pragma
LAWYERS

Capability Statement

We protect what matters most so you can focus on what's important.

www.pragma.law

The Pragma Difference

Great lawyers	Our lawyers sit on extra-curricular boards and committees related to the betterment of justice. We are pragmatic, effective and results-driven.
Quality assurance	We are a Quality Practice Standard (QPS) law firm approved by the Law Society of Western Australia: this means we adhere to internal processes designed to improve client satisfaction and avoid wastage.
Proportionality	We aim to only take those steps where the time and cost incurred is proportionate to the achievement of a fair and favourable outcome. This assists in managing your legal costs.
Flexible and cost effective	We are amenable to flexible fee engagements including fixed fee and success fee arrangements. We don't charge for the "small" stuff like low scale printing / photocopying or disbursement charges for faxes and phone calls
Outcomes driven	We aim to help our clients avoid and resolve disputes in the most efficient way. This includes developing strategies which focus on outcomes for you (by way of example and in the context of a legal proceeding, being outcomes driven means working towards a settlement or determination of the dispute).

Visit our website to learn more about The Pragma Difference, www.pragma.law

The central purpose of our firm is to help our clients avoid and resolve disputes as efficiently as possible so they can focus on what's important to them. We do this by offering a pragmatic approach to the practice of law that better aligns with our clients' interests.

Pragma was founded in 2014.

In our view, too many lawyers go through the motions rather than identify their client's goals and make a beeline for that outcome as quickly as possible.

Since 2014, we have established ourselves as one of the firms of choice by:

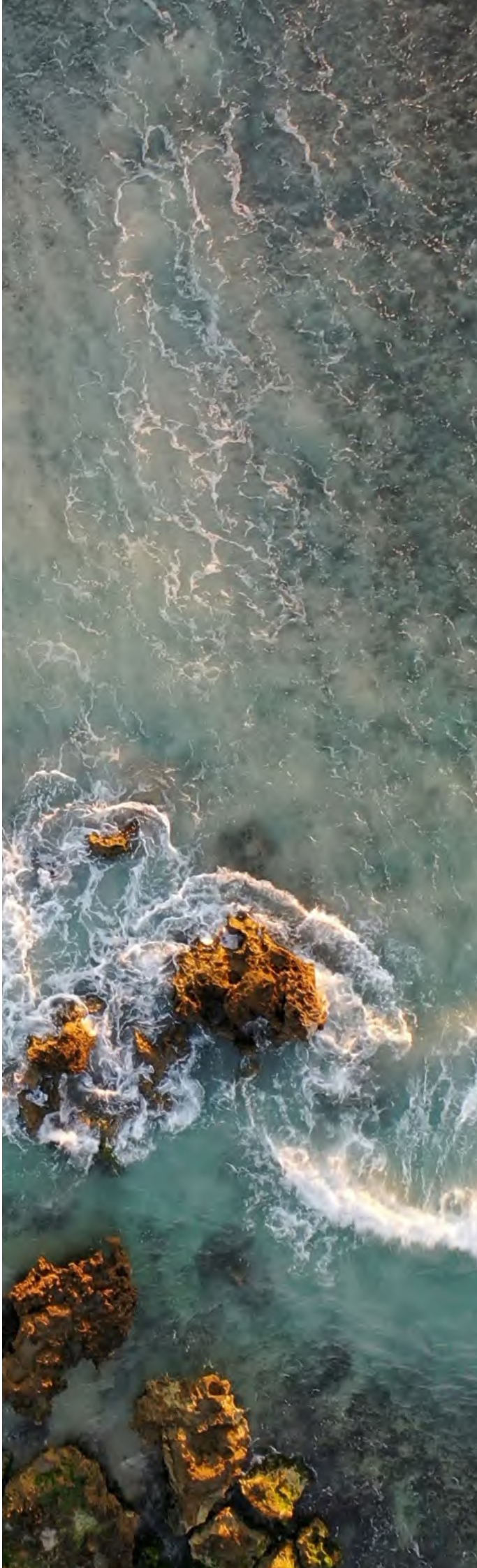
- Helping thousands of clients resolve disputes on favourable terms so they can focus their time and energy on what's important to them;
- In respect of cases where Pragma is engaged and it proceeds to trial, having a success rate of 70 to 95% year on year;
- Growing our staff to 62 team members with 37 lawyers in spacious state-of-the-art offices on Rokeby Road; and
- Contributing to our local community by providing pro bono support for a variety of organisations including Law Access Ltd, The Piddington Society and the Subiaco Justice Centre.

