

INTRODUCTION

Located between the Indian and South Pacific oceans, Australia became a commonwealth of the British Empire in 1901. It utilised its expansive natural resources to rapidly develop its agricultural and manufacturing industries, and in recent decades it has transformed itself into an internationally competitive, advanced market economy. It boasted one of the OECD's fastest growing economies during the 1990s and is a democracy, governed by a federal-state system that still recognises the British monarch as sovereign.

Today Australia is home to just over 21 million people, the majority of whom are Caucasian. The Asian community makes up 7 percent and the Aboriginal indigenous population makes up a further 1 percent. The primary language is English.

Religion plays less of a role in Australia than in some of its Asian neighbours, but Catholics represent 26.4 percent, Anglicans 20.5 percent, other Christians 20.5 percent, Buddhists 1.9 percent and Muslim 1.5 percent.

Economic outlook

Australia has an enviable Western-style capitalist economy. Its per capita GDP is on par with the four dominant West European economies and it is expected to grow strongly in 2007-08 after being affected by severe drought in 2006-07. Rising output in the domestic economy,

- Australia ranked 7th on the World Competitiveness Scoreboard 2008, up from 12th the previous year
- Australia also has over 40 percent of the world's deposits of silver, zinc, zircon and easily extracted uranium
- Australia has one of the highest lawyer per capita ratios in the world

robust business and consumer confidence and rising exports of raw materials and agricultural products are fuelling the economy. Australia's emphasis on reforms, low inflation and growing ties with China are other key factors behind the economy's strength.

However, strong domestic demand has created inflationary pressures which have been augmented by the tax cuts in the latest budget. Interest rates are therefore likely to remain high over the forecast period. Annual GDP growth is estimated to have reached 3.6 percent in 2007. It is predicted to slow to an average of 3 percent in 2008-09. The current-account deficit is likely to remain large at an average of 5.5 percent of GDP in 2008-09.

In addition, Australia has the world's fourth largest current account deficit in absolute terms (in relative terms it is more than 7 percent of GDP). This is considered problematic by some economists, especially as it has coincided with the high terms of trade and low interest rates that make the cost of servicing the foreign debt low.

Bureaucracy and corruption

Australia has long been applauded as one of the most transparent countries in the world, ranking an impressive 9th in Transparency International's Corruption Perceptions Index 2008. It actively promotes anti-corruption activities, both on a domestic and international basis, and in recent years the country has undertaken a series of reforms to ensure it delivers an effective and transparent service that operates in line with the specifications laid out by the ADB-OECD Anti-Corruption Action Plan for Asia and the Pacific.

While Australia was already in substantial compliance with this plan, there remained a general lack of awareness about the penalties that apply under Australian law for bribing public officials. As such, the government recently

launched the second implementation cycle of the action plan. The specific goal is to promote awareness of and compliance with the OECD Convention on combating bribery of foreign public officials in international business transactions and Australia's supporting legislation.

Legal system

While the Australian legal system is based on British Commonwealth law, it is a complex beast that not only houses a federal government but also the state and territory governments of New South Wales, Victoria, Northern Territory, Queensland, Western Australia and the Capital Territory; and approximately 900 local government bodies at the city, town, municipal and shire level. Each state has its own rules and laws, which differ depending on which political party is in power. Each state also operates its own hierarchy of courts, which, technically speaking, defer to the Federal Court and then the High Court. In reality, however, while the federal government does possess specific authority, the balance of power lies in the hands of state governments. As such, constant reference is made to the constitution regarding what can and cannot be done at federal level.

The Australian Bar Association

Historically the Australian Bar Association was not an especially influential organisation as each state houses its own bar association. Lawyers were admitted to the top court in each state and while they were free to practice in that state, permission was required in order for them to practice in a different state. A set of Model Rules was recently enacted governing the regulation of the Australian legal profession, with the express hope that this would lead to a national system. Each state or territory can adopt these rules, although so far only New South Wales, Victoria and Queensland have done so, and unfortunately using different implementation legislation that has raised new interpretation issues. That said, this is still a step in the right direction in terms of achieving a national regulatory system for the entire legal profession in Australia. **PBP**

PRACTITIONERS' TIPS

In-house counsel

The role of the corporate counsel has been growing at a steady pace in Australia and today most of the major domestic corporations and multinationals have an in-house team. This might suggest that a greater proportion of work is handled in-house, however it isn't necessarily the case. At one point only sophisticated transactions, litigation and complex legal matters were farmed out, but today an increasing number of companies are turning to private practice firms to handle their bread and butter work.

External selection

Australia has a fiercely competitive market that has long been dominated by the six major firms. There are many smaller, more personal firms to choose from but they lack the heavyweight status. Many corporations rely on panels to determine representation, however because more daily tasks are being outsourced these companies are looking to smaller panels or even firms that have more time to invest in getting to know the business they are representing. Despite a seemingly formal selection process, many companies still prefer to stick to traditional ties rather than trying a new firm. The art of pitching seems to be long gone, and you could do worse than listening to a good solid word-of-mouth recommendation.

Billing arrangements and discounts

Much as elsewhere in the world, the Australian billing system is normally based on a predetermined hourly rate, however fixed fees, capped rates, contingency and success fees are often negotiated by in-house counsel. Additionally, because the market is so competitive and generally cornered by the six big firms, you can probably score a discount if you go to a second-tier firm that is trying to break into the big league.

Billing rates per hour

Local firm associate	US\$250-500
Local firm partner	US\$350-1000
International firm associate	US\$375-750
International firm partner	US\$450-1200

COUNTRY FILE

Banking and finance

Allens Arthur Robinson has 24 partners and is led by Robert Cornish and Simon Lynch. The team specialises in high value, sophisticated banking and finance transactions, as well as complex issues in the consumer, compliance and e-commerce areas of retail finance. In addition, the team appears on many legal panels in the finance sector.

Arnold Bloch Leibler has long-standing relationships with institutional, corporate and private client groups and sits on the panels of NAB and ANZ. They recently advised Becton Property Group in its acquisition of a portfolio of completed, part-built and greenfield development assets worth in excess of A\$530 million from the failed Estate Property Group. Ben Mahoney leads the practice group.

The banking and finance group of **Baker & McKenzie** has been appointed to the panels of ANZ, Credit Suisse, Standard Chartered Bank (in Hong Kong) and ABN AMRO. The anti-money laundering and counter-terrorism financing regime in Australia has undergone substantial change recently and the group has taken a leading role in advising clients in financial services on compliance with that regime, including in-house seminars and regular client alerts.

Blake Dawson's award winning banking and finance team is Australian adviser to BHP Billiton on the world's largest ever syndicated loan facility, US\$55 billion in connection with the Rio takeover bid. The firm also acted for Kohlberg Kravis Roberts banks, Credit Suisse and ANZ Bank as lead arrangers in providing A\$905 million of debt to fund the sale of Cleanaway to Transpacific Industries; CBA, WestLB and Toronto-Dominion as lead arrangers of syndicated debt for AMPCI's acquisition of Domain Aged Care Group; and BOSI and NAB as lead arrangers of debt for CHAMP's acquisition of Golding Contractors.

The **Clayton Utz** banking and finance practice is led by Grant Fuzi and is recognised for its approach to handling transactions for major clients such as Macquarie Bank Ltd, AMP, Leighton Group, Goldman Sachs JBWere, Deutsche Bank, Origin Energy, Credit Suisse and Woolworths Ltd. The team has advised and continues to advise on several of the leading structured finance, property finance, debt finance and financial services transactions being undertaken in the country. The firm is also represented on the legal panels of all four major Australian banks: National Australia Bank, Commonwealth Bank of Australia, ANZ, and Westpac.

