

# Przemek Kucharski

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## Summary of experience

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2006 Admitted as **Legal Practitioner**

2022 Admitted as **Barrister**

Prior to being called to the Bar, Przemek practiced as a solicitor for 16 years at Allens, where he specialised in **commercial litigation** and **insolvency and restructuring**.

### *Commercial litigation*

Przemek has extensive experience in litigious and non-litigious disputes, including administrative reviews, arbitrations, class actions, court proceedings, injunctions, mediations and appeals relating to bailment, bankruptcy, construction, contractual disputes, costs assessment, debt recovery, deceptive conduct, directors' duties, employment, energy resource pricing, fraud, freedom of information requests, insolvent trading, oppression, personal property securities, professional negligence, public examinations, real estate, reinsurance, restraint of trade, security enforcement, taxation and voidable transactions.

### *Insolvency and restructuring*

With in-depth experience of informal workouts and formal insolvency processes, Przemek has been involved in administrations, receiverships, deeds of company arrangement, schemes of arrangement and liquidations. He has also advised clients on directors' duties in insolvency, personal property securities, safe harbour plans and enforcement.

## Academic qualifications

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2009 **Master of Law**, University of Sydney

2004 **Bachelor of Law** (First Class Honours), University of Sydney

2003 **Bachelor of Arts** (Major in English), University of Sydney

## Career history

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### Eight Selborne Chambers (May 2022 to present)

**Barrister**

### Allens (December 2004 to January 2022)

*Jul 2018 – Jan 2022* **Managing Associate**, Insolvency & Restructuring group

*Jul 2010 - Jun 2018* **Senior Associate**, Insolvency & Restructuring group

*May 2006 - Jun 2010* **Lawyer**, Insolvency & Restructuring group, Litigation & Dispute Resolution group, Intellectual Property group

*Aug 2005 - Apr 2006* **Law Graduate**, Intellectual Property group

### Westpac Banking Corporation (June 2011 to December 2011)

(on secondment from Allens)

**Senior Associate**, Asset Structuring Unit, Westpac Institutional Bank, Risk

## Notable publications

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2022 – present

**Updating author**, *Practical Guidance Personal Property Securities*, published by LexisNexis

2022

**Author**, *'Special Disadvantage': The role of conscience in asset-based lending*, [2022] (Winter) *Bar News* 22

## Significant matters (as barrister)

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2022 – present  
Federal Court  
~\$200 million claim

Batchfire oppression claim (led by Christopher Withers SC)

Acting for minority shareholders of Batchfire Resources Pty Ltd, a coal mine operator, in pursuing oppressive conduct claims against the company and its majority shareholder.

2025 – present  
NSW Supