

MATTHEW SAXON WHITE S.C.

CURRICULUM VITAE

DEGREES: BA (Hons), LLB (Syd), BCL (Oxon)

PROFESSIONAL QUALIFICATIONS

1 July 1988 - Admitted as a Solicitor in New South Wales

24 May 1991 – Admitted as a Practitioner in the Federal and High Courts of Australia

2 April 1996 – Admitted as a Solicitor in England & Wales

26 February 1999 – Admitted as a Barrister-at-Law in New South Wales

Appointed Senior Counsel October 2013

EMPLOYMENT

March 1999 to date: Barrister-at-law, 6th Floor Selborne Wentworth Chambers, Phillip Street, Sydney.

1998 to 1999: Senior Associate *Phillips Fox*/Seconded *Crown Solicitor's Office* for Federal Court litigation.

1995 to 1998 Solicitor *Rowe & Maw (London)*
Insurance litigation, Lloyd's Building office

1991 to 1995 Solicitor (Senior Associate from 1993) *Phillips Fox*
Insurance Litigation

1989 to 1991 Solicitor *Minter Ellison*
Property, Insurance Litigation, Commercial Litigation

PROFESSIONAL EXPERIENCE

Areas of practice at the Bar:

- insurance law
- trade practices law
- professional indemnity/public liability actions
- personal injuries claims, mainly defence work
- construction/building claims/ references
- general commercial and equity work
- employment law
- *Workplace Relations Act*/*Fair Work Act* applications and prosecutions
- *Family Provisions Act*/*Succession Act* claims
- defamation

Previous areas of practice as a solicitor (1988-1998):

Insurance litigation (Australia and UK): mainly professional indemnity and public liability insurance litigation, including LawCover claims.

Property: domestic and commercial conveyancing; commercial leasing; sale and purchase of businesses; negotiating and advising on commercial leases on behalf of corporate owners of large commercial property portfolios including shopping centres, office blocks and factory premises.

General litigation: general commercial claims, including defamation, advising universities in employment disputes, and litigation concerning the ordination of women as priests. Participation in successful multi-party mediations and court ordered settlement conferences.

Insolvency: bankruptcy and winding-up; advising liquidators and receivers; acting for both companies and individuals threatened with insolvency and for liquidators and receivers appointed on winding up of companies; winding up applications and bankruptcy applications.

Other interests

1990 to 2003	Law Reporting Australian Law Reports, All England Law Reports, Federal Law Reports and Federal Court Reports
2012 – 2018	Member of a Professional Conduct Committee of the NSW Bar Association
2001 to 2004	NSW Soccer Federation/Soccer NSW Ltd, Appeals Board, Chairman. (and acted as counsel assisting General Purposes Tribunal)
1999 to 2002	Anglo-Australasian Lawyers' Society, Treasurer and Committee Member. (Continuing member).
2000-2001	Constitutional Centenary Foundation, Committee Member
2007 to 2016	Floor Secretary, Sixth Floor Selborne Wentworth Chambers (Director and Secretary, Sixth Floor Limited)

Reported cases appeared in

Cinevest Pty Ltd v Yirandi Productions Ltd (1999) A Def R [53,050] (defamation) (led by T Hale SC)

Cinevest Pty Ltd v Yirandi Productions Ltd (2001) Aust Torts Rep 81-610 (defamation) (Court of Appeal) (led by T Hale SC)

Kabushiki Kaisha Sony Computer Entertainment v Stevens (2003) 132 FCR 31 (Full Court) (copyright) [also appeared at first instance: [2002] FCA 906; (2002) 55 IPR 497]

Whitehead v Whitehead [2002] NSW ConvR 56-045 (real property, s 66G applications)

QBE Mercantile Mutual Ltd v Hammer Waste Pty Ltd (2004) ANZIC 61-586 (insurance) [also appeared at first instance: (2003) 12 ANZIC 61-553]

Rap Pty Ltd v Watkins Tapsell (2004) 1 DCLR (NSW) 245 (valuer's negligence)

Helmos Enterprises Pty Ltd v Jaylor Pty Ltd (2005) 12 BPR 23,021 (Court of Appeal) (contract) (led by M Walton SC)

Portal Software International v Bodsworth (2005) 58 AILR 200-211 (restraint of trade)

Kearney v Crepaldi (2006) 58 AILR 200-224 (restraint of trade)

Hadgkiss v CFMEU (2006) 152 FCR 560 (s 38 cross-examination)

CFMEU v Hadgkiss (2007) 169 FCR 151, (2007) 173 IR 360 (industrial law)

Green v CGU Insurance Limited (2008) 66 ACSR 398 (insurance, insolvent trading) (led by D Davies SC)

Green v CGU Insurance Ltd (2008) 67 ACSR 105 (Court of Appeal) (security for costs) (Led by D Davies SC)

Hadgkiss v CFMEU (No 5) (2008) 178 IR 123 (industrial law) (Led by J Fernon SC)

Hadgkiss v CFMEU (2008) 166 FCR 376, (2008) 170 IR 100, [2008] FCAFC 22 (industrial law) (led by J Fernon SC)

Alfred v Wakelin (No 2) (2008) 176 IR 430 (industrial law) (led by R Goot SC)

Construction, Mining, Forestry and Energy Union v Hadgkiss (2009) 174 FCR 237 (industrial law)

Alfred v Wakelin (No 3) (2009) 179 IR 76 (industrial law) (led by R Goot SC)

