



ELIZABETH MACKNAY

MANAGING PARTNER, PERTH OFFICE

[Perth](#)
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Liz is the Office Managing Partner for Perth. She is a commercial litigator with particular expertise in corporate regulatory matters, corporate crime and investigations, and international arbitration. She helps clients resolve disputes primarily in the mining and energy sectors.

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BACKGROUND

Liz holds a Bachelor of Laws (Honours) from Murdoch University in Perth, and a Bachelor of Arts in History and Psychology from the University of Western Australia. She has taught international commercial arbitration, corporations law and regulatory theory at the University of Western Australia.

Liz is admitted to practice in the Supreme Court of Western Australia and the High Court of Australia.

Liz is involved with numerous professional organisations. She sits on the Board of Directors of Scitech and the Australian Centre for International Commercial Arbitration, and is Chair of the ACICA WA State Committee, is the Regional Representative Asia Pacific IBA Anti-Corruption Committee, and is a member of the Curtin Law School Advisory Board.

MARKET RECOGNITION

Liz's expertise is consistently acknowledged in various market guides and rankings, including Doyle's Guide leading Perth Commercial Litigation & Dispute Resolution Lawyers; 'Best Lawyers in Australia' list for Alternative Dispute Resolution; Doyle's Guide leading Australian White Collar Crime, Corporate Crime & Regulatory Investigations Lawyers; Chambers' Asia Pacific rankings for Australia, Anti-Bribery and Corruption; 'Best Lawyers in Australia' list for Corporate/Governance Practice and Litigation; Doyle's Guide listing of leading Australian Arbitration Lawyers; and 'Best Lawyers in Australia' list for Mining Law.

"She is an established figure in the market who acts for clients on a range of anti-bribery and corruption matters, including corporate crime and investigations, frequently representing clients in the mining and resources sector" - Chambers Asia Pacific 2021

"She's very knowledgeable in terms of litigation strategy and she maintains a calm and consistent demeanour at all times." - Chambers Asia Pacific 2021

KEY SERVICES

Commercial Litigation
Corporate Crime and Investigations

KEY SECTORS

Mining
Energy

EXPERIENCE

Based in Perth, Liz has worked with clients based in and outside Australia for over 20 years to help them resolve disputes. Her experience encompasses all forms of dispute resolution including mediation, litigation, expert determination and arbitration (both domestic and international).

Liz leads the Corporate Crime & Investigations, Regulatory Compliance and International Arbitration teams in Perth. She represents clients in regulatory and both domestic and foreign anti-bribery and corruption inquiries, investigations and enforcement action, and helps clients to minimise the risk of misconduct and enforcement action by preparing and carrying out 'health checks' on their internal compliance policies. Liz also assists clients in contentious areas of corporate activity, such as board spills, schemes of arrangement and adverse shareholder action, as well as advising companies and directors in relation to directors' duties and responsibilities. Liz has represented clients in numerous domestic and international arbitrations seated in Perth and elsewhere.

In addition to representing clients in Australian State and Federal Courts, and in international and domestic arbitrations, Liz regularly assists clients in their dealings with various regulators including the Australian Securities and Investments Commission (ASIC), the Australian Securities Exchange (ASX), the Western Australian Corruption and Crime Commission (CCC) and the Western Australian Economic Regulation Authority (ERA).

Liz's experience includes:

- acting for Woodside Energy Julimar Pty Ltd in proceedings in the Supreme Court of Western Australia which were commenced by Armada Balnaves Pte Ltd. Armada Balnaves claimed in excess of US\$280 million from Woodside for an alleged repudiation of contract. The matter was heard by his Honour Justice Martin in a 3 week trial in February 2019. Justice Martin delivered his decision in January 2020; Armada Balnaves' claims were dismissed and Woodside was awarded special costs
- advising and representing an ex-executive of Shell in one of the largest anti-bribery and corruption prosecutions in history, involving allegations of bribery and corruption in the oil and gas sector emanating out of transactions in Nigeria. A prosecution against Shell and Eni, and numerous current and former executives of each company (including Liz's client) commenced in Milan in mid-September 2018
- conducting an urgent investigation for an ASX listed oil and gas company in response to a series of serious whistle-blower complaints about operations on one of its offshore rigs. The matter required engagement with the National Offshore Petroleum Safety and Environmental Management Authority and media who had also received anonymous complaints
- assisting a significant offshore producer of oil to confidentially, but through court processes, retrieve data to identify the entity responsible for a catastrophic global cyber hacking incident
- undertaking a significant investigation on behalf of an ASX listed company into potential breaches of various Australian, UK and US laws including anti-bribery and corruption, false accounting and tax laws, arising out of the company's dealings with its Chinese and Indian customers
- conducting an internal investigation on behalf of an ASX listed company into whether conduct in relation to the establishment and implementation of a corporate social responsibility program breached Australian, UK or US anti-bribery legislation
- advising an ASX listed company about the bribery and corruption risks associated with proposed funding agreements with Canadian First Nations groups
- conducting an internal investigation on behalf of a utility about the conduct of its sub-contractors including in relation to conflicts of interest, receipt of secret commissions and making false statements, and then assisting the utility to identify and put in place stricter procurement and compliance policies to avoid issues of this nature arising in the future
- advising and representing officers of a utility summonsed to attend hearings before the

CCC, and advising the utility in relation to how it should deal with employees and subcontractors who were the subject of adverse findings by the CCC

- devising and implementing bespoke ABC compliance programs, dawn raid policies, whistleblower policies and modern slavery policies including for a Chinese state-owned entity with operations in Queensland and Western Australia, a lithium producer with operations in Australia, Canada and Argentina, an ASX listed oil and gas producer with operations around the globe, an ASX mining company with operations around the globe and a Western Australian utility
- acting for the ASX responding to an application commenced by Hamilton Hill Mining NL (HHM) for an urgent injunction to restrain the ASX from suspending HHM's shares from quotation. HHM's application for an injunction was dismissed and they were ordered to pay the ASX's costs
- acting for a director of an ASX listed company in Federal Court proceedings commenced by ASIC for allegedly misleading investors in breach of continuous disclosure obligations and by doing so allegedly failing to take due care and diligence in breach of his directors duties
- assisting a director charged with procuring the sale of shares while in possession of inside information to avoid a term of imprisonment
- advising numerous clients in relation to ASIC investigations, including responding to notices to produce documents, notices to attend examinations and audit reviews, and representing directors, officers, employees and third parties at examinations before ASIC
- successfully representing Wesfarmers Limited in Supreme Court of Western Australia proceedings commenced in 2018 to obtain Court approval for a scheme of arrangement to implement the demerger of Coles Group Limited from Wesfarmers
- assisting clients to achieve mergers by scheme of arrangement, including the SRG Limited scheme of arrangement in 2018, the Sirius Resources NL scheme of arrangement in 2015, the Little World Beverages Limited scheme of arrangement in 2012, the Aurium Resources Limited scheme of arrangement in 2012, the Conquest Mining Limited scheme of arrangement in 2011, the GRD Limited scheme of arrangement in 2009 and the Bolnisi Gold NL scheme of arrangement in 2007
- acting for the wholly owned subsidiary of a NYSE and TSX listed infrastructure owner in an infrastructure access dispute worth over AU\$400 million. The dispute was ultimately determined by arbitration over the course of 4 substantive hearings
- acting for an ASX listed iron ore producer in an international arbitration commenced against a Chinese customer for failing to take delivery of ore under a long term supply contract
- acting for a Swiss company with operations in the Philippines in UNCITRAL arbitration proceedings in Singapore concerning a coal supply contract with an Indonesian

counterparty

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