

## Samantha Nadilo

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### Professional overview

Samantha is an experienced commercial barrister. She appears unled and led in a variety of courts and in tribunals, arbitrations, mediations, regulatory examinations, and public inquiries.

Naturally in WA, Samantha has sector expertise in mining and energy and resources disputes. Samantha has particular expertise in corporations law, contract, consumer law, mining law, administrative law challenges to environmental approvals, corporate crime and investigations, arbitration (domestic and international), class actions and access regulation. Samantha is a member of the panel of individuals that can act as arbitrators in the event of a dispute under the *Railways (Access) Code 2000*.

Before being called to the bar, Samantha was a Senior Associate in the Disputes team at Herbert Smith Freehills. She joined Freehills (as it then was) in 2007 and practised in both Perth and Sydney.

### Recent matters – unled or as co-counsel

<i>FMR Investments Pty Ltd v Keogh &amp; Ors</i>	Judgments reserved	Claims for breach of fiduciary duty and conversion (with S Penglis SC and CV Wren)
		Contempt of Court – Appropriate penalty and purge application
<i>Aquila Steel Pty Ltd v BHP Minerals Pty Ltd</i>	[2026] WASCA 6	Proper construction of temporary reserve and issues affecting declaratory relief (with SK Dharmananda SC)
<i>In the Matter of Ultima United Limited (In Liquidation) (ACN 123 920 990)</i>	2025 and 2026	Public examination by liquidator
<i>ASC Industries Pty Ltd v Demol Investments Pty Ltd</i>	[2025] WASC 548	Application for interim injunction and security for costs
<i>Kelly v Hilton</i>	[2025] WASC 43	Contempt of Court – Appropriate penalty and purge application
<i>BHP Nickel West Pty Ltd v NOVA Energy Pty Ltd</i>	[2024] WAMW 37	Interlocutory – Application for Extension of Time
<i>Milne Agrigroup Pty Ltd v Inghams Enterprises Pty. Limited</i>	[2024] WASC 23	Application to set aside statutory demand, and for indemnity costs
<i>YNAC v WA &amp; Ors</i>	2023	Interlocutory – Third party objection to subpoena and discovered documents
<i>Kelly v Hilton</i>	[No 3] [2023] WASC 235	Interlocutory - Application for subpoena and whistleblower protection

<i>Grant Thornton Australia Limited v King Street Precinct Pty Ltd</i>	2023	Magistrates Court – Means Inquiry
<i>Murray Riverside Pty Ltd v Toscana (WA) Ravenswood Estate Pty Ltd</i>	[2022] WASCA 67	Costs
<i>Mineralogy Pty Ltd v Sino Iron Pty Ltd</i>	[2022] WASCA 26	Costs
<i>MAEK Pty Ltd v Ibrahim</i>	[2022] WASC 285	Interlocutory - Application for discovery
<i>De Grey Mining Ltd re Objections by Town of Port Hedland</i>	2022	Warden’s Court – Applications for mining leases and miscellaneous licence and objections to the same
<i>Firefly Resources Limited</i>	[2021] WASC 376	Scheme of Arrangement (with JRC Sippe)
<i>Registration Number 06517935, A Company Registered in the UK 116 Cardamon Limited v Macalister &amp; Ors</i>	October 2021 – <i>Ex tempore</i> judgment	Application to discharge or vary freezing order
<i>Roseland Capital Pty Ltd v Neometals Limited</i>	February 2021 – <i>Ex tempore</i> judgment	Interlocutory – Application for security for costs
ASIC investigation	2021	Investigation into a publicly listed company and its officers/employees, including appearing for ASIC at several section 19 examinations

