

# LUKE LIVINGSTON

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## PRINCIPAL AREAS OF PRACTICE

- Administrative law
- Banking & insolvency
- Commercial & corporate law
- Constitutional law
- Equity & trusts
- Land & environment
- Local Court (civil claims)
- Property
- Professional negligence/professional disciplinary complaints
- Trade practices & competition

## PREVIOUS EXPERIENCE

Luke was called to the Bar in 2009. He was admitted as a solicitor in 2003.

### ***2003 to 2009:*** *Solicitor/Senior Associate, Mallesons Stephen Jaques, Sydney*

Prior to coming to the Bar, Luke was a senior associate in the Dispute Resolution Group at Mallesons Stephen Jaques, where he practised in commercial litigation, with a focus on property, banking, contract and corporate disputes and equity and trust matters.

Luke acted for and advised public companies, investment banks and other clients in the financial services, professional services and property sectors.

Luke worked principally under the supervision of J K Ward (now the Hon Justice Ward of the Equity Division of the Supreme Court of New South Wales).

### ***2002 to 2003:*** *Associate to the Hon Justice W M C Gummow, AC, High Court of Australia, Sydney/Canberra.*

## EDUCATION

- 1996 to 2001: Bachelor of Laws Degree with First Class Honours (The University of Melbourne)
- Bachelor of Arts Degree with First Class Honours (History) (The University of Melbourne)
- 2008: Con Varnavas Award for Highest Aggregate Score in July 2008 Bar Exams (New South Wales Bar Association)

## SELECTED CASES

### *As junior counsel*

- *Gray & Hodgson v Macquarie Generation* [2010] NSWLEC 34 (led by B W Walker SC and R P L Lancaster SC), [2011] NSWLEC 3 (led by B W Walker SC) and Court of Appeal proceedings (2011, judgment reserved, led by R P L Lancaster SC) – protection of the environment legislation; climate change.
- Commercial arbitration before the Hon J Clarke QC (2011). Led by A J Meagher SC and R P L Lancaster SC (rent review, valuation of land).
- *Easyway Australia Pty Ltd v Infinite Plus Pty Ltd* [2011] FCA 351. Led by F M Douglas QC (misleading or deceptive conduct, comparative advertising).
- *Mercland Investment Group Pty Ltd v Duncalm Pty Ltd*. Federal Court of Australia (2011, judgment reserved). Led by D A McLure (misleading or deceptive conduct).
- *Alpha Wealth Advisory Services v Steer* (3 August 2011, McDougall J, Supreme Court of New South Wales). Led by R Beech-Jones SC (contract, fiduciary duties, summary judgment).
- *CTI Joint Venture Company Pty Ltd v CRI Chatswood Pty Ltd (in liq)* [2011] NSWLEC 90 (interlocutory injunction) and [2011] NSWLEC 91 (joinder of parties). Led by R P L Lancaster SC.
- *Health Care Complaints Commission v Ng*. Pharmacy Tribunal of New South Wales (2011, judgment reserved). Led by J B Simpkins SC (professional disciplinary proceedings).
- *Davis v Chief of Army* [2011] ADFDAT 1. Led by D A McLure (criminal law).
- *Spencer v The Commonwealth* (2010) 241 CLR 118, [2010] HCA 28. Led by B W Walker SC (constitutional law).
- *Halley v Minister Administering the Environmental Planning and Assessment Act 1979* (2010) 170 LGERA 449, [2010] NSWLEC 6, and (2010) 178 LGERA 327, [2010] NSWCA 361. Led by R P L Lancaster SC (compulsory acquisition of land).

- *BBB Constructions v Aldi Foods* [2010] NSWSC 1352. Led by G M Watson SC and F G Kalyk (misleading or deceptive conduct, unconscionable conduct, estoppel, quantum meruit).
- *DJZ Constructions Pty Ltd v Paul Pritchard t/as Pritchard Law Group* [2010] NSWSC 1024 and [2010] NSWSC 1472. Led by A J McInerney (professional negligence).
- *Manildra Laboratories Pty Ltd v Campbell* [2009] NSWSC 987 and [2010] NSWSC 70. Led by F M Douglas QC (fiduciary duty, breach of confidence, contract).

### *As sole counsel*

- *FloMin Inc v Australian Raw Materials Corporation Pty Ltd (vol admin appt'd)* [2011] NSWSC 585 – informal contracts, declaratory relief.
- Proceedings in the Supreme Court in relation to vendor and purchaser disputes and applications for relief under the *Conveyancing Act* and the *Real Property Act*.
- Contested applications before the duty judge and the corporations judge in the Supreme Court and the Federal Court.
- Proceedings in the District Court in relation to banking disputes, guarantees, lease disputes and debt recovery claims.
- Bankruptcy proceedings in the Federal Magistrates Court.
- *Health Care Complaints Commission v Duong* [2010] NSWPYT 2 – Physiotherapists Tribunal of New South Wales (professional disciplinary proceedings).
- *Tenant Limited v FloMin Inc* [2009] NSWSC 1246 – application to set aside statutory demand.
- Numerous trials in the Local Court concerning contracts, debt recovery, misleading or deceptive conduct, unconscionable conduct, *Contracts Review Act* claims and liquidator's claims in insolvency.
- Hearings in the Administrative Decisions Tribunal, the Guardianship Tribunal and the Consumer Trader & Tenancy Tribunal.
- Contested interlocutory applications in the Federal Court, the Supreme Court, the Land & Environment Court, the District Court, the Local Court and the Federal Magistrates Court.

### *Advice practice*

- Advice for banks, financiers, public and private companies, other organisations and individuals in respect of a range of disputes involving questions of contract, equity, property, corporations, trade practices, constitutional and administrative law.

Luke is ranked amongst the recommended junior counsel at the planning and environment bar in New South Wales in the 2011 edition of *Doyle's Guide to the Australian Legal Profession*.

## **PUBLICATIONS**

“Revocation of a Patent for Prior Secret Use by a Patentee” (2003) 14(1) *Australian Intellectual Property Journal* 5

Co-Editor, *Melbourne University Law Review*, Volumes 25(1), 25(2) and 25(3) (2001)

## **PROFESSIONAL MEMBERSHIPS**

New South Wales Bar Association

Australian Association of Constitutional Law