

AUSTRALIA

Australia legislation guide



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ATANASKOVIC HARTNELL
LAWYERS - CORPORATE, FINANCE & TAXATION

Despite the turmoil in global markets, recent changes to Australia's regulatory and legislative landscape have been incremental rather than fundamental.

Australia, almost uniquely among developed countries, did not go into recession during the global financial crisis (GFC) and has continued to experience robust growth. While the government did implement a substantial programme of fiscal stimulus, there has not been a comprehensive overhaul of the regulation of financial services and capital markets on a scale similar to that in the US, the UK or other jurisdictions. Australia continues to be regarded by offshore investors as a safe haven.

Market regulation

Although there were some high profile corporate collapses during the GFC, the government's policy continues to be to encourage the integrity of markets through disclosure rather than through prescriptive regulation of conduct.

In August 2010, the Australian Securities & Investments Commission (ASIC) assumed authority for direct supervision of trading on financial markets. Previously, the individual market operators had primary responsibility for regulating market conduct. The penalties for insider trading and market manipulation have also been significantly stiffened, and ASIC now has enhanced powers to conduct raids and tap communications.

ASIC has issued new market integrity rules, and has established a Markets Supervision Advisory Panel. ASIC's stated intention is not to change the substance of market participants' existing obligations, but rather to make enforcement more efficient and timely. Some commentators have expressed concern that ASIC already has significant obligations, including wide new powers in areas such as the regulation of consumer credit. It is feared that ASIC may face difficulty in effectively discharging its new responsibilities.

A high profile year-long crackdown by ASIC on suspected 'rumourage' (market manipulation through dissemination of rumours) led to just one broker being banned from financial services for 18 months. A parliamentary committee on financial services has recommended granting new powers to ASIC to deal with market rumours. But scepticism persists about the ability of parliament to draft suitable legislation, and about ASIC's ability to enforce effectively any such new laws. In a similar vein, ASIC has issued new 'best practice' guidelines regarding the dissemination of confidential information by insiders and advisers during capital raisings and mergers.

On June 1 2010, new rules requiring short sellers to report their positions to ASIC came into effect, and aggregated short positions are now published on the ASIC website. A ban on naked short selling that was imposed during the height of the GFC continues, subject to limited exceptions.

Finally, ASIC has used its regulatory powers to further streamline and simplify capital raisings by listed companies.

Revised foreign investment policy

The *Foreign Acquisitions and Takeovers Act 1975* (FATA) has been amended to provide greater clarity and simplicity for offshore investors. Now only private investments in a greater than 15% stake in a business worth A\$215 million or greater are subject to review, unless the investment is in a specified sensitive sector. Thanks to Australia's free trade agreement with the US, US investors in non-sensitive sectors continue to be subject to much higher review thresholds. All investments by foreign governments or sovereign wealth funds of greater than 10% remain subject to review however.

Additionally, FATA has been revised to address investments in Australian entities made other than through direct share acquisitions (such as through hybrid/convertible securities), and some of the technical language has been clarified and simplified.

Mergers and acquisitions

If the trend of recent years continues, court approved schemes of arrangement, rather than takeover bids for target securities, may eventually become the preferred method for implementing negotiated mergers of listed companies in Australia. As schemes become ever more popular, courts are being asked to consider their suitability in ever more diverse circumstances. The Federal Court's recent rejection of the restructure of CSR Limited through a scheme of arrangement (reversed on appeal) is a reminder that court approval is not a rubber stamp.

The outer limits of what is permitted in Australia under the scheme structure have not yet been firmly established, and we expect ASIC, the courts and the Takeovers Panel to be asked to provide further guidance regarding the protections that must be afforded target shareholders. It is even conceivable that a hostile scheme of arrangement may be attempted in Australia at some point in the future, the Bermuda courts having recently confirmed that it is at least theoretically possible.

Banking and finance

Australia's banking system survived the GFC relatively unscathed. This was thanks in large part to the effective supervision by the Australian Prudential Regulation Authority and the 'four pillars' policy under which commercial banking is dominated by a small number of well capitalised banks that engage in little proprietary trading. Consequently, the last year in Australia is notable mostly for the absence of significant new regulation and legislation regarding either the capitalisation of banking institutions, or the scope and nature of the activities in which commercial banks can participate.

Banking & Finance

RECOMMENDED FIRMS

Tier 1

Allens Arthur Robinson

Freehills

Mallesons Stephen Jaques

Tier 2

Blake Dawson

Clayton Utz

Minter Ellison

Tier 3

Arnold Bloch Leibler

Baker & McKenzie

Corrs Chambers Westgarth

Gilbert + Tobin

Henry Davis York

Norton Rose

Allens Arthur Robinson

Allens Arthur Robinson remains a market leader in banking and finance in Australia. Despite the high profile departures of Andrew Jinks and Catherine Parr in the past year, peers and clients maintain that the reputation of this firm is “exemplary” and “indisputably top of the market”.

A highlight transaction for the firm was participating in the ANZ bank equity raising, which consisted of a A\$2.5 billion (US\$2.18 billion) institutional placement and a share purchase plan (SPP) that raised A\$2.2 billion. This transaction was cited as the largest share purchase plan raising by an Australian listed company.

The team represented Hutchison (trading as 3 in Australia) on the financing of its A\$7 billion merger with Vodafone Australia. This deal was conducted in conjunction with the M&A elements with regards to documentation and financing. The transaction was completed in June 2009.

Another notable matter was the firm’s representation of Felix Resources in the financing of its acquisition by Yanzhou Coal Mining Company, one of China’s leading coal miners. Financial completion took place in December 2009 and the transaction was valued at A\$3.3 billion.

Key partners on the banking and finance team include Philip Cornwell, Alex Ding and Tim Lester.

Freehills

With a versatile team renowned for its vast experience and expertise, Freehills retains its top tier ranking in the

banking and finance arenas this year. Though the team lost Tessa Hoser, who left to become general counsel at the Export Finance & Insurance Corporation in May 2009, Chris Robertson to Allen & Overy in early 2010, and Philip Hoser to Jones Day last year, clients assert that “it has the depth to cope”. With individuals such as the revered Philippa Stone, who is lauded by clients as being “easily the Australian leader in equity capital market work”, the firm is well-equipped to meet whatever the needs are of its varied clients.

One of the highlight transactions for the firm was the Myer Holdings’ initial public offering (IPO) in late 2009, valued at A\$2.4 billion (US\$2.1 billion). Cited as the largest IPO and first large private-equity exit through a public offer since the beginning of the global financial crisis, this deal was pivotal to the market rebound witnessed in the last year.

The project finance team, led by partner Mark Breheny, acted for the banks on the provision of A\$750 million of refinancing and capital expenditure (capex) facilities for the Perth airport. This matter was conducted during difficult market conditions which, combined with the number of banks involved, resulted in lengthy and complex negotiations.

Key practitioners at the firm include Brendan Quinn, Patrick St John and Philippa Stone.

Mallesons Stephen Jaques

“With Mallesons Stephen Jaques, one can always expect quality,” asserts a client. The top tier firm remains in its lofty position by virtue of its “excellent commercial acumen”, as noted by a client.

A highlight transaction for the firm, handled by Ken Astridge, was a A\$1.5 billion (US\$1.35 billion) NSW Treasury Corporation wholesale bond issue. The team acted for the issuer, Tabcorp, while the deal has been regarded as the largest wholesale debt offering by a State backed by the Commonwealth Guarantee.

