



# KAREN PETCH

*Master of Corporate Law (First Class) - University of Cambridge*  
*Bachelor of Laws (Hons 1) - University of Technology, Sydney*  
*Bachelor of Arts (Communication) - University of Technology, Sydney*

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## **Clerk of Chambers**

Michael Wilcox

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## **Admitted to the legal profession in NSW**

2010

## **Admitted as a barrister in NSW**

2017

## **Also entitled to practise in**

Australian jurisdictions (Commonwealth, State and Territory), England and Wales

Karen has a broad commercial practice with specialised experience in insolvency and corporations matters, including domestic and cross-border insolvency, corporate finance, derivatives, structured finance, schemes of arrangement and shareholder disputes. Karen appears in all Australian courts and has acted for and against financial institutions, insolvency practitioners, companies, individuals, and government agencies, including for ASIC and the Deputy Commissioner of Taxation.

Prior to coming to the Bar, Karen was a solicitor at Allen & Overy LLP in London and New York. Prior to that, she was a tipstaff to the Hon. Justice R. McDougall of the Supreme Court of NSW (Equity Division, Commercial List) and a solicitor at Minter Ellison, Sydney.

Karen holds a Master of Corporate Law (First Class) from the University of Cambridge, where she was awarded a Jennings Prize for first class performance in the final examinations. She also holds a Bachelor of Law (Hons 1) and a Bachelor of Arts (Communication) from the University of Technology, Sydney. In 2018 she was awarded the Christopher Gee QC Memorial Prize for achieving the highest result on the NSW Bar Practice Course.

She is admitted to practise in all Australian jurisdictions and in England and Wales.

## PROFESSIONAL EXPERIENCE

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**2012 – 2017:** Allen & Overy LLP, Associate, London and New York (Restructuring and Insolvency & Derivatives)

**2011 - 2012:** Tipstaff to the Hon. Justice R. McDougall, Supreme Court of New South Wales

**2010 - 2011:** Minter Ellison, Lawyer (Corporate Finance and Restructuring)

## AWARDS OR PROFESSIONAL RECOGNITION

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**2018:** Christopher Gee QC Memorial Prize for the highest result achieved in the NSW Bar Practice Course

**2016:** Jennings Prize, University of Cambridge

**2008:** David and Catherine Barker Mooting Prize, University of Technology, Sydney

## PUBLICATIONS

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Stewart, A. and Petch, K. ‘**Cross-border insolvency law in Australia and shipping insolvencies: unique challenges or issues of wider significance?**’ (2018) 19 ILB 114

Petch, K. ‘**Derivatives and the elusive ‘principles of insolvency’ in Australia: a post-Belmont Park Investments Pty Limited v BNY Corporate Trustee Services analysis**’ (2012) 30 C&SLJ 253

Petch, K. ‘**Insolvent Trading in Australia: The case for advance relief**’ (2011) 29 C&SLJ 197

**Halsbury’s Laws of Australia**, Author, 2011 – 2012

## SELECTED CASES

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### Corporations, Banking, Insolvency and Bankruptcy

**Strawbridge, in the matter of Virgin Australia Holdings Ltd (administrators appointed) (No 8)** [2020] FCA 1344, led by A McGrath SC (administration, deed of company arrangement)

**Hutson (liquidator), in the matter of WDS Limited (in liq) (Receivers and Managers Appointed)** [2020] FCA 299, led by F Assaf SC (pooling application under s 579E of the *Corporations Act 2000* (Cth))

**In the matter of Pax in Bello Pty Ltd** [2019] NSWSC 889, unled (application to terminate a winding-up)

**In the matter of Rizzo-Bottiglieri-de Carlini Armatori SpA (trustees in bankruptcy appointed) (no. 2)** [2018] FCA 1067, led by A M Stewart SC (now Stewart J) (recognition of foreign proceedings under the *Cross-Border Insolvency Act 2008* (Cth))

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**In the matter of Plutus Payroll Pty Limited & others** [2017] NSWSC 1854, led by J White (appointment of provisional liquidators)

**Mehajer v Weston (Trustee), in the matter of Mehajer** [2018] FCA 608, unled (resisting stay of a sequestration order)

**In the matter of HCAFE Chatswood Pty Ltd** [2017] NSWSC 1828, led by B F Katekar SC (appointment of a provisional liquidator)

**Landrigan (Trustee) v Sutera Holdings Pty Limited** [2017] FCA 1455, led by B F Katekar SC (preliminary discovery ahead of shareholder oppression proceedings)

**Faehrmann v Van Vucht** [2018] NSWSC 397, unled (incorporated associations, membership disputes)

**In the matter of DSG Electronics Pty Ltd (formerly known as Dick Smith Electronics Pty Ltd) (receivers and managers appointed) (in liq)**, unled (public examinations)

Acting for the **Australian Securities and Investments Commission** in relation to for fees for no service conduct investigations

Appearing led and unled in numerous liquidation and bankruptcy examinations, winding-up applications and applications to set aside statutory demands.

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## Commercial and Equity

**Lepcanfin Pty Ltd v Lepfin & ors** [2020] NSWCA 155; [2019] NSWSC 1328, led by V Whittaker SC (review of expert determination; interpretation of dispute resolution clauses)

**Delor Vue Apartments CTS 39788 v Allianz Australia Insurance Ltd (No 2)** [2020] FCA 588, led by D A McLure SC (insurance)

**Network Ten Pty Ltd v TX Australia Pty Ltd & ors**, in the Court of Appeal [2018] NSWCA 312, led by D R Sulan (review of expert determination)

**BNY Trust Company of Australia Limited v MMJ Real Estate (WA) Pty Ltd & ors** [2019] NSWCA 215 (appeal); [2018] NSWSC 1938 (first instance), led by G M Watson SC (professional indemnity insurance policy construction, separate question);

Acting for **SAI Global** in a commercial arbitration, led by I M Jackman SC, (review of expert determination)

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## Taxation

Acting for the **Deputy Commissioner of Taxation** in several ongoing promoter penalty matters

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## Civil Fraud

**The Commissioner of Australian Federal Police v Omar** [2020] NSWSC 155; [2020] NSWSC 418, led by G J O'Mahoney

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## As a solicitor:

Acting for certain creditors with claims in the Lehman Brothers International Europe administration at first instance, in the Court of Appeal and in the Supreme Court;

Acting for the joint administrators of the Phones 4U group of companies;

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Acting for a creditor in the MF Global special administration proceedings;

Acting for a bank in English proceedings for alleged swap mis-selling;

Advising HM Treasury on resolution options applicable to the UK branch of a foreign bank;

English drafting counsel for ISDA on the ISDA netting and collateral industry legal opinions and client clearing addendum

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