



### Tom Fotheringham

Partner

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#### Brisbane

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Tom Fotheringham is a projects lawyer with a broad range of acquisition and development experience focusing on energy, resources and infrastructure projects. Tom's expertise cover joint ventures, infrastructure and asset use and sharing arrangements, project development and services agreements, concession contracts, acquisitions and divestments, farm-in agreements, production sharing contracts, power purchase agreements, rail haulage and use agreements, port services and capacity agreements, water transportation agreements, gas transportation and supply agreements, mine operations agreements, procurement agreements and commodity sales and transportation contracts.

Tom has advised on a number of significant projects and transactions while acting for the North West Shelf Project, Aurizon, Rio Tinto, British Gas / Shell, INPEX and Infigen Energy.

#### RELATED SERVICES

- Projects, Energy and Infrastructure
- Oil and Gas
- Mergers and Acquisitions

#### RELATED SECTORS

- Energy and Natural Resources
- Infrastructure, Construction and Transport

#### EXPERIENCE

- Advising Mitsui E&P Australia on the acquisition of BHP's interest in the Minerva gas plant in Victoria.
- Advising all the North West Shelf Project participants (BHP, BP, Chevron, MIMI, Shell and Woodside) on the life extension of the existing project facilities in order to transform the project into a third-party gas processing facility.
- Acting for QGC on all aspects of the QCLNG Project including negotiating connection agreements, gas sales agreements and gas transportation agreements, the sale of the QCLNG pipeline, and the treatment, transportation and disposal of water associated with the project's coal seam gas activities.
- Advising Woodside in respect of the sale of its interest in the laminaria and corallina fields as well as the Northern Endeavour Floating, Production, Storage and Offloading Vessel.
- Advising INPEX on the restructure of the project documentation for the Ichthys LNG Project in preparation for a positive FID and financial close as well as the sale of upstream and midstream interests in that project to TOTAL and a number of LNG

buyers including Osaka Gas, Toho Gas, Tokyo Gas and Chubu Electric Power.

- Advising Rio Tinto on the USD19.5 billion Rio Tinto/Chinalco transaction involving the proposed establishment of eight joint venture investments in multiple jurisdictions across Iron Ore, Aluminum and Copper product groups.
- Advising Rio Tinto on the proposed USD100+ billion Rio Tinto/BHP Billiton iron ore production joint venture including negotiation of the core principles of the joint venture in London.
- Advising Aurizon in relation to the development of greenfield port and rail infrastructure for the West Pilbara Iron Ore Project including at the Port of Anketell and the development of rail and port infrastructure to service customers in Galilee Basin and Bowen Basin including a port project at Abbot Point.

## CREDENTIALS

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### Professional Qualifications

- Solicitor of the High Court of Australia
- Solicitor of the Supreme Court of New South Wales
- Solicitor of the Supreme Court of Queensland
- Solicitor of the Supreme Court of Western Australia

### Education

- Company Directors Course, Australian Institute of Company Directors (AICD), 2010
- Graduate Diploma in Legal Practice, College of Law, 2003
- Bachelor of Laws (Hons), Queensland University of Technology, 2002
- Bachelor of Business (Accounting), Queensland University of Technology, 2002

### Memberships

- Queensland Law Society
- Australian Mining & Petroleum Law Association Limited (AMPLA)
- Association of International Petroleum Negotiators (AIPN)

## INSIGHTS

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### Publications

#### Coronavirus COVID-19 and corporate governance (Australia)

18 February 2020

The coronavirus COVID-19 outbreak and ensuing government restrictions raise corporate governance concerns and create areas of risk across the ESG spectrum that should be considered by companies and their directors and officers.

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#### Coronavirus COVID-19: The legal impact on force majeure events (Australia)

12 February 2020

Key considerations for parties that may wish to declare a force majeure event or dispute the declaration of a force majeure event by a counterparty in relation to coronavirus COVID-19.

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## **The changing face of the Asia Pacific LNG market: Trending away from oil linked pricing and long-term contracts**

15 December 2019

The market in the Asia Pacific region has traditionally been underpinned by contract structures based on crude oil linked prices and long-term offtake. These contract structures are changing – what pricing and contract duration trends are to be expected?

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## **Events**

- Upstream Oil and Gas Agreements - University of Western Australia

## **NEWS**

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### **DLA Piper advises Iberdrola on AUD893 million takeover**

25 August 2020

Global law firm DLA Piper has advised Spanish utility giant Iberdrola on its AUD893 million takeover of Infigen Energy (ASX:IFN).

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