

Peter Ward

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CURRICULUM VITAE

Personal Information

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Practice Overview

I commenced practice at the independent bar in 2016 after 13 years at Ashurst Australia (formerly Blake Dawson), having been a partner in the Perth dispute resolution team for the last 5 of those years. At the time of my resignation from Ashurst, I was co-head of the firm's Australian international arbitration practice.

At Ashurst, I managed a general commercial litigation and arbitration practice with a particular focus on complex and high-value contractual matters in the energy and resources, construction and infrastructure, and government law sectors. My practice also included Admiralty, shipping and trade disputes.

Since admission in 1997, I have practiced as both solicitor and as counsel. I have also conducted alternative dispute resolution proceedings as arbitrator and as an expert.

Recognition

- Recommended by *Doyle's Guide: Leading Construction Barristers – Western Australia* (2017), *Leading Western Australian Construction Lawyers* (2015)
- Selected for inclusion in *The Best Lawyers in Australia* in the fields of Construction / Infrastructure Law (since 2013), Transportation Law (since 2014) and International Arbitration (2017).
- Named in the *Legal 500 Asia Pacific Guide* (2013) for “indubitable skills and knowledge” in Dispute Resolution.
- Member of the Users Council of the Singapore International Arbitration Centre.
- Chief Justice's Prize for Outstanding Reader, Western Australian Bar Association (2016).

Professional Career

- Since 2016: Barrister, Francis Burt Chambers, Perth
- 2011 - 2016: Partner, Ashurst Australia / Blake Dawson, Perth
- 2002 - 2011: Employed lawyer, Blake Dawson / Blake Dawson Waldron, Perth and Canberra
- 2000 – 2002: Employed lawyer, Cridlands Lawyers, Darwin
- 1996 - 2000: Associate / Articled Clerk / Solicitor, Supreme Court of the Northern Territory and Northern Territory Attorney-General's Department, Darwin
- 1985 – 1996: Customs Officer, Australian Customs Service, Western Australia and Northern Territory
- 2005 – 2008: Co-author, *Civil Procedure ACT*, LexisNexis
- 2003 - 2005: Tutor in Equity & Trusts and Litigation & Dispute Management courses
Faculty of Law, Australian National University
- 2001 – 2002: Lecturer in Law (Civil Procedure and Equity courses), Faculty of Law, Business & Arts, Northern Territory University
- 1996 – 2001: Reporter, Northern Territory Law Reports

Qualifications

Professional:

- Admitted to practice as a barrister and solicitor of the Supreme Courts of the Northern Territory of Australia (1997), the Australian Capital Territory (2003) and Western Australia (2006) and on the roll of practitioners of the High Court of Australia (1997).
- Graded arbitrator, member, and former Chapter Chair and Chapter Committee member of the Institute of Arbitrators and Mediators Australia.

Postgraduate:

- Professional Certificate in Arbitration, University of Adelaide (2004)
- Master of Laws in Comparative Law, Centre for South East Asian Law, Northern Territory University (2000)

Undergraduate:

- Bachelor of Laws, Northern Territory University (1996)

Representative Matters

Construction and Infrastructure

- Counsel for a US corporation on claims for payment in relation to iron ore plant and equipment.
- Counsel for a head contractor in arbitration successfully defending variation claims and prosecuting counter-claims in relation to design of post-tensioned concrete structures in a commercial development.
- Advising a regional local government authority in relation to a failed waste-to-energy project.
- Appointed as sole arbitrator to determine claims relating to hydraulic works for a regional airport.
- Advising and representing a large co-operative society in a dispute as to terms for access to railway infrastructure under a regulated access regime.
- Advising and representing a multi-national oil and gas company in defending adjudication claims valued at \$200m in relation to works on an LNG project.
- Advising and representing a multi-national listed engineering company in relation to claims arising out of a high value civil works contract as part of the Gorgon LNG project, including arbitration of disputed variation claims valued in excess of \$400m, making and defending adjudication applications under the *Construction Contracts Act 2005 (WA)* valued in excess of \$50m and advising on related commercial claims, negotiations and issues.
- Advising and representing the Commonwealth of Australia on negotiation of a long-term alliance agreement for in-service support of warships, valued in excess of \$2b.
- Probity advisor to the Commonwealth of Australia in a tender process for construction of a helicopter underwater escape training facility for special forces.
- Advising the Commonwealth of Australia in relation to issues arising under a long term ship maintenance and support contract and issues in tenders for and negotiation of a new high-value through-life support contract.
- Advising and representing the Commonwealth of Australia in negotiated resolution of delay, performance and price adjustment claims valued at more than \$200M in relation to the \$1.5B FFG Upgrade Project.

