



Gowri Kangeson

Partner

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Gowri Kangeson is a 'go to' litigator - particularly for difficult and complex cases - especially those involving proceedings in numerous jurisdictions. She is the 'ultimate crisis manager' for SMEs and large corporates alike.

Gowri is experienced in all forms of dispute resolution including arbitration, mediation, conciliation, expert appraisal and commercial negotiation as well as formal litigation before Australian and international courts. She is a qualified lawyer in Malaysia, England & Wales and Australia.

Gowri's experience encompasses commercial disputes, controversy across the technology, energy, education and real estate sectors and also regulatory investigations and disputes.

She has significant experience of regulatory investigations including the interrelationship between civil litigation and regulatory issues, and also in investigating and litigating fraud claims in a variety of contexts. Gowri also values the use of alternative dispute resolution mechanisms when suitable to her clients' varying circumstances

Gowri's focus is on building long term relationships with clients. In doing this, she gains a deep understanding of her client's businesses and risk appetite - knowledge she applies in investigations, defence of claims, pursuit of remedies and also in pursuit of better (and faster) alternative dispute approaches. In all cases, her client facing approach fosters efficiency and commercial results and assists in delivering outcomes for 'bet the farm' disputes and every day commercial disputes.

- Public and Administrative Law
- Antitrust and Competition
- Corporate
- Litigation, Arbitration and Investigations
- Human Rights
- Intellectual Property and Technology
- Real Estate
- Employment
- Regulatory and Government Affairs

- Acted for Fortescue Metals Group in a high profile occupational health and safety prosecution in Perth involving contractual, agency, construction and criminal law issues. Fortescue was cleared of all 21 criminal charges. Gowri was one of the principal instructing solicitors in the litigation and had a key project management and reporting to client responsibility. She was also responsible for finalising the investigations into what occurred at the site, preparing the evidence of key witnesses and developing the litigation strategy
- Acted in a series of urgent arbitrations before the Hon Murray Gleeson AC QC relating to the operation of the Basslink interconnector. Our client was successful in the defence of an arbitration instigated by Hydro Tasmania (HT), and the successful prosecution of one of two arbitrations instigated by our client. Gowri also acted for our client in an urgent injunction application, to

prevent the issue of a default notice and to refer certain disputes to arbitration, where an injunction was granted in favour of our client. Gowri was the lead litigation lawyer in this matter and led a team of over 10 lawyers involved in all aspects of the arbitration

- Acted for Virgin Airlines Australia in relation to a proceedings brought by John Holland Aviation Services in the Supreme Court of Victoria. The proceedings contained 11 claims related to an Alliance Agreement that was entered by the parties in 2008. The proceeding raised a number of novel and untested issues. The action also raised a number of complex issues including the obligations of an Alliance partner, alleged frustration of the Alliance arrangement, the extent of good faith obligations and the assessment of any payments to be made under the arrangement. The matter settled on favourable terms after service of compelling lay and expert evidence
- Acting for an ASX listed company in relation to proceedings in the Supreme Court of Western Australia in relation to the interpretation of the Share Sale Agreement, interpretation of accounting standards and earn out provisions
- Part of the core employment and litigation team acting for McDermott Australia in urgent Federal Court injunction proceedings and litigation to protect Esso's Kipper Tuna Turrum Project from interruption due to labour disputes. The matter settled on favourable terms
- Acted for a national health organisation in relation to proceedings brought by the ACCC involving allegations that certain contractual provisions had/have the purpose of substantially lessening competition, in contravention of sections 47 or 45 of the Competition and Consumer Act. The matter settled on favourable terms

CREDENTIALS

Professional Qualifications

- Solicitor of the High Court of Australia
- Solicitor of the Supreme Court of Victoria
- Advocate and Solicitor of the High Court of Malaysia
- Solicitor of the Senior Courts of England and Wales

Education

- University of Melbourne, Master of Commercial Law, 2004
- Gary's Inn, London, Utter Barrister, 1997
- University of Glamorgan, Wales, Bachelor of Laws (Hons), 1996

Memberships

- Australian and Malaysian Business Council
- Law Institute of Victoria
- Australian Corporate Lawyers Association

INSIGHTS

Publications

ASIC's call for improved whistleblower policies

20 October 2021

On Wednesday, 13 October 2021, ASIC called on Australian CEOs for better compliance with the whistleblower protection regime under the *Corporations Act 2001* (Cth).

Just head to arbitration

14 October 2021

The interaction between domestic laws, choice-of-law and arbitration clauses in contracts governing cross-border transactions can create uncertainty for commercial parties when disputes arise. The case of *Freedom Foods Pty Ltd v Blue Diamond Growers* [2021] FCA 172 is a recent reminder of this.

You Can Run But You Cannot Hide: The Public Duty to Consider Evidence of Corruption in Arbitrations

14 October 2021

The Singapore International Commercial Court recently held that parties cannot, as between themselves, agree to exclude evidence of corruption from the scope of an arbitration. This is a notable departure from the usual practice of allowing parties a wide berth to decide what evidence is admissible in an arbitration. Future parties should take note that arbitrators and supervisory courts will not look favorably upon attempts to ignore corrupt behavior.

An update from Down Under on whistleblower laws

5 October 2021

Australia's stringent whistleblower protections have led to a tenfold increase in whistleblower reports which result in internal investigations.

High Court stops use of privilege against self-incrimination to avoid disclosure in freezing order

10 August 2010

On 4 August 2021 in *Deputy Commissioner of Taxation v Shi* [2021] HCA 22, the High Court of Australia allowed an appeal from a decision of the Full Court of the Federal Court of Australia refusing to make an order under s 128A(6) *Evidence Act 1995* (Cth) that a privilege affidavit be provided to the Deputy Commissioner of Taxation.

Supplementary – Australia – Whistleblowing Laws in Europe: An international guide

This article will focus primarily on whistleblowing protections in the private sector, but it also provides an overview on the systems in place in the public sector below.

Get out of jail free? Not quite - ASIC launches new immunity policy for market misconduct offences

26 February 2021

ASIC launched on Wednesday a new and previously unannounced immunity policy for market misconduct offences.

Corruption Perceptions Index 2020 – an Asia Pacific perspective

11 February 2021

Late last week, Transparency International released its 2020 Corruption Perception Index (CPI), which ranks 180 countries by their levels of perceived corruption on a scale of zero to 100 (zero being very corrupt and 100 being very clean).

Australian Regulatory Landscape

19 November 2020

A perfect storm is gathering over the Australian regulatory landscape. Record fines to financial institutions, increased regulator enforcement efforts, new corporate crime legislation and yesterday's arrest of a former Leighton Holdings senior executive on foreign bribery charges are emblematic of a sea change. Now more so than ever, it is vital organisations have robust governance, reporting, and compliance programs in place, or face stern regulatory action.

GIR Insight: Asia-Pacific Investigations Review 2021

15 October 2020

DLA Piper has contributed a chapter on internal investigations in Australia to the recently released GIR Asia-Pacific Investigations Review 2021. Our chapter provides a brief overview of the key considerations relevant to conducting an effective Australian internal investigation and sets out some strategies to achieve a prompt and robust outcome.

- Appeal dismissed: Difficult to avoid public IBAC probe, 21 Mar 2016
- Definition of corrupt conduct: The High Court has limited the scope of the New South Wales Independent Commission Against Corruption's powers, 7 May 2015
- Foreign bribery and corruption update - Australian law, 27 Feb 2015