

CAPABILITY STATEMENT



AJ&CO

LITIGATION & DISPUTE RESOLUTION

INTRODUCTION

We are innovative and strategically minded when dealing with litigation. We have open and cooperative relationships with our clients working closely with you to achieve the commercial result you require.

When risk is high, we are the firm that you need. We handle complex litigation and our team has a proven track record of handling complex matters in many jurisdictions around Australia.

We have the resources across a broad range of practices and industries to provide the service that you require. As part of our relationship with you, partner access is guaranteed and the team will work with you on the strategic and commercial approach to your piece of litigation.

EXPERIENCE

Our litigation team has extensive experience in the following areas of litigation:

Administrative
Arbitration
Aviation

Banking & finance
Franchising

Class actions
Complex litigation

Construction &
major projects

Inquiries,
investigations &
commissions

Insurance
& risk

Restructuring &
insolvency

Work Health & safety

Our litigation team have successfully worked on matters that have progressed through Supreme Court trial and to the High Court of Australia. Under the guidance of our partners, the lawyers working on your matters have the expertise beyond their years in the law because of their exposure to a range of matters from small disputes through to large international disputes.

The team will work with you to ensure that you can obtain the best results both strategically and commercially. Our commitment to our clients is to keep them involved and informed, providing timely, accurate and cost effective advice.



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Disputes in business are a harsh reality. When they do occur, you need a team of technically excellent Litigation & Dispute Resolution lawyers delivering outstanding results for their clients.

The Litigation & Dispute Resolution lawyers at AJ & Co have more than thirty-five years of experience. They are attentive and responsive, and provide excellent strategic advice placing legal advice in a commercial context.

At the same time, they are focused on resolving disputes without the need to resort to litigation. Whenever possible, we recommend and engage in one of the alternative dispute resolution processes or techniques, such as negotiation, mediation, conciliation and early neutral evaluation, to resolve disputes and avoid the trouble, cost and uncertainty of litigation. We offer our clients an early road map to the dispute, outlining each step and the estimated cost and identifying the opportunities to settle.

Our commitment to our clients is to keep them involved and informed, and to contain costs.

AREAS OF EXPERTISE

The AJ & Co Litigation & Dispute Resolution lawyers have a strong focus on alternative dispute resolution processes and techniques, both to avoid litigation and resolve litigation after it has commenced. When litigation happens, our clients turn to us for assistance; we have the legal and market experience in complex and critical disputes having acted in many significant inquiries, investigations, royal commissions and cases in both the Federal and State courts and tribunals.

We offer our clients access to a wide range of litigation and dispute resolution services with experience in:

Administrative Law	Arbitration	Aviation	Banking & finance
Class actions	Complex litigation	Construction & major projects	Franchising
Inquiries, investigations & commissions	Insurance & risk	Restructuring & insolvency	Work Health & Safety



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The logo for AJ&CO, consisting of the letters 'AJ&CO' in a serif font, enclosed within a white circle on a black background.

LITIGATION & DISPUTE RESOLUTION

ADMINISTRATIVE LAW LITIGATION

Our team has provided advise to both government and private clients. We have a strong track record of successfully advising on complex and strategically important administrative law litigation and disputes, including:

- administrative decisions and schemes;
- statutory discretions and interpretation;
- construction of enabling powers;
- procedural fairness;
- freedom of information; and
- internal review of decisions.

ARBITRATION

Arbitration is a form of alternative dispute resolution. It has the advantages of confidentiality, expedited processes and an expert tribunal. Arbitration is an increasingly popular means of resolving disputes, with commercial contracts frequently including an arbitration clause.

Our team is very familiar with the processes and procedures for resolving disputes by arbitration, both international and local disputes. Together with lawyers from the firm's other expert groups with expertise in the relevant industry, they guide their clients through the arbitration processes quickly and efficiently resolving the dispute.

AVIATION LITIGATION

The aviation industry is undergoing significant change. Our Litigation & Dispute Resolution lawyers have been closely involved in a wide range of aviation matters providing advice to aviation regulators, airport owners and operators, airlines and others involved in the aviation industry, including:

- litigation and disputes arising out of contracts, instruments and other commercial documents,
- statutory interpretation,
- directors' duties,
- securities,
- insolvency, and
- prosecuting and defending proceedings in Federal and State Courts and before the Administrative Appeals Tribunal.

BANKING & FINANCE

Our team have a proven track record of providing quality advice and litigation and dispute resolution services to accounts, banks and public and private companies in relation commercial contracts and securities, insolvency and asset tracing, appearing before royal commissions and inquiries and prosecuting and defending proceedings in respect of commercial contracts and securities and priority claims. They have the technical skills and are strategically focussed on our clients' businesses and objectives.



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CLASS ACTIONS

The potential for an Australian company to face a class action is now a significant business risk. They are a well-established vehicle for litigating multiple claims sharing common issues. Our team have the skills and people to deal with the complex legal issues, quantities of information and extensive documentation generated by class actions. We offer the experience, skills and commitment required to navigate a satisfactory outcome.

