



Clive Cachia

Partner

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OVERVIEW

Clive Cachia is a corporate transaction and project lawyer with a wealth of experience in various industries including energy, infrastructure and natural resources projects.

His experience includes corporate and securities advice to meet the capital demands of participants in these sectors, and the negotiation and preparation of project documentation such as company and asset mergers and acquisitions, incorporated and unincorporated joint venture and operating agreements, in-bound and out-bound investment arrangements, farm-in agreements, offtake and logistics agreements, royalty and split commodity agreements, drilling agreements and other service and operational arrangements.

His industry knowledge enables him to assess and provide practical and commercial responses to the multitude of legal risks affecting such projects.

Clive also provides mergers and acquisitions, corporate and commercial advice to multi-national clients in the health, education and aviation sectors.

PROFESSIONAL BACKGROUND

Prior to joining the firm in 2010, Clive spent nine years working in the corporate group of a large national Australian law firm.

ACHIEVEMENTS

- *Best Lawyers in Australia*, listed in Energy Law (2020-present)

PROFESSIONAL / CIVIC ACTIVITIES

- Regional Development Australia (Sydney Region) Executive Committee member
- Law Society of NSW member
- Australian Institute of Company Directors member

- Australian Mining and Petroleum Law Association member
- Australian Institute of Energy member
- Financial Services Institute of Australia

SPEAKING ENGAGEMENTS

Clive is regularly interviewed and presents seminars and training on energy and resources issues including disclosure obligations, foreign investment rules and project regulation.

EDUCATION

- Grad Diploma of Applied Finance, Kaplan Professional, 2006
- LL.B., Macquarie University, 1998
- Bachelor of Economics, Macquarie University, 1995

ADMISSIONS

- Supreme Court of New South Wales

THOUGHT LEADERSHIP POWERED BY HUB

- 6 May 2020, COVID-19: (Australia) Modern Slavery in a Time of Unprecedented Disruption (*Alerts/Updates*)
- 27 March 2020, COVID-19: Doctrine of Frustration: Implications for Contracts in Australia (*Articles*)
- 23 March 2020, COVID-19: (Australia) What to Do About Your Supply Chains? (*Alerts/Updates*)
- 26 September 2019, Australian Government releases Guidance on Modern Slavery – Welcome Clarification for Some Foreign Entities Operating in Australia (*Alerts/Updates*)
- 24 September 2019, Releasing the Hand Brake – the Productivity Commission's Review Into Resources Regulation (*Alerts/Updates*)
- 26 April 2019, Commonwealth Modern Slavery Act - Some Welcome Clarity (*Alerts/Updates*)
- March 2019, The New Modern Slavery Law(s) and Your Ethical Supply Chain: Are You Prepared? (*Research Surveys*)
- 18 January 2019, Cleared to Land: Aviation Newsletter (*Research Surveys*)
- 26 September 2018, New Planning Framework for the Western Sydney Aerotropolis (*Alerts/Updates*)
- 29 June 2018, Ethical Supply Chain and the Modern Slavery Act 2018 – Are You Ready? (*Alerts/Updates*)

- 18 June 2018, Western Sydney Aerotropolis: the call for private investment (*Alerts/Updates*)
- 18 June 2018, Western Sydney Aerotropolis: the call for private investment (*Research Surveys*)
- 11 August 2017, Public, Private Must Link to Fund Project (*Articles*)
- 18 May 2016, Infrastructure Reforms in 2016 – Pulling in the Same Direction? (*Alerts/Updates*)
- 15 February 2016, Overhaul of the Australian Foreign Investment Rules: A Summary (*Alerts/Updates*)
- 11 August 2015, Australian Infrastructure – The Challenges to 2031 (*Alerts/Updates*)

OTHER PUBLICATIONS

- "ASX reforms to boost capital raising in listed small to mid-cap and resources sectors" *Corporate LiveWire*, May 25, 2012

NEWS & EVENTS

- 24 February 2020, K&L Gates Names 41 New Partners Across Global Platform (*Press Release*)