A structured finance deal involved the team acting for National Australia Bank (Nab), which was arranger, lead manager and Class A1R standby facility provider in ME Bank’s RMBS issue via the SMHL Securitisation Fund 2009-3. Valued at a total of A\$784 million, this deal is particularly noteworthy for being the first Australian RMBS transaction to offer a class of redeemable and convertible notes.

A client says about the firm: “The firm has professional and timely staff that can be relied upon to deliver a quality product within a pre-agreed framework.”

Key partners include Jeff Clark, Peter Doyle, Ken Astridge, Greg Hammond, Ian Paterson and Stuart Fuller.

Blake Dawson

The past year has seen Blake Dawson consolidate its position as a power to be reckoned with in the banking and finance sectors, especially in the structured finance areas. "The firm is very professional, commercial and concise in its advice, prompt in its response and cost conscious in respect of our clients," says a client about why it continues to engage the firm.

The firm has been particularly busy in the securitisation sector, having been involved in 15 of 28 asset-backed public securitisation deals. Some examples of the team's work includes Paul Jenkins in the lead acting for Royal Bank of Scotland as lead manager on each of the REDS 2010-1, Swan 2010-1, Apollo 2009-1 and REDS 2009-1 securitisation transactions.

The capital markets team, led by Tim Lipscombe, represented GE Capital Corporation in relation to the provision of US\$800 million of revolving credit facilities for Viterra for its US\$1.6 billion acquisition of ABB Grain by way of scheme of arrangement.

Martin Coleman, Joanne Evans, John Field, Paul Jenkins, Tim Lipscombe, David Mason, James Morris, Jamie Ng, Steve Smith and Philip Trinca are just some of the leading professionals at the firm.

Clayton Utz

Clayton Utz has seen a substantial amount of change in the last year, as it bid farewell to a number of its banking and finance practitioners. With the departures of Angela Flannery, Grant Fuzi, Sonia Goumenis, Jason Huinink, Karolina Popic and Ben Sandstad in the last year, as well as the tragic passing of capital markets lawyer Greg James, there has been some market speculation regarding the firm's future in the banking and finance sphere. One bright light was the arrival of superstar Andrew Jinks in August 2010 from Allens Arthur Robinson, his joining being met by much eagerness and reassurance. One client notes the addition of Jinks "places the firm in a great position going into 2011".

One highlight for the finance team this year was advising Kathmandu, an Australian and New Zealand travel and adventure clothing retailer, on its November 2009 IPO. The deal was valued at A\$340 million (US\$297 million).

Another transaction of note was its role advising Barrick Gold, a Canadian mining company, on its Australian funding entity Barrick Australia's corporate bond issuance. The deal was valued at a total of US\$1.25 billion via a dual tranche issue of US\$400 million and US\$850 million respectively. This deal was completed in December 2009.

Graeme Gurney, Stuart Byrne, Andrew Jinks, Michael

Riches, Doug Jones and Louise McCoach are some of the key practitioners on the firm's rosters.

Minter Ellison

Recognised by market observers as one of the largest firms in the country, Minter Ellison has maintained its strong position in the industry this year. A client says: "It is a flexible and innovative firm that is focused on providing quality service to its client for a reasonable price."

A landmark case for the firm was advising Mirvac Group on the financing of the acquisition of M-Reit, a listed real estate investment trust. The work involved advising on matters relating to the borrowing structure of the client's A\$2.15 billion (US\$1.87 billion) unsecured syndicated multi-option facilities. This transaction was completed in March 2010.

One hallmark project finance deal was in advising the Victorian government on the A\$1 billion Parkville Comprehensive Cancer Centre.

Noteworthy practitioners at the firm include Paul Paxton, Fred Tinsley, Jeremy Blackshaw, Bart Oude-Vrielink and Theo Kindynis.

Other active firms

Allen & Overy

Allen & Overy has made quite the splash in the last year, opening offices in both Sydney and Perth. Housing 17 partners in total, the firm's arrival has been heralded by observers as a game-changing development in the legal industry. The banking and finance team in particular is full of well known names, having recruited esteemed professionals such as Jason Denisenko, Angela Flannery, Sonia Goumenis, Grant Fuzi, Jason Huinink, Karolina Popic and Peter Wilkes from Clayton Utz, and Chris Robertson from Freehills. It remains to be seen how the firm will perform in future, but a competitor confides: "Based solely on the existing names on its books, it should be a highly-ranked firm already."

Lavan Legal

The Perth-based firm Lavan Legal has over one hundred years of experience in the Australian market. Its strength in the region is underscored by its enthusiastic and loyal clients, with one particularly vocal client commenting: "The firm gets our business because the advice provided is always commercial rather than simply legalistic." With over 20 partners, the firm is highly praised for its litigation capabilities. Known as a full service legal practice, its specialties include banking, finance, M&A, IP, insolvency and restructuring, compliance, dispute resolution, commercial litigation and competition.



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Corporate/M&A

RECOMMENDED FIRMS

Tier 1

Allens Arthur Robinson

Blake Dawson

Clayton Utz

Freehills

Mallesons Stephen Jaques

Tier 2

Gilbert + Tobin

Minter Ellison

Tier 3

Baker & McKenzie

Chang Pistilli & Simmons

Corrs Chambers Westgarth

Johnson Winter & Slattery

Norton Rose

Tier 4

Arnold Bloch Leibler

Atanaskovic Hartnell

DLA Phillips Fox

Henry Davis York

Allens Arthur Robinson

Allens Arthur Robinson remains at the top of the rankings after a busy year with a consistent flow of activity with the leading M&A deals in the market. The firm is highly praised for its exemplary advice and ability in this area.

A deal that stands out even for a firm of this stature was its involvement this year in the establishment of a 50:50 production joint venture (JV) worth US\$100 billion between BHP Billiton and Rio Tinto. Based on the equalisation payment of US\$5.8 billion to be paid by BHP Billiton to Rio Tinto, to increase its interest in the JV from 45% to 50%.

Another notable transaction for the corporate practice was the acquisition of Cemex's Australian assets by Holcim, a leading global cement, concrete and aggregates business. This acquisition involved a number of challenging aspects including a very compressed negotiation timeframe and multiple cross-border elements. Partner Kylie Brown was involved in this transaction.

Ewen Crouch is just one of the key names on the corporate team at the firm.

Blake Dawson

Blake Dawson finds itself atop the M&A rankings again this year, with one client praising the firm for maintaining its "top-notch service with a personable approach". A notable departure in April 2010 was partner David Williamson leaving the firm to join BHP Biliton as chief legal counsel. While no doubt a blow, this loss has been acknowledged among clients and peers to be "manageable" and the firm is highly capable of coping adequately.

The firm is regularly involved in a multitude of transactions, varying in its span of industries and sectors. One such example is the firm's representation of Lihir Gold with regards to Newcrest Mining's US\$9.2 billion offer to acquire all shares in it by way of scheme of arrangement.

In October 2009, it acted for Kirin Holdings on the acquisition by Kirin of the outstanding 53.87% of Lion Nathan it did not already own. This landmark deal was labelled as the largest investment by a Japanese company in Australia.

Bill Koeck and Marie McDonald are two star practitioners who have made their names with this firm.

Clayton Utz

Despite the loss of partner Michael Parshall to the upstart Allen & Overy in February 2010, Clayton Utz retains its ranking in the top tier on the back of another excellent year in M&A. Under the leadership of corporate lawyer Rod Halstead, clients are optimistic for the "rosy" future of the firm.

