

Christopher Harris SC

Barrister-at-law, Nigel Bowen Chambers

Background

Chris was admitted as a solicitor in 1976, and was admitted to the Bar in 1984. He was appointed Senior Counsel in 2005. During his time at the Bar he became one of the leading specialists in corporation law, commercial law and equity, and trusts and succession law. He was approved by the Bar Council as a BarADR arbitrator with the NSW Bar Association. Due to Chris' significant experience and expertise gained in litigation over many years in successfully resolving disputes, Chris' practice now has a focus on alternative dispute resolution and specifically includes the following:

- Commercial and Succession Act Mediation
- Arbitration, Early Neutral Evaluation and other forms of ADR
- ICAC and other Commissions of Enquiry
- Professional conduct enquiries
- Professional disciplinary proceedings
- Examinations of company directors, officers, auditors and liquidators under the Corporations Act, the ASIC Act and other legislative or regulatory instruments
- Examinations of local governments, councillors and officers

Chris is one of the leading specialists in Wills & Estates (Succession Law) Litigation at the Australian Bar as recognised in Doyles Guide and Best Lawyers 2023. (Trusts and Estates).

Experience at the Bar

Alternative Dispute Resolution

In addition to advising on and appearing in corporate, commercial and estate litigation, during legal practice which spans over 40 years Chris was involved in mediations, either as a representative for a party or as the mediator, on well over a hundred occasions. He also has significant experience in arbitrations and references in commercial disputes, as well as early neutral evaluations and other forms of alternative dispute resolution as referred to above.

The matters in which he has been involved in this way have included disputes concerning

- the engineering design of the Anzac Bridge in Sydney;
- the development of a major mining project in Western Australia involving Chinese, Swiss and Australian interests;
- the construction of large residential and commercial apartment blocks in NSW and Queensland;
- intra-family disputes of high net-worth and well-known individuals where discretion and privacy were of the utmost importance; and
- challenges to distributions and other actions made or taken by trustees and appointors in family trusts.

Commercial Litigation

Chris appeared regularly in the Federal Court and the Supreme Court of NSW, but also appeared extensively in the other State Supreme Courts. His practice included disputes relating to corporate control and ownership, and work in corporate insolvency. The commercial law work included litigation in trade practices and in the various specialist lists in the Supreme Courts - the Technology and Construction List, the Professional Negligence List, the Revenue List, the Real Property List and the Probate and Family Provision Lists.

He had a wide appellate practice, appearing in each of the New South Wales Court of Appeal, the Full Court of the Federal Court and the High Court.

Some of the notable cases in which he has appeared are:

- **Elanor Operations Limited v Chief Commissioner of State Revenue** [2022] NSWSC 104, possibly the first time that the Court has concluded that the Chief Commissioner ought not have applied the grouping provision of the Payroll Tax Act 2007 to the plaintiff and its associated corporations
- **Chant v Curcuruto** [2021] NSWSC 751, assessing how solicitors should satisfy themselves of the testamentary capacity of clients for whom they draft Wills;
- **Hart Security Australia Pty Limited v Boucousis** (2016) 339 ALR 659, considering the extent of fiduciary and statutory duties owed to a corporation by its directors;
- **Sirakas v Alstom Ltd** [2012] NSWCA 203, deciding that a multi-national company could take proceedings in Australia for fraud committed in Romania by the Australian-born manager of its Romanian subsidiary;
- **Roberts v Investwell Pty Limited (in liq)** (2012) 88 ACSR 689, considering corporate charges and 'insolvent transactions' under Part 5.7B of the Corporations Act 2001;
- **Bofinger v Kingsway Group Ltd** (2009) 239 CLR 269, concerning rights of subrogation as between multiple security-holders;
- **Permanent Trustee Co Ltd v Fraser** (1995) 36 NSWLR 24, clarifying the duty of a testator to include his children in his Will;
- **Forgeard v Shanahan** (1995) 35 NSWLR 206, setting out the rights and obligations of co-owners of property where only one of them is using it;
- **re Fulop** (1987) 8 NSWLR 679, one of the first reported decisions relating to the Family Provision Act 1982 (the forerunner to Chapter 3 of the Succession Act 2006);