AREAS OF FOCUS

- Mergers and Acquisitions
- Capital Markets
- Construction and Infrastructure
- Corporate, Acquisition, and Asset-Based Finance
- Liquefied Natural Gas
- Mining and Metals
- Oil and Gas
- Restructuring and Insolvency

REPRESENTATIVE EXPERIENCE

- Advising an NYSE-listed oil & gas exploration and production company in relation to its upstream and midstream petroleum exploration and refining projects and LNG developments including project and investment agreements with joint venturers and the State
- Advising InterOil Corporation on its proposed acquisition of midstream and downstream refining and distribution businesses located through the South Pacific including relevant supply, handling and distribution arrangements.

- Advising Hampton Mining Ltd on its equity arrangements with Metminco Ltd and Takoradi Ltd
- Advising on and coordinating the merger between Emperor Mines Limited and DRD Gold Limited and integration issues in Australia, Papua New Guinea and Fiji.
- Acting for the vendors in respect of the sale of its hospitality education school in Blue Mountains (west of Sydney), Australia to Laureate Education Inc.
- Acting for a property developer in respect of its equity and debt financing arrangements for the tourism and hospitality development of the former Quarantine Station site at North Head, Manly, NSW, Australia.
- Advising on project finance and acquisition of the base metal Endeavour mine in Cobar, New South Wales for CBH Resources and various operational contracts including shiploading agreements with Newcastle Port Corporation
- Advising r2p GmbH in respect of its acquisition of Open Access – a major provider of intelligent digital public transport solutions
- Advised Karoon Gas Australia in respect of its sale of Browse Basin assets to Origin Energy
- Advising Heerema Marine Contractors in respect of Australian offshore petroleum legislation and likely regulatory developments.
- Advising Beadell Resources Limited in respect of its joint operating, iron ore concentrate off take, and gold/iron ore split commodity arrangements in Amapa State, Brazil from Anglo American plc
- Advising Port of Brisbane with respect to its proposed integrated pipeline network with BP
- Advising NSW Ports on the proposed expansion of below and above rail terminal facilities at Port Botany including funding contribution obligations and ownership of relevant assets.
- Acting on the sale of the British Movietone Newsreel Archive to Associated Press.
- Advising Australian Council of Private Education & Training in respect of its statutory role as a tuition assurance administrator, governance documentation and contractual arrangements with the Commonwealth
- Acting for Pangaea Impact Investments in respect of its purchase of a minority interest in Maths Pathway and Mastery Learning
- Advising MailPlus owners in respect of its leveraged management buyout of Australia Post's equity interest
- Advising Catalyst Education on its regulatory requirements and funding arrangements with Commonwealth and State Governments
- Advising Dateline Resources in respect of its acquisition of various interests in Colorado mining exploration and processing assets including royalty arrangements.
- Advising Australian Meat Processor Corporation in respect of its governance arrangements, relationships with key industry stakeholders and regulatory reform process.