We are optimistic about the future and hope that we can assist you.

If you have any queries please feel free to telephone or email me directly on +61 (0) 401 919 456 or aaron@pragma.law.

Best wishes,

Aaron McDonald
Founder



www.pragma.law/meet-the-team

Building & Construction

Pragma has a dedicated and experienced building and construction law team that assists clients with both front-end and back-end building, construction, and infrastructure related services.

We regularly act for Australian principals, contractors, subcontractors, and Indigenous corporations within the building and construction and infrastructure sectors.

With a range of recent successful results achieved for various clients, we remain focussed on expanding our experience, expertise and service offering for the benefit of our clients. Our approach is always a pragmatic one to ensure we not only understand our client's business, project and engagement needs and preferred outcome, but also provide frank and pointed advice on how to best achieve the desired result.

We regularly act, accept engagements, and have experience in relation to:

- FEED, EPC, EPCM, various Australian Standard contract forms, HIA contract documents, and bespoke contract and purchase orders terms, including in relation to:
  - contract preparation, review, and advice
  - attending to amendments, additions and project specific requirements
  - representing clients in contract negotiations
- a range of dispute resolution mechanisms relevant to the building and construction industry, including:
  - adjudication
  - mediation
  - arbitration – both domestic and international
  - expert determination
  - litigation in various State and Territory Courts and Tribunals
- acting as counsel in the provision of dispute resolution services.

Our recent experience includes:

- Successful adjudications for a global services mining contractor.
- Mediated contract disputes for a commercial builder on a major WA infrastructure project.
- Representing a civil construction company in WA Supreme Court tender litigation.
- Successful mediation of a civil construction project payment dispute.

Meet the team

Dirk Branford
Director

Aaron McDonald
Founding Director

Elizabeth Keen
Special Counsel

Eu-Min Teng FGIA
Special Counsel

Business & Commercial Law

Pragma offers a comprehensive commercial and business service, offering tailored advisory and transactional representation.

Our recent experience includes:

- The sale of leading Western Australian insurance brokerage to Australia's largest general insurance broker network.
- The sale of the Geko Pit Gold Mine to Beacon Minerals Ltd (ASX:BCN).
- The preparation of complex shareholder and unitholder agreements tailored to our clients' specific needs.
- The sale of the iconic Cockatoo Island iron ore mine.

We prepare, review and advise upon documents relating to:

- Business establishment including shareholder, partnership and unit holder agreements
- Sale of business, assets or shares
- Contractor and consultancy agreements
- Financial transactions including loans, securities and guarantees – including the creation and registration of security interests on the PPSR (Personal Properties Securities Register)
- Commercial terms of trade and privacy policies
- Preparation of terms and conditions for the provision of goods and services
- Intellectual property including registrations, licensing and infringements.
- Other general commercial matters.

Meet the team

Aaron McDonald
Founding Director

Tony Di Francesco
Special Counsel

Matt Micale
Special Counsel

Michael McManus
Special Counsel

Corporate Governance & ESG

Amidst the fast-evolving regulatory landscape of Environmental Social Governance, Pragma takes a practical approach through a simple, five step processes to creating or reviewing a sustainability framework tailored to your organisation.

From small businesses to ASX listed entities, we offer personalised advice suitable to each stage of an organisation's ESG journey.

Our 5 step process to achieve a Sustainability Framework is simply as follows:

1. **Review**
   The first step is to assess your current ESG position;
2. **Identify**
   We can then identify your impact through understanding your organisation;
3. **Advise**
   Our written advice which includes a recommended Sustainability Framework to fit your organisation;
4. **Implement**
   We draft relevant charters, policies and procedures and meet with board members, executives, management and stakeholders to implement a Sustainability Framework; and
5. **Assess**
   Finally, we create a due diligence process in which we can enable you to monitor the effectiveness of the Sustainability Framework.

Our general advice includes:

- General advice on current and evolving ESG reporting requirements including advice on sustainability reporting and regulatory requirements for corporate disclosures relating to sustainability reporting.
- General governance advice, including external assessment and review of current corporate governance framework, strategy, processes, policies, plans and procedures and adhoc company secretarial assistance.
- Advice on reporting requirements under the Modern Slavery Act 2018 (Cth), including the legal review of or drafting of a Modern Slavery Statement.

