



## CHARLES SHAW KC

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### ADMISSIONS

Date of Admission: 3 April 1995

Signed the Victorian Bar Roll: 25 May 2000

Date appointed Silk: 23 October 2019

### PROFILE

Charles appears in trials and appeals, principally in the Supreme Court and the Federal Court, in commercial law, corporations law, equity and trusts, contracts, insolvency, insurance, banking, professional negligence and property law. He also has a substantial advice practice.

He has particular expertise in equity and trusts and is regularly briefed to advise and appear in equity and trusts matters, including complex trust matters in the Federal Family and Circuit Court of Australia, applications for judicial advice on behalf of trustees and matters involving constructive and resulting trusts. He has considerable general commercial expertise and is very familiar with the regulatory scheme of the *Corporations Act* as it affects public and private companies as well as company directors and has very significant expertise in accounting and commercial matters. He has experience of schemes of arrangement (both propounding and opposing scheme), restraint of trade including considerable experience with interlocutory injunctive relief and search orders as well as oppression claims. Charles also has considerable experience and expertise in the *Legal Profession Uniform Law* and the regulation of lawyers generally. He has presented papers on many aspects of legal ethics.

He has previously been Vice President of the Victorian Bar, Deputy Chair of the Ethics Committee and Chair of the Counsel Committee.

Charles is a former Judicial Assistant in the English Court of Appeal to the Master of the Rolls, Lord Phillips of Worth Matravers (subsequently the Senior Law Lord and then President of the Supreme Court of the United Kingdom).

Charles graduated with degrees in law and commerce (with an accounting major) from the University of Melbourne and completed a Bachelor of Civil Law degree at Corpus Christi College, University of Oxford, with an emphasis on restitution and equity.

### QUALIFICATIONS

**B.Comm, LLB (Hons) (Melb), BCL (Oxon)**

### AREAS OF PRACTICE



## Common Law

- Negligence
- International Torts
- Insurance Law

## Commercial Law

- Insurance Law & Professional Negligence Law
- Corporations Law & Securities Law
- Bankruptcy Law & Insolvency Law
- Contractual Disputes
- Competition Law & Consumer Law
- Property Probate

## Appellate

- Civil Appeals

## Equity & Trusts

- Family Provisions
- Wills & Probate
- Real Property

## Mediation

## RECENT CASES

A selection of Charles' recent appearances include:

### Appeals

- *ACN 115 918 959 Pty Ltd (formerly known as Pearl Hill Pty Ltd) v Moulieris* [2022] VSC 555
- *Tran v Hoang* [2022] VSCA 194
- *T W Timber Treatment Pty Ltd v Giddings* [2022] VSCA 147
- *Harris v Harris* [2021] VSCA 138
- *Hazell-Wright v 32 Domain Pty Ltd* [2020] VSCA 129
- *United Petroleum Australia Pty Ltd v Hudson* [2020] VSCA 14
- *United Petroleum Australia Pty Ltd v Herbert Smith Freehills* [2020] VSCA 15
- *Moulieris v ACN 115 918 959 Pty Ltd* [2018] VSC 782
- *Texxcon & Anor v Porz & Ors* [2015] HCA Trans 21; *Wieland & Ors v Texxcon Pty Ltd & Ors* [2017] VSCA 73; *Wieland & Ors v Texxcon Pty Ltd & Anor* [2014] VSCA 199

### Commercial

- *International Assets Pty Ltd v Rubin* [2022] VSC 250
- *Jiangsu Lianguan Zhaoxing Petrochemical Science and Technology Co Ltd v Wu & Anor* [2021] VSC 228
- *Long Forest Estate Pty Ltd v Singh & Anor* [2020] VSC 604
- *32 Domain Pty Ltd v Hazell-Wright* [2019] VCC 629
- *Black Kosloff Knott Pty Ltd v JWLand Development Pty Ltd* [2019] VCC 565
- *ESG Epping Pty Ltd v Love* [2019] VSC 250



- *Australian Institute (Vic & Tas) Pty Ltd v Australian Institute of Fitness (NSW) Pty Ltd* [2016] VSC 362
- *Din v Fuss and AIG Limited* [2016] VCAT 767
- *KQ International Trading Pty Ltd v Yang* [2016] VSC 146
- *Churchers Pty Ltd v Cosentino* [2015] VCC 1967
- *Rikys v Bongiorno Financial Advisers (Aust) Pty Ltd* (2010) and *Goodman v Glenhurst Corporation Pty Ltd* (2010) Appearing for ASIC in class actions in relation to claims against financial advisers in respect of the collapse of the Westpoint Group

## Equity, Trusts and Estates

- *Woodcock & Woodcock (No. 5)* [2023] FedCFamC1F 894
- *Woodcock & Woodcock (No. 4)* [2023] FedCFamC1F 714
- *Woodcock & Woodcock (No. 3)* [2023] FedCFamC1F 238
- *Re Evans; Marks v Evans (No. 2)* [2023] VSC 158
- *Re Evans; Marks v Evans* [2023] VSC 4
- *Sudholz v Sudholz* [2021] VCC 1386
- *Alston v Cormack Foundation* (2018) 358 ALR 263
- *Ying Mui Pty Ltd & Ors v Hoh & Ors* [2017] VSC 29
- *Re Frosthollow Pty Ltd* [2015] VSC 512
- *Gee Dee Nominees Pty Ltd & Anor v Tower Hill One Investments Pty Ltd* [2015] VSC 39

## Negligence

- *Danfoss (Australia) Pty Ltd & Ors v BNY Trust Company of Australia Limited & Ors; Fabfloor (Vic) Pty Ltd v BNY Trust Company of Australia Limited & Ors* [2016] VSC 99 and (2017) negligence and nuisance claim which ran for three weeks and then resolved
- *Riverman Orchards Pty Ltd v Hayden* [2017] VSC 379

## Professional Discipline and Administrative Law

- *Liberal Party of Australia (Victorian Division) v Rae* [2019] VSCA 13
- *Victorian Legal Services Commissioner v Henderson* [2017] VSC 202
- *Victorian Legal Services Commissioner v Mingos* [2016] VCAT 918
- *Victorian Legal Services Commissioner v Rhoden* [2016] VSC 67

## PROFESSIONAL EXPERIENCE

Barrister, Victorian Bar	May 2000 - Present
Judicial Assistant to the Master of the Rolls	January 2003 – April 2003
Senior Associate, Blake Dawson Waldron	July 1998 – February 2000
Articled Clerk and employee solicitor, Blake Dawson Waldron	March 1994 – June 1998

## BAR COMMITTEES

Victorian Bar Council	2004 – 2007; 2021 - 2022
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# YOUNG'S LIST

Vice President of the Victorian Bar	2021 - 2022
Counsel Committee	2021 - 2022
Chair	2021 - 2022
Ethics Committee	2006 – 2011; 2017 – 2021
Deputy Chair	2020 - 2021
Professional Standards Committee	2017
Education and Professional Development Committee	2017
Continuing Professional Development Committee	2020 - 2021