



James R. Clyne

Partner

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OVERVIEW

James Clyne is a corporate and sports lawyer of more than 15 years' experience. He has a focus on public and private mergers & acquisitions, whether by bid, scheme of arrangement or private treaty. He also works across capital markets, whether initial public offers, recapitalisations or equity raising. He advises clients in respect of their corporate governance duties, foreign investment advice and is experienced in acting for clients experiencing contested shareholder meetings, shareholder activism, and before the Takeovers Panel.

James works for clients across the resources industry, agribusiness, renewables, commodities and financial sectors as well as sports organisations and administrators, and heads up the firm's Australian COVID-19 Taskforce.

PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, James was a managing associate at a global top tier law firm.

PROFESSIONAL / CIVIC ACTIVITIES

- Law Society of Western Australia, Member
- Australia & New Zealand Sports Lawyers Association, Member
- Australian Mining & Petroleum Lawyers Association, Member
- FootballWest Disciplinary Tribunal, Tribunal Member
- Curtin Ignition Program 2020, Curtin University, Mentor

EDUCATION

- LL.B., University of Notre Dame, 2002

ADMISSIONS

- Federal Court of Australia
- High Court of Australia
- Supreme Court of Northern Territory
- Supreme Court of Western Australia

LANGUAGES

- French

THOUGHT LEADERSHIP POWERED BY HUB

- 27 April 2020, COVID-19: (Australia) Employer Guide to the JobKeeper Scheme (Third Edition) (*Alerts/Updates*)
- 14 April 2020, COVID-19: (Australia) Employer Guide to JobKeeper Payments (Second Edition) (*Alerts/Updates*)
- 3 April 2020, COVID-19: (Australia) Guide to JobKeeper Payments (*Alerts/Updates*)

NEWS & EVENTS

- 24 September 2019, K&L Gates Expands Corporate Practice with Perth Partner Appointment (*Press Release, Practice & Regional News*)

AREAS OF FOCUS

- Mergers and Acquisitions

REPRESENTATIVE EXPERIENCE

- Advised the Management of ASX-listed Zenith Energy Ltd on its AU\$157 million merger by scheme of arrangement with Elemental Infrastructure BidCo, a consortium including funds managed by Pacific Equity Partners, OPSEU Pension Trust and Infrastructure Capital Group.
- Advised a confidential client in relation to the AU\$30 million proposed acquisition of an aquaculture business.
- Acted for Australian fintech, Ignition Wealth Ltd, in relation to its AU\$26 million equity raising (placement).
- Acted for KordaMentha in relation to its administration and asset sale for Ark Mines Limited.
- Advised a confidential family office in relation to their investments in the Accolade and Stonepeak funds.

- Advised a confidential client in relation to the acquisition of several renewable energy developments.
- Advised ASX-listed Otto Energy Ltd in relation to their U.S. permitting and participation agreements.
- Advised Blockchain technology company Power Ledger in relation to a platform participation agreement for renewable energy certificates.
- Advised West Australian arts festival, FRINGE WORLD, in relation to its artist and venue contracts.
- Advised the Western Australian Cricket Association in relation to partnership agreements.
- Advised a confidential client in relation to its geothermal power development.
- Advised the swimming event Port To Pub in relation to its participant and sponsorship contracts.
- Advised mining services company Geobruigg Australia in relation to supply contracts.
- Advised Porter Davis Homes in relation to its COVID-19 obligations.
- Advised community and supported housing provider St Bart's in relation to various corporate and contractual matters.

Experience gained prior to joining K&L Gates includes advising

- ASX/TSX/NSX-listed Extract Resources Ltd on its AU\$2.2 billion off-market takeover by Taurus Mineral.
- ASX/TSX/NSX-listed Extract Resources Ltd on the £632 million takeover of AIM-listed Kalahari Minerals plc (43 per cent shareholder in Extract) By Taurus Mineral, leading to the downstream acquisition of Extract
- ASX-listed Wesfarmers Limited on its wholly-owned subsidiary's AU\$776 million merger by scheme of arrangement with ASX-listed Kidman Resources Limited.
- ASX-listed AWE Limited on its AU\$602 million takeover by TSE-listed Mitsui & Co., Ltd., the withdrawn AU\$526 million merger with Mineral Resources Ltd, and its defence of the hostile AU\$463 million bid by China Energy Reserve & Chemical Co., Ltd.
- ASX-listed Sino Gas & Energy Holdings Limited on its AU\$530 million merger by scheme of arrangement with US-based fund Lone Star.
- Mining services company DSI Underground, a subsidiary of German company DSI Holding GmbH, on its acquisition (by way of private treaty) of the Fero Group.
- ASX-listed Magellan Financial Group on its AU\$140 million acquisition of Airlie Funds Management and Frontier Partners.
- SGX-listed Noble Group on its AU\$133 million on-market takeover of ASX-listed Territory Resources Limited.
- ASX-listed Nido Petroleum Ltd on its AU\$120 million off-market takeover by SET-listed Bangchak Petroleum.
- Servco Australia, the Australian subsidiary of US-based Servco Pacific Inc. on its acquisition of a number of motor vehicle dealerships in Western Australia.

- Munderoo Group (Andrew Forrest's private investment vehicle) on its AU\$55 million acquisition of Harvey Industries Group Pty Ltd (owner and operator of Western Australia's largest beef exporter, Harvey Beef).
- ASX-listed VDM Group Limited on the private divestment of eight of its sub-divisions by way of share sale as part of an overall restructure of the company.
- Atlas Professionals on its AU\$48 million acquisition of Programmed Marine Service Ltd's non-ANZ marine staffing businesses, and its entry into JV with Programmed in relation to ANZ marine staffing businesses.
- ASX-listed Gindalbie Metals Ltd on its AU\$209 million equity raising (placement and rights issue).
- Macquarie Capital (Australia) Limited on its role as underwriter and joint lead manager of an AU\$148 million equity raising (placement and share purchase plan) by Independence Group NL.
- Macquarie Capital (Australia) Limited and UBS AG (Australia Branch) on their roles as joint lead manager, bookrunners and underwriters of an AU\$88.5 million equity raising (placement and share purchase plan) by ASX-listed Western Areas Limited.
- Macquarie Capital (Australia) Limited and Morgan Stanley Australia Securities Limited as joint lead managers, bookrunners and underwriters in connection with the subsequent AU\$60 million placement by ASX-listed Western Areas Limited.
- ASX-listed Peninsula Energy Ltd on its AU\$69.4 million equity and debt raising (rights issue and debt) and subsequent US\$25 million note issue.
- ASX-listed Gindalbie Metals Ltd on its AU\$62 million equity raising (placement).
- Perth based ASX and AIM-listed tungsten miner Wolf Minerals Limited on its £25 million (approximately AU\$47.5 million) equity facility established with Resource Capital Fund VI LP.
- China-based Fulida Group Holdings on its role as partial underwriter of the AU\$52 million capital raising undertaken by ASX-listed Wellard Limited.
- ASX-listed rare earths explorer Hastings Technology Metals Limited on its AU\$40 million placement and non-renounceable partially underwritten rights issue.
- ASX-listed oil and gas producer Otto Energy Limited on its AU\$31 million placement and accelerated non-renounceable underwritten rights issue.
- ASX-listed oil and gas producer Otto Energy Limited on its AU\$18 million placement and accelerated non-renounceable underwritten rights issue.
- ASX-listed oil and gas producer Otto Energy Limited on its US\$8.2 million secured convertible note issue.