Meet the team

Elizabeth McLean
Director

Tony Di Francesco
Special Counsel

Suzanna Dunsmore
Special Counsel

Matt Micale
Special Counsel

Defamation

"It takes 20 years to build a reputation and five minutes to ruin it. If you think about that, you'll do things differently"

- Warren Buffet, outgoing Chairperson of Berkshire Hathaway

We provide strategic advice and representation to our clients to protect against threats to reputation. Our firm is recognised for securing outstanding results for our clients in high stakes matters.

We acknowledge that when approached by our clients in these matters it often requires us to move quickly via injunctive relief, restraining orders or the issuance of Concerns Notices to safeguard our clients' reputation.

Our team, rich in experience, excels at advocating for both plaintiffs and defendants in defamation cases. Our balanced perspective allows us to provide nuanced strategies and robust representation, whether you're seeking justice for reputational harm or defending against allegations of defamation.

We understand the intricacies of this delicate area of law and commit to delivering clear, ethical, and effective solutions that prioritise your reputation and rights.

Pragma has succeeded at both first instance and on appeal in litigated defamation proceedings.

We have experience advising our clients in:

- Media and defamation
- Online harassment and falsehoods
- Privacy and breach of confidence

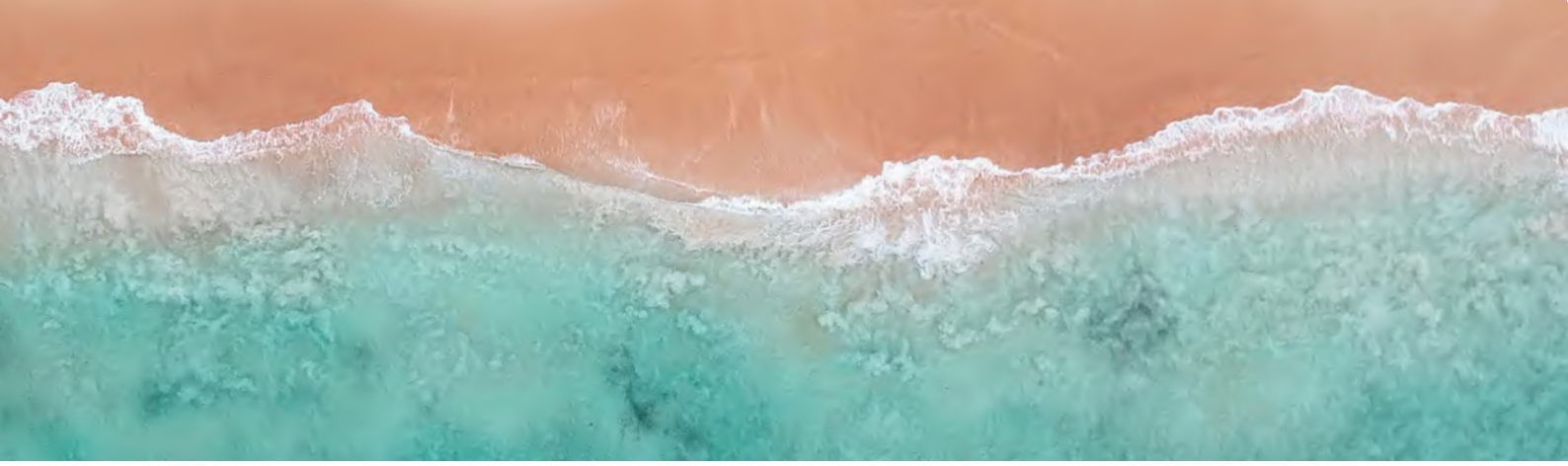
Meet the team

Aaron McDonald
Founding Director

Nick Malone
Director

Dirk Branford
Director

Cosmos Liu
Senior Associate



Dispute Resolution & Litigation

Pragma has developed a reputation for providing robust dispute resolution and litigation advice and representation for its clients. Often this includes providing strategic advice on avoiding or extricating our clients from protracted litigation through alternate dispute resolution.

Our experienced team has achieved favourable reported outcomes in a range of jurisdictions, including State and Federal Courts and Tribunals.