A highlight deal for the firm was participating on the formation of a new Australian-listed company, Seven Group Holdings, which had acquired the Westrac business and had also acquired Seven Network for a scrip-for-scrip exchange through a scheme of arrangement. The team represented Australian Capital Equity and Westrac Holdings in this transaction. Announced in February 2010, this US\$1.8 billion-valued deal was completed in April 2010.

Under the guidance of the talismanic Halstead, the firm represented AMP in its proposed acquisition of all the shares in AXA Asia Pacific Holdings (AXA APH), with the Asian operations of AXA APH to be sold to AXA. With a decision on the merger pending at time of press, this matter has been valued at potentially A\$12 billion.

Freehills

Praised by clients often for being "head and shoulders above the rest", Freehills finds itself once again in the first tier this year. The highest acclaim is from the mouths of cost-conscious clients, of which one declares: "They are not cheap but the quality far outweighs the cost. They would be cheap at twice the price."

Tony Damian garners much praise from clients, with one stating: “[Damian’s] thoughtful but practical approach, along with his personable demeanour, makes him one of the select handful of corporate lawyers that we will use for our most important matters.”

Damian took the lead in advising Eldorado Gold Corporation in its A\$8 billion (US\$7.2 billion) merger with Sino Gold Mining.

Damian, Baden Furphy, Rodd Levy and Rebecca Maslen-Stannage are leading individuals of the firm’s corporate practice.

Mallesons Stephen Jaques

Mallesons Stephen Jaques boasts a pedigree and reputation for the highest quality of service, as evidenced by unanimous praise from its clients. Though the firm lost Peter Cook in 2010 to Gilbert + Tobin, the premier outfit remains in its lofty placing in the rankings.

The firm advised Citigroup on the Australian aspects of a A\$2.7 billion (US\$2.35 billion) global joint venture with Morgan Stanley. This deal stands out for showcasing the Mallesons team’s ability to create complex arrangements in a tight timeframe given the volatile financial environment in which it was crafted. This deal was completed in June 2009.

An example of the international capabilities of its team was its representation of Greenhill on its US\$215 million acquisition of the Caliburn Partnership in April 2010. Greenhill acquired all of the issued shares and other equity rights in Caliburn in return for a combination of common stock, performance-based convertible stock and restricted stock units.

The firm advised BG Group in relation to its deal to sell liquefied natural gas from its Queensland Curtis project to China National Offshore Oil Corporation (CNOOC), as well as advising BG Group on its sale of an equity investment in the project to CNOOC. The deal was announced in March 2010 and is being regarded as one of the largest ever gas sales from Australian to Chinese interests.

Key lawyers at the firm include David Friedlander, Greg Golding and Stephen Minns.

Gilbert + Tobin

Gilbert + Tobin’s hire of Peter Cook is viewed by competitors and clients as a signal of the firm’s intentions to expand its practice. The firm possesses quality practitioners in Garry Besson and Gary Lawler, who are both well-regarded in the market by peers and clients alike.

A client says that one of the main reasons for recommending the firm is that “it provides boutique attentions with a big firm’s capabilities”.

The firm advised Westpac on a trust scheme relating to Westpac Office Trust and the acquisition of all the units

and management rights in Westpac Office Trust by the Mirvac Property Group. Completed in May 2010, this transaction was valued at A\$1.2 billion (US\$1.04 billion).

The corporate team counts Garry Besson, Philip Breden, Gary Lawler and John Williamson-Noble among its leading individuals.

Minter Ellison

Minter Ellison has consolidated its position in the Australian M&A space.

The firm this year acted for TPG Telecom in its acquisition of Pipe Networks. This transaction was completed in March 2010 and was valued at A\$373 million (US\$324 million).

Another highlight for a team including John Steven, Bart Oude-Vrielink and Stuart Johnson, was advising client Mirvac Group by on its acquisition of listed Mirvac Real Estate Investment Trust (M-Reit) in October 2009. The client paid A\$116.1 million in cash and issued 159 million Mirvac stapled-securities in exchange for all of the units in the M-Reit.

A deal in progress for the firm is advice for Zijin Mining Group in its potential A\$545 million acquisition of Indophil Resources.

Construction & Real Estate

RECOMMENDED FIRMS

Tier 1

Blake Dawson
Clayton Utz
Mallesons Stephen Jaques

Tier 2

Allens Arthur Robinson
Freehills
Minter Ellison

Tier 3

Baker & McKenzie
Corrs Chambers Westgarth
Norton Rose

Blake Dawson

The construction and real estate practice at Blake Dawson has been particularly busy this year, with its hands full from consistent involvement in high profile matters throughout the country.

The team is in the process of advising ING Retail Property Fund in the sale of its US\$1.4 billion national shopping centre portfolio, including the sale of 14 shopping centres Australia-wide.

A highlight transaction was acting for the investment management company, Challenger Financial Services Group, on the acquisition and development of a technology park in Canberra. Valued at US\$1 billion, this matter is regarded as the first environmentally friendly project of its kind in the nation.

Clayton Utz

Clayton Utz finds itself in the thick of construction and real estate activity, and retains a top-tier position in this department. The firm did lose David Wilkie, who retired from the partnership in May 2010.

A landmark transaction for the firm was achieving financial close of the Victorian Desalination Plant in September 2009. Valued at US\$5.7 billion, the plant is expected to be completed and operational by the end of 2011.

Another notable deal for the firm was the successful completion of the Bangaroo waterfront project in March 2010. This matter was valued at US\$6 billion.

A client praises the firm for its “excellent experience” in this particular practice area.

Mallesons Stephen Jaques

“Mallesons Stephen Jaques is the premier law firm in Australia from my standpoint and provides amazing client service,” says a client. The firm has retained its top tier standing in construction and real estate this year on the back of such high praise from the market.

The team advised Molonglo Investments in a three year project, which will culminate in the construction of two sustainable buildings with a value in the range of US\$400-500 million.

Another notable matter, with partner Chris Wheeler at the lead, is acting for the Leighton Properties Mirvac Joint Venture in relation to the development of the substantial section 63 site in Canberra City.

Minter Ellison

Minter Ellison comes highly recommended by its clients, with one in particular noting that the lawyers encountered possessed “superior potential to provide good advice”. The firm’s “good coverage nationally” is especially praised, with one client saying that one of the reasons for its exceptional quality is its “seamless communication across the country”.

A highlight transaction for the firm in the past year has been acting as the principal legal adviser to the

Royal National Agricultural & Industrial Association of Queensland (RNA) with regards to the redevelopment of the 22 hectare RNA showgrounds, which has been valued at US\$3 billion. This project has been reported as one of the largest urban regeneration undertakings in the country.

Corrs Chambers Westgarth

Corrs Chambers Westgarth provides a range of services when it comes to construction and real estate matters. The firm has been recommended by both peers and clients as “friendly and of high quality”.

A notable matter for the firm was advising the Water Corporation of Western Australia on the public private partnership Mundaring Water Treatment Project. The project is expected to be completed in 2013.

In another real estate deal, the firm has been representing a joint venture consortium comprising Mirvac Properties and Leighton Properties in relation to the US\$1.7 billion development of a six hectare site to create the town centre of Green Square.

Norton Rose

“Of the panel that we select from, Norton Rose is the only firm that I would assign five out of five to when it comes to value for money,” praises one client. The outfit is especially well regarded for its global reach, which another client says is “very real and not just a marketing tool, providing legitimate benefits and augments the practice overall”.

