

SERGIO FREIRE
BARRISTER

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Professional experience

Victorian Bar, October 2012-present
Barrister

Practises in commercial law, principally in the areas of banking and finance, corporations, securities, insolvency, equity and trusts, and property.

Recent appearances include:

- *Connelly v Commonwealth of Australia, in the matter of Australian Road Express Pty Ltd (Receivers and Managers Appointed) (in liq)* [2018] FCA 1429 (with J Moore QC);
- *Ji v Bluestars Real Estate Pty Ltd* [2018] VSC 11 (property) with R Garratt QC;
- *Southern Cross Computer Systems Pty Ltd v Palmer* [2017] VSC 460 and [2017] VSC 412 (restraint of trade) (with A Herskope);
- *Tannous & Anor v Abdo* [2017] VCC 304 (equitable charge);
- *Volunteer Fire Brigades Vic Inc v CFA* [2016] VSC 621 and (2016) 50 VR 620 [2016] VSC 613 (with J Davis QC);
- for Apache in the Burrup Fertilisers/Oswal litigation (settled at trial) (e.g. [2016] VSC 386, [2016] VSC 282, [2016] VSC 134, [2016] VSC 119; [2016] VSC 52; [2015] FCA 49 and [2014] VSC 209 (with S Anderson QC));
- a commercial arbitration arising out of a PPP dispute involving the State of Victoria, before the Hon A Goldberg AO QC and the Hon K Hayne AC QC (with P Collinson QC);
- *Mandie & Anor v Memart Nominees Pty Ltd* [2015] VSC 446 (with A Myers QC); [2014] VSCA 181, and (2014) 42 VR 325; [2014] VSC 290 (with C Scerri QC) (discretionary trust dispute);
- *True Value Solar Holdings Pty Ltd v Fernandez* [2013] VSCA 27 (grant of leave to commence derivative proceeding) (with P Collinson SC); and

- *Corporations Act* and *Bankruptcy Act* matters including oppression proceedings, applications to set aside statutory demands, contested winding-up applications, applications to reinstate deregistered companies, voidable preference claims, applications in respect of insolvency practitioners' remuneration, applications for liquidators' search and seizure warrants, applications to set aside bankruptcy notices, contested creditor's petitions, and compulsory examinations.

Ashurst Australia (formerly Blake Dawson / Blake Dawson Waldron), Melbourne, April 2002-August 2012

(Senior associate 2004-2012; lawyer 2002-2004)

Practised in commercial litigation and dispute resolution, acting in a broad range of commercial disputes, including contractual, trade practices and financial services disputes. Also acted for insolvency practitioners, financial institutions and corporate clients in relation to secured and unsecured recovery work, voluntary administrations and other forms of insolvency administration.

Significant matters included:

- defence by ANZ of exception fees class action;
- advising ASX-listed entity in connection with regulatory investigations and parliamentary inquiry arising out of the collapse of the Trio Capital group;
- conduct of Supreme Court of Victoria proceeding for an investment bank arising out of the close-out of a large options position *(Berndale Securities Ltd v How Trading Pty Ltd (2010) 78 ACSR 218)*;
- defence by Merrill Lynch of proceedings brought by creditors of Opes Prime;
- conduct of recovery proceedings on behalf of owners and operators of a submarine pipeline against the owner of the 'APL Sydney', a container ship whose anchor dragged across the pipeline;
- acting for the deed administrators of TEAC Australia; and
- acting for an investment bank in the defence of Supreme Court of Victoria proceedings brought by a group of investors, arising from its role in underwriting and arranging equity finance for the Docklands Stadium development.

Allens (formerly Allen Allen & Hemsley / Allens Arthur Robinson), Brisbane, January 1998-March 2002

(Lawyer 2000-2002; articled clerk 1998-2000)

Practised in commercial litigation and dispute resolution predominantly in the areas of insolvency, occupational health and safety, and insurance and risk management (1999-2002).

Significant matters included:

- the Interchase action, one of the largest insolvency and professional liability cases in Queensland;

- oppression proceedings brought by the minority shareholder of a company engaged in cotton production activities; and
- acting for insurers in litigious and non-litigious insurance matters, including professional indemnity, public liability, product liability and marine insurance claims, and policy interpretation disputes.

Practised in construction and engineering, including acting for Queensland Investment Corporation in connection with the project management and design and construction of major shopping centre extensions in Queensland, New South Wales and Victoria (1998).

Academic qualifications

University of Queensland

Bachelor of Laws (with Honours Class I), conferred May 1998

Awarded the David Leeder Davies Prize in Trade Practices Law (1997)

University of Queensland

Bachelor of Commerce (with majors in financial accounting and business finance), conferred December 1995

Insolvency Practitioners Association of Australia

Insolvency Education Program, completed June 2005 (awarded high distinctions in both units)

Admissions

Solicitor of the Supreme Court of Queensland – January 2000

Barrister and solicitor of the High Court of Australia – June 2000

Barrister and solicitor of the Supreme Court of Victoria – May 2002

Member of the Victorian Bar – signed bar roll October 2012