During 2007, **DLA Phillips Fox** partners Ron Eames and Chris O'Shea joined the firm's Brisbane office. Between them they have a wealth of experience in corporate, project

and infrastructure finance; as well as commercial and general banking. In addition, senior associate Caroline Monks joined the firm's Melbourne office from London, bringing with her substantial expertise in receivables financing and asset-based lending. The firm also added a considerable number of lawyers at associate levels. The firm recently acted for BOSI, KBC, NAB and Suncorp as project lenders to Babcock & Brown's Uranquinty A\$500 million 600MW gas fired power station project, as well as St. George Bank Ltd in relation to the structuring of finance facilities for an unlisted retail property trust.

Freehills is a leader in Australia in the field of banking and finance law. Led by Patrick St John, the firm provides advice on the full spectrum of banking and finance work including: capital markets; consumer financial services; corporate finance; leveraged and acquisition finance; project finance; retail and regulatory; securitisation; structured finance. The firm currently acts for all the major Australian banks and a number of Australian and international investment banks and other financial institutions.

Gilbert + Tobin's corporate finance practice advises leading financial institutions, corporations, investment banks and private equity funds from Australia and overseas. With an impressive range of experience in financial services, the firm offers specialised services in acquisition, project, structured and property finance. The team works closely with the corporate transactions group.

Henry Davis York banking and finance lawyers sit on the legal panels of Australia's six major banks. The firm recently acted for several bank financiers to the Allco and Centro groups in connection with various syndicated, club and bilateral exposures, standstill proposals, debt restructuring, intercreditor and security enforcement issues. They also acted for Investec Bank Australia in establishing an A\$1 billion securitisation warehouse facility from ANZ Bank to fund its medical finance subsidiary.

Mallesons Stephen Jaques has one of Australia's largest practices, with the team comprising 40 partners and more than 100 associates. The team acts for most major financial institutions operating in the Asia-Pacific, due to exceptional depth and breadth of knowledge and expertise. Recent large-scale transactions include RHG home loans A\$5.5 billion extendible commercial paper programme refinancing and ING industrial fund's A\$1.8 billion syndicated multi-currency revolving cash advance facility.

Minter Ellison's banking and finance team represents leading institutional and investment banks, as well as corporates. Ralph Ayling heads the firm's practice, which has a strong international focus, while Keith Rovers and David

Eterovic lead the teams in Sydney and Melbourne respectively. The firm recently advised on the A\$4.2 billion acquisition financing facilities to assist Morgan Stanley Real Estate Funds' acquisition of the stapled Investa Property Group, the refinancing of Investa Property Trust assets into hold and sale portfolios and the A\$650 million development facilities for Investa Properties Ltd. This was the first public to private deal of a listed REIT in Australia.

Skadden Arps Slate Meagher & Flom advise Australian and New Zealand clients on matters of US law. Chris Kell heads the firm's banking and finance team of advisors. The firm recently advised on the ME Portfolio Management Ltd and Members Equity Bank Pty Ltd global offering in tranches valued at US\$120 million, €500 million and A\$917 million. They also advised St George Bank Ltd in its A\$766.5 million equity capital raising.

Sullivan & Cromwell's US banking practice in Australia operates from Melbourne and Sydney. Recent work by the Melbourne and Sydney offices, led by John Estes, Waldo Jones and Burr Henly, include advising on financing transactions such as extendible note offerings, medium term note programs, Tier 1 capital transactions, and other US legal matters involving National Australia Bank, Australia & New Zealand Banking Group Ltd and Westpac Banking Corp.

Deacons is also active in this area.

Capital markets

The **Addisons'** capital markets partners include former partners of some of Australia's largest law firms as well as former in-house counsel of major companies. Key partner David Selig acted on several important transactions in 2007, including acting for Golden Tiger Mining N/L in respect of its IPO and for the Straits Trading group in respect of its A\$21 million investment in the Beaconsfield Mine.

Allens Arthur Robinson advises issuers and lead managers in large public offerings and placements. The team advises on some of the largest matters in the Australian market, including the Boart Longyear A\$2.7 billion IPO, the largest Australian IPO since 1997 and the second largest IPO ever in Australia, and on the A\$4 billion IPO of the newly formed Belgium entity, Nyrstar.

Arnold Bloch Leibler has acted for notable clients such as Nufarm Ltd in an award-winning A\$251 million deal to issue 'Nufarm Step up Securities' - a type of hybrid securities and APN Funds Management in relation to the establishment and capital raising for APN Development Fund No 2, an A\$110 million wholesale fund focussing on Australian property development, and an associated equity-g geared development and construction debt facility with a major Australian trading bank.

Baker & McKenzie's capital markets group continues to act on high value IPOs and other capital markets transactions, including listings on the ASX and other international stock exchanges. In 2007, the firm was involved in more than 40 capital markets transactions, including 11 IPOs. The firm has secured the mandate to act for the NSW Government in the privatisation of the NSW electricity sector. Clients include the Sims Group, Babcock & Brown Capital and International Ferro Metals Ltd.

Blake Dawson's capital market's team advised on Australia's largest IPO for 2007, Boart Longyear, an A\$3 billion initial public offering; Platinum Asset Management IPO which was valued at approximately A\$4.9 billion by market capital on the first day; and Newcrest Mining's A\$2 billion RAPIDS offer which was the second largest capital raising ever in Australia's mining sector. The firm was involved in approximately 30 percent of all public securitisation transactions in the Australian market in 2007.

Chang Pistilli & Simmons' capital markets practice is headed by Lance Sacks and Jane Ann Gray. During 2007, Sacks was the preferred legal adviser of ABN AMRO Morgans. Sacks and Gray acted during 2007 for the Australian Pipeline Trust in relation to its A\$350 million pro rata renounceable rights issue and subsequent stapling of Australian Pipeline Units with the Australian Pipeline Trust, and for Babcock & Brown in relation to the establishment of the Babcock & Brown Communities Group.

Clayton Utz's securitisation team has advised on many of Australia's largest, most complex and innovative securitisation deals. The firm's equity capital markets team also continues to be active, advising on prominent IPOs and cutting-edge hybrid deals. The firm's clients include UBS Warburg, JP Morgan Chase and Rothschild.

Deacons' capital markets team is housed under its corporate and M&A division. It provides the full range of private equity and equity capital market advisory services for institutional and private equity investors, guiding clients on the finer aspects of funding, structuring and transacting.

Catherine Merity joined **DLA Phillips Fox** in 2007 as a partner, bringing her extensive experience advising clients on IPOs, capital raisings, schemes of arrangement, private acquisitions and disposals, public takeovers, JVs, ASX Listing Rules, Corporations Act compliance and corporate governance, and has advised on a large number of international transactions. In addition, Lawrie Ward was appointed as a partner in the Brisbane office. Merity's arrival and Ward's promotion to partner have consolidated the firm's capital markets capability. The firm made five partner additions in the Sydney corporate practice within 18 months, reinforcing

their commitment to supporting the demands of a growing client base and the firm's global alliance with DLA Piper. Notable clients include China Steel Australia Ltd, CSG Ltd, and Australian United Retailers Ltd.

Freehills capital markets team, led by Philippa Stone and Michael Ziegelaar, was involved in many of the landmark equity markets transactions in 2007 including Commonwealth Bank of Australia's A\$1.47 billion PERLS IV offer. Andrew Booth leads the firm's debt capital markets team, which advises on major transactions. The team's transaction repertoire includes domestic, Euro, US, senior, subordinated, securitised and structured credit products.

Gilbert + Tobin's capital markets practice comprises a talented team led by Andrew Bullock and John Williamson-Noble. The group has recently acted for Westpac Funds Management Ltd on various deals. The group works closely with the corporate transactions group to offer full services in private equity and equity capital markets to institutional and private equity investors.

The capital markets team at **Henry Davis York** focuses on debt and equity finance. Recently the team acted for Eureka Funds Management in the establishment of, and offerings made by, two new core funds and one development fund and acted on the divestment of hotel assets by one of its funds. They have also acted for Goodman on a number of joint ventures with Austral Brickworks, some valued in excess of A\$1 billion.