Friend v Brooker (2009) 83 ALJR 724; 239 CLR 129, 255 ALR 601 (equitable contribution, fiduciary duties) (led by B Walker SC)

Haviv Holdings Pty Ltd v Howards Storage World Pty Ltd (2009) 254 ALR 273 (trade practices) (led by M Christie)

Dale v Veda Advantage Information Services and Solutions Ltd (2009) 176 FCR 456 (negligence and defamation) (led by B McClintock SC)

Alfred v Wakelin (No 4) (2009) 180 IR 335 (industrial law) (led by R Goot SC)

Nau v Kemp & Associates Pty Ltd (2010) 77 NSWLR 687 (effect of settlement against one tortfeasor) (led by A Leopold SC)

Metcash v Jardim (No 3) (2010) 273 ALR 407 (restraint of trade) (led by J Fernon SC)

Jardin v Metcash Limited (2011) 214 IR 448; 285 ALR 677 (restraint of trade) (led by J Fernon SC)

Ecolab Pty Ltd v Garland (2011) 216 IR 410 (restraint of trade) (led by J Fernon SC)

BIS Industries v Toll Holdings (2012) 228 IR 284 (restraints of trade)

Ninan v St George Bank Ltd (2012) 294 ALR 190 (security for costs)
Director of Fair Work Building Industry Inspectorate v Boulderstone Pty Ltd (2014) 284 FLR 403 (industrial law)
Stratton Finance v Webb (2014) 245 IR 223, (2014) 314 ALR 166 (Full Court) (contract law)
Casaclang v Wealthsure Pty Ltd (2015) 107 ACSR 274 (Corporations Act, financial services)
Australian Building and Construction Commissioner v Parker (2017) 266 IR 340 (industrial law)
Australian Building and Construction Commissioner v Parker (No 2) (2017) 270 IR 165 (civil penalties)

Selection of unreported cases

Bashford v Information Australia (Newsletters) Pty Ltd [2001] NSWCA 470 (defamation)
Howland-Rose v Commissioner of Taxation [2002] FCA 246 (taxation)
Echo Publications Pty Ltd v Tucker [2007] NSWCA 73 (defamation) (special leave refused)
Hristoforidis v Fair Trading Administration Corporation [2007] NSWSC 1243 (administrative law)
P & H Property Services Pty Ltd v Branigan [2008] NSWCA 195 (personal injury)
A I McLean Pty Ltd v Hayson [2008] NSWSC 927 (professional negligence)
Al-Shennag v Statewide Roads Limited [2008] NSWCA 300 (defamation)
Bailey v Veda Advantage Information Services (No 2) [2008] FCA 730 (trade practices)
Wilson v Interhealth Energies Pty Limited [2008] NSWSC 1137 (equitable jurisdiction)
Eko Investments Pty Ltd v Austrac Constructions Limited [2009] NSWSC 208 (review of referees' reports)
Artistic Builders Pty Limited v Nash [2010] NSWSC 1442 (professional negligence)
Montage Group Pty Ltd v Wong (No 2) [2011] NSWSC 774 (statutory demand)
McClymont v Critchley [2011] NSWSC 493 (trade practices, negligence)
Al-Shennag v Bankstown City Council (No 2) [2011] NSWIRComm 22 (implied undertaking in relation to documents)
Konstantopoulos v R M Beechey Carriers Pty Ltd [2011] NSWCA 388 (leases)
Walker v Veda Advantage Information Services [2011] QSC 316 (defamation and negligence)
Cordon Investments v Lesdor Properties [2012] NSWCA 184 (contracts/building and construction) (led by T Hale SC)
Hull v Brailey [2012] NSWSC 980 (financial advice/negligence)
Orchard Holdings v Paxhill [2012] WASC 271 (real estate agent negligence/ trade practices)
Saffron v Conley [2012] NSWSC 1108 (Estates/Family Provision)
Allan v The Migration Institute of Australia [2012] NSWSC 965 (Defamation/Injunctions)
Marshin Holdings v Attorney-General of NSW [2013] NSWSC 326 (trusts)
Larsson v Wealthsure Pty Ltd [2013] FCA 926 (representative proceedings)
Parker v City of Bankstown RSL Community Club Ltd [2014] NSWSC 772 (personal injury)

Parker v City of Bankstown SL Club Ltd [2015] NSWCA 246 (personal injury)
Tzaneros Investments v Walker Group Constructions [2016] NSWSC 50 (building and construction)
CFMEU v De Martin & Gasparini (No 2) [2017] FCA 1046 (industrial law)
Manly Property Holdings v Lisker [2017] NSWSC 1395 (equity)
Owners Corporation SP 80609 v Paragon Constructions [2018] NSWSC 266 (cross-claims)
CFMEU v De Martin & Gasparini (No 3) [2018] FCA 1395 (civil penalty)
Westpork Pty Ltd v Bio-Organics Pty Ltd [2018] WASC 291

Publications

God - Is She Above the Law? Public Interest Law Conference Papers 1992,
Property Damage Revisited Global Reinsurance, Vol 5 Issue 5, July/Aug 1996;
Indemnity for the costs of reducing or avoiding a claim (1997) 8 Insurance Law Journal 264;
The Republic and Civic Virtue Quadrant, April, 1997.
Chapter on “Declarations” in Butterworths, *Principles of Practice and Procedure* Service.
Civil Penalties No Deterrence in Industrial Litigation, Law Society Journal, May 2017

Dated: September 2018