

Andrew Bell SC

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CURRICULUM VITAE

Andrew Bell has a broad national practice and has appeared in 30 High Court appeals across a broad range of fields. He also regularly appears in the New South Wales and Western Australia Courts of Appeal and the Full Court of the Federal Court, as well as at first instance and in domestic and international arbitrations.

His practice includes corporate and commercial litigation, class actions, general appellate matters, public and constitutional law, insurance and reinsurance, sports law and shipping and transport disputes. He specializes in private international law and transnational litigation and arbitration, areas in which he has taught and written extensively. He has also acted as an arbitrator.

He has regularly been named in the “Litigation”, “Alternative Dispute Resolution” and “Bet-the-Company Litigation” categories in the annual AFR survey of top Australian lawyers, and has been ranked in Band 1 of all Australian barristers by Chambers Asia Pacific for a number of years.

Professional

Senior Counsel (New South Wales) from 2006

Barrister since 1995

Academic Qualifications:

D.Phil (Oxon) - 1994

BCL (Oxon) (1st class Honours and Vinerian Scholarship) - 1993

LLB (1st Class Hons and University Medal) (Syd) - 1989

BA (1st Class Hons and University Medal) (Syd) - 1987

High Court of Australia Appeals

- *Clone Pty Ltd v Players Pty Ltd* (in liquidation) [2017] HCA (Judgments; Malpractice)
- *Re Day* [No 2] [2017] HCA 14 (Constitutional Law; Electoral Law)
- *Re Day* [2017] HCA 2 (Constitutional Law; Electoral Law)
- *Attwells v Jackson Lalic* (2016) 331 ALR 1 (Professional Negligence)
- *PT Bayan Resources TBK v BCBC Singapore Pte Ltd* (2015) 325 ALR 168 (Freezing Orders; Private International Law; Constitutional Law)
- *Cascade Coal v New South Wales* (2015) 255 CLR 388 (Constitutional Law; Mining)
- *Duncan v New South Wales* (2015) 255 CLR 388 (Constitutional Law; Mining)
- *Australian Electoral Commission v Johnston* (2014) 251 CLR 463 (Constitutional Law; Electoral Law)
- *TCL Air Conditioner (Zhongshan) Co Ltd v. The Judges of the Federal Court of Australia & Anor* (2013) 251 CLR 533 (International Arbitration)
- *Australian Securities & Investments Commission v Hellicar & Ors* (Corporations) (2012) 286 ALR 501
- *ACCC v Channel Seven* (2009) 239 CLR 205 (Trade Practices)
- *Hickson v Goodman Fielder* (2009) 237 CLR 130 (Workers Compensation)
- *Puttick v Tenon Limited* (2008) 238 CLR 265 (Private International Law)
- *Povey v British Airways* (2005) 223 CLR 189 (Aviation Law; Public International Law)
- *Nielson v Overseas Development Corporation* (2005) 223 CLR 331 (Private International Law)
- *Silbermann v C.G.U. Insurance Ltd* (2005) 79 ALJR 856 (Insurance; Contract)
- *Toll (FGCT) Pty Limited v Alphapharm Pty Limited* (2004) 219 CLR 165 (Contract)
- *BHP Billiton Limited v Schultz* (2004) 221 CLR 400 (Constitutional Law; Cross-Vesting)
- *Re Maritime Union of Australia; ex parte CSL Pacific Shipping Inc.* (2003) 214 CLR 397 (Constitutional Law; Maritime)

- *Royal Botanic Gardens and Domain Trust v South Sydney Council* (2002) 76 ALJR 436 (Contract; Property)
- *Regie National des Usines Renault v Zhang* (2002) 210 CLR 491 (Private International Law; Practice and Procedure)
- *John Pfeiffer Pty Ltd v Rogerson* (2000) 203 CLR 503 (Constitutional law; a)
- *Agar v Hyde* (2000) 201 CLR 552 (Negligence; Private International Law; Practice and Procedure)
- *Crampton v The Queen.* (2000) 206 CLR 161 (Criminal law; Appellate Procedure)
- *Australian Securities & Investment Commission v DB Management Pty Limited* (2000) 199 CLR 321 (Corporations law)
- *Air Services Australia v Canadian Airlines International Limited* (1999) 202 CLR 133 (Constitutional Law; Taxation; Aviation)
- *Re JJT; ex parte Victoria Legal Aid* (1998) 195 CLR 184 (Constitutional Law; Family Law)
- *Bathurst City Council v PWC Properties Pty Limited* (1998) 195 CLR 566 (Statutory Trusts; Local Government)
- *CSR Limited v Cigna Insurance Australia Limited* (1997) 189 CLR 345 (Private International Law; Practice and Procedure)
- *Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520 (Constitutional Law; Defamation)

