

Ben Allen

Partner



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Sydney

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Overview

With 20 years as a litigator and dispute resolution lawyer, Ben has a reputation for achieving the best commercial outcomes for his clients with a calm, measured approach to the dispute process. Ben is recognised in *The Best Lawyers in Australia 2020* in the area of Alternative Dispute Resolution and as a leading lawyer in the area of anti-bribery and corruption in *Chambers and Partners Asia Pacific 2019 Guide*.

Ben is a partner in the dispute resolution and litigation team and has acted in complex and sensitive commercial disputes for both government and private sector clients, including class actions, financial services representative proceedings, financial products, commercial property and technology procurement disputes. Ben also leads the Australia region White Collar & Government Investigations team, acting for clients in all areas of organisational risk including fraud, bribery and corruption, data privacy and corporate wrongdoing.

Ben acts for clients in a broad range of disputes relating to property, contracts, corporations law, equity and tortious claims with a particular industry focus on commercial disputes relating to the commercial property, technology and health care sectors. Ben's experience includes managing complex and reputation-sensitive commercial disputes in the Federal Court and Supreme Courts of New South Wales, Victoria, South Australia, Queensland and the Australian Capital Territory. He is also highly skilled in dispute negotiation, alternative dispute resolution, conciliation and mediation.

Ben also acts for clients facing regulator investigations of alleged corporate wrongdoing and white collar crime offences, as well as those facing enforcement actions by regulators. Ben regularly advises clients in relation to fraud, data privacy, bribery and corruption and Corporations Act breaches, and assists with policy development (including whistleblowing, cyber breach preparedness, anti-bribery fraud control management and regulator responses). Ben also helps organizations prepare for and conduct internal investigations of corporate wrongdoing and resultant recovery actions, including asset-tracing and asset preservation. Ben's industry knowledge includes government, financial services, commercial property, transportation, IT and large-scale integrated software systems and health care.

Experience

- **Confidential client:** Acting for the owner and developer of a major retail shopping center in Supreme Court

of ACT proceedings commenced against it by an anchor tenant relating to breaches of the lease and other statutory claims.

- **Confidential client:** Acting for a property developer in Supreme Court of NSW proceedings in relation to their rights as vendor to rescind a contract for the sale of a commercial development in Western Sydney. The purchaser disputed the validity of the rescission.
- **Confidential client:** Acting for a global provider of orthopaedic devices used for rehabilitation, pain management and physical therapy in relation to a contract dispute with the organization's logistics delivery provider. The dispute related to the termination of its agreement and its provider's right to damages arising from that termination.
- **Confidential client:** Acting in a dispute between a major government-owned private health insurer and one of its service providers in relation to the activity of the service provider in pursuing claims arising from reimbursements of benefits paid to its members under their insurance contracts.
- **Confidential client:** Acting for a major commonwealth government department in relation to termination rights arising under a contract with a service provider for delivery of the commonwealth's National Water Market System.
- **Confidential client:** Acting for a major global investment bank in advising about its policies and guidelines relating to fraud controls and the processes, procedures and protections extended to "whistleblowers" associated with the organisation. This review was conducted across the 30 jurisdictions in which the organisation operates.
- **Confidential client:** Acting for various directors in two separate public inquiries conducted by the Independent Commission Against Corruption (ICAC) relating to two of its major corruption operations concerning questions about allegations of corrupt practices and the concealment of illegal political donations.
- **Confidential client:** Acting in a long-running investigation by the Australian Securities and Investments Commission (ASIC), Australia's financial regulatory authority, in relation to the practices of the prudential arm of a major global organization relating to the advice provided by parts of its insurance advice and sales business and the practices of its consumer credit businesses.
- **Confidential client:** Acting for a leading international sales and marketing services company in the consumer goods industry in relation to a fraud recovery action against an employee, including obtaining an "asset preservation order" (Mareva order) and subsequent garnishee action.
- **Confidential client:** Advising a large private sector organization on the due diligence phase of a corporate acquisition in relation to risks arising from a potentially corrupt payment notified by the seller.
- **Confidential Client:** Acting for the owner and developer of a major retail shopping center in Supreme Court of ACT proceedings commenced against it by an anchor tenant relating to breaches of the lease and other statutory claims.
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Market System.

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Insights

- "Combatting corruption risk in the Asia Pacific region: What next?" Dentons Client Alert, December 15, 2016
- "Federal Budget 2016: cybercrime brought into sharper focus," Dentons Client Alert, May 4, 2016
- "Corruption risks in oil and gas: time for a Deferred Prosecution Agreements scheme in Australia?" Dentons Client Alert, April 13, 2016
- "Fighting Financial Services Fraud in Australia," article on risk, governance and compliance for financial institutions
- "The focus on corruption in Australia continues," *Financier Worldwide*
- "Deferred Prosecution Agreements - a new weapon in the anti-fraud and corruption armoury?," *Governance Directions*.
- "Pay the piper, and we may end public fraud," *The Canberra Times*, *Sydney Morning Herald* and *The Age*
- "Rules have changed, yet agencies still lag," article in *The Canberra Times* concerning trends in dispute resolution for Australian government agencies
- "Reforms to Australian privacy legislation have major impact," *Keeping Good Companies*
- "New tougher penalties to apply in Australia for breach of privacy," March 28, 2019
- "Cyber attacks - no longer just an IT issue," September 5, 2017

Activities and Affiliations

- Committee member of Law Council of Australia Working Group on Foreign Corrupt Practices (2015)
- Committee member of International Chamber of Commerce (ICC), Australia Working Group (2011–13)

Presentations

- Guest speaker, “C5 Australia Anti-Corruption, Compliance and Risk Management Summit, 2015
- “Protecting your business with an effective whistleblower program,” presentation at external workshop for SAI Global to in-house counsel
- “The increasingly broad reach of anti-corruption regulation around the world,” interactive panel workshop to members of the Financial Services Council
- “Doing business and resolving disputes in China,” presentation at the ICC Australia roadshow

Areas of focus

Practices

- Arbitration
- Litigation and Dispute Resolution
- Alternative Dispute Resolution (ADR)
- Class Action Defense
- Pharmaceutical and Medical Device Litigation
- Real Estate Litigation and Dispute Resolution
- Fraud, Corruption and Asset Recovery
- White Collar and Government Investigations
- Global Anti-Corruption
- Privacy and Cybersecurity in Australia
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Industry sectors

- Government
- Autonomous Vehicles

Issues and opportunities

- Global Smart Cities & Connected Communities Initiative and Think Tank

Education

- University of Sydney, Master of Laws
- University of Newcastle, Bachelor of Laws (Honours)
- University of Newcastle, Bachelor of Economics