

# GREG LAUGHTON SC

BARRISTER | ARBITRATOR | MEDIATOR

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With chambers in Sydney and London, Greg is a leading Australian Silk with a broad practice in domestic and international commercial dispute resolution. He has considerable experience acting for, and advising, clients globally. The matters in which he appears typically consist of high value, complex, disputes involving multiple parties.

Greg's primary areas of practice include complex cross-border maritime and transportation law, commercial law, building & construction and infrastructure law, commodities, IT, professional negligence and insurance-related disputes. He has appeared in a broad range of jurisdictions at trial and appellate level, including in leading cases in the High Court of Australia and New South Wales Court of Appeal. His international practice has seen him appear as counsel in international commercial arbitrations in Australia, Hong Kong, Dubai, Germany, Frankfurt, Brazil, Fiji, the Philippines and the United Kingdom.

Complementing his practice as a leading advocate and advisor, Greg accepts arbitral appointments as sole arbitrator or as part of a three-member tribunal. He has experience with a wide range of arbitral institutions and accepts both institutional and ad hoc appointments.

Greg is the Chair of the International Committee of the NSW Bar Association. He is a Fellow of the Australian Centre for International Commercial Arbitration (FACICA) and a member of the Chartered Institute of Arbitrators (CIArb). Greg is a graded arbitrator with the Institute of Arbitrators & Mediators and a BarADR approved arbitrator by the NSW Bar Association. His ADR practice also extends to acting as a mediator in a wide range of disputes.

Greg was previously awarded Australian Arbitration Barrister of the Year in the Lawyer Monthly Legal Awards, and in 2021 was selected by his peers for inclusion in Best Lawyers in Australia for his work in international arbitration. He contributes to the professional development of legal professionals world-wide through his advocacy training in an international arbitration and cross-cultural context.

In addition to his legal qualifications, Greg holds a Master of Laws in International Trade and Corporations Law and a Diploma in International Commercial Arbitration from the University of New South Wales.

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## APPOINTMENTS AND ADMISSIONS

- Admitted to the Bar of England and Wales – 2015
- Appointed Senior Counsel (and entitled to practise in all Australian jurisdictions) – 2003
- Admitted to the Bar of New South Wales – 1982

## PRINCIPAL AREAS OF PRACTICE

- Commercial Law (International and Domestic)
- Construction and Infrastructure
- Arbitration and Mediation (International and Domestic)
- Insurance Law
- Transportation Law (including Maritime and Aviation)

## PROFESSIONAL QUALIFICATIONS

- Master of Laws (International Business and Economic Law):  
University of New South Wales – 2008
- Diploma in International Commercial Arbitration:  
University of New South Wales – 2007
- Professional Certificate in Arbitration: University of Adelaide – 2006
- Diploma of Law: University of Sydney (Legal Practitioners Admission Board) – 1982

## PROFESSIONAL MEMBERSHIPS AND APPOINTMENTS

- Current Chair – International Committee of the NSW Bar Association
- Head of Chambers – Thirteen Wentworth Chambers, Sydney
- Consultant to Gatehouse Chambers – London
- Fellow – Australian Centre for International Commercial Arbitration (ACICA)
- BarADR Approved Arbitrator – New South Wales Bar Association
- Member – Chartered Institute of Arbitrators (CIArb)
- Accredited Mediator – Australian National Mediator Accreditation Standards
- Court-Appointed Mediator – Supreme and District Courts of New South Wales
- Registered Mediator – Civil Mediation Council (UK)
- Member – Centre for Effective Dispute Resolution (CEDR)

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## PUBLICATIONS | SPEAKING ENGAGEMENTS | ACADEMIA

- Shareholders Rights – seminar conducted for New South Wales solicitors
- Practice and Procedure – Interpleader (Thomson Reuters)
- Expert Evidence – seminar conducted for New South Wales solicitors
- Drafting Dispute Resolution Clauses – seminar conducted for New South Wales solicitors
- Presenting Persuasive Arguments – Thomson Reuters
- Advanced Commercial Litigation – webinar
- Establishing Reliance for Misleading and Deceptive Conduct – webinar
- Cross Cultural Awareness and Communication in Asia – ACICA seminar
- Instructor – CI Arb Advocacy Course: 2022
- Instructor – Australian Bar Association International Faculty to Bangladesh: since 2005
- Instructor – New South Wales Bar Practice Course: 1999 to 2001
- Instructor – Australian Advocacy Institute
- Instructor – New South Wales Bar Association
- Course Director ACICA – Advocacy in International Arbitration: 2018