COMPLEX LITIGATION

No matter if you are bringing or defending a sensitive or complex commercial or regulatory action, disputing a novel matter with limited precedents, or involved in a highly technical area of the law, the AJ & Co Litigation & Dispute Resolution lawyers can help. We successfully resolve matters other firms can't by taking a strategic 'out of the box' approach to every case.

To us, being a commercial and strategic thinker is just as important as being a legal expert.

A dispute arising out of a commercial contract can quickly be transformed into time consuming and costly litigation. Almost inevitably, the business relationship between the parties is severely damaged or destroyed, and the commercial imperatives underlying the contract are lost.

Our Litigation & Dispute Resolution team includes lawyers with the skills and experience to manage and resolve commercial contract disputes early.

Many issues can be avoided by employing a carefully drafted contract and adequate dispute resolution mechanisms. When a dispute does arise, we work with our clients to actively pursue the most appropriate dispute resolution strategy to achieve an early and effective resolution.

We provide the full range of services arising out of contractual disputes, including advising on prospects and procedural options, drafting statutory demands and claims, conducting negotiations, instituting and conducting recovery proceedings, and providing representation in litigation, arbitration and mediation proceedings.

Our key services include:

- shareholder disputes;
- professional negligence;
- product liability and insurance litigation;
- trade practices disputes;
- defending regulatory or enforcement proceedings;
- intellectual property litigation; and
- revenue, taxation and administrative law disputes.



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CONSTRUCTION AND MAJOR PROJECTS

Our teams help manage risk and successfully resolve disputes for construction companies, developers, project sponsors and engineers. Whenever possible, they do so without resorting to litigation.

We quickly identify the issues in a dispute and the strategic objectives, provide early advice on risk and innovative solutions and a road map on the way forward with a budget for each stage. Our commitment to our clients is to resolve construction and real estate disputes quickly and cost effectively, including by engaging in one of the alternative dispute resolution processes or techniques, such as negotiation, mediation, early neutral evaluation or conciliation.

In other words, we adopt a commercial approach to litigation and dispute resolution, starting with a clear understanding of your objectives and fashioning an innovative and cost-effective solution that protects your position.

FRANCHISING LITIGATION

Unresolved franchise conflict can eventually lead to a difficult and expensive breakdown and separation. The AJ & Co Litigation & Dispute Resolution lawyers have acted in many franchise disputes involving many different types of franchised businesses.

Our team are very familiar with the Code and, on many occasions, have successfully employed the dispute resolution scheme to assist our franchise clients resolve disputes quickly and get the business relationship back on track.

INQUIRIES, INVESTIGATIONS AND COMMISSIONS

We have extensive experience representing clients in many inquiries, investigations and commissions. Our expertise and experience extend across business and industry sectors, including agriculture, banking and finance, charities and religious institutions, educational institutions, government, health, planning and environment, private clients and property and construction. Members of our team have appeared before Federal and State inquiries, investigations and commissions representing Federal and State departments and bodies and private clients and before royal commissions, coronial inquests, boards of inquiry, disciplinary proceedings, as well as regulatory investigations and prosecutions.

We have worked with both Federal and State government departments and bodies and public and private sector clients. Our knowledge and understanding of administrative and public law, the functioning of government and decision-making processes uniquely equips us to provide commercial and strategic advice to our clients.

Hugh Scott-Mackenzie is a former barrister and has extensive experience appearing before inquiries, investigations and commissions. The advocacy and drafting skills developed by him over many years, and his ability to work closely with counsel, offers our clients increased efficiencies.



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INSURANCE AND RISK

Our team are trusted advisors to their clients on insurance and risk. We understand the issues and are focused on what matters most in terms of claims management, litigation and dispute resolution.

We are advisers to a wide range of corporate organisations.

The advice we provide to our clients on insurance and risk is cost-effective, pragmatic and commercially astute when it comes to risk management strategies, including the monitoring of claims, costs, alternative dispute resolution and litigation.

RESTRUCTURING AND INSOLVENCY

The insolvency profession is in a constant state of flux. Our lawyers consistently work in this area and are equipped to help you keep pace with legislative and regulatory reforms and changing economic and market conditions.

We have acted for secured and unsecured creditors and external administrators and advise them on everything from their obligations under the insolvency rules to how preference claims should be managed. If you are a creditor facing a large loss or a debtor considering a form of bankruptcy and want to know how it could affect you, your business, or your assets, we can help you understand your rights and think strategically about your options.

Our key services include:

- restructuring, safe harbour and schemes of arrangement;
- voluntary administrations and deeds of company arrangement;
- managing every aspect of liquidation, including public examinations and the resulting recovery actions;
- Part X Agreements and bankruptcy; and
- debt recovery.

WORK HEALTH AND SAFETY

Our team works with clients to proactively manage risk and defend criminal prosecutions arising out of serious workplace incidents. They provide urgent and practical advice on the steps to take immediately following an incident and develop strategies for the effective and efficient management of regulatory investigations.

Our lawyers have assisted PCBUs (person conducting a business or undertaking), officers and others comply with their duties and obligations under Work Health & Safety legislation and worked with work health and safety consultants putting together plans designed to satisfy officers' due diligence obligations. Also, they have represented clients at inquests and inquiries arising out of workplace incidents.

