

ALISTER ANDREW HENSKENS

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PROFESSIONAL QUALIFICATIONS

Barrister, Sydney Bar 1996 to present
Arbitrator approved by the NSW Bar Association
Solicitor, Attorney and Proctor of the New South Wales Supreme Court 1987 – 1996
Accredited Specialist in Business Law (NSW Law Society) 1994 – 1996

ACADEMIC QUALIFICATIONS

Bachelor of Economics, University of Sydney completed 1984
Bachelor of Laws, University of Sydney completed 1986
Master of Laws, University of Toronto, Canada completed 1988

WORK EXPERIENCE

Solicitor: 1988 – 1996 with firms including Allen Allen and Hemsley.

Current: Barrister, Sydney Bar from 1996 to date.

Practice in a broad variety of different areas of law including jury advocacy.

Specialty in banking, commercial, defamation/media and construction law.

Representation of Cumberland Press (a subsidiary of News Ltd), Commonwealth Bank, NAB, Westpac, ANZ, BankWest, Investec, State Bank, Commonwealth Government, NSW Government, Allianz Australia, GIO, Port Stephens Council, Newcastle Knights and James Hardy.

Major Cases:

Commissions of Inquiry

Counsel Assisting in the Equine Influenza Inquiry by Hon. Ian Callinan AC instructed by the Australian Government Solicitor from September 2007 to April 2008. All of the recommendations of the Inquiry were adopted by the Commonwealth Government.

ICAC – representation of interested parties in a number of inquiries.

Full High Court Appeals

NT Power Generation Pty Ltd v Power and Water Authority (2004) 219 CLR 90 (led by Bannon SC). Appearance in this case during the 5 month hearing at first instance and through all appeal stages. The case found a misuse of market power contrary to the Trade Practices Act. The case heard extensive evidence as to the engineering and economic features of the generation, transmission, distribution and retail electricity markets.

Puntoriero v Water Administration Ministerial Corporation (1999) 199 CLR 575. This case concerned an appeal against a finding that damages awarded to the plaintiff was excluded by a statutory provision in the Act governing the Water Administration Ministerial Corporation.

Rogers v Nationwide News Pty Ltd (2003) 216 CLR 327. Appearance during the defamation trial and during all stages of appeal. By the time of the High Court appeal the case concerned the defence of a fair protected report of court proceedings.

Keramianakis v Regional Publishers Pty Ltd (2009) 237 CLR 268. Appearance before the defamation jury and during all stages of appeal. The High Court appeal concerned inconsistent verdicts of a jury in relation to a named plaintiff and not named but identified plaintiff who were partners in a medical practice and the statutory rights to appeal a jury verdict.

Also appearance in special leave applications.

Appeals in NSW Court of Appeal

Savage v Lunn (1998) BC9800548

Savage v Lunn No.2 (1998) BC9807341

Poonan v Frank Whiddon Masonic Homes (1998) BC 9802633

Nationwide News P/L v Heggie [2001] NSWCA 257

Commonwealth Bank v Hadfield [2001] NSWCA 440 *Nationwide*

News Pty Ltd v Rogers [2002] NSWCA 71 *Port Stephens Shire*

Council v Tellanist No.1 & No.2 [2004] NSWCA 353 and 415

Commonwealth Bank v Hadfield (No.2) [2004] NSWCA 350

McKenzie v. Miller [2006] NSWCA 377

Keraminakis v. Wagstaff [2007] NSWCA 375;

Appeals in NSW Court of Appeal (self arguing)

Planet Build (NSW) Pty Ltd v Lassgol Pty Ltd [2001] NSWCA 40

Wagstaff v. Keraminakis [2006] NSWCA 137

Pinata Pty Ltd v. Davies and anors (25/9/06)

Qureshi and anor v. Commonwealth Bank of Australia (22/6/07)

Weller v Williams [2010] NSWCA 201

Qureshi and anor v Commonwealth Bank of Australia (2 appeals)
[2009] NSWCA 421

Appearances as a barrister in hearings at first instance

Appearance since 1996 in trials at first instance, in a variety of different areas of the law representing major institutions as well as individual litigants. Examples of cases as lead counsel include a 4 week case involving fraud in the Commercial List of the Supreme Court for the Commonwealth Bank (*Commonwealth Bank of Australia v Saleh and ors* [2007] NSWSC 903) (with a junior), a 4 week plus partnership dispute in the Supreme Court (*Lowe v Pascoe* [2010] NSWSC 388) (with a junior) and a 4 week case for the Commonwealth Bank involving a challenge to the exercise of the Bank's power of sale. Appearance as lead counsel in defamation trials before juries for both the Cumberland Press and individual litigants. Representation of major construction companies and the Port Stephens Council (*Tellamist Pty Ltd v Port Stephens Shire Council & Anor* [2003] NSWSC 234).

Appearance in numerous cases obtaining or defending urgent injunctions including asset freezing orders and search orders.

- Academic
- 1995 – present: Clinical Lecturer in Law at the University of Newcastle Faculty of Law (in the practical legal training component of the LLB course).
- 1992 – 3: Part time tutor in the Law of Business Organisations at the University of Newcastle Faculty of Law.
- 1989-90: Part time tutor in Company Law at the University of Sydney Faculty of Law