
ALISTER ABADEE

BARRISTER

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With nearly 20 years' experience at the Bar, Alister brings a wealth of knowledge and experience when advising and appearing for clients at both trial and appellate level.

Having acted in a broad spectrum of commercial and equity matters, Alister's core areas of practice also extends to corporations law and professional liability claims. He possesses particular experience in representative proceedings (predominantly consumer and investor class actions) which has seen him appear against Senior Counsel in significant matters that have garnered considerable media interest, particularly concerning the travel and tourism industry.

The primary jurisdictions in which Alister appears includes the NSW Court of Appeal, Federal Court of Australia and Supreme Court of New South Wales. He has also appeared in the High Court of Australia and inferior courts, such as the District Court of New South Wales.

Complementing his practice in the field of professional liability, in which he has acted in a multitude of matters relating to legal practitioners and financial services professionals, Alister has co-authored the first, second and third editions of Thomson Reuters' *Professional Liability in Australia* publication. As an adjunct lecturer, Alister has also taught product liability law and principles to pharmacology students. His expertise in corporations law has seen him appear in seminal cases with respect to directors' duties, and act as Examiner in ASIC examinations. Alister's interest in this area is evidenced by his contribution to the chapter on *Members' Rights and Remedies* in the *Australian Corporations Law* loose-leaf service.

In addition to his barrister's practice, for nearly two decades, Alister has served as a Naval Reservist, and as a member of the NSW Navy Legal Panel, he has acted for defence members in several disciplinary proceedings and commissions of inquiry. Since 2015, he has been a casual lecturer at the University of Sydney's *Foundations of Law* course and he is also a mentor to students aspiring to become advocates through a program facilitated by the University of Technology, Sydney, Law School. Alister has authored several articles and delivered many external and in-house presentations on topical issues and developments relating to his areas of practice.

Alister holds a Masters of Law, a Bachelor of Laws (with Honours) and a Bachelor of Arts, all from the University of Sydney.

ADMISSIONS TO PRACTICE

- 2000 Admitted to the Bar of New South Wales
- 1995 Admitted as a Solicitor of the Supreme Court of New South Wales

AREAS OF PRACTICE

- Administrative Law
- Appellate
- Banking Law
- Class Actions
- Commercial Law
- Competition & Consumer Law
- Corporations Law
- Equity
- Financial Services Law
- Inquests and Commissions of Inquiry
- Insurance Law
- International Commercial Arbitration
- Professional Liability and Disciplinary Proceedings
- Product Liability
- Travel and Tourism Law

PROFESSIONAL QUALIFICATIONS

- 2008 Graduate Diploma in Military Law: The Australian National University
- 1997 Masters of Law: University of Sydney
- 1993 Bachelor of Laws (Honours): University of Sydney
- 1991 Bachelor of Arts: University of Sydney

PROFESSIONAL EXPERIENCE

- 2000 – present Barrister, 7 Wentworth Selborne Chambers, Sydney
- 1996 – 2000 Solicitor, Clayton Utz (Commercial Litigation Department)
- 1995 – 1996 Solicitor, Abbott Tout (Insurance Litigation Department)
- 1994 – 1994 Associate to Justice Foster, Federal Court of Australia

PROFESSIONAL MEMBERSHIPS

- Member, New South Wales Bar Association
- Prior Committee Member, New South Wales Bar Association Professional Conduct Committee

PUBLICATIONS

- Co-author of Thomson Reuters' *Professional Liability in Australia* publication (1st, 2nd and 3rd editions)
- Editor of the *Members' Rights and Remedies* section of the *Australian Corporations Law* (loose-leaf service)

SPEAKING ENGAGEMENTS

- *The New Unfair Contracts Law and Contract Disputes*, Legalwise Seminars: March 2017
- *The New Class Action Regime in Queensland*, in-house presentation at Cooper Grace Ward (Brisbane): October 2016
- *The Ascendancy of Statutory Law – Recent Developments in Professional Liability*, Australian Insurance Law Association: June 2016
- *Solicitors' Liability under the Australian Consumer Law: Defences, Damages and Limitations on Recovery*, in-house presentation to K & L Gates: February 2016
- *Professional Liability in Financial Services*, UNSW Professional Legal Education Programme: February 2016
- 'Exclusion Clauses' and 'Proportionate Liability' seminars, presented to College of Law (NSW) CPD Programme: February 2016

