

CHRISTOPHER MITCHELL

7 Wentworth Selborne | 180 Phillip St Sydney NSW 2000

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
- 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 Bosnian Serb 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
<i>Infigen Ltd ats Richard Graham & Anor and Kuhn & Anor</i> , NSWSC 2017/00131194 and 2017/00255662, ongoing	Class action seeking damages for bushfire caused by electricity assets – for Infigen, led by Dr R Higgins SC

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 D Pritchard SC
<i>BlueScope Steel v Illawarra Coal Holdings</i> , NSWSC 2015/190735, settled	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>Gary Faull v Creaa Pty Ltd</i> , NSWSC 2018/81497, ongoing	Alleged breach of contract, for Gary Faull, led by D Sulan
<i>DIF III - Global Co-Investment Fund LP v BBLP LLC</i> , NSWSC 2016/00285820, settled	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>Hancock Prospecting Pty Ltd v Rinehart</i> , Federal Court of Australia proceedings NSD 916 and 922 of 2016	Various claims by Mrs Gina Rinehart’s children for ownership of HPPL’s assets and other relief – for HPPL, led by N Hutley SC and J Giles SC
<i>Hancock Prospecting Pty Ltd ats DFD Rhodes, Wright Prospecting Pty Ltd and John and Bianca Rinehart</i> , WASC case no. CIV 3041 of 2010, 2617 of 2012 and 2737 of 2013	Various claims by DFD Rhodes, WPPL and Mrs Gina Rinehart’s children for ownership of HPPL’s assets and other relief – for HPPL, led by N Hutley SC and J Giles SC
<i>Hancock Prospecting Pty Ltd ats Bianca Rinehart as trustee for the Hope Margaret Hancock Trust</i> , NSWSC 2017/86718	Shareholder oppression suit - for HPPL, led by N Hutley SC and J Giles SC
<i>In the matter of Kimberley Diamond Company Pty Ltd (in liq)</i> (ACN 061 899 634) [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>Ron Medich Properties Pty Ltd v Bentley Smythe & Ors</i> , NSWSC 2011/18119	Winding up application with cross-claim for conspiracy to commit murder – for Ron Medich Properties, led by D Sulan

Crime

<i>R v Andrew Biffin</i> , NSWDC case 2015/16468 (jury trial)	Discharge firearm in a manner likely to injure (acquittal) – for the defendant, instructed by Legal Aid, unled
<i>R v David Rose</i> , NSWDC case 2017/135192 (jury trial and sentencing)	GBH and reckless wounding (partial acquittal), for the defendant, instructed by Legal Aid, unled
<i>R v Faith Fallon</i> , NSWDC case 2017/55401 (jury trial)	Drug supply, for the defendant, instructed by Legal Aid, unled (trial in September 2018)
<i>R v Ticknell & Ors</i> , NSWDC, case 2018/321 (jury trial)	Drug supply, for the defendant, instructed by Legal Aid, unled (trial in December 2018)
<i>R v Christopher Riley</i> , NSWDC case 2017/8568 (contested committal hearing)	Dangerous driving causing death, instructed by Legal Aid, unled (committal hearing in October 2018)
<i>R v Mark Stocco</i> [2017] NSWSC 304 (sentencing)	Sentencing (murder) – for Mr Stocco, led by I Nash (PD)
<i>R v CH</i> , NSWDC, jury trial	Aggravated child sexual assault (acquittal) – for the defendant, led by I Nash (Public Defender)
<i>R v CE</i> , NSWDC, jury trial	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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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>HCCC v Shams Aref</i> , NCAT, judgment pending	Professional discipline – for HCCC, unled
<i>HCCC v Dr Richard Reid</i> , NCAT, judgment pending	Professional discipline – for HCCC, led by K Richardson SC

HCCC v Dr Peter Petros, NCAT, ongoing Professional discipline – for HCCC, led by K Richardson SC

Regulatory

Chief Executive Officer of Australian Transaction Reports and Analysis Centre v TAB Limited, 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

ACCC v Ozsale Pty Limited [2016] FCA 1049 Consumer law – admitted contraventions of ACL s 106 - for the ACCC, led by Dr R Higgins SC

ACCC v Colgate-Palmolive Pty Ltd (No 3) [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

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

Fairfax v Ben Roberts-Smith, Federal Court of Australia, 10 August 2018 Injunction to prevent publication of a story regarding Mr Roberts-Smith – for Fairfax, led by S Dawson SC

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

Amit Laundry Pty Ltd v Rajil Jain, NSWCA 2017/364536, ongoing Real property – claim for title to property held on resulting trust – for Rajil Jain, led by S Dawson SC

ADVISORY

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