



# Andrew Percival

Special Counsel  
Construction Legal

Level 14,  
111 Elizabeth Street,  
Sydney NSW, 2000,  
Australia

## Qualifications

Bachelor of Arts (BA)  
Bachelor of Laws (LLB)



## Executive Summary

Andrew has partnered with Construction Legal to offer the benefits of his 4 decades of corporate and commercial legal experience. He has extensive experience and expertise in the provision of corporate, commercial and information technology services and is a leading Australian specialist in international trade law.

## Expertise

- Mergers & Acquisitions
- Corporate Governance
- Project and Other Financing
- Domestic and International Commercial Transactions
- Information Technology
- International Trade Law

## Experience

- |                     |  |
|---------------------|--|
| <b>1980-1989</b>    | Australian Customs Service, Director, Legal Services   |
| <b>1989-1998</b>    | Allen Allen & Hemsley (now Allens Linklaters), Senior Associate, Corporate & Commercial Division |
| <b>1998-2004</b>    | KPMG Legal, Special Counsel  |
| <b>2004-2015</b>    | Corrs Chambers Westgarth, Special Counsel, Corporate Division                                    |
| <b>2015-Current</b> | Percival Legal, Founder and Principal  |

## Awards

### Chambers and Partners

Band 1 - International Trade/WTO – Asia Pacific

### Best Lawyers® Best Law Firm:

- Tier 1 (Sydney): Trade Law (2025)

### Best Lawyers® Best Lawyer:

- Trade Law since 2008
- Customs & Excise since 2016
- Regulatory Practice since 2020

### Awarded by Best Lawyers® as

- Australian Lawyer of the Year (Trade)
- Sydney Lawyer of the Year (Trade): 2025, 2022, 2020, 2018, 2011
- Sydney Lawyer of the Year (Customs & Excise): 2024, 2019, 2017

## Highlights

### Construction

Andrew's legal expertise and experience covers various building, construction and infrastructure projects for a period spanning over 40 years for local and multinational clients.

#### **Waratah Train Project – Sydney (\$3.8 billion)**

Andrew was seconded to Downer EDI Rail to assist in the Project Waratah Public Private Partnership (PPP) passenger train project for the design, construction and supply of 78 Double-Deck Electric Passenger Trains for the Sydney Rail Network. Work undertaken included negotiating the subcontractor agreements for the construction and supply of the fleet of trains. Subcontracts ranged in value up to and over US\$100 million per

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contract for the design, supply and maintenance of major components of the passenger trains from suppliers worldwide, including variations to the subcontract with the major Chinese subcontractor Changchun Railway Co. for the assembly of the passenger trains, as well as the negotiation of the joint venture agreement between the two project sponsors. Both during and subsequent to the secondment, Andrew advised Downer on a range of issues relating to Project Waratah including the PPP financing arrangements, both debt and equity, for the Project. Andrew also was instrumental in the negotiation of a Fleet Management Facility Agreement for a real-time information technology system for the operation and maintenance of the Project Waratah railway fleet.

## Corporate & Project Financing

Andrew has represented clients in a range of project financing transactions, as well as major mergers and acquisitions in Australia, initial public offerings (IPOs) and other capital raisings. In addition to the Waratah Train PPP, Andrew has advised on project financing for the design, construction and operation of mines between joint venture partners, the refinancing of investments in electricity generation plants, finance projects for the design, construction and maintenance of office buildings, hospitals and prisons. He also advises clients on a range of corporate governance matters such as director's duties, related party transactions, and compliance with ASX listing rules.

## International Transactions

Andrew has advised and assisted clients in a variety of cross-border transactions including international sale of goods and/or supply of services, incorporated and unincorporated joint venture, technology licensing and manufacturing agreements, and distribution and agency agreements. He has also advised and assisted clients on legal structures for obtaining market access in overseas jurisdictions, preparation and negotiation of international sale of goods and/or supply of services and advising on documentation for the carriage of goods.

## Information Technology

Andrew has advised and assisted both local and overseas multinationals on a range of information technology agreements including systems integration agreements, software development agreements and licences, including escrow arrangements, computer system sales, installation and maintenance agreements, technology transfer and licensing agreements, data warehousing arrangements and disaster recovery agreements, as well as government information technology contracts (GITC).

## Trade Law & Trade Remedies

Andrew has advised and assisted clients, such as exporters, importers, and foreign governments, in a range of international trade law and remedies matters, including anti-dumping and subsidies investigations and inquiries, customs matters, compliance with sanctions and trade in dual use technologies, advising on WTO and free trade agreements, as well as investor-state disputes and bribery of public officials regulation and other anti-corruption regimes including anti-money laundering and counter-terror financing regulation.

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## Transaction Experience

Transactions that Andrew has advised and assisted on include:

**Mergers and acquisitions:** sale of Ord Minett; acquisition of BBC Hardware by Howard Smith, acquisition of NB Love adhesives, the Australian part of the global management buy-out of AMF bowling; acquisition of Allsafe industries; disposal of interests in Australian Stevedores and other stevedoring interests by Howard Smith, sale of Saltram Wine Estates, acquisition of Hollick Wines and Australian Bottling Company; and

**Capital raisings:** float of Goldfields Limited, including its associated on-market takeover offer of Pancontinental Mining Limited, assisting in the due diligence for the initial public offering of GIO, excluded offer and issue of options by J Boag & Son Limited, underwriting of capital raisings by Prime Industrial Property Trust and initial public offering of worldschool.com, as well as underwriting agreements in relation to a variety of property trusts; and

**Project financing:** in addition to the Project Waratah PPP, advising the banking syndicate in relation to the Channar iron ore project financing of AU\$420,000,000; advising on a \$60 million refinancing of CITIC's interest in the Portland alumina smelter plus negotiating loan facilities; advising on a \$100 million project financing for the design, construction and operation of The Mecure hotel at Railway Square in Sydney; and various balance sheet bank loans, overdraft facilities and letters of credit with associated security documentation in project financings and bank facilities such as for Delaware North; and

**Trade law:** clients have included the Government of Indonesia, the Government of Quebec, the Commonwealth Government of Australia, Press Metal, Mineralogy, APRIL, LG Electronics, E.I. Du Pont de Nemours, News Ltd, Fox Studios, Microsoft, Honda, Samsung, Fuji Xerox, Mitsui, Mineralogy, Rio Tinto, BlueScope Steel, L'Oréal, Jeld Wen, Kam Kiu, Bugaboo International, Comalco, Citic Dicastal, ReneSola, Shihlin, Toshiba Australia and a number of Chinese steel manufactures. Recently, Andrew advised the Australian wine industry through its industry association, Australian Grape and Wine Inc., in the dumping and subsidy investigations into the export of Australian wines to China.