Mallesons Stephen Jaques has the largest dedicated capital markets practice in the Asia Pacific. Recent major transactions include: Westfield's A\$3 billion accelerated rights issue, Primary Healthcare Ltd's A\$2.7 billion acquisition of Symbion Health Ltd and Macquarie Group's A\$20 billion refinancing and regulatory capital aspects of the corporate restructure.

Minter Ellison's capital markets team benefits greatly from the presence of Stuart Johnson, Jeremy Blackshaw and Ralph Ayling. The firm advised junior oil and gas explorer Adelaide Energy Ltd, which has interests in Australia and the USA, on its IPO and ASX listing. Other key work included the launch of iShares in Australia, the first exchange traded fund of this type introduced in Australia; the IPO of Hedley Leisure & Gaming Property Fund; and the establishment and IPO of the Ellerston GEMS Funds, which raised A\$600 million. In debt markets, the firm advised on a Kangaroo bond issue by major US financial sector company and the Nexus retail bond issue.

Skadden Arps Slate Meagher & Flom advise Australian and New Zealand clients on matters of capital raising and US and international capital markets. Department head Chris

Kell and his team advised WEA Finance LLC in its US\$1.1 billion Rule 144A/Regulation S offering of 7.125 percent senior guaranteed notes, as well as Newcrest Mining Ltd in its US\$1.8 billion entitlement offering of ordinary shares.

Sullivan & Cromwell is a US firm with offices in Australia, advising on a range of US securities offerings by Australian financial institutions. The firm has advised on the Iluka Resources Ltd's A\$353 million rights offering, Lihir Gold Ltd's A\$1.2 billion rights offering and private placement, as well as on Telstra's T3 global offering, which was the world's second biggest equity offering in 2006. In 2008, the firm was underwriters' US counsel on the debut Rule 144A senior debt offering of US\$650 million by Wesfarmers. The firm has also advised on IPOs or secondary equity offerings by Dyno Nobel, Iluka, Emeco Holdings, Wesfarmers and IBA Health.

Corporate and M&A

Addisons corporate/M&A practice has been particularly strong in 2007, due to a number of significant high profile matters, including the Petronas-Santos JV. In this high-profile deal, the team represented Petronas in respect of its bid to become JV partner with Santos for the development of coal seam gas extraction in Queensland. The deal value was in excess of A\$2 billion. Head of practice is Jeff Mansfield and key partners are Michael Ryan, David Selig and David Blackburn. The firm's corporate expertise was enhanced during the year by the addition of a new practice group, the competition, trade practices and regulatory group, headed by Kathryn Edghill and Graham Maher.

Allens Arthur Robinson is a legal adviser to more than 70 of Australia's and more than 25 of the world's top 100 companies. The firm is currently advising Rio Tinto on its response to the BH Billiton US\$192 billion takeover bid, the second-largest takeover bid of all time.

Arnold Bloch Leibler's lawyers have successfully led or defended numerous corporate takeovers across a broad range of industries. The firm acted for Patrick Corp Ltd in its takeover by Toll Holdings Ltd. The firm is also experienced in dealing with matters related to the Takeovers Panel or Australian Competition and Consumer Commission. Practice group head Jonathan Wenig and key partner Henry Lanzer recently acted for Nufarm Ltd in its successful takeover defence against a consortium led by China Chemical Corp.

2007 was a busy year for **Baker & McKenzie's** corporate group. Key M&A transactions included advising Sims Group on its A\$1.85 billion merger with Metal Management Inc and Ballarat Goldfields NL on its A\$350 million merger with Lihir Gold Ltd. The group has a strong cross border

restructuring and integration practice in Australia led by partner Adrian Chin, and has recently acted on matters such as the post acquisition reorganisation of Sun Microsystems' business to integrate it with the Storage Technology Corp and SeeBeyond Technology Corp businesses.

Blake Dawson's corporate/M&A team led the largest ever acquisition by a Japanese company in Australia, Kirin Holdings' A\$2.9 billion acquisition of National Foods Group, and Australia's largest ever M&A deal in the utilities sector, Alinta on its A\$8 billion buy out by Singapore Power/Babcock & Brown.

Chang Pistilli & Simmons' M&A practice has recently successfully acted for Babcock & Brown Ltd and its satellite funds in relation to its joint acquisition with Singapore Power International of Alinta Ltd through a joint bid vehicle for in excess of A\$8 billion. The team also acted as general acquisition and strategy counsel for the Australian Pipeline Trust and the APA Group in relation to the A\$9 billion Alinta and AGL schemes and Alinta's holding of units in APT, including various Takeovers Panel and consequent Court proceedings. Danny Simmons and Mark Pistilli lead the practice group.

Clayton Utz's experience and cutting-edge capability is reflected in its advisory roles on some of Australia's largest and most complex transactions, with recent appointments including: Oxiana on its (approximately) A\$6 billion merger with Zinifex Ltd; Brookfield Asset Management on its A\$4.2 billion takeover of Multiplex Group; Symbion Health Ltd on competing takeover proposals, and; Macquarie Media Group on its A\$1.3 billion (approx) acquisition of Southern Cross Broadcasting Corp.

Deacons has over 40 partners and 100 support lawyers in its corporate and M&A group. In the M&A field, the firm has advised on a number of major regulated public company takeovers and mergers by scheme of arrangement, sales and acquisitions by private treaty and corporate reconstructions.

In 2007, David Morris was appointed corporate practice group leader at **DLA Phillips Fox** and he has implemented an ambitious three year plan, which is designed to significantly grow the practice both in terms of new people and clients. With the representation of notable clients such as Cartridgeworld, Accenture, Video Ezy, Cape PLC, Ascalon Capital Managers Ltd, KPMG, and WhiteBull Holdings, the firm's ranking by deal volume has seen huge movement in the past 12 months.

With more than 250 corporate and M&A practitioners, award winning firm **Freehills** is well known for advising on some of the largest, most complex and strategic corporate transactions in Australia and the Asia-Pacific region. Freehills is consistently recognised as a leader in the area of M&A.

Gilbert + Tobin's M&A team works on many of Aus-

tralia's largest, most complex and most watched M&A deals. Last year Gilbert + Tobin enabled their clients to complete more than A\$18 billion worth of deals, often in uncertain regulatory conditions.

Mallesons Stephen Jaques M&A group's experience on a large number of complex transactions means it is able to implement solutions quickly and efficiently. This capability has been shown in a range of recent key corporate transactions including: Incitec Pivot A\$3.3 billion acquisition of Dyno Nobel, Primary Healthcare's A\$2.7 billion acquisition of Symbion Health, Palmary Enterprises's A\$1.3 billion acquisition of Consolidated Minerals, and CVC Asia Pacific's A\$1.2 billion acquisition of a 65 percent stake in tourism company, Stella Group.

Recognised for its strong cross-border practice, **Minter Ellison's** corporate and M&A team has utilised the firm's network of offices in Australia, Asia and the UK on a number of transactions. These have included the A\$6.6 billion takeover of diversified trust Investa Property Group by Morgan Stanley Real Estate; the US\$1.1 billion merger of Bolnisi Gold NL and Coeur D'Alene Mine Corp; the A\$1.8 billion merger of Metal Management, Inc with Sims Group Ltd under Delaware law; and the US\$7.5 billion financing arrangements for CEMEX's acquisition of Rinker Group Ltd.

Skadden Arps Slate Meagher & Flom's corporate team is led by Chris Kell, and has represented an impressive list of clients such as Merrill Lynch, BHP Billiton Ltd and Crown Ltd. BHP Billiton Ltd sought the firm's advice with regards to its proposed acquisition of Rio Tinto, while Crown sought assistance in its US\$1.8 billion acquisition of Cannery Casino Resorts LLC. M&As have formed the bulk of the firm's practice in the last 12 months, with a large number of high profile and high value transactions completed or in progress.

