

## JULIE GRANGER

### **QUALIFICATIONS**

- 2010                    Master of Law (Commercial and Corporate Law),  
University of New South Wales  
Dean's Awards for the highest mark in a subject for each of *Fiduciary Duties and Conflicts of Interest* and *Construction of Commercial Agreements*
- 2006                    Graduate Diploma in International Commercial Arbitration, Chartered  
Institute of Arbitrators
- 2001                    Bachelor of Arts/Laws (Honours), Southern Cross University

### **ADMISSIONS**

- August 2015            Admitted to the New South Wales Bar
- August 2001            Admitted as a solicitor of the Supreme Court of New South Wales

### **EXPERIENCE PRIOR TO ADMISSION TO THE BAR**

- 2001 - 2015            Solicitor, then Senior Associate, then Special Counsel, Clayton Utz, Sydney
- Commercial Litigation, acting in a range of commercial disputes in a variety of jurisdictions and industries. (2003 to 2015)
- Financial Services, (Managed Funds and Superannuation) (2002 to 2003)
- 2012-Current           Member of Southern Cross University Council
- Alumni member and now Board appointed member of the Universities governing body; member of Governance Committee and Audit and Risk Committee.
- 2001 - 2002            Contracts officer for Chartered Institute of Management Accountants (CIMA), London UK

### **SELECTED MATTERS AS A SOLICITOR**

#### **Financial Services (including Superannuation) Matters:**

- REGULATORY           ASIC investigation re potential breaches of s674 and s1043A(2) of the Corporations Act (2014)
- Acted for a large financial institution in relation to several s30 Notices issued by ASIC and appeared at related s 19 ASIC Examination.

- REGULATORY APRA investigation (2011 - 2012)
- Participated in over 15 examinations conducted pursuant to s 270 of the SIS Act. Gave advice re various substantive, strategic and procedural matters relating to the investigation (including obligations under the SIS Act and natural justice requirements).
- ADVISORY Trio collapse (2013)
- Acted for and advised a company who was undertaking due diligence into the auditor of the Trio funds in the context of a possible takeover. Extensive analysis of potential claims against the auditor and other parties by reason of the Trio collapse.
- VIC SCUPREME CT Construction and Rectification of a Superannuation Trust Deed (2002 - 2010) - *ExxonMobil Superannuation Plan Pty Ltd v Esso Australia Pty Ltd & Ors* [2010] VSC 357
- Acted for the Trustee of the ExxonMobil Superannuation Plan in relation to long running proceedings regarding the proper interpretation and possible rectification of certain provisions of the Trust Deed governing the ExxonMobil Superannuation Plan. Believed to be one of the largest Superannuation disputes in the Asia-Pacific Region.

General Commercial Matters:

- INSURANCE DISPUTE RE PROJECT PROTECTOR- 2014 and 2015
- Acting for the Insured in relation to a dispute regarding the vessels procured for the New Zealand Navy as part of Project Protector.
- NEGOTIATION Director and Shareholder dispute (2014)
- Acted for director and shareholder in a dispute with the other director and shareholder. Involved issues of breach of fiduciary duty, breach of statutory duties under the Corporations Act including breach of director's duties and oppression and workplace bullying.
- NSW SUPREME CT Winding up of Mulsanne Resources (Nathan Tinkler Company); public examinations and breach of Corporations Act (2012-2013)
- Advised and acted for an unsecured creditor of Mulsanne Resources (one of the Tinkler Group companies) in relation to an unpaid subscription price of \$28.4M and subsequently, for Ferrier Hodgson, the Liquidators appointed to Mulsanne Resources in winding up proceedings.
- FEDERAL COURT Trade Practices; Stay of Proceedings (Merrill Lynch ats CKI) (2012 - 2013)
- Acted for Merrill Lynch in relation to proceedings brought against it and Bluescope Steel by CKI. Involved allegations of breach of the Trade Practices Act and several interlocutory applications, including an application for a permanent stay.

