

capability statement

Firm Overview

As a full service legal firm operating across a range of areas, our mission is to add real value to our clients and their businesses by delivering positive and measurable outcomes. We strive to remove any barriers to success, in order to facilitate the personal and professional growth of both organisations and their leaders.

Core Competencies

With a focus on small to medium sized enterprises, not-for-profit organisations and indigenous corporations, we offer an extensive range of services including (but not limited to):

Alternative Dispute Resolution (ADR)

In some instances ADR can assist people to resolve their disputes earlier by helping them to identify and focus on the specific issues in dispute.

With this in mind the team at Havilah Legal, wherever possible will consider mediation as a quick way to settle disputes and avoid litigation through the court system.

We are also forthcoming in offering early, realistic advice in relation to the prospects associated with commencing or defending a claim.

Commercial Litigation

In circumstances where a dispute cannot be resolved our experienced team of litigators practise across a wide range of areas, including:

- Governance and Risk Management
- Commercial Contract Disputes
- Commercial Lease Disputes
- Insolvency
- Employment Law
- Building and Construction Disputes
- Real and Personal Property Disputes
- Professional Conduct Matters

Leasing, Property and other Commercial Agreements

Havilah Legal is experienced in preparing documents, agreements and contracts as well as providing advice to clients on an array of commercial issues in respect to:

- Commercial leasing;
- Share sales;
- Business asset sales;
- Sale of land;
- Loan agreements; and
- Mortgage documentation
- Shareholder and partnership agreements.

Succession and Estate Planning

Succession Planning

Effective succession planning is a complex process that raises many emotional, financial, taxation and legal issues. It requires the detailed consideration of many facets of a business and puts in place crucial safeguards for future planned as well as unplanned events.

Havilah Legal is able to assist with many aspects of the succession planning process including:

- Business succession agreements;
- Property and asset transfers;
- Business restructuring;
- Purchase or sale of a business; and
- Corporate wills.



Estate Planning and Administration

Havilah Legal is experienced in many aspects of estate planning and administration including:

- Wills and codicils;
- Enduring powers of attorney, Enduring powers of guardianship, and Advanced health directives;
- Estate planning and structuring;
- Testamentary trusts;
- Applications for probate and letters of administration;
- Survivorship applications;
- Estate administration;
- Contesting of a will;
- Inheritance disputes; and
- Applications for administration and Guardianship orders.

Debt Recovery

Our dedicated debt recovery team works in collaboration with clients in all Australian jurisdictions to recover outstanding debts. Including representation in litigious matters, the provision of proactive solutions and advice to ensure the establishment of comprehensive cash flow management processes, policies and procedures.

Incorporated and Unincorporated Associations

We have experience investigating complaints and convening tribunals for a leading sporting association as well as providing governance advice as it applies to day-to-day operations. We assist clients to establish policies and procedures around employment, management and financial risks.

The firm is currently acting in a complex Supreme Court matter for an iconic Australian not-for-profit association.

Indigenous Corporations

Havalah Legal are experienced in providing advice to traditional land owners in relation to native title disputes, including preliminary advice as to the potential outcomes of a variety of proposed strategies.

We also advise indigenous corporations on any governance issues they are experiencing as well as highlighting 'best practice' governance principles with the objective of proactively avoiding future issues and disputes.

We deliver seminars on key *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act)* issues and topical case decisions; most recently this has included running seminars in a number of West Australian regional locations.

Restructuring, Insolvency and Securities Enforcement

Our expertise and services in this area include:

- Assisting liquidators in recoveries;
- Unfair preference payments (defending and commencing); and
- Statutory demands for the expedient recovery of outstanding debt amounts.

Past Performance

Confident and experienced in representing and advising clients on a variety of matters, some recent examples include:

- Acting for Plaintiffs and Defendants in major Supreme and Federal Court matters, including mediations supervised by these Courts. For example, acting for developers in a 50 unit apartment block construction project located in the Perth CBD.
- Advising high profile incorporated associations in respect to high value litigation around governance issues. A recent example is a \$20 million dispute involving advice provided by auditors and lawyers.
- Acting for indigenous corporations in relation to a variety of governance issues. For example advising a client in respect to their rights in a major native title claim, giving consideration to the likelihood of a favourable outcome.
- Advising SME's on employment law matters, policies and procedures.
- Copyright infringement disputes in the Federal Court. A recent example seeing our client claiming the copyright and seeking damages of more than \$1 million.
- Debt recovery management, advice and representation for large corporations.
- Advising high profile sporting bodies in relation to governance issues, internal disciplinary tribunals and employment law issues.

Differentiators

As a boutique practice, with offices in both Perth and Brisbane, our size, affords us the opportunity to provide the best legal advice and representation, whilst maintaining flexibility and a commitment to delivering outstanding levels of personal attention and understanding. We endeavor to make ourselves as available to our clients as possible, travelling to their premises to discuss matters should this be more convenient than attending appointments at our offices.

Our accessible Perth practice, based in Adelaide Terrace, together with our centrally located Teneriffe office in Brisbane boasts a team of approachable, knowledgeable and experienced individuals who are focused on attaining the best possible results for clients.

Havilah's national presence provides an excellent avenue for us to service a broad client base, capitalising on our firms' unique blend of skill sets, expertise and knowledge. This structure also lends itself to various efficiencies resulting in cost effective and affordable client solutions.

We consider mediation as a quick way of resolving disputes wherever possible, in line with our focus on the provision of timely advice and practical solutions. We endeavor to communicate with our clients in plain English by establishing open communication channels between lawyer and client, thereby achieving a mutually beneficial level of understanding and clarity.

Corporate Data

Havilah Legal was established in 1998 by the current Principal of the firm, Bruce Havilah. The practice has grown substantially from its humble beginnings, fuelled by a foundation built on genuine service, approachability and the establishment of enduring client relationships.

Today, comprising a high performing team of lawyers and support staff including a dedicated Debt Recovery Manager, Debt Recovery Clerk, Finance and Marketing Manager, we service an Australia wide client base, with clients located in each Australian jurisdiction.

Contact

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