## Recent matters – led

<i>SCL v Kirkalocka Gold SPV Pty Ltd &amp; Anor</i>	Judgment reserved	Application for declarations and orders under section 90-15 of Sch 2 to <i>Corporations Act</i> and <i>Mining Act</i> (led by SK Dharmananda SC)
<i>Kirkalocka Gold SPV Pty Ltd &amp; Anor v SCL &amp; Anor</i>	[2025] FCA 1490	Application for declarations and orders under section 90-15 of Sch 2 to <i>Corporations Act</i> and <i>Mining Act</i> (led by SK Dharmananda SC)
<i>Kelly v Hilton</i>	Ongoing, includes [No 5] [2024] WASC 343 [2021] WASC 369	Claims for misleading or deceptive conduct (led by S Penglis SC)  Motion for criminal contempt of court  Interlocutory – Application for summary judgment
<i>Palmer v CITIC Ltd</i>	[No 17] [2025] WASC 224 [No 16] [2025] WASC 216 [No 15] [2025] WASC 202 [No 14] [2024] WASC 341 [2024] WASC 486 [No 13] [2024] WASC 325 [No 12] [2024] WASC 322	Contract construction – indemnity (led by N Hutley SC, SK Dharmananda SC, with JRC Sippe and JD Birch)  Various interlocutory matters

	[No 11] [2024] WASC 210 [No 10] [2023] WASC 417 [No 9] [2023] WASC 238 [No 8] [2023] WASC 221 [No 6] [2023] WASC 188	
<i>Aquila Steel Pty Ltd v BHP Minerals Pty Ltd</i>	[2024] WASC 250	Proper construction of temporary reserve and issues affecting declaratory relief
<i>Cougar Metals NL (Subject to DOCA) v Richore Pty Ltd</i>	[2024] WASCA 36	Proper construction of option agreement relating to mining lease (led by S Penglis SC)
<i>Cooper v NOPSEMA (No 2)</i>	[2023] FCA 1158	Application for judicial review under ADJR Act (led by S Penglis SC, and later SK Dharmananda SC)
<i>Ramsay Health Care Australia Pty Ltd v ANF Industrial Union</i>	Settled 2024	Claim for misleading and deceptive conduct (led by J Arnott SC)
<i>MAEK Pty Ltd v Ibrahim</i>	Settled 2023	Construction contracts dispute (led by G Donaldson SC)
<i>Hordyk v Wanslea Family Services</i>	[2022] WASAT 117	Claim for contravention of the <i>Equal Opportunity Act 1984</i> (led by S Penglis SC, with C Russell)
<i>Murray Riverside Pty Ltd v Toscana (WA) Ravenswood Estate Pty Ltd</i>	[2022] WASCA 67	Application to be released from <i>Harman</i> obligation (led by B Dharmananda SC)
<i>Mineralogy Pty Ltd v Sino Iron Pty Ltd</i>	[2022] WASCA 26	Application to strike out (led by SK Dharmananda SC, with C Wren)
<i>Blue Ribbon Mines Pty Ltd v Roy Hill Infrastructure Pty Ltd</i>	[2022] WASC 362	Determination of stated case pursuant to <i>Mining Act 1978</i> (led by SK Dharmananda SC)
<i>Roseland Capital Pty Ltd v Neometals Limited</i>	Ongoing, includes [2022] WASC 132	Interlocutory – Application to strike out (led by SK Dharmananda SC)
<i>Milne Agrigroup Pty Ltd v Toovey</i>	[2022] WASC 118 [2022] WASC 119 [2022] WASC 120	Obligations of confidence of former employee (led by S Penglis SC)
<i>Blue Ribbon Mines Pty Ltd v Roy Hill Infrastructure Pty Ltd &amp; Ors</i>	[2022] WAMW 3	Application for a stated case pursuant to <i>Mining Act 1978</i> (led by SK Dharmananda SC)
<i>Venetian Nominees Pty Ltd v Weatherford Australia Pty Ltd</i>	[2021] WASC 137	Application brought under the <i>Commercial Arbitration Act 2012</i> to set aside an arbitral award (led by M Howard SC)
<i>Sino Iron Pty Ltd v Mineralogy Pty Ltd</i>	[2021] WASC 442	Interlocutory – Application for discovery and legal professional privilege (led by SK Dharmananda SC)

