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## PERSONAL INFORMATION

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### **Faye Ashworth**

BARRISTER

Wardell Chambers

Level 10, 111 Elizabeth Street

SYDNEY NSW 2000

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E: chambers@fayeashworth.com

Areas of practice include:

- Building and Construction
- Commercial
- Conflict of Laws
- Disciplinary proceedings
- Equity
- Insurance
- Oil and Gas
- Real Property
- Transportation (Maritime and Aviation)

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## ACADEMIC CREDENTIALS

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### **Bachelor of Civil Law**

*University of Oxford*

Courses undertaken:

- Evidence
- Principles of Civil Procedure
- Conflict of Laws
- International Law of the Sea

### **Graduate Diploma of Legal Practice**

*College of Law*

### **Assistant Dean**

*St Mark's College* (a University college affiliated with the University of Adelaide)

- In conjunction with the Master and Dean, responsible for the academic and administrative management of St Mark's College

### **Senior Law Tutor**

*St Mark's College*

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## **Bachelor of Laws**

*University of Adelaide*

## **CAS Hawker Scholarship**

- Awarded the CAS Hawker Scholarship (known as 'Australia's Rhodes')

## **L E G A L   E X P E R I E N C E**

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### **Barrister**

**2013 – 2022**

Since being called to the Bar in 2013, I have developed a successful commercial practice across multiple jurisdictions, including internationally, and involving diverse areas of law. I regularly appear unled, primarily in the Supreme Court of New South Wales, but also in courts and tribunals in Western Australia, Tasmania, Victoria and the Northern Territory. My led practice relates to high value commercial litigation and international arbitration. Further, I maintain an extensive opinion practice frequently raising complex questions of law and/or equity.

#### **Matters include:**

- *LCT-MRE Nominees Pty Ltd & Anor v Thiess Pty Ltd, John Holland Pty Ltd & CIMIC Group Ltd* (led by Braham SC with Simpson): Appearing for contractor in defence of high value claim in the Supreme Court of New South Wales regarding design and construct contract in relation to tunnel infrastructure.
- *Ord Irrigation Co-Operative Ltd v Department of Water and Environmental Regulation* [2020] WASAT 68: Appeared (leading Douglas-Baker) for OIC (a major water infrastructure operator) on behalf of 67 irrigator members in successful merits review proceedings in respect of a decision to reduce annual water entitlement under the largest volume water licence in Western Australia, heard by a three-member tribunal over two weeks in Kununurra. Those proceedings had been remitted following a successful appeal (led by Walker SC) to the Western Australia Court of Appeal in judicial review proceedings: [2018] WASCA 83.
- *Law Society of Northern Territory v Wyvill* [2020] LPDT (led by J Kirk SC with Robertson): Appeared for senior counsel before the Legal Practitioners Disciplinary Tribunal of the Northern Territory in successful defence of multiple allegations of professional misconduct and unsatisfactory professional conduct relating to comments regarding a judicial officer and commissioner of inquiry, and evidence in Supreme Court proceedings.
- *In the matter of an arbitration pursuant to the UNCITRAL Rules* (led by Rowland QC): Appeared for contractor in international arbitration with a Singapore seat in defence of claim exceeding \$1 billion in relation to EPC contract for the construction of major LNG infrastructure. Addressed the three-member tribunal in closing submissions on the entitlement to and proper measure of damages, contractual indemnities and other relief, and conducted cross-examination of key expert witness and witnesses of fact, being professors or professional scientists.

