

CHRISTOPHER MITCHELL

PROFESSIONAL

- 2016 - date** **Barrister**
7 Wentworth Selborne (2018)
Banco Chambers (2016/2017)
- 2012 - 2016** **Senior Associate (Dispute Resolution)**
Herbert Smith Freehills
- Experience in a range of commercial, insolvency, insurance and regulatory matters in the Supreme Court of NSW, Supreme Court of Victoria and Federal Court of Australia
- Pro bono clients include the Public Interest Advocacy Centre's war crimes project on Sri Lanka and the United Nations Special Rapporteur on Torture
- 2007 - 2012** **Associate Legal Officer (Office of the Prosecutor)**
United Nations International Criminal Tribunal for the Former Yugoslavia
- Member of the prosecution team on two successful prosecutions for genocide, war crimes and crimes against humanity in relation to the 1995 Srebrenica genocide:
- *Prosecutor v. Radovan Karadzic* (president of the Bosnian Serb Republic)
 - *Prosecutor v. Vujadin Popovic et al.* (seven senior military/police officers)
- Extensive experience leading and cross-examining lay and expert witnesses; oral argument at trial level; drafting trial and appellate submissions; field investigations
- 2003 - 2007** **Graduate Solicitor (Corporate) / Paralegal (Employee Relations)**
Herbert Smith Freehills

EDUCATION

- 2007** **Bachelor of Laws (LLB Hons)**
Macquarie University
- First Class Honours, Dean's Award for Excellence in Law, Lionel Murphy Prize for Labour Law, Division of Law prize for Comparative Law, Division of Law prize for Law of the Sea, Division of Law prize for International Dispute Settlement
- 1999** **Bachelor of Arts (BA)**
University of Sydney

TEACHING

- 2013 - 2019 Convener and lecturer for International Criminal Law, Macquarie University
- 2014 - 2015 Co-convener/lecturer for International Dispute Settlement, Macquarie University

PUBLICATIONS

- 2018 *Lessons learned from the use of DNA evidence in Srebrenica-related trials at the United Nations International Criminal Tribunal for the Former Yugoslavia*, with Kweku Vanderpuye, book chapter, ICTY Legacies, OUP 2018 (pending)
- 2014 *The importance of human rights due diligence for businesses: International Criminal Court asked to investigate allegations of land grabbing in Cambodia*, with Don Robertson, HSF Public International Law blog, 19 December 2014
- 2010 *Case note: Prosecutor v. Vujadin Popovic et al. [IT-05-88-T] (ICTY Trial Chamber) (2010)*, Australian International Law Journal, Volume 17, 2010
- 2008 *Case note: Prosecutor v. Milomir Stakic [IT-97-24-A] (ICTY Appeals Chamber) (2006)*, Australian International Law Journal, Volume 13, 2006 (published 2008)
- 2005 *Understanding the proposed small business exemption from Federal unfair dismissal laws*, with John H.C. Colvin, Australian Financial Review Industrial Relations Conference, March 2005
- 2004 *Union rights of entry*, with Anthony Longland, College of Law Practice Papers

ADMISSIONS

- 2016 Barrister, New South Wales Bar
- 2012 Lawyer, High Court of Australia
- 2007 Lawyer, Supreme Court of New South Wales

APPEARANCES - TRIAL

Class actions

<i>Volkswagen, Audi and Skoda class actions and ACCC proceedings</i> , Federal Court of Australia, ongoing	Alleged use of “defeat device” in diesel cars – for Audi, Volkswagen, Skoda, led by N Hutley SC, P Brereton SC and Dr R Higgins SC
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Commercial, corporations and insolvency

<i>Abate, in his capacity as Liquidator of Alberto Rajii, v Alberto Rajii</i> Federal Court, NSD No. 2118 of 2017	Recognition of foreign insolvency proceedings as foreign main proceeding – for the liquidator, led by D Sulan
<i>Adcorp Australia Limited v Dentsu Mitchell Media Australia</i> NSWSC 2017/127245	Claim for breach of contract and misleading or deceptive conduct – for Dentsu Mitchell, led by Dr JA Watson
<i>Amit Laundry Pty Ltd v Rajil Jain</i> , NSWSC [2017] NSWSC 1603	Real property – claim for title to property held on resulting trust – for Rajil Jain, led by S Dawson SC
<i>Armstrong Strategic Management Pty Limited v Expense Reduction Analysts Group Pty Ltd (No 10)</i> [2017] NSWSC 16	Application for lump sum indemnity costs – for Expense Reduction, led by EAJ Hyde
<i>Barrett and Ors v Maradaca Pty Ltd</i> , NSWSC 2017/29926, ongoing	Claim for breach of warranty and misleading or deceptive conduct – for Maradaca, led by Dr JA Watson
<i>BlueScope Steel v Illawarra Coal Holdings</i> , NSWSC 2015/190735, ongoing	Alleged breach of long-term coal supply contract – for BlueScope, led by J Sheahan QC and Dr R Higgins SC
<i>Babcock & Brown DIF III v Babcock & Brown International Pty Ltd</i> , Supreme Court of Victoria 2013/05903, ongoing	Alleged breach of fiduciary duty – for Babcock & Brown International, led by Dr R Higgins SC
<i>DIF III - Global Co-Investment Fund LP v BBLP LLC</i> , NSWSC 2016/00285820, ongoing	Alleged breach of fiduciary duty – for Babcock & Brown International, led by P Brereton SC
<i>Faye Parker v Attis Capital et al</i> , NSWSC 2017/56434, settled	Claim for fraudulent misappropriation of investment portfolio – for Attis Capital and D Reynolds, led by F Assaf
<i>In the matter of Kimberley Diamond Company Pty Ltd (in liq) (ACN 061 899 634)</i> [2017] NSWSC 538	Application to convert creditors’ voluntary winding up to a court-ordered winding up – for KDC, led by D Sulan
<i>Michael Jackson v Dockvest Pty Ltd and Fitness and Lifestyle Group Bidco Pty Ltd</i> , Federal Court VID 312/2018 (ongoing)	Claim for misleading or deceptive conduct regarding gym chain purchase – for Dockvest and FLG, led by D Sulan
<i>Mine Subsidence Board v Darren Bullock</i> , NSWSC 2016/280727, settled	Claim against former employee for breach of fiduciary duty and money had and received – for MSB, led by T Wong
<i>Noakes Group Pty Ltd v KZ Marine Group Limited</i> , NSWSC 2016/214436 (settled)	Claim against marine goods supplier for breach of contract and negligence – for Noakes, led by Dr JA Watson
<i>Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd</i> , Supreme Court of Western Australia CIV 3041 of 2010 (ongoing)	Claims for entitlements in relation to mining tenements known as Hope Downs and East Angelas – for Hancock Prospecting, led by N Hutley SC and C Colquhoun

