

## ANDREW BAILEY

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### PRACTICE AREAS

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Administrative law; bankruptcy and insolvency; construction law (including Security of Payment Act matters); corporate/commercial litigation; costs; employment law; equity.

### EDUCATION

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- 2003 – 2005     **Master of Laws (University of Sydney)**
- 1998 – 2001     **Bachelor of Laws (Queensland University of Technology)**
- 1994 – 1998     **Bachelor of Arts (University of Queensland)**

### ADMISSIONS

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- 2003:             Supreme Court of New South Wales
- 2002:             Supreme Court of Queensland / High Court of Australia

### PREVIOUS EMPLOYMENT

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| Nov 2010 – Nov 2013   | <b>TressCox Lawyers</b> , Solicitor*, Commercial Litigation  | Sydney, Australia     |
| June 2008 – Sept 2010 | <b>Church &amp; Grace</b> , Solicitor, Litigation  | Sydney, Australia     |
| June 2006 – June 2008 | <b>Andrew Priestley &amp; Associates</b> , Solicitor,<br>Commercial litigation (Victorian) & commercial practice | Sydney, Australia     |
| 2005 – 2006           | <b>Burns and Roe Worley Pty Ltd</b><br>(subsidiary of WorleyParsons Ltd), Commercial Officer                     | Nth Sydney, Australia |
| Dec 2003 – Mar 2005   | <b>Doyles Construction Lawyers</b> , Solicitor,<br>Construction litigation                                       | Sydney, Australia     |
| 2002 – 2003           | <b>Toogoods Solicitors</b> , Solicitor,<br>Mixed commercial & litigation practice                                | Brisbane, Australia   |
| 2002                  | <b>Officer of the Qld DPP</b> , Committals Clerk   | Brisbane, Australia   |

\* Denotes appointment as Senior Associate with effect from 1 July 2012.

## SELECTED CASES

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### ***As Counsel***

\* indicating matters in which I appeared alone.

#### Administrative law

*eInduct Systems Pty Ltd v 3D Safety Services Pty Ltd & Ors.* (2016) NSWLR, [2015] NSWCA 284 – *Supreme Court Act 1970* (NSW), s.69 proceedings for the review of decision of the District Court following s.384 appeal (with M. Castle).

\* *Rahman v Commissioner of Taxation* [2016] FCA, unreported (pro bono) – leave to appeal a grant of summary judgment where found at first instance there were alternative means of reviewing a decision where APS employee terminated after judgment reserved but before it was delivered.

#### Construction

\* *Australian Dewatering Systems (NSW) Pty Ltd v Perich Constructions (NSW) Pty Ltd* [2016] NSWDC, unreported – uncontested application pursuant to s.15(2)(a)(i) of the *Building and Construction Industry Security of Payment Act 1999* (NSW).

\* *Ikonomopolous v Climbmax Constructions Pty Ltd* [2016] NSWCATCD – *Home Building Act 1989* claim by owners concerning defective work – cross-application by builder for payment (reserved).

\* *Rotunno v Balafas* [2016] NSWDC, unreported – application pursuant to s.15(2)(a)(i) of the *Building and Construction Industry Security of Payment Act 1999* (NSW) – service of payment claim within s.13(2) of the Act

#### Costs assessment appeals

*eInduct Systems Pty Ltd v 3D Safety Services Pty Ltd & Ors* [2016] NSWDC, unreported – *Legal Profession Act 2004*, s.384 appeal – application for leave to amend notice of appeal to address matters arising after review panel determination (including *Wende v Horwath* issue) (with M. Castle)

#### Solicitors

*Coshott v Coshott* [2015] FCA 1284 – re: solicitor’s liens over certificate of title to land – whether lien effective re statute barred debts, position in *Coshott v Barry & Anor.* [2012] NSWSC 850 considered (with M. Castle.)

### ***As a solicitor***

*Eastmark Holdings Pty Ltd v Kabraji* [2013] NSWSC 1763 – for the body corporate re developer lot owner seeking equitable relief against body corporate office holders (instructing Finch SC, KC Morgan).

*Moore, as debtor in possession of Australian Equity Investors, an Arizona Limited Partnership v Australian Equity Investors, an Arizona Limited Partnership* [2012] FCA 1002 - respondent to Federal Court proceedings as contradictor to the application for recognition of a US Chapter 11 Bankruptcy as a foreign main proceeding under the *Cross Border Insolvency Act 2008* (instructing AJ McNerney, as he then was).

*Australian Equity Investors, an Arizona Limited Partnership v Colliers International NSW Pty Limited (No 5)* [2011] FCA 1041 and *Australian Equity Investors, an Arizona Limited Partnership v Colliers International NSW Pty Limited* [2012] FCAFC 57 - application for security for costs and appeal in complex claim for misleading and deceptive conduct arising out of a development at Crows' Nest (instructing Bannon SC, AJ McInerney (as he then was)).

*Singleton, in the matter of Mad Canoe Advertising Pty Ltd (In Liq)* [2009] FCA 625 – liquidators as applicants in a termination of the winding up of a corporate trustee.

*Lemery Holdings Pty Limited v Reliance Financial Services Pty Limited* [2008] NSWSC 1344 – for the Liquidator – trustee's liens.