

Curriculum Vitae – James Hughes

QUALIFICATIONS

Bachelor of Arts
Griffith University, Queensland
Graduation Date: November 2002

Bachelor of Laws (First Class Honours)
Griffith University, Queensland
Graduation Date: November 2005

Graduate Diploma in Legal Practice
College of Law, Queensland
Graduation Date: October 2006

Admitted as a solicitor of the Supreme Court of Queensland, Federal Court of Australia and High Court of Australia
Admission Date: 6 November 2006

Admitted as a barrister of the Supreme Court of Queensland
Admission Date: 22 May 2019

EXPERIENCE AS A BARRISTER

May 2019 – present

Examples of my experience as a barrister are summarised below:

- ***McCann, Killer and Hewitt in their capacity as liquidators of Walton Construction Pty Ltd (In Liq) and Walton Construction (Qld) Pty Ltd (In Liq) v Walton & Ors*** (Federal Court of Australia proceeding no. QUD573/2019) – acting for liquidators in respect of a claim for breach of director's duties and accessorial liability for those breaches, including appearing in multiple interlocutory applications (e.g. *McCann, in the matter of Walton Construction Pty Ltd (In Liquidation) v Walton* [2020] FCA 223) (both led by Peter Hastie QC and unled).
- ***Knight, in the matter of GMG Victoria Holdings Pty Ltd (In Liq)*** [2021] FCA 86 – acting for liquidators in a successful application for judicial advice/directions that the liquidators would be justified in admitting proofs of debt in the liquidation of the company in respect of four related entities of which they were also liquidators, in circumstances where they were in a position of conflict (unled).
- ***MACA Limited v Carabella Resources Pty Ltd (Receivers and Managers Appointed) (Administrators Appointed)*** – (Federal Court of Australia proceeding no. QUD365/2020) – acting for a secured creditor in an urgent application for leave to enforce security pursuant to s 440B of the *Corporations Act 2001* (Cth) (led by John Peden QC).
- ***Rockshore Investments Pty Ltd v Lithmill Pty Ltd & Anor*** (Supreme Court of Queensland proceedings no. 12496/19 and 1688/20) – acting for the operator of a

quarry in a contractual dispute, including to successfully obtain interlocutory injunctions to restore possession of land (unled).

- ***In the matter of ACN 152 646 323 Pty Ltd (In Liquidation)*** (Federal Court of Australia proceeding no. QUD550/19) – acting for liquidators in a successful application to reinstate the registration of a de-registered company and to appoint a liquidator (unled).
- ***Rolleston Coal Holdings Pty Ltd v ICRA Rolleston Pty Ltd*** [2020] QSC 331; [2020] QSC 352 – acting for a joint venture party in a mining joint venture dispute (led by John Peden QC).
- ***Pro Pipe & Civil Pty Ltd (In Liquidation) & Anor v AJ & Co Lawyers Pty Ltd & Ors*** (District Court of Queensland proceeding 2650/20) – acting for liquidators in a ‘mothership’ proceeding for the recovery of unfair preferences against multiple defendants (led by Gavin Handran QC).
- ***McElligott v Boyce & Ors*** (Supreme Court of Queensland proceeding no. 5362/19) – acting for HSBC Bank Australia Limited in a successful application to summarily dismiss the proceeding (unled).
- ***McElligott v Boyce & Ors*** (Queensland Court of Appeal proceeding no. 5323/20) – acting for HSBC Bank Australia Limited in an appeal against the summary dismissal of the proceeding at first instance in the Supreme Court of Queensland (unled).
- ***CapFF Pty Ltd v Queensland Building and Construction Commission*** [2020] QCAT 408 – acting for a property owner in a successful review application in relation to a decision by the QBCC to deny coverage under the statutory home warranty scheme under the *Queensland Building and Construction Commission Act 1991* (Qld) (unled).
- ***Wick v Bird & Anor*** (District Court of Queensland proceeding no. 4328/19) – acting for the defendants in a defamation claim (unled).
- ***Brett Johnson v Queensland Health*** (Magistrates Court of Queensland proceeding no. M19/19) – acting for Queensland Health in a successful summary judgment application (unled).
- ***Edge Studio Productions Pty Ltd v Broadcast Pty Ltd*** (District Court of Queensland proceeding no. 4060/19) – acting for the plaintiff in a claim for moneys had and received, and equitable estoppel (unled).
- ***State Gas Limited v Dome Petroleum Resources PLC*** [2019] QCA 307 – acting for State Gas Limited in relation to a mining joint venture dispute (led by Sandy Thompson QC SG).