We accept instructions in relation to all forms of commercial disputes including:

- Administrative and public law proceedings, including judicial review, disciplinary proceedings and tribunal proceedings
- Breaches of contract
- Debt recovery
- Insolvency related matters, acting for both insolvency practitioners and creditors
- Insurance-related disputes including disputes in relation to declinatures of indemnity
- Intellectual property infringement
- Mining and resources-related disputes
- Misleading or deceptive conduct
- Professional negligence claims against advisors
- Property-related disputes
- Workplace and industrial relations

LEADING DOYLES MEDIATOR 2024

LEADING DOYLES LITIGATION 2024

Meet the team

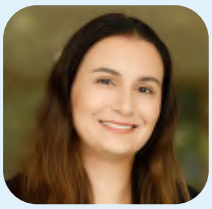
Aaron McDonald
Founding Director

Nick Malone
Director

Dirk Branford
Director

Mandee de Reus
Special Counsel

Melanie Lynn
Special Counsel



Elizabeth Keen
Special Counsel

Matt Keating
Special Counsel

Tom Ledger
Special Counsel

Employment & Industrial Relations

Pragma's employment law team helps you navigate the complex world of workplace laws. With depth and breadth of experience, Pragma's specialist employment lawyers resolve and prevent complex workplace disputes.

We represent employers and executive level employees in all industrial courts and tribunals. We assist employers to remain compliant and best practice in an ever-changing legal landscape. We have substantial experience partnering with employers across all industries to provide advice which is holistic, commercial, sensible and clear.

Our tailored legal services focus on mitigating risks, protecting interests, and fostering a compliant and harmonious workplace environment. From complex executive contract negotiations and employment disputes to developing sound industrial relations strategies, we find legal solutions which align with your business' commercial objectives.

Meet the team

Elizabeth McLean
Director

Suzanna Dunsmore
Special Counsel

Benjamin Pike
Special Counsel

Max Used
Senior Associate

RECOMMENDED DOYLES EMPLOYMENT 2023

RECOMMENDED DOYLES EMPLOYMENT 2024

RECOMMENDED DOYLES EMPLOYMENT 2025

Matters we assist with include:

- Hiring employees and engaging contractors
- Discrimination claims and equal opportunity
- Unfair dismissal and general protections (adverse action) claims
- Bullying, harassment and other claims
- Workplace investigations and disciplinary processes
- Underpayment and denied contractual benefit claims
- Disputes arising out of dismissal and redundancy
- Interpretation of employment contracts, policies, awards and enterprise agreements.
- Restraints of trade
- Employment litigation in all industrial courts and commissions
- Advising on and responding to vocational investigations by professional board authorities
- Occupational safety and health obligations
- Unions, bargaining and other industrial issues
- Regulator investigations and prosecutions arising from workplace and safety laws
- Coronial Inquests

Indigenous Corporations & Organisations

Pragma provides advice and representation to a large number of Indigenous corporations in Western Australia, so that those corporations may flourish.

Pragma has assisted a variety of Indigenous corporations including, by way of example:

- **Corporate governance advice:** Provided advice to a number of Indigenous corporations in respect of corporate governance issues and presented to numerous boards of Indigenous corporations as to how they can improve governance within their organisations;
- **Investigations:** Conducted a number of investigations on behalf of Indigenous corporates including breaches of the CATSI Act, employee-related investigations and financial management;
- **Commercial advice:** Provided commercial advice to a number of Indigenous corporations in relation to agreements with State Government and for Government departments, and lodging trade mark applications;
- **Formal investigations:** Provided advice and made submissions in respect of investigations commenced by the Office of the Registrar of Indigenous Corporations.

Meet the team

Elizabeth McLean
Director

Nick Malone
Director

Aaron McDonald
Founding Director

Tony Di Francesco
Special Counsel

Benjamin Pike
Special Counsel

What our clients say:

"Pragma Lawyers provided us with clear and concise advice on a number of complex industrial relations and employment matters. Their guidance was not only solid and timely but also gave us confidence at every stage that we were in good hands. Libbi and Ben, in particular, were always available when we needed them, ensuring we felt supported throughout the process. We're very happy with the outcomes and would highly recommend Pragma for their expertise and dedication."

Johanna Ramsay
Central Desert Native Title Services

Intellectual Property & Technology

Pragma provides advice and representation in a wide range of intellectual property and technology matters from commercial advice to dispute resolution.

