



Andrew Fiskén

Partner

Andrew.fisken@dlapiper.com

Melbourne

T: +61 3 9274 5146

F: +61 3 9274 5111

M: +61 427 620 405

Andrew is a corporate lawyer focusing on cross-border M&A and investment, joint ventures, corporate advisory and equity capital markets transactions. He has particular capability with complex private treaty acquisitions and joint ventures, regulated takeovers, and equity capital markets matters. He regularly advises on high profile, complex cross-border transactions and has significant experience executing transactions across the Asia Pacific region.

English Chinese
(Mandarin)

Andrew is the head of DLA Piper's China practice in Australia. A fluent mandarin speaker, qualified in Australia and Hong Kong, he is the ideal advisor for Chinese enterprises on their flagship outbound investment projects in Australia and the Asia Pacific region - as well as for Australian companies on their investments into Hong Kong and China.

Andrew has excellent knowledge of the technology, consumer goods, mining, gas, agriculture and property sectors.

LANGUAGES SPOKEN

- English
- Chinese (Mandarin)

- Advising Insightsoftware, a global leader in enterprise resource planning and enterprise performance management on its acquisition of Australia-based business intelligence and corporate performance management platform Calumo.
- Advising POSCO on its USD240 million acquisition of a 30% equity interest in the Ravensthorpe Nickel Operation in Western Australia, in a transaction valuing the project at over US\$1 billion. This transaction helped POSCO secure a strategic stake in this world class nickel operation, and to establish a stable supply of this product for POSCO for years to come.
- Advising Wipro Limited (NYSE: WIT, BSE: 507685, NSE: WIPRO) on its acquisition of Ampion, an Australia-based provider of cyber security, DevOps and quality engineering services, for a purchase price in excess of USD100 million.
- Advising the founders of ThinkTilt, the Australia-based software company which developed ProForma, on the sale of ThinkTilt to Atlassian.

- Advising US-based software developer Playvox on its acquisition of 100% of the issued share capital in Agyle Time.
- Advising Hong Kong-listed Mason Group Holdings (HKEX: 0273) on the sale of its interest in Genea (a business providing IVF and fertility treatments in Australia and Asia) to another Hong Kong-listed entity, NWS. The transaction was structured as a Hong Kong-law governed share swap in certain Cayman Islands holding entities, under which NWS acquired Mason's interest in Genea for payment of cash and transfer of shares in one of Mason's non-wholly owned subsidiaries (bringing that subsidiary fully back within the Mason group).
- Advising hyperscale data centre specialist AirTrunk on the sale of a majority of equity in the AirTrunk Group by Goldman Sachs Special Situations Group and TPG Sixth Street Partners to Macquarie Group's infrastructure arm, Macquarie Infrastructure and Real Assets, in a transaction valuing the AirTrunk Group at over AUD3 billion.
- Advising Eastfield, a Shenzhen-based manufacturing company, on the USD51 million sale of its subsidiary Lifi Labs Inc to ASX-listed Buddy Technologies Limited.
- Advising Ansteel, one of the world's largest mining companies, on all aspects of its investment in the US\$3 billion Karara Iron Ore Project in the Mid West region of Western Australia.
- Advising AirTrunk on all aspects of its new AUD200m data centre campus in Hong Kong. This transaction involved the negotiation of the site lease, consultant contracts, financing arrangements (debt and equity), and assistance with local planning and development approvals.

CREDENTIALS

Professional Qualifications

- Solicitor of the Supreme Court of Victoria
- Solicitor of the High Court of Hong Kong

Recognitions

Lawyers Weekly Top 30 under 30 – M&A, 2013

Education

- University of Melbourne, Master of Law, 2016
- University of Melbourne, Bachelor of Laws, 2008
- University of Melbourne, Bachelor of Arts, 2008

Memberships

- Law institute of Victoria

INSIGHTS

Publications

Can Australia forget about investment from China?

