

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 and insurance claims, 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

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

- *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

Corporate law; corporate insolvency; managed investment schemes:

- *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](#)

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- Defending numerous claims in which fabricated or fraudulent claims have been exposed and withdrawn following cross-examination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:

- *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 and the like:

- *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](#)