



Graeme Johnson

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Current practice

Graeme is a partner in Freehills' Sydney office. He specialises in the use and misuse of regulatory powers and commercial dispute resolution. He has acted and advised in a number of complex commercial disputes in the Federal Court of Australia and state superior courts.

Industry experience

Use of regulatory powers

Graeme has represented:

- Airservices Australia in its dispute with Hughes Aircraft Systems International relating to the tender for Australia's air traffic control system. This case changed the way Australian governments approach the tendering process.
- New South Wales Waterways in defending a damages action brought by a tenderer unsuccessful in its proposal to develop the Woolloomooloo Wharf. As a result the probity of the tender process was not challenged and no damages were paid.
- The Seven Network in proceedings seeking access to the Telstra broadband cable and the FOXTEL network. This involved an application of administrative law principles in the context of the essential facilities access regime.
- The Northern Territory Government to protect its interest in the development of the Jabiluka uranium mine. The validity of the mining lease was upheld and there was no remaining legal impediment to uranium mining starting.

He has also acted in proceedings before various tribunals and commissions including the ASX, the Administrative Appeals Tribunal, coronial inquiries and the New South Wales Crime Commission.

Complex commercial litigation

Graeme:

- was part of the team engaged by the National Australia Bank in defending the AUSMAQ IT litigation. He was responsible for the development of the expert evidence which involved preparing reports from over 50 experts from Australia, the US, Japan, Hong Kong and Europe
- acted for CSR in the New South Wales Supreme Court Commercial Division in obtaining what was then the largest public liability insurance settlement in Australian history
- represented CSR in obtaining the definitive ruling from the High Court of Australia on anti-suit injunctions. This resulted in CSR continuing litigation in its jurisdiction of choice, the USA
- advised Coles Myer in an easement/restrictive covenant case to allow the Sydney Pitt Street Mall flagship redevelopment to proceed (the first case of its kind in New South Wales). The result was that the development was completed within time and the store was able to stay open throughout the development process
- recently was part of the Seven Network's legal team in its trade practices proceedings concerning Australia's pay television industry. He was responsible for the development of economic and related evidence.

Professional background

Graeme has been a commercial litigation partner for nearly 15 years having been appointed on 1 July 1992. He joined the firm as an articled clerk in 1986.

He holds a Bachelor of Arts and Bachelor of Laws (with First Class Honours) Degree from the Australian National University (ANU). Graeme was the university medallist in law at ANU in 1983. His Honours theses was on the subject of natural justice and legitimate expectations. Following completion of his undergraduate degree Graeme became associate to Justice Davies of the Federal Court of Australia, when Justice Davies was also President of the Administrative Appeals Tribunal.

Graeme was chairman of the Administrative Law Committee of the Law Council of Australia between 1995 and 2006 and is a member of the Litigation Section Executive. In this role Graeme assisted the Federal Court in the development of their April 2004 administrative law seminar.

Graeme is author of:

- the original chapter on parliamentary elections law in *Halsburys Law of Australia*
- a chapter on Australian consumer protection laws in an *International Consumer Protection Comparative Text*, and
- (jointly) the Australian analysis in a text on International Commercial Litigation.