- *Southern Cross Care (Tasmania) Incorporated v Paul* [2019] HCASL 45 (led by Walker SC): Appeared for and advised Southern Cross Care at first instance and on successful appeal ([2018] TASFC 9) and response to application for special leave therefrom, regarding the exemption from local government rates for land owned and occupied exclusively for charitable purposes.
- *Sigma Pharmaceuticals (Australia) Pty Ltd v Wyeth & Anor* [2018] FCA 1556 (led by Darke SC): Appeared for adversely affected party (generic pharmaceutical product manufacturer based in Greece) in six week trial in successful claim under undertakings as to damages in patent infringement proceedings.
- *In the matter of PrimeSpace Property Investment Ltd* (unled): Appeared (in the Supreme Court of New South Wales) for and advised liquidators in relation to issues arising in liquidation involving debts exceeding \$25 million, including commencement and settlement of proceedings against former solicitors of company for claim exceeding \$20 million and defence of proceedings brought against company in relation to complex multi-party transactions entered into over extended period by company in capacity of trustee and responsible entity of various trusts and managed investment schemes.
- *Lifeplan Australia Friendly Society & Anor v McGraw-Hill Financial Inc & Ors* (led by Walker SC/Hoffmann QC): Appeared for applicants and group members in representative proceedings against Standard & Poor's entities in relation to rating of complex financial products (synthetic collateralised debt obligations and constant proportion debt obligations) with losses exceeding \$50 million. Claims included misleading or deceptive conduct and false or misleading statements under the *Corporations Act 2001* (Cth) and the *Australian Securities and Investments Commission Act 2001* (Cth), and negligent misstatement.
- *Allianz Australia Insurance Ltd v Mercer* [2016] TASFC 2 (led by Rich SC): Appeared for insurer in remitted proceedings ([2014] TASSC 69) and on appeal regarding date of discoverability, commencement of limitation period and accrual of cause of action.
- *Patrick Stevedores Operations (No 2) Pty Ltd v McConnell Dowell Constructors (Aust) Pty Ltd* [2014] NSWSC 1413 (led by Rowland QC): Appeared for the Plaintiff in successful judicial review proceedings declaring void \$23 million adjudication determination, including involving consideration of the accrual of reference dates under the *Building and Construction Industry Security of Payment Act 1999* (NSW) following termination of a construction contract.

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## Senior Associate – Clayton Utz, Sydney

2008 – 2010

Employed as a Senior Associate, and previously as a Lawyer, within the litigation practice of the Construction & Major Projects Group.

### Matters included:

- Acted on behalf of a major statutory corporation in respect of disputes arising during the construction phase of the highest value public-private partnership project in Australian history (valued at \$3.6 billion) in respect of the largest single acquisition of rail rolling stock in Australia.
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- Acted on behalf of the contractor in respect of disputes relating to the construction of a power generation facility in Western Australia (valued at \$500 million), including successful security of payment claim exceeding \$16 million.
- Acted on behalf of the principal in an expedited arbitration in relation to a major rail design and construct contract in defence of various claims (\$130 million) and in respect of its cross-claims (\$110 million).

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## **Lawyer – Thomson Playford, Sydney**

**2006 – 2008**

Employed as a Lawyer, and previously as a Law Clerk, at Thomson Playford (now known as Thomson Geer) in Insurance Litigation and Commercial Litigation.

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## **S E L E C T E D   O T H E R   A C H I E V E M E N T S   A N D A C T I V I T I E S**

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<b>Non-Executive Director</b> , Wardell Chambers Pty Ltd	2019 – 2022
<b>Finalist</b> , Barrister of the Year, Australian Law Awards	2019
<b>Captain</b> , University College MCR Croquet Team	2012
<b>Captain</b> , University College Women’s Cricket Team	2012
Member, University College Women’s Rowing Crew	2011 – 2012
Member, St. Anne’s College Women’s Rowing Crew	2010 – 2011
<b>Non-Executive Director</b> , Bethesda Christian College Inc	2002 – 2006
<b>Deputy Chairperson</b> , Beyond Participation Inc	2001 – 2006
Member, St. Mark's College Women's Cricket Team	2004 – 2005
<b>Hawker Scholar</b> - Recipient of the Charles Alan Seymour Hawker Scholarship: ‘Australia’s Rhodes’ ( <a href="http://www.hawkerscholarship.org">www.hawkerscholarship.org</a> )	2000 – 2004
<b>South Australian Youth Governor</b>	2004
<b>Captain</b> , St. Mark's College Debating Team	2001 – 2004
Recipient of a <b>Centenary Medal</b>	
Awarded by the Governor-General of Australia ‘[f]or service to the community, particularly through the youth parliament’ (see <a href="http://www.pmc.gov.au/government/its-honour">www.pmc.gov.au/government/its-honour</a> ).	2003
Finalist, <b>Young South Australian of the Year</b>	2003
Winner of the <b>South Australian Youth Inspiration Award</b>	2003
<b>Colours</b> , St. Mark's College Debating	2000