EXPERIENCE AS A SOLICITOR

Allens, February 2006 – February 2019 (Senior Associate since 2011)

I specialised in commercial litigation, and insolvency and restructuring matters, having acted for a wide range of government and corporate clients. Examples of my experience as a solicitor are summarised below:

Commercial litigation matters

- ***Westpac Banking Corporation v Zilzie Pty Ltd & Ors*** [2016] QSC 238 – acting for Westpac Banking Corporation in Supreme Court of Queensland proceedings against borrowers and guarantors for the recovery of \$22 million, and defending a counterclaim against the bank and its receivers in relation to the sale of mortgaged property at an undervalue.
- ***Queensland Floods Commission of Inquiry*** – acting for the operator of Wivenhoe Dam (Seqwater), and its dam operations engineers in relation to all aspects of the 2011 and 2012 Queensland Floods Commission of Inquiry, including disclosure, witness management, lay and expert witness evidence preparation, briefing counsel and attending hearings.
- ***Davies & Anor v National Australia Bank Limited*** (Supreme Court proceeding no. 5418/16) – acting for National Australia Bank in defence of a \$20 million claim that mortgaged property was sold by a mortgagee's agent at an undervalue and in breach of good faith.
- ***2015 Callide Creek Flood Review*** – acting for the operator of Callide Dam (SunWater) in relation to an investigation conducted by the Inspector-General Emergency Management Queensland into flooding in the Callide Valley in January 2015.
- ***Perpetual Corporate Trust Limited & Anor v Commonwealth Bank of Australia & Anor*** (Supreme Court of Queensland proceeding no. 11845/17) – acting for Commonwealth Bank of Australia in a leasing dispute with a landlord of CBA's branches.
- ***Mclvor v Westpac Banking Corporation*** [2012] QSC 404 – acting for Westpac Banking Corporation in proceedings in which a guarantor argued a *Yerkey v Jones* case and disputed the enforceability of guarantees and mortgages on the basis of undue influence.
- ***Seeker Aircraft America Inc v Seabird Aviation Australia Pty Ltd & Anor*** (Supreme Court proceeding no. 4050/12) – acting for Ergon Energy Corporation in an intellectual property dispute with an American company in the Supreme Court of Queensland.
- ***Farkas & Anor v Energex Limited*** (Supreme Court proceeding no. 10560/11) – acting for ENERGEX Limited in the Supreme Court of Queensland in relation to a property dispute involving nuisance and access rights.
- ***AA Company Pty Ltd v Elders Rural Services Ltd & Ors*** (Supreme Court of the Northern Territory proceeding no. 47/2008) – acting for Australian Agricultural Company (AAco) in relation to a \$27 million product liability claim.
- ***Griffiths v Nuplex Industries (Aust) Pty Ltd*** (District Court proceeding no. 43/15) – acting for Nuplex in relation to a tenancy dispute in the District Court of Queensland.

- ***Xstrata Coal Queensland Pty Ltd & Ors v Council of the Shire of Bowen*** (Supreme Court proceeding no. 14124/09) – acting for Xstrata Coal Queensland in Supreme Court, Queensland Court of Appeal and High Court of Australia judicial review proceedings to successfully challenge rates levied by the Bowen Shire Council.
- ***Suncorp Metway v Rider Levett Bucknall Pty Ltd; Suncorp Metway v Rider Levett Bucknall Pty Ltd (No 2)*** (Supreme Court proceeding 2011/363600) – acting for Suncorp Bank in Supreme Court of NSW proceedings against a valuation firm for negligence and breach of contract.
- ***Terranova v Westpac Banking Corporation*** (Supreme Court proceeding no. 4143/13) – acting for Westpac Banking Corporation in proceedings in which a guarantor alleged her signatures on various loan and security documents were forged.
- ***National Australia Bank v McCall*** [2011] QSC 25 – acting for National Australia Bank against a borrower claiming securities granted by the borrower were invalid on the basis of misleading and deceptive conduct and unconscionable conduct by NAB.

Insolvency matters

- Acting for Westpac Banking Corporation and its receivers in relation to the enforcement of securities and recovery of \$25 million in loans to collapsed Gold Coast mortgage fund, Equititrust Limited, M.M. Holdings Pty Ltd and associated companies, including advising on all aspects of security realisation, the resolution of a complaint to the Financial Ombudsman Service, residual debt recovery, tenant disputes, representing Westpac employees in a liquidator's examination, and multiple Supreme Court of Queensland applications to remove caveats and obtain vacant possession of secured properties.
- Advising receivers and managers in most jurisdictions throughout Australia in relation to receiverships generally, in particular in respect of their obligations under the Corporations Act, the realisation of a wide variety of assets (including cattle stations, crop farms, resort accommodation, shopping centres, hotels/pubs, mining assets, and residential and commercial property developments) and the enforcement of securities.
- Acting for ANZ in relation to the documentation and implementation of the restructure of a large number of agribusiness and commercial loans.
- Advising most of the major banks (Westpac, Suncorp, NAB, Bankwest, ANZ, BOSI, BOQ) in multiple jurisdictions in respect of the recovery of bad loans (ranging in size from \$1 million to \$70 million), realisation of security assets and enforcement of securities generally.

ACADEMIC ACHIEVEMENTS

- University Medal for Law, 2005.
- Twelfth Annual Willem C. Vis International Commercial Arbitration Moot 2005 (Vienna).
- Awards for 'Academic Excellence' 2003, 2004, 2005.