

**MATTHEW SAXON WHITE S.C.**  
**BA (Hons), LLB (Syd), BCL (Oxon)**

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***CURRICULUM VITAE***

**PROFESSIONAL QUALIFICATIONS**

1 July 1988 - Admitted as a Solicitor in New South Wales

24 May 1991 – Admitted as a Practitioner in the Federal and High Courts of Australia

2 April 1996 – Admitted as a Solicitor in England & Wales

26 February 1999 – Admitted as a Barrister-at-Law in New South Wales

October 2013 – Appointed Senior Counsel

**EMPLOYMENT**

**March 1999 to date** Barrister-at-law, 6<sup>th</sup> Floor Wentworth Selborne Chambers

**1998 to 1999** Senior Associate *Phillips Fox*/Seconded *Crown Solicitor's Office* for Federal Court litigation.

**1995 to 1998** Solicitor *Rowe & Maw (London)*  
Insurance litigation

**1991 to 1995** Solicitor (Senior Associate from 1993) *Phillips Fox*  
Insurance Litigation

**1989 to 1991** Solicitor *Minter Ellison*  
Property, Insurance Litigation, Commercial Litigation

**PROFESSIONAL EXPERIENCE**

**Areas of practice at the Bar:**

- insurance law
- trade practices law
- professional indemnity/public liability actions
- personal injuries claims, mainly defence work
- construction/building claims/ references
- general commercial and equity work
- employment law
- *Workplace Relations Act*/*Fair Work Act* applications and prosecutions
- *Family Provisions Act*/*Succession Act* claims
- defamation

### **Previous areas of practice as a solicitor (1988-1998):**

**Insurance litigation** (Australia and UK): mainly professional indemnity and public liability insurance litigation, including LawCover claims.

**Property:** domestic and commercial conveyancing; commercial leasing; sale and purchase of businesses; negotiating and advising on commercial leases on behalf of corporate owners of large commercial property portfolios including shopping centres, office blocks and factory premises.

**General litigation:** general commercial claims, including defamation, advising universities in employment disputes, and litigation concerning the ordination of women as priests. Participation in successful multi-party mediations and court ordered settlement conferences.

**Insolvency:** bankruptcy and winding-up; advising liquidators and receivers; acting for both companies and individuals threatened with insolvency and for liquidators and receivers appointed on winding up of companies; winding up applications and bankruptcy applications.

### **Reported cases appeared in**

*Cinevest Pty Ltd v Yirandi Productions Ltd* (1999) A Def R [53,050] (defamation) (led by T Hale SC)

*Cinevest Pty Ltd v Yirandi Productions Ltd* (2001) Aust Torts Rep 81-610 (defamation) (Court of Appeal) (led by T Hale SC)

*Kabushiki Kaisha Sony Computer Entertainment v Stevens* (2003) 200 ALR 96 (Full Court) (copyright) [also appeared at first instance: [2002] FCA 906]

*Whitehead v Whitehead* [2002] NSW ConvR 56-045 (real property, s 66G applications)

*QBE Mercantile Mutual Ltd v Hammer Waste Pty Ltd* (2004) ANZIC 61-586 (insurance) [also appeared at first instance: (2003) 12 ANZIC 61-553]

*Rap Pty Ltd v Watkins Tapsell* (2004) 1 DCLR (NSW) 245 (valuer's negligence)

*Helmos Enterprises Pty Ltd v Jaylor Pty Ltd* (2005) 12 BPR 23,021 (Court of Appeal) (contract) (led by M Walton SC)

*Portal Software International v Bodsworth* (2005) 58 AILR 200-211 (restraint of trade)

*Kearney v Crepaldi* (2006) 58 AILR 200-224 (restraint of trade)

*CFMEU v Hadgkiss* (2007) 169 FCR 151, (2007) 173 IR 360 (industrial law)

*Green v CGU Insurance Limited* (2008) 66 ACSR 398 (insurance, insolvent trading) (led by D Davies SC)

*Green v CGU Insurance Ltd* (2008) 67 ACSR 105 (Court of Appeal) (security for costs) (Led by D Davies SC)

*Hadgkiss v CFMEU (No 5)* (2008) 178 IR 123 (industrial law) (Led by J Fernon SC)

*Hadgkiss v CFMEU* (2008) 166 FCR 376, (2008) 170 IR 100, [2008] FCAFC 22 (industrial law) (led by J Fernon SC)

*Alfred v Wakelin* (No 2) (2008) 176 IR 430 (industrial law) (led by R Goot SC)

*Construction, Mining, Forestry and Energy Union v Hadgkiss* (2009) 174 FCR 237 (industrial law)

*Alfred v Wakelin* (No 3) (2009) 179 IR 76 (industrial law) (led by R Goot SC)

*Friend v Brooker* (2009) 83 ALJR 724; 239 CLR 129, 255 ALR 601 (equitable contribution, fiduciary duties) (led by B Walker SC)

