

GREG LAUGHTON SC

Barrister | Arbitrator | Mediator

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Professional Experience

With over 30 years at the Bar, Greg has 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, Greg has 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, Greg has 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 him a true global perspective.

He has provided complex advice to multi-national insurers as well as insureds, and has appeared in mediations, arbitrations and Court in matters regarding coverage, construction of policies, liability and subrogation. The broad range of classes of insurance in which Greg has acted encompasses construction (including professional negligence of engineers, architects and quantity surveyors), maritime (including cargo), infrastructure (including energy), product liability and trade credit risk.

He is 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). He is 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 Greg was awarded the Australian Arbitration Barrister of the Year in the Lawyer Monthly Legal Awards, and in 2018 was selected by his 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

- Appeals
- Alternative Dispute Resolution (including domestic and international arbitration and mediation)
- Building & Construction
- Commercial Law
- Insurance Law
- International Commercial & Maritime
- Public & Product Liability
- Professional Negligence

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
- Court-Appointed Mediator - Supreme and District Courts of New South Wales
- Registered Mediator - Civil Mediation Council (CMC) (UK)
- Member – Centre for Effective Dispute Resolution (CEDR)

Publications and Speaking Engagements

- *Cross Cultural Awareness and Communication in Asia* - ACICA Seminar
- *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

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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

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Selected Cases

Greg has 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. He has 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] NSWCA 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 Wales 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

Greg has appeared in numerous arbitrations and mediations in commercial, building and construction, maritime and professional negligence matters.

International Commercial and Maritime

He has 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

Greg has been involved in various international commercial and maritime arbitrations in the following jurisdictions. He has 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.
- 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.
- All legal breaches of a Shareholders Agreement between two Hong Kong residents. (Case No HKIAC/17111).

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- 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.

Including:

- engineering;
- design;
- defective workmanship;
- breach of contract and statutory warranty;
- delay and liquidated damages; and
- security of payment.

Professional negligence of:

- engineers - civil; electrical; mechanical;
- architects;
- quantity surveyors;
- building surveyors; and
- payment managers.

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Insurance

- Greg has advised the insured on coverage, indemnity and subrogation issues on a world-wide trade credit policy associated with the collapse of a major Australian electrical retailer.
- He has also advised an insurer of the engineers on indemnity, liability and quantum issues on the failure of part of an infrastructure project.
- Greg is appearing in a part-heard case for the plaintiff on coverage, indemnity and liability under the public liability policy of a third party, arising from a catastrophic fire and complete destruction of an otherwise uninsured commercial building, including damages for the loss of the building, loss of rent and other damage.
- He has also acted as mediator in numerous professional negligence cases including lawyers, doctors and engineers in which coverage, indemnity and quantum are in issue.
- Greg has acted for 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

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