

Simon Keizer

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Admissions

Admission as a legal practitioner (NSW): 17 December 1999

Admission to the Bar (NSW): 2 May 2011

Practice areas

- General commercial
- Equity
- Corporations law
- Trade practices
- Class actions
- Commissions of inquiry
- Administrative and public law

Significant briefs as counsel

General commercial, corporate and equity matters

Macquarie Investment Management Ltd v Millinium Asset Services Pty Ltd – Claims against trustee of managed investment scheme in NSW Supreme Court. Led by Anthony Cheshire SC. Ongoing matter.

Road Services Group Pty Ltd v Fletcher – Claims of breach of restraints of trade in business sale agreement in NSW Supreme Court. Led by Peter Braham SC. Ongoing matter.

eInduct Systems Pty Ltd v 3D Safety Services Pty Ltd – Claims of breach of confidence and breach of copyright in computer software in NSW Supreme Court. Led by Kevin Andronos SC. Ongoing matter.

Lawrence & Hanson Group Pty Ltd v Pugliese – Dispute concerning caveat securing debts in NSW Supreme Court. Appearing unled. Ongoing matter.

Tzaneros Investments Pty Ltd v Walker Group Holdings Pty Ltd – Dispute regarding construction and enforcement of guarantees in NSW Supreme Court. Led by Dermot Ryan SC. Matter settled before trial.

CFT Holdings Co Pty Ltd v Sundown Holding BV – Dispute arising out of business sale agreement in NSW Supreme Court. Led by Dermot Ryan SC. Matter settled after final hearing but before judgment.

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Trepang Services Pty Ltd v Sodexo Remote Sites Australia Pty Ltd – Contractual dispute in Northern Territory Supreme Court. Appeared unled on application for pre-trial discovery and subsequent costs dispute: [2014] NTSC 23. Matter settled before final hearing.

Schwartz v Hadid [2013] NSWCA 89 – Appeal on formation and construction of contracts. Led by Noel Hutley SC.

National Australia Bank Ltd v Zhang [2013] NSWSC 1529 – Application to set aside default judgment. Appeared unled.

Cooper v Touche Ross & Co – Auditor's negligence claim in Queensland Supreme Court. Led by Robert Weber SC. Matter settled before trial.

In the matter of Print Mail Logistics Ltd [2012] NSWSC 792 – Declarations regarding passing of company resolutions. Appeared unled.

St George Bank v WTC Property Group – Possession action and claims seeking to have guarantees set aside. Led by Alec Leopold SC. Matter settled before trial.

Li v St George Bank – Breach of contract dispute in NSW District Court. Appeared unled. Matter settled during trial.

Macquarie Bank v Fictrade and 12 related proceedings – Disputes concerning margin lending activities. Appeared unled. Matter settled before final hearing.

Mitchell Brandtman (NSW) Pty Ltd v Leichhardt Municipal Council – Breach of contract claim in NSW Local Court. Appeared unled.

Disputes between employer and employee

Anderson v Paterson Securities Pty Ltd – Claims of breach of contractual, statutory and fiduciary duties against former employees, and claims of accessorial liability against former corporate advisors in NSW Supreme Court. Appearing unled. Ongoing matter.

Mirus Australia Pty Ltd v Gage – Claims against former employees of breach of non-compete restraints and breach of confidence in NSW Supreme Court. Appearing unled. Ongoing matter.

Global Medical Solutions Australia Pty Ltd v Axiom Molecular Pty Ltd – Claims of breach of contractual, statutory and fiduciary duties and tort of conspiracy against former employees arising out of establishment of competing business. Led by Philip Durack SC. Various interlocutory decisions, including appeal to Court of Appeal on principles governing security for costs. Matter settled during course of final hearing.

The Star Pty Ltd v Rollison – Breach of confidence claim against former employee. Led by Jeremy Kirk SC. Matter settled before final hearing.

News Digital Media Pty Ltd v McIlveen – Restraint of trade claim against former employee. Led by Nick Kidd SC. Matter settled before final hearing.

Willis Australia Group Services Pty Ltd v Griggs – Restraint of trade claim against former employee. Led by Jeremy Kirk SC. Matter settled before final hearing.

ACE Insurance v Gupta – Restraint of trade claim against former employee. Led by Jeremy Kirk SC.

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Red Bull Australia Pty Ltd v Stacey – Restraint of trade claim against former employees. Led by Jeremy Kirk on application for interlocutory injunctions: [2011] NSWSC 1212. Led by Mark Steele on final hearing. Matter settled during course of final hearing.

Class actions and representative proceedings

Diab Pty Ltd v Yum! Restaurants Australia Pty Ltd – Class action by Pizza Hut franchisees against franchisor in Federal Court. Led by Rod Smith SC and Kevin Andronos SC at trial: [2016] FCA 43. Ongoing matter, currently on appeal to Full Court.

Younger v Westpac Banking Corp – Class action by former Westpac employees regarding bonus payments in NSW Supreme Court. Led by David Studdy SC. Ongoing matter.

Mining and resources

DFD Rhodes Pty Ltd v Hancock Prospecting Pty Ltd – Dispute concerning royalty entitlements in Western Australian Supreme Court. Led by Dermot Ryan SC. Ongoing matter.

Alliance Craton Explorer v Quasar Resources – Dispute between mining joint venturers in South Australian Supreme Court. Led by Mark Hoffmann QC. Matter settled before trial.

Insolvency

Hurst v Fairfax Media Publications Pty Ltd – NSW District Court. Liquidator's preference claim. Appeared unled. Ongoing matter.

In the matter of Modular Building Systems Pty Ltd [2014] NSWSC 526 – Application to set aside statutory demand. Appeared unled.