Sullivan & Cromwell advises on a range of corporate and commercial matters. Recent and notable corporate and M&A transactions by the firm's Melbourne and Sydney offices include representing Canada Pension Plan Investment Board as a member of a multinational consortium led by Macquarie Bank Ltd in the acquisition of Puget Energy Inc; Iluka Resources Ltd in its A\$353 million rights offering; Incitec Pivot in its pending acquisition of Dyno Nobel; and Rio Tinto on US and other issues in its acquisition by BHP Billiton.

Corrs Chambers Westgarth, Henry Davis York and Colin Biggers & Paisley are also active in this area.

Employment

Allens Arthur Robinson provides commercial advice on all areas of employment, including executive employment, transfer of business, discrimination and occupational health

and safety law. Macquarie Group, Westpac Bank and Rio Tinto are some of the firm's clients.

Arnold Bloch Leibler welcomed Henry Skene, the new head of the workplace advisory practice, in October 2007 as a Melbourne-based partner. Skene joined the firm with over ten years' experience. Notable clients include the Australian Convenience and Petroleum Marketers Association, where the firm advised in relation to its successful application before the Australian Industrial Relations Commission to amend its rules to represent convenience store operations conducted by its members involved in petroleum distribution, despite strong opposition from other interested employer groups.

Baker & McKenzie's employment group advises leading organisations on the full range of employment and industrial relations matters. Clients include Allianz, AMP, BEA, Sterling Commerce and SMEC. The group is currently advising the New South Wales Treasury on its legal obligations in respect of employees in its high profile and controversial privatisation of the New South Wales electricity market. It is also one of the primary advisers to the Workplace Ombudsman, following the group's appointment to its legal panel in 2007.

Helen McKenzie leads **Blake Dawson's** Employment practice group. The firm assists clients in the complete suite of employment law services including strategy development, advice, advocacy and the provision of both public and tailored workplace training. The firm is particularly known for its strength in industrial relations, occupational health and safety and remuneration and benefits. Clients include ANZ Banking Group, Australia Post, BHP Billiton, BlueScope Steel, Department of Defence, Kellogg (Aust), IBM, QANTAS Airways, Rio Tinto, and Telstra.

The **Clayton Utz** workplace relations, employment and safety practice is a trusted adviser to some of Australia's largest and most successful employers in the private and public sectors. Its clients include Abbott Laboratories, Toll Holdings, Leighton Group, George Weston, Woolworths, Wesfarmers, Brookfield Multiplex, Deutsche Bank and Coca-Cola Amatil, as well as various government departments. National practice group head Joe Catanzariti leads a highly experienced team with expertise in various industry sectors, including construction, transport, manufacturing and financial services.

Wayne Spanner heads **Deacons** employment practice. Key partners Stuart Kollmorgen, Martin Osborne and Sally Woodward provide national advice to Telstra in the areas of individual employment matters, litigation including wrongful termination, and discrimination and harassment claims. They have represented Telstra in both the Federal Court and the Full Bench of the Australian Industrial Relations Commission. The firm also provides international employ-

ment advice for countries such as Vietnam and Japan. Other notable clients include Leighton Contractors, Caltex Australia and Abigroup.

Nick Ruskin heads the **DLA Phillips Fox's** national workplace relations and employment team. Ruskin has extensive experience in matters before the Australian Industrial Relations Commission and State and Federal Courts. He co-authored the draft International Code of Practice on HIV/AIDS and the World of Work which was approved by the ILO. With a total of 36 fee earners in the practice group, the firm has acted for Eastern Health in relation to the introduction of flexible work practices in its mental health units and for Deakin University against an employee claiming redundancy pay.

Graeme Smith leads **Freehills'** employee relations practice, which has more than 100 legal staff in four Australian cities and operates across Asia from its Singapore office. The practice is dedicated to all areas of employee relations law including employment, workplace relations, occupational health and safety, diversity and privacy. It embraces strategic employee relations planning, workplace change facilitation and management training.

Gilbert + Tobin's employment attorneys have won groundbreaking cases before the full bench of the NSW Industrial Relations Commission which have resulted in legislative change. Acting for iconic Australian and multinational companies, and senior executives, the team specialises in employment and related contracts, employee share option plans, performance management, termination of staff, employment and industrial issues arising from M&A, outsourcing and employment litigation.

Harmers Workplace Lawyers is one of Australia's largest workplace relations practices, with offices in Sydney, Melbourne and Brisbane. The firm has been recognised as an employment law specialist and is led by chairman and practice group head Michael Harmer, and managing partner, Joydeep Hor. Harmers workplace lawyers' client base is comprised predominantly of employers including blue chip companies such as Mars Australia, Roche and Cochlear, employer groups and small to medium enterprises. The firm also represented Christina Rich against PricewaterhouseCoopers in the largest sex discrimination claim in Australia to date.

Mallesons Stephen Jaques employment law and industrial relations lawyers are recognised for their experience and quality in this area. The practice group is headed by the well regarded Murray Kellock in Melbourne and Andrew Gray in Sydney. Amongst recent work, the firm represented Goldman Sachs JBWere in relation to the defection of a number of private wealth management advisor employees to competitor

investment banks. The firm successfully implemented a strategy to ensure that the employees concerned complied with their post-employment restrictions and confidential information of Goldman Sachs JBWere was not compromised. Elsewhere, the firm helped draft and develop national equal employment opportunity (EEO) and OH&S policies and training documentation for Microsoft Australia.

With more than 100 specialist lawyers in the Asia Pacific region **Minter Ellison**'s employment practice provides seamless multi-jurisdictional employment advice to Australian-based corporates and to multinationals doing business in the region. Clients include Australia Post, News Ltd, DP World and SingTel Optus.

Corrs Chambers Westgarth, Henry Davis York and Colin Biggers & Paisley are also recommended in this area.

Intellectual property

Addison's IP and e-commerce practice continued to perform well in 2007. High-profile transactions handled by key partners Karen Hayne and Martin O'Connor include acting for Virgin in continuing enforcement of trade marks, managing trade mark portfolios and infringement litigation and acting for Pokerstars/Asia Pacific Poker Tournament in matters relating to IP rights including trade marks and domain names.

Allens Arthur Robinson provides the full spectrum of IP services and is consistently rated among the leading firms for IP in Australia. In conjunction with Allens Arthur Robinson Patent and Trademark Attorneys, the firm delivers an integrated service to create, manage, protect and defend clients, delivering a one-stop-shop of registration, commercial and litigation service. Key clients in this regard include Sony Corp, FOX and Singapore Airlines.

Arnold Bloch Leibler's technology and IP practice acted for Housewares International, in relation to trade practices and IP litigation in the Federal Court with competitors, including the Bodum Group and Sunbeam. Michael Dodge heads the practice group, working closely with key partners Zaven Mardirossian, Jane Sheridan, Jonathan Wenig and Steven Klein.

Baker & McKenzie's IP group represents clients across a number of industries including pharmaceuticals, media, sport and luxury goods. The firm represents a number of clients in the apparel, luxury goods and lifestyle markets such as LVMH Group, Estee Lauder, Billabong, Levi Strauss, Harley-Davidson and Daimler.

Lisa Ritson leads **Blake Dawson**'s highly-respected IP group. The team apply their technical skills to provide the best strategic advice to local and international companies operating across the full range of industry and service sectors.

The group boasts an impressive list of clients, including: ANZ Bank, BBC Worldwide, BlueScope Steel, Burger King Corp, Challenger Financial, Claridges Hotel, Cond Nast Publications, Conor MedSystems Inc, Crown, Eli Lilly, Gambro, Goodman Fielder, Honda, HSBC, IBM, LEGO, McCain Foods, Network Ten, QANTAS Airways, Samsung Electronics, Telstra, Visa and Wyeth.

