

Samantha Nadilo

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Professional overview

I have more than a decade of experience in commercial disputes and investigations, encompassing both commercial litigation and arbitration. I regularly act in complex matters conducted on a large scale and I am adept at working collaboratively within large legal and commercial teams.

My clients, both in Australia and overseas, vary in size and sector focus, including retail, infrastructure, construction, aged care and the arts. I have sector expertise, naturally in Western Australia, in Energy and Resources.

My commercial practice features Competition Law, Access Regulation and regulatory enforcement. I also have experience in Class Actions and Corporations Law, including Corporate Crime and Investigations and Anti-bribery and Corruption.

I appear in all Courts in Western Australia and the High Court. I also appear in tribunals, arbitrations, mediations and at regulatory examinations. I accept briefs directly from in-house counsel.

In March 2020, I was appointed by the Economic Regulation Authority to the panel of people that can act as arbitrators in the event of a disputes under the *Railways (Access) Code 2000*.

Prior to joining the Bar, I was a solicitor in the Disputes team at Herbert Smith Freehills. I joined Freehills (as it then was) in 2007 as an Articled Clerk and was promoted to Senior Associate in 2012. I undertook a secondment to the HSF Disputes team in Sydney between 2011 and 2014.

Selected experience in courts, arbitrations and regulatory matters are set out below.

Experience

Competition Law; Regulatory/Pricing Disputes

- *Groote Eylandt Mining Company Pty Ltd v Secretary for Mineral Royalties (NT)* [2019] NTSC 58; claim regarding a royalty payable under the *Mineral Royalty Act (NT)*.
- *Goldfields Gas Transmission Pty Ltd v ERA & BHP Billiton* [2018] WASC 104; defence of judicial review proceedings commenced by Goldfields Gas Transmission under the *National Gas Law*.
- *Woodside Energy Ltd v Electricity Generation and Retail Corporation, t/as Synergy* [2015] WASC 397; contractual construction and pricing dispute under a long-term gas sale and purchase agreement.
- *ACCC v Metcash Trading Ltd* (2011) 198 FCR 297; defending proceedings commenced by the ACCC for an injunction restraining an acquisition under section 50 of the *Trade Practices Act (Cth)* (as it then was).
- Acting for companies in merger authorisation processes conducted by the ACCC.
- Acting for companies and individuals in regulatory investigations conducted by the ACCC, including appearances at regulatory examinations.

Corporations; Equity

- *ICAC Investigation re Operation Spector*, October 2014, into the conduct a Railcorp Manager and a Housing NSW Employee.
- *ICAC Investigation re Operation Tilga*, September 2013, into allegations of corrupt conduct in the provision of security products and services by suppliers, installers and consultants.
- *ICAC Investigation re Operation Jasper*, July 2013, into conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others.
- *Jones v Hirst* [2013] NSW 163; application for judicial advice and related class-action style proceedings involving claims for breach of directors' duties and under the *Trade Practices Act (Cth)*.
- *Grimaldi v Chameleon Mining NL (No 2)* (2012) 200 FCR 296; claims for breach of directors' duties and in Equity in relation to interests held in the Oakajee port and rail project in Western Australia.
- Acting for companies and individuals in investigations conducted by the ASIC, including appearances at regulatory examinations.

Arbitration; Private International Law

- (Arbitrations, 2014 to 2018) West Australian infrastructure owner in various negotiations and arbitral disputes arising under the *Railways (Access) Code (WA)*.
- *PT Bayan Resources TBK v BCBC Singapore Pty Ltd* (2015) 258 CLR 1; freezing order relief in aid of proceedings in the High Court of Singapore arising out of a collapsed joint venture in Indonesia.
- *ENRC Marketing AG v OJSC Magnitogorsk Metallurgical Kombinat* (2011) 285 ALR 444; freezing order relief in aid of arbitration proceedings in Switzerland arising out of a breach of a long-term supply contract for iron-ore materials.
- (Arbitration, 2007) West Australian utilities provider in respect of the construction of a transmission line in Western Australia.

Pro-bono

- *AB & AH v The State of Western Australia* (2011) 244 CLR 390; application under the *Gender Reassignment Act 2000 (WA)*.

Admissions and Qualifications

Admissions

- Supreme Court of Western Australia (2008).
- High Court of Australia (2009).

Education – University of Western Australia

- Bachelor of Laws with Distinction (2006).
- Bachelor of Arts in Political Science with Honours (2004).

Other

- Member of AMPLA.
- Member of Women Lawyers of Western Australia.
- Graduate of Leadership Western Australia; Rising Leaders Program 2014.