A highlight for the firm has been its involvement in the Royal Adelaide Hospital, advising the Hansen Yuncken and Leighton Contractors joint venture. The project has been valued at about US\$1.7 billion and is slated to be completed in 2016.

Other active firms

Ryan Lawyers

The small construction and real estate outfit Ryan Lawyers specialises in hotel industry related transactions. One of the highlight transactions for the firm was advising CDL Hospitality Reit on its purchase of five Australian hotels in Brisbane and Perth from Australia’s largest hotel owner, Tourism Asset Holdings. The deal was completed in January 2010 and valued at US\$175 million.



POSITIONING



INLEX was launched in 1995 by Eric Schahl and Franck Soutoul and has ever since become a major firm in the field of Intellectual Property (IP). Around 70 people are part of the Parisian headquarter and the regional offices of Cannes, Bordeaux, Reims, Nantes, Marseille and Beaune.



Being exclusively a law firm, and thanks to their trustworthy network of IP associates worldwide, INLEX has acquired their reputation on the French level as well as in Europe and is now undoubtedly among the largest French IP law firms specializing in trademark affairs.

INLEX rallies the skills 26 European Trademark Attorneys, 10 specialized IP lawyers and 18 experienced paralegals directed by 2 partners. French, English, Spanish, German, Japanese, Persian, Arabic, Russian, Czech, Bulgarian, Polish... our multi-lingual abilities make it possible to efficiently deal with the clients' files in the language of their choice.

In order to take advantage of their senior advisors' skills and know-how and of the case law follow-up, INLEX teams apply a centralized management of the available information and legal developments in France and in the European Union. This watch also benefits to our clients and associates through our bilingual tools (our IP TALK Newsletter and blog. www.ip-talk.eu).

OUR SERVICES

France, European Union (OHIM), Worldwide (WIPO)

Advice and strategy

- Legal validation of your projects
- Analysis of the risks and defence measures against unfair competition and infringement
- Audit of trademark, industrial design and domain name portfolio
- Amicable negotiations and agreements, contract drafting
- Legal and financial valuation and recommendations
- Handling and optimization of IP rights portfolios

Implementation process

- Prior searches
- Registration and renewal of trademarks, industrial designs and domain names
- Active watch around your IP rights
- Oppositions, administrative complaints, seizure operations
- Map making

SPECIALIZED DEPARTMENTS



Web'Lex :
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Dispute Resolution

RECOMMENDED FIRMS

Tier 1

Allens Arthur Robinson

Mallesons Stephen Jaques

Tier 2

Atanaskovic Hartnell

Blake Dawson

Clayton Utz

Freehills

Tier 3

Baker & McKenzie

Corrs Chambers Westgarth

Gilbert + Tobin

Minter Ellison

Allens Arthur Robinson

Allens Arthur Robinson takes great pride in the vaunted reputation of its litigation department, and “rightfully deserves its top tier position” concedes its competitors. One considerable development at the firm in the past year was the appointment of prominent litigator Michael Ball as a judge in the equity division of the New South Wales Supreme Court in April 2010.

A notable case for the firm has been the representation of Financial Wisdom and an individual financial adviser in an issue brought against its client by renowned Australian artist Ken Done over the mismanagement of an investment portfolio worth over A\$53 million (US\$47.4 million).

Craig Phillips is just one of the key names in the litigation practice at the firm.

Mallesons Stephen Jaques

The litigation and dispute resolution practice at Mallesons Stephen Jaques is well regarded across the board, with clients and peers taking note of the “highest quality” of service provided by the firm.

Being involved in an array of work across various industries, the team is a “shining” example of strength in depth and breadth, notes a client.

A highlight transaction for the team has been acting for the administrators / liquidators in the matter regarding Opes Prime Stockbroking and the implications of its administration and liquidation in 2008.

The team, under the leadership of Christopher Fox, Stephen Davis and Peter Stockdale, acted for the Municipal

Association of Victoria in the Royal Commission into the 2009 Victoria bushfires.

Key lawyers in the department include Ashley Black, Robyn Chalmers, Roger Forbes, Chris Fox and Peter Stockdale.

Atanaskovic Hartnell

Atanaskovic Hartnell has built a reputation for its measured and nuanced approach to its cases and clients, offering a personable service that clients appreciate. One in particular says that “we will continue to avail ourselves of their services in years to come”.

A high profile transaction for the firm has been its representation of four out of seven James Hardie ex-directors in Australian Securities & Investments Commission v Macdonald & Ors. The matter is still in progress.

A client recommends the lawyers at the firm highly, regarding the team as “first class commercial and corporate lawyers”.

Key practitioners at the firm include John Atanaskovic, Tony Hardwell, Michael Sophocles and Lisa Wright.

Blake Dawson

Blake Dawson is well-equipped for dealing with dispute resolution and litigation issues across various sectors, notes its clients. With a strong bench and quality practitioners in depth, the firm comes highly recommended by peers and rivals.

In a further development in the landmark case regarding the Bell Group from last year, the matter has been brought to the WA Court of Appeal with the appeal likely to be set down in 2011.

The firm has been working closely with the Australian Securities and Investments Commission (Asic) in relation to its investigation of persons involved with the promotion of shares in the failed Firepower group.

Top names in the team include Andrew Carter, Chris Davidson, John Pavlakis, Peter Voss and Ashley Wharton.

Corrs Chambers Westgarth

The litigation practice at Corrs Chambers Westgarth was joined by Mark van Brakel this year, bringing the total number of partners to 23 at the nationally-acclaimed firm. Headed by James Whittaker, the dispute resolution team is heavily involved in high profile matters across the country, including BrisConnections, the 2009 Victorian Bushfire Royal Commission, the collapse of Allco Finance Group, the Commonwealth’s defence of Pan Pharmaceuticals and KordaMentha – Timbercorp.

Gilbert + Tobin

The dispute resolution team at Gilbert + Tobin, headed

by Michael Williams, is noted for its solid performance this year. The firm is continuing its representation of international film studios in their groundbreaking action against Internet Service Provider iiNet, in a longstanding copyright infringement issue. Other work yet to be resolved includes advising Google in defence of proceedings brought by the Australian Competition and Consumer Commission (ACCC).

Minter Ellison

The litigation practice at Minter Ellison bid farewell to David Garnsey this year as he left to take up the role of CEO at the National Rugby League Players Association. Despite this departure, the firm's quality is unquestioned, with one client saying: "The partners we deal with are recognised experts in their respective fields. We receive timely, commercial advice that offers value for money." One particular matter that continued this year was the representation of the former CEO and managing director of James Hardie Industries in civil penalty proceedings brought forth by Asic.

Other active firms

Chang Pistilli & Simmons

"Chang Pistilli & Simmons is tactically astute, responsive and technically strong," notes a client. Dispute resolution practice head Diana Chang was lead partner in the firm's representation of the Heritage Building Society (HBS) and HBS Custodian in New South Wales Supreme Court proceedings brought by Société Générale, which was settled in December 2009. Chang is recommended by a client as an "impressive and approachable" lawyer.

Norton Rose

One client says of Norton Rose: "I would recommend Norton Rose because it is very practical and is willing to provide unequivocal advice. It does not stand behind walls of disclaimers and maybes. At the same time, its written advice is always very professionally presented and easy to follow."

The dispute resolution team acted for Thiess John Holland (TJH), a joint venture between subsidiaries of construction giant Leighton Holdings, in a proceeding against toll road operator ConnectEast. TJH managed to attain a settlement from ConnectEast in the form of an early completion bonus of US\$55 million in March 2010.

