

Damien Barnes
LAWYER | COMMERCIAL MANAGER | CONSULTANT | ENGINEER

Career Summary

Damien has 30 years' broad legal, commercial management and engineering experience as; Managing Director of YIMBA Legal & Consulting, Senior Legal Counsel at UGL Limited, Senior Counsel, Asia Pacific Australia at CB&I (now McDermott), National Commercial Manager of O'Donnell Griffin and General Counsel of NTSCorp. He has significant top-tier law firm experience with King & Wood Mallesons and DLA Piper. His legal experience includes; construction, infrastructure, major projects, public private partnerships, transport, mining, energy, resources, renewables, property, environment, planning, local government, ESG, FPIC, cultural heritage, land claims, native title and dispute resolution.

Damien also has 5 years' civil engineering experience with the NSW Department of Commerce and Bankstown City Council. His civil engineering experience includes; surveying, design, construction and approvals.

Damien is an NMAS accredited mediator and winner of the Aboriginal & Torres Strait Islander ADR Practitioner of the Year Award, Australian ADR Awards 2025. Damien has provided significant mediation and facilitation services in relation to disputes between Indigenous groups and project proponents across Australia, including:

- Power Minerals and APY Lands community stakeholder engagement and facilitation in SA
- Telstra and Amplitel infrastructure and traditional landowner engagement and facilitations in WA, Queensland and the NT
- Dept of Climate Change, Energy, the Environment and Water and Traditional Owners mediation regarding cultural heritage and a State significant infrastructure project dispute in NSW
- NT Stolen Wages Community facilitation with traditional owners and communities
- Empowered Communities stakeholder engagement and facilitation in Arnhem Land, NT
- Redfern Aboriginal Alliance facilitation and dispute resolution for stakeholder communities and organisations in relation to the proposed transfer of the NCIE from ILSC to NSWLAC
- Gomeri Native Title Claim Group Applicant mediation in NSW
- Bindal Native Title Claim Group mediation to replace Applicants in QLD
- Wadawurrung Native Title Claim Group mediation in VIC
- ACT & Minister for Heritage mediation with Traditional Owners in ACT
- Eastern Kuku Yalanji #2 native title community facilitation meetings in QLD

Damien obtained; an Executive MBA from Melbourne Business School in 2009; a Law Degree from UNSW in 2000 and a Civil Engineering Degree from Sydney University in 1995. He is also an accredited mediator.

Damien also has extensive Board and Committee experience with: the State Electricity Commission of Victoria, Westpac Banking Corporation, NSW Aboriginal Housing Office, Supply Nation, Bangarra, UTS, Nguluway DesignInc, Ngalya Indigenous Lawyers Association, the National Centre of Indigenous Excellence and the Australian Indigenous Leadership Centre.

Legal and Commercial Experience

Damien's legal and commercial experience includes:

- Reviewing and negotiating contracts for compliance with project objectives and policies
- PPPs, EPC Contracts, Subcontracts, O&M, Purchase Orders, Service Agreements and Supply Agreements
- Joint ventures, alliances, consortiums and partnerships

- Special purpose vehicles, shareholder agreements, company secretary and director duties
- Advising on parent company guarantees, bank guarantees and builder's side deeds
- Project finance, negotiations between equity sponsors and non-recourse loans
- Insurance
- Health and safety
- Industrial relations and human resources
- Property, commercial leases and licenses
- Intellectual property rights
- Maritime and shipping law
- ESG and Indigenous advisory including; FPIC, RAPs and land access
- Participating in management review and board meetings
- Managing the tender review and approval process for major projects
- Preparing summaries of rights and obligations for administration of major contracts
- Assisting in variations, change orders and claims
- Managing dispute resolution including; litigation, arbitration, mediation and SOPA claims
- Solicitor on the record in court and tribunal proceedings, and appearances and advocacy
- Engaging barristers, experts and consultants to assist in the dispute resolution process
- Investigating, analysing and facilitating minimisation of margin erosion on major projects
- Conducting earned value analysis of projects
- Training and coaching project teams on contract, legal and administration issues
- Managing and supervising legal and commercial staff
- Managing legal and commercial budgets, operational plans and financial budgets
- Reviewing legislation and preparing policy submissions to government
- Stakeholder and community engagement, negotiation, mediation and facilitation
- Crown land and water, native title, Aboriginal land rights and cultural heritage advice, agreements, litigation and dispute resolution
- Land access negotiations