We prepare bespoke documentation and advise on the protection and enforcement of intellectual property rights, and assist businesses with the preparation of documentation relating to apps, technologies and new ideas.

Matters we assist with include:

- Preparation and review of documentation relating to intellectual property rights (including sale and purchase agreements, licensing agreements, assignments and other commercial documentation)
- Trade mark registration
- Copyright or trademark infringement (including cease and desist letters or defending alleged infringement claims)
- Confidentiality and non-disclosure agreements
- Terms and conditions (including website terms and conditions and privacy policies)
- End user licence agreements

Meet the team

Tony Di Francesco
Special Counsel

Melanie Lynn
Special Counsel

Michael McManus
Special Counsel

Matt Micale
Special Counsel

Mining & Resources

Pragma offers premier advice and representation to ASX-listed entities, private companies, and high net-worth individuals operating within the mining and resources sector.

From the sale and purchase of assets, including tenements, licences, and associated rights, to the intricacies of corporate governance matters such as compliance with the Corporations Act, ASIC Act, and ASX Listing Rules, our team has you covered.

We assist with the negotiation of royalty arrangements, provide critical guidance on risk management and insurance, advise on duties and FIRB matters, and handle Mining Rehabilitation Fund issues including registration, lodgements and contributions.

Furthermore, we stand ready to aid with all other general commercial documentation and advice. With Pragma, you have a partner equipped with the expertise and experience to help you navigate the complexities and thrive in the sector.

Our recent experience includes:

- The sale of the historic Cockatoo Island Iron Ore Mine which was a complex transaction involving various stakeholders including the Commonwealth and State Governments
- Successfully representing the Board and Officers of the Adaman Resources Group of Companies in Federal Court litigation regarding the appointment of voluntary administrators
- The sale of the Geko Pit Gold Mine to Beacon Minerals Ltd (ASX:BCN)

Meet the team

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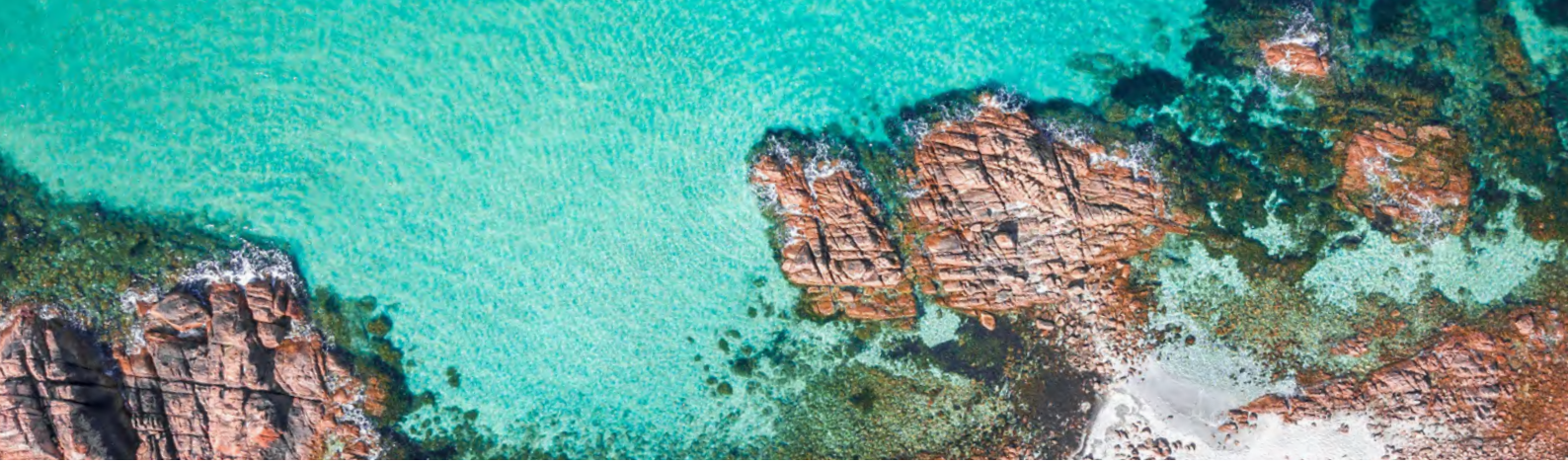
Founding Director

Nick Malone
Director

Dirk Branford
Director

Elizabeth Keen
Special Counsel

Tony Di Francesco
Special Counsel



Non-Profit

Pragma is your strategic ally in the mission-driven world of non-profits.

