

GREG LAUGHTON SC

Barrister | Arbitrator | Mediator

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PROFESSIONAL EXPERIENCE

With over 30 years at the Bar, I have considerable experience acting for, and advising, clients globally, in complex cross-border maritime commercial, building and construction, professional negligence and insurance-related disputes.

Complementing his practice, I have a strong interest in alternative dispute resolution, and in particular, international commercial arbitration. With chambers in Sydney and London and possessing specialised knowledge and expertise in commercial, maritime and building and construction disputes, I have appeared in local and overseas jurisdictions, including Sydney, Hong Kong, London, Dubai and Frankfurt, with respect to commercial arbitrations and mediations as counsel, arbitrator and mediator, affording me a true global perspective.

I am a member of the Chartered Institute of Arbitrators, a graded arbitrator with the Institute of Arbitrators & Mediators, Australia, a BarADR approved arbitrator by the NSW Bar Association and a Fellow of the Australian Centre for International Commercial Arbitration (ACICA). I am also an accredited mediator under the Australian National Mediator Accreditation Standards and a court-appointed mediator by the Supreme and District Courts of New South Wales.

In 2015 I was awarded the Australian Arbitration Barrister of the Year in the Lawyer Monthly Legal Awards and in 2018 was selected by my peers for inclusion in Best Lawyers in Australia for his work in Product Liability Litigation.

APPOINTMENTS AND ADMISSIONS

- Admitted to the Bar of England and Wales - 2015
- Appointed Senior Counsel (and entitled to practise in all Australian jurisdictions) - 2003
- Admitted to the Bar of New South Wales - 1982

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PRINCIPAL AREAS OF PRACTICE

- International Commercial & Maritime
- Building & Construction
- Commercial
- Public & Product Liability
- Professional Negligence
- Insurance Law

PROFESSIONAL QUALIFICATIONS

- Master of Laws (International Business and Economic Law): University of New South Wales - 2008
- Diploma in International Commercial Arbitration: University of New South Wales - 2007
- Professional Certificate in Arbitration: University of Adelaide - 2006
- Diploma of Law: Legal Practitioners Admission Board - University of Sydney - 1982

PROFESSIONAL MEMBERSHIPS AND APPOINTMENTS

- Chairman and Head of Chambers - Thirteen Wentworth Selborne Chambers, Sydney
- Consultant to Hardwicke Chambers - London
- Fellow - Australian Centre for International Commercial Arbitration (ACICA)
- BarADR Approved Arbitrator - New South Wales Bar Association
- Member - Chartered Institute of Arbitrators
- Graded Arbitrator - Institute of Arbitrators & Mediators Australia
- Accredited Mediator - Australian National Mediator Accreditation Standards
- Member - LEADR
- Court-Appointed Mediator - Supreme and District Courts of New South Wales
- Registered Mediator – Civil Mediation Council (UK)

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- *Shareholders Rights* - seminar conducted for New South Wales solicitors
- *Practice and Procedure* - Interpleader (Thomson Reuters)
- *Expert Evidence* - seminar conducted for New South Wales solicitors
- *Drafting Dispute Resolution Clauses* - seminar conducted for New South Wales solicitors
- *Presenting Persuasive Arguments* - Thomson Reuters
- *Advanced Commercial Litigation* - Webinar Seminar
- *Establishing Reliance for Misleading and Deceptive Conduct* – Webinar Seminar
- *Cross Cultural Awareness and Communication in Asia*- ACICA Seminar

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ACADEMIA

- Teacher - Australian Bar Association International Faculty to Bangladesh: since 2005
- Director - New South Wales Bar Practice Course: 1999 to 2001
- Teacher - Australian Advocacy Institute
- Teacher - New South Wales Bar Association
- Course Director ACICA – Advocacy in International Arbitration 2018

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SELECTED CASES

I have extensive experience appearing in complex hearings and appeals in a wide variety of jurisdictions, including the High Court of Australia, Federal Court of Australia, Supreme Court of New South Wales and inferior courts. I have also conducted litigation in all States of Australia. Select cases are as follows.

- ***Gram Engineering Pty Limited v BlueScope Steel*** (2014) FCAFC 107; 26 August 2014;
Full Court of the Australian Federal Court

Acted for the owner of a registered design on its assessment of damages following findings of infringement of a registered design

- ***Joseph v Commissioner of Police*** [2017] NSW CA 31 (6 March 2017) New South Wales Court of Appeal;

Administrative Law on the entitlement of the Appellant to a Firearms Dealer License

- ***Bestcare Foods Ltd (subject to a Deed of Company Arrangement)*** [2013] NSWSC 1673; and
18 December 2014; NSWSC 183
New South Wales Supreme Court (Equity Division)

Appeared for the Directors of Bestcare Foods Limited in proceedings against the Administration of the company which clarified:

- the circumstances in which a Deed of Company Arrangement can be terminated upon a company in administration returning to solvency; and
- the Administrators remuneration can be reviewed by a Court.

- ***Hampton & Farley*** [2013] FamCA 213 (5 April 2013)
Family Court of Australia

Concerning the circumstances in which a constructive trust will arise based on a representation of future intention.

- ***Carbone v Calabria Community Club Pty Ltd*** [2013] NSWSC 998 (26 July 2013)
New South Supreme Court (Equity Division)

Dealt with the obligations of the Directors of a community based corporation to its members and the circumstances in which a Company can be wound up on just and equitable grounds.