Publications

M Davies, A S Bell, P L G Brereton *Nygh's Conflict of Laws in Australia* (LexisNexis 8th ed., 2010; 9th ed., 2014)

‘The Elusive Promise of the Inter-State Commission’ in J Stellios (ed) *Encounters with the Constitution and Legal Education: Essays in honour of Michael Coper* (Federation Press, 2018)

A S Bell, *Forum Shopping and Venue in Transnational Litigation* (Oxford University Press, 2003) (reprinted 2009)

A S Bell, ‘Excluding exclusion clauses: judicial and statutory techniques, freedom of contract and public policy’ in Simone Degeling and James Edelman and James Goudkamp (eds) *Contracts in Commercial Law* (Thomson Reuters, 2016)

A S Bell, 'Rationalisation and Rationale: Approaching the Reform of Rules for the Assertion of Jurisdiction over Foreign Defendants' in Andrew Dickinson, Mary Keyes, Thomas John Hart (eds), *Australian Private International Law for the 21st Century: Facing Outwards* (Hart Publishing, 2014)

'The Future of Private International Law in Australia' [2012] *Australian International Law Journal* (2012) 19 *Australian International Law Journal* 11

A 'Getting to the Forum: witnesses in transnational commercial litigation' (2011) *Australian Law Journal* 569

'Dispute Resolution and Applicable Law Clauses in International Sports Arbitration' (2010) 84 *Australian Law Journal* 116

A S Bell, 'Transnational Commercial Litigation and the Current State of Australian Law' in K E Lindgren (ed) *International Commercial Litigation and Dispute Resolution* (Ross Pearson Centre, Sydney, 2010)

'Human Rights and Transnational Litigation – Interesting Points of Intersection' in Stephen Bottomley and David Kinley, *Commercial Law and Human Rights* (Dartmouth, 2001)

'The Anti-Suit Injunction' (1997) 71 *Australian Law Journal* 955 (with J.T. Gleeson)

'Negative Declarations in Transnational Litigation' (1995) 111 *Law Quarterly Review* 674

'Anti-Suit Injunctions and the Brussels Convention' (1994) 110 *Law Quarterly Review*

'The Enforcement of Exclusive Jurisdiction Agreements in Transnational Litigation Part I' (1996) 10 *Journal of Contract Law* 53

'The Enforcement of Exclusive Jurisdiction Agreements in Transnational Litigation Part II' (1996) 10 *Journal of Contract Law* 97

'The Why and Wherefore of Transnational Forum Shopping' (1995) 69 *Australian Law Journal* 124

'Trade Rivals - Standing to Sue' (1992) 9 *Australian Bar Review* 67

'Section 92, Factual Discrimination and the High Court' - (1992) 12 *Federal Law Review* 240

'Australian Evidence; Evidence and Advocacy' (1991) 13 *Sydney Law Review* 627

'Canadian Pacific Hotels v Bank of Montreal' (1990) 12 *Sydney Law Review* 616

Assistant Editor, 'Ritchie's Supreme Court Practice' 1996 – 1999

Contributor to *The Oxford Companion to the High Court of Australia* and Lexis Nexis *Concise Australian Legal Dictionary*

Other appointments/positions

Fellow Australian Academy of Law from 2012

Adjunct Professor of Law, University of Sydney Law School (2008 -)

Treasurer, New South Wales Bar Association (2017-2018)

Chairman of Professional Conduct Committee No. 4 (2017-2018)

Member of New South Wales Bar Council (1999-2000, 2003, 2015-2018)

- Member of Professional Conduct Committee No. 1 (1999-2000)

- Member of Finance Committee (2016-2018)

- Member of Education Committee (2016-2017)

Editor, *Bar News* (2005-2012); Editorial Committee (1997-2012)

Chairman, *Sculpture by the Sea Inc.*, (2009- 2016); Director (2006 – 2016)

Senior Fellow, Faculty of Law (part time) Melbourne University (2006 - 2009)

Deputy Chairman of Council, St Paul's College, University of Sydney (2010-2013); Fellow and Member of the Council (2004-2013)

Chairman, Eleven Wentworth (2010) (2017-2018)

Secretary, NSW Branch of the Australian Rhodes Scholars' Association (2001-2007)

Member, NSW Selection Committee for the Rhodes Scholarship (2001-2004)

Associate to Sir Anthony Mason (Chief Justice, High Court of Australia) (August 1990 - September 1991)

Associate to Justice Beaumont (Federal Court of Australia) (March - July 1990)

Adviser to American Law Institute Project on Transnational Rules of Civil Procedure (1996-97)

Australian Reporter, Asian Business Law Institute Project on Recognition and Enforcement of Foreign Judgment Rules in ASEAN, Australia, China, Japan, India and South Korea (2017)

Rhodes Scholar for New South Wales (1990)

Convocation Medal (University of Sydney) (1989)