## SELECT CASES AS COUNSEL

- ***Laser Clinics Australia Franchising Pty Ltd v KKR*** – Acting for 57 franchisees in a dispute concerning the entitlement of an international franchisor for the renewal of franchise agreements (2022).
- Acting for a Chinese owned investment company, concerning the sale of its shares in a major international fund manager (ongoing).
- Acted for the association of firearms retailers, as to termination by its international carrier of firearms into Australia and the terms upon which firearms are carried (2022).
- ***BBC Developments and Roni Oeuk ats the Owners of SP 90047*** – Acted for a major property developer and its managing director in a dispute of approximately 75 owners of units in a residential development alleging latent defects in the construction of a department complex in western Sydney (2021).
- ***Bondi Road Development Pty Ltd v Selected Properties Pty Ltd*** [\[2020\] NSWSC 845](#) – Acted for a major property developer concerning the construction of a joint venture agreement between it and the co-venturer before the Supreme Court of NSW (2020).

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- ***Gram Engineering Pty Ltd v Bluescope Steel Ltd*** [\[2018\] FCA 539](#) – Appeared in the Federal Court of Australia in a claim for damages by an engineering firm for breach of an engineering design by a major steel company.
- Appeared for the parents of a newborn baby against a hospital where the child was administered nitrous oxide instead of oxygen. This was a highly publicised case (2017).
- ***Joseph v Commissioner of Police*** [\[2017\] NSWCA 31](#) (6 March 2017) New South Wales Court of Appeal – Administrative Law on the entitlement of the Appellant to a Firearms Dealer License.
- ***Bestcare Foods Ltd v Origin Energy LPG Ltd (formerly Boral Gas (NSW) Pty Ltd)*** [\[2013\] NSWSC 1673](#); New South Wales Supreme Court (Equity Division) – Appeared for the directors of Bestcare Foods Limited in proceedings against the Administration of the company.
- ***Hampton & Farley*** [\[2013\] FamCA 213](#) (5 April 2013) Family Court of Australia – Concerning the circumstances in which a constructive trust will arise based on a representation of future intention.
- ***Carbone v Calabria Community Club Pty Ltd*** [\[2013\] NSWSC 998](#) (26 July 2013) – New South Wales Supreme Court (Equity Division) – Dealt with the obligations of the Directors of a community-based corporation to its members and the circumstances in which a Company can be wound up on just and equitable grounds.
- ***State of New South Wales v Tyszyk*** [\[2008\] NSWCA 107](#) – New South Wales Court of Appeal – Dealt with the liability of police in emergency situations and the liability of the owner of commercial premises to an innocent passer-by.
- ***Chandos Development Pty Limited v Mulkearns & Anor*** [\[2008\] NSWCA 62](#) – New South Wales Court of Appeal – Dealt with the circumstances in which a vendor of commercial property could terminate a contract for sale of land for breach by a purchaser, notwithstanding its own breach.
- ***Erect Safe Scaffolding (Australia) Pty Limited v Sutton*** [\[2008\] NSWCA 114](#) – New South Wales Court of Appeal – The construction of an indemnity clause in a subcontract between a builder and a scaffolder was considered, in the context of an insurance policy, covering public liability of the builder.
- ***Coshott v Principal Strategic Options Pty Limited*** [\[2004\] FCAFC 50](#) – Full Court of the Australian Federal Court – Dealt with the principles of damages and causation in relation to a wrongly obtained injunction.
- ***Nominal Defendant v Gardikiotis*** [\[1996\] HCA 53](#); (1996) 186 CLR 49 – High Court of Australia – Clarified in favour of the insurer, the liability to pay damages for fund management for catastrophically injured plaintiffs.
- ***Andjelic v Marsland*** [\[1996\] HCA 55](#) – High Court of Australia – Clarified in favour of the insurer the obligation to pay damages for funds management to injured plaintiffs.

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- *Columbia Coffee & Tea Pty Ltd & Ors v Churchill & Ors* (1993) 9 ACSR 415 – New South Wales Supreme Court – Major case involving the negligence of the auditor of an international coffee trading company. The case clarified the Australia position on the scope of the duty of care of auditors.

### **SELECT MATTERS AS ARBITRATOR**

#### **HKIAC**

Arbitration between two shareholders of an international trading company involving multiple disputes concerning shareholder and director's conduct and entitlements.