In the matter of Streetwise Advertising Pty Ltd (in liq) – NSW Supreme Court. Liquidator's preference claim. Appeared unled. Matter settled before final hearing.

In the matter of Alsafe Security Products Pty Ltd (in liq) – NSW Supreme Court. Liquidator's preference claim. Appeared unled. Matter settled before final hearing.

In the matter of Millers Point Parking Pty Ltd – Federal Court. Winding up application. Appeared unled.

Newington Technology Park Pty Ltd v Liu – Breach of contract dispute and subsequent application for personal costs against liquidator in NSW District Court. Appeared unled.

Gittany v Gittany – Bankruptcy matter in Federal Circuit Court. Appeared unled.

Neighbourhood Association DP 285486 v Sattler – Bankruptcy matter in Federal Magistrates Court. Proceedings. Appeared unled.

Succession

Appeared for Jill Wran in the various family provision claims made against the estate of the late Neville Wran, led by Alan Sullivan QC. Matter settled before final hearing.

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Administrative law

Wilkinson v Brownlee – Dispute concerning construction of NSW P&C Federation constitution and election of office bearers. Led by Kevin Andronos. Matter settled before final hearing.

Australians for Sustainable Development Inc v Barangaroo Development Authority [2013] NSWADT 252 – Review of Government Information (Public Access) Act decisions. Led by Andrew Bell SC.

SZRLR v Minister for Immigration – Federal Magistrates Court. Application for judicial review of refugee claim. Appeared unled. Matter settled before final hearing.

Appeal to the Appeal Tribunal of the Institute of Chartered Accountants Australia, challenging disciplinary action taken against a member. Led by Jeremy Kirk SC.

Arbitration concerning the suspension of certain accredited rugby league player agents. Led by Robert Weber SC.

Appeals to the Equestrian Australia Appeal Tribunal regarding nominations to the Australian 2012 Olympic Team in Dressage and Three Day Event. Appeared unled.

Previous employment

Solicitor, Allens Arthur Robinson

Property and Investment: 1999-2001

Commercial Litigation: 2001-2003, 2004-2011

Major cases as a solicitor

Alliance Craton Explorer v Quasar Resources, 2010-2011 (Federal Court, South Australian Supreme Court) – Acted for Quasar Resources in a series of 5 proceedings arising from disputes between mining joint venturers.

Re Octaviar Administration, 2010-2011 (NSW Supreme Court) – Acted for KPMG with respect to the liquidators' examinations into the collapse of the MFS group.

Mercedes Holdings v Waters, 2009-2011 (Federal Court) – Acted for KPMG in a class action brought by unitholders of the MFS Premium Income Fund.

HIH litigation, 2008-2010 (NSW Supreme Court) – Acted for National Indemnity Company in the litigation arising from the collapse of HIH Insurance.

Sydney Ferries Special Commission of Inquiry, 2008 – Acted for Sydney Ferries Corporation in relation to the inquiry.

Fitzsimons v TAB, 2007-2009 (NSW Supreme Court) – Acted for TAB and Tabcorp in a series of proceedings brought by a former client, seeking to recover gambling losses on the basis of various common law and equitable claims.

Mulpha Australia v Principal Financial Services, 2007-2008 (Federal Court) – Acted for the defendant in a completion balance sheet dispute.

National Australia Bank v DaimlerChrysler Australia Pacific, 2004-2006 (NSW Supreme Court) – Acted for DaimlerChrysler in proceedings brought by NAB and the liquidator of the King Bros bus companies following the collapse of the King Bros companies.

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Pfizer v Therapeutic Goods Administration, 2004-2005 (Administrative Appeals Tribunal) – Acted for Pfizer in successfully seeking review of a decision to impose certain “black-box” warnings on a range of pharmaceutical products.

Waterfall Rail Accident Special Commission of Inquiry, 2003 – Acted for the Rail Infrastructure Corporation in relation to the inquiry.

ICAC inquiry into Menangle Railway Bridge, 2003 – Acted for the Rail Infrastructure Corporation in relation to the inquiry.

Rheem Australia v Southcorp, 2002-2003 (NSW Supreme Court) – Acted for the defendant in a completion balance sheet dispute.

Kosciusko Thredbo Pty Ltd v State of NSW, 2001-2003 (NSW Supreme Court) – Acted for Snowy Mountains Engineering Corporation in proceedings brought by a range of plaintiffs seeking damages for commercial losses suffered as a result of the Thredbo landslide.

NT Power Generation v Power and Water Authority, 2001 (Federal Court) – Acted for the Power and Water Authority in the Full Federal Court appeal.

Academic

Master of Laws (International Law)

Cambridge University, 2003-2004

Bachelor of Laws (1st class Honours)

Sydney University, 1995-1998

Bachelor of Arts (majors: Social Anthropology and Aboriginal Studies)

Sydney University, 1992-1994

Academic Prizes and Scholarships

British Chevening Scholarship, 2003

Nancy Gordon Smith Prize for Honours at Graduation, 1998

George and Matilda Harris Scholarship No 2A, 1996

Sir John Peden Memorial Prize for Legal Institutions, Constitutional Law, International Law and Real Property, 1996

Andrew M Clayton Memorial Prize for Real Property, Succession, Personal Property and Equity, 1996

Edward John Culey Prize for Real Property and Equity, 1996

Margaret Ethel Peden Prize in Real Property, 1996

Butterworths Book Prize for Most Proficient in First Year, 1995

Wigram Allen Scholarship No 1A, 1995

Walter Ernest Savage Prize for Legal Institutions, 1995

Caroline Munro Gibbs Prize for Torts, 1995