 2020 Pty Ltd & Anor v CGU Insurance & Ors* [confidential settlement 2014] - Supreme Court of Victoria proceedings acting for plaintiffs in complex equipment failure claim against designer, manufacturer and ISR insurer.

Public law advisory / Judicial Review / Tribunals

- *Asbestos Injuries Compensation Fund Limited* [2018] NSWSC 589; *Talifero v Asbestos Injuries Compensation Fund Limited* [2018] NSWCA 227: acting for Trustee in application for judicial advice.
- *Bolton v ASIC and Commissioner of Taxation* VID90/2018 - Federal Court of Australia proceedings regarding s 39B application for judicial review of GST ruling.
- *Bolton v ASIC* - AAT Reference 6020/2015 - AAT proceedings regarding challenge to ASIC decision to disqualify director.
- *Signode v Comptroller General of Customs* - representing applicant in the Administrative Appeals Tribunal on tariff classification and duty dispute.

- Representing the Professional Conduct Committee (PCC) in disciplinary tribunal matters for the Chartered Accountants Australia NZ, including lead advocate for PCC.
- *Cantarella v Australian Securities & Investments Commission* - Administrative Appeals Tribunal proceedings to overturn Freedom of Information decision by ASIC to release s 533 Report.

Professional negligence - valuation for mortgagors

- *Investec Bank Australia Limited v CBRE Pty Ltd* - NSW Supreme Court proceedings for negligent valuation.
- *Investec Bank Australia Limited v Morris Martin & Jones* - Federal Court proceedings for negligent valuation.

Tax

- *Audit* - advising international clients on privilege issues arising from transfer pricing and Multinational Anti-Avoidance Law (MAAL).
- *Googong Property Pty Ltd v Commissioner of State Revenue* - land tax dispute in Supreme Court of NSW for Land Tax primary production exemption (including reparcelling application to Property NSW).
- *Wild Oaks Properties Pty Ltd & Anor v Commissioner for State Revenue* - land tax dispute in Supreme Court of NSW for primary production exemption.
- *Wild Oaks Properties Pty Ltd v Valuer General* - reparcelling application and dispute with to Property NSW before Land and Environment Court.

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Interests/Memberships

Kooyong Lawn Tennis Club, Melbourne, VIC

Melbourne Cricket Club, VIC

North Bondi Surf Lifesaving Club – Boys U12s Age Manger; Patrolling Member

Sporting Club of Sydney, Moore Park, NSW

Woollahra Golf Club, Rose Bay NSW