*Haviv Holdings Pty Ltd v Howards Storage World Pty Ltd* (2009) 254 ALR 273 (trade practices) (led by M Christie)

*Dale v Veda Advantage Information Services and Solutions Ltd* (2009) 176 FCR 456 (negligence and defamation) (led by B McClintock SC)

*Alfred v Wakelin* (No 4) (2009) 180 IR 335 (industrial law) (led by R Goot SC)

*Nau v Kemp & Associates Pty Ltd* (2010) 77 NSWLR 687 (effect of settlement against one tortfeasor) (led by A Leopold SC)

*Metcash v Jardim* (No 3) (2010) 273 ALR 407 (restraint of trade) (led by J Fernon SC)

*Jardin v Metcash Limited* (2011) 214 IR 448; 285 ALR 677 (restraint of trade) (led by J Fernon SC)

*Ecolab Pty Ltd v Garland* (2011) 216 IR 410 (restraint of trade) (led by J Fernon SC)

*BIS Industries v Toll Holdings* (2012) 228 IR 284 (restraints of trade)

*Ninan v St George Bank Ltd* (2012) 294 ALR190 (security for costs)

*Director of Fair Work Building Industry Inspectorate v Boulderstone Pty Ltd* (2014) 284 FLR 403 (industrial law)

*Stratton Finance v Webb* (2014) 245 IR 223, (2014) 314 ALR 166 (Full Court) (contract law)

### **Selection of unreported cases**

*Bashford v Information Australia (Newsletters) Pty Ltd* [2001] NSWCA 470 (defamation)

*Howland-Rose v Commissioner of Taxation* [2002] FCA 246 (taxation)

*Echo Publications Pty Ltd v Tucker* [2007] NSWCA 73 (defamation) (special leave refused)

*Hristoforidis v Fair Trading Administration Corporation* [2007] NSWSC 1243 (administrative law)

*P & H Property Services Pty Ltd v Branigan* [2008] NSWCA 195 (personal injury)

*A I McLean Pty Ltd v Hayson* [2008] NSWSC 927 (professional negligence)

- Al-Shennag v Statewide Roads Limited* [2008] NSWCA 300 (defamation)
- Bailey v Veda Advantage Information Services (No 2)* [2008] FCA 730 (trade practices)
- Wilson v Interhealth Energies Pty Limited* [2008] NSWSC 1137 (equitable jurisdiction)
- Eko Investments Pty Ltd v Austrac Constructions Limited* [2009] NSWSC 208 (review of referees' reports)
- Artistic Builders Pty Limited v Nash* [2010] NSWSC 1442 (professional negligence)
- Montage Group Pty Ltd v Wong (No 2)* [2011] NSWSC 774 (statutory demand)
- McClymont v Critchley* [2011] NSWSC 493 (trade practices, negligence)
- Al-Shennag v Bankstown City Council (No 2)* [2011] NSWIRComm 22 (implied undertaking in relation to documents)
- Konstantopoulos v R M Beechey Carriers Pty Ltd* [2011] NSWCA 388 (leases)
- Walker v Veda Advantage Information Services* [2011] QSC 316 (defamation and negligence)
- Cordon Investments v Lesdor Properties* [2012] NSWCA 184 (contracts/building and construction) (led by T Hale SC)
- Hull v Brailey* [2012] NSWSC 980 (financial advice/negligence)
- Orchard Holdings v Paxhill* [2012] WASC 271 (real estate agent negligence/ trade practices)
- Saffron v Cowley* [2012] NSWSC 1108 (Estates/Family Provision)
- Allan v The Migration Institute of Australia* [2012] NSWSC 965 (Defamation/Injunctions)
- Marshin Holdings v Attorney-General of NSW* [2013] NSWSC 326 (trusts)
- Larsson v Wealthsure Pty Ltd* [2013] FCA 926 (representative proceedings)
- Parker v City of Bankstown RSL Community Club Ltd* [2014] NSWSC 772 (personal injury)
- Casaclang v Wealthsure Pty Ltd* [2015] FCA 761 (Corporations Act, financial services)
- Parker v City of Bankstown SL Club Ltd* [2015] NSWCA 246 (personal injury)

### **Publications**

- God - Is She Above the Law?* Public Interest Law Conference Papers 1992,
- Property Damage Revisited* Global Reinsurance, Vol 5 Issue 5, July/Aug 1996;
- Indemnity for the costs of reducing or avoiding a claim* (1997) 8 Insurance Law Journal 264;
- The Republic and Civic Virtue* Quadrant, April, 1997.
- Chapter on "Declarations" in Butterworths, *Principles of Practice and Procedure* Service.

**Other interests**

**2001 to 2004**      **NSW Soccer Federation/Soccer NSW Ltd, Appeals Board** Chairman.  
(and acted as counsel assisting General Purposes Tribunal)

**2012 -**            **Member of the Professional Conduct Committee of the Bar Council**