

# MATTHEW SAXON WHITE

SC, BA (Hons), LLB (Syd), BCL (Oxon), DipICArb, FCIArb

Nine Wentworth Chambers  
Level 9, 180 Phillip Street, Sydney, New South Wales, Australia

Suite 3A, Tower 1, Mount Pavilia  
663 Clear Water Bay Road, Sai Kung, New Territories, Hong Kong

Telephone (Australia): + 612 8815 9200  
Telephone (Hong Kong): + 852 9101 9868  
Mobile: + 61 414 185 798

E-mail: [mwhite@5oiam.com](mailto:mwhite@5oiam.com)  
[msmwhite@ninewentworth.com.au](mailto:msmwhite@ninewentworth.com.au)

Fax: + 612 9233 4464



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## OCCUPATION

**Senior Counsel**

Appointed 25 October 2013

**Barrister-at-Law**

Since 1999

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## PROFESSIONAL EXPERIENCE

- Insurance Law
- Trade Practices Law
- Professional Indemnity / Public Liability Actions
- Personal Injuries Claims
- Construction and Building Claims / References
- General Commercial Law and Equity
- Insolvency
- Employment Law
- Defamation
- Arbitration and Mediation

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## PROFESSIONAL ASSOCIATIONS

- New South Wales Bar Association
- Hong Kong International Arbitration Centre
- Chartered Institute of Arbitrators (East Asia Branch)
- Samuel Griffith Society (Australia)

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## OTHER PROFESSIONAL ACTIVITIES

- Tutor in Law, St. Paul's College, University of Sydney 1990 – 1995
- Law Reporting — Australian Law Reports, All England Law Reports, Federal Law Reports and Federal

Court Reports	1990 – 2003
• Anglo-Australasian Lawyers’ Society (Treasurer 1999 – 2002)	Since 1999
• Constitutional Centenary Foundation, Committee Member	1999 – 2001
• NSW Soccer Federation / Soccer NSW Ltd — Appeals Board Chairman (and acted as counsel assisting the General Purposes Tribunal)	2001 – 2004
• Floor Secretary, Sixth Floor Selborne Wentworth Chambers (Director and Secretary, Sixth Floor Limited)	2007 – 2015
• Director, St Paul’s College Foundation	2011 – 2019
• Lay Fellow, St Paul’s College within The University of Sydney (Scholarship Committee, Project Control Group for the new buildings programme, and Governance Committee)	2012 – 2017
• Joint Colleges — University Working Group, The University of Sydney (Establishing a Joint Investigation Protocol for co-operation between the Colleges and University in investigating and dealing with disciplinary complaints)	2012 – 2014
• Member of Professional Conduct Committee No. 4 of the Bar Council	2012 – 2018

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## PAST EMPLOYMENT

<b>Solicitor</b> MINTER ELLISON, SYDNEY	1989 – 1991
<b>Solicitor</b> PHILLIPS FOX, SYDNEY Senior Associate from 1993	1991 – 1995
<b>Solicitor</b> ROWE & MAW (LONDON)	1995 – 1998
<b>Solicitor</b> PHILLIPS FOX, SYDNEY Senior Associate seconded to the New South Wales Crown Solicitor’s Office	1998 – 1999

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## EDUCATION

<b>Bachelor of Arts (Honours)</b> THE UNIVERSITY OF SYDNEY	1985
<b>Bachelor of Laws</b> THE UNIVERSITY OF SYDNEY	1987
<b>Bachelor of Civil Law</b> UNIVERSITY OF OXFORD	1989
<b>Diploma in International Commercial Arbitration</b> CHARTERED INSTITUTE OF ARBITRATORS	2020

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## QUALIFICATIONS

• Solicitor of the Supreme Court of New South Wales	1988
• Solicitor of the High Court of Australia	1991
• Solicitor in England and Wales	1996

- Barrister of the Supreme Court of New South Wales 1999
- Senior Counsel for the State of New South Wales 2013
- Member of the Chartered Institute of Arbitrators 2019
- Fellow of the Chartered Institute of Arbitrators 2021

