



Philip Santucci

NEW/CHAMBERS

BCL (Oxon), LLB (UTS), BA (Syd)

Telephone +61 2 9151 2071
Clerk's telephone +61 2 9151 2080
Fax +61 2 9233 1850
Email santucci@newchambers.com.au

Admitted to the legal profession 2010
Admitted as a barrister in NSW 2016
Also entitled to practise in All Australian jurisdictions (Commonwealth, State and Territory)

Principal areas of practice

Administrative and Constitutional Law	Corporations and Securities
Arbitration	Equity
Commercial law	Insolvency
Competition and Consumer	Insurance and reinsurance
Conflict of Laws	International Law

Previous professional experience

Philip accepts briefs in a wide range of areas across commercial and public law. Before coming to the bar, Philip was a solicitor at a 'magic circle' firm in London and Paris where he worked on international arbitrations including investor-state disputes. After obtaining a masters from the University of Oxford, he returned to work in Sydney as a senior associate at a boutique litigation practice.

Professional profiles

<https://au.linkedin.com/in/philipsantucci>

As Junior Counsel

- *Southern Han Breakfast Point v Lewence Construction Pty Ltd* (2016) 260 CLR 340 led by S Robertson (administrative law, statutory construction, Building and Construction Industry Security of Payment Act 1999 (NSW))
- *Saab Aircraft Leasing v QBE* (2016) 93 NSWLR 166; [2016] NSWCA 254, led by D L Williams SC, C S Ward SC (insurance, double insurance, section 45 Insurance Contracts Act)
- *Berry v Innovia Security Pty Ltd (formerly Securency)*, [2017] FCA 1546, led by C S Ward SC (agency agreement for introduction of polymer banknotes in Nigeria, misleading and deceptive conduct, fraud, estoppel, evidence taken in London under Foreign Evidence Act 1994 (Cth))
- *Shade Systems v Probuild Constructions Pty Ltd (No 2)* (2016) 344 ALR 355; [2016] NSWCA 379 (before a bench of five), led by S Robertson (s 69 Supreme Court Act, jurisdiction to quash adjudication under BCISOP Act for non-jurisdictional error of law on the face of the record)
- *Probuild Constructions v DDI Group Pty Ltd* [2017] NSWCA 151, led by S Robertson (judicial review, procedural fairness).
- *Perpetual Trustee Company* [2016] NSWSC 1273 led by B A Coles QC, S Robertson (equity and trusts, judicial advice, charitable will trust)
- *Parnell Manufacturing v Lonza* [2017] NSWSC 562 led by C S Ward SC (anti-suit injunction against proceedings in Delaware, resisting stay on forum non conveniens grounds)
- *In the matter of Denham Constructions* [2016] NSWSC 948, and 1426 led by B Katekar (insolvency, application to substitute a creditor and wind-up)
- *Ottoway Engineering v Pooncarie*, Supreme Court of New South Wales, led by M Christie SC (acting for principal in construction dispute, allegations of implied duty to award extension of time, prevention)
- *Transaction Network Services v Optus*, Supreme Court of New South Wales, led by I Pike SC (trespass claim, telecommunications network)
- *Wei v Croydon Park Apartments*, [2018] NSWSC 20 led by J Hyde, (resisting appeal from NCAT on point of law)
- *Lavenburg Pty Ltd v Wentworth Global Capital Finance*, Supreme Court of New South Wales, led by S Robertson (corporations, misleading and deceptive conduct, managed investment scheme)
- *Raynish v Shine*, Supreme Court of New South Wales, led by I Pike SC (equity, unconscionable conduct, undue influence, constructive trust)

As Sole Counsel

- *Zistis v Zistis*, Supreme Court of New South Wales [2018] NSWSC 722 (constitutional law, whether judicial power conferred on NCAT, NCAT not a Court, no power to hear disputes between residents of different States, Residential Tenancies Act read down, Supreme Court has jurisdiction to grant vacant possession)
- *In the matter of ACN 152 546 453 Pty Ltd (formerly Hemisphere Technologies Pty Ltd) (in liq)* [2018] NSWSC 1224 (acting for liquidator, approval of funding deed)
- *Re Impress Colour Pty Ltd*, Supreme Court of New South Wales (corporations, oppression suit, member and director excluded from conduct of affairs of company)
- *Epic Entertainment* (in liquidation), Supreme Court of New South Wales, (acting for liquidator, examinations of directors)
- *Brown v Gibbs*, Supreme Court of New South Wales (proprietary estoppel, caveatable interest over future subdivision)
- *National Funding Group v Walters*, Supreme Court of New South Wales, (resisting enforcement by financier against beneficiary of constructive trust, alleged professional negligence of solicitor in failure to advise client to lodge caveat)
- *Baris v H K Arista Investments*, Supreme Court of New South Wales (trusts, ex parte freezing order against trustee on behalf of beneficiaries)
- *Swedish Board for Study Support v Seidevall*, Local Court (conflict of laws, justiciability of claim by foreign governmental authority)
- *Alverson v Artcraft Pty Ltd*, [2017] FWC 5501 Fair Work Commission (claim for unfair dismissal, employee conducting rival business)
- Numerous applications for judicial review of determination of refugee status in the Federal Circuit Court.
- Numerous matters in lower courts.