

# JAMES GREEN

YEAR OF CALL: 2014

James undertakes a variety of complex corporate and commercial work in the State and Federal Courts of Australia. He acts for a broad range of domestic and international clients including ASX200-listed companies, high net-worth individuals, directors, shareholders, company liquidators, banks and government entities. James has particular experience in arbitration, contract law, construction litigation, competition and consumer law, insolvency, trusts and administrative law.

James has been listed in the *Best Lawyers® Australia* (2022-24) for construction litigation and is currently engaged in several large class actions (for plaintiffs and defendants).

Before joining Level Twenty Seven Chambers, James worked at Linklaters in London and Brussels, and at national law firms in Brisbane. He was also an associate to Chief Justice Keane (as his Honour then was) in the Federal Court of Australia.

James graduated from the University of Queensland in 2010 with a Bachelor of Laws (Hons) and Bachelor of Economics (Hons) with the University Medal. He also holds a Bachelor of Civil Law (Distinction) from the University of Oxford.

## AREAS OF PRACTICE

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Arbitration, Banking, Building & Construction, Class Actions, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Insurance, Judicial Review & Administrative, Land Law & Property, Professional Negligence, Resources & Energy, Tax.

## CASES

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***Ingram as trustee for the Ingram Superannuation Fund v Ardent Leisure Limited (Settlement Approval)***  
[2024] FCA 836

July 2024, Corporate Insolvency & Bankruptcy, Corporations

***Gladstone Ports Corporation Limited v Murphy Operator Pty Ltd***[2024] QCA 74

May 2024, Appellate

***A Pty Ltd as Trustee for the Storrer Family Trust & N Pty Ltd***[2023] FedCFamC1F 1124

LEVEL

TWENTY  
SEVEN

CHAMBERS



LEVEL 27, 239 GEORGE ST  
BRISBANE QLD, 4000

[level27chambers.com.au](http://level27chambers.com.au)

T +61 7 3008 3995

[james.green@  
level27chambers.com.au](mailto:james.green@level27chambers.com.au)

December 2023, Corporations

***Murphy Operator & Ors v Gladstone Ports Corporation (No 9)***[2023] QSC 35

March 2023, Class Actions

***N Pty Ltd & A Pty Ltd***[2021] FamCAFC 134 87

July 2021, Corporations

***Giffin v Sensis Pty Ltd & Anor***[2020] QSC 357

December 2020, Contract

***Mineralogy Pty Ltd & Anor v The State of Western Australia***[2020] QSC 344

November 2020, Resources & Energy, Judicial Review & Administrative

***Ingram as trustee for the Ingram Superannuation Fund v Ardent Leisure Limited (No 2)***[2020] FCA 1390

October 2020, Corporations, Class Actions

***Ingram as trustee for the Ingram Superannuation Fund v Ardent Leisure Limited***[2020] FCA 1302

September 2020, Class Actions

***Jahani, in the matter of Miniso Master Franchisee Pty Ltd (Administrators Appointed)***[2020] FCA 1066

July 2020, Corporations

***Golden Vision Gold Coast Pty Ltd v Orchid Avenue Pty Ltd***[2020] QCAT 215

June 2020, Contract

***Greystone Distributions (Qld & NSW) Pty Ltd & Ors v Rostron Carlyle Solicitors & Ors***[2020] QCA 126

April 2020, Contract

***A Pty Ltd as Trustee for the Storrer Family Trust & Anor v N Pty & Ors***[2020] Fam CA 87

February 2020, Corporations

***Prime Constructions (Qld) Pty Ltd v HPS (Qld) Pty Ltd & Ors***[2019] QSC 301

December 2019, Contract, Building & Construction

***Greystone Distributions (Qld & NSW) Pty Ltd as trustee for BR & SK Maidment Trust & Ors v Rostron Carlyle Solicitors & Anor***[2019] QDC 227

November 2019, Professional Negligence

***Civil Mining & Construction Pty Ltd v Wiggins Island Coal Export Terminal Pty Limited; Wiggins Island Coal Export Terminal Pty Limited v Civil Mining & Construction Pty Ltd***[2019] QCA 12