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## SELECTED PAST CASES

- *Cinevest Pty Ltd v Yirandi Productions Ltd* (1999) ADefR [53,050] and *Cinevest Pty Ltd v Yirandi Productions Ltd* (2001) Aust. Torts Reports ¶181-610 (on appeal) — Defamation
- *Bashford v Information Australia (Newsletters) Pty Ltd* [2001] NSWCA 470 — Defamation
- *Kabushiki Kaisha Sony Computer Entertainment v Stevens* (2002) 55 IPR 497 and *Kabushiki Kaisha Sony Computer Entertainment v Stevens* (2003) 132 FCR 31 (on appeal) — Copyright
- *Whitehead v Whitehead* [2002] NSW ConvR ¶156-045 — Real property
- *Howland-Rose v Commissioner of Taxation* [2002] FCA 246 — Taxation
- *QBE Mercantile Mutual Ltd v Hammer Waste Pty Ltd* (2003) 12 ANZIC ¶161-553 and *QBE Mercantile Mutual Ltd v Hammer Waste Pty Ltd* (2004) ANZIC ¶161-586 — Insurance
- *Rap Pty Ltd v Watkins Tapsell* (2004) 1 DCLR (NSW) 245 — Valuer's negligence
- *Helmos Enterprises Pty Ltd v Jaylor Pty Ltd* (2005) 12 BPR 23,021 — Contract
- *Portal Software International v Bodsworth* (2005) 58 AILR ¶1200-211 — Restraint of trade
- *Sydney United Football Club v Soccer NSW* [2005] NSWSC 474 — Administrative law
- *Kearney v Crepaldi* (2006) 58 AILR ¶1200-224 — Restraint of trade
- *Hadgkiss v CFMEU* (2006) 152 FCR 560 — Section 38 cross-examination
- *CFMEU v Hadgkiss* (2007) 169 FCR 151; (2007) 173 IR 360 — Industrial law
- *Echo Publications Pty Ltd v Tucker* [2007] NSWCA 73 — Defamation
- *Hristoforidis v Fair Trading Administration Corporation* [2007] NSWSC 1243 — Administrative law
- *Green v CGU Insurance Limited* (2008) 66 ACSR 398 — Insurance, insolvent trading
- *Green v CGU Insurance Ltd* (2008) 67 ACSR 105 — Security for costs
- *Hadgkiss v CFMEU (No. 5)* (2008) 178 IR 123 — Industrial law
- *Hadgkiss v CFMEU* (2008) 166 FCR 376; (2008) 170 IR 100 — Industrial law
- *Alfred v Wakelin (No. 2)* (2008) 176 IR 430 — Industrial law
- *P & H Property Services Pty Ltd v Branigan* [2008] NSWCA 195 — Personal injury
- *A I McLean Pty Ltd v Hayson* [2008] NSWSC 927 — Professional negligence
- *Al-Shennag v Statewide Roads Limited* [2008] NSWCA 300 — Defamation
- *Bailey v Veda Advantage Information Services (No 2)* [2008] FCA 730 — Trade practices
- *Wilson v Interhealth Energies Pty Limited* [2008] NSWSC 1137 — Equitable jurisdiction
- *Construction, Mining, Forestry and Energy Union v Hadgkiss* (2009) 174 FCR 237 — Industrial law
- *Alfred v Wakelin (No. 3)* (2009) 179 IR 76 — Industrial law