We cater to a diverse array of non-profit entities, including associations, vocational boards, Foundations and Charities across industries such as medical, sporting, training and education.

Our team, equipped with a deep understanding of the unique legal complexities within the non-profit sector, offers tailored advice and representation.

From governance and compliance, fundraising and grants, to employment and volunteer issues, we are committed to supporting you in navigating the legal landscape, so you can focus on what truly matters - making a positive impact in the communities you serve.

We are your dedicated partner that shares your passion for service and excellence.

Examples of advice and assistance Pragma provides includes:

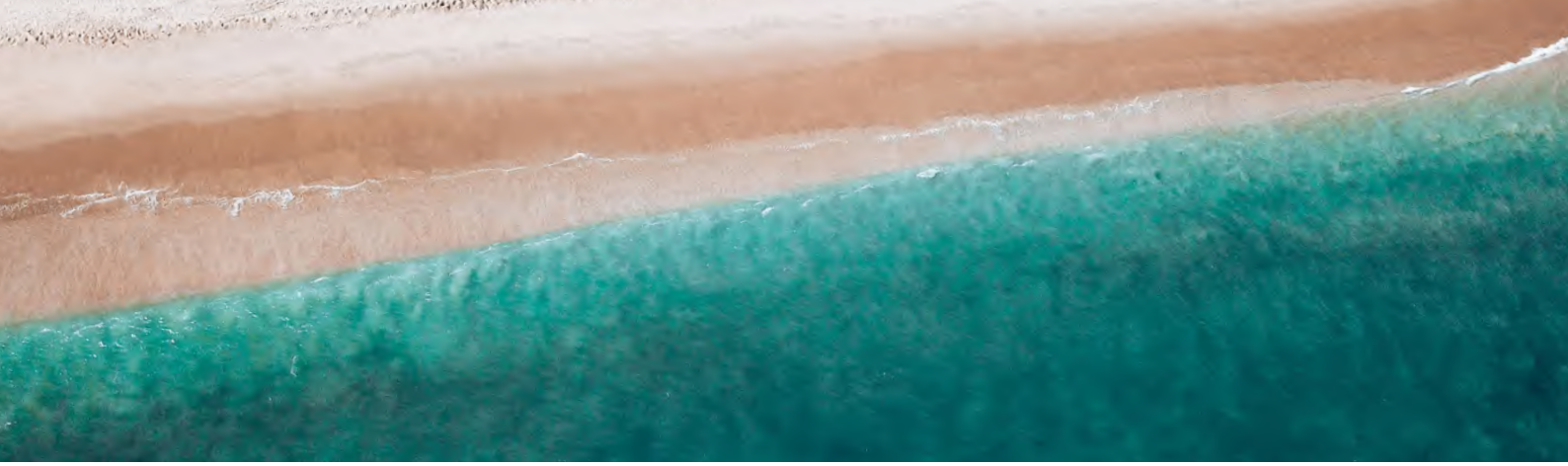
- Incorporation and preparation of Rules of Association and Constitutions
- Interpretation and implementation of rules and governance
- Member disputes
- General governance advice

Meet the team

Aaron McDonald
Founding Director

Nick Malone
Director

Dirk Branford
Director



Pro Bono

We extend our legal expertise to those who need it most. We are committed to supporting not-for-profit and for-purpose organisations, understanding that these entities often face complex legal issues with limited resources.

Our team provides comprehensive, no-cost legal services across various legal disciplines to help these organisations navigate the intricacies of the law, so they can focus on their mission to make a difference. At Pragma, we believe in leveraging our expertise for the greater good, upholding our commitment to social responsibility and community engagement.

Pragma also provides both financial support of at least $15,000 per annum to the Subiaco Justice Centre plus in-kind support (through our lawyers and Graduates volunteering time with the Centre). Our lawyers volunteer their time at the Centre's drop in-clinic each week to provide legal assistance, guidance and support to disadvantaged members of the local community.

Our Founding Director Aaron McDonald also sits on the Subiaco Justice Centre's board as Chair.

