

Peter G Willis S.C.

TEL: +61 3 9225 8446

MOB: 0401 142 059

✉ pg_willis@vicbar.com.au

📍 Room 2002, Aickin Chambers, 200 Queen Street, Melbourne VIC 3000



Date of Admission:

01 Mar 1982

First Signed Bar Roll:

18 Nov 1999

Date Appointed Silk:

24 Nov 2015



Division of Bar Roll: Victorian Practising Counsel

Qualifications: LLB (Hons), BA Hons

Previous Occupation: Partner - Mallesons Stephen Jaques

**Accepts briefs
from in-house
counsel**

Profile:

Peter Willis appears and advises in a wide range of corporate and commercial and public law matters, especially in the Supreme and Federal Courts. He also appears before the High Court and in VCAT and Planning Panels Victoria. His experience focuses on commercial law and equity, especially in financial services and resources, as well as public law (constitutional and administrative law, planning and environment law, international law and native title) for Government and private clients.

He is Editor of the *Victorian Reports*, Chair of CommBar's Equity Section and past Chair of the Bar's Human Rights Committee.

He has served as a director and compliance committee member of an Australian financial services licensee and as chairman of the Disciplinary Appeals Board of the Victorian Education department. He is an Executive Committee member of the International Law Association Victorian chapter and Australian representative on the ILA's International Securities Regulation Committee of experts and a Senior Adviser to Transparency International Australia.

Prior to coming to the Bar, Peter was a partner of Mallesons Stephen Jaques and acted in corporations and securities, commercial, banking and finance and resources transactions in Melbourne and London. He also served as Ministerial Adviser to two Federal Attorneys-General.

Leading cases include:

Commercial Law and insolvency

Jafari v 23 Developments Pty Ltd [2019] VSCA 201; [2018] VSC 404 - Joint venture - Property development - Equity - Vendor's lien - Interest on lien.

Jafari v 23 Developments Pty Ltd (2019) 58 VR 288; [2019] VSC 333 - Practice and procedure - Execution of judgment - Garnishee application - Whether garnishable debt existed.

Jafari v Alderuccio [2015] VSCA 184R [not public] - Receivers appointed by Court - Principles.

Stewart v Atco Controls Pty Ltd (2014) 252 CLR 307; [2014] HCA 15 - Equity - Insolvency - Liquidators, receivers and administrators - Equitable lien for costs, expenses and remuneration incurred in getting in, preserving and realising asset of company for benefit of creditors - Lien not affected by s 564 of Corporations Act - *Re Universal Distributing Co* principle explained. Reversing *Atco Controls Pty Ltd v Stewart* (2013) 31 ACLC 13-065; [2013] VSCA 132. Affirming *Re Newtronics Pty Ltd* (2011) 29 ACLC 11-054; [2011] VSC 349.

Newtronics Pty Ltd v Atco Controls Pty Ltd (2008) 69 ACSR 317 (trial); (2009) 25 VR 411, (2009) 78 ACSR 375 (CA); [2010] HCATrans 109 (HCASL) - Letters of comfort - Letters from parent company not to enforce security and to provide financial support to subsidiary; Receivers - Whether validly appointed - Whether receivers relieved from liability - ss 419(3) and 1318 Corporations Act.

We Two Pty Ltd v Shorrocks (No 2) (2005) 220 ALR 749 - Private international law - Foreign judgment in breach of compromise - Enforcement of terms of settlement - Summary procedure.

Corporations and Securities

Re Jervois Mining Ltd (2016) 117 ACSR 205; [2016] NSWSC 1650 - Listed company - Removal of directors - Contravention of Corporations Act notice provisions for convening general meeting of members - Corporations Act ss 203D, 249F, 249N, 249O, 250BD, 1322.

Kinarra Pty Ltd v On Q Group Ltd (2008) 65 ACSR 438; (2008) 26 ACLC 182 - Listed company - Financial assistance for purchase of shares in contravention of s 260A of Corporations Act.

Australian Securities & Investments Commission v GDK Financial Solutions Pty Ltd [2006] FCA 1415 - Managed investment schemes - Unregistered scheme - Court ordered winding up - Receiver appointed - Powers of receiver - Whether powers should be the same as those of a company liquidator.

Paint Horse Association of Australia Ltd v Holobradek [2003] VSC 411 - Companies - Removal of directors - Alleged irregularities in calling of meeting of members to remove directors.

Constitutional and Administrative Law

Love v Commonwealth; Thoms v Commonwealth (2020) 270 CLR 152 - Constitutional law - Aliens power (s 51(19)) - Whether Aboriginal persons born overseas (non-citizens) are within concept of 'aliens' and liable to deportation. (For Attorney-General for Victoria).

Northern Land Council v Quall [2019] FCAFC 77, reversing [2018] FCA 989 - Administrative law - Delegation of statutory powers - Certification of indigenous land use agreement (On appeal: [2020] HCA 33.)

Briggs v Aboriginal Heritage Council [2019] VSC 25 - Administrative law - Natural justice - Certification of registered Aboriginal party under Aboriginal Heritage Act - Whether objector had right of reply.

Bright v Northern Land Council [2018] FCA 752 – Administrative law – Review of certification of indigenous land use agreement – Functions under Native Title Act of representative body.

Burge v Commonwealth Bank of Australia [2016] HCATrans 224 - Application for constitutional writs - Original jurisdiction of High Court - Constitution s 75.