8 September 2020

This article is based on a series of interviews with clients and colleagues based in mainland China, and explores the attitudes of Chinese businesses to overseas investment generally, and into Australia in particular. There was high degree of consistency in responses from clients on their investment plans, and perceived barriers to investment in Australia. The overall picture painted was one of businesses and investors still interested in overseas investment in certain sectors and in certain markets, but who are currently adopting a "wait and see" approach given travel restrictions and a significant level of uncertainty in global markets.

Coronavirus: Changes to rules governing meetings and the execution of company documents (Australia)

7 May 2020

Certain requirements in the *Corporations Act 2001* (Cth) (**Corporations Act**) relating to shareholders meetings, and document signatures, are not compatible with public health requirements for social distancing during the coronavirus pandemic. In order to facilitate these important corporate functions during this period, on May 6, 2020 the Australian Federal Government introduced the Corporations (Coronavirus Economic Response) Determination (No. 1) 2020.

This determination modifies the legislative requirements regarding meetings and execution of company documents. These changes come into force on 6 May 2020, and will expire after six months, on 5 November 2020.

If it walks like a duck and it quacks like a duck then it's probably a duck

16 MAR 2020

A recent decision of the High Court of Australia held that if an executive can affect significantly the financial standing of a subsidiary within a corporate group, the executive may be considered an officer of that subsidiary without holding, occupying or acting in a recognised office in the subsidiary. It affirmed prior decisions to the effect that the definition of "officer" in Australia's corporations law will be given a broad reading by courts with the consequent extended application of statutory duties, for example, to act in the best interests of the corporation and to exercise reasonable care and diligence.

In this brief update, we consider what the decision means for those running corporate groups in Australia, particularly in this time of heightened regulatory scrutiny of executive conduct.

Events

Previous

Session 8 - Advanced M&A Academy 2021 - Competition law issues in Asia-Pac M&A transactions

23 November 2021
Advanced M&A Academy - Australia
Webinar

Session 7 - Advanced M&A Academy 2021 - Business and asset sale agreements

19 October 2021
Advanced M&A Academy - Australia
Webinar

Session 6 – Advanced M&A Academy 2021 Minority Investments and Shareholder Agreements

8 September 2021
Advanced M&A Academy - Australia
Webinar

Session 5 – Advanced M&A Academy Global M&A Intelligence Report 2021

23 July 2021
Advanced M&A Academy - Australia
Webinar

Session 4 – Advanced M&A Academy Purchase Price mechanisms

25 May 2021
Advanced M&A Academy - Australia
Webinar

Session 3 – Advanced M&A Academy M&A disputes

21 April 2021
Advanced M&A Academy - Australia
Webinar

Session 2 – Advanced M&A Academy FIRB risk in M&A

23 March 2021
Advanced M&A Academy - Australia
Webinar

Session 1 – Advanced M&A Academy Distressed M&A

16 February 2021
Advanced M&A Academy - Australia
Webinar

NEWS

DLA Piper advises insightsoftware on its acquisition of Australia-Based Bi and CPM platform Calumo

23 July 2021
Global law firm DLA Piper has advised insightsoftware, a global provider of financial reporting and performance management solutions for the Office of the CFO on the acquisition of Australia-based business intelligence and corporate performance management (CPM) platform CALUMO.

DLA Piper advises POSCO on USD240 million acquisition

20 May 2021

Global law firm DLA Piper has advised POSCO on its USD240 million acquisition of a 30% equity interest in the Ravensthorpe Nickel Operation in Western Australia.

DLA Piper advises ThinkTilt on its sale to Atlassian

27 April 2021

Global law firm DLA Piper has advised ThinkTilt on its sale to Atlassian. ThinkTilt is the maker of ProForma, a no-code/low-code form builder for Jira.

DLA Piper advises Wipro on the acquisition of Ampion

6 April 2021

Global law firm DLA Piper has advised Wipro Limited (NYSE: WIT, BSE: 507685, NSE: WIPRO) on its acquisition of Ampion, an Australia-based provider of cyber security, DevOps and quality engineering services, for a purchase price in excess of USD100 million.
