

Peter G. Cawthorn QC

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Admitted to the Legal Profession: 03 Dec 1984

Signed Victorian Bar Roll: 28 May 1987

Appointed Silk: 28 Nov 2007

Accredited as mediator: 28 Nov 1993

Nationally accredited mediator: 12 Jun 2008

Qualifications: BA, LL.B (Hons), LLM

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Areas of Practice

Common Law/Personal Injury

- Professional Negligence

Commercial

- Banking
- Bankruptcy
- Building and Construction
- Contractual Disputes
- Corporate Insolvency
- Corporations Law
- Insurance
- Intellectual Property
- Real Property
- Securities and Investments

Public/Administrative

- Disciplinary Proceedings
- Judicial Review and administrative law
- Merits Review

Equity

- Family Provision
- Trusts
- Wills and Probate

Environment and Planning

- Mining

Defamation**Alternative Dispute Resolution****Areas of Mediation**

As above

PROFILE

- Peter has an extensive commercial law practice. He has appeared in a number of long and complex matters, including at the appellate stage. He acts in and advises in connection with substantial commercial matters in areas of administrative law, contracts, corporations and securities law, equity and trusts, insolvency, insurance law, intellectual property, landlord and tenant, product liability, professional negligence, property law, trade practices and wills and estates.
- Peter has appeared in and advised in connection with a number of class actions, including securities actions involving managed investment schemes (including recently Willmott, Great Southern, Banksia), product liability and environmental law.
- Peter is also an accredited mediator.
- A selection of cases he has recently appeared in are:

Sim Development Pty Ltd v Greenvale Property Group Pty Ltd [2018] VSCA 201

Contracts – real estate – development – costs – Calderbank offers

Downing v Lau [2018] VCC 33

Sale of Land – defective vendor's statement – whether should be excused

Six Bruce Street Pty Ltd v Milatos [2017] VSC 784

Sale of Land Act – defective vendors statement

Panorama Investments Pty Ltd v Mellos (No. 2) [2017] VSC 639

Interlocutory injunction to restrain mortgagee sale

J.G. & J.A. Williamson Holdings Pty Ltd v David Hindie [2017] VSC 534

Summary judgment - limitations

Rosano v Karalis [2017] VSC 472

Insurance – mitigation

Braham v ACN 101 482 580 Pty Ltd [2017] VSC 340

Professional negligence, solicitors

Nicholas Olandezos v Bhatha [2017] VSC 234

Property – removal of caveats

Christopoulos v Krishna [2017] VSC 628

Summary judgment – illegality

P & J Simona Holdings Pty Ltd v QBE Insurance Ltd [2017] VCAT 1683

Domestic building warranties - limitations

Schreuders v Grandiflora Nominees Pty Ltd [2016] VSCA 93

Construction of a Deed of Trust

Muranna Park Pty Ltd v Southern Mortgages Ltd [2016]

Whether mortgage void under *Farm Debt Mediation Act*

Kelly v Willmott Forests Ltd (in liq) [2016] FCA 323

Class action – managed investment schemes – unreasonable settlement

Bodycorp Repairers Pty Ltd v Maisano [2015] VSCA 85

Contract – franchise agreement – breach – unreasonable restraint of trade – tort of inducing breach of contract

Braham v ACN 101 482 580 [2015] VSC 492

Solicitors negligence and proportionate liability

Rodda Lifestyle Loans Vic Pty Ltd [2015] VSC 628

Corporations – oppression - standing

G. Barrett & Assoc Pty Ltd v Ulysses Club Inc [2015] VCC 1991

Contract – whether contract was a permanent contract

Owners Corporation No. 8 P542266SR v Walton [2015] VCAT 1742

Owners corporation – dispute resolutions

Clarke v Great Southern Finance Pty Ltd [2014] VSC 516

Securities – Very substantial class action – managed investment scheme – acted for non-executive directors

Campbell v Members of Lloyd's Syndicate 386 [2014] VSC 655

Insurance – recovery against insurers of liabilities incurred for judgments and settlements of product liability claims – non-disclosure and election

J & A Vaughan Super Pty Ltd v Becton Property Group Pty Ltd [2014] FCA 1380

Corporations law and breach of continuous disclosure obligations on public companies

Patsuris v Gippsland and Southern Rural Water Corp [2014] VSC 621

Administrative Law – appeal from VCAT – flooding and the Water Act

Melbourne Orthopaedic Group Pty Ltd v SY Group Pty Ltd [2013] VCC 2056

Concurrent wrongdoers

V-Flow Pty Ltd v Holyoake Industries (Vic) Pty Ltd [2013] FCAFC 16; (2013) 296 ALR 418

Directors and employees' duties – misappropriation of corporate opportunities and confidential information

Egans Plant Hire Pty Ltd v Australia and New Zealand Banking Group Ltd [2013] VSC 418

Insolvency – company charges and liens over heavy machinery financed and used in mining industry

Mashane Pty Ltd v Owners Corporation [2013] VSC 417

Owners Corporation Act – levies imposed on lot owners – use of maintenance fund for capital works

Ron Englehart Pty Ltd v Enterprise Constructions (Aust) Pty Ltd [2012] FCAFC 4; (2012) 95 IPR 64

Copyright in building plans – breach of copyright – damages

Casama Group Pty Ltd v Four Sisters Pty Ltd [2012] VSC 376

Termination of contract for wine distribution – period of notice and whether terminable for breach of contract

Mickovski v Financial Ombudsman Service Ltd [2012] VSCA 185; (2012) 30 VR 451

Financial Ombudsman Service dispute resolution – administrative law – jurisdiction for statute barred insurance claim – whether reviewable by Court

Portbury Developments Co Pty Ltd v Ottedin Investments Pty Ltd [2012] VSC 274

Sale of Land – rescission – Sale of Land Act (deposit provisions) – whether purchaser repudiated contract – damages

Wheelahan v City of Casey [2011] VSC 215

Class action for negligence in relation to the construction and operation of a landfill

Major Engineering Pty Ltd v CGU Insurance Ltd [2011] VSCA 226; (2011) 35 VR 458

Insurance – recovery of legal fees and expenses on successful defence of product liability proceedings

Leading Synthetics Pty Ltd v Adroit Insurance Group Pty Ltd [2011] VSC 467

Insurance – credit risk insurance – whether contract of insurance entered into – non-disclosure defences

Mainstream Aquaculture Pty Ltd v Calliden Insurance Ltd [2011] VSC 286

Insurance – business interruption insurance – whether damage to property was caused

Liability limited by a scheme approved under the Professional Standards Legislation