Victoria v Construction, Forestry, Mining and Energy Union (2013) 218 FCR 172; [2013] FCAFC 160 - Constitutional law - States - Power of the Executive of the State to adopt policies and guidelines for contracting and awarding tenders for public works - Victorian Code of Practice for Building and Construction Industry - Relationship with federal *Fair Work Act 2009*. Reversing *CFMEU v Victoria* [2013] FCA 445; *CFMEU v McCorkell* [2013] FCA 446; and *CFMEU v Victoria* [2013] FCA 1034. Special leave to appeal to High Court successfully resisted: [2014] HCA Trans 173.

Mark Lane Jangala v Commonwealth and Northern Land Council and others [2014] FCA - Administrative Law - Aboriginal Land Rights - Nomination of land by Land Council for purposes of radioactive waste management facility - Identification of traditional Aboriginal owners - Consultation with traditional owners.

Banking and Finance

Gresham Property Investments Ltd v Global Consulting Services Pty Ltd [2018] NSWSC 141 - Guarantees - Rights of contribution among co-guarantors - Benefit of guarantee. [Successful on appeal: [2018] NSWCA 255.]

Burge v Commonwealth Bank of Australia [2016] HCATrans 224 - Loan - Mortgagee in possession - Determination of Financial Ombudsman Service Ltd - Application for injunction against mortgagee sale.

Argot (ACN 074 97 109 Pty Ltd) v The National Mutual Life Association of Australasia Ltd (2013) 97 ACSR 63; [2013] VSCA 241 - Life Insurance - Unit linked investment policy - Arbitrage - Contractual construction - Repudiation - Valuation of policy - Administration of switching between portfolios - Good faith. Affirming *ACN v NMLA* [2011] VSC 519; varying *ACN v NMLA* [2012] VSC 177. Special leave to appeal successfully resisted: [2014] HCASL 172.

Native Title

Griffiths v Northern Territory [2014] FCA 256 - Native Title - Compensation for extinguishment - Preliminary questions - Vacant Crown Land covered by claimant applications - Effect of Crown to Crown grants - s 47B, Native Title Act 1993.

Mullett on behalf of the Gunai/Kurnai People v Victoria [2010] FCA 1514; [2010] FCA 1144 - Native title consent determination for Gippsland.

Rose on behalf of the Kurnai Clans v Victoria [2010] FCA 460 - Native Title - Overlapping claims - Issue of group composition - Whether application as currently defined includes all persons who hold native title.

Lovett on behalf of the Gunditjmarra People v Victoria [2007] FCA 474 - Native title consent determination for western Victoria - Principles to be applied by Court in making consent determination.

Yorta Yorta v Victoria (2002) 214 CLR 422 - Native title - Requirement of continuity of claimant's society as underpinning for traditional laws and customs.

Planning and environment

Sintra Investments Pty Ltd v Banyule CC [2020] VCAT 1243.

Casey C219 (PSA) [2018] PPV 2.

Iluka Resources Ltd v Horsham Rural CC [2017] VCAT 107.

AGL Loy Yang Pty Ltd v Department Head, Department of Economic Development, Jobs, Transport and Resources (Red Dot) [2016] VCAT 1249.

Major Hazard Facilities Advisory Committee [2016] PPV 86.

Caramar Holdings Pty Ltd v Banyule CC [2017] VCAT 1733; [2016] VCAT 450.

Day v Hobsons Bay CC [2016] VCAT 435.

Newport Properties Vic Pty Ltd v Hobsons Bay CC [2016] VCAT 240.

NP Development Pty Ltd v Hobsons Bay CC (Red Dot) [2014] VCAT 861 and associated cases: *NP Development Pty Ltd v Hobsons Bay CC* [2013] VCAT 1044; *Nelson Place Village Pty Ltd v Hobsons Bay CC* [2013] VCAT 7.

Port Phillip Woollen Mills Advisory Committee [2011] PPV 53.

Ports and Environs Controls Advisory Committee [2010] PPV 115.

Trade Practices

Australian Competition & Consumer Commission v BMW Australia Ltd [2003] FCA 727; (No. 2) [2003] FCA 864; [2004] FCAFC 167 - Trade Practices - Consumer protection - s 61C of the Trade Practices Act 1974 - Compliance with prescribed product safety standard - Meaning of "words to the same effect" - Compliance program - Whether appropriate relief.

Trusts

George v Kollias [2007] VSC 46 - Trusts - Trustee Act 1958, s 63A - Multifamily, multi-generation discretionary trust - Application for approval of variation arrangement - Consented to by all beneficiaries of full age and capacity - Whether for benefit of minors and persons unborn - Whether to be approved.

Memberships

- AMPLA (Australian Mining & Petroleum Law Assoc)
- American Society of International Law
- Australian Institute of Administrative Law
- International Bar Association (Sections on Business Law and Energy, Environment & Resources Law)
- International Law Association (Vice-President, Victorian Committee)
- Law Council of Australia (Business Law and International Law sections)
- Victorian Bar Commercial Bar Association (chair, Equity Section)
- Victorian Bar Human Rights Committee (chair 2015 - 2020)
- Victorian Bar Indigenous Justice Committee
- Victorian Planning & Environmental Law Association
- Australian and New Zealand Law and History Society

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