Clayton Utz's IP practice has been involved in some of Australia's most ground-breaking IP and copyright-related transactions and high-profile litigation, including the Kazaa peer-to-peer and the Swiftel copyright infringement cases. The team continues to act for pharmaceutical companies in patent litigation and infringement matters as well as advising market-leading companies on strategic IP issues relating to new products and pioneering technologies.

The IP practice at **Deacons** is headed by Cameron Harvey. In a recent high-profile matter, Harvey represented Colorado Group in its infringement claims in connection with products branded with their name. The litigation involved issues relating to first use rights and geographic rights of trademarks and issues surrounding the statutory construction of the Trade Marks Act. Arana Therapeutics Swatch Group (Australia) Ltd is another notable client.

Andrew Chalet is the head of **DLA Phillips Fox**'s IP department. Chalet's area of expertise is in technology transfer and licensing, commercial transactions and particularly, trademarks. He has also been recently appointed to the International Trademark Association (INTA) Dilution & Well-Known Marks Committee. In 2007, the firm worked on a number of high-profile actions, including: providing advice to Crocs Asia Pte Ltd on Crocs Inc's design registrations and for the Department of Defence in respect of the A\$2.5 billion amphibious ships acquisition program.

Well respected in this area, **Freehills**' has a full service patent and trademark attorney firm working alongside their IP litigation and IP corporate groups. The 75 team members specialise in one IP discipline but work as part of an integrated team (IP commercialisation, IP enforcement and patent and trademark attorneys), with expertise in technical disciplines such as biotechnology, physics, chemistry, pharmacology, engineering, telecommunications, and photonics. Key clients include Apotex, Seven Network, GlaxoSmithKline, The University of Melbourne, Pacific Brands and Sunbeam.

Griffith Hack drafts 20 percent of the total patent applications recorded in Australia from its offices in Melbourne, Sydney, Brisbane and Perth. The firm's expertise in this area is evident through their recent success in winning damages of US\$28 million for a client in a US patent infringement litigation case. In the last 12 months, the firm has significantly

expanded its IP law practice with the strategic appointment of highly respected lawyers Wayne Condon, Russell Berry, Andrew Goatcher and John Lee.

Gilbert + Tobin advises national and international clients on effective IP management and specific IP elements in major corporate transactions. Recent matters include advising: FOXTEL in a piracy case which has seen over A\$1 million in damages being awarded to the subscription television provider; Autodesk to settle one of the largest copyright infringement claims ever run in Australia; Aristocrat on a range of issues on the structure of its IP portfolio internationally; and Energizer in proceedings against Remington Products Australia in a case challenging misleading and deceptive statements on Remington's packaging.

Mallesons Stephen Jaques IP team has decades of experience and an enviable track record in some of Australia's foremost cases. Their blue-chip clients include Telstra, Microsoft, CSIRO, BHP, adidas, Arnott's, Westfield, Cadbury Schweppes, EnergyAustralia, Lion Nathan, National Australia Bank and Nestlé.

Across Australia and Asia Pacific, **Minter Ellison's** IP team, led by Paul Zawa, works in industry sectors where IP is a key driver. The team is experienced in areas such as pharmaceuticals, life sciences and biotechnology, and copyright-based industries of media, entertainment and broadcasting.

Colin Biggers & Paisley, Corrs Chambers Westgarth, Davies Collison Cave, Henry Davis York and Phillips Ormonde & Fitzpatrick Lawyers are also active in this area.

Litigation and dispute resolution

Addisons' commercial litigation and dispute resolution team have extensive experience in State courts as well as the Federal Court and High Court and specialist tribunals. Key partner Martin O'Connor is currently acting for Raffles in an expert determination as to the calculation of purchase price to be paid for its acquisition of higher education facility in Australia specialising in design and visual communication.

Allens Arthur Robinson recently acted for News Ltd and FOXTEL in the C7 litigation, a complex and extremely significant trade practices matter, and has represented other major clients in the High Court, Federal Court and state Supreme Courts in all major jurisdictions. Key clients include Rio Tinto, Aristocrat, ExxonMobil, AXA and KMPG.

Arnold Bloch Leibler's litigation and dispute resolution practice has acted for numerous high-profile clients in the preceding 12 months, including: representing Slater & Gordon and the estate of Rolah McCabe, in two proceedings brought by British American Tobacco Australia Services Ltd and British American Tobacco Australia Ltd in the Victorian

Supreme Court; and representing Premier Investments in relation to an application for access to the books and records of Coles. Robert Heathcote heads the practice group.

Baker & McKenzie's dispute resolution group's work has been characterised by a number of high profile assignments, and their profile over the last 12 months was enhanced by promotion to partner of commercial litigation specialist Georgie Farrant. With 4 core areas of specialisation: insolvency; product liability; competition law and corporate regulation, they are experienced in complex contractual and trade practices disputes, product liability, administrative law, information technology, telecommunications, trade measures, real estate, financial services and class actions. Notable clients include Amalgamated Holdings Ltd, Arthur Andersen, Australian Broadcasting Corp, British American Tobacco and Macquarie Bank.

Blake Dawson's award winning litigation and dispute resolution practice offers authoritative expertise on conflict mitigation and management strategies. Under practice group leader, Hugh Keller, the team advise on competition and regulatory compliance, directors' duties, class actions, international and local arbitration, government inquiries, trade and transport and a wide range of insurance and reinsurance issues. Key clients include: ANZ Bank, Australian Unity, BHP Billiton, BlueScope Steel, James Hardier, McGrathNicol, Macquarie Bank, Merrill Lynch, Rabobank, Ramsay Health Care and Zinifex.

Chang Pistilli & Simmons' litigation team is led by Diana Chang, who has extensive experience handling a broad range of commercial disputes. In 2007, the team acted for Australian Pipeline Ltd in proceedings in the Federal Court of Australia in relation to alleged contraventions of the takeover provisions of the Corporations Act 2001 by Alinta Ltd and an application for judicial review by Alinta of declarations and orders made by the Takeovers Panel, and acted for Optus Vision and SingTel Optus in successfully defending proceedings commenced by Seven Network Ltd and C7 against Foxtel. The firm was recognised in Asian-Counsel 'Deals of the Year 2007' for its role in the C7 litigation.

Clayton Utz's recent appointments include: assisting the Australian Securities and Investments Commission in its civil penalty proceedings against former directors and officers of companies in the James Hardie Group; the Callinan Special Commission investigation into the spread of Equine Influenza in Australia; and many of the current Australian sub-prime related matters.

The litigation and dispute resolution team at **Deacons** continues to act for the GlaxoSmithKline group of companies in its dispute with Biota about the development and promotion of the flu drug Relenza. The size of this claim is in the order of A\$700 million and the matter is of potential legal and

commercial significance as it concerns the scope of obligations owed by licensees to licensors. Practice head Ron Nathans is well regarded in the industry, while key partners Peter Cash and Abigail McGregor also enjoy solid reputations.

DLA Phillips Fox has extensive experience in the area of dispute resolution. The firm boasts business savvy lawyers with access to a global team of dispute resolution lawyers through their alliance with DLA Piper. The practice group is headed by Adrian Mitchell, and in the past 12 months has acted for notable clients such as Fortescue Metals Group, Cathay Pacific and QBE.

Led by Damian Grave, **Freehills'** dedicated commercial litigation practice is one of the largest in Australia with more than 300 litigators serving Australia and Southeast Asia. In recent activity, the firm acted for Citigroup in civil penalty proceedings brought by the Australian Securities and Investments Commission alleging breach of its obligation to manage conflicts of interest and insider trading. Citigroup was cleared of the charges in what was a significant piece of litigation for the investment banking industry. Elsewhere, the firm acted for Telstra in a class action proceeding commenced by Andrew Taylor and other shareholders in the Federal Court, involving allegations that Telstra had breached the continuous disclosure and misleading and deceptive conduct provisions of the Corporations Act by failing to make certain disclosures to the ASX.