Energy & Natural Resources

RECOMMENDED FIRMS

Tier 1

Allens Arthur Robinson

Clayton Utz

Freehills

Mallesons Stephen Jaques

Tier 2

Blake Dawson

Corrs Chambers Westgarth

Gilbert + Tobin

Minter Ellison

Tier 3

DLA Phillips Fox

Johnson Winter & Slattery

Freehills

"We recommend Freehills because it understands the natural resource business well and also understands our businesses including our internal procedures and company culture," says a client. "In addition, it always works quickly and precisely."

A landmark transaction for the firm was acting for Chevron Australia in relation to upstream contracts for the construction of the off-shore Gorgon LNG facility. Gorgon is one of the world's largest natural gas projects and the largest single resource natural gas project in Australia, valued at US\$48 billion.

Partner Stuart Barrymore is singled out for praise by one client: "I was particularly impressed with his professionalism, sound legal advice, quick response and turnaround time. He adds value to the transaction by virtue of his familiarity and knowledge of the industry."

Mallesons Stephen Jaques

"With Mallesons Stephen Jaques, service is personal and prompt, and the advice is tailored to suit the circumstances in which it was requested," applauds a client. Another client goes on to recommend the lawyers there, saying "they give you the sense that they really know what they are doing and that you are in good hands".

The firm acted in a continuing matter as part of the QGC Executive Team providing structuring advice in relation to the main LNG and upstream gas supply and related infrastructure. The Curtis Island QCLNG project is worth over US\$12 billion and involves transporting coal seam gas via a 340 km pipeline to Gladstone, where it will

be turned into liquefied natural gas at a plant on Curtis Island.

Another notable matter for the firm was acting for BHP Billiton Stainless Steel Materials in connection with the Yabulu Future Options Study and in the subsequent sale of the Yabulu Nickel Refinery to Clive Palmer. The refinery produces over US\$600 million worth of minerals in export value.

Blake Dawson

Blake Dawson possesses strength in depth, with clients and rivals both acknowledging its versatility and its expertise. Clients note that the firm “has really good lawyers who really know the issues, and possess the necessary technical skills”.

The firm acted as lead adviser to Woodside on its Pluto LNG project, including negotiating a large number of key project agreements in Tokyo and Perth. The matter is still pending, with the entire deal valued at a reported US\$12 billion.

Another high profile transaction in process for the team is advising Santos on its contract to supply natural gas to Citic Pacific’s Sino Iron magnetite mining project in Western Australia. The gas supply contract has an estimated value of US\$1.3 billion.

Corrs Chambers Westgarth

Clients are impressed by the “timely and commercial advice” provided by Corrs Chambers Westgarth. The firm maintains its respectable position in the energy market through its considered and personal approach to its clients and service.

The firm advised Chinese state-owned enterprise Baosteel Group on the execution of a memorandum of strategic co-operation (Mosc) under which Baosteel subscribed for 15% of Aquila Resources shares, which were valued in the region of US\$300 million.

A highlight transaction for the firm was its participation in the Papa New Guinea Liquefied Natural Gas (PNG LNG) project, where it acted for the government of Papa New Guinea in this US\$16 billion development.

Minter Ellison

“The lawyers at Minter Ellison are good solid professionals, and technically sound and useful in all types of work,” says a client. The energy and resources team at the firm maintains its solid position in the rankings this year through its consistent participation in the top deals in the country.

The team advised Retail Employees Superannuation Trust (Rest) and UBS International Infrastructure Fund (UBS) in the US\$740 million acquisition of the Collgar Wind Farm from Investec Bank (Australia). The 206MW

greenfield wind farm, to be completed in 2012, is Western Australia’s largest renewable energy project and the first substantial renewable facility in that state to achieve financial close since November 2005.

Johnson Winter & Slattery

Clients of Johnson Winter & Slattery report a “most satisfactory experience, with successful completion of matters at hand”. The firm’s energy and natural resources practice is well placed in the rankings as a result.

The firm acted for South East Australia Gas in the US\$425 million refinancing of the SEA Gas pipeline that runs between Iona, Victoria, Adelaide and South Australia, which was completed in October 2009.

Intellectual Property

RECOMMENDED FIRMS

Tier 1

Allens Arthur Robinson

Davies Collison Cave

Freehills

Gilbert + Tobin

Mallesons Stephen Jaques

Tier 2

Blake Dawson

Clayton Utz

Corrs Chambers Westgarth

Griffith Hack

Spruson & Ferguson

Tier 3

Baker & McKenzie

Banki Haddock Fiora

FB Rice & Co

Minter Ellison

Norton Rose

Phillips Ormonde Fitzpatrick

Shelston IP

Watermark

Allens Arthur Robinson

The much-vaunted Allens Arthur Robinson retains pole position in the rankings this year. Clients and peers are often impressed at the quality of the professionals available at the firm.



KEN AHIA & ASSOCIATES is at the forefront of Patent, TradeMark and Copyright Law in Nigeria. Our attorneys have expanded their practice to other areas critical to modern business. We are adequately equipped to render first grade legal services to all our clients.

We are a highly dedicated group of bright, articulate and motivated lawyers. We have our office at the commercial nerve centre of the city of Lagos, with branches in Aba and Abuja, Nigeria.

The firm of Ken Ahia & Associates was established as a full service law firm. The partners had worked in different Law firms and establishments and have varying experiences.

Our clients cut across Banks, other corporate bodies, individuals, and Governments. Our Intellectual Property Department is a full division with highly qualified and motivated professionals.

Our service areas cover the following:-

Banking, Corporate Finance and Insurance
Environment and Energy
Privatization and Foreign Investment
Corporate Law Advisory Services
Intellectual Property Registration, Protection and Litigation
Telecommunication
Commercial Litigation
Insolvency

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WEB SITE: www.kenahialaw.com

Phone Numbers: +234 1 9504 466; +234 8023376 602; 08055525141

The firm advised Sanofi-aventis on Apotex's application for revocation of the client's patent relating to its drug Plavix. The Full Federal Court delivered its judgment in September 2009 and the team advised the client on making an application to the High Court for special leave to appeal the decision of the Full Court.

A prominent IP client for the firm is Sony/ATV Music Publishing, which the team represents on a range of matters. One notable case was advising the client on its acquisition of the copyright in Rough Cut Music's catalogue of Savage Garden songs. This matter also involved the acquisition of Second Pressing, including its entire catalogue of songs, which features artists such as Evermore, Kisschasey, The Butterfly Effect and Lost Valentinos. This matter was concluded in August 2009.

Davies Collison Cave

"The attorneys at Davies Collison Cave have significant experience in [areas of our business] and we found them to provide solid advice on all matters that are relevant to our work," says a client. "In addition, they have consistently provided a timely service with rapid turnaround time in the drafting of patent applications"

The IP specialist firm is roundly praised by both peers as well as clients. A highlight transaction for the firm in the last 12 months was its representation of Speedo International and Speedo Holdings in a patent, design and trade mark infringement dispute against Mr McCabe in Australia. At the moment, the proceeding is in the evidentiary stage and a trial is likely to be scheduled for mid-2010.

Freehills

Augmented by its acclaimed TMT practice, the intellectual property team at Freehills is a "notable fixture" on the IP landscape in Australia. Though Paul Savage retired from his position as partner in July 2009, he still assists the firm ably in his role as a consultant. The firm operates for many esteemed clients in various industries, and all are supported by the corporate and finance teams in each of its offices.

