

James Lockhart SC

Tenth Floor Wentworth Selborne Chambers
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Admission

Appointed senior counsel in 2009

Admitted to the bar in 1996

Entitled to practice in all Australian jurisdictions

Prior employment

Allens: solicitor and senior associate 1989-1996: litigation division, Sydney

Allens: Hong Kong office 1992

Areas of practice

James has a commercial practice appearing and advising in complex commercial disputes. He has experience in disputes of the following type:

- general commercial
- competition and regulatory
- corporations
- insolvency
- professional liability

He has significant experience in class actions, as well as in private arbitrations.

James regularly appears in superior courts and tribunals for clients including banks, insurance companies, liquidators, superannuation trustees, and major multinationals. His clients past and present include Qantas, KPMG, Westpac, ANZ, Ramsay Health Care, Hancock Prospecting, Deloitte, REST Super, Allianz, AON and liquidators (e.g. Bell Group, HIIH group and Babcock & Brown).

Recognition

James is recognised as a leading commercial silk in:

- Chambers & Partners 2023 (Asia-Pacific and Global) barrister rankings for Dispute Resolution
- Best Lawyers Australia 2024 list published by the Australian Financial Review in the Commercial Law, Litigation, and Class Action Litigation categories
- ~~the~~ Legal 500 as a leading silk in commercial disputes.

Selected current and recently decided cases

- Representing Hancock Prospecting in a current arbitration of a dispute concerning beneficial ownership of highly valuable mining assets.
- Representing a national tertiary institution in test case proceedings in the Federal Court concerning whether its lecturers are employees or contractors and associated superannuation issues: JMC Pty Limited v Commissioner of Taxation [2022] FCA 750, and currently on appeal (2023).
- Representing the liquidators in proceedings concern applications to the Federal Court of Australia concerning the methodology of distribution to investors of the remaining assets of a Ponzi scheme. ASIC v Marco & AMS Holdings (WA) Pty Limited (in liq) [2023] FCA 83].
- Representing a former desk head of a trading enterprise defending allegations of breach of confidential information and other employment breaches. Katz ats Epoch Trading (Federal Court).
- Representing the liquidator of the failed merchant bank Babcock & Brown in various continuing hearings and appeals brought by shareholders seeking damages (in excess of \$50M) for breaches of the continuous disclosure obligations under the Corporations Act and ASX listing rules. Eg. Masters v Babcock & Brown. [2021] FCAFC 161. Ongoing.
- Represented Go Karting (NSW) in an appeal to the NSW Court of Appeal concerning entitlement to funds held in beneficiary loan accounts and related trust arguments. Australian Karting Assn v Karting (NSW) Inc [2022] NSWCA 188
- Schemes of arrangement: James frequently appears in applications for court approval of corporate schemes of arrangement, including involving mergers and takeovers, as well as creditor schemes. Notable examples include Re Class Ltd [2022] NSWSC 22, [2022] NSWSC 80; RE Prime Media Group (2019) 142 ACSR 1; Re Gazal Corporation Limited [2019] FCA 701; Re Boart Longyear Ltd (2019) 134 ACSR 591 [2019] FCA 62; Re Wiggins Island Coal Export Terminal Pty Ltd [2019] NSWSC 831; Re Proton Ltd (2019); Prime Media Ltd (2019); Quintis Ltd [2018] FCA 1510; Westfield re Unibail -Rodamco (the \$24 billion acquisition of Westfield by Unibail -Rodamco) [2018] NSWSC 584; Billabong International Ltd [2018] FCA 106; [2018] FCA 496.
- Represented an international broking firm in proceedings against its former CEO and treasury desk head, and rival firm involving allegations including breach of fiduciary duty, confidentiality, and employment contract. TP ICAP Management Services Australia Pty Ltd v Howell: [2021] NSWSC 656.
- Represented the liquidator in Bell Group Finance [No2] [2020] WASC 323; Bell Group Finance [2020] WASC 287; Bell Group (in Liq) [2020] WASC 12. These proceedings involved applications to the WA Supreme Court for approval of the final division of property arising from the liquidations of the Bell group of companies.

- Represented CEO of failed mining engineering group in lengthy and complex proceedings alleging misleading conduct prior to issue of project bonding in excess of \$100m. Forge Group Ltd (in liq) v Simpson & Ors, Supreme Court of NSW.
- Represented Ramsay Health (a major hospital operator in Australia) in proceedings brought by the Australian Competition and Consumer Commission alleging misuse of market power. ACCC v Ramsay Health Limited, Federal Court of Australia [2020] ALR 300
- Represented Boart Limited in defending claim for oppression of minority public shareholders. Snowside Pty Ltd v Boart Ltd, Supreme court of NSW.
- Represented major super fund trustee defending claims of breach of superannuation trustee duties in context of climate change risk. McVeigh v Retail Employees Superannuation Pty Ltd, Federal Court of Australia.
- Represented liquidators of HIH Insurance Limited (in liq) in proceedings brought by shareholder groups alleging fraud on the market concerning misleading statements to market, and manner of payment of dividends. [2019] NSWSC 1873; [2018] NSWSC 1969; [2018] NSWSC 1886 Also (2016) 335 ALR 320.
- Represented private equity interest in Federal Court proceedings brought by a management shareholder group against a private equity syndicate. Popeye Holdco Pty Ltd v Intermediate Capital Asia Pacific 2008 GP Ltd (no 2) [2018] FCA 408.
- Represented KPMG in negligence proceedings brought by Groote Eylandt Trust
- Represented Qantas/TAA in proceedings brought by former employees of TAA concerning alleged superannuation entitlements. [2016] FCA 93; on appeal [2017] FCAFC 202.
- Represented NYK shipping in the first price fixing cartel case brought in Australia under the criminal cartel legislation. CPDD v Nippon Yusen Kabushiki Kaisha [2017] FCA 876.
- Represented Inpex in a long running private arbitration brought in the Singapore ICC, concerning a large EPC contract for construction works for an LNG project.
- James represented parties in each of the following Royal Commissions:
 - a. Banking and Insurance (the Hayne Royal Commission)
 - b. Royal Commission into Aged Care
 - c. Royal Commission into Trade Unions.