#### **ICC**

Arbitration between a maintenance provider and an aircraft owner concerning a dispute about the entitlement of the maintenance provider to hold his aircraft pursuant to a contractual lien.

#### **ACICA**

Arbitration in Hong Kong between a software provider and an international company about the fitness for purpose of the software.

#### **AUSTRALIAN DISPUTE CENTRE**

ADC dispute between vendor and purchaser of shares as to price adjustment and construction of the share sale agreement.

#### **AD HOC**

Arbitration in Hong Kong between a software supplier and a bank concerning the fitness for purpose of administration software supplied to the bank.

Arbitration in Hong Kong involving a dispute between the purchaser of software for fast-moving consumer goods retailer and its software supplier.

Arbitration between two shipping companies about the entitlement of a shipping company for compensation about non-use of cargo space pursuant to a slot agreement.

Arbitration in Sydney about the entitlement of the police to use documents seized on a warrant.

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## SELECT MATTERS IN INTERNATIONAL COMMERCIAL ARBITRATIONS – AS COUNSEL

Greg has been involved in various international commercial and maritime arbitrations in the following jurisdictions. Select matters in which Greg has appeared are as follows.

### Hong Kong

- Two container shipping companies over the terms of, and the amount due, under a Slot Agreement.
- A computer hardware and software supplier and a Hong Kong financial services company over the quality of the computer equipment and software supplied.
- The CEO of a container shipping company and the company, about whether the CEO was wrongfully dismissed and the amount of compensation owed by the company under the CEO's employment agreement.
- The head contactor and a sub-contractor about the value and quality of work performed in a major construction dispute.

### Dubai

- A CEO in a wrongful dismissal claim by his employer.

### Germany

- An IT provider and a head contractor about the supply of IT services in 120 countries; wrongful termination of a services agreement and unpaid invoices for services rendered.
- An international commercial arbitration administered by the German Arbitration Centre in a dispute between an IT supplier and the commercial arm of Deutsche Telecom.

### London

- Recovery of significant sum due under a guarantee of a Hong Kong registered Company.
- For the Plaintiff in a dispute concerning breaches of a Shareholders Agreement between two Hong Kong residents.
- An IT provider and head contractor for the supply of IT Services.
- A telecommunications company for the sale of its infrastructure.

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### Australia

- Two telecommunications companies about the terms of a Supply Agreement and other amounts due under it.
- Two telecommunications companies about the ownership of the intellectual property in Apple I telephone application and the amounts due under an agreement to export it.

### SELECT NON-ARBITRATED INTERNATIONAL AND DOMESTIC DISPUTES – AS COUNSEL

Greg has appeared and advised in a broad range of matters relating to international and domestic commercial law, international estates, cross-border transportation law, and construction and infrastructure disputes.

Greg also has extensive experience advising and appearing in disputes concerning jurisdiction and cross-border legal issues relating to insolvency, sale of goods, commodities, information technology and insurance law. A selection of recent cases is as follows.

- Advised and appeared in a variety of domestic and cross-border disputes concerning charter parties, cargo and general shipping matters.
- Acting for an international corporation providing services to an airline industry and the agent of the owner of the owner of real estate leased by it.
- Acting for a French corporation of a franchise hairdressing salon against a claim of fraud by one of its directors in the borrowing of funds involved tracking funds into a development into the Maldives.
- Acting for a major producer and retailer of hens' eggs being sold into the Australian Egg Market concerning alleged breaches of its bio-security obligations which resulted in tainted eggs entering the Australian market.
- Advised a manufacturer in Queensland about the term of a Distribution Agreement, including drafting a dispute resolution clause in an agreement with its US distributor.
- Appeared as Counsel in a mediation between a Hong Kong investor and its agent, concerning the acquisition of a property in the Eastern Suburbs of Sydney.
- Advised on and appeared in matters involving cross-border estate disputes, including property, equities and tracing cash and other assets.
- Acted for head contractors; specialist sub-contractors and government and local government departments in both national and cross-border disputes involving infrastructure – roads; rail; bridges and ports; commercial high rise and high and low rise residential. These matters involved issues concerning engineering; design;

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defective workmanship; breach of contract and statutory warranty; delay and liquidated damages; and security of payment.

- Acted in matters regarding the professional negligence of engineers (civil, electrical and mechanical); architects, quantity surveyors; building surveyors and payment managers.
- Acted for insurers and re-insurers of risks associated with the construction and infrastructure projects and quantum claims for building and construction; design; landlord, underground services locator and business interruption.