A notable matter for the IP group was continuing to represent Apotex with regards to an anti-hypertension drug called perindopril. A longstanding conflict between the client and Les Laboratoires Servier and Servier Laboratories (Australia) sees Apotex seeking to revoke two of Servier's patents in separate proceedings. Servier is alleging that Apotex has infringed those patents.

Gilbert + Tobin

Gilbert + Tobin's intellectual practice is well regarded by both peers and clients, and particular praise has been directed at its patent and copyright expertise. The firm's

apparent quality and experience in depth is well supported by its technology and telecommunications practice areas.

In a landmark deal, the firm acted for motion picture companies and Village Roadshow in what has been cited as "one of the most important copyright infringement cases" for the last decade and the first that tested the full extent of the law of authorisation under Australian copyright law. Though a decision was announced in February 2010, the firm has filed an appeal which is likely to be heard later in the year.

Mallesons Stephen Jaques

One client says: "I have found Mallesons Stephen Jaques' service to be very prompt, engaging and pro-active. The advice is of a very high and thorough standard." The firm provides a full complement of IP services to its clients, and is especially highly regarded for its contentious capabilities.

The firm acted for Abbott Laboratories in a patent infringement action regarding the weight reduction drug Reductil against Apotex. The client sought, and in November 2009 was granted, an interlocutory injunction restraining Apotex from selling its generic equivalent of Reductil. An expedited trial timetable was expected to see the case go to full trial in July 2010.

Blake Dawson

Blake Dawson consolidates its position in the IP rankings as a consistent quality performer. The firm counts among its established clients distinguished names such as ANZ, Diageo, IBM, Nokia, Rolex and Samsung Electronics.

The firm represented Samsung Electronics in a defence against Research in Motion over trade mark infringements, passing off, and misleading and deceptive conduct matters.

Another notable case was its advising of Universal Music in IP infringement matters concerning artists such as Pink, Andre Rieu and Justin Bieber.

A highlight matter for the team was advising Lego in relation to possible copyright and trade mark infringements by RedBubble, an online store selling a range of artworks to be applied to t-shirts, calendars and cards. The artworks on the site included over 600 works that contained Lego's trade marks or copyright works, or other adaptations.

Clayton Utz

In the past year, Clayton Utz advised the Internet Industry Association (IIA) with regards to Federal Court proceedings brought forth by the entertainment industry against iiNet, an internet service provider (ISP), for alleged authorisation of copyright infringement. This proceeding is being closely monitored by the Australian government.

In a cross-border concern, the firm acted for the

Australian subsidiary of Citic HIC (a heavy machinery manufacturer based in China) in a trade secret/copyright matter raised by a competitor concerning the design and manufacture of some of the largest ore processing mills in the world.

Key individuals of the IP team include practice head John Collins, John Fairbairn and Kate Marshall.

Corrs Chambers Westgarth

The IP team at Corrs Chambers Westgarth has been involved in a considerable number of high profile cases this year, and find itself well-entrenched in the market and highly regarded all round.

The highlight for the team has been its representation of E & J Gallo Winery's successful appeal against the decision of the Full Court of the Federal Court upholding the claim of Lion Nathan Australia to cancel the client's Barefoot trade mark for wine because of non-use.

The team advised the Australian government on its proposed generic packaging legislation, which is scheduled to be introduced in Australia in 2012. This may result in what is being regarded as potentially a monumental dispute facing the Australian tobacco industry.

Griffith Hack

Dedicated IP specialists Griffith Hack has been identified by peers and clients as an "excellent" outfit and well-equipped to deal with the full spectrum of IP matters. Brendan Nugent is singled out by a client for praise with regards to patent related work, which was "a positive experience".

The firm has been representing Sigma Pharmaceuticals in a patent revocation and infringement proceeding with regards to Wyeth's product, Efexor. This matter consists of an interlocutory injunction and is expected to proceed to trial in 2010. The product is regarded as one of the world's most successful anti-depressants.

The team issued a Uniform Domain-Name Dispute-Resolution Policy (UDRP) complaint for client Cotton On Clothing with the Wipo Arbitration and Mediation Centre successfully seeking the transfer of the domain name cottonon.com to the client in October 2009.

Spruson & Ferguson

Patent firm Spruson & Ferguson enjoys a substantial international presence through its associated firm Ella Cheong Spruson & Ferguson, which has offices in Southeast Asia. The firm basks in its reputation as one of the largest IP firms in the region, employing 220 individuals and counting. Notable clients for the team include Canon, Dow Chemicals, Eli Lilly, IBM, Nippon Steel, McDonald's, Pfizer and Toyota.

The firm successfully represented Caroma Industries in a design and copyright infringement issue against Technicon Industries with the decision rendered in June 2009.

Minter Ellison

"The lawyers at Minter Ellison ensure they fully understand the issue before giving advice, thus ensuring the advice given is in the correct context," states a client.

The firm advised Australian Multiplex Cinemas in the context of licensing arrangements from the Australasian Performing Right Association (APRA) for the broadcasting of music embedded in film, in the context of a new authorisation sought by APRA.

A client notes that "[partners we have worked with] at Minter Ellison have a great depth of experience and commercial nous with respect to [their practice areas]."

Norton Rose

"Norton Rose is extremely responsive, listens to the brief, and delivers on time with clear, concise advice based on the options available to us", says one client. The January 2010 merger between Norton Rose and Deacons Lawyers has resulted in an already capable national firm gaining further global capabilities.

The firm is advising Australian shipping company Incat Australia in relation to alleged copyright infringement and breaches of confidence in draft performance reports of competitors' ships. This matter is still continuing, and has been valued at US\$200 million.

IT, Telco & Media

RECOMMENDED FIRMS

Tier 1

Freehills

Gilbert + Tobin

Mallesons Stephen Jaques

Tier 2

Blake Dawson

Clayton Utz

Corrs Chambers Westgarth

Minter Ellison

Tier 3

Baker & McKenzie

DLA Phillips Fox

Freehills

The top-of-the-line service provided by Freehills is summed up simply by a client: “The firm always provides a ‘Rolls-Royce’ service in terms of quality and speed.”

Another client recommends Irene Zeitler for her “responsiveness on any issue” and “her advice, which is always tailored to be relevant to our needs and aligned with our business”.

The firm has advised the Independent State of Papua New Guinea (PNG) in relation to the development and implementation of the PNG government’s National Information and Communications Technology Policy.

Telecommunications is another strong area of practice, with Freehills client Telstra providing many matters to be considered. Some of the issues dealt with by the firm include elements regarding Telstra’s National Broadband Network strategy, advising on numerous telecommunications supply arrangements with key corporate and government customers, including BHP, Alcoa, Chevron and the WA Government, and acting for the client with regards to the sale of its IT services subsidiary, Kaz Group, to Fujitsu for US\$200 million.

Gilbert + Tobin

The past year has seen much change at Gilbert + Tobin in the areas of IT, telecommunications and media. With the departure of Angus Henderson to the newly formed IT boutique Webb Henderson in late 2009, the firm coped by bringing in new partners Michael Caplan and Cameron Whittfield from Blake Dawson and Freehills respectively. Due to these developments, market observers remain convinced of the strength in depth at the firm.

In one instance of the firm’s global capabilities, the team advised the Astro Group of companies in Malaysia concerning a complex procurement process in which a global vendor is to provide managed services to the client to oversee and operate billing and CRM systems.

The firm was called upon to advise Westpac in relation to its strategic IT sourcing initiatives, with one key component of the work involving the implementation of a new transparent and granular pricing model, a new governance model, and the re-articulation of service scope.