Energy and Resources

- Advising a Japanese trading company on potential liabilities from environmental contamination from a refinery.
- Acting for a US-based oilfield services company in ICC arbitration to recover payments due in relation to sale of coal-seam gas tenements.
- Advising and representing an engineering company on defence of arbitration claims relating to a joint bidding arrangement for offshore construction works on an LNG project.
- Advising on expert determination of claims under a gas transportation agreement.

- Advising a major iron ore producer in relation to legal proceedings and contractual disputes concerning third party access to railway infrastructure.
- Advising a major resources company on legal issues arising out of proposals to mine on Commonwealth land reserved for Defence purposes, including the application of State laws.
- Counsel for a UK supplier of specialist oil field construction vessels in proceedings in the Supreme Court of Western Australia and Court of Appeal.
- Advising a resources company on rights and remedies available under supply contracts where supply was subject to limitations of liability.
- Representing a major energy utility company in the largest gas price arbitration conducted in Western Australia.
- Advising and representing a mining entrepreneur and his private companies in relation to development of projects and proceedings in the Supreme Court of Western Australia.

Public Law / Government

- Representing the Civil Aviation Safety Authority in proceedings in the Administrative Appeals Tribunal, Supreme Court of Western Australia and the Federal Court of Australia, both at first instance and on appeal, including appearing as counsel.
- Representing the Commonwealth Government, on instructions of its in-house insurance agency, Comcover, in numerous Federal Court and District Court claims.
- Representing a State Government agency in expert determination of claims arising under two specialist construction contracts, including appearing as counsel in related Supreme Court and Court of Appeal proceedings.
- Counsel for the Minister for Agriculture Fisheries and Forestry in proceedings in the Federal Court of Australia and the Administrative Appeals Tribunal.
- Advising and representing major Korean electronics and white goods companies in successfully responding to investigations by the Australian Customs Service into alleged dumping of white goods imported from Korea.
- Advising the Australian Taxation Office on settlement terms for delay and progress claims in relation to the ATO's \$1B+ IT Change Program.
- Representing the Commonwealth of Australia in NSW Supreme Court proceedings alleging negligence, deceit and misleading and deceptive conduct in relation to evidence provided by Commonwealth employees in a NSW Police investigation.
- Representing the National Library of Australia in proceedings seeking damages for breach of confidentiality in a tender evaluation.
- Assisting the Department of Communications, IT and the Arts in relation to the \$1.1B Broadband Connect program and its predecessor, the Higher Bandwidth Incentive Scheme.

General Commercial litigation

- Counsel for a public resources company defending Supreme Court debt recovery proceedings.

- Appointed as sole arbitrator to determine a dispute as to apportionment of commercial debt facilities in a business sale transaction.
- Appointed as expert to determine disputes in relation to outgoings on a commercial lease.
- Advising a Japanese trading house on legal professional privilege issues in relation to high-value litigation conducted by a joint venture.
- Advising a resource company on legal, professional ethical, evidentiary and statutory compliance issues concerning document retention.
- Representing a high net worth individual both prosecuting and defending defamation proceedings in the Supreme Court of Western Australia, including appearing as counsel in complex interlocutory disputes.
- Advising a biotech company in relation to fraud by a director, including Supreme Court proceedings for recovery of money paid as a result of the fraud.
- Advising an Indian company on a breach of partnership claim against a listed Australian company in relation to a failed joint venture for commercialisation of gas fuel technology.
- Counsel for a telecommunications utility in appeals to the State Administrative Tribunal from adverse planning decisions by Councils and threatened prosecution for alleged unlawful development of land.

