



Claire Clutterham

Special Counsel

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Expertise and Practice

Claire Clutterham is experienced in providing legal, commercial and contracting advice in the construction, defence and mining industries. Claire has almost 20 years of Australian and international experience, having spent close to a decade acting for government and private enterprises in international arbitration proceedings in the Middle East and Asia.

Claire's in-house legal experience means she is not only able to advise clients on their legal position but, based on first-hand experience of priorities for Boards and executive lead teams, she is able to develop solutions that are commercially sustainable, pragmatic and easily executed and measured by complex businesses. Claire has particular in-house expertise in the defence industry and has a deep understanding of the complex regulatory regimes governing that industry, including the International Traffic in Arms Regulations and Public Governance, Performance and Accountability Act (as applicable to Government Business Enterprises), in addition to privacy, freedom of information, WHS and whistleblowing legislation.

With a strong understanding of corporate governance issues, Claire holds a number of Board positions and is an elected councilor for the Norwood, Payneham & St Peters Council. Claire also teaches in the Practical Legal Training course at the Leo Cussen Centre for Law.

Project Highlights

Claire's experience includes:

- ***New Royal Adelaide Hospital***

Acting for the South Australian State Government on various strategic and legal issues concerning defaults, delays and disputes proceedings arising out of the AU\$2.5 billion public private partnership arrangements for the design, construction and operation of a major health facility.

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- **Employment Dispute**
Representing the CEO of a technology and gaming company to achieve a negotiated settlement of performance rights and share allocations.
 - **Shareholder Dispute**
Acting for an employee of a stockbroking firm in relation to a dispute over equity holding arising from the construction of a shareholder agreement.
 - **Pro Bono**
Claire supports LK's Accessible Justice Project (**AJP**) as a Managing Associate. The AJP is a not-for-profit collaboration between LK and the University of Adelaide, which provides legal support to members of the community who would not otherwise be able to afford legal representation.

Career

Prior to joining LK in 2022, Claire held senior legal roles within the defence industry in Australia. Between 2008 and 2016, Claire worked with Clifford Chance in the United Arab Emirates, and Allen & Overy in Hong Kong and Sydney, advising clients in international dispute resolution proceedings. Claire's previous matters include:

- **Energy**
Representing a Korean contractor in relation to disputes valued at US\$1 billion with a government employer, arising out of a contract to build an offshore pipeline in Qatar.

Negotiating a commercial settlement for a Saudi Arabian state entity in connection with claims for delay and quantum brought by the main contractor in connection with a contract for the construction of an oil pipeline.

Providing commercial claims management advice to a Kuwaiti state employer in relation to the development of a clean fuels project.

Acting for a large United Arab Emirates/French company in various disputes relating to cement and oil waste plants.
- **Construction, Infrastructure & Commercial**
Acting for a Chinese/Malaysian JV and winning international commercial arbitration proceedings in relation to breach of contract claims arising out of the development of transport facilities in Qatar.

Representing a major developer in relation to a multibillion-dollar contract dispute arising out of the construction of the world's largest racecourse development in Dubai.

Representing a government employer in the defence of commercial claims worth US\$200 million, concerning alleged corruption and delays to the construction of a ring road in Afghanistan.

Providing strategic advice to a Malaysian government entity (in its capacity as indirect shareholder in a commercial venture) in relation to three investor-state arbitration claims arising out of a Bilateral Investment Treaty with another sovereign State.

Defending a global automotive manufacturer in international commercial arbitration proceedings for claims for wrongful termination and breach of implied terms arising out of a distribution agreement.

Acting for a United Arab Emirates' government department in multiple commercial arbitration proceedings in connection with the development of the World Islands in Dubai.

- **Mining**

Representing a European commodities entity in a joint venture dispute in connection with quality and supply chain issues at a tungsten mine in Vietnam.

Acting for the operator of an Australian coal mine in expert determination proceedings relating to performance delays, variations and termination of contract.

- **Commercial**

Defending a global automotive manufacturer in international commercial arbitration proceedings for claims for wrongful termination and breach of implied terms arising out of a distribution agreement.

Qualifications

- Master of Laws with Distinction (International Dispute Resolution), University of London (2012)
- Bachelor of Laws with Honours, University of Adelaide (2005)
- Graduate Diploma of Legal Practice, Law Society of South Australia (2005)
- Bachelor of Arts, University of Adelaide (2004)
- Company Directors Course, Australian Institute of Company Directors (2021)

Admissions

- Supreme Court of South Australia (2005)
- High Court of Australia (2017)

Industry and Community

- *Royal Flying Doctors Service (Central Operations)*
Board Director
Chair - Board Aviation Safety Committee
Member - Board Executive Committee

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- *Norwood, Payneham @ St Peters Council*
Elected Councilor
Member - Audit & Risk Committee
Member - St Peters Childcare Centre Committee
Member - Board Executive Committee
 - *East Waste Management Authority*
Board Director
Member - General Manager Performance Review Committee