February 2019, Contract, Building & Construction

***Orchid Avenue Realty Pty Ltd v Makings Custodian Pty Ltd***[2018] QCA 129

June 2018, Competition & Consumer

***Makings Custodian Pty Ltd v Orchid Avenue Realty Pty Ltd***[2018] QCA 33

March 2018, Appellate, Contract

***Makings Custodian Pty Ltd v CBRE (C) Pty Ltd (No2)***[2018] QSC 25

March 2018, Corporations, Land Law & Property

***Carmody v Information Commissioner***[2018] QCATA 14

March 2018, Judicial Review & Administrative

***Mio Art Pty Ltd v Mango Boulevard Pty Ltd***[2018] QSC 31

March 2018, Corporate Insolvency & Bankruptcy, Corporations

***Graham & Linda Huddy Nominees Pty Ltd v Byrne***[2017] FCA 1638

December 2017, Corporate Insolvency & Bankruptcy

***Campaigntrack Victoria Pty Ltd v Gannon***[2017] QCAT 272

June 2017, Judicial Review & Administrative

***Makings Custodian Pty Ltd v CBRE (C) Pty Ltd***[2017] QSC 80

May 2017, Land Law & Property, Competition & Consumer

***LPD Holdings (Aust) Pty Ltd v Russells***[2017] QSC 45

March 2017, Contract

***Equititrust Ltd (in Liq)(Receiver Appointed)(Receivers and Managers Appointed) v Equititrust Ltd (in Liq)(no.3)***[2016] FCA 738

June 2016, Corporate Insolvency & Bankruptcy, Corporations

***Rivercity Motorway Management Ltd (in Liquidation) (No.2)***[2016] FCA 708

June 2016, Corporations, Corporate Insolvency & Bankruptcy

***Comgroup Supplies Pty Ltd v Products for Industry Pty Ltd***[2016] QCA 88

April 2016, Appellate, Commercial Equity

***SMM Solomon & Others v Axiom KB Limited & Others***[2016] SBCA 1

March 2016, Appellate, Judicial Review & Administrative, Land Law & Property, Resources & Energy

***Sunshine Coast Regional Council v Earthpro Pty Ltd***[2015] QSC 168

June 2015, Building & Construction, Judicial Review & Administrative

***Sandhurst Trustees Limited v Clarke***[2015] FCAFC 21; (2015) 321 ALR 1

February 2015, Appellate, Banking

***Sunshine Coast Regional Council v Earthpro Pty Ltd***[2014] QSC 271

October 2014, Building & Construction

## EXPERIENCE

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### RECENT EXPERIENCE

- > Acting for an international commodity trader in proceedings to enforce a \$30 m arbitral award issued under LCIA rules.
- > Acting for the State of Western Australia in proceedings to resist the enforcement of an arbitral award by Mineralogy Pty Ltd and International Minerals Pty Ltd (judgment available here).
- > Acting for an international mining company in relation to foreign arbitral proceedings involving multiple claims totalling over \$4 bn.
- > Acting for Telstra in proceedings in the Queensland Supreme Court (judgment available here).
- > Acting for the Australian Health Practitioner Regulation Agency in regulatory proceedings concerning a health practitioner.
- > Acting for shareholders in a class action against Ardent Leisure in the Federal Court (most recent judgment available here).
- > Briefed on behalf of Gladstone Ports Corporation Limited defending a class action claiming loss and damage arising from a large dredging project.
- > Briefed in a class action in the Federal Court of Australia against electricity generators for alleged contravention of s 46 of the *Competition and Consumer Act 2010* (Cth).
- > Acting for Scentre Group in relation to COVID-related insolvency proceedings concerning a retail tenant (judgment available here).

