

## Richard J Harris



Richard J Harris practises principally in commercial, trade practices and corporations related matters

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### QUALIFICATIONS

Bachelor of Arts  
Bachelor of Laws (Hons)  
Graduate Diploma in Legal  
Practice (ANU)

### CORRESPONDENCE

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### CHAMBERS

Castan Chambers  
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### COMMERCIAL LAW

Building & Construction | Class Actions | Commercial Arbitration | Contractual Disputes | Energy  
& Resources | Equity & Trusts | Insurance

### TORT LAW

Product Liability | Professional Negligence

### PUBLIC LAW

Administrative Law | Judicial Review

Richard's other areas of practice include administrative law, property and trusts. Richard has advised and appeared in complex commercial disputes, class actions, construction and engineering matters, arbitrations (both international and domestic), administrative law actions, appeals, and matters raising constitutional law issues. He has appeared in the Supreme Court, Court of Appeal, Federal Court and High Court of Australia.

Richard was recognised in peer-review guide Best Lawyers International in Litigation in 2014 and 2015.

Before joining the Victorian Bar, Richard was a Senior Associate at Freehills; and was an associate to the Hon Sir Gerard Brennan, AC, KBE, Chief Justice of the High Court of Australia.

*Liability limited by a scheme approved under the Professional Standards Legislation*

## Recent Cases

### COMMERCIAL LAW

ICC arbitration (2015 – 2016) acting for a contractor of a major infrastructure project

Centro shareholders class actions, Federal Court of Australia, 2012- appeared for Centro Properties Limited.

*Ericsson Australia Pty Ltd v Service Stream Ltd* (2010 - 2012)- appeared for Ericsson in an ICC arbitration before a panel of three arbitrators.

*Industrial Conveying (Aust) Pty Ltd v SKM Recycling Pty Ltd* [2012] VSC 278 - contract building and construction dispute concerning works at a waste recycling plant.

*Finch v Telstra Super Pty Ltd* (2010) 242 CLR 254- Trusts – Superannuation – Review of decisions of trustees of superannuation trusts – Whether Karger v Paul applies to superannuation trusts – Whether trustee gave genuine consideration to application – Whether Court should remit matter to trustee.

*Telstra Super Pty Ltd v Finch* [2009] VSCA 318 – Trusts - Superannuation – Total and permanent invalidity (TPI).

*Eureka Funds Management Limited v Freehills Services Pty Ltd*(2008) 19 VR 676; [2008] VSCA 156 - Landlord and tenant – Lease - Rental determination by expert in respect of office premises – Whether in accordance with the lease and thus binding on the parties.

*Mond & Mond v Berger* (2004) 10 VR 534 – *Commercial Arbitration Act* 1984 (Vic) - Arbitration agreement to refer all claims and counterclaims existing between named parties - Misconduct pursuant to s. 42 of the *Commercial Arbitration Act* on basis of comments by arbitrators giving rise to reasonable apprehension of bias - Meaning of `award', `interim award', `partial award', `interlocutory award', "provisional award" considered – Whether Award provisional or final.

*GEC Marconi Systems Pty Limited v BHP Information Technology Pty Limited*(2003) 128 FCR 1 - Contract - Government procurement - outsourced contract for provision of a secure communications network for Department of Foreign Affairs and Trade - back-to-back IT contracts - claims and cross-

claims of breach of contract or repudiation by subcontractor, head contractor and customer.

#### **PUBLIC LAW**

*Kuek v Victoria Legal Aid* [2015] VSC 48 – Judicial Review – whether denial of procedural fairness

*Grazaria Pty Ltd v Automotive Alternative Fuels Association Inc* (Supreme Court, Judicial Review and Appeals List, 2011) - advised AAFA in respect to the judicial review of a decision regarding registration.

*Torney v Victoria Legal Aid* [2010] VSC 631 – Administrative Law - Application for certiorari.

*Victoria Legal Aid v Kuek & Anor* [2010] VSCA 29 - Administrative Law – Judicial review of a decision by an Independent Reviewer.

*Kwan v Victoria Legal Aid* [2007] VSC 122- Administrative Law – Judicial Review – application of rules of natural justice – bias – discretion to refuse relief.

*Moeys v Minister for Immigration and Multicultural Affairs* [2006] AATA 869 - Cancellation of Transitional (Permanent) Visa – removal from Australia – power to deport.

*Mulholland v Australian Electoral Commission* (2004) 220 CLR 181 - Constitutional law - Implied freedom of political communication - Whether burden on freedom of communication about government or political matters - Whether laws reasonably appropriate and adapted to a legitimate purpose - Whether laws proportionate to constitutional provisions.

#### Memberships

Victorian Bar - Commercial Bar Association

Law Institute of Victoria (Associate Member)