Meet the team

Aaron McDonald
Founding Director

Nick Malone
Director

Tony Di Francesco
Special Counsel

Melanie Lynn
Special Counsel

Property & Real Estate

Pragma is your reliable partner in navigating the ever-evolving landscape of real property law.

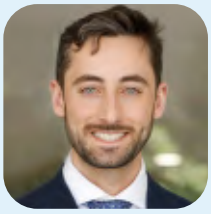
Whether you're engaged in the sale or purchase of property, require assistance with a land development or encumbrance, a commercial or residential settlement, or need guidance in preparing and negotiating leasing documentation - including leases, variations, assignments, and renewals, our team is here to help.

Our team also specialises in addressing property-related disputes, providing expert advice and pragmatic solutions.

Meet the team

Tony Di Francesco
Special Counsel

Matt Micale
Special Counsel



Michael McManus
Special Counsel

Deborah Low
Senior Associate

Examples of advice and assistance Pragma provides includes:

- Sale and purchase of property, including:
  - Title review and due diligence
  - Contract preparation and negotiation
  - Advising on duty and tax treatment of property transactions
  - Management of data rooms and requests for information
- Commercial and residential settlements
- Property developments
- Preparation and negotiation of leasing documentation including leases, variations, assignments and renewals
- Preparation and negotiation of bespoke documentation dealing with interests in
- land, including easements, restrictive covenants and licences
- Registration of property interests with Landgate
- Property-related disputes

Professional Negligence & Insurance

Our lawyers have considerable experience acting both for and against insurers, service providers and recipients of services in matters concerning professional advice and negligence.

We have provided insurance and litigation advice and representation to a range of domestic and international insurers, including in the context of indemnification, coverage and disputes arising under applicable policies.

Additionally, our team has successfully assisted clients in recovering losses from a wide range of professional negligence claims, including and notably with respect to the delivery of financial services.

Our team is committed to pursuing just outcomes for our clients and ensuring professional service-providers remain accountable.

Meet the team

Aaron McDonald
Founding Director

Melanie Lynn
Special Counsel

Dirk Branford
Director

Elizabeth Keen
Special Counsel

Public Sector

Pragma is your expert navigator through the intricacies of governmental and public sector law.

We provide a full spectrum of commercial and litigation services to local and state government entities and various statutory bodies.

Our team offers strategic advice, robust representation, and tailored solutions to meet the unique needs and challenges of public sector operations.

We are an approved provider on the WALGA panel for local governments, we're trusted for our high standards of legal service. At Pragma, our commitment is to guide you through the complex legal landscape, ensuring efficient, transparent, and accountable public service delivery.

We provide advice in relation to statutory interpretation, dispute resolution (particularly early mediation) and contractual review and negotiation. We provide advice and assistance with strict adherence to model litigant guidelines.

Meet the team

Aaron McDonald
Founding Director

Elizabeth McLean
Director

Tony Di Francesco
Special Counsel

Melanie Lynn
Special Counsel

Tom Ledger
Special Counsel

WALGA PREFERRED SUPPLIER

Restructuring & Insolvency

Pragma is experienced in providing tailored solutions to special situations with an insolvency lens. We provide tailored solutions and advice for lenders, insolvency practitioners, directors and offers associated with distressed companies.

When a business is in financial distress, considering each stakeholders' interest and the relevant legal options is critical to optimising the outcome.

Our recent experience includes:

- Advising the purchaser of the Cockatoo Island Iron Ore Mine from Receivers & Managers. This transaction was particularly complex having regard to the equitable lien asserted by the former Receivers & Managers
- Advising the liquidators of Showplace Pty Ltd and Oztopia Pty Ltd on mothership unfair preference claims
- Advising the voluntary administrators of the Leeuwin Ocean Adventure Foundation, a charitable organisation on the successful recapitalisation of the company
- Advising and representing individual and corporate creditors of insolvent companies against whom voidable transaction claims have been brought
- Advising a national law firm on the successful resistance of an application to set aside a statutory demand for outstanding fees owed by a former client
- Appearing on behalf of liquidators and other interested persons in public examinations

Meet the team

Aaron McDonald*
Founding Director

Nick Malone*
Director

Mandee de Reus*
Special Counsel

Michael Crommelin
Senior Associate

Daniel Purdy
Senior Associate

Oliver Mavrick
Associate

What our clients say:

"Our practice has worked with Aaron, Nick, Libbi and the Pragma team for a number of years now. Pragma's collaborative approach, coupled with their expertise and high standards are reflected in their outcomes. Their culture is founded on resolving disputes in a cost-effectively manner, which means we can trust them to have our best interests, and those of our stakeholders, in mind when proposing strategies and solutions to legal challenges."