Major Projects

Damien's major projects experience includes:

- Sydney Metro West PPP
- Melbourne Suburban Rail Loop O&M
- Sydney Metro Western Sydney Airport PPP
- Sydney Metro City South-West Augmentation PPP
- Sydney Metro City South-West MTR Significant Contract
- Transport for NSW Digital Trains & Radio Systems
- Brisbane Cross River Rail PPP D&C and FM
- Canberra Metro Light Rail PPP FM
- Department of Infrastructure and Transport Torrens Connect Bus & Light Rail (John Holland, UGL and Torrens Transit Joint Venture)
- Squadron Energy Clarke Creek Wind Farm
- Melbourne Trains Metro various subcontract negotiations
- Kangy Angy Facilities Maintenance
- NSW New Intercity Rail Fleet PPP
- Northwest Rail Link negotiation of various subcontracts and dispute advice
- Cranbourne Pakenham Rail Line PPP
- Bannerton, White Rock, Talem Bend and Collinsville Solar Farms
- Woodside Browse LNG Project on behalf of the EPCM joint venture partners; CBI, Chiyoda and Saipem, including the preparation and negotiation of all major subcontracts
- Ichthys Onshore LNG Facilities for JKC Australia
- Petronas LNG Project, Bintulu, Sarawak, Malaysia
- Horizon Oil Stanley Gas Project, Papua New Guinea
- Roy Hill Fuel Tanks, Lend Lease

- AGL Newcastle Gas Storage Facility
- NMIF Project, Cagayan de Oro, Mindanao, Shell Philippines Storage Tanks for JCG
- Port Bonython Fuel Import Terminal for Petro Diamond, Mitsubishi and Coogee Chemicals
- Legacy Way Tunnel, Alliance Agreement, Brisbane QLD
- Rio 333 Mine, WA
- Fortescue Metals Group rail and infrastructure projects, WA
- Horizon Power, Pilbara Underground Pipelines Project, WA
- Forster Kattang v Landcom & Ors Injunction Proceedings
- Warrell Creek Lease under Part 4A of the National Parks and Wildlife Act 1974 (NSW)
- Various Indigenous Land Use Agreements and Section 31 Future Act Agreements
- Metropolitan Local Aboriginal Land Council Home Ownership Scheme
- United Collieries Longwall Mine Expansion Project
- Expert Determination AMP Warringah Mall Redevelopment
- Banabelle, Fugen and Autofire v NSW & Ors, NSW Supreme Court litigation
- The Government of Laos, Nam Theun 2 Hydroelectric Power Project
- ANZAC Bridge construction Supreme Court of NSW litigation
- Parks Victoria Rye Pier - Stage 2 Marine Infrastructure Project
- Vital.ly pharmaceuticals warehouse commercial lease
- Former Aboriginal missions subdivision consent and non-compliant housing project
- Commonwealth Department of Climate Change, Energy, the Environment, and Water infrastructure project dispute mediation
- Telstra & Amplitel cross-jurisdictional telecommunications infrastructure project
- Shell cultural heritage services agreements
- Empowered Communities stakeholder engagement, mapping and co-design

Professional Experience

Founder & Managing Director, YIMBA Pty Ltd, May 2023 to current

YIMBA Pty Ltd is a legal and professional services firm which provides legal, commercial management and consulting services in; building, construction, infrastructure, mining, resources, energy, renewables, transport, major projects, public private partnerships, property, water, environment, planning, local government, ICT, Indigenous Business, ESG, FPIC, land access, cultural heritage, land claims, native title and dispute resolution.

General Manager Land Access, Power Minerals Limited, Part-Time Contract, March 2023 to June 2024

Damien was a part-time secondee from YIMBA to Power Minerals assisting with land access negotiations with key stakeholders in relation to Power Minerals' exploration and mining interests. Power Minerals is in a joint venture with Rio Tinto and NiCul Minerals. Power Minerals is a diversified ASX-listed mineral resources exploration company with a portfolio of projects in Argentina and South Australia.