- Advising Ensign Energy Inc. and its subsidiaries in relation to oil and gas drilling operational contracts for its rigs located throughout the world and ensuring Australian regulatory compliance.
- Advising on an incorporated joint venture between an Australian Securities Exchange (ASX) listed logistics provider, and three multi-national grain traders and exporters for the development of a multi-user grain handling facility in Port Kembla, New South Wales.
- Advising an ASX-listed labour hire and mining services provider on its joint venture with a recruitment services provider throughout North America and Asia.
- Advising Australis on its acquisitions of various Australian and South East Asian RTOs including regulatory advice, and ongoing commercial arrangements for the acquired companies
- Advising on an incorporated joint venture between Qube, and three multi-national grain traders and exporters for the development of a multi-user grain handling facility in Port Kembla, New South Wales.
- Advising Qube on its acquisitions of a variety of heavy haulage road transport companies servicing various mining sectors throughout Australia including Giacci Group (WA), Oztrans (WA), Australian Heavy Logistics (QLD), Beaumont Transport (QLD) and Crane's Bulk Haulage business (WA)
- Advising Qube on its acquisitions of a variety of heavy haulage road transport companies servicing various mining sectors throughout Australia including Giacci Group (WA), Oztrans (WA), Australian Heavy Logistics (QLD), Beaumont Transport (QLD) and Crane's Bulk Haulage business (WA)
- Advising Qube in respect of its road haulage agreements and Stockyard Management and Vessel Loading Agreements with various customers at Utah Point, Port Hedland, Western Australia including Atlas Iron and Process Minerals International.
- Advising Malabar Coal in respect of its unincorporated joint venture arrangements and management contracts with respect to the Spur Hill coal project in advance of its successful listing on ASX
- Advising Qube on its acquisitions of a variety of heavy haulage road transport companies servicing various mining sectors throughout Australia including Giacci Group (WA), Oztrans (WA), Australian Heavy Logistics (QLD), Beaumont Transport (QLD) and Crane's Bulk Haulage business (WA)
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- Advising Qube in respect of its berthing agreements for a new vessel transshipment facility at Port Hedland with Yara Australia
- Advising Qube on its acquisitions of a variety of heavy haulage road transport companies servicing various mining sectors throughout Australia including Giacci Group (WA), Oztrans (WA), Australian Heavy Logistics (QLD), Beaumont Transport (QLD) and Crane's Bulk Haulage business (WA)
- Advising Americold Logistics in respect of its road haulage and warehousing operations including in respect of Chain of Responsibility, OHS and environmental laws compliance

- Acting for a Big 4 accounting firm in order to conduct a detailed analysis of the complex equity structure of a major energy metering service provider and which culminated in a trade sale.
- Advising Gulf Energy Limited on potential Chinese equity investments in its upstream exploration acreage, joint operating agreements with Indian investors and service arrangements with seismic providers.
- Advising Falcon Oil & Gas in respect of its investment arrangements with its Australian subsidiary including review and advice regarding its unincorporated joint venture arrangements with a major U.S. petroleum producer in the Northern Territory, Australia.
- Advising a Bermuda incorporated ASX-listed entity and its investors in respect of the acquisition of a corporate group including iron ore projects in Mongolia. This also included advising upon equity and convertible note investments pre-IPO and preparing offtake and logistics agreements with a major Chinese buyer.
- Advising Tierra Resources in respect of its acquisition of various copper and gold projects in Argentina including incorporated joint venture arrangements and amendments to operational agreements including offtake agreements..
- Acting for owners in respect of the divestment of the Independent Private Hospitals of Australia Trust, the owner and operator of a portfolio of private hospital facilities in New South Wales and Victoria, Australia.
- Advising Carabella Resources in respect of the effective acquisition of competing exploration permits for coal applications in Queensland.
- Advising DP World in respect of its acquisition of 50% of AWH which provides exporters and importers with warehousing, marketing, bonded, broking and freight forwarding services. AWH handles 50% of the nation's wool clip and 20% of the nation's cotton and citrus production
- Advising DP World in respect of its joint ventures with Toll Holdings and Tasmanian Ports Corporation for intermodal facilities
- Advising a Dubai-based infrastructure and logistics services provider on the acquisition of a joint venture interest in an Australian logistics and warehousing company.
- Advising ATEC Rail Group in respect of its acquisition of a 56% interest in Intermodal Terminal Services operating out of Geraldton Port
- Acting for the bidder of a retail electronics chain of stores throughout New South Wales
- Acting for Platinum Partners in respect of its investment in a major coal project in Kalimantan, Indonesia including advising on offtake and marketing arrangements with lenders in the U.S., Australia and Indonesia
- Acted for Permobil, Inc. on its acquisition of two New Zealand distributors of wheelchair and assisted movement devices. Headquartered in Tennessee, USA, Permobil, Inc. is a leading global company of advanced rehab technology, with a strong focus on improving the daily lives of people with disabilities.