

Curriculum Vitae of Gregory Allan Laughton SC

Name: Greg Laughton

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Date of birth: 25 January 1954

**Appointed
Senior Counsel:** 1 October 2003

**Academic
Qualifications:** **Professional Certificate in Arbitration**
University of Adelaide, 2006.
Diploma in International Commercial Arbitration, University
of New South Wales 2007.
Master of Laws 2008
University of New South Wales in international business and
economic law, including the following subjects:

- **European Union Economic and Trade Law**, University of
New South Wales – Awarded the Dean's Prize for the highest
mark, 2008.
- **Global Issues in Competition Law**, University of New
South Wales, 2008.
- **International Trade Law**. University of New South Wales –
Awarded the Dean's Prize for the highest mark, 2008.
- **Cross Border Jurisdictional Issues in International
Litigation**, University of Sydney, conducted in Berlin 2007.
- **Performance and Remedies in Contract Law**, University of
New South Wales – Awarded the Dean's Prize for the highest
mark, 2008.

Diploma of Law 1982
Legal Practitioners Admission Board – University of Sydney, 1982.

**Admitted to
NSW Bar:** 11 June 1982

**Admitted
to practice:** **Bar of England and Wales**,
The High Court of Australia,
The Federal Court of Australia and
All States and Territories of Australia.

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of
Gregory Allan Laughton SC**

**Admissions and
Memberships:**

Member
Chartered Institute of Arbitrators
Graded Arbitrator
Institute of Arbitrators & Mediators Australia
Accredited Mediator
Under the Australian National Mediator Accreditation Standards
2008
LEADR
Association of Dispute Resolvers
Appointed Mediator
Supreme and District Court of New South Wales

**Teacher of
Advocacy**

The Australian Advocacy Institute,
The New South Wales Bar Association,
Director of New South Wales Bar Practice Course,
1999 to 2001,
Teacher, Australian Bar Association International Faculty to
Bangladesh, 1995 to date.

Languages:

English - mother tongue
Basic German, reading and writing.

**Other
Responsibilities:**

Head of Chambers, 13 Selborne Chambers,
174 Phillip Street, Sydney.

Interests:

Reading; walking; gardening; golf; travelling.

Summary of Experience

As a Senior Counsel, my areas of expertise are litigation, dispute resolution and related advice work in the areas of:

- Alternate Dispute Resolution, particularly arbitration and mediation
- International Commercial
- Building and Construction
- Public and Product Liability
- Professional Negligence
- Insurance Law

International Commercial

Advising and appearing in disputes about jurisdiction and cross-border legal issues and in construction; insolvency; sale of goods and maritime cases.

Construction and Projects

Most recently I have advised members of a joint venture agreement who own extensive real estate in Sydney, Australia. This specific land project has been zoned for development and I am advising on the following legal issues:

- A joint venture agreement between land owners and planning authorities including all initial organisational, zoning and planning agreements.
- Regulatory and compliance advice as to the local planning council and state government enacting legislature.
- Steps to avoid a “nuisance” on adjacent property, consisting of a gas fired electricity generating plant.
- Recent statutory and compliance advice to joint venture parties who own several hundred hectares of land in project, on an application for a “planning permission” for the construction of new communities and local surrounding suburbs within this area. This matter is currently before the NSW courts.
- The joint venture construction project on various other building, structure and surrounding property infrastructure development issues:
 - Road and transport links including bus and rail interface;
 - Water reticulation and sewer treatment and reuse;
 - Stormwater retention detention and reuse;
 - Environmental aspects including flora and fauna preservation;
 - Creek diversions and water management issues associated with the natural watercourses running through the area;
 - Road construction and drainage aspects including access issues to an adjacent expressway.

The total value of the infrastructure project is substantial. It includes:

- Approximately 3,000 building blocks
- Space for schools and playing fields
- Shops and indoor leisure facilities

I have advised clients about, and appeared in mediation of a dispute between the client and the owners of a block of luxury apartments built on reclaimed and remediated land near Sydney harbour. As a result of the previous use of the land certain toxic materials had begun to surface causing a substantial environmental issue. Parties to the dispute included:

- Geotechnical experts
- Engineers
- Architects, and
- The local council

Currently part heard in an arbitration between a major construction client and the cabinet makers involving the poor finishing of a 240 apartment complex in the centre of Sydney involving potential damages of approximately \$AUS3M.

Appeared (as advocate) in three other complex building mediations this year:

- Advised on the legal issues about the alleged poor workmanship in the construction of an office complex in the Sydney CBD;
- Advised about the legal aspects of a block of townhouses near Sydney built to inadequate and negligent standards
- Advised a property project developer of substantial land ownership in the northern suburbs of Sydney in a dispute with a local council authority over the inferior conditions of a project development proposal which concerned floor space ratios, which resulted in the approvals to allow an additional 55 apartments being built on the development site which increased the value of the site by approximately \$AUS50M.

Acted for a number of road authorities, including municipal councils, concerning road, highway, freeway and bridge construction issues, in both design and construction aspects.

Conducted litigation in all courts in the New South Wales legal system, and in all States of Australia including appellate litigation in New South Wales, Queensland and Western Australia. Highlights include:

Erect Safe Constructions Pty Ltd and Australand Constructions Pty Ltd 2008 NSWCA 114 6 June 2008, in which 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.

Columbia Coffee and Tea Pty Limited & Ors v. Churchill & Ors 29 NSWLR 141
New South Wales Supreme Court major case involving the negligence of the auditor of an international coffee trading company. The case clarified the Australian position on the scope of the duty of care of auditors.

Andjelic v. Marsland 186 CLR 20 High Court of Australia
Clarified in favour of the insurer the obligation to pay damages for funds management to injured plaintiffs.

Nominal Defendant v. Gardikiotis 186 CLR 49
Clarified, in favour of the insurer, the liability to pay damages for fund management for catastrophically injured plaintiffs.

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 wrongfully obtained injunction.

Chandos Developments 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.

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 passer by.

Represented clients in formal arbitrations, mediations and informal settlement conferences.

Alternate Dispute Resolution

Appearances in numerous Arbitrations and Mediations in Commercial; Building and Construction and Professional Negligence matters.

Acting as Mediator and Arbitrator in numerous matters of various types, including Commercial; Construction; Professional Negligence and Personal Injury.

Advocacy skills

Advocacy in commercial matters including first instance appearances in the Supreme and District Courts of New South Wales and Federal Court of Australia, including appeals to the New South Wales Court of Appeal and Full Court of the Federal Court.

Building and Construction

Advice and appearances in the Supreme Court of New South Wales and in Arbitrations and Mediations for builders and associated professions including Engineers; Architects and other contractors and sub contractors in contract disputes between builders and sub contractors and in professional negligence cases in the construction industry.

Professional Negligence

Principally for insurers, appearing and advising on the liability of Doctors; Lawyers; Accountants; Architects and Engineers as well as other similar professional occupations.

Appearances principally in the Supreme Court of New South Wales and other States of Australia in Professional Negligence matters.

Insurance

Providing advice for various insurance companies including

- Drafting insurance policies
- Advising on indemnity and re-insurance issues
- Advising insurers and insureds under product liability policies
- Public liability
- Director and officers liabilities and policies

Appearing for various insurers on indemnity and liability issues under insurance policies.

Publications

I have delivered numerous papers at seminars, client functions and internal training seminars, including the following:

- **Shareholders Rights** - Seminar conducted for New South Wales Solicitors
- **Practice and Procedure** – Interpleader (Butterworths)
- **Expert Evidence** – Seminar – New South Wales solicitors