

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 2022 edition of *Best Lawyers®* Australia 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

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

***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

LEVEL

TWENTY
SEVEN

CHAMBERS



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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

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

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](#)).

> 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

Australian Financial Review *Best Lawyers*®

2022 – Construction/Infrastructure Law

APPOINTMENTS

2019 Bar Council (Council Member)

2014 New Bar Committee - Bar Association of Queensland

MEMBER

Society of Construction Law (Australia)

Chartered Institute of Arbitrators (CI Arb), Associate member

Selden Society

Bar Association of Queensland

CAREER

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

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

2010 University of Queensland Law School Valedictorian

2010 University of Queensland Economics University Medallist

PUBLICATIONS

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