

# ALEC LEOPOLD SC

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Alec's commercial litigation practice spans a third of a century. He practises predominantly in the following areas:

- General commercial litigation, including corporate, contractual, equity, insurance, estoppel and misleading conduct;
- A wide range of banking and financial services litigation, for large banks and financial services entities;
- Litigation concerning the *Corporations Act* and the *ASIC Act*, including corporate insolvency;
- Fraud and fabrication;
- Professional indemnity;
- Class actions.

## **Qualifications**

LLB (Hons) (ANU)

## **Background**

- Appointed Senior Counsel - October 2007
- Admitted to the NSW Bar - January 1996
- Commercial Litigation solicitor Allen Allen & Hemsley 1983-1995 (Partner 1988-1995)
- Associate to Sir Anthony Mason (High Court) 1981-1983

## **Selected cases**

### **Corporate law; corporate insolvency; managed investment schemes:**

- *Hislop v Paltar Petroleum Ltd (No 2)* [\(2017\) 122 ACSR 358](#); and *Hislop v Paltar Petroleum Ltd (No 3)* [\[2017\] FCA 1253](#)
- *Shub v Mon Purse Pty Ltd* [\[2017\] NSWSC 1187](#)
- *Re Ten Network Holdings Ltd* [\[2017\] FCA 1144](#)
- *AMP Life Ltd v AMP Capital Funds Management Ltd* [\[2016\] NSWCA 176](#)
- *HP Mercantile Pty Ltd v Hartnett* [\[2015\] NSWSC 1475](#); [\[2016\] NSWCA 342](#)

- *OzEcom (In Liq) v Hudson Investment Group Ltd* [\[2007\] NSWSC 719](#); [\[2007\] NSWSC 1441](#)
- *Re Daisytek Australia Pty Ltd* (2003) 46 ACSR 424; [\[2003\] FCA 768](#)

#### **General commercial/equity/contract/misleading conduct/estoppel and the like:**

- *Chung-Yi Pty Ltd v Chih-Yang Chang (No 2)* [\(2018\) 128 ACSR 585](#)
- *Neal v Murnain* [\[2017\] NSWSC 1039](#)
- *Owners Strata Plan 74602 v Eastmark Holdings Pty Ltd* [\[2015\] NSWSC 1981](#)
- *HP Mercantile Pty Limited v Hartnett* [\[2015\] NSWSC 1475](#); [\[2016\] NSWCA 342](#)
- *Perpetual Trustee Co Ltd v Ishak* [\[2012\] NSWSC 697](#)
- *Overlook Management BV v Foxtel Management Pty Ltd* (2002) ATPR (Digest) ¶46-219; [\[2002\] NSWSC 17](#)
- Various articles including *Estoppel: A Practical Appraisal of Recent Developments* (1991) 7 Aust Bar Rev 47

#### **Acting for large banking and financial services entities:**

- *Commonwealth Bank of Australia v Rafidi and Brick & Block Company Pty Limited (In Liq)* (judgment for the Bank on claim against it for \$183 million following withdrawal of that claim after 13 days of cross-examination)
- *International Skin Care Suppliers Pty Ltd v Commonwealth Bank of Australia* [\[2013\] NSWSC 1768](#)
- *Tonto Home Loans Australia Pty Ltd v Tavares* (2011) 15 BPR 29,699; [\[2011\] NSWCA 389](#)

#### **Fraud; mortgage forgery:**

- Defending numerous claims in which fabricated or fraudulent claims have been exposed (and on more than one occasion withdrawn following cross-examination)
- *Despot v Registrar-General of NSW* [\[2016\] NSWCA 5](#)
- *Van den Heuvel v Perpetual Trustees Victoria Ltd* (2010) 15 BPR 28,647; [\[2010\] NSWCA 171](#)

#### **Class actions:**

- *Lenthall v Westpac Life Insurance Services Limited* [\[2018\] FCA 1422](#)
- *Petersen Superannuation Fund Pty Ltd v Bank of Queensland Ltd* [\[2017\] FCA 699](#)
- *Clasul Pty Ltd v Commonwealth of Australia* [\[2014\] FCA 1133](#)
- *O'Sullivan v Challenger Managed Investments Ltd* [\[2007\] NSWSC 383](#)
- *Petrusevski v Bulldogs Rugby League Club Ltd* [\[2003\] FCA 61](#) (the Bulldogs salary cap breach class action)
- *Hunter Valley Community Investments Pty Ltd v Bell* (2001) 37 ACSR 326; [\[2001\] FCA 201](#)
- *King v GIO Australia Holdings Ltd* (2001) 184 ALR 98; [\[2001\] FCA 308](#)

**Issue estoppel, abuse of process, contempt and the like:**

- *Re. Group Pty Ltd v Kazal (No 4)* [\[2017\] FCA 1084](#)
- *Bracks v Smyth-Kirk* (2009) 263 ALR 522; [\[2009\] NSWSC 401](#)
- *Haines v ABC* (1995) 43 NSWLR 404; [\[1995\] NSWSC 136](#)

**Insurance law:**

- *Commonwealth Bank of Australia v ACN 076 848 112 Pty Ltd* [\[2015\] NSWCA 314](#)
- *Solarus Projects Pty Ltd (Receivers and Managers Appointed) (In Liq) v AAI Ltd (trading as Vero Insurance) (No. 8)* [\[2015\] NSWSC 412](#)
- *Poole v Chubb Insurance Company of Australia Ltd* [\[2014\] NSWSC 1832](#)

**Valuation - a range of cases involving issues concerning land valuation (including negligent valuation):**

- *Bank of Western Australia v Licata* [\[2012\] NSWSC 78](#)

**Professional liability in general:**

- *Perpetual Trustee Co Ltd v Ishak* [\[2012\] NSWSC 697](#)

**Preliminary discovery and a range of other complex procedural issues:**

- *Hatfield v TCN Channel Nine Pty Ltd* [2010] 77 NSWLR 506; [\[2010\] NSWCA 69](#)

**Partnership:**

- *Seiwa Australia Pty Ltd v Beard* (2009) 75 NSWLR 74; [\[2009\] NSWCA 240](#)

**Statutory construction:**

- *AMP Life Ltd v AMP Capital Funds Management Ltd* [\[2016\] NSWCA 176](#)
- *Rural Funds Management Pty Ltd v Minister Adminstrating the Water Management Act 2000* [\[2016\] NSWLEC 19](#)