

## NUALA SIMPSON

### INTRODUCTION

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While I accept briefs in all areas of commercial law, I have special expertise in representative (class-action) proceedings and complex, high-value engineering & construction disputes.

I regularly appear in the Federal Court of Australia, the Court of Appeal, the Supreme Court of New South Wales and in private arbitrations and in mediations.

I am ranked in Chambers & Partners Asia Pacific Guide, Construction & Infrastructure – Band 1, as “a very highly regarded junior” who regularly appears on complex construction and engineering cases with clients describing me as “excellent” and “a very bright and very thorough lawyer” (Chambers & Partners Asia Pacific, 2022-2020).

I am recognised as one of Australia’s best lawyers in the areas of “Construction and Infrastructure” (Best Lawyers Australia, 2022 – 2013) “Litigation” (Best Lawyers Australia, 2022 – 2016) “International Arbitration” (Best lawyers Australia, 2022) and rated as “preeminent” in the area of “Construction Law” in Australia (Doyles Guide, 2022 – 2016).

Who’s Who Legal’s latest Construction 2021 – Future Leaders – Legal Marketplace Analysis, reports that I am highly thought of as the “best junior” in the market, known for being “formidable at cross examination”.

### QUALIFICATIONS

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2007	Masters of International Law	University of Sydney
2000	Bachelor of Science majoring in Psychology	University of New South Wales
2000	Bachelor of Laws	University of New South Wales

### ADMISSION

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October 2010	Admitted to the New South Wales Bar
May 2002	Admitted as a solicitor of the Supreme Court of New South Wales

### EXPERIENCE PRIOR TO ADMISSION TO THE BAR

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Oct 2006 – June 2010	Mallesons Stephen Jaques <i>Solicitor and then Senior Associate sitting in the construction and engineering law team</i>	Sydney
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Sept 2004 – Sept 2006	Freshfields Bruckhaus Deringer <i>Associate sitting in the dispute resolution (engineering, procurement &amp; construction) and international arbitration teams</i>	London
Oct 2001 – August 2004	Mallesons Stephen Jaques <i>Solicitor sitting in the dispute resolution and then construction and engineering law teams</i>	Sydney

## **SELECTED MATTERS**

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Acting for Halifax Vogel Group in representative proceedings brought in the Federal Court of Australia concerning the distribution of cladding products in Australia. Led by Nic Owens SC. Instructed by Sparke Helmore, Sydney.

Acting for TfNSW in representative proceedings brought in the Supreme Court of New South Wales concerning the Sydney Light Rail Project. Led by Nic Owens SC. Instructed by Lander & Rogers, Sydney.

Acting for Thiess Pty Ltd, John Holland Pty Ltd and CIMIC Group Ltd in proceedings in the Supreme Court of New South Wales concerning road infrastructure in New South Wales. Led by Peter Braham SC. Instructed by Corrs Chambers Westgarth, Sydney.

Acted for Lloyds of London in proceedings brought in the Supreme Court of New South Wales by Tushita Technologies Ltd. Unled, against a silk. Instructed by DLA Piper, Sydney. [\*Tushita Technologies Ltd v MJ Protective Services Group Pty Ltd\* \[2022\] NSWSC 413.](#)

Acted for Joye Group Pty Ltd against Cemco Projects Pty Ltd in an appeal heard in the Court of Appeal of New South Wales. Unled, instructed by CM Legal. [\*Joye Group Pty Ltd v Cemco Projects Pty Ltd\* \[2021\] NSWCA 2011.](#)

Acted for the former CEO of Dick Smith Holdings in multiple proceedings brought in the Supreme Court of New South Wales including two representative proceedings. Led by R M Smith SC. Instructed by Clayton Utz, Sydney.

Acted for the plaintiff in representative proceedings brought in the Supreme Court of New South Wales concerning defects in the Opal Tower. Led by Nic Owens SC. Instructed by Corrs Chambers Westgarth, Sydney.

Acted for SunWater Limited in representative (class-action) proceedings brought in the Supreme Court of New South Wales by Rodriguez and Sons Pty Limited (as a member of the class) concerning flooding in Brisbane, Queensland in 2011. Led by David Williams SC. Instructed by Norton Rose Fulbright, Sydney.

Acted for CPB Contractors Pty Ltd and Hansen Yuncken Pty Ltd in an arbitration concerning the new Royal Adelaide Hospital. Led by Peter Braham SC. Instructed by King & Wood Mallesons, Sydney.

Acted for Transport for NSW on the Sydney Light Rail Project. Led by Mark Dempsey SC. Instructed by Ashurst, Sydney.

