

# Paul A Walker, Barrister

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## Areas of particular interest

Administrative & Constitutional law; Bankruptcy & Corporate Insolvency law; Commercial law

## Representative experience

### *Reported decisions*

- *Bell Group NV (in liq) v State of Western Australia* [2016] HCA 21 (Challenge to constitutional validity of WA “Bell Group legislation”) (led by C G Colvin SC and J C Vaughan SC)
- *Re The Bell Group Ltd (in liq); ex parte Woodings* [2016] FCA 369 (Application for approval of funding and indemnity agreement between companies of insolvent corporate group) (led by J C Vaughan SC)
- *Saraceni v ASIC* [2013] FCAFC 21 (Proceedings for judicial review of conferral of “eligible applicant” status on receivers and managers) (led by M N Solomon)
- *Hampton v BHP Billiton Minerals Pty Ltd (No 2)* [2012] WASC 285 (Claims of specific performance, damages and other relief based on housing contract for employees of BHP Billiton Iron Ore) (led by A C Willinge)

### *Other example experience*

- Other matters in which I have been involved include the following:
  - acting for receivers and managers in defending proceedings regarding challenge to constitutional validity of Corporations Act powers of compulsory examination (see *Saraceni v Jones* [2012] HCA 38; also [2012] WASCA 59)
  - representing a national energy generator and retailer in arbitration proceedings concerning take or pay obligations under a long-term gas supply agreement;
  - acting for and advising a major oil and gas company in connection with various disputes between participants of a joint venture regarding the conduct of the Operator under the governing joint venture documentation;
  - assisting and representing an energy and resources company in Supreme Court proceedings against an ASX100 company arising out of a project for the production and sale of hydrocarbons;
  - acting for the Commonwealth in connection with administrative law challenges to extradition decisions made by the Minister of Justice.

## Education/ Qualifications

- BCL (Dist) (University of Oxford, 2015)
- BA, LLB (Hons, H1) (University of Western Australia, 2008)
- Admitted in the Supreme Court of Western Australia (2009); High Court of Australia (2009)

## Awards, accolades and achievements

- Recipient of Freshfields Prize for Best BCL Student in Corporate Insolvency Law (2015)
- Finished 1/190 in LLB graduating class, graduating in 2008.
- Recipient of the following prizes, awards and accolades during undergraduate study in law:
  - HCF Keall Prize for Best Student in the Final Year of the LLB;

- Hackett Foundation Alumni Honours Scholarship (top Student admitted to the LLB (Hons) program (2007)).
- Mallesons Stephen Jaques Prize for Best Honours Dissertation in Law (2007)
- John Norman Barker Prize for Best Student in Penultimate Year of LLB (2006)
- Peter Birks Prize for Best Student in Unjust Enrichment and Restitution (2006)
- Freehills Prize for Best Student in Aggregate across Equity and Trusts, Property Law, Administrative Law and Constitutional Law (2006)
- Blackstone Society Anniversary Prize for Best Student in Constitutional Law 2 (2006)
- Anita and Meyar Davis Prize for Best Student in in Constitutional Law 1 (2005)
- Allen Allen and Hemsley Prize for Best Student in Trusts (2005)
- Certificates for top LLB student in Employment Law (2006) and European Union Law and Integration (2007).

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### **Publications**

- “Does not compute? The ascertainment of creditor claims at the cut-off date in winding up and the related rule against post-liquidation interest” (accepted for publication, 2017)
- “The principle in Suttor v Gundowda Pty Ltd: Back to the drawing board” (2014) 88 ALJ 320
- “For a Limited Time Only? The use of s 1322 of the Corporations Act to Extend the Limitation Periods Imposed on Private Rights of Action” (2010) 28(7) Company & Securities Law Journal 475
- “Vicarious Liability for Exemplary Damages: A Matter of Strict Liability?” (2009) 83 Australian Law Journal 548
- “Change of Position and Restitution for Wrongs: Ne’er the Twain Shall Meet?” (2009) 33 Melbourne University Law Review 235

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### **Employment History**

#### **Ashurst Australia (formerly Blake Dawson Waldron)**

Period: June 2008-March 2017

Position: Senior Associate (July 2013-March 2017)  
 Lawyer (September 2009-June 2013)  
 Articled Clerk (June 2008-September 2009)

Practice Area: Litigation and Dispute Resolution/Insolvency

- Involved in all aspects of corporate and commercial litigation and conducted cases in the Supreme Court of Western Australia, Federal Court of Australia and High Court of Australia.
- Regularly called upon to deliver significant legal advice involving complex legal issues of private and public law

#### **University of Western Australia**

Period: January 2012-present

Position: Tutor, Corporations Law