Senior Legal Counsel, UGL Limited, September 2014 to May 2023

UGL Limited provides engineering, construction, maintenance and asset management services to the rail, transport, energy, resources and infrastructure sectors. Damien's experience included Project Co, D&C and O&M on multi-billion-dollar State Government infrastructure projects (listed above).

Senior Counsel, Asia Pacific & Australia, CB&I (now McDermott), July 2012 to September 2014

CB&I is a global leader in engineering, procurement and construction and a major process technology licensor with 50,000 employees. CB&I provides a comprehensive range of solutions to customers in the energy and natural resource industries with an emphasis on oil and gas. Damien was based in Perth, Western Australia and was the sole lawyer responsible for the Asia, Pacific and Australia region. He was required to provide legal advice and travel extensively

throughout; Singapore, Japan, USA, Indonesia, Malaysia, Philippines, PNG and Australia.

National Commercial Manager, O'Donnell Griffin (ODG) (RCR Tomlinson), October 2010 to July 2012

Damien reported to the CFO and COO of ODG and was part of the Senior Management Team. ODG operates throughout Australia and New Zealand and is a leading electrical and communications engineering solutions provider which designs, builds and maintains systems in relation to railway, power, data, telecommunications and fire protection services.

General Counsel, NTSCorp, June 2005 to September 2010

Damien reported to the CEO and the Board of NTSCorp and was part of the Executive Leadership Team. NTSCorp provides legal and research services in relation to native title, cultural heritage, land claims, mining, energy, resources, planning and property development. Damien managed the Legal Business Unit which had eleven (11) staff and provided legal advice to NTSCorp and its clients.

Solicitor, Construction Group, DLA Piper, May 2003 to May 2005

Damien worked in the Construction Group specialising in construction and mining agreements and dispute resolution in several jurisdictions.

Solicitor, Paralegal & Summer Clerk, King & Wood Mallesons June 1998 to April 2003

- Paralegal, Property and Construction Group
- Summer Clerk, Resources, Energy & Development Group and E-Commerce Group
- Solicitor, Resources Energy & Development Group
- Solicitor Property & Construction Group

Engineer, Bankstown City Council, January 1994 to June 1998

Damien worked with the Design, Development and Construction Departments of Council.

Engineering Assistant, NSW Department of Commerce, June 1993 to December 1993

Damien was employed as a part-time Engineering Assistant with the Water Services and Operations Section while undertaking his full-time engineering degree studies.

Qualifications

- 2024 - NMAS Accredited Mediator, Australian Disputes Centre
- 2024 - Company Directors Course, MIACD
- 2009 - Executive MBA, Melbourne Business School, AUS
- 2008 - Kellogg School of Management at Northwestern University, Chicago, USA
- 2008 - WHU - Otto Beisheim School of Management, Koblenz, Germany
- 2008 - ASX Listing Rules Course
- 2007 - Company Secretary Course
- 2007 - Mining and Resources Law in Australia, UNSW
- 2006 - NSW Solicitor Unrestricted Practising Certificate Course
- 2004 - Graduate Certificate, Indigenous Leadership, AILC
- 2001 - Graduate Diploma of Practical Legal Training, NSW College of Law
- 2000 - Bachelor of Laws, University of NSW
- 1995 - Bachelor of Civil Engineering, Sydney University

Board and Committee Experience

Director, State Electricity Commission of Victoria, March 2024 to current

Damien is a Board Director of SEC Victoria which is a state-owned enterprise focused on investing in renewable energy and storage projects that accelerate the renewable energy transition and deliver commercial returns for the people of the State of Victoria.

Co-Chair, Supply Nation, July 2023 to current

Supply Nation is the Australian leader in Indigenous Business supplier diversity. It brings together the biggest national database of Aboriginal and Torres Strait Islander businesses with the procurement teams of Australia's leading organisations to help them engage, create relationships and do more business.

