



HERBERT
SMITH
FREEHILLS



KONRAD DE KERLOY

PARTNER

[Perth](#)
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A senior member of the Australian litigation team, Konrad specialises in commercial litigation and corporate insolvency.

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BACKGROUND

Konrad de Kerloy was educated at Trinity College, Perth and at the University of Western Australia where he graduated in 1983 with degrees in jurisprudence and law.

He has been a partner of Herbert Smith Freehills since 1989.

He is admitted to practice in Australia as a barrister and solicitor and in England and Wales as a solicitor-advocate.

Between 1998 and 2000 he worked in London specialising in cross border disputes and insolvency.

He was the President of the Law Society of Western Australia in 2014, and was a councillor of the Law Society between 2010 and 2015.

In the Eighth Edition of *Best Lawyers in Australia* he was named the Best Lawyers' 2016 Perth Alternative Dispute Resolution "Lawyer of the Year" as well as being recognised in practice areas of: Alternative Dispute Resolution, Insolvency and Reorganization Law and Litigation.

KEY SERVICES

[Restructuring, Turnaround and Insolvency](#)
[Dispute Resolution](#)

KEY SECTORS

[Banks](#)
[Banks and other Financial Institutions](#)

EXPERIENCE

His practice ranges from banking and contractual disputes, and contentious and non-contentious insolvency, to corporate restructuring, professional negligence, and reviews and disputes involving government departments and agencies.

Konrad's clients include banks, chartered accountants and government departments. He has conducted major actions for corporate clients involving banking instruments, professional negligence and commercial fraud. A number of these matters involved international law and cross-border aspects.

During a law career spanning three decades, Konrad has worked on assignments in Chile, France, Germany, Indonesia, the United Kingdom and the United States, and has published numerous articles in legal journals.

Konrad was the principal legal adviser to:

- the administrators of Sons of Gwalia on all aspects of the administration including scheme of arrangement and the actions against the directors and auditor for breaches of duty which resulted in settlements totalling \$178 million
- Mount Gibson Iron Limited in relation to claims for contractual damages against defaulting customers which resulted in a settlement and arbitral awards of US\$25m, US\$23m and US\$114m respectively
- the owners and operators of Perth Airport concerning a \$67 million stamp duty assessment with the Commissioner of State Revenue which was withdrawn
- Maersk Contractors in a major negligence claim involving the collapse of a drilling rig off the coast of South Australia which was successfully settled
- the Port of Albany concerning a major claim for trespass and nuisance related to unexploded ordnance against the Commonwealth of Australia which was successfully settled

PUBLICATIONS

Konrad has had the following articles published:

- "Replacing a resigning office holder in insolvency administrations" Tolley's Insolvency Law & Practice Vol.15 No. 2 1999
- "Assessing the quantum of a liquidator's or administrator's liability for negligence" Tolley's Insolvency Law & Practice Vol.15 No. 4 1999
- "The personal liability of liquidators and administrative receivers for the costs of an unsuccessful action" The Receivers, Administrators and Liquidators Quarterly Vol.4, Issue 1, 2000
- "The High Court's Human Sacrifice to the Alter of High Policy: An Alternative Solution to the Slaughter" (with Katja Levy) The University of Western Australia Law Review Vol 32, No 2, 2005
- "Shareholder Claimants May Rank Alongside Ordinary Creditors: Sons of Gwalia Ltd 'Shareholder Test Case' "(with Sam Dundas) (2007) 26 Australian Resources and Energy Law Journal, Number 1, April 2007
- "Difficult issues in creditors' schemes" The Federation Press, Schemes of Arrangement, Edited by Dharmananda, Papamatheos and Koshy (2011)