### APPELLATE

- > Acting (unled) in the Full Court of the Family Court in relation to oppression proceedings under ss 232 and 233 of the *Corporations Act 2001* (Cth). The judgment is currently reserved.
- > *Greystone Distributions (Qld & NSW) Pty Ltd & Ors v Rostron Carlyle Solicitors & Ors* [2020] QCA 126. Acting (unled) for the successful respondent in an action seeking joinder to a trial involving claims for lost opportunity arising out of allegations of misleading or deceptive conduct, and breach of contract.
- > *Civil Mining & Construction Pty Ltd v Wiggins Island Coal Export Terminal Pty Limited; Wiggins Island Coal Export Terminal Pty Limited v Civil Mining & Construction Pty Ltd* [2019] QCA 12. Acting (led by D Kelly QC) in relation to an appeal concerning delay claims arising out of the construction for a coal export terminal.
- > *Makings Custodian Pty Ltd v Orchid Avenue Realty Pty Ltd* [2018] QCA 33. Acting (led by P Roney QC) for the

successful purchaser of a shopping centre on the Gold Coast in a claim for misleading or deceptive conduct.

> *Comgroup Supplies Pty Ltd v Products for Industry Pty Ltd & Anor*[2016] QCA 88. Acting for a corporate appellant in relation to recovery of funds dissipated due to an employee's fraud.

> *Sandhurst Trustees Limited v Clarke* [2015] FCAFC 21; (2015) 321 ALR 1. Acting for a subsidiary of Bendigo and Adelaide Bank in relation to an appeal from a decision granting preliminary discovery under r 7.23 of the *Federal Court Rules 2011*.

## ARBITRATION

> Acting in an international arbitration seated in London under the LCIA rules concerning a \$150 m claim under a commodities contract.

> Acting for one of Australia's largest engineering and infrastructure companies in relation to a AUD 200 m domestic arbitration under the ACICA Rules.

> Acting for a national energy and resources company in relation to various ICC arbitrations concerning large-scale mining projects.

## ADMINISTRATIVE LAW

> *Carmody v Information Commissioner (No 2)*[2018] QCATA 015. Acting (led by S Doyle QC) in a series of cases concerning access to judicial documents under the *Right to Information Act 2009*(Qld).

> *SMM Solomon & Others v Axiom KB Limited & Others*[2016] SBCA 1. Acting (led by G Gibson QC) for a large international mining company in relation to judicial review proceedings in the Solomon Islands.

> Acting (led by G Gibson QC) for one of Australia's largest rail freight operators in relation to judicial review proceedings.

> Advising (led by S Doyle QC) a multinational mining entity on the impact of proposed legislative changes on Queensland mining operations.

## BUILDING & CONSTRUCTION

> *Prime Constructions (Qld) Pty Ltd v HPS (Qld) Pty Ltd & Ors*[2019] QSC 301. Acting (led by B O'Donnell QC) for the successful respondent resisting a challenge to an adjudicator's decision under the *Building Industry Fairness (Security of Payment) Act 2017*(Qld).

> *Sunshine Coast Regional Council v Earthpro Pty Ltd*[2015] QSC 168. Acting for the principal in an application to set aside an adjudicator's award under the *Building and Construction Industry Payments Act 2004*(Qld).

> Acting (led by D Clothier QC and S Hooper QC) for the defendant in a class action concerning the construction of a large infrastructure project in Queensland.

> Acting (led by D Miller QC) in relation to claims in the New South Wales Supreme Court arising out of the construction of mining-related infrastructure.

## **CORPORATIONS / GENERAL COMMERCIAL**

> *Mio Art Pty Ltd v Mango Boulevard Pty Ltd*[2018] QSC 31. Acting for a corporate defendant in resisting an application for security for costs.

> *Makings Custodian Pty Ltd v CBRE (C) Pty Ltd*[2017] QSC 80. Acting (led by P Roney QC) for the successful plaintiff in a claim for misleading or deceptive conduct under the *Australian Consumer Law*.

> *LPD Holdings (Aust) Pty Ltd v Russells*[2017] QSC 45. Acting (led by P McQuade QC) for a law firm in relation to an application for summary judgment.

> *Equititrust Ltd (in Liq)(Receiver Appointed)(Receivers and Managers Appointed) v Equititrust Ltd (in Liq) (No 3)* [2016] FCA 738. Acting (led by P McQuade QC) for a former director in relation to claims of legal professional privilege.

> Acting (led by P McQuade QC) for a former company director in a AUD 150 m claim brought by a responsible entity of a managed investment scheme under Chapter 5C of the *Corporations Act 2001* (Cth).