Greg Quin
HLB Mann Judd Insolvency WA

ARITA

*Advanced ARITA Certification held by Mr Aaron McDonald, Mr Nick Malone and Mrs Mandee de Reus

Royal Commissions, Inquiries & Investigations

Royal Commissions, inquiries and investigations can have significant legal and reputational consequences for stakeholders involved. It is important to obtain legal advice and representation from those who have a demonstrated history in assisting clients in these processes, where unique issues can arise.

Pragma has a demonstrated history in successfully representing clients in Royal Commissions, inquiries and statutory investigations, including:

- **Perth Casino Royal Commission:** Advised and represented the Chief Casino Officer of Western Australia in the Commission which was held over 50 public hearing days;
- **Robodebt Royal Commission:** Advised and represented a senior Federal Minister throughout the Royal Commission which was held over 42 hearing days;
- **Inquiry into the City of Perth:** Advised and represented a high-profile City of Perth Councillor throughout both private and public hearings held. The Inquiry was held over 11 months and gave rise to 341 recommendations being made;
- **ASIC Investigations:** Advised and assisted company directors in a variety of investigations including those commenced by ASIC.

Meet the team

Aaron McDonald
Founding Director

Nick Malone
Director

Dirk Branford
Director

Tom Ledger
Special Counsel

Transport & Logistics

We provide comprehensive advice and assistance to logistics, transport providers, businesses, operators, and contractors alike.

Our seasoned team, well-versed in the intricate legal framework of this sector, works alongside you to navigate regulatory compliance, contractual negotiations, dispute resolution, and other issues germane to the transport and logistics industry.

We strive to deliver efficient, practical, and innovative solutions tailored to your unique needs, enabling your operations to move smoothly in this fast-paced industry.

With Pragma, you have a trusted partner on your journey, ensuring your business stays on the right track.

We prepare, review and advise upon documents relating to:

- Supply of goods, services and labour
- Hire arrangements
- Terms of trade
- Disputes arising from contractual or related claims
- Other general logistics advice and representation

Matters we assist with include:

- Resources
- Engineering
- Construction
- Rail
- Labour Hire

Meet the team

Aaron McDonald
Founding Director

Dirk Branford
Director

Tony Di Francesco
Special Counsel

Cosmos Liu
Senior Associate

What our clients say

"Concise communication, clear direction. In terms of pricing, Pragma were extremely efficient and cost effective through the entire process. At the end of the day Pragma were really easy to work with and I look forward to working with them again."

Sam Woods
KordaMentha

"Aaron, Nick, and the team at Pragma Lawyers pair professionalism with practicality to achieve desirable solutions. Having engaged, as well as sat on the opposite to the Pragma team, the firm becomes a trusted advisor through understanding circumstances and objectives, whilst applying proven technical and commercial expertise. The team is always accessible, communicates promptly, and provides clarity in an environment fraught with complexity. I wholeheartedly recommend Pragma Lawyers to assist you in every step of your legal journey"

Aaron Dominish
Hall Chadwick

"Partnering with Pragma Lawyers for both representation and advice was a pleasure. The team not only exhibited professionalism but also demonstrated a keen commercial awareness that set them apart from most other firms. I highly recommend you look no further than Pragma."

Steele Jolly
Jolly & Sons

"I recently had a complex legal matter that involved some unpacking and finessing. I engaged the services of Pragma Lawyers and the outcome was very favourable for us. I wouldn't hesitate to recommend Pragma to my clients and I will contine to use their legal services for any future needs."

Nick Anderson
Sonam Capital

"I regularly refer my clients and my personal legal work to Aaron and his team. They are very much at the forefront of the industry with fixed fees and the quality of service. I would highly recommend Aaron and his team at Pragma Legal without reservation."

Mitchell Walmsley
Affluence Chartered Accountants

Try our pragmatic approach.

pragma LAWYERS

Get in touch

Please contact our firm's Strategic Relationship Manager, Steve Archibald, if you have any further queries regarding the services our team can provide.

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steve@pragma.law

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