- *Friend v Brooker* (2009) 83 ALJR 724; 239 CLR 129; 255 ALR 601 — Equitable contribution, fiduciary duties
- *Haviv Holdings Pty Ltd v Howards Storage World Pty Ltd* (2009) 254 ALR 273 — Trade practices
- *Dale v Veda Advantage Information Services and Solutions Ltd* (2009) 176 FCR 456 — Negligence and defamation
- *Alfred v Wakelin (No. 4)* (2009) 180 IR 335 — Industrial law
- *Eko Investments Pty Ltd v Austrac Constructions Limited* [2009] NSWSC 208 — Review of referees' reports
- *Nau v Kemp & Associates Pty Ltd* (2010) 77 NSWLR 687 — Effect of settlement against one tortfeasor
- *Metcash v Jardim (No. 3)* (2010) 273 ALR 407 — Restraint of trade
- *Artistic Builders Pty Limited v Nash* [2010] NSWSC 1442 — Professional negligence
- *Jardin v Metcash Limited* (2011) 214 IR 448; 285 ALR 677 — Restraint of trade
- *Ecolab Pty Ltd v Garland* (2011) 216 IR 410 — Restraint of trade
- *Montage Group Pty Ltd v Wong (No. 2)* [2011] NSWSC 774 — Statutory demand
- *McClymont v Critchley* [2011] NSWSC 493 — Trade practices, negligence
- *Al-Shennag v Bankstown City Council (No 2)* [2011] NSWIRComm 22 — Implied undertaking in relation to documents
- *Konstantopoulos v R M Beechey Carriers Pty Ltd* [2011] NSWCA 388 — Leases
- *Walker v Veda Advantage Information Services* [2011] QSC 316 — Defamation and negligence
- *BIS Industries v Toll Holdings* (2012) 228 IR 284 — Restraint of trade
- *Ninan v St George Bank Ltd* (2012) 294 ALR 190 — Security for costs
- *Cordon Investments v Lesdor Properties* [2012] NSWCA 184 — Contracts, building and construction
- *Hull v Brailey* [2012] NSWSC 980 — Financial advice, negligence
- *Orchard Holdings v Paxhill* [2012] WASC 271 — Real estate agent negligence
- *Saffron v Cowley* [2012] NSWSC 1108 — Estates, family provision
- *Allan v The Migration Institute of Australia* [2012] NSWSC 965 — Defamation, injunctions
- *Marshin Holdings v Attorney-General of NSW* [2013] NSWSC 326 — Trusts
- *Larsson v Wealthsure Pty Ltd* [2013] FCA 926 — Representative proceedings
- *Director of Fair Work Building Industry Inspectorate v Baulderstone Pty Ltd* (2014) 284 FLR 403 — Industrial law
- *Stratton Finance v Webb* (2014) 245 IR 223; (2014) 314 ALR 166 — Contract law
- *Parker v City of Bankstown RSL Community Club Ltd* [2014] NSWSC 772 — Personal injury
- *Casaclang v Wealthsure Pty Ltd* (2015) 238 FCR 55 — Corporations Act, financial services
- *Parker v City of Bankstown SL Club Ltd* [2015] NSWCA 246 — Personal injury
- *Tzaneros Investments v Walker Group Constructions* [2016] NSWSC 50 — Building and construction

- *Australian Building and Construction Commissioner v Parker* (2017) 266 IR 340 — Industrial law
- *Australian Building and Construction Commissioner v Parker (No. 2)* (2017) 270 IR 165 — Civil penalties
- *CFMEU v De Martin & Gasparini (No. 2)* [2017] FCA 1046 — Industrial law
- *Manly Property Holdings v Lisker* [2017] NSWSC 1395 — Equity
- *Owners Corporation SP 80609 v Paragon Constructions* [2018] NSWSC 266 — Cross-claims
- *CFMEU v De Martin & Gasparini (No 3)* [2018] FCA 1395 — Civil penalty
- *Westpork Pty Ltd v Bio-Organics Pty Ltd* [2018] WASC 291 — Contract
- *Boros v Pages Property Investments* [2018] NSWCA 269 — Abuse of process
- *Parker v Australian Building and Construction Commission* (2019) 270 FCR 39 — Industrial law
- *Australian Building and Construction Commissioner v CFMMEU* [2019] FCA 998 — Cross-claims
- *CGI Glass Lewis v Vasey* [2019] NSWSC 794 — Restraint of trade
- *ET-China.com International Holdings v Cheung* [2019] NSWSC 1874 — Directors' duties
- *Australian Building and Construction Commissioner v CFMMEU (No. 7)* [2020] FCCA 351 — Civil penalties
- *Pages Property Investments v Boros* [2020] NSWSC 1270 — Directors' duties

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## PUBLICATIONS AND ARTICLES

- *God — Is She Above the Law?* in Public Interest Law Conference Papers, 1992
- "Property Damage Revisited", *Global Reinsurance*, Vol. 5, Issue 5, July/August 1996
- "Indemnity for the Costs of Reducing or Avoiding a Claim" (1997) 8 *Insurance Law Journal* 264
- "The Republic and Civic Virtue", *Quadrant*, April, 1997
- Chapter on Declarations in LexisNexis, *Principles of Practice and Procedure Service*.
- "Civil Penalties — No deterrence in Industrial Litigation", *Law Society Journal*, Issue 33, May 2017
- "The Legal Crisis Behind the Hong Kong Protests", *Quadrant*, September 2019
- "Australia's Constitutional Freedom of Religion", *Quadrant*, June 2020

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## OTHER ACTIVITIES

- Fencing (Sabre) — Sydney Sabre Club, Hong Kong Sport Fencing Union, Quarry Bay, Hong Kong. New South Wales Veteran Fencing Champion 2017. Competed at Veterans National and Commonwealth levels in 2017 – 2018
- Fly Fishing
- Royal Hong Kong Yacht Club — Dragon Class Sailing