Gilbert + Tobin's recent highlights include: successfully representing Betfair in a High Court challenge against legislation in Western Australia; successfully representing PBL and Nine Network Australia Pty Ltd in one of the Australian media industry's longest and hardest fought legal battles; and acting for the international animal rights body, People for the Ethical Treatment of Animals Inc and some of its officers in relation to legal proceedings brought by Australian Wool Innovation Ltd, in the Federal Court of Australia.

With 50 partners and over 100 lawyers **Mallesons Stephen Jaques'** dispute resolution group provides reputable strategic advice and acts in commercial and regulatory disputes, investigations, class actions, and public inquiries. Roger Forbes heads the practice in Sydney. Recent work for the team includes successfully acting for Telstra in proceedings brought by the Seven Network and its pay television subsidiary C7 against claims concerning whether the acquisition of certain pay television sports rights had the purpose or effect of substantially reducing competition in relevant markets.

Led by national practice head, Scott Chesterman, **Minter Ellison's** litigation and dispute resolution team has been involved in numerous high-profile cases, including cross-jurisdictional disputes, regulatory litigation and contentious insurance matters. The team are currently acting for ANZ Banking

Group in the collapse of Opes Prime Stockbroking, which failed with approximately 1,200 clients and debts to ANZ of over A\$700 million. The firm are acting for ANZ in defence of numerous legal proceedings that have been initiated by clients of Opes seeking title to shares which were loaned to the Bank. Other clients include Qantas Airways and SingTel.

Clients engage **Phillips Ormonde & Fitzpatrick Lawyers** to enforce and defend IP rights. A unique feature of the firm is that each partner supervising patent litigation is a registered patent attorney, thus ensuring insights not available from other litigators. Significant patent litigation in 2007 included the Lockwood v Doric and El Du Pont de Nemours & Co v Imperial Chemical Industries cases.

Sullivan & Cromwell's litigation group handles a significant number of matters with an Australasian nexus out of its New York headquarters. The firm provides litigation advice to notable clients in Australasia, including Australia and New Zealand Banking Group, BHP Billiton, CSR Ltd, Lend Lease Corp and National Australia Bank. Recent successes include securing settlements totaling A\$280 million for CSR Ltd in insurance coverage litigation against more than 60 insurers worldwide.

Litigation and dispute resolution has been leading areas of practice over the last 12 months for **Tresscox Lawyers**. Alistair Little acts as practice group head to the 54 fee earners on the team. Key clients include Allianz Australia Advantage Ltd, Avant Mutual Group Ltd and Queensland Health.

Colin Biggers & Paisley, Deacons and Henry Davis York are also recommended in this area.

Projects and project financing

Led by practice group head John Cooper, **Allens Arthur Robinson** has played a significant role in many of the largest project financing transactions in recent years and regularly appears at the top of the project finance league tables in terms of deal value. Clients in this area include the Victoria Government, Sydney Airport and the NSW Treasury.

Arnold Bloch Leibler has acted in relation to a number of infrastructure projects and public-private partnerships. The team recently acted for Becton Corp in relation to the negotiation and finalisation of an agreement with the Director of Housing for public and private housing at Kensington, Victoria.

Baker & McKenzie's projects and project development group supports project development, project finance PPP and infrastructure relating to energy, construction, transportation and transportation infrastructure, oil and gas exploration and production and resources mining. The firm also advises on renewable energy projects such as Origin Energy Ltd's acquisition of three wind farm projects.

Blake Dawson's leading major projects team is advising

on: the Olympic Dam Expansion project, the world's largest mine expansion project and largest uranium resource; Woodside's LNG Pluto project, the single largest investment in a resource project in Australia's history; the NSW Rollingstock PPP, the largest ever single order of rolling stock; the Royal Children's Hospital PPP Project, Australia's largest Health PPP project; and the Air Warfare Destroyers project.

Chang Pistilli & Simmons' projects and project financing work has largely been focussed in the energy and resources sector. Recent work includes acting for Australian Mining Holdings in its project financings for the Cameby Downs coal mine (with an anticipated completion project value of north of A\$1 billion) and related infrastructure arrangements. Elsewhere, the firm is acting for the APA Group in relation to the proposed construction of the Bonaparte Gas Pipeline, a high pressure gas transmission pipeline over a distance of approximately 280km. The practice group is headed by Mark Pistilli and Jason Mendens.

Clayton Utz's experience includes: advising New South Wales state-owned corporation RailCorp on its A\$3.6 billion rolling stock procurement project; advising the Brisbane City Council on the A\$2 billion North-South Bypass Tunnel in Brisbane, Queensland, the first local government PPP of its type in Australia; and advising the Victorian government department responsible for delivery of the project to redevelop the Royal Children's Hospital in Melbourne.

The projects and project financing team at **Deacons** is headed by partner Craig Penn-Tonkin, and includes key partners Ian McCubbin and Liz Allnut. The team acted for Sinosteel Corp in the Midwest Project, a major iron ore development in Western Australia which included an associated development of rail and port facilities and valued at over A\$1.6 billion. The firm also represented Sinosteel in an A\$1.2 billion first of its kind take-over bid for an ASX listed company by a Chinese state-owned enterprise.

Freehills well regarded projects practice group is led by John Curtis. Amongst recent work the firm advised the ABN AMRO/Leighton Construction consortium on its purchase of the Cross City tunnel Motorway in Sydney. The deal was complicated by the innovative financing structure, dovetailing a complicated existing equity holding structure with a new equity structure and the fact that the previous concessions holder of the motorway was in receivership. Other noted clients include Babcock and Brown, Macquarie Group, Pacific Hydro, Victorian and Queensland Governments and ANZ.

Mallesons Stephen Jaques' recent project finance expertise extends across sectors such as energy, infrastructure, public/private partnerships and social infrastructure and resources. Notable work includes acting for Babcock &

Brown Wind Partners on the global refinancing of their business and acting on the restructure of a project finance facility for Westlink Motorway Ltd.

Gilbert + Tobin's projects group represents clients in projects throughout the Asia Pacific region on a diverse range of transactions such as large mixed use projects, 'green fields' developments, industrial and infrastructure projects, commercial and residential buildings and business parks. Current work for the firm includes advising Babcock & Brown and Renewable Power Ventures on the development of the Capital Wind Farm project, including project structure, financing, facility construction, environment and planning and power purchase. Robert McDonnell and Amanda Hempel head the well-regarded practice.

Minter Ellison's projects and project financing team is led by specialist Fred Tinsley. The firm advised the Thiess/Westpac consortium on Phase 2 of the Single LEAP project, a massive PPP accommodation project involving the design, construction, financing and maintenance of the Single Living Environment Accommodation Precincts at all defence bases across Australia.

Sullivan & Cromwell's strong projects practice advises on notable project financings, and continues its leading work on mineral projects in the region. In 2008, the firm has been acting for Moly Mines Ltd in connection with its proposed molybdenum project in Western Australia and has been working with the project sponsors of the LNG project in Papua New Guinea. In 2007, the firm represented Lihir Gold Ltd in their A\$1.2 billion equity offering to fund the development of their recently acquired mine in Ballarat, Australia, and provide funds for a proposed expansion of the production capability of the Lihir mine. The firm also represented Morgan Stanley & Co International in Bemax Resources Ltd's offering of US\$175 million of high-yield debt.

Deacons are also well regarded in this area.

Restructuring and insolvency

The insolvency and restructuring group at **Addisons** is experiencing growth as a result of the economic downturn. In recent transactions, they have acted in the formal insolvency administration of public companies in which the shell of the insolvent company is 'sold' to facilitate the ASX listing of another business. Practice group head Phil Stern has worked with several notable clients including Grant Thornton, McGrath Nichols, and Ferrier Hodgson. Stern also acted for the administrators of Lift Capital in relation to issues arising out of margin lending, and for the chairman of Reynolds Wines in Supreme Court proceedings for insolvent trading. The team added to its strengths in 2008 with the arrival of Nicole Tyson.

