



## Charles Edward Shaw QC

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### Admissions

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Date of Admission: 3 April 1995

Signed the Victorian Bar roll: 25 May 2000

Date appointed Silk: 23 October 2019

### Qualifications

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B.Comm , LL.B (Hons) (Melb), BCL (Oxon)

### Practice Areas

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#### Common Law

- Negligence
- Intentional 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





## Profile

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

He has particular expertise in complex trust disputes and cases involving the interpretation of contracts, including complex contractual documents such as insurance policies and substantial commercial and finance agreements. He has considerable experience in matters involving restraints of trade and professional negligence. In addition, he has expertise in oppression claims, claims involving guarantees and indemnities and claims in relation to state taxation.

Charles is also 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 completed a Bachelor of Civil Law Degree at Corpus Christi College, University of Oxford, with an emphasis on restitution and equity.

## Recent Cases

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A selection of Charles' notable appearances include:

### Appeals

- 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
- Moulteris 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
- Gamboni v Bendigo and Adelaide Bank Ltd [2013] VSCA 282
- 3143 Victoria Street Doncaster Pty Ltd v Retirement Services Australia (RSA) Pty Ltd [2012] HCA Trans 351
- McMahon & Anor v National Foods Milk Ltd [2009] VSCA 157
- Life Therapeutics Limited v Bell IXL Investments Limited (2008) 170 FCR 595
- Commissioner of State Revenue v Uniqema Pty Ltd (2004) 9 VR 523
- Australian Rice Holdings Pty Ltd v Commissioner of State Revenue [2004] ATC 4193



## Commercial

- 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
- Texxcon & Anor v Austexx Corporation Pty Ltd & Ors [2013] VSC 327
- AWH Pty Ltd v Impact Fertilisers Australia Pty Ltd [2015] VCC 346
- Continuum Audio Laboratories v Doehmann [2015] VCC 662
- ASA Nominees Pty Ltd v Owners Corporation PS513426B [2015] VCAT 1475
- Rilgar Nominees Pty Ltd v BHA Holdings (2014) 103 ACSR 370
- Ninety-First Lieutenant Pty Ltd v Gateway Concepts Pty Ltd [2014] VSC 85
- In the matter of CJ CGV Co pursuant to section 6(1) of the Foreign Judgments Act 1991 (Cth) [2013] VSC 656
- McDonalds Australia Limited v Watson & Anor [2013] VSC 502
- Phosphagenics Limited v Gianello & Ors [2013] Supreme Court of Victoria – proceeding involving alleged misappropriations of company funds
- CUB Pty Ltd v Hot Topic Australia Pty Ltd [2012] VCC 1298
- Ausmezz & Anor v Goldberger & Ors [2011] VSC 640
- Samfa v Hilane Pty Ltd [2011] VSC 644
- United Dairy Power Pty Ltd v Murray Goulburn Co-operative Ltd [2011] FCA 762
- G & M McBride Pty Ltd v Economic Development Group Pty Ltd [2011] VSC 233
- Re Japara Holdings Pty Ltd [2010] VSC 361 and ongoing – ultimately resolved
- Rentiers Pty Ltd & Anor v Wingara Wine Group Pty Ltd & Anor [2010] VSC 156
- 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



- Main-Road Property Group Pty Ltd & Ors v Pelligra & Sons (No. 2) [2009] VSC 174; [2007] VSC 43
- National Foods Milk Ltd v McMahon & Ors [2008] VSC 208
- Bell IXL Investments Ltd v Life Therapeutics Ltd [2008] FCA 1081
- Oakland Investments (Aus) Pty Ltd v Senior Living Pty Ltd [2008] VSC 422
- Lettieri v Gajic [2008] VSC 378
- Symex Holdings Ltd v Commissioner of State Revenue (2007) 17 VR 373
- Schmidt v 28 Myola Street Pty Ltd (2006) 14 VR 447
- Uniqema Pty Ltd v Commissioner of State Revenue [2002] ATC 4449

#### **Restraint of Trade**

- Sportsbet Pty Ltd v Carpanini [2014] VSC 166
- Myer Pty Ltd v Ellery Land Pty Ltd & Anor [2013] VSC 108 and subsequently, trial resolved after 5 days
- Carnbrea & Co Ltd v Ryan & Anor [2008] VSC 133
- IF Asia Pacific Pty Ltd v Galbally (2003) 59 IPR 43

#### **Equity, Trusts and Estates**

- 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
- Marks v Marks [2013] VSC 75
- Cody v Cody [2013] VSC 274

#### **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
- Ultra Thoroughbred Racing Pty Ltd v Those Certain Underwriters & Ors [2011] VSC 589

#### **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
- Legal Services Commissioner v Morgan [2010] VCAT 1814
- Legal Services Commissioner v Horak [2009] VCAT 2344
- Legal Services Commissioner v Rushford [2009] VCAT 1491
- Legal Services Commissioner v Sheehan [2009] VCAT 1446
- Melbourne City Council v Eurodynamics Pty Ltd (2006) MVR 119

#### **Defamation**

- Sali v ABC & Ors [2013] VSC 719
- Mildura Aboriginal Corporation & Stewart v Australian Broadcasting Corporation [2001] VSC 82

#### **Professional Experience**

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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
Articles of Clerkship and Employee Solicitor, Blake Dawson Waldron	March 1994 – June 1998

#### **Bar Committees**

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Victorian Bar Council	2004–2007
Ethics Committee	2006–2011, 2017–
Professional Standards Committee	2017
Education and Professional Development Committee	2017
Continuing Professional Development Committee	2020 -