

James Lockhart SC

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Admission and qualifications

Admitted to the bar in 1996.

Appointed senior counsel in 2009.

Entitled to practice in all Australian jurisdictions.

BA (1986), LLB (1988) University of Sydney.

Recognition

James is recognised as a leading commercial silk in:

- Chambers & Partners 2025 (Asia-Pacific and Global) barrister rankings for Dispute Resolution
- Best Lawyers Australia 2025 list published by the Australian Financial Review in the Commercial Law, Litigation, Corporate Law and Class Action Litigation categories
- Legal 500 as a leading silk in commercial disputes.

Areas of practice

James has a commercial practice appearing and advising in complex commercial disputes.

His areas of practice are:

- Appellate
- Commercial (all areas)
- Banking and insolvency
- Class actions
- Corporations
- Competition and regulatory
- Equity and property
- Arbitrations
- Taxation
- Professional and directors' liability

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 Uber, Qantas, KPMG, Westpac, ANZ, Ramsay Health Care, Hancock Prospecting, Deloitte, REST Super, Allianz, AON and various liquidators (e.g. Bell Group, HIH group and Babcock & Brown).

Prior employment

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

Allens: Hong Kong office 1992.

Selected current and decided cases (2021-2025)

- *Uber Australia Pty Ltd v Chief Commissioner of State Revenue* [2024] NSWSC 1124 - appeared for Uber at first instance and on appeal in significant payroll tax proceeding considered to be a test case concerning the susceptibility to payroll tax of technology intermediaries that participate in the “gig economy”.
- *WorkCover Queensland v Asbestos Injuries Compensation Fund Ltd* [2024] NSWCA 317 (Court of Appeal), and below [2024] NSWSC 1163- Judicial advice application to the NSW Supreme Court concerning the terms of a scheme established to compensate asbestos victims.
- *Pain v Lombe (liquidator), in the matter of Babcock & Brown Ltd (in liq)* [2024] FCA 1338 – appeared for liquidator to obtain a permanent stay of proceedings for abuse of process brought by large group of shareholders and funder against Babcock & Brown.
- *Origin Energy v Beach Petroleum* – (2024) arbitration proceeding concerning gas prices.
- *Rinehart & Anor v Hancock Prospecting & Ors* (2023 – ongoing). - appeared for Hancock Prospecting Pty Ltd in arbitration proceedings concerning beneficial ownership of highly valuable mining assets.
- *Wallace v McMillan Investment Holdings Pty Ltd* [2024] NSWCA 106 (Court of Appeal); and [2023] NSWSC 1327 – lending dispute and costs following settlement.
- 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 *Southern Cross Gold Ltd* [2025] NSWSC 5 (and [2024] NSWSC 1470; *Pacific Smiles Group Ltd* [2024] NSWSC 812; *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.

- *Katz ats Epoch Trading (Federal Court) (2024-2025)* - representing a former desk head of a trading enterprise defending allegations of breach of confidential information and other employment breaches.
- *JMC Pty Ltd v Cmmr of Taxation* [2023] FCAFC 95; [2022] FCA 750 (HC special leave refused)- represented a national tertiary institution in test case proceedings in the Federal Court concerning whether its lecturers are employees or contractors and associated superannuation issues.
- *ASIC v Marco & AMS Holdings (WA) Pty Limited (in liq)* [2023] FCA 83] -represented 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.
- *Babcock & Brown Ltd*: 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. [2024] FCA 1338; *Masters v Babcock & Brown Ltd* [2024] FCA 1336; [2021] FCAFC 161. Ongoing.
- *Australian Karting Assn v Karting (NSW) Inc* [2022] NSWCA 188 -represented Go Karting (NSW) in NSW Court of Appeal concerning entitlement to funds held in beneficiary loan accounts and related trust arguments.
- *TP ICAP Management Services Australia Pty Ltd v Howell* [2021] NSWSC 656. - 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.

Sample of some other significant cases (2016-2020)

- *Bell Group Finance [No2]* [2020] WASC 323; *Bell Group Finance* [2020] WASC 287; *Bell Group (in Liq)* [2020] WASC 12. Represented the liquidator in applications to the WA Supreme Court for approval of the final division of property arising from the liquidations of the Bell group of companies.
- *Swiss RE v Simpson* (2018) 354 ALR 607 -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.

- *ACCC v Ramsay Health Limited*, Federal Court of Australia [2020] ALR 300 - represented Ramsay Health (a major hospital operator in Australia) in proceedings brought by the Australian Competition and Consumer Commission alleging misuse of market power.
- *Snowside Pty Ltd v Boart Ltd* -represented Boart Limited in defending claim for oppression of minority public shareholders. Supreme court of NSW (settled).
- *McVeigh v Retail Employees Superannuation Pty Ltd* -represented major super fund trustee defending claims of breach of superannuation trustee duties in context of climate change risk. Federal Court of Australia (settled).
- *HIH Insurance Limited (in liq)* [2019] NSWSC 1873; [2018] NSWSC 1969; [2018] NSWSC 1886; (2016) 335 ALR 320. Represented liquidators of in proceedings brought by shareholder groups alleging fraud on the market concerning misleading statements to market, and manner of payment of dividends.
- *Popeye Holdco Pty Ltd v Intermediate Capital Asia Pacific 2008 GP Ltd (no 2)* [2018] FCA 408. Represented private equity interest in Federal Court proceedings brought by a management shareholder group against a private equity syndicate.
- Represented KPMG in negligence proceedings brought by Groote Eylandt Trust.
- *Innes v TAA* [2016] FCA 93; on appeal [2017] FCAFC 202. Represented Qantas/TAA in proceedings brought by former employees of TAA concerning alleged superannuation entitlements.
- *CPDD v Nippon Yusen Kabushiki Kaisha* Represented NYK shipping in the first price fixing cartel case brought in Australia under the criminal cartel legislation. [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.