Counsel at **Allens Arthur Robinson** have had lead

roles on many recent major Australian restructuring matters, including MFS, Allco, Centro and the ION and Henry Walker Eltin administrations.

Arnold Bloch Leibler has advised on some of Australia's largest and most complex insolvencies that have been instrumental in bringing about changes in insolvency law. Some of the firm's recent advisory work includes: Tricom regarding reconstruction and workout advice in relation to the winding down of its margin loan book; creditors of insolvent broking firm, Opes Prime; and the administrators of the collapsed Money For Living companies.

Baker & McKenzie's restructuring and insolvency practice has secured key roles in most major property collapses in the last 12-18 months. This has included partner Bruce Hambrett acting in the high profile Fincorp and Bridgecorp insolvencies (for receivers Ferrier Hodgson) and partner Maria O'Brien acting in the Australian Capital Reserve Ltd administration and subsequently the liquidation, as well as the recent Donovan Oates Hannaford receivership. Hambrett has also recently advised key stakeholders on aspects of the Sons of Gwalia administration and continues to advise McGrathNicol in the long running Equiticorp liquidation. In addition, O'Brien acted for Janna Robertson and David Winterbottom of KordaMentha, the administrators and subsequently the deed administrators of Easy Being Green Pty Ltd.

Recent matters covered by **Blake Dawson's** restructuring and insolvency include an internationally significant victory in House of Lords - a landmark decision and significant win for the client, the liquidators of HIH Group acting for HSBC Bank in the successful restructuring of facilities worth A\$100 million for KR Castlemaine, a leading small goods manufacturer to the Australian market with 1000 employees; acting for Grant Thornton, the joint provisional liquidators of Basis Capital, a Caymans registered hedge fund; and acting for Merrill Lynch, one of the secured creditors for Opes Prime, Lift Capital and Tricom Equities.

Clayton Utz is acting or has acted on many of the recent high-profile administrations in Australia including: HIH Insurance (one of the largest corporate collapses in Australia's corporate history), Ajax Fasteners, Retravision, Australian Growth, and the Westpoint Group liquidation.

Deacons restructuring and insolvency team is currently involved in a number of high-profile transactions aimed at recovery of client assets. Amongst them, the firm is acting for the receivers and managers of Opes Prime Stockbroking, where assets exceed A\$1.8 billion. The project is illustrative of the complex nature of the projects taken on by the firm, as due to the variety of interests involved it is likely to involve ongoing litigation and takeover panel hearings. The practice

group is headed by partner John Holmes, and includes key partners Steven Palmer, David Porter, Quentin Solomon, Mitchell Mathas and Peter Schmidt.

Under practice group head Juliana Warner, **Freehills** has extensive experience working for a variety of clients in all forms of turnaround and insolvency, reconstruction, asset protection and recovery. Significant recent work for the practice includes acting for the deed administrators of Sons of Gwalia (a Western Australian mining company), dealing with all aspects of the administration, including complex re-financing of the company's operations, the sale of its major assets and groundbreaking litigation over shareholders' rights and innovative solutions in relation to assessment of shareholder claims and the recovery of shareholder losses from third parties.

Henry Davis York's restructuring and insolvency group one of Sydney's largest, with 10 partners and over 30 other lawyers. The pre-eminent group acts for the top six banks in Australia, as well as for foreign banks, leasing companies, leading insolvency practitioners from accounting firms, corporates and investors in troubled businesses. The firm has recently acted for three of the major bank creditors of the high profile listed Allco Group in relation to a A\$1.2 billion debt restructuring which is being negotiated at present. They also act for KordaMentha, the voluntary administrators and deed administrators of Fincorp group which collapsed with debts exceeding A\$300 million.

Mallesons Stephen Jaques restructuring and insolvency team sets up closely managed multi-disciplinary expert teams to ensure that the client receives proper expertise. The team acts for leading Australian and many foreign financial institutions such as NAB, ANZ, HSBC, Macquarie, AMP and Westpac Banking Corp, and major Australian corporates including Telstra Corp, General Electric, Orica and Lion Nathan.

Minter Ellison's insolvency and restructuring team is led nationally by Ian Walker and includes Michael Hughes and Lindsay Powers in Sydney, Brendon Watkins in Melbourne and Garry Hamilton in Brisbane. With more than 60 insolvency specialists in offices around Australia, Asia and the UK, the firm works with liquidators, banks, administrators, receivers and bankruptcy trustees. Currently, the team is advising a group of US investors as noteholders owed more than A\$300 million in the Sons of Gwalia administration and McGrath Nicol, the voluntary administrators to 26 companies in and connected with the Estate Property Group, which collapsed leaving debts of more than A\$600 million.

Restructuring and insolvency has been leading areas of practice over the last 12 months for **Tresscox Lawyers**. In 2007, the firm acted for MDU Australia Insurance Co Pty Ltd and AVANT Insurance Ltd in its restructuring, involving the

amalgamation of two insurance companies, MDU Australia Insurance Co Pty Ltd and AVANT Insurance Ltd by way of scheme under the Insurance Act 1973, creating a combined entity with assets of A\$940 million. Key partners involved in the transaction were Derek Hilliard and Michael Bracken, while Nigel Watson heads the practice group.

In restructurings, **Sullivan & Cromwell**'s recent involvement in highly sophisticated recapitalisation transactions in which sovereign wealth funds have invested in major US banks underscores the firm's ability to structure or assist in structuring effective and efficient solutions to their clients' financing needs. Recent examples of restructuring or recapitalisation transactions involving Borders, Bear Stearns, Morgan Stanley and Merrill Lynch.

Colin Biggers & Paisley is also active in this area.

Shipping

One of Australia's premier shipping and transport practices, **Blake Dawson** is recognised for its global shipping expertise. Sample major clients include: ANZ Bank, Associated Marine Insurers Agents, Austral Asia Line, BHP Billiton, CP Ships, CSR Shipping, Department of Defence, Dockwise Shipping, Hapag-Lloyd, Spliethoff, Steamship Mutual, Through Transport, Mutual Insurance Association, Wartsila and Zinifex.

Clayton Utz partners Simon Brady and Paul Gribble lead a dedicated national maritime, ports and logistics services group that offers access to some of the best transport and logistics lawyers in Australia. The firm has handled over 1000 waterfront, maritime and logistics matters in recent years and has been closely involved in many of Australia's more significant and complex transport and maritime industry projects.

Colin Biggers & Paisley is active in this area.

Telecommunications, media & technology

While not a separate practice group at **Addisons**, the firm has a large talent pool of lawyers with experience in the telecommunications, media and technology practice area. Recently, key partner Jamie Nettleton, Kathryn Edghill and Graham Maher successfully represented Emap plc in respect of the sale of its Australian magazine business to Australian Consolidated Press, including advising on the competition/antitrust aspects of the deal.

Allens Arthur Robinson's communications, media and technology practice is one of the largest in the region offering experience across the full spectrum of media and broadcasting, film and entertainment, telecommunications, information technology, outsourcing, e-commerce, advertising, marketing and privacy.

Many of **Arnold Bloch Leibler**'s technology clients are

at the forefront of new industries. The team acted for ACP Magazines and Ninemsn in respect of their joint majority equity investment in 3P Learning - a company developing and licensing online educational software tools.

Baker & McKenzie's recent TMT work includes advising SingTel Optus on the OPEL deal; Accenture on major outsourcing contracts; and Rio Tinto on local and overseas large scale procurement projects. The group has been engaged by industry associations to advise on regulatory reforms and has advised the Communications Alliance on consumer industry codes and the impact of the Do Not Call register, FreeTV on the regulatory regimes on advertising, and the Internet Advertising Board.