<i>Continental Coal Limited (In Liq) v Landau &amp; Ors</i>	June 2021 – Ex tempore judgment	Interlocutory – Application to strike out (led by M Howard SC)
<i>JKC Australia LNG Pty Ltd v AkzoNobel NV &amp; Anor</i>	Settled 2021	Interlocutory – Application to set aside a subpoena (led by JK Taylor SC)
<i>Habrok (Dalgara) Pty Ltd v Gascoyne Resources Ltd</i>	[2020] FCA 1395	Application under ss 445D and 447A of the <i>Corporations Act</i> to terminate a deed of company arrangement (led by B Dharmananda SC, with P Walker and S Tomasich)
<i>Banfield and Banfield</i>	[2020] FCWA 116	Application to restrain solicitors from acting in proceedings (led by S Penglis SC)
<i>Siconal Ltd v DO &amp; Ors</i>	Settled 2022	Contract construction – loan agreement; Equity; Consumer Law (led by S Penglis SC)
<i>Venus Metals Corporation Ltd v DJ Carmichael Pty Ltd &amp; Anor</i>	Settled 2020	Claims in Equity in relation to the acquisition by Spectrum Metals Limited of the Penny West gold mine (led by S Penglis SC)

### **Selected experience prior to 2020**

<i>Groote Eylandt Mining Company Pty Ltd v Secretary for Mineral Royalties (NT)</i>	[2019] NTSC 58	Claim regarding a royalty payable under the <i>Mineral Royalty Act (NT)</i>
<i>Goldfields Gas Transmission Pty Ltd v ERA &amp; BHP Billiton</i>	[2018] WASC 104	Judicial review proceedings commenced by Goldfields Gas Transmission under the <i>National Gas Law</i>
<i>Woodside Energy Ltd v Electricity Generation and Retail Corporation, t/as Synergy</i>	[2015] WASC 397	Contractual construction and pricing dispute under a long-term gas sale and purchase agreement
<i>ACCC v Metcash Trading Ltd</i>	(2011) 198 FCR 297	Defending proceedings commenced by the ACCC for an injunction restraining an acquisition under section 50 of the <i>Trade Practices Act</i>
<i>Grimaldi v Chameleon Mining NL (No 2)</i>	(2012) 200 FCR 296	Claims for breach of directors' duties and in Equity in relation to interests held in the Oakajee port and rail project in Western Australia
<i>Chameleon Mining NL v Murchison Metals Limited</i>	[2010] FCA 1129	
<i>ICAC Investigation re Operation Spector</i>	October 2014	Investigation into the conduct a Railcorp Manager and a Housing NSW Employee

ICAC Investigation re <i>Operation Tilga</i>	September 2013	Investigation into allegations of corrupt conduct in the provision of security products and services by suppliers, installers and consultants
ICAC Investigation re <i>Operation Jasper</i>	July 2013	Investigation into conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others
<i>AB &amp; AH v The State of Western Australia</i>	(2011) 244 CLR 390	Application under the <i>Gender Reassignment Act 2000</i>

## **Admissions and Qualifications**

### **Admissions**

- Supreme Court of Western Australia (2008).
- High Court of Australia (2009).

### **Education – University of Western Australia**

- Bachelor of Laws with Distinction (2006).
- Bachelor of Arts in Political Science with Honours (2004).

### **Other**

- Member of panel of individuals that can act as arbitrators in the event of a dispute under the *Railways (Access) Code 2000*.
- Member of the National Sports Tribunal Legal Assistance Panel.
- Board member of Rosalie Primary School and WA Justice Association (WAJA).
- Member of Women Lawyers of Western Australia.
- Graduate of Leadership Western Australia; Rising Leaders Program 2014.