Acted for Fluor Australia Pty Ltd against Santos Limited in proceedings in the Supreme Court of Queensland in a dispute concerning the construction of LNG infrastructure in Australia. Led by John Sheahan QC and Sandy Thompson QC. Instructed by Jones Day, Brisbane.

Acted in arbitral proceedings brought by the owner of a rare-earths mine against a large international EPC Contractor under the SIAC Arbitration Rules and pursuant to the *International Arbitration Act (2002 Rev Ed)* (Singapore). Led by John Sheahan QC. Instructed by Jones Day, Brisbane.

Acted in arbitral proceedings brought by a head contractor against the owner of LNG infrastructure in Australia under the UNCITRAL Arbitration Rules and pursuant to the *International Arbitration Act (2002 Rev Ed)* (Singapore). Led by John Rowland QC (4 Pump Chambers, UK). Instructed by Clayton Utz, Brisbane.

Acted for Port Waratah Coal Services Limited (PWCS) in proceedings in the Supreme Court of New South Wales against Avopiling (NSW) Pty Ltd and others concerning the construction of a (rail) dump station for a coal terminal operated by PWCS in Newcastle. Led by D Miller SC. Instructed by Herbert Smith Freehills, Sydney.

Acted for Adani Abbot Point Terminal Pty Ltd against John Holland Pty Ltd in an arbitration concerning the construction and commissioning of coal loading infrastructure at Abbot Point in Queensland. Led by RA Holt QC. Instructed by McCullough Robertson, Brisbane.

Acted for Monadelphous Group Limited in proceedings in the Supreme Court of Queensland brought by Wiggins Island Coal Export Terminal Pty Ltd concerning the construction of coal loading infrastructure in Queensland. Led by John Sheahan SC. Instructed by Jones Day, Brisbane.

Acted for Downer Utilities Australia Pty Ltd (Formerly Tenix Australia Pty Ltd) in proceedings in the Supreme Court of Queensland against Pipeline Drillers Group Pty Ltd concerning the construction of water infrastructure in Queensland. Led by R Holt QC. Instructed by Clayton Utz, Brisbane.

Acted for Morgan Stanley Capital Group Inc in proceedings in the Supreme Court of New South Wales against Blue Oil Energy Pty Ltd and others concerning the construction of a diesel storage facility in MacKay, Queensland. Led by J Kirk SC. Instructed by King & Wood Mallesons, Sydney.

Acted for ACCC in proceedings brought by the ACCC against various airlines including Air New Zealand and P T Garuda under s 45 of the *Trade Practices Act 1974* (Cth); including in *Australian Competition and Consumer Commission v Air New Zealand Ltd* [2014] FCA 1157; (2014) 319 ALR 388; [2014] ATPR 42-490. Led by J Halley SC and E Collins SC. Instructed by the Australian Government Solicitor.

Appeared for Lend Lease Project Management & Construction (Australia) in *Lend Lease Project Management & Construction (Australia) Pty Ltd v Kellogg Brown and Root Pty Ltd* [2013] NSWSC 1142. Led by K Rees SC. Instructed by King & Wood Mallesons, Sydney.

Appeared for Dee Why Projects in *Dee Why Grand Pty Ltd v Dee Why Projects Pty Limited and Southern Cross Constructions Pty Ltd* [2011] NSWSC, led by R Weber SC. Instructed by King & Wood Mallesons, Sydney.

Appeared for St Hilliers Pty Ltd in *St Hilliers Construction Pty Ltd v Fitzpatrick Investments Pty Ltd* [2013] NSWCA 104. Led by D Miller SC. Instructed by Colin Biggers & Paisley, Sydney.

Appeared for Citywide in *Kounnas –v- Citywide Civil Engineering Pty Limited (in liq)* [2012] NSWCA 287. Led by M White SC. Instructed by Vincent Young, Sydney.

Acted for Boulderstone Pty Limited in proceedings in the Supreme Court of New South Wales against Queensland Investment Corporation Limited in a dispute arising out of the termination of a design and construct contract. Led by S Kerr SC and then D Miller SC. Instructed by Clayton Utz, Sydney.

Appeared for Dee Why Projects Pty Limited in *Dee Why Grand Pty Ltd v Dee Why Projects Pty Limited and Southern Cross Constructions Pty Ltd* [2011] NSWSC, led by R Weber SC. Instructed by King & Woods Mallesons, Sydney.

Appeared for Atkinson in *Atkinson v Crowley* [2011] NSWCA 194, led by S Goldstein.