

Peter G. Cawthorn KC

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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 Michigan
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Areas of Practice

Common Law/Personal Injury

- Professional Negligence
- Insurance

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, including constructive trusts
- Wills and Probate

Environment and Planning

- Mining

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 Banksia, Willmott, Great Southern), product liability and environmental law.
- Doyles Guide – Leading or recommended Professional Indemnity Senior Counsel 2020, 2021, 2022
- Peter accepts briefs as a mediator.
- A selection of cases he has recently appeared in are:

[Carl Finance Pty Ltd v Argent Law Pty Ltd \[2024\] VSC 424 \(22 July 2024\)](#)

Recitals in deed created binding obligations

[Independent Tube Mills Pty Ltd \(in liq\) v Corplex Pty Ltd \[2024\] VSC 267 \(24 May 2024\)](#)

Subrogation and assignability in insurance

[Porter & Anor v Mulcahy & Co Accounting Services Pty Ltd & Ors \(No 6\) \[2024\] VSC 171 \(10 April 2024\)](#)

Election between remedies

[Porter & Anor v Mulcahy & Co Accounting Services Pty Ltd & Ors \(No 5\) \[2024\] VSC 6 \(25 January 2024\)](#)

Remedies: damages and account of profits

Sun v Sunshine International Australia Pty Ltd [2023] VSC 696 (29 November 2023)
Shareholder oppression

[Mikkelsen v Li \[2023\] VSCA 255 \(26 October 2023\)](#)

Misleading and deceptive conduct and contributory negligence

[Krongold v Thurin \[No 2\] \[2023\] VSCA 210 \(5 September 2023\)](#)

Costs: referral of questions to Court of Appeal

[Krongold v Thurin \[2023\] VSCA 191 \(17 August 2023\)](#)

Federal jurisdiction – referral power from Victorian Civil and Administrative Tribunal to Supreme Court of Victoria

[Laird v Vallance \[2023\] VSCA 138 \(8 June 2023\)](#)

Constructive trust – proprietary estoppel – representations by parents to son

[Yin v Wu \[2023\] VSCA 130 \(1 June 2023\)](#)

Foreign judgments – enforcement of judgment of Chinese Court. Summary judgment – restitution

[Sam v Wu & Ors \(Ruling\) \[2023\] VCC 582 \(18 April 2023\)](#)

Discovery, limitation, determination as to when loss suffered

[Vanta Pty Ltd v Mantovani \[2023\] VSCA 53 \(16 March 2023\)](#)

Lost trust deed – whether as a consequence trust property held on a constructive trust

[Porter & Anor v Mulcahy & Co Accounting Services Pty Ltd & Ors \(No 3\) \[2023\] VSC 135 \(21 March 2023\)](#)

Breach of fiduciary duty – election between remedies.

[Teico Investments & Anor v WA Blue Gum Limited & Anor \[2022\] VSC 379 \(5 July 2022\)](#)

Managed investment scheme – trustees duties – defective Product Disclosure Statement

[Taleb v Rijal \[2022\] VSC 259 \(25 May 2022\)](#)

Motor vehicle, entitlement to hire car

[Certain Underwriters at Lloyd's of London v Dhillon Scaffolding Pty Ltd \[2022\] VSCA 92 \(18 May 2022\)](#)

Appeal, insurance, reasonable precautions requirement

[Yehia v Williams \[2022\] VSC 197 \(22 April 2022\)](#)

Motor vehicle, entitlement to hire car

[Zivkovic v Parke \[2022\] VSCA 43 \(31 March 2022\)](#)

Contract, settlement of proceedings, conditions precedent

[Dugan v Process Holdings Pty Ltd \(No 3\) \[2021\] VSC 737 \(12 November 2021\)](#)

Fiduciary duty – claim by shareholder that directors owed him fiduciary duties – damages – pleading

[Porter & Anor v Mulcahy & Co Accounting Services Pty Ltd & Ors \[2021\] VSC 572 \(13 September 2021\)](#)

Breach of fiduciary duty, accountants, appropriation of business opportunity

[Hamilton v Dominican Province of the Assumption & Anor \[2021\] VSC 261 \(14 May 2021\)](#)

Limitations, personal injury, sexual abuse claim

[Allen in his capacity as administrator of Walden Cloud Group Pty Ltd \(Administrators Appointed\), in the matter of Walden Cloud Group Pty Ltd \(Administrators Appointed\) \[2021\] FCA 97 \(10 February 2021\)](#)

Corporate insolvency, administration, sale and purchase of real estate

[SF Cosentino Pty Ltd v Glendining \[2020\] VSCA 149 \(9 June 2020\)](#)

Appeal: sale of business, guarantee

[Braham v ACN 101 482 580 Pty Ltd \[2020\] VSCA 108 \(6 May 2020\)](#)

Appeal – professional negligence, solicitors, managed investment scheme

[Nom De Plume v Ascot Vale Self Storage \[No 2\] \[2020\] VSCA 70 \(27 March 2020\)](#)

Appeal – insolvent trading, breach of financing agreement

[Danbol Pty Ltd v Swiss Re International Se \[2020\] VSC 23 \(7 February 2020\)](#)

Insurance – whether contract of insurance entered into

[Ascot Vale Self Storage Pty Ltd \(in Liq\) v Nom de Plume Pty Ltd \[2019\] VSC 794 \(4 December 2019\)](#)

Abuse of process – whether permanent stay warranted

[Re Ballanbrae Pastoral Coy Pty Ltd \[2019\] VSC 808 \(7 December 2019\)](#)

Wills and estates – executors commission

[Re 99A Furlong Road Pty Ltd \[2019\] VSC 528 \(2 August 2019\)](#)

Restraining lawyers from acting

[SXIQ Pty Ltd v Kalmus \[2019\] VSC 429 \(28 June 2019\)](#)

Employment law – summary dismissal for misconduct

[Orwin v Rickards \[2019\] VSC 375 \(7 June 2019\)](#)

Professional negligence – lawyers – family law

Professional negligence – solicitors liability for financial agreement under Part VIIIA of the Family Law Act

[The Edge Development Group Pty Ltd v Jack Road Investments Pty Ltd \[2019\] VSCA 91 \(24 April 2019\)](#)

Contract – whether agreement subject to contract

[MA & J Tripodi Pty Ltd \(v Swan Hill Chemicals Pty Ltd \[2019\] VSCA 46 \(12 March 2019\)](#)

Damages – lost opportunity