

CURRICULUM VITAE

Peter Gregory Cawthorn S.C.

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Qualifications: BA LLB (Hons) LLM (Michigan)
Admitted to practice (Vic): 3 December 1984
Signed Victorian Bar roll: 28 May 1987
Silk: 28 November 2007

Profile:

After reading for the Bar in 1987 Peter has practised primarily in commercial litigation. He has conducted cases at all levels involving commercial, corporate and property disputes, with particular emphasis on:

- Administrative Law
- Arbitration/ Mediation
- Banking and Finance
- Corporations Law
- Contract
- Corporate and Personal Insolvency (Bankruptcy)
- Equity and Trusts
- Insurance
- Landlord and Tenant
- Media and Entertainment Law
- Probate/ Wills
- Professional Negligence
- Real Property
- Testator's Family Maintenance
- Trade Practices

He has conducted long cases and appeals in the Superior Courts. He has a substantial practice involving written and oral advice in the fields of commercial, insurance, equity, property and corporations law. He is a qualified mediator and has conducted many mediations as Mediator.

Over the past five years he has appeared in the following cases (in the areas indicated) in the Supreme Court of Victoria, the Court of Appeal, the Supreme Court of New South Wales, the Federal Court of

Australia, the Full Court of the Federal Court of Australia and the Victorian Civil and Administrative Tribunal which have gone to judgment:-

Administrative Law: *Wealthcare Financial Planning Pty Ltd v Financial Industry Complaints Service* (2009) 69 ACSR 418.

Admiralty: *The Advertising Department Pty Ltd v. MV Port Phillip* (2005) 213 ALR 544.

Aviation Law: *Civil Aviation Safety Authority v. Boatman* (2004) 138 FCR 384; *Civil Aviation Safety Authority v. Boatman* (2004) 139 FCR 1277 (Full Court);

Corporations Law: *Artex Industries Pty Ltd v. Autofab Pty Ltd* [2004] FCA 467; *Sutton Developments Pty Ltd v. Nine West Melbourne Pty Ltd* [2006] FCA 338; *Cadence Asset Management Pty Ltd v. Concept Sports Ltd* [2006] FCA 711; *King v. Yurisich* (2006) 59 ACSR 598; *Crema Pty Ltd v. Landmark Property Developments Pty Ltd* (2006) 58 ACSR 631.

Confidential Information: *TS & B Retail Pty Ltd v 3fold Resources Pty Ltd* (2007) 158 FCR 444; *Wilson Parking 1992 Pty Ltd v Rush* [2008] FCA 1601.

Disciplinary Proceedings: *Victorian Bar Inc v. Molyneux* [2006] VCAT 1417.

Contract: *China Construction Realty Ltd v. Sino Business Services Ltd* [2004] VSC 91; *Brott v. Levene* [2004] VSC 79; *Leading Edge Telecom Group Pty Ltd v. Phone Xpress Pty Ltd*, 21/6/07, MacDougall J, Supreme Court of New South Wales.

Insolvency: *Lockwood v Vince* (2007) 166 FCR 305; *McCann v Mason* [2009] FCA 44; *Inspector General in Bankruptcy v Bradshaw* (2005) 144 FCR 64;

Insurance: *QBE Insurance Ltd v. Integraph BEST Pty Ltd* [2004] VSC 273 and Court of Appeal (2005) 11 VR 548; *Vero Insurance Ltd v. Body Corporate Strata Plan No. 41716B* [2005] VSC 56; *Gunns Forest Products Ltd v. North Insurances* (2006) 14 ANZ Insurance Cases 69-691; *Flexirent Capital Pty Ltd v. EBS Consulting Pty Ltd* (2007) 14 ANZ Insurance Cases 61-732; *Aussie Tax Pty Ltd v Market Capital Ltd* [2008] VSC 592.

Intellectual Property: *TS & B Retail Pty Ltd v. 3fold Resources Pty Ltd* (2007) 158 FCR 444; *P Cubed Pty Ltd v. Program Planning Professionals Pty Ltd* [2007] FCA 684.

Managed Investment Schemes: *Huntley Management Ltd v Australian Olives Ltd* [2009] FCA 1081; *Re Timbercorp Securities Ltd*, 08.10.09, Robson J.

Practice and Procedure: *Bradenthorpe v. Leech Earthmoving Ltd* [2004] VSC 543; *Global Issues Ltd v. De Stefano* [2005] VSC 273; *Reid v. Hubbard (No.2)* [2004] FCA 180; *Cadence Asset Management Pty Ltd v. Concept Sports Ltd* (2006) 58 ACSR 435; *Bichler v. IPEX ITG Pty Ltd* [2007] VSC 241; *Cathedral Rocks Construction and Management Co Pty Ltd v. Vestas-Australian Wind Technology Pty Ltd*, 21/10/2006, Cummins J; *Bury v. Drakakis*, 16/4/2007, Dodds-Streeton J; *Nylex Corporation Pty Ltd v Basell Australia Pty Ltd* [2009] VSC 97.

Product Liability: *Paperlinx Ltd v. Ansell Ltd* [2006] VSC 214; *Nylex Corporation Pty Ltd v Basell Australia Pty Ltd* [2009] VSC 97.

Professional Negligence:

Auditors: *King v. Yurisich* [2005] FCA 1277; *King v. Yurisich* (2006) 153 FCR 78 (Full Court);

Financial Planners: *Dartberg Pty Ltd v Wealthcare Financial Planning Pty Ltd (No 2)* [2009] FCA 1153.

Legal Practitioners: *MM&R Pty Ltd v Grills* [2007] VSC 528;

Valuers: *APF Properties Pty Ltd v Kestrel Holdings Pty Ltd (No 2)* [2007] FCA 1561; *Lactos Fresh Pty Ltd v Finishing Services Pty Ltd* (2006) V Conv R 54-717; *Finishing Services Pty Ltd v Lactos Fresh Pty Ltd* [2007] FCAFC (Full Court);

Real Property: *Chan v. Chen* [2005] VSC 432; *Depas Pty Ltd v. Dimitriou* (2007) V Conv R 54-728; *Circuit Finance Pty Ltd v. Goodwood Road Pty Ltd* [2006] VSC 399; *Sivritas v Sivritas* [2008] VSC 374; *Sivritas v Sivritas (No 2)* [2008] VSC 580.

Representative actions, class actions: *Cadence Asset Management Pty Ltd v Concept Sports Pty Ltd* (2006) 58 ACSR 435.

Restraint of Trade Covenants: *Griffiths & Beerens Pty Ltd v Duggan* (2008) 66 ACSR 472; *WPS Enterprises Pty Ltd v Radford* (2009) 253 ALR 596.

Securities and mortgagees' duties: *Mijac Investments Pty Ltd v Graham* (2009) 72 ACSR 684.

Trade Practices: *TS & B Retail Pty Ltd v 3fold Resources Pty Ltd* (2003) 57 IPR 530; *TS & B Retail Pty Ltd v 3fold Resources Pty Ltd* (2007) 158 FCR 444; *Arms v. WSA On Line Ltd* [2005] FCA 943; *WSA On Line Ltd v. Arms* [2006] FCA FC (Full Court); *Lactos Fresh Pty Ltd v. Finishing Services Pty Ltd* (2006) V Conv R 54-717; *Finishing Services Pty Ltd v. Lactos Pty Ltd* [2007] FCAFC 15.

Victorian Bar Committee membership:

Currently: Member of Victorian Bar Professional Standards Education Committee.

Previously: Chair of Insurance and Professional Negligence Section of Commercial Bar Association.