Chair, Westpac Indigenous Advisory Committee (WIAC), March 2023 to current

Damien is the Chair of WIAC which provides guidance and advice to Westpac's key senior representatives and its executive sponsor with respect to Westpac's approach to Indigenous engagement and oversight of Westpac's Reconciliation Action Plan development and implementation.

Chair, NSW Aboriginal Housing Office (AHO), April 2015 to current

Damien is the Chair of the AHO Board which advises the Minister for Planning and Minister for Homes on policies and the strategic direction of the AHO. The AHO provides accessible, affordable and quality housing strategies that meet the social and cultural requirements of Aboriginal people in NSW.

Australian Government's First Nations Member Representative on the Indigenous People Economic Trade and Cooperation Arrangement (IPETCA), September 2023 to current

IPETCA is a cooperation-based arrangement between four (4) participating global economies working with APEC, being; Canada, Australia, New Zealand and Chinese Taipei that works towards enhancing Indigenous Businesses participation in international trade and economic development.

Council Member, Westpac Stakeholder Advisory Council (WSAC), March 2023 to October 2025

Damien was a Member of WSAC which provides advice and insights to Westpac executives and sustainability leaders on the approach, performance and opportunities on material issues related to the sustainability of the Westpac Group and its stakeholders.

Chair, Nguluway DesignInc Pty Ltd, January 2021 to June 2024

Damien was the Chair of Nguluway DesignInc and provided strategic advice and direction to the business, oversaw Supply Nation accreditation and participated in regular events such as panel discussions. Nguluway provides Indigenous architectural design services in the built environment with over 120 architects, urban planners, interior designers and landscape architects focused on Indigenous designing from country.

Member, Indigenous Industry Advisory Group, UTS, the Faculty of Design, Architecture and Building, October 2021 to June 2024

Damien provided advice in relation to Indigenous issues in the built environment including the development of a curriculum for Designing from Country Course, student recruitment, mentoring and career development.

Committee Member, Waverly Council Reconciliation Advisory Committee, February 2023 to October 2023

Damien provided cultural advice, guidance and support on the implementation and monitoring of actions, projects and commitments identified in Council's Reconciliation Action Plan.

Board Member, National Centre of Indigenous Excellence (NCIE), June 2016 to June 2018

NCIE is a not-for-profit social enterprise which builds a solid foundations and future for Indigenous people and communities. NCIE consists of a mixed-use site offering; training and education, delivery of Indigenous programs, health, fitness and aquatic facilities, office space and temporary accommodation in Redfern.

Board Member, Bangarra Dance Theatre, May 2003 to January 2004

Bangarra is the pre-eminent Aboriginal and Torres Strait Islander dance company focused on contemporary Indigenous Australian dance.

Board Member, Australian Indigenous Leadership Centre (AIRC), June 2002 to December 2006

The AIRC offers training regarding Indigenous leadership and mentoring, and courses for non-Indigenous Australians in diversity mentoring and cultural awareness.

Founding Board Member, Ngalaya Indigenous Lawyers Association, June 1998 to June 2007

Damien was one of the founding Board Members with a group of Indigenous lawyers from UNSW. Ngalaya is the peak body for First Nations lawyers and law students in NSW and the ACT. It seeks to grow the next generation of First Nations lawmakers.

Awards

- 2025: Winner, ATSI ADR Practitioner of the Year, Australian ADR Awards
- 2024: Finalist, Sustainability & Environmental Impact Award, NSWICC Awards
- 2023: Australian Disputes Centre ATSI mediation scholarship
- 2008: NAB ATSI MBA Scholarship, Melbourne Business School

Pro Bono

Damien has provided extensive pro bono assistance to numerous Indigenous communities and organisations. This includes:

- Incorporating the Australian Indigenous Football Council, trademarking and commercial agreements for the Australian Indigenous male and female soccer teams and First Nations Cup
- Negotiating the Māori and Indigenous Australian Football Treaty in the lead up to the 2023 FIFA Women's World Cup
- Assisting the Redfern Aboriginal Alliance in relation to the divestment of the NCIE
- Assisting the Bidjara People in respect of; native title, cultural heritage, treaty negotiations and corporate governance issues

Other Interests

Damien enjoys meditation, kayaking and cycling.