Mallesons Stephen Jaques

Mallesons Stephen Jaques is the “go-to firm for all our needs”, states a client. Its exemplary corporate and finance practice is greatly augmented by its quality in IT, telecommunications and media matters.

The firm advised key client Telstra on Project Superfast. Work included drafting and negotiating the licensing, installation and support arrangements with the prime contractor, Cisco, together with certain critical side-arrangements with Cisco’s subcontractor, Camiant. The project involved the installation of DOCSIS 3.0 software and related infrastructure in the Melbourne cable network at a cost of US\$300 million.

The media team acted for Seven Network in a defamation claim commenced in July 2009 by animal cremation company, Pets at Peace, which claimed US\$8 million in damages following broadcasts by Today Tonight. The trial is scheduled to be heard before a jury in the New South Wales Supreme Court in September 2010.

Blake Dawson

“The TMT practice at Blake Dawson is respectable and solid”, comments a competitor. The firm remains a force to be reckoned with in the IT, telecommunications and media sectors, with a formidable list of clients that includes Apple, Sensis, Telstra and IBM.

The firm advised Capgemini on various strategic projects including the outsourcing of maintenance and support of Foster’s Group’s information technology infrastructure, a business process outsourcing contract with BlueScope Steel, and a systems integration and business process outsourcing agreement with a NSW government agency.

In a notable cross-border transaction, the firm acted for PT Telekomunikasi Selula, one of Indonesia’s largest cellular telecommunication companies, and its investment bank, Morgan Stanley, on the restructuring of the company’s telecommunications towers business.

Corrs Chambers Westgarth

Corrs Chambers Westgarth advised Woolworths with

VALUE YOUR IP ASSETS

Protecting, managing and defending your Intellectual Property rights in Europe.

- Trademarks & Community trademarks
- Designs & models
- Copyright & related rights
- Patents
- Know-how
- Unfair competition
- Internet counterfeiting
- IP contracts
- Protection strategy & counselling
- IP litigation
- Anti-counterfeiting program
- Rights portfolio management
- Arbitration

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negotiating and drafting master service agreements to enable the client to issue MasterCard branded open loop pre-paid reloadable and non-reloadable cards.

The firm also acted for Telstra in outsourcing the management of its Australian property portfolio to Jones Lang LaSalle. The transaction covered most of Telstra's owned and leased sites in Australia, including those used in its telecommunications network. As a result, this transaction has been regarded as one of the largest and most complex property management outsourcing arrangements in Australia.

A noteworthy media deal was advising Daily Mail and General Trust (DMGT) in the establishment of a 50/50 joint venture between DMGT and Illyria, with Lachlan Murdoch becoming chairman of DMG Radio Australia. This transaction was completed in December 2009.

Minter Ellison

"Minter Ellison provides timely, practical and useful advice. It is very commercial and easy to work with," states a client. The firm retains its consistency and reputation for quality service, and peers agree that it "deserves its place" in the rankings.

The IT team advised Aon on its restructuring of global IT outsourcing with Hewlett Packard (HP). The service rendered by the firm included dealing with IT infrastructure, as well as application development and maintenance, end user computing, and any other services that the client required, in conjunction with what HP may require, on a global basis.

A client recommends partner Keith Robinson: "He is excellent at getting to the heart of complex problems quickly and suggesting commercial solutions. He is easy to work with and communicates easily with people at all levels in the organisation."

Other active firms

Truman Hoyle

Truman Hoyle comes highly recommended by peers, with one in particular noting that "this firm is definitely one to keep an eye out for". Clients are extremely pleased with the quality of service, with one client stating: "The firm is agile and client focused and a responsive boutique outfit."

The team advised Microsoft regarding an agreement with Foxtel in April 2010, which involved Foxtel delivering video and TV content using Microsoft's Xbox 360 console and Xbox Live service.

Another prominent client represented by the firm is Expedia, which the team advised regarding the provision of all e-commerce and technology advice for the Expedia Group in the Asia Pacific region.

Partner Shane Barber is recommended by one client

for being "knowledgeable, practical, commercially-minded, and very accessible and contactable at all hours".

Webb Henderson

The newly formed telecommunications boutique outfit Webb Henderson was established in late 2009, with a core of practitioners from Sydney-based firm Gilbert + Tobin. Angus Henderson is a key partner for the firm, and clients recommend him highly for "his deep understanding of the telecommunication industry".

The firm has an esteemed list of clients, offering its services to National Broadband Network, SingTel of Singapore and Telkomsel in Indonesia. Work for SingTel includes advising the client on its commercial arrangements with the OpenNet consortium, which is an entity that has been selected by the Info-communication Development Authority of Singapore (IDA) to design, construct and operate the passive infrastructure of Singapore's Next Generation National Broadband Network. This is a continuing matter for the firm, and has been valued at US\$750 million.

Labour & Employment

RECOMMENDED FIRMS

Tier 1

Blake Dawson

Clayton Utz

Freehills

Minter Ellison

Tier 2

Corrs Chambers Westgarth

Harmers Workplace Lawyers

Mallesons Stephen Jaques

Tier 3

Baker & McKenzie

DLA Phillips Fox

Norton Rose

Blake Dawson

Blake Dawson garners approval and praise from its peers and remains in the top tier for labour and employment work.

The team is headed up by Richard Bunting, who was the lead in advising BHP Billiton on the strategic

employment aspects of BHP Billiton's establishment of a 50:50 production joint venture with Rio Tinto.

Partner Steven Amendola was appointed by the Western Australian government in providing advice and leading a review of the state's industrial relations systems in 2009.

The firm acted for ANZ Bank with regards to its US\$550 million acquisition of certain Asian businesses owned by the Royal Bank of Scotland (RBS) / ABN Amro. This matter is regarded as highly complex in terms of cross-border employment, as the acquisition results in ANZ's permanent employee numbers in the Asia trebling from about 1,800 to over 5,000.

Clayton Utz

Clayton Utz represented the Australian Building and Construction Commission in proceedings concerning industrial action in December 2009 and January 2010. The matter consisted of about 1500 construction workers engaging in unlawful industrial action at Woodside's Project Pluto in the Pilbara.

Another transaction for the labour and employment team was acting for Coca-Cola Amatil (CCA) in matters relating to the management of industrial relations at the Victorian manufacturing and warehousing operations of CCA.

The firm advises a varied collection of clients one of which is La Trobe University, which it recently worked with in a matter regarding a major restructuring and round of voluntary redundancies. The team also advised the client in the renegotiation of its University-wide Enterprise Agreement.

Minter Ellison

Minter Ellison bolsters its substantial corporate presence with an employment law team that is very well received and highly acclaimed by clients. Partner Gareth Jolly is praised by a client as a "knowledgeable and competent lawyer".

The firm defended the Queensland Tertiary Admissions Centre in relation to the new adverse action provisions of the Fair Work Act 2009. The applicant was the CEO of the client, and the case involved novel use of adverse action provisions and was a very sensitive matter for the client.

The team additionally advised the Victorian Department of Education and Early Childhood Development on an unusual enterprise agreement, which was approved in January 2010, that will cover approximately 600 employers in the community-managed early childhood or kindergarten sector.

Harmers Workplace Lawyers

"We would recommend Harmers Workplace Lawyers because of their expertise in employment and industrial law. It can be characterised as a firm that gives expert, timely and sensible advice," says a client. "The firm's service is of the highest calibre."

