



HARRIET LENIGAS

Barrister

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ADMISSIONS & QUALIFICATIONS

June 2019

Barrister

2011

Solicitor (NSW)

2010

Juris Doctor, University of Technology, Sydney (GPA 3.33 out of 4)

2004

Bachelor of Music, Queensland Conservatorium of Music, Griffith University

PROFILE

Harriet has ten years' experience advising and appearing in large scale, high value cross-border infrastructure and energy disputes including in international and domestic arbitrations. She has appeared in ICC, LCIA, LMAA and UNCITRAL arbitrations in London, New York and Australia. Harriet has particular experience advising on aspects of construction law, including complex delay and disruption claims. She has appeared led and unled in courts throughout NSW and accepts briefs in all areas of commercial law.

Prior to being called to the Bar, Harriet was a Senior Associate at Ashurst, where she instructed in international arbitrations and significant Australian court proceedings concerning contractual claims, class actions, shareholder disputes and misleading and deceptive conduct claims.

Harriet was also the associate to the Hon L. G. Foster in the Federal Court of Australia.

Harriet is on the board of the Australian Haydn Ensemble.

SELECTED MATTERS

International and Arbitration

- USD \$60 million London Maritime Arbitration Association (LMAA) arbitration seated in London before a three member tribunal under English law. The arbitration concerned breaches of a long-term coal supply contract. Led by Peter Braham SC and James Hutton. Instructed by Ashurst.
- ICC arbitration seated in New York under New Jersey Law concerning disputes arising out of a distribution agreement. Breach of contract, consumer fraud and CISG claims. Led by Adam Hochroth. Instructed by AF Commercial Lawyers.
- US\$2.8 billion ICC arbitration concerning the construction of an LNG facility. Led by Adam Constable QC (England), Duncan Miller SC and Tim Breakspear. Instructed by DLA and Clyde & Co.
- Acting for the State of South Australia in an ACICA arbitration concerning the construction of the \$2.5 billion new Royal Adelaide Hospital. The claims are in excess of \$800 million. The case concerns defects and complex (global and non-global) delay and disruption claims. Led by Duncan Miller SC, Damian O’Leary and Robert Williams. Instructed by Lipman Karas.
- Expert determination concerning defects in infrastructure operated by a NSW Government State Owned Corporation. Led by Tim Breakspear. Instructed by Norton Rose Fulbright.
- *Formerank Ltd v Luo* [2020] NSWSC 1641. Application seeking injunctive relief and worldwide disclosure orders in support of an international arbitration seated in Hong Kong under HKIAC Rules. Led by Jonathon Redwood SC. Instructed by Clayton Utz.
- Facilitation assistant to the Hon Robert McDougal QC – *Lochard Energy & Ors v Energy Australia Investments & Ors* (Supreme Court of Victoria). Facilitating multiple expert conclaves.

Australian court proceedings and select advice work

- *Man Investments Australia Ltd v Kelly & Anor* – Supreme Court of NSW. Interlocutory injunction. Led by James Lockhart SC. Instructed by Allens Linklaters.
- *Pheasant Wood Pty Ltd v Fulton Hogan* – Supreme Court of NSW. Construction and infrastructure - defects and breach of contract. Led by Tim Breakspear. Instructed by Sparke Helmore.
- *Sydney Water Corporation v Durrubbin Water Features* – Supreme Court of NSW. Construction and infrastructure – defects and breach of contract. Led by Tim Breakspear. Instructed by Clayton Utz.
- *CommsChoice Pty Ltd v Workways Australia Ltd* – Supreme Court of NSW. Technology and communications – breach of contract. Led by Nicholas Bender. Instructed by Arnold Bloch Leibler.
- Application for judicial advice pursuant to s 96 of the *Trusts Act 1973* (QLD) with Nicholas Bender.
- *GN Residential Pty Ltd v Robert Bird Group Pty Ltd* – Supreme Court of NSW. Construction and infrastructure. Led by Tim Breakspear. Instructed by Lander & Rogers.
- *Meriton v Owners Corporation SP91965* – Supreme Court of NSW. Breach of Contract, mistake. Led by CRC Newlinds SC. Instructed by HFW.
- *GAG Kingsley Property Company Pty Ltd v Chief Executive of Subsidence Advisory NSW* – Land and Environment Court of NSW. Judicial review and merits review. Led by James Hutton. Instructed by Sparke Helmore.
- *McAssey & Anor v HoldCo & Ors* – Supreme Court of NSW. Privilege dispute and other document production issues. Led by CRC Newlinds SC and Nicholas Bender.
- *Beta ACT Pty Ltd & Ors v FTI Consulting Pty Ltd* – ACT Supreme Court. Summary dismissal. Led by Fiona Roughley. Instructed by Norton Rose Fulbright.

