

Blake Dawson

UWA Bulletin

AUGUST 2011

Message from Paul Riethmuller

Dear UWA law students

No doubt you are gearing up to make applications for seasonal clerkships over your university breaks. Whilst we have every confidence our Blake Dawson representatives have given you an excellent snapshot of the opportunities we can offer you, I appreciate there is only so much they can share with you in a 1 hour presentation. Hence our newsletter!

It is an exciting time at Blake Dawson especially in our Perth office following the recent appointment of five new partners. This is by far the largest number of partner appointments of any Perth firm and is indicative of our confidence in both the quality of our people and the opportunities to work on a range of exciting new projects and matters for our clients that we have identified. Three of our new partners are internal appointments with Will Coulthard appointed in Construction & Infrastructure, Peter Ward in LDR & Arbitration and Antonella Pacitti in Corporate & M&A. Antonella and Will both commenced their legal careers with Blake Dawson as graduates so it is particularly rewarding to watch their careers flourish as they step up into the partner role. We welcome two laterally appointed partners. Rob Lilburne joins us from Mallesons taking our Perth Employment practice to a four partner practice – one of the biggest in Perth. Gaelan Cooney joins us from Gaelan Cooney Lawyers after spending a number of years working for Allen & Overy in London in the financial services/project finance areas.

We are also pleased to announce the appointment of 13 new senior associates across all areas of our Perth practice and 15 graduates for 2012 including nine from UWA Law School. You can read more about our 2012 graduates on page 6 of our newsletter.

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PAUL RIETHMULLER, PERTH PRACTICE LEADER



Our Perth office continues to work on high profile matters for top tier clients. A good example of this is the recent Rio Tinto native title deal that was negotiated by our land access lawyers over a seven year period which you may have read about in the media. You can find out more about this ground breaking deal on page 3 of this newsletter. Our M&A team were again acknowledged for their depth and experience being described by the WA Business News as “the leading M&A Practice in Perth”. On the international front, Karl Welker, a lawyer from our Perth Energy & Resources team, shares with us his experiences whilst on secondment with one of our clients based in Tokyo.

We think of our firm as more than just a business. The achievements and contributions of our people outside of their professional roles is just as important. In this newsletter we share news of one of our lawyer’s recent success at the State Swimming Championships and include a report on Philippa Brown’s pro bono secondment to the North Australian Aboriginal Justice Agency (NAAJA) in Katherine. Finally, we congratulate Blake Dawson alumnus James Edelman on his recent appointment as a judge to the Supreme Court.

Good luck with the seasonal clerk recruitment process. You will hopefully have the opportunity to meet lots of lawyers around town working in various legal roles. Make the most of the opportunity to find out as much as you can about the various firms, their culture and what they can offer you by way of training and mentoring. At Blake Dawson we are always looking for talented people who aspire to be leaders in their field and who have the capacity to build strong rapport with their peers and clients. If this sounds like you, then I encourage you to send us an application and I hope our paths cross in the not too distant future!

Paul Riethmuller
Perth Practice Leader



Recognition for the Perth M&A team

In a recent edition of WA Business News, Perth partners Roger Davies and Antonella Pacitti were featured in a nine page special report *Corporate Finance: Which advisory firms lead this year’s M&A survey?*

The report says that in relation to the lawyers in the corporate advisory market for M&A “based on WA Business News’ annual survey, the clear market leader in Perth is Blake Dawson”.

This is tremendous and well deserved recognition for Roger Davies, Antonella Pacitti and their team who continue to work on a range of high profile matters for both local and international clients.

The article was printed by WA Business News – 22 July 2011

RTIO Pilbara native title agreements

Our land access team acted for Rio Tinto Iron Ore (RTIO) to secure five watershed agreements with Aboriginal groups in the Pilbara region of Western Australia.

These agreements are a result of seven years of extensive negotiations with the Aboriginal groups and cover 71,000 square kilometres of the Pilbara. Their scale, breadth, duration and the obligations they contain on both sides are unprecedented.

The agreements will facilitate expansion of RTIO's iron ore business and will pave the way for RTIO to increase production from 220 Mtpa to in excess of 300 Mtpa.

Sam Walsh, managing director of RTIO's operations, told *The Australian* that the agreements gave RTIO the ability to dramatically ramp up production, and in return the company would deliver significant economic development for the Pilbara communities.

Although the financial benefits are confidential, the press has quoted these to be in excess of several billion dollars which will be paid into benefits management structures involving a series of trusts. These structures will provide present and future benefits to the members of the Aboriginal groups and the wider Pilbara Aboriginal community. About 80% of the financial benefits will be paid into charitable trusts and must be used for charitable purposes such as the relief of poverty and sickness and the advancement of education. The remaining 20% will be paid into a taxable direct benefits trust. Only a modest amount will be paid directly to individuals.

In addition to five agreements with the Aboriginal groups, RTIO has established "regional standards" which set targets for both RTIO and the Aboriginal groups and are enforced through a unique regional framework that involves RTIO and all of the Aboriginal groups affected by its operations.