Reported cases and published judgments as counsel

- *Ardrey v The State of Western Australia [No 2]* [2017] WASCA 41
- *Bellamy and Civil Aviation Safety Authority* [2016] AATA 956
- *Phoenix Eagle Company Pty Ltd v Ardrey [No 2]* [2016] WASC 417
- *Phoenix Eagle Company Pty Ltd v Ardrey* [2016] WASC 175
- *Commonwealth of Australia v MV Combi Dock III* [2014] FCA 401
- *Murray & Roberts Australia Pty Ltd v G B Lifestyles Pty Ltd [No 2]* [2014] WASC 9
- *Enerflex Process Pty Ltd v Kempe Engineering Services (Australia) Pty Ltd* [2013] WASC 406
- *Murray & Roberts Australia Pty Ltd v G B Lifestyles Pty Ltd* [2013] WASC 345
- *Telstra Corporation Limited and City of Mandurah* [2013] WASAT 135
- *Repacholi Aviation Pty Ltd v Civil Aviation Safety Authority (No 3)* [2013] FCA 42
- *Repacholi Aviation Pty Ltd v Civil Aviation Safety Authority (No 2)* [2012] FCA 1297
- *Buluma v Child Support Agency (No 2)* [2011] FCA 841
- *Repacholi Aviation Pty Ltd v Civil Aviation Safety Authority* [2011] FCAFC 122
- *Telstra Corporation Limited and City of Wanneroo* [2011] WASAT 77
- *Highway Construction Pty Ltd v Commissioner of Main Roads* [2011] WASCA 27
- *Buluma v Child Support Agency* [2011] FCA 486

- *Cartwright v Palmer* [2010] WASC 241
- *Cox v T-D Joint Venture Pty Ltd* [2010] WASC 116
- *Highway Construction Pty Ltd v Commissioner of Main Roads* [2010] WASC 9
- *Telstra Corporation Limited and Shire of Murray* [2009] WASAT 117
- *T-D Joint Venture Pty Ltd v CTC Marine Projects Limited* [2009] WASC 385
- *Western Australian Rural Counselling Association Inc v Minister for Agriculture, Fisheries and Forestry* [2008] FCA 986
- *Daws and Department of Agriculture Fisheries and Forestry and Animals Australia Inc (Joined Party)* [2008] AATA 1075
- *Commissioner for Housing v Key* [2004] ACTCA 17
- *Drawline Publishing Pty Limited v Insurance Australia Limited* [2004] ACTSC 86; (2004) 190 FLR 142
- *Wagdy Hanna and Associates Pty Ltd v National Library of Australia* [2004] ACTSC 75; (2004) 155 ACTR 39; (2004) 185 FLR 367
- *Canberra Cruises & Tours Pty Ltd v Commonwealth of Australia & Anor* [2003] ACTSC 90
- *Northern Territory of Australia v GRD Kirfield Ltd* [2003] NTCA 1
- *Northern Territory of Australia v Lands and Mining Tribunal & Anor* [2002] NTSC 57; (2002) 12 NTLR 139; (2002) 170 FLR 440
- *Alcoota Aboriginal Corporation & Anor v Justice PRA Gray & Ors* [2002] NTSC 48; (2002) 170 FLR 29
- *Tovehead Pty Ltd & Branir Pty Ltd v Rocca & Rocca* [2002] NTMC 9
- *Schleter v Brazakka Pty Ltd* (2002) 12 NTLR 76
- *Bjelica Investments Pty Ltd v TC Waters Pepper & Co Pty Ltd* (2001) 11 NTLR 168; 12 NTLR 1
- *The NT Police Association Inc v The Police Arbitral Tribunal & The Commissioner of Police* [2000] NTSC 32
- *Northern Territory of Australia v Bentham & Anor* [1999] NTSC 119
- *Suter v Commissioner of Police (NT)* [1998] NTSC 81; 147 FLR 111
- *Deckana Pty Ltd v Northern Territory of Australia & Ors* [1998] NTSC 74; (1998) 145 FLR 71; (1998) 98 LGERA 205