Select unled matters

- *Verizon Connect Australia Pty Ltd v Proactive Drilling Services Pty Ltd* – Local Court. Breach of contract, misleading or deceptive conduct and defects in equipment. Settled after commencement of hearing. Unled.
- *Samira Alqastoma v Arcadia Funds Management Pty Ltd* – District Court of NSW. Summary dismissal and principal negligence proceedings. Unled. Instructed by HFW
- *Tomingley Gold Pty Ltd v Protector* – Supreme Court of NSW. Construction and infrastructure – breach of contract, defects in plant. Unled. Instructed by Allen & Overy.
- *Meriton v Owners Corporation SP81965 & Ors* – Supreme Court of NSW. Interlocutory application: joinder of parties under r 6.19 of the UCPR and application to transfer proceedings. Unled. Instructed by HFW.

PREVIOUS EXPERIENCE

2011-2019, Ashurst, Senior Associate

Harriet was a senior associate at Ashurst where she advised and acted for clients in international arbitrations and proceedings in Australian courts.

Yancoal Australia: Acting in Supreme Court proceedings brought by a former subsidiary of Noble Group Limited concerning a \$280 million contractual dispute (with Dr Andrew Bell SC and James Hutton).

Petroleum Joint Venture: Acting for an international petroleum joint venture in an UNCITRAL arbitration against a State for the wrongful cancellation of a petroleum development licence and pipeline licence.

Sub-sea contractor: Acting in an ICC arbitration concerning various construction and contractual disputes relating to construction and installation activities at the Chevron Gorgon and Wheatstone LNG facilities (with Duncan Miller SC and James Hutton).

Oil Exploration Company: Acting in a \$50 million arbitration against a rig company for the wrongful termination of a drilling services contract.

Oil Exploration Company: Advising on the implications of the establishment of a maritime boundary between Australia and Timor Leste pursuant to a treaty and the effect of that treaty on certain petroleum exploration and development licences.

Oil and Gas Exploration Company: Acting in an LCIA arbitration seated in London under English law concerning a \$90 million contractual dispute with an off-shore drilling contractor (with Dr Andrew Bell SC and James Hutton).

Major Electricity Producer: Acting in two domestic arbitrations concerning claims for force majeure arising from two successive and catastrophic plant failures. The claimant claimed \$75 million in liquidated damages for failure to supply electricity (with Dr Andrew Bell SC and James Hutton).

Oil Search: Advising on the defence of class action proceedings in the PNG National Court of Justice concerning alleged contamination of a wetland protected by the RAMSAR Convention on Wetlands of International Importance.

WestConnex: Advising in respect of a potential injunction and stop work order foreshadowed by the Environmental Defenders Office concerning WestConnex's obligations to carry out remedial works to the former Alexandria Landfill site after the site was compulsorily acquired (Land and Environment Court of NSW).

Peabody Energy: Advising in respect of potential injunctions and environmental litigation affecting a major coal mine (Land and Environment Court of NSW).

Iron Ore JV: Providing advice in respect of royalty payment disputes.

A major international energy and resources company: Advising in respect of a contractual dispute with the purchaser of mining assets and the risks associated with termination.

Loyal Coal (a subsidiary of Whitehaven Coal): acting for Loyal Coal in Federal Court proceedings brought by the ACCC for bid rigging and anti-competitive conduct concerning the tender process for the award of exploration licences in the Bylong Valley (with Dr Ruth Higgins SC).

Allco Class Action: Acting for KPMG in the Allco Class Action (Jeremy Kirk SC and Perry Herzfeld).

Apple v Samsung: Injunction brought by Apple concerning the release of Samsung's Galaxy Tab (HCA).

Commonwealth Government: Advising on various aspects of a confidential procurement project including confidentiality issues and potential disputes arising out of the procurement process.

ATO: Advising and acting on a claim brought against multiple ATO officers in the Supreme Court of NSW for misfeasance in public office, breach of duty and bad faith (with Robert Weber SC and Stephanie Patterson).

Commonwealth Department of Finance: Advising in respect of disputes concerning a major defence procurement program.

Air Niugini: contractual dispute (with Michael Izzo SC).

**PRO BONO, RESEARCH &
PUBLICATIONS**

Pro-bono legal advice to Decision Support Analytics, a medical research and analytics company, 2015 – 2018

Co-editor of Ashurst's "Disputes - Year in Review" publication, 2018

Australian International Disputes Centre Bulletin, "Hot Tubbing in international arbitration: finding a path through the maze of expert evidence," 2016

Energy Source, "Demobilising offshore drilling rigs: shifting costs," 2016

Ashurst Australia, Privilege Update, "When fair may be foul: waiver of legal privilege over compliance advice," 2015

Co-author of articles on international arbitration for the Australian International Disputes Centre Bulletin, 2012