This includes:

- RTIO setting targets of having 14% of people who work for RTIO in the Pilbara to be Aboriginal People in the Pilbara (this equates to the estimated proportion of Aboriginal people of workforce age living in the Pilbara), giving an advantage to contractors who give jobs and training to Pilbara Aboriginal people, giving senior RTIO managers bonuses if they help Pilbara Aboriginal people get jobs, and providing its entire workforce with cultural awareness training
- the Aboriginal groups committing to boosting school attendance, helping more Pilbara Aboriginal women get jobs, assisting to increase the work readiness of Pilbara Aboriginal people and working with RTIO to set up businesses.



BLAKE DAWSON LAWYER, MATTHEW GLUCINA, WINS MALE OPEN 200 BUTTERFLY AT THE WA STATE SHORT COURSE SWIMMING CHAMPIONSHIPS

Not only is Matt Glucina a lawyer, in his spare time he is also a competitive swimmer.

Matt started as a graduate at the firm in July 2010, and recently won the Male Open 200 Butterfly at the WA State Short Course Swimming Championships. He also finished second in the Male Open 400 Freestyle.

Matt is training for the 2012 Australian Olympic trials to be held in Adelaide early next year.

Blake Dawson alumnus appointed youngest Supreme Court judge



On 25 July 2011, Blake Dawson alumnus Professor James Edelman commenced his appointment as the youngest ever Supreme Court judge of Western Australia. Justice Edelman completed his articles of clerkship in our Perth office.

Justice Edelman graduated from The University of Western Australia with a Bachelor of Laws degree, First Class Honours, in 1996. He was awarded a Rhodes Scholarship, enabling him to complete a Doctor of Philosophy in Law degree at the University of Oxford in 2001. He was also awarded a Master of Arts (Honorary) degree from Oxford in 2005.

Since 2002 Justice Edelman has held positions lecturing at universities in Australia, the UK, Europe and the US, most recently as a fellow and lecturer of Keble College, Oxford. In 2008 he was appointed Professor of the Law of Obligations in the Faculty of Law at Oxford, becoming their youngest professor of law in history. Whilst at Oxford, Justice Edelman won an Excellence in Teaching Award in 2007 and 2010 and was the winner of the UK Society of Legal Scholars Prize for the most outstanding legal scholarship in 2003.

On 26 July, our Perth office hosted a gathering of the Oxford University Society of WA attended by the first Dean of the Oxford University Law School, Professor Tim Endicott. Professor Endicott made the trip to Perth to attend the swearing in of his former colleague, Justice Edelman. Other attendees at the event included Justice Gilmour and Justice Siopis from the Federal Court of WA, and renowned Australian historian, Geoffrey Bolton.

Justice Edelman joins two other Blake Dawson alumni on the WA Supreme Court bench – Justice Murphy and Justice Newnes.

Karl Welker's Tokyo secondment experience

KARL WELKER, A LAWYER FROM OUR PERTH ENERGY & RESOURCES TEAM, IS CURRENTLY ON SECONDMENT TO SM, ONE OF OUR JAPANESE ENERGY AND RESOURCES CLIENTS. KARL SHARES HIS SECONDMENT EXPERIENCE WITH US.

I started my secondment in September 2010 after working in the Blake Dawson Tokyo office for two months.

MY EXPERIENCE AT SM

I work within the Mineral Resources Division in the Administration Department. While SM does have a legal team, because of the growth in the Mineral Resources Division, SM has transferred lawyers directly into the division to assist with the regular legal work. The Mineral Resources Division legal team is made up of me and Goto san.

I have been made to feel very welcomed and appreciated since starting. I am included in social occasions and one of the directors (and soon to be Vice President) of SM has taken a strong interest in making sure I drink my share of sake at the regular work “koyokai”s or “konshinkai”s (going away parties or parties in general). My boss also takes the time to have lunch with me most days. This is handy as most menus are in Japanese and mistakenly ordering liver and tripe for lunch are not mistakes that I am keen to repeat!

My work is mainly on resources based legal issues, such as amendments to contracts, drafting bid documents and drafting transaction documents. Recent projects range from a US\$724 million

deal for a 45% share in a Chilean copper project (with a US\$2.9 billion capex) to a US\$4.3 million deal for a 40% share in a Philippines green fields project.

I have worked with NY counsel and members of SM's regional offices, particularly in Australia and the Solomon Islands, and have visited SM gold mine (I believe the only operating gold mine in Japan with an astonishingly high average grade of about 40 g/t). I have also worked on the odd unusual matter such as dealing with SM being the subject of a world wide hoax email scam and writing press releases.

WHAT MAKES SM DIFFERENT FROM WORKING IN PERTH

Everyone is Japanese – not that surprising as I am working in Tokyo, but there are literally no other gaijins (foreigners) working at SM. I think I am the first.

There is a company shrine on the top of the building I work in. There is a “bell” for the start of the work day, lunch (with most lights and internet turned off during this time) and for what is apparently the end of the work day.

Every Wednesday we have “no sangyo day”, which means “no overtime day” and everyone is supposed to leave on the bell.

