

Deepesh Daya

Consulting Principal

Bond University School of Law, Qld
Bachelor of Laws (LLB) Honours



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Areas of expertise

Banking and Finance
Corporate and Commercial

Previous engagements

K&L Gates
Norton Rose Fulbright
Baker & McKenzie
Osler, Hoskin & Harcourt LLP (Canada)
Miller Thomson LLP (Canada)
Shimazaki International Law Office (Japan)

Memberships

Australian Institute of Company Directors
Canadian Australian Chamber of Commerce
Australia India Business Council
Law Institute of Victoria

Overview

Deepesh has almost 20 years of domestic and international experience gained working in leading law firms in Australia, Canada and Japan. He specialises in corporate and finance transactions and has acted on matters ranging from capital raisings for startups to large, complex domestic and cross border transactions for public listed corporations. His clients include individuals, start-up companies, small to medium sized businesses and large public and private corporations.

Prior to joining Nexus, Deepesh was Special Counsel at a global law firm. Deepesh is admitted to practice in Australia and Canada and is co-author of "Business Laws of Canada" (Thomson West).

Deepesh is also a director of a not for profit organisation and a community bank where he draws on his business and legal experience. He is commended for being accessible, easy to work with and for providing practical, timely and commercial advice.

Expertise

Corporate and Commercial

Deepesh acts for individuals and businesses in the following corporate matters:

- Business sales / purchases (M&A) – acting for vendors and purchasers with respect to private share and asset sales and corporate restructures.
- Business structuring - acting for newly established businesses and start-ups in providing business structuring advice and documenting partnership and joint venture agreements.
- Corporate governance matters – advising boards of directors on corporate governance matters

Cross border transactions

Deepesh specialises in acting for Australian companies expanding overseas as well as foreign individuals and corporations acquiring established businesses or incorporating new entities in Australia. He also acts for domestic and foreign companies on cross border issues and trade.

Startups and Fast Growing Companies

Deepesh works with entrepreneurs and startups to enable them to achieve their goals from inception through to business expansion. Key areas of focus for Deepesh are assisting businesses to access foreign markets and assisting them with capital raisings.

Banking and Finance

Deepesh advises on, negotiates and documents loan structures and lending documents, including facility agreements, security documents, syndicated and club lending arrangements, note issuances, bank guarantees, and transactional banking arrangements.

Having acted for all of the major Australian banks and worked in house at a leading global bank, Deepesh is uniquely placed to advise businesses on managing debt finance transactions with their financiers.

Industries in which Deepesh has acted include retail, health and aged care, construction, hospitality, manufacturing and professional services.

Property Development Finance

Deepesh acts for senior lenders, mezzanine financiers and developers on each stage of property development financing, including acquisition finance for the purchase of the site, structured property finance to fund construction and ultimately conversion of finance to effect long term debt strategies.



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Recent Transactions

Acquisition of FMCG company

Acting on the purchase of an iconic Australian FMCG company with an annual turnover of in excess of \$40 million and capital raising by off shore investors.

Plumbing supply business management buy out

Advising the management group of one of Australia's largest plumbing supply businesses in relation to a proposed AUD350 million management buyout.

Financing one of Australia's leading home builders

Acting for Bank of Melbourne in relation to its approximately \$90 million club financing (with ANZ Bank) to the Henley Properties Group.

Cross border financing of an iconic Australia surf brand

Acting for General Electric Capital Corporation in relation to its cross-border AUD160 million multicurrency credit facility to Billabong International Limited and its subsidiaries in the United States of America, Australia, New Zealand, Japan and Canada.

Financing and corporate advice to global manufacturer

Acting for Renold plc and its Australian subsidiary in relation to its GBP41 million multicurrency facility provided by a syndicate of international banks led by Lloyds Bank plc. Acting also for Renold Australia Pty Ltd in relation to its transactional banking arrangements and general corporate matters.

Private equity financing structures

Acting for the private equity firm, Harbert Fund Advisors (Australia) Pty Ltd, in relation to its financings of various businesses, including its financing for the acquisition of a medical equipment company and short term debt and equity issuance (by way of convertible note) by a mining equipment company.

Financing acquisitions by a high profile law firm

Acting for Westpac Banking Corporation and National Australia Bank in relation to the GBP53.8 million acquisition by Slater & Gordon of UK law firm Russell Jones & Walker.

Financing hotel acquisitions and refurbishments

Acting for Bank of Melbourne in relation to its financing of the Ovolo Group, including the AUD32 million acquisition of the iconic Ovolo Woolloomooloo Hotel acquired from the Taj Hotel Group, one of India's largest business conglomerates.

Publications and Presentations

- "New Business Law: Are your contracts fair?", Nexus Law Group, 9 June 2016
- "Lending to Small Business - A Changing Landscape", K&L Gates Learn With Us series, November 2015
- "Corporate Benefit", Bank of Melbourne, September 2015
- "Personal Property Securities Regime: SEW Eurodrive Team Learning Forum ", SEW Eurodrive, February 2012
- "Personal Property Securities Regime: Overview of the PPSA", Bank of Melbourne, June 2012
- "Business Laws of Canada", (West (a Thomson Reuters business), 2009)
- "Debtor-in-possession Financing – What is it, who needs, and how did it jump the queue?", Recent Developments - Business Law in Ontario (2009)
- "Amendments to the Bank Act - Aircraft will no longer be Collateral", Financial Services & Insolvency (April 2008)
- "Trade and Investment Opportunities with India, Recent Developments", Business Law in Ontario (2008)
- "Securities Transfer Act (STA) Reforms Commercial Laws", Recent Developments - Business Law in Ontario (2008)
- "Business Law Modernisation – Practical Implications and Tips from the Trenches", Law Society of Upper Canada