

Marc Montandon

Consulting Principal

Lic. Jur. (University of Geneva)



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Areas of expertise

Commercial Agreements & Contracts
Legal Management
Corporate & Commercial
Manufacturing & Engineering
Mining & Resources
Africa (West & Central) Business Law (OHADA)

Overview

Marc is a senior commercial lawyer and legal manager with extensive corporate and private practice experience in Western Australia and internationally.

As a Consulting Principal, based in Nexus' Perth offices, Marc services the transactional, compliance and governance needs of businesses both large and small, notably in the engineering, resources, industrial services, manufacturing and technology sectors, including ASX listed companies.

Marc is adept at accompanying businesses through change, innovation, transformation, and international expansion in emerging markets and difficult jurisdictions, most recently in Central and West Africa, benefitting from on-the-ground experience.

Marc's key areas of practice include:

- commercial contracts and procurement
- business, asset and property acquisitions
- disposals and financing
- resources and infrastructure projects
- debt and capital raisings
- intellectual property
- PPSA

Marc is admitted as a solicitor in Western Australia. He is also admitted to practice in the UK and Switzerland.

Marc is the honorary consul of Switzerland in Western Australia, a native French speaker, and fluent in Spanish, Portuguese and German.

Expertise

Commercial Contract and Transactions

Marc's extensive and varied transactional experience both in-house and in private practice allows him to negotiate, draft and review a broad range of agreements on behalf of clients operating across industries, and advise on contractual strategies. Marc's international experience and language skills make him uniquely placed to intervene in cross border transactions.

Marc's experience includes long term service and supply contracts, agency, distribution, technology development and licensing agreements; engineering, design and construct (EPC, EPCM), IT services contracts, commodities off-take, joint-ventures, contract mining and contract manufacturing and Commercial and industrial facility Leases (including lease financed developments), purchase and sale of property and capital equipment.

Legal Management

With the benefit of his legal executive experience, Marc advises businesses on structuring their legal affairs and introducing or developing their compliance and governance processes to minimise risks, save costs and protect their revenues and assets, in particular:

- procurement and tendering
- complex transaction and litigation project management
- policy design, implementation, and monitoring, including anti-bribery and corruption and other compliance areas
- external/internal legal cost control, accountability and efficiency review



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Expertise Cont.

Corporate and Commercial

Marc's corporate/commercial experience includes acting in relation to business structuring, shareholder agreements, company secretariat, capital raisings, business and company acquisition and disposals, (including negotiation, due diligence and contract drafting) for both listed and private companies.

Marc also designs and implements company procedures and compliance strategies in the areas of Intellectual property, HR, PPSA anti – bribery and corruption and integrity, and industry specific legislation and regulation.

Mining & Resources

In the mining & resources space Marc's experience includes mine infrastructure development, mining contractor services agreements, land access agreements, negotiation of government mining conventions in Cameroon, Congo and Gabon, transfer of mining tenements in WA, development and installation of on-site contractor facilities in Western Australia and abroad servicing the mining and oil & gas industry.

Marc is experienced in business law and mining law in francophone Africa.

Career Highlights

- Advising a large mine contractor on regulatory, corporate and permitting matters for its expansion in various countries in West Africa, including drafting of country guides, and supporting the legal function across the continent.
- General Counsel for an ASX listed mining development company, coordinating the legal framework for a pioneering \$4.5Bn Port Rail and Mine Project in Cameroon and Congo, successfully steering the development of a complex legal document and agreement framework underpinning the project's development and future operations.
- Establishing the Australian legal function for global laboratory testing group SGS, and supporting its Australian growth, innovation and international operations through numerous acquisitions, asset developments and restructuring of its joint venture and servicing arrangements. Negotiating key client and supplier agreements
- Assisting a Goldfields legal firm in developing its commercial practice, servicing large mining contractors and mining companies, drafting and negotiating agreements and advice on a variety of commercial transactions and guiding them on PPSA matters.
- Managing a portfolio of national leased and freehold properties across Australia for the SGS Australia Group.
- Restructuring and re-negotiating SGS Australia's JV on-site laboratory operations with a large PNG Oil terminal and refinery.
- Acting for a principal contractor in the resolution of a dispute with a gold milling facility
- Company Secretary and Commercial Manager, IT start-up
- Manufacturing facility acquisitions in Eastern Europe (Nestle Group)