

Corporate and Regulatory Investigations and Commissions

LK is engaged to conduct sensitive and confidential investigations on behalf of government entities and corporates, arising from allegations of misconduct and mismanagement and major corporate collapses.

We have significant experience acting for governments and public institutions on major inquiries across a variety of projects and sectors, and identifying and dealing with the legal and political issues that arise in this context. Our clients appreciate the judgment and discretion of our team, and we are regularly called upon to offer second opinions on high profile and sensitive disputes, inquiries and other potential risks.

Our experience with the public sector includes investigating events and issues that have arisen from various aspects of government work, including financial regulation, infrastructure projects, procurement and international affairs, often involving complex issues of public and private international law.

Representative Projects

HIH Royal Commission

Special Counsel to the Royal Commission into the financial collapse of the HIH Insurance Group, the largest corporate failure in Australian history at that time. Our team assisted the Royal Commissioner, Justice Neville Owen of the Supreme Court of Western Australia, in all aspects of this inquiry. We were closely involved in drafting submissions and the final report that made recommendations in respect of future civil and criminal actions and policy in respect of corporate governance and the insurance industry in Australia.

Western Desert Resources Liquidation

Represented the liquidators of ASX listed Western Desert Resources Ltd, a failed Roper Bar (Northern Territory) iron ore mining operation with creditors in the order of \$200 million and subsequent liquidator's avoidance actions including preference and insolvent trading claims exceeding \$100 million in total value.

Adelaide Brighton Cement

Representing Adelaide Brighton Cement in relation to a multi-million dollar fraud perpetrated against the company by one of its former employees, assisting with the forensic investigation into the scope and effect of the fraud, liaising with the authorities regarding possible offences and successfully pursuing recovery proceedings against the beneficiary of the fraud.

Confidential Regulatory Investigation

Represented the interests of a significant stakeholder involved in a highly sensitive and confidential investigation conducted by a regulatory oversight body. LK's work included i) advising and advocating for the stakeholder organisation and others within the organisation whose interests were aligned during the course of the investigation including attendances at witness examinations and preparation of submissions, ii) liaising with the regulatory body for all purposes including the management and provision of relevant documents, iii) liaising with numerous opposing legal teams, iv) post-investigation review and advice including related to policy development, corporate governance and on-going compliance and risk management.

Australian Securities and Investments Commission (ASIC) Investigation – Crown Casino Limited

Retained by ASIC to conduct an investigation into non-disclosure of market sensitive information by Crown Casino Limited. The investigation involved a detailed analysis of the daily financial trading position of Crown to determine whether this was consistent with its releases to ASX pursuant to its continuous disclosure obligations. Represented ASIC and its Regional Commissioner in subsequent proceedings brought by Crown in the Supreme Court of Victoria.

Australian Securities and Investments Commission (ASIC) v WestPoint

Retained by ASIC to undertake an investigation and advise on possible legal claims arising out of the failure of one of Australia's largest property investment companies. The investigation and recommendations led to a range of civil proceedings against company directors, auditors and others for breach of professional duties.

South Australian Auditor General's Department

Advising on various examinations, reviews and investigations undertaken by the South Australian Auditor-General's Department pursuant to the Public Finance and Audit Act 1987 (SA) (PFA Act) involving local government, privatisation transactions and public land developments. Advising with respect to the issue of compulsory summonses pursuant to the PFA Act, including conduct of oral examinations and natural justice processes.

South Australian State Bank Task Force

Special Counsel to the State Bank Task Force established by the South Australian Government, which conducted proceedings against the bank's auditor following its 1991 collapse. The litigation was settled for in excess of AU\$100 million.

South Australian Water Desalination Plant

Retained by the South Australian Government to undertake an investigation and report into the delays, defects, claims and exposure of the government arising out of the construction of the State's AU\$2 billion desalination plant, and provided strategic and legal advice to the State with respect to those matters.

Thoroughbred Racing Investigation and Report

Retained by the peak body of the horse racing industry in South Australia to investigate allegations of serious breaches of corporate governance standards and impropriety regarding the election of members of the board of the South Australian Jockey Club. The investigation led to the preparation of a confidential report provided to the Minister for Racing, the Independent Gambling Authority, South Australian Police and the board of Thoroughbred Racing South Australia.

University of Adelaide

Counsel to the University of Adelaide in connection with a range of confidential inquiries.