The firm advised the Australian Ski Areas Association in relation to the creation of a modern award for the Snow Sports Industry, securing one of the most advantageous modern awards granted by Fair Work Australia.

A client singles out partner Jamie Robinson for praise: "We are extremely satisfied with the advice that he has provided; he assists us with the best strategy and is constantly assessing what needs to be done to put us into the position of receiving a favourable outcome. He is an industrial relations specialist, which is evident in his dealings with us; no stone remains unturned"

Mallesons Stephen Jaques

"Mallesons Stephen Jaques' service is of the highest order," says a client. "The advice provided is proactive and always considered and measured against what our business is trying to achieve. Quite simply, they get it."

The firm is praised for its "measured and thought-out approach", says a client. "One gets the sense that it values its relationships with clients."

A notable matter for the firm was representing Nestlé Australia in a series of disputes before Fair Work Australia relating to the negotiation of new enterprise agreements at a number of sites.

The team advised Goldman Sachs JBWere to develop its suite of human resources (HR) documentation to ensure compliance with the new Fair Work Act, which came into effect in January 2010. This work consisted of the implementation of new arrangements, conducting training of HR staff on the legal issues and practical implementation mechanisms.

DLA Phillips Fox

"The lawyers at DLA Phillips Fox are very committed and passionate about their work. They are good quality practitioners who are able to move resources around the firm to suit client needs," says a client. Another client appreciates the firm's ability to "provide pragmatic legal advice rather than just black letter law".

The firm is providing high level strategic industrial relations planning and advice for mining and construction project Oakajee Port & Rail. This is a considerable undertaking, with up to 2,000 jobs expected to be created during the construction phase and 400 personnel operating the infrastructure when complete.

The team is advising Foster's Group in its renegotiations

with employees and lead unions for its Victorian beer business and main wine assets over labour contracts.

Norton Rose

“Norton Rose has provided excellent service and clear and timely advice in all our experiences with the firm,” notes a client. The outfit “represents the highest value for money”, praises another client. The firm reinforced its labour and employment team with the hire of Barry Sherriff from Freehills in November 2009.

The team represented Bank of Queensland agents in the first application to Fair Work Australia to modernise an enterprise award under the Fair Work Act 2009. The particular enterprise award applies to over 200 Bank of Queensland agents.

The firm provides more than simple advice and the carrying-out of instructions. It developed an innovative tool for the board of Coffey International to enable the client to track and monitor its occupational health and safety (OHS) performance.

Shipping Maritime & Aviation

RECOMMENDED FIRMS
Tier 1
Blake Dawson
Tier 2
Clayton Utz
DLA Phillips Fox
HWL Ebsworth
Minter Ellison
Norton White
Piper Alderman

Blake Dawson

Blake Dawson maintains a superlative list of clients, and is “thoroughly deserving” of its top tier ranking in the fields of shipping, maritime and aviation.

The firm advised notable blue-chip client Qantas Airways on a few matters this year, one of which was the US\$375 million export-credit finance for two A380 aircraft in December 2009.

A consistent client of the team is MMG Australia, which the firm acts for on shipping activities. This includes the chartering of vessels for the export of mineral concentrates from the Golden Grove and Century mine sites.

A highlight matter for the team was advising Exxon-

Mobil and BHP Billiton with regards to the alleged damage to an ethane gas pipeline caused by the fouling of the anchor of the Hong Kong-Chinese registered container ship APL Sydney in Port Phillip Bay, Victoria.

DLA Phillips Fox

“The professionals at DLA Phillips Fox are responsive and accessible at all levels”, says one client.

The team at DLA Phillips Fox brings an international experience and expertise to its clients. By providing a one-stop shop service, the firm is able to leverage a successful alliance with DLA Piper in meeting the shipping needs of its clients.

HWL Ebsworth

The corporate practice of HWL Ebsworth has a well-established name in the Australian market for its expertise in the shipping sector, through its previous guise of Ebsworth & Ebsworth prior to the 2008 merger with Home Wilkinson Lowry. The overall practice has only blossomed since this development, and a client has praised the firm particularly for its “expertise in regulatory advice”. In the last year, the firm promoted Matthew Brooks to partner in the transport practice area.

Minter Ellison

Boasting one of the largest practices in the country, Minter Ellison provides services of the highest standard, with its shipping, maritime and aviation department well supplemented by its prowess in corporate and litigious matters.

The firm provides advice for aviation client Qantas Airways, representing the airline in its defence of a reported US\$72.2 million class action brought by travel agents. This was for the payment of commissions on fuel surcharges introduced by the client and five other airlines as part of the price payable for international air travel.

Tax

RECOMMENDED FIRMS

Tier 1

Allens Arthur Robinson

Clayton Utz

Greenwoods & Freehills (incorporating Shaddick & Spence)

Mallesons Stephen Jaques

Tier 2

Arnold Bloch Leibler

Atanaskovic Hartnell

Baker & McKenzie

Blake Dawson

Corrs Chambers Westgarth

Tier 3

DLA Phillips Fox

Henry Davis York

Mallesons Stephen Jaques

Mallesons Stephen Jaques possesses a “highly capable” tax practice, note peers, aside from its stellar corporate and finance team.

The firm acted for BHP Billiton this past year, winning the case against the Commissioner of Taxation worth US\$2 billion in March 2009 and appearing for the client in the Full Court appeal in November 2009.

A highlight for the tax team was the resolution of tax aspects and issues surrounding National Australia Bank (NAB) on its US\$2 billion capital raising, conducted through a fully underwritten placement and then followed by a share purchase plan for retail shareholdings.

Another high profile matter was acting for the receivers of Allco Finance Group in relation to the sale of the group’s aviation business. The team participated in the preparation of a legal and due diligence report which was provided to parties interested in acquiring the aviation business.

Atanaskovic Hartnell

The professionals at Atanaskovic Hartnell garner the highest of praise, with Richard Dukes and Emma Crause especially recommended by one client for their “responsiveness, outstanding technical skills, creative thinking and pro-active support.” The same client continues: “I found all of these [traits] in working with Dukes and Crause in addition to being just kind and great people to work with.”

The firm is in the process of advising various entities in

the Viacom group regarding various Australian tax issues, including the structuring of an Australian joint venture.

Another client notes: “I would give the firm the highest rating since it has been my consistent experience in working with Richard Dukes that he is capable of solving what may appear as insolvable problems.”

Blake Dawson

One client recommends Blake Dawson tax partner Vivian Chang, saying: “She is far above other tax advisers we have used in any jurisdiction due to her in-depth technical knowledge and her enquiring and flexible mind. Vivian is extremely client focused and very easy to communicate with. We always feel comfortable having Vivian working on our side.”

The firm was involved in a US\$345 million matter advising Macquarie Airports on the stamp duty and GST aspects in relation to the internalisation of their management structure.

Another noteworthy transaction for the team was advising Farallon Funds and other non-resident investors regarding investment in Aston Resources including the provision of tax advice for this US\$500 million-valued matter.

Corrs Chambers Westgarth

Corrs Chambers Westgarth advised First Quantum Minerals on all tax aspects of its US\$340 million acquisition of BHP’s Ravensthorpe Nickel Operations in Western Australia. The acquisition was the first in Australia for Canadian entity First Quantum Minerals.

The firm acted for Foster’s Group and eight of its subsidiaries in its successful Federal Court litigation against the Australian Taxation Office regarding a total of US\$548 million in primary tax and penalties, and accrued interest of US\$302 million. The dispute involved issues surrounding financing arrangements in the 1980s and 1990s.