

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

EXPERIENCE

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

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