

Alex James-Martin



Alex practises in commercial and regulatory law

QUALIFICATIONS

Master of Laws (Hons I) (Cantab) P 03 9225 8558
Bachelor of Laws (Hons I) F 03 9225 8668
Bachelor of Commerce (Accounting) E alex.jamesmartin@vicbar.com.au

CORRESPONDENCE

CHAMBERS

Ninian Stephen Chambers
Level 38 Room 07
140 William Street
Melbourne VIC 3000

COMMERCIAL LAW

Appellate | Banking & Finance | Class Actions | Commercial Arbitration | Consumer Credit | Consumer Law | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Equity & Trusts | Private International Law | Regulatory Investigations

EMPLOYMENT & INDUSTRIAL

Discrimination

TORT LAW

Appellate | Class Actions | Defamation | Professional Negligence

PUBLIC LAW

Administrative Law | Appellate | Civil & Human Rights | Commissions & Inquiries | Customs Law | Discrimination | Extradition Law | Freedom of Information | Immigration | Judicial Review | Planning & Local Government | Privacy | White Collar Crime

Alex practises in commercial and regulatory law.

Since coming to the Bar, Alex has been briefed in a broad range of matters including disputes regarding financial services regulation, class actions, general corporate and commercial law, insolvency and bankruptcy, building and construction, administrative law, FOI and common law.

Before coming to the Bar, Alex was a solicitor in Herbert Smith Freehills' litigation team for over 4 years, and subsequently he was a Senior Solicitor in the Public Law & Planning Branch of the Victorian Government Solicitor's Office.

At HSF, Alex's work involved large, complex litigation in the Federal and Supreme Courts, including banking, tax, and insolvency disputes as well as class actions. He was also involved in investigations and corporate criminal matters, including for anti-bribery and corruption offences.

Alex holds a Master of Law from the University of Cambridge and a Bachelor of Laws from the University of Adelaide, each with First Class Honours. He also holds a Bachelor of Commerce majoring in accounting, which assists him in dealing with financial evidence. Alex was associate to the Honourable Justice Vanstone in the Supreme Court of South Australia.

Alex read with Albert Dinelli.

Liability limited by a scheme approved under the Professional Standards Legislation

Recent Cases

CORPORATIONS AND SECURITIES

ASIC v National Australia Bank Limited [\[2021\] FCA 1013](#) – Corporations – Financial services regulation – Consumer protection – Misleading or deceptive conduct (led by Collinson KC, C Archibald KC, and C Klemis)

CLASS ACTIONS

Alford v AMP VID572/2019 – Class action – Superannuation Trustee duties (led by N Owens SC and A Hochroth)

DBE17 v Commonwealth VID 1392 of 2019 – Class action – Unlawful imprisonment (led by B Walker SC, B Quinn KC, M Albert, and M Guo)

Endeavour River Pty Ltd v Murray Goulburn Corporation Ltd – Class action – Securities class action

COMMERCIAL

Asparq Consolidated Pty Ltd v Chameron Pty Ltd & Ors – Corporations – Oppression of minority shareholder (with A Segal) (settled)

Pre-Emptive Trading Pty Ltd ats Aura Energy Ltd – Corporations – Contract – Misleading or deceptive conduct – Oppression of minority shareholder (with D Lorbeer)

Zylux Distribution Pty Ltd v BOW France SAS [2019] VCC 1252 – Contract – Objection to jurisdiction by foreign

defendant – *Forum non conveniens* (unled)

Property dispute – Real property (led by E Ruddell SC)

Clear Choice Nationwide Pty Ltd ats Milo Corporation Pty Ltd – Contract – Sale of business – Misleading or deceptive conduct (unled)

Ivankovic Enterprises Pty Ltd ats LS Developments Pty Ltd – Partnership – Dissolution of partnership (unled)

Kubale Constructions Pty Ltd ats Chandra – Building and construction – Domestic building (unled)

INSOLVENCY & BANKRUPTCY

Xiang v Trustee in bankruptcy – Bankruptcy – Application to set aside notice by official receiver under s 139ZQ of *Bankruptcy Act 1966* (Cth) (unled)

Confidential construction client – Insolvency – Building and construction (unled)

PUBLIC LAW

Chief Commissioner of Police v Accused - Judicial review - protocol for determination of legal professional privilege where documents seized under search warrant (led by AM Dinelli).

Foster v Department of Health (Review and Regulation) [\[2021\] VCAT 742](#) – FOI – jurisdiction of VCAT – Constitutional law – Inconsistency between Commonwealth and State law, s 109 Constitution (unled)

Pitman v WorkSafe Victoria (Review and Regulation) [\[2020\] VCAT 487](#) – FOI – Exempt documents (unled)

Zeqaj v Victoria Police (Human Rights) [\[2019\] VCAT 1641](#) – Privacy – Alleged breach of Information Privacy Principles (unled)

Fines Victoria ats Wol – Judicial review – *Charter of Human Rights and Responsibilities Act 2006* (Vic) (led by L Brown, Crown Counsel)

Caldwell v Towong Shire Council (Human Rights) [\[2019\] VCAT 1560](#) – Human Rights – Discrimination – Summary dismissal (unled)

Jackson ats Unison (Pro bono) - Residential tenancies (unled)

Alex is often briefed to appear for the Chief Commissioner of Victoria Police both led and unled in relation to claims for public interest immunity and in the set aside of subpoenas. He has appeared in such matters in the Supreme, County and Magistrates' Court. Examples include:

DPP v Westbrook (a pseudonym) (Ruling 1) [\[2020\] VSC 290](#); *R v Westbrook* [\[2020\] VSC 472](#) – Public interest immunity – Murder – criminal trial disclosure (led by A Dinelli);

R v Halis & Ors – Public interest immunity – criminal trial disclosure – Conspiracy to commit acts in preparation for, or planning, a terrorist act (led by A Dinelli)

COMMON LAW

Miljon v Telstra Ltd – Common law – damage to real property (led by A Dinelli)

Port of Portland ats Bartle – Common law – personal injury – indemnification (led by A Dinelli)

Memberships

Commercial Bar Association