The office is in Shimbashi, aka “salary man heaven”, a downtown area full of “B class” restaurants and bars, and plenty of unagi (eel) – a favourite of the salary man.

The average length of employment is 17 years – my boss has been here for 30 years!!



Partner promotions

Building our depth and expertise

We're delighted to introduce and congratulate our recently appointed Perth partners



Gaelan Cooney
Banking & Finance



William Coulthard
Construction



Robert Lilburne
Employment



Antonella Pacitti
Corporate



Peter Ward
Litigation & Dispute
Resolution



Best Large Law Firm

BRW Client Choice Awards, 2011



Blake Dawson recruits 15 graduates for 2012

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Offers day was another great success for Blake Dawson, securing 15 top quality candidates for our 2012 graduate intake, nine of whom are from UWA. Congratulations to Ryan Purslowe, Michael Lyndon-James, Zoe Wiszniewska, Paul Winter, Philippa Rogers, Rozlyn Zanich, Richard Tan, Andrew Tan, Casey Kinchella, Melitta Adhiwidjaja, Shae Francis, Chelsea Stanway, Kylie Morrell, Sophie Beaman and Shu Ying Wee.

Philippa Brown's six month pro bono secondment with NAAJA

PHILIPPA, A JUNIOR LAWYER IN THE PERTH EMPLOYMENT TEAM SHARES HER EXPERIENCES AS A SECONDEE WITH NAAJA.

I have recently returned from a six month secondment to the North Australian Aboriginal Justice Agency (NAAJA) in the civil law section of their Katherine, Northern Territory office.

Blake Dawson has a long history with NAAJA, and since around 2006 has placed lawyers on effectively "rolling secondments" to work in the civil practice at the Katherine office. In addition to secondments, the firm also provides support to NAAJA by providing pro bono advice on a variety of matters.

As a civil lawyer at NAAJA, I assisted Aboriginal clients with a broad range of civil matters, including:

- making complaints about police conduct
- debt and consumer matters (for example assisting with disputes with mechanics, or assisting to waive large telephone debts)
- employment matters (for example representing clients in unfair dismissal proceedings)
- acting for family members in coronial inquiries
- acting in relation to medical negligence claims and complaints to the health commission
- assisting victims of crime and clients injured in motor vehicle accidents to seek compensation.

One matter I worked on involved a nine year old girl who had a rare form of cancer, and died following a round of chemotherapy. A coronial matter was held into her death, because there were some questions concerning the three week delay in the remote clinic receiving the MRI results indicating that she had cancer, the decision to release her from hospital following chemotherapy, misdiagnosis by the emergency department at Katherine Hospital when she became seriously sick and a 13 hour delay between her being admitted to Katherine Hospital and being medivac-ed to Royal Darwin Hospital (where she died on arrival). I acted for the girl's mother and father at the coronial inquiry.

Although based in the Katherine office, I also regularly held "bush clinics" in remote communities in the NT. This involved travelling by car or small single engine plane to remote communities to meet with existing clients, and legal advice clinics for new clients.

During my time at NAAJA I was able to develop my legal skills and had a large amount of autonomy over my work. I enjoyed acting for clients and achieving successful outcomes for them, which had a very real impact on their life. I thoroughly enjoyed my experience at NAAJA and believe both my legal skills and personal experiences have been enriched by the experience.



Perth Seasonal Clerkships

KEY DATES

Monday 25 July 2011

Applications open

Friday 19 August 2011

Applications close at 5.00 pm

Monday 22 August – Friday 23 September 2011

Review and interview

Wednesday 28 September 2011

Offers made (open for 2 hours)

All applications must be submitted via cvMail.

For more information please contact Lisa Cooney on 9366 8127 or lisa.cooney@blakedawson.com

Lisa Cooney

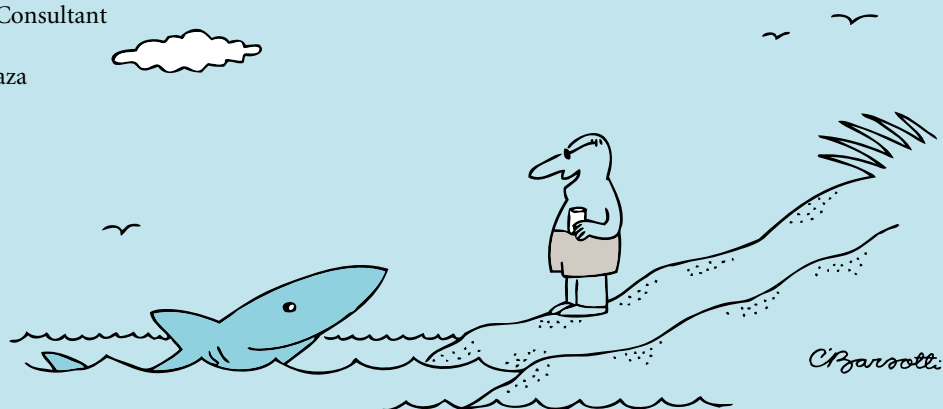
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“Impressed? Well, wait until I tell you about this next case.”

BLAKE DAWSON CONTACT DETAILS

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