

Fourth Floor Chambers  
Level 4, 40 St Georges Terrace  
Perth WA 6000

e. james.sippe@fourthfloor.com.au  
t. +61 8 6217 4703  
m. +61 412 172 541

## Practice

Before being called to the Bar in 2019, I was a solicitor and then senior associate in the Corporate/M&A section at Herbert Smith Freehills for 12 years. I have extensive experience in corporate and commercial matters, having advised on a wide range of commercial transactions.

I also have significant experience advising on contentious corporate and commercial matters. I have appeared as counsel in the Federal Court, the Supreme Court of Western Australia and the Magistrates Court of Western Australia.

My main areas of practice at the Bar are:

- Corporations law
- Commercial law & contractual disputes
- Construction law
- Energy & resources law
- Equity & trusts, and
- Insolvency & reconstruction.

## Experience

### Selected commercial dispute resolution experience

- Appearing in civil proceedings and related arbitration proceedings in a large construction dispute over a lithium production plant, including *MSP Engineering Pty Ltd v Tianqi Lithium Kwinana Pty Ltd* [2021] WASC 39 and *MSP Engineering Pty Ltd v Tianqi Lithium Kwinana Pty Ltd* [2021] WASCA 63 (led by G Donaldson SC).
- Appeared in a complex debt recovery trial involving contractual, restitutionary and misleading or deceptive conduct claims which was set down for 4 weeks in the Supreme Court of Western Australia and settled during trial (led by G Donaldson SC and R Young).
- Acted on a contractual dispute over the hire of drilling equipment which settled before trial in the District Court of Western Australia.
- Acted on a contractual interpretation dispute regarding an iron ore offtake agreement and related security instrument, including *Wise Energy Group Company Limited v Rocke* [2014] WASC 505 and *Wise Energy Group Company Limited v Rocke [No 2]* [2016] WASCA 125.
- Acted on several Takeovers Panel proceedings, including *Summit Resources Ltd* [2007] ATP 9, *Mount Gibson Iron Limited* [2008] ATP 4, *ABM Resources NL (01R)* [2016] ATP 7, *Regal Resources Limited* [2016] ATP 17 and *AWE Limited* [2018] ATP 4.
- Acted on a number of commercial disputes relating to:
  - shareholders' agreements and joint venture arrangements
  - offtake agreements and royalty agreements, and
  - share and business sale transactions, including warranty claims, disputes over completion accounts and purchase price adjustments, and expert determination processes.
- Acted in respect of several contested board spills, including in respect of Tap Oil, ABM Resources and Neon Energy (and related proceedings in the Supreme Court of Western Australia).

- Assisted with corporations' responses to regulatory enquiries and investigations, including ASIC and ACCC notices.

### **Selected commercial and M&A experience**

- *Public M&A:* Acted on a number of takeover bids, schemes of arrangement and other control transactions, including appearing as counsel (led by S K Dharmananda SC) for Saracen Mineral Holdings' \$16 billion merger with Northern Star Resources and Pacific Equity Partners' \$157 million acquisition of Zenith Energy, and advising on Mitsui's \$602 million takeover bid for AWE and Independence Group's \$1.8 billion acquisition of Sirius Resources and the contemporaneous demerger and ASX listing of Sirius's gold assets by interconditional schemes of arrangement.
- *Insolvency & restructuring:* Acted on a number of insolvencies and restructuring matters, including Cape Lambert Iron Ore's acquisition of the CopperCo group's secured debt and assets and the subsequent \$125 million sale of those assets to CST, the administration and holding DOCA in respect of the Meekatharra Gold Mine, and the receivership of Wise Energy Group Company.
- *Private M&A:* Acted on a number of negotiated contractual acquisitions and sales, including Origin Energy's \$1.6 billion sale of Lattice Energy to Beach Energy and Independence Group's \$73 million sale of its Jaguar operation to CopperChem.
- *Energy and resources:* Acted on a number of matters in the energy and resources industries, including the recapitalisation of Mount Gibson, the \$1.1 billion merger between Catalpa Resources and Conquest Mining to create Evolution Mining, and the joint venture and offtake arrangements for the Mount Marion Lithium Project, as well as advising on various State Agreements.
- *Regulatory and corporate governance:* Provided regular advice to ASX-listed companies on their continuous disclosure and other reporting obligations; acted on the legislative merger of Verve and Synergy, including the preparation of the relevant legislation and supporting regulations; involved in numerous applications to regulators such as FIRB, ASIC and ASX; and provided regular advice on general corporate governance matters.

### **Admissions and qualifications**

#### **Admissions**

- Supreme Court of Western Australia (2008)
- High Court of Australia (2008)

#### **Education – University of Western Australia**

- Bachelor of Laws with First Class Honours (2006)
  - Harold H Glass Memorial Prize for Torts
  - Jackson McDonald Prize for Mooting
  - Prize for top student in Remedies
  - Prize for top student in Constitutional Problems
  - Prize for top student in Legal History
  - LexisNexis Prizes for Top Honours Invitees
- Member of UWA Law Review Student Editorial Board (2006)
- Bachelor of Science in Chemistry (2003)
- Diploma of Modern Language in French (2006)

#### **Other**

Lecturer in the Mergers & Acquisitions unit at the Law School of the University of Western Australia.