SA SUPREME CT Stay of Proceedings (2012-2103) - *Moldauer v Constellation Brands Inc* [2013] SASC 38

Acted for Constellation Brands in successfully staying proceedings on the basis of inconvenient forum.

NSW SUPREME CT Breach of Contract, Negligence and Breach of Trade Practices Act (WorleyParsons) (2010 - 2013)

Acted for WorleyParsons Limited and its subsidiary John Wilson & Partners Pty Ltd (JWP) regarding the design and construction of the Bootawa Water Treatment Plant. The proceedings involved issues of breach of contract, negligence, breach of statutory duties under the Trade Practices Act and proportionate liability.

ARBITRATION Working Capital Dispute (2008 - 2012)

Acted for Startronics (a PEP company) in relation to a domestic arbitration regarding a working capital dispute with Sanmina.

SA SUPREME CT Breach of Contract, Negligence and Breach of Trade Practices Act (WorleyParsons ats Ahrens ) (2006 - 2010)

Acted for a WorleyParsons Ltd subsidiary in relation to proceedings commenced against it in the South Australian Supreme Court regarding the collapse of a silo which had been design reviewed by WorleyParsons. Involved allegations of negligence, breach of contract and breach of statutory duties under the Trade Practices Act. Proceedings settled.

NSW SUPREME CT Fraud (*OzTam v Hillier*) (2009)

Acted for OzTam (the then official source of television audience measurement in Australia) in relation to a substantial Fraud. The proceedings involved successfully obtaining an urgent Mareva Injunction.

NSW SUPREME CT Restraint of Trade, Misuse of Confidential Information (2004) - *Woolworths Limited v Mark Konrad Olson & Anor* [2004] NSWSC 871, *Woolworths Limited v Mark Konrad Olson and Anor* [2004] NSWSC 849 (22 September 2004), *Woolworths Limited v Mark Konrad Olson & Anor* [2004] NSWSC 896

Acted for Woolworths in proceedings which spanned 4 jurisdictions (Federal Court of Australia, New South Wales Court of Appeal, Supreme Court of New South Wales and the Industrial Relations Commission of New South Wales). Involved issues of fraud, breach of contract, restraint of trade, breach of fiduciary duty and breach of copyright including the obtaining of an Anton pillar order to seize critical confidential information.

## **PRESENTATIONS/PUBLICATIONS**

### Selection of Publications

*The High Court talks sense about Proportionate Liability*, Clayton Utz Insights July 2013

*The right to appeal an arbitral award: Express may be best*, In House Counsel July 2012

*Open access* (Superfunds Magazine) (September 2012)

*A beneficiary's right to access legal advice*, Australian Superannuation Law Bulletin (August 2012)

*Enforcement of arbitral awards - navigating the Shoals*, Clayton Utz Insights April 2012

*Rectification: How to prove your "contract" is not your contract*, Clayton Utz Insights January 2012

*Who cares what you think? Contracts and the parties' subjective intentions*, Clayton Utz Insights November 2011 and In House Counsel

*Rectification: What to do when your "contract" is not your contract*, Clayton Utz Insights September 2011

*Lady Luck shines light on proportionate liability*, Clayton Utz Insights June 2008

*Limitation of liability and indemnity clauses: the knock-out punch of proportionate liability*, Clayton Utz Insights December 2006

#### Selection of Presentations

UNSW's Contract Law Update March 2014 (Consumer considerations in contract law)

Presented paper at the NSW State Legal Conference on the law of penalties post *Andrews v ANZ* (2013)

"Class Actions in Superannuation" Clayton Utz Risky Business session 2013 with Ross McInnes and Jane Paskin (July 2013).

Presented at the Centre for Investor Excellence Course on Obligations of Trustee Directors in light of the *Centro* decision (Course attended by Senior Executives in the Superannuation Industry) (October 2011)

Presented paper at the NSW State Legal Conference on the law of penalties (2010)

Presented paper at the NSW State Legal Conference on the Convention for International Sale of Goods (2009)

Presented paper at the NSW State Legal Conference on Freezing and Search orders (2008)