- ***State of New South Wales v Tyszyk*** [2008] NSWCA 107
New South Wales Court of Appeal

Dealt with the liability of police in emergency situations and the liability of the owner of commercial premises to an innocent passerby.

- ***Chandos Development Pty Limited v Mulkearns & Anor*** [2008] NSWCA 62
New South Wales Court of Appeal

Dealt with the circumstances in which a vendor of commercial property could terminate a contract for sale of land for breach by a purchaser, notwithstanding its own breach.

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- ***Erect Safe Scaffolding (Australia) Pty Limited v Sutton*** [2008] NSWCA 114
New South Wales Court of Appeal

The construction of an indemnity clause in a subcontract between a builder and a scaffolder was considered, in the context of an insurance policy, covering public liability of the builder.

- ***Coshott v Principal Strategic Options Pty Limited*** [2004] FCAFC 50
Full Court of the Australian Federal Court

Dealt with the principles of damages and causation in relation to a wrongly obtained injunction.

- ***Nominal Defendant v Gardikiotis*** (1996) 186 CLR 49
High Court of Australia

Clarified in favour of the insurer, the liability to pay damages for fund management for catastrophically injured plaintiffs.

- ***Andjelic v Marsland*** [1996] HCA 55
High Court of Australia

Clarified in favour of the insurer the obligation to pay damages for funds management to injured plaintiffs.

- ***Columbia Coffee and Tea Pty Limited & Ors v Churchill & Ors*** (1993) 9 ACSR 415
New South Wales Supreme Court

Major case involving the negligence of the auditor of an international coffee trading company. The case clarified the Australia position on the scope of the duty of care of auditors.

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OTHER SIGNIFICANT MATTERS APPEARING AS SENIOR COUNSEL, ARBITRATOR AND MEDIATOR

Alternative Dispute Resolution

Appeared in numerous arbitrations and mediations in commercial, building and construction, maritime and professional negligence matters.

As Arbitrator

HKIAC

Arbitration between two shareholders of an international trading company involving multiple disputes concerning shareholder and director's conduct and entitlements.

ICC

Arbitration between a maintenance provider and an aircraft owner concerning a dispute about the entitlement of the maintenance provider to hold his aircraft pursuant to a contractual lien.

ACICA

Arbitration in Hong Kong between a software provider and an international company about the fitness for purpose of the software.

Ad Hoc Arbitration in Sydney about the entitlement of the police to use documents seized on a warrant.

Ad Hoc Arbitration between two shipping companies about the entitlement of a shipping company for compensation about non-use of cargo space pursuant to a slot agreement.

Ad Hoc Arbitration in Hong Kong between a software supplier and a bank concerning the fitness for purpose of administration software supplied to the bank.

International Commercial and Maritime

Advised and appeared in disputes concerning jurisdiction and cross-border legal issues and in maritime and construction cases, insolvency, sale of goods and general commercial disputes.

International Commercial Arbitrations

Involved in various international commercial and maritime arbitrations in the following jurisdictions.

Appeared for:

In Hong Kong

- Two container shipping companies over the terms of, and the amount due, under a Slot Agreement.
- A computer hardware and software supplier and a Hong Kong financial services company over the quality of the computer equipment and software supplied.

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- The CEO of a container shipping company and the company, about whether the CEO was wrongfully dismissed and the amount of compensation owed by the company under the CEO's employment agreement.
- The head contractor and a sub-contractor about the value and quality of work performed in a major construction dispute.

In Dubai

- A CEO in a wrongful dismissal claim by his employer.

In Germany

- An IT provider and a head contractor about the supply of IT services in 120 countries; wrongful termination of a services agreement and unpaid invoices for services rendered.

In London

- Recovery of significant sum due under a guarantee of a Hong Kong registered Company.
- For the Plaintiff in a dispute concerning breaches of a Shareholders Agreement between two Hong Kong residents.
- An IT provider and head contractor for the supply of IT Services.
- A telecommunications company for the sale of its infrastructure.
- Both cases above were mediated in London before the arbitration.

In Australia

- Two telecommunications companies about the terms of a Supply Agreement and other amounts due under it.
- Two telecommunications companies about the ownership of the intellectual property in Apple I telephone application and the amounts due under an agreement to export it.

Maritime

- Advised and appeared in disputes concerning charter parties; cargo and general shipping disputes.

Construction/Infrastructure

- Acted for head contractors; specialist sub-contractors and government and local government departments in both national and cross-border disputes involving:
 - Infrastructure - roads; rail; bridges and ports;
 - Commercial high rise; and
 - High and low rise residential

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Including:

- Engineering;
- Design;
- Defective workmanship;
- Breach of contract and statutory warranty;
- Delay and liquidated damages;
- Security of payment.

Professional negligence of:

- Engineers - civil; electrical; mechanical;
- Architects;
- Quantity surveyors;
- Building surveyors; and
- Payment managers.

Insurers and re-insurers of risks associated with the construction and infrastructure projects, and quantum claims for:

- Builders/construction;
- Design;
- Landlord;
- Underground services locator; and
- Business interruption.

International Estates

- Advised on and appeared in matters involving cross-border estate disputes, including property; equities; and tracing cash and other assets.

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