SELECT CASES

High Court of Australia

- *NSW Registrar, Births Deaths & Marriages v Norrie* (2014) 250 CLR 490 - a civil rights case featuring statutory interpretation of the *Births, Deaths & Marriages Registration Act* (led by D Bennett QC)

NSW Court of Appeal

- *Scenic Tours Pty Ltd v Moore* (judgment reserved, May 2018) - an appeal from a consumer representative action concerning the extra-territorial application of the *Australian Consumer Law* to disappointed passengers on European river cruises (leading T Liu and opposed to D Williams SC)
- *Richtoll Pty Ltd v WW Lawyers Pty Ltd* [2016] NSWCA 308 - a professional liability case against a solicitor who negligently failed to undertake a search of a register revealing solvency concerns of a borrower (leading E Anderson and opposed to D Priestley SC)
- *Campbelltown City Council & Ors v WSN Environmental Solutions* [2015] NSWCA 299 - a case concerning commercial construction of dispute resolution clause (led by A Bannon SC)
- *Professional Investment Services v Jamieson* (2009) 72 NSWLR 281 - the case which stimulated the onset of representative actions in NSW, prior to the insertion of Part 10 in the *Civil Procedure Act* (led by N Hutley SC)
- *ASIC v Adler* (2002) 42 ACSR 80 - enforcement action by the securities regulator for breach of directors' duties arising from the HIH collapse (led by R Macfarlan QC)

Federal Court of Australia

- *Lahoud v Democratic Republic of Congo (No.2)* [2018] FCA 478 - an interlocutory dispute in a case concerning the enforcement of an international arbitral award
- *Bideena v Super Growth Fund* [2016] FCA 1440 - an interlocutory dispute in an oppression suit (led by L Gyles SC)
- *Hopkins v AECOM Australia Pty Ltd (No.5)* [2015] FCA 1228 - an interlocutory dispute in a securities representative action
- *Paxtours International Travel Pty Ltd v Singapore Airlines Ltd* [2012] FCA 426 - a former group member's re-instatement application in a representative action
- *Hobbs Anderson Investments Pty Ltd v Oz Minerals* [2011] FCA 801 - court approval of a settlement in a securities class action
- *Albarran v The Members of the Companies Auditors & Liquidators Disciplinary Board* (2006) 151 FCR 466 - a case concerning the constitutional validity of provisions of the *ASIC Act* (led by S Gageler SC)
- *Kennedy v Wallace* (2004) 213 ALR 108 - a case concerning legal professional privilege claimed by an Australian resident over documentary communications outside Australia with a foreign lawyer (led by G Lindsay SC)

Supreme Court of New South Wales

- *Health Care Complaints Commission v CSM* [2018] NSWSC 902 - concerning disciplinary action taken against a nurse (leading E Ball and opposed to C Webster SC)
- *Moore v Scenic Tours Pty Ltd* [2017] NSWSC 733 - a consumer representative action concerning the extra-territorial application of the *Australian Consumer Law* to disappointed passengers on European river cruises (leading T Abdulhak and opposed to G McNally SC)
- *King v Liverpool City Council* [2017] NSWSC 1148 - an interlocutory dispute in a representative action against a local council arising from the dumping of allegedly asbestos-contaminated waste (unled and opposed to M Finnane QC)

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- *Richtoll Pty Ltd v WW Lawyers Pty Ltd* [2016] NSWSC 438 - a professional liability case against a solicitor who negligently failed to undertake a search of a register revealing solvency concerns of a borrower (leading E Anderson and opposed to D Priestley SC)
 - *Surf Life Saving NSW v Hanks* [2016] NSWSC 1284 - concerning a well-known charitable entity's claim to recover monies from the fraudulent conduct of its general manager (leading S Jayasuriya)
 - *Australian Vaccination Network v HCCC* [2012] NSWSC 110 - an administrative law case concerning a controversial entity's attempt to set aside an investigative report of the regulator for want of jurisdiction