Blake Dawson's highly regarded IT, communications and media practice houses one of the largest and most experienced TMT teams in Australia. Led by Gordon Hughes and Tim Brookes the practice boasts an impressive variety of clients including: Unisys, IBM, Hewlett Packard, SAP, Telstra, BankWest, BHP Billiton, Qantas Airways, Commonwealth Government, Leighton Holdings, Foxtel, Free TV, Nationwide News, Network Ten, News, Prime Television, Warner Music Australia, WIN Television, Telstra, Acxiom and AT&T.

The **Clayton Utz** TMT group has built a reputation of providing innovative solutions and achieving good results for its clients. The practice is widely recognised as housing leading experts in telecommunications network access regulation and structural reform in its role as legal advisers to Optus and the G9 consortium. The firm has acted on virtually every major media transaction in the last 12 months since the recent changes to the Federal government's cross-media and foreign ownership laws. The IT team continues to act for clients such as RailCorp and the Roads and Traffic Authority NSW.

TMT practice head Nick Abrahams at **Deacons** counts Kennedy Miller Mitchell (KMM), Free TV Australia, the Australian Associated Press, and eBay among the firm's high-profile clients.

Tony Conaghan is leader of the technology, media and commercial practice group at **DLA Phillips Fox** for Australia and New Zealand. A highly experienced lawyer in the areas of IP, IT and franchising, he has wide international experience, particularly in the UK and USA. Conaghan is also the Chairman in Queensland of the Intellectual Property Committee of the Law Council of Australia. In 2007, Conaghan and lead partners Caroline Atkins, Judith Miller, and Anthony Willis acted for a series of notable clients including the Walt Disney Television Australia/New Zealand Pty Ltd in relation to contracting of a programme, acquisition of rights from cast to the full extent permitted under ATRRA and non-contentious negotiation with the MEAA.

Freehills' depth of experience in the telecommunications, media and broadcasting and technology sectors ensures clients receive commercially focused advice. They have worked with the major players and regulators in these industries, resulting in an in-depth understanding of the business impact of market and regulatory changes. With more than 40 dedicated IT, communications and regulatory practitioners the firm services clients throughout Australia and South-East Asia, providing both operational and strategic advice.

Gilbert + Tobin's corporate, communications and technology team offers integrated services for Asia Pacific clients in the convergent fields of telecommunications, media, information technology and e-commerce. Recent highlights include: advising on undersea cable JVs for Hong Kong's Asia Netcom; consolidating new infrastructure markets by advising Hong Kong Electric on regulatory issues; advising Malaysia's leading oil company PETRONAS on IT contracting, and Vodafone on the purchase of global IT systems.

Mallesons Stephen Jaques' team of knowledgeable IT and telecommunications experts offer experience and quality IT support on their transactions and the firm has developed a strong reputation in the media industry. Telecommunications related activity includes advising Telstra on a number of applications to the Australian competition regulator (the ACCC) for exemption from ex-ante regulation of certain fixed-line services and acting for Telstra in relation to its miti-

gation strategy to wind-up its long term dealership arrangements with MobileWorld Operating (trading as Crazy Johns). On the media side, recent work includes acting for Time Inc in the sale of its Australian magazine titles WHO, Bride To Be and Practical Parenting to Pacific Magazines and acting for AGB Nielsen Media Research Pty Ltd in the recent renegotiation of the television audience measurement agreement with OzTAM Pty Ltd. The group practice heads are Cheng Lim (IT), Katrina Rathie (media) and Tony O'Malley (telecommunications).

Minter Ellison advises clients across many industries in relation to TMT. Partner Anthony Lloyd, who moved from the firm's Hong Kong office to Sydney, is the firm's TMT leader. Led by Peter Bartlett, the media team is working on increasingly complex brand-related and corporate reputation issues. As principal legal advisor for more than 15 years to SingTel Optus, the firm has provided advise on a range of strategic transactions that shaped the company and the telecommunications industry in Australia. Its client base in this space includes carriers, service providers, infrastructure owners, manufacturers, governments and regulatory authorities.

Colin Biggers & Paisley is also recommended in this area. **PBP**

Note: The list of law firms above is not exhaustive. Other firms are active in this jurisdiction.

IN-HOUSE COMMUNITY

Australia

The Australian Corporate Lawyers Association

The Australian Corporate Lawyers Association (ACLA) is a not-for-profit organisation, and is the peak national body representing the interests of lawyers working for corporations and the government in Australia. It is one of the oldest corporate lawyer member organisations in the world with a rich history that dates back to the 1950s.

Today, in-house lawyers constitute over 25 percent of the total Australian legal profession – more than 12,000 practitioners. ACLA reaches out to them through its seven Divisions, which are located in all States of Australia and in the Australian Capital Territory. ACLA's biggest Divisions are in the States of New South Wales and Victoria. These Divisions provide a regular and wide range of educational and social events for their members.

ACLA recognises three classes of members: full members (in-house lawyers) associate members (any person interested in joining) and student members. The association currently has more than 3,200 members drawn from a broad range of corporations, government departments and semi-governmental bodies.

At national level, ACLA has a Board of Directors made up of two representatives from each Division. The CEO and the Company Secretary/ National Treasurer are also Board members although they have separate contracts with the association. The Board meets five times a year by teleconference and has two annual face-to-face strategy meetings.

The responsibilities of the national organisation of ACLA include: managing an annual National Conference; organising and presenting the ACLA Australian In-house Lawyer of the Year Awards; and the publication of a quarterly journal: *The Australian Corporate Lawyer*. Their website: www.acla.com.au, incorporates the web-based In-house Lawyers Practice Manual and the ACLA precedent service, ACLA SmartDocs. ACLA arranges regular member surveys, provides leadership on professional issues, makes submissions on behalf of members and provides membership services including the ACLA Member Directory and the ACLA_LINK Program.

ACLA's objective is to be and to be recognised as the leading association in Australia for the advancement and better understanding of the practice of law in the corporate /government sectors by its members and the public. It does this by:

- Advancing legal knowledge through conferences and seminars and through publication of *The Australian*

Corporate Lawyer;

- Assisting members and the public by providing continuing legal education;
- Supporting institutions providing courses for the advancement of corporate law;
- Promoting the understanding of corporate law within the business and legal communities and the public; and
- Representing members before their constituent law bodies and other forums by providing a voice for in-house lawyers.

In recent years, ACLA has played a leading role in building closer relationships amongst in-house lawyer member organisations in the region and around the world. ACLA was a foundation member of the International Roundtable of Associations of Corporate Counsel, which aims to provide an international platform for representatives.

ACLA is also party to a number of cooperative arrangements with its nearest neighbour in the region, the Corporate Lawyers Association of New Zealand (CLANZ). The two organisations publish a handbook on ethics, *Ethics for In-house Counsel*, and also jointly present at the Association of Corporate Counsel's (ACC) Annual Meetings in the US. As well, ACLA has recently introduced a Graduate Diploma of In-house Legal Practice designed for it by the College of Law.

In the same co-operative vein, ACLA and CLANZ have signed co-operation agreements with the ACC, and separately with the Canadian Corporate Counsel Association, the Hong Kong Corporate Counsel Association, the Corporate Lawyers Association of South Africa, the Malaysian Corporate Counsel Association, and the Singapore Corporate Counsel Association.

ACLA offers support for the establishment of new and embryonic in-house lawyer member organisations in the Asian region and has played host to several delegations of in-house counsel from China, which visited Australia to evaluate how Australian organisations manage legal risk and how they structure their in-house legal functions.

Within Australia, ACLA has built a strong network of contacts with groups such as the Law Council of Australia, the law societies of each State and Territory and a large number of specialist professional associations which have in-house lawyer members. As well, ACLA maintains excellent relationships with Australia's major law firms, legal publishers and recruiters. **PBP**

**By Peter Turner, CEO,
Australian Corporate Lawyers Association**

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