> Advising (led by A Boe) a former company director in relation to potential criminal liability under the *Corporations Act 2001* (Cth) arising from a failed commercial transaction.

> Advising a corporate shareholder in oppression proceedings under ss 232 and 233 of the *Corporations Act 2001*(Cth).

> Acting (led by M Trim) for a director in a shareholder dispute concerning control of a start-up enterprise.

> Acting (led by S Doyle QC) for a Swiss company against the State of Queensland in a contractual dispute concerning the manufacture and development of intellectual property worth over AUD 200 m.

## **INSOLVENCY**

> *Jahani, in the matter of Miniso Master Franchisee Pty Ltd (Administrators Appointed)*[2020] FCA 1066. Acting (unled) for Scentre Group in an application under ss 443A and 443B of the *Corporations Act 2001*(Cth) by the administrators of Miniso Master Franchisee Pty Ltd.

> *Graham & Linda Huddy Nominees Pty Ltd v Byrne*[2017] FCA 1638. Acting (unled) in relation to an application for leave to proceed against a bankrupt under s 58(3)(b) of the *Bankruptcy Act 1966*.

> *Rivercity Motorway Management Ltd (in Liquidation) (No.2)*[2016] FCA 708. Acting in an application under ss 477(2B) and 511 of the *Corporations Act 2001*(Cth) for liquidators to enter into a Settlement Deed compromising substantial litigation.

> Acting (unled) in an application in the Queensland Supreme Court for the issue of a summons to attend a public examination under Part 5.9 of the *Corporations Act 2001*(Cth).

> Acting (led by S Doyle QC) for the liquidators of Forge Group Power in relation to a construction dispute with Siemens Limited.

> Advising (led by S Doyle QC) in relation to a Deed of Company Arrangement concerning a AUD 600 million supply agreement for a large-scale infrastructure project in Queensland.

## RECOMMENDATIONS

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### **Australian Financial Review *Best Lawyers*®**

2022-25 – Construction/Infrastructure Law

### **Doyle's Guide to the Australian Legal Profession**

2023 – Leading Construction & Infrastructure Junior Counsel (QLD)

## APPOINTMENTS

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**2019** Bar Council (Council Member)

**2014** New Bar Committee - Bar Association of Queensland

## MEMBER

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Society of Construction Law (Australia)

Chartered Institute of Arbitrators (CIArb), Associate member

Selden Society

Bar Association of Queensland

## CAREER

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**2014** Barrister, Queensland

**2013** Lawyer, Corrs Chambers Westgarth

**2011** Legal Advisor (Australian Qualified), Linklaters LLP, London

**2010** Associate to Chief Justice Keane, Federal Court of Australia

## EDUCATION

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**2023** University of Sydney, MTax

**2013** University of Oxford, Bachelor of Civil Law (Distinction)

**2010** University of Queensland, Bachelor of Economics (Hons I)

**2010** University of Queensland, Bachelor of Laws (Hons I)

## AWARDS

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**2010** University of Queensland Law School Valedictorian

**2010** University of Queensland Economics University Medallist

## PUBLICATIONS

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### **Book Review - The Australian Class Action, A 30-Year Perspective**

October 2023, Class Actions

### **Strategies for Persuasive Expert Evidence**

December 2019, Building & Construction

### **Trouble in Paradise: Protecting Privilege After Glencore**

October 2019, Commercial Equity, Judicial Review & Administrative

### **Originating process, pleadings and amendment: Queensland**

April 2019, Banking, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Employment & Industrial, Insurance, Intellectual Property, Judicial Review & Administrative, Land Law & Property, Media & Defamation, Planning & Environment, Professional Negligence, Resources & Energy, Succession

### **Public Examinations under the Bankruptcy Act and Corporations Act: A Practical Overview**

June 2016, Corporate Insolvency & Bankruptcy



**Trustees' Duties and Liabilities**

September 2015, Commercial Equity

**Challenging Arbitral Awards: Are Arbitrations Truly Final?**

May 2015, Arbitration

*Liability limited by a scheme approved under professional standards legislation*