

FRANCIS MAXWELL DOUGLAS QC

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Areas of Practice

Appellate
Constitutional and Administrative Law
Commercial
Arbitration
Corporate
Equity/Trusts
Insurance
Intellectual Property
Trade Practices

Education

1964-1969 University of Queensland
1967 Bachelor of Arts (majoring in political science and history)
1969 Bachelor of Law
1970-1972 University of Cambridge (UK)
1972 Post Graduate Bachelor of Laws
1973 Diploma in International Law

Recent Experience

Recent matters in which Mr Douglas has been briefed include:

- Senior Counsel for a major Australian construction company in an arbitration in Mumbai concerning the development of an oil and gas field in the Bay of Bengal (2008).
- Senior Counsel in a series of cases in Queensland concerning a joint venture in relation to the development of a major parcel of land on the outskirts of Brisbane (*Mango Boulevarde Pty Ltd v Spencer* [2010] QCA 209 (ongoing)).

- Senior Counsel in an arbitration concerning the valuation as between joint venturers of a silver lead zinc mine in Northern Queensland (2011).
- Senior Counsel for *Aquila Ltd* in disputes with its co-joint venturer *Vale Ltd* concerning logistics and development of coal mining assets in Qld (ongoing).
- Senior Counsel for a Chinese steel mill in enforcement and appeal proceedings in the Supreme Court of Western Australia, arising out of an arbitration award by the Hon AM Gleeson AC QC in excess of AUD \$100million (*Rizhao Steel Holding Group Ltd v Mount Gibson Iron Ore & Anor* [2010] WASC 385).
- Senior Counsel for *Hancock Prospecting Pty Ltd v Wright Prospecting Pty Ltd* in relation to the ownership of an interest in the Rhodes Ridge Iron Ore joint venture (*Hancock Prospecting Pty Ltd v Wright Prospecting Pty Ltd* [2010] WASC 44).
- As Arbitrator on an LCIA Panel in London in a case concerning a construction dispute in relation to a petrochemical plant in a middle eastern country.
- As sole Arbitrator in relation to a dispute between a Japanese company and an Australian Construction company concerning the warehouse premises of the Japanese company in Australia.

Professional Qualifications

1967-1969	Associate to the Hon Justice James Archibald Douglas of the Queensland Supreme Court
Dec 1969	Admitted to the Queensland Bar
1972-1975	Joined the Constitutional and International Law Branch of the Commonwealth Attorney Generals Department as a Legal Officer and was then subsequently appointed to the positions of Senior Legal Officer and Principal Legal Officer
1973-1975	Representative of the Australian Government in the proceedings <i>Australia v France</i> in the International Court (the <i>Nuclear Tests</i> case)
Feb 1975	Admitted to the Bar of New South Wales
August 1988	Appointed Queens Counsel in and for the State of New South Wales. Subsequently admitted as Queens Counsel in all the other States and Territories of Australia

2011 Fellow of the Chartered Institute of Arbitrators (UK)

Professional Activities

1991-2003 Member Incorporated Council of Law Reporting

1977-2001 Chairman Incorporated Council of Law Reporting

2000-2001 Member, Professional Conduct Committee No 2

Career at the Bar

Mr Douglas has spent more than 35 years in practice at the New South Wales Bar since 1975, and almost 20 years as a silk. Important early cases in his career included:

Commonwealth of Australia v State of Tasmania (the Tasmanian Dams case) (1983) 158 CLR 1, as junior to R J Ellicott QC and AM Gleeson QC for Tasmania

Counsel assisting the Royal Commission into Drug Trafficking through the Bahamas (1983-4) as junior to R J Ellicott QC.

Since taking silk in 1988 Mr Douglas has appeared in the High Court and other intermediate Appellate Courts on numerous occasions.

Significant cases in the High Court include:

- *E & J Gallo Winery v Lion Nathan Australia Pty Ltd* [2010] HCA 15 (Trade marks)
- *Farah Constructions Pty Ltd v Say-Dee Pty Ltd* [2007] HCA 22 (Equity; fiduciary duties)
- *Bayside City Council v Telstra Corporation Ltd* (2004) 216 CLR 595 (Constitutional Law)
- *Rural Press Ltd v ACCC* (2003) 216 CLR 53 (Trade Practice)
- *Tanwar Enterprises Pty Ltd v Gauchi* (2003) 217 CLR 315 (Equity; penalties and forfeiture)
- *Moltoni Corporation Pty Ltd v QBE Insurance Ltd* (2001) 205 CLR 149 (Insurance)
- *In re Associated Alloys* (2000) 202 CLR 588 (Corporations; Romalpa clauses)
- *Clenae Pty Ltd v ANZ Banking Group Ltd* [1999] 2 VR 573 (Judicial bias)
- *Re Wakim ex parte McNally* (1999) 198 CLR 511 (Constitutional Law; Judicial Power)
- *Gould v Brown* (1998) 193 CLR 346 (Constitutional Law; Judicial Power)
- *Immer (No 145) Pty Ltd v Uniting Church in Australia Property Trust (NSW)* (1992) 182 CLR 26 (Contract; election)
- *Devenish v Jewel Food Stores Pty Ltd* (1990) 172 CLR 32 (Trade Practice)
- *Australian Broadcasting Tribunal v Bond* (1990) 170 CLR 321 (Judicial; review)
- *Concrete Constructions v Nelson* (1990) 169 CLR 594 (Trade Practice)

Throughout his career Mr Douglas has been involved in many of the more significant commercial trials at first instance in New South Wales and elsewhere in Australia. He has also appeared regularly in private commercial arbitrations particularly in oil and gas and energy related matters including price setting in relation to the supply of gas and electricity.