



Tim Webster

Practice Area Leader - Litigation

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OVERVIEW

Tim Webster is a highly respected commercial litigator who handles disputes for the firm's corporate clients in a range of industries. He currently serves as the co-practice area leader of the firm's global litigation and dispute resolution group, and is a member of the firm's global advisory committee.

Tim has extensive experience and skill in company critical litigation and in managing complex and sensitive matters, including the defence of large class actions.

He has particular expertise in the strategic handling and resolution of disputes or potential disputes, enforcement of contractual rights and obligations, and *Corporations Act* matters, including directors' duties and shareholder rights and remedies.

Tim is a fully qualified mediator and has considerable experience in, and knowledge of, appropriate dispute resolution vehicles, including arbitration, mediation and facilitated negotiation.

He is recognised by *Chambers Asia Pacific*, *Chambers Global* and *The Legal 500 Asia Pacific* for Dispute Resolution – Australia and ranked as one of Australia's leading alternative dispute resolution and litigation lawyers by *Best Lawyers*.

ACHIEVEMENTS

- *Chambers Global*, recognised in Dispute Resolution (2019 – present)
- *Best Lawyers in Australia*, listed in Alternative Dispute Resolution (2017 – present), Litigation (2019 – present)
- *The Legal 500 Asia Pacific*, leading individual in Dispute Resolution (2021)
- *The Legal 500 Asia Pacific*, recognised in Dispute Resolution (2016 – 2020); recognised in Regulatory Compliance Investigations (2019)
- "*Clients prize the 'clear and insightful advice' provided by department head Tim Webster.*" and "*Tim Webster was outstanding as our lead partner and clearly articulated the various pathways in the litigation we were*

involved in. The clear and insightful advice allowed us to make sound decisions." (The Legal 500 Asia Pacific 2021)

- A client notes that in addition to having "a great reputation with respect to commercial litigation," Tim Webster is "very knowledgeable, direct and to the point, and a trusted adviser." (*Chambers Asia Pacific 2021*)
- "Tim Webster... is able to bring a commercial and litigation mindset to all matters." (*The Legal 500 Asia Pacific 2020*)
- Department head Tim Webster is described as "a strategic thinker and agile problem-solver." (*The Legal 500 Asia Pacific 2018*)
- *Chambers Asia Pacific*, ranked individual in Dispute Resolution - Australia (2018 – present)
- "Practice head Tim Webster is respected by peers as an 'experienced, effective operator.' He is praised by referees as a particularly powerful and successful representative of their interests, both in litigation and in heading it off, one noting: "He really does make your company feel looked after." (*Chambers Asia Pacific 2018*)

PROFESSIONAL / CIVIC ACTIVITIES

- Law Society of New South Wales member
- Resolution Institute member

SPEAKING ENGAGEMENTS

Tim regularly presents seminars and training on topical litigation issues, including legal professional privilege and its application to in-house corporate lawyers.

EDUCATION

- B.Com, The University of New South Wales, 1992 (*Finance*)
- LL.B., The University of New South Wales, 1992

ADMISSIONS

- High Court of Australia
- Supreme Court of New South Wales
- Supreme Court of Queensland
- Supreme Court of Victoria

THOUGHT LEADERSHIP POWERED BY HUB

- 18 February 2020, Legal Professional Privilege (*Webinar*)
- March 2019, Legal Professional Privilege (*Webinar*)

OTHER PUBLICATIONS

- "Settlement (Civil Litigation)," Australian chapter in Thomson Reuters' *Practical Law, Cross-Border Dispute Resolution*, March 2017
- "Opinions as Assumptions – Court Rejects Expert Evidence of \$170 million Claim," *Law Society of NSW Journal*, July 2012

NEWS & EVENTS

- 24 February 2021, K&L Gates Recognized in 2021 Chambers Global Guide (*Rankings & Recognitions*)
- 16 December 2020, K&L Gates Recognized in Chambers 2021 Asia Pacific and FinTech Guides (*Rankings & Recognitions*)

AREAS OF FOCUS

- Complex Commercial Litigation and Disputes
- Construction and Infrastructure Dispute Resolution
- International Arbitration
- Product Liability
- Securities and Transactional Litigation

INDUSTRIES

- Energy
- Energy Disputes

REPRESENTATIVE EXPERIENCE

- Representing a Sydney-based real estate investment management group in landmark litigation seeking to recover unpaid rent from tenants owned by The Just Group which have refused to pay rent in full since the COVID-19 pandemic.

- Defending Honda Australia in Takata airbag consumer class action brought on behalf of 437,000 vehicle owners or lessees
- Representing parties in numerous Court approved Schemes of Arrangement, including in the matters of Biosceptre International Limited, Unity Mining Limited, RESIMAC Limited and Everlight Radiology Limited.
- Defending a property development company against significant claims (AUD170 million) of alleged breach of fiduciary duty and misleading or deceptive conduct, in connection with the settlement of prior litigation concerning the acquisition of a large development site.
- Representing an electricity distributor in a significant and large dispute with BHP Billiton (AUD50 million plus) under a long term power purchase agreement following the partial privatisation of the electricity industry by the New South Wales (NSW) Government.
- Representing a US defence contractor in relation to contract disputes arising from a large project (AUD340 million plus) to supply a new defence communications system to the Australian Department of Defence.
- Representing a construction engineering company in litigation (AUD7 million plus) arising in relation to the construction of the Epping to Chatswood rail line in Sydney.
- Representing a global mining machinery manufacturer in relation to product liability claims brought by Rio Tinto concerning the alleged failure of hydraulic underground mine roof supports.
- Representing a state owned electricity generator over a period of 15 years on many contract and other disputes under coal supply contracts, design and construct contracts, power purchase agreements and gas supply agreements.
- Representing a US based manufacturer of locomotives in a dispute (USD24 million) with the Australian purchaser in relation to alleged defects and warranty issues.
- Defending a claim by Hastings Funds Management against the shareholder vendors of a waste methane gas powered electricity generation business against a significant claim (AUD40 million) for alleged breach of warranties contained in a share sale agreement, misleading or deceptive conduct and insider trading claims.
- Representing an Isle of Man hedge fund in litigation seeking urgent declarations and injunctions in relation to the adjournment of a general meeting of unit holders specifically requisitioned to replace the responsible entity of a listed trust, or alternatively, to wind up the trust.
- Representing a construction engineering company in all litigation (AUD60 million plus) arising from a collapse during construction of the Lane Cove Tunnel in Sydney.
- Litigating a significant claim by a major building products company against CSR (AUD40 million plus) in relation to the liability to remediate environmental contamination present across five sites in three different States.
- Representing a large construction contractor in relation to the fraudulent misappropriation of funds by its accounts payable manager, including obtaining extensive freezing orders over the employee's bank accounts and assets.

- Representing a property developer defending a claim under section 37A of the Conveyancing Act 1919 (NSW) to set aside the transfer of property on the basis that the transaction was undertaken with intent to defraud creditors. The case was eventually determined on appeal to the High Court of Australia.
- Representing a large construction company in a major dispute with a contractor concerning the construction of the Mt Piper to Marulan 500kV electricity transmission line.
- Acting for an international building products company in its defence of a substantial (NZD1.5 billion) claim brought by the New Zealand Ministry of Education in the High Court of New Zealand.