

Curriculum Vitae

James W S Peters AM KC

Roll of Counsel signed	26 November 1987
Appointed King's Counsel	11 November 2003
President of Victorian Bar Council	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 2024

<https://www.legal500.com/firms/234940-devers-list-barristers/c-australia/lawyers/1377331-james-peters-am>

Chambers and Partners 2016 - 2020

<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.

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.

Telstra Corporation Ltd v Singtel Optus Pty Ltd (No.2) [2018] VSC 280.

Guest v Guest and Anor (No.2) [2016] VSC 76 (7 March 2016); [2015] VSC 761.

Omnilab Media Pty Limited v Digital Cinema Network Pty Ltd (2011) 285 ALR 63.

Omnilab Media Pty Ltd v Digital Cinema Network Pty Ltd (No 3) [2011] FCA 682.

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 Viterro 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.

Regreen Asset Holdings Pty Ltd v Castricum Brothers Australia Pty Ltd [2015] VSCA 286.

Zooskymedia Pty Ltd (ACN 141 827 689) & Ors v Australia Zoo Productions Pty Ltd (ACN 139 904 957).

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.

Australian Securities and Investments Commission v Storm Financial Limited (Receivers and Managers Appointed) (in liq) [2012] FCA 996.

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 Lindholm, 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) 308 ALR 496.

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.

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

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

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; (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.

IOOF Holdings Ltd v Maurice Blackburn Pty Ltd [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 (No 9) [2014] VSC 622.

Hudspeth v Scholastic Cleaning and Consultancy Services Pty Ltd & Ors (No 8) [2014] VSC 567.

Goddard Elliot v Fritsch [2012] VSC 87.

Banking

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

National Australia Bank Ltd v Rose [2016] VSCA 169.