



Master of Corporate Law (First Class) University of Cambridge  
 Bachelor of Laws (Hons 1), Bachelor of Arts (Comm.), University of Technology, Sydney

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Admitted to the legal profession 2010  
 Admitted as a barrister in NSW 2017  
 Also entitled to practise in England and Wales  
 All Australian jurisdictions (Commonwealth, State and Territory)

#### Principal areas of practice

Admiralty and Maritime	Corporations
Arbitration	Cross-border Insolvency
Appellate	Derivatives and Securities
Aviation and Transport	Equity and Trusts
Banking & Financial Services	Insolvency
Bankruptcy	International Law
Civil Fraud	Proceeds of Crime
Commercial Law	Shareholder Class Actions
Conflict of Laws	Shareholder and Partnership Disputes
Contracts	Taxation and Revenue

#### Previous professional experience

Allen & Overy LLP, Associate, 2012-2017, London and New York (Restructuring and Insolvency & Derivatives)  
 Tipstaff to the Hon. Justice Robert McDougall, Supreme Court of New South Wales, 2011  
 Minter Ellison, Lawyer, 2010-2011 (Corporate Finance and Restructuring)

#### Awards or professional recognition

Christopher Gee QC Memorial Prize for the highest result on the NSW Bar Practice Course (2018)  
 Jennings Prize, University of Cambridge (2016)  
 David and Catherine Barker Mooting Prize, University of Technology, Sydney (2008)

#### Publications

- 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

#### Professional Memberships

NSW Bar Association  
 Appointed member of the Australian Bar Association's International Committee  
 Australian Restructuring Insolvency & Turnaround Association (ARITA)  
 Banking and Financial Services Law Association (BFSLA)  
 The Women's Insolvency Network Australia (WINA)  
 Australian Centre for International Arbitration (ACICA)  
 Asia-Pacific Forum for International Arbitration (AFIA)



## Selected cases as counsel

Corporations, Banking, Insolvency & Bankruptcy

- *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))
- *Lum v M V Developments (Lane Cove) Pty Ltd (in liq.)* [2018] NSWSC 1129, led by A G Bell SC (costs)
- *In the matter of Plutus Payroll Pty Limited & others* [2017] NSWSC 1854, led by J White (appointment of provisional liquidators)
- *In the matter of HCAFE Chatswood Pty Ltd* [2017] NSWSC 1828, led by B F Katekar (appointment of a provisional liquidator)
- *Landrigan (Trustee) v Sutera Holdings Pty Limited* [2017] FCA 1455, led by B F Katekar (preliminary discovery ahead of shareholder oppression proceedings)
- *Mehajer v Weston (Trustee), in the matter of Mehajer* [2018] FCA 608, unled (resisting stay of a sequestration order)
- *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 ASIC in proceedings against a bank in relation to fees for no service conduct
- Various liquidation and bankruptcy examinations, unled

Commercial & Equity

- *Lepcanfin Pty Ltd v Lepfin & ors* [2019] NSWSC1328, led by V Whittaker SC (review of expert determination, presently on appeal)
- *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* [2018] NSWSC 1938 and on appeal [2019] NSWCA 215, led by G M Watson SC (professional indemnity insurance policy construction, separate question) and [2019] NSWSC 84, unled (costs);
- Acting for a large corporate in a commercial arbitration, led by I M Jackman SC, (review of expert determination)
- *Faehrmann v Van Vucht* [2018] NSWSC 397, unled (incorporated associations, membership disputes)
- *Brown v Brown* [2018] NSWSC 41, led by J Hyde (appointment of trustees for sale pursuant to section 66G of the *Conveyancing Act 1919* (NSW))

Taxation

- Acting for the Deputy Commissioner of Taxation in promoter penalty proceedings
- Acting for the Deputy Commissioner of Taxation in various examinations under section 353-10 of Schedule 1 to the *Taxation Administration Act 1953*, led as junior counsel

Civil Fraud and Proceeds of Crime

- Acting for the Australian Federal Police in applicants under the *Proceeds of Crime Act 2002* (Cth) in connection with a fraud

## Selected cases (as a solicitor)

Restructuring and Insolvency

- Acting for certain creditors with claims in the Lehman Brothers International Europe administration (including at various stages in the Waterfall proceedings) 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;
- Acting for a bond trustee as a creditor in a liquidation and related expert determination;
- Acting for a creditor in the MF Global special administration;
- Acting for a bank in English proceedings for alleged swap mis-selling;
- Established opinions advising custodians and clearing houses on the risk of corporate and financial institution client insolvency and the vulnerability of collateral;
- Advising HM Treasury on resolution options applicable to the UK branch of a foreign bank; and
- Advising a corporate in relation to a proposed scheme of arrangement and subsequent consensual restructuring.

Derivatives

- English drafting counsel for ISDA on the ISDA netting and collateral industry legal opinions
- English drafting counsel for ISDA in connection with the client clearing addendum to the English law ISDA Master Agreement