

## CRAIG CARTER

Third Floor St James Hall Chambers | 169 Phillip Street | Sydney NSW 2000 | DX 822

Tel: +61 2 9223 1411 | Fax: +61 2 9223 9699 | [ccarter@3sjh.com.au](mailto:ccarter@3sjh.com.au)

### Summary

Since my admission, firstly as a solicitor in 1993 and then as a barrister in 2005, I have had extensive experience in large and complex litigation in both state and federal jurisdictions.

I was a solicitor for 13 years during which time I worked for two large national firms based in Sydney. I was responsible for the coordination of a number of major pieces of litigation involving multiple parties at first instance and on appeal.

Since admission as a barrister in 2005 I have appeared in various state and federal courts both at first instance and on appeal.

### Experience at the Bar – 2005 to Present

I was called to the bar in 2005. I completed my reading year with Mr Peter King, Dr Andrew Bell SC and Mr Greg Nell SC.

I have appeared in the following:-

- NSW Local, District, Supreme Court and Court of Appeal
- NSW Administrative Decisions Tribunal
- Federal Magistrate's Court
- Federal Court of Australia and Full Court of the Federal Court
- High Court of Australia (both with a leader and without)
- Arbitrations under the Commercial Arbitration Act (NSW) and the International Arbitration Act (Cth)

My areas of practice include:

- Commercial – Corporation Act – shareholder oppression suits
- Equity – Freezing Orders, Injunctions, Trust & Partnership disputes
- Corporate Insolvency and Bankruptcy (for banks, liquidators and trustees – voidable transactions)
- Building and Construction (Arbitrations and *Security of Payments* disputes)
- Insurance – Professional Indemnity
- International Law/Conflict of Law/Jurisdictional Disputes/Enforcement of Foreign Judgments and Awards
- Trade Practices and Competition
- Maritime Law (wet and dry including environmental criminal prosecutions and FOC sale/purchase of vessels)
- Aviation Law

I have been retained by a number of large and/or specialised firms both in Australia and overseas including, Blake Dawson, CCSG Legal, DLA Phillips Fox, Doyles Constructions Lawyers, Hunt and Hunt, HWL Ebsworths, Norton White, Brock Partners, NOT Lawyer, Massey & Bailey and Watson Mangioni.

I have conducted an international arbitration in Sydney appearing as counsel appearing for a UK based firm. I appeared in long running Commercial Arbitration Act dispute (68 hearing days) involving the construction of a railway.

#### **1998-2005 Ebsworth & Ebsworth**

I was a senior associate in the firm's Transport Group. I was responsible for the day to day conduct of various matters involving maritime claims, international/conflict of laws, commercial litigation and equity disputes. A significant number of matters involved complex disputes and challenges to Commonwealth and State legislation.

Such matters (reported) included *Port Kembla Coal Terminal v Braverus Maritime Inc* (12 weeks hearing at first instance, one week in the Full Court and a special leave application); *Filipowski v Island Maritime Inc* (a marine pollution prosecution – 1 week hearing, appeals in the Court of Criminal Appeal and then High Court of Australia) and matters involving applications for and challenges against pre action discovery orders in the Federal Court (*CGU Insurance and Ors v Malaysian international Shipping Corporation* and *Western Bulk Carriers v Cosco Shipping Line*)

In addition, I was part of a team working on the "NRMA Litigation" (*Talbot & Ors v Abbott Tout & Ors*) arising out of the failed demutualisation of the NRMA. In that case I responsible for preparing approximately 160 affidavits relation to the claim for economic loss by the NRMA against the company's former legal advisers.

#### **1989 - 1997 Norton Smith & Co**

Admitted as solicitor in 1993 I worked in the firm's insurance and transport department.

I assisted in a number of large matters including the the failure of the Linter Corporation. The case involved a claim by security (junk bond) holders against 54 defendants including underwriting bank syndicates, lawyers and auditors.

I spent a number of years working on transport matters, including the day to day conduct of a claim involving 254 plaintiffs against the operator of a cruise liner that sank in New Zealand (*Dillon v Baltic Shipping Company – "Mikhail Lermontov"*) which involved evidence on commission in various states and lengthy hearings at first instance, in the Court of Appeal and High Court of Australia.

### **Outside Interests**

Cycling (road)

Sailing (skiff and small fixed keel)

Married with two children

4 December 2009