

## **Curriculum Vitae**

### **James W S Peters AM KC**

<b>Roll of Counsel signed</b>	26 November 1987
<b>Appointed King's Counsel</b>	11 November 2003
<b>President of Victorian Bar Council</b>	2014 - 2015

#### **AREAS OF PRACTICE**

Since 1987 I have practised in the Supreme and Federal Courts (at both trial and appellate level) and in arbitrations involving complex commercial disputes, banking/insolvency, corporations matters, Trade Practices Act/Australian Consumer Law matters, equity, partnership and property matters joint venture disputes, and various regulatory authority disputes.

Over the years, I have acted for many private litigants and public bodies, ASX listed entities, financial institutions, liquidators and regulators including ASIC, ACCC and APRA. I have appeared in various proceedings arising out of corporate collapses including the fraud perpetrated on the Bank of Melbourne; the collapse of the Bell Group Companies (and Bond Corporation Holdings Limited); Lehman Brothers, the Westpoint Group, the Pyramid Building Society Group, the Estate Mortgage Group, Ansett Airlines; and the Harris Scarfe Group and others; the Waterfront Dispute between Patrick Stevedores Pty Ltd and the Maritime Union of Australia. I have regularly led teams of counsel and solicitors in complex litigation.

#### **Doyle's Guide 2016 – 2024**

<https://doylesguide.com/leading-insolvency-restructuring-senior-counsel-victoria-2024/>

#### **Legal 500**

<https://www.legal500.com/c/australia-bar/commercial-disputes/silks#2024%20Silks>

#### **Chambers and Partners**

<https://www.chambersandpartners.com/23/2021/editorial/8/2>

<https://chambers.com/lawyer/james-peters-qc-asia-pacific-8:1456887>

### **Other Appointments/Interests**

President Victorian Bar Council 2014- 2015

Past Chairman of Victorian Bar Audit & Finance Committee; Past Member Ethics Committee of the Victorian Bar; Counsel Committee of the Victorian Bar.

Member of Practising Past Chairman Committee Victorian Bar

Past Director of Victoria Law Foundation (2019 – 2014)

AOC Appeals Tribunal for the 2020 Australian Olympic Team; Rowing – Permanent Chair, Rowing Australia Selection Appeals Board since 2017

Director Legal Super Pty Ltd (2021 - )

Chairman Legal Super Investment Committee (2024 - )

### **Commercial disputes including Trusts, Equity, Breach of Fiduciary Obligations and Misleading and Deceptive Conduct**

*BBHF Pty Ltd v Sleeping Duck Pty Ltd & Ors* [2024] VSC 320

*Millsave Holdings Pty Ltd v Connective Group Pty Ltd* [2023] VSCA 326

*Diversa Trustees Limited in its capacity as Trustee for the Future Super Fund* [2023] VSC 279

*Kingdom Animalia LLC v Mecca Brands Pty Ltd* [2023] VSCA 55

*HungryPanda AU Pty Ltd & Ors v Fantuan Australia Pty Ltd & Ors* [2023] VSC 102

*Lawrence v Melbourne Football Club Ltd* [2022] VSC 658

*Ohanse Pty Ltd v Heartwest Services Pty Ltd, in the matter of Ohanse Pty Ltd* [2022] FCA 1204

*HungryPanda AU Pty Ltd v Fantuan Australia Pty Ltd* [2022] VSC 448

*Re Cleeve Group Pty Ltd (No 2)* [2022] VSC 362

*Re Cleeve Group Pty Ltd* [2022] VSC 342

*Cargill Australia Ltd v Viterra Malt Pty Ltd (No 31)* [2022] VSC 164

*Parker v Auswild; Bergmuller v Auswild* (2022) 403 ALR 111; [2022] VSCA 8

*Cargill Australia Ltd v Viterra Malt Pty Ltd (No 28)* [2022] VSC 13

*JAB Nominees (Aust) Pty Ltd v Auswild (Ancillary orders)* [2021] VSC 275

*JAB Nominees (Aust) Pty Ltd v Auswild* [2020] VSC 731

*Australian Securities and Investments Commission v Commonwealth Bank of Australia* [2020] FCA 790.

2018 Financial Services Royal Commission, representing or advising certain superannuation companies and clients.

*Schmidt & Anor* [2020] VSCA 193 - *Ahrkalimpa Pty Ltd (Receivers and Managers Appointed) & Anor (M78/2020)* special leave refused 12.2.21; *AHR Kalimpa Pty Ltd v Schmidt (No 3)* [2019] VSC 197; see also *AHR Kalimpa Pty Ltd v Schmidt* [2017] VSC 701.

*Australian Securities and Investments Commission v Commonwealth Bank of Australia* [2020] FCA 790.

*Masters Home Improvement Aust Pty Ltd v Aventus Cranbourne Thompsons Road Pty Ltd* [2019] 59 VR 80.

*The Bell Group Ltd (in liq) -v- Westpac Banking Corporation [No 9]* [2008] WASC 239; 39 WAR 1; 70 ACSR 1; 225 FLR 1.

### **Commercial Joint Ventures and Contractual Disputes**

*Urban v Junior Academy ELC Pty Ltd & Ors* [2019] VSCA 247.

*Re Junior Academy ELC Pty Ltd (No.3)* [2019] VSC 161, *Re Junior Academy ELC Pty Ltd* [2018] VSC 192.

*Cargill Australia v Viterra Malt Pty Ltd (No.20)* [2019] VSC 44; *(No. 15)* [2018] VSC 523; *(No.12)* [2018] VSC 454; *(No.11)* [2018] VSC 453.

*Re Premier Bay Pty Ltd* [2018] VSC 168.

*Broughton v B & B Group Investments Pty Ltd* [2017] VSCA 227.

*Culve Engineering Pty Ltd v Apollo General Engineering (Aust) Pty Ltd* [2017] VSCA 182.

### **Corporations and Insolvency**

*Strawbridge, in the matter of Virgin Australia Holdings Ltd (administrators appointed) (No 2)* [2020] FCA 717.

*Rambaldi v Meletsis, in the matter of Karas (Bankrupt)* [2018] FCA 791.

*In the Matter of Innovateq Pty Ltd* [2018] VSC 124.

*Australian Securities & Investments Commission, in the matter of MG Responsible Entity Limited v MG Responsible Entity Limited* [2017] FCA 1531.

*TiVo Inc v Vivo International Corporation Pty Ltd (subject to deed of company arrangement)* (2014) 9 BFRA 583; [2-14] FCA 789.

*Weedon v Rambaldi* (2012) 290 ALR 312.

*City of Swan v Lehman Brothers Australian Limited* [2010] HCA 11; 240 CLR 509; [2009] FCAFC 130.

*Fowler v Lindhom, in the matter of Opes Prime Stockbroking Limited* (2009) 178 FCR 563.

*Korda and Winterbottom as Recievers and Managers of Westpoint Coproration Pty Ltd (in Liq) (Receivers and Managers Appointed) and others v Silkchime Pty Ltd (Receivers and Managers Appointed) atf Silkchime Unit Trust* (2010) 78 ACSR 675.

*Sino Iron Pty Ltd v Secretary of the Department of Infrastructure and Transport* (2014) 225 FCR 22; 312 ALR 648.

*Mineralogy Pty Ltd v Secretary of the Department of Infrastructure and Regional Development* (2014) 225 FCR 178.

*Ann Street Mezzanine Pty Ltd (in liq) v Beck* (2009) 175 FCR 532.

*In the matter of Ansett Australia Limited and Metha* [2002] FCA 531.

*Humphris, in the matter of Hazelton Air Charter Pty Ltd v Mentha* (2002) 41 ACSR 472; [2002] FCA 529.

**Class Actions**

*McFarlane as Trustee for the S McFarlane Superannuation Fund v IOOF Holdings Limited* [2018] FCA 692.

*IOOF Holdings Ltd v Maurice Blackburn Pty Ltd* [2016] VSC 311.

**Insurance**

*Hird v Chubb Insurance Co of Australia Ltd* [2016] VSC 174.

*Asahi Holdings (Australia) Pty Ltd v Pacific Equity Partners Pty Limited (No 4)* [2014] FCA 796.

*Mutual Community General Insurance Pty Ltd v Khatchmanian* [2013] VSCA 144; (2013) ANZ Ins Cas 61-974.

***International Arbitration Act (Cth)***

*Sauber Motorsport AG v Giedo van der Garde BV & Ors* [2015] VSCA 37.

*TCL Air Conditioner (Zhongshan) Co Ltd v Castel Electronics Pty Ltd* [2014] FCAFC 83; 232 FCR 361; (2014) 311 ALR 387.

**Confidential Information**

*AHR Kalimpa Pty Ltd v Schmidt* [2017] VSC 701.

*IOOF Holdings Ltd v Maurice Blackburn Pty Ltd (No 2)* [2016] VSC 594; [2016] VSC 311.

***Telecommunications Act***

*Australian Communications and Media Authority v TPG internet Pty Ltd* (2014) 221 FCR 502.

**Professional Liability & Negligence**

*Hudspeth v Scholastic Cleaning and Consultancy Services Pty Ltd & Ors* [2014] VSCA 78; [2014] VSC 622.