Regulatory

<i>Chief Executive Officer of Australian Transaction Reports and Analysis Centre v TAB Limited</i> , FCA 852 of 2015, settled	Alleged breaches of anti-money laundering and counter-terrorism financing laws - for Tabcorp, led by J Sheahan QC, P Brereton SC and Dr R Higgins SC
<i>ACCC v Ozsale Pty Limited</i> [2016] FCA 1049	Consumer law – admitted contraventions of ACL s 106 - for the ACCC, led by Dr R Higgins SC
<i>ACCC v Colgate-Palmolive Pty Ltd (No 3)</i> [2016] FCA 676	Trade practices – admitted contraventions of s 45(2) of the Trade Practices Act – for the ACCC, led by Dr R Higgins SC

Criminal

<i>R v Andrew Biffin</i> , NSWDC, unreported judgment	Discharge firearm in a manner likely to injure (acquittal) – for the defendant, unled (jury trial)
<i>R v CH</i> , NSWDC, unreported judgment	Aggravated child sexual assault (acquittal) – for the defendant, led by I Nash (Public Defender)
<i>R v CE</i> , NSWDC, unreported judgment	Aggravated child sexual assault (acquittal) – for the defendant, led by I Nash (Public Defender)

Insurance

<i>ACE Insurance Ltd, in the matter of ACE Insurance Ltd</i> [2016] FCA 997 (8 August 2016)	Application for transfer of general insurance business - for ACE, led by N Owens SC
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International Criminal

<i>Prosecutor v. Radovan Karadzic</i> , IT-95-05/18, United Nations International Criminal Tribunal for the Former Yugoslavia	Genocide, crimes against humanity, war crimes – appeared for the Prosecutor, led by A Tieger and H Uertz-Retzlaff
<i>Prosecutor v. Vujadin Popovic et al.</i> IT-05-88, United Nations International Criminal Tribunal for the Former Yugoslavia	Genocide, crimes against humanity, war crimes – appeared for the Office of the Prosecutor, led by P McCloskey

Personal injury

<i>George Younes bht Mirna Dib v Dr Tamanna Parvin</i> , NSWSC 2017/141974 (settled)	Medical negligence, for Dr Parvin (instructed by MIPS), led by M Walsh SC
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Proceeds of crime

<i>Commissioner of the Australian Federal Police v Cui and Li</i> [2017] NSWSC 1817	Proceeds of crime – exclusion application, for Ms Cui and Mr Li, led by S Dawson SC
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Professional discipline

<i>Health Care Complaints Commission v Dr Richard Reid</i> , NCAT, judgment pending	Professional disciplinary proceedings – for the HCCC, led by K Richardson SC
<i>Health Care Complaints Commission v Dr Peter Petros</i> , NCAT, ongoing	Professional disciplinary proceedings – for the HCCC, led by K Richardson SC

Royal Commission

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry

For National Australia Bank Ltd, led by Neil Young QC and Wendy Harris QC

Urgent relief

Mine Subsidence Board v Bullock [2016] NSWSC, unreported

Two freezing orders – for the MSB, led by T Wong

FremantleMedia Australia v Le [2016] NSWSC 1167

Freezing order – for FMA, led by D Sulan

FremantleMedia Australia v Le [2016] NSWSC 983

Worldwide asset disclosure - for FMA, led by D Sulan

APPEARANCES - APPEAL

Royal Bank of Scotland PLC v Babcock & Brown DIF III Global Co-Investment Fund LP [2017] VSCA 138

Enforcement of foreign exclusive jurisdiction clause - appear for BBIPL, led by P Brereton SC and V Whittaker

ADVISORY

Advised Health Care Complaints Commission on a confidential investigation (ongoing)

Unled

Advised the Australian Rugby Union on a confidential dispute (settled)

Unled

Advised Clayton Utz in relation to a report prepared by Clayton Utz for the board of AMP Limited into allegations of charging fees for no service and misleading ASIC

Led by N Hutley SC

Advised an entity on potential exposure under s 316 of the *Crimes Act* NSW (1900) in relation to the Royal Commission into Institutional Responses to Child Sexual Abuse

Led by R McHugh SC

Advised a foreign government on a law of the sea dispute (disputed title to islands)

Led by Professor Natalie Klein

Advised Indigenous Business Australia on a governance issue

Led by R Dick SC