

Lucas Shipway

Solicitor 1999

Barrister 2009

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Lucas Shipway is regularly briefed in major infrastructure and engineering disputes, including in the road, rail and mining sectors, for government and private-sector clients. He also acts in international arbitrations and in commercial matters generally, especially insurance, product-liability and professional-negligence disputes.

He has been described in Chambers Asia-Pacific as an “absolutely superb” barrister who is “always deeply informed on his brief and has a very good manner on his feet in court.” He is ranked as a leading barrister in Doyle’s Guide to the Australian Legal Profession - Construction and is recognised in Construction/Infrastructure Law in Best Lawyers.

A precise advocate with particular skills in problem-solving and dealing with technical issues, Lucas is always happy to ‘roll up his sleeves’ and work closely with experts and his instructing solicitors.

Prior to the Bar, Lucas practised in litigation at Allens in Sydney, and Freshfields Bruckhaus Deringer in London. He is known by solicitors for his accessibility, responsiveness and commitment to teamwork. His experience as a solicitor gives him a useful familiarity with the challenges and priorities for instructors, and a ability to identify quickly how he can best be of assistance.

Outside chambers, Lucas enjoys music and long-distance running. He has participated in marathons in Australia and overseas, and trail-running events including the North Face 100 (100km), the Oxfam Trailwalker (100km) and the Tasmanian Overland Track (80km).

Arbitration

ACICA arbitration (Australia). Acting for Transport for New South Wales in relation to a dispute arising from the Sydney Metro Northwest Project.

ICC arbitration (Singapore). Acting for Kawasaki Heavy Industries Ltd (Japan) in a dispute with Laing O'Rourke arising from the \$50 billion Ichthys gas project in the Northern Territory.

ACICA arbitration (Australia). Acting for the principal in a dispute relating to WestConnex, currently the largest infrastructure project in Australia.

UNCITRAL arbitration (Australia). Acted for a manufacturer of consumer goods based in the United States in defending a claim for \$17-million.

Building & Construction

Fitz Jersey Pty Ltd v Atlas Construction Group Pty Ltd [2021] NSWSC 1692. Directors held liable to repay monies received under the *Security of Payment* legislation and paid out as dividends.

Ventia Australia Pty Ltd v BSA Advanced Property Solutions (Fire) Pty Ltd [2021] NSWSC 1534. Whether a payment claim under the *Security of Payment* legislation may relate to more than one building contract.

The Owners Strata Plan No 66375 v King [2018] NSWCA 170. A significant decision of the Court of Appeal regarding the liability of contractors for design defects under 'construct-only' contracts.

Harris v Morabito Holdings [2018] NSWSC 912. Principles applicable to the adoption of referee reports where claimant only partially successful.

Hakea Holdings Pty Limited v Denham Constructions Pty Ltd [2016] NSWSC 1120. A decision that considered whether enforcement of an adjudication determination under the *Building and Construction Industry Security of Payment Act 1999* (NSW) should be restrained on the ground that the beneficiary of the determination is insolvent or at substantial risk of becoming insolvent.

Representative (class) actions

Acting for a European manufacturer of aluminium cladding products.

Acting for plaintiffs in proceedings arising from Sydney Light Rail.

Acting for the owner of the land on which Opal Tower was erected.

PROFESSIONAL RECOGNITION

Chambers & Partners Listing 2022 - Construction & Infrastructure Band 2

Doyles Guide Leading Construction & Infrastructure Junior Counsel (NSW) - Preeminent 2022

Doyles Guide Leading Construction & Infrastructure Junior Counsel (Australia) - Preeminent 2022

Legal 500 Rankins Tier One Leading Juniors 2022 - Construction, Infrastructure and Property

Recognised in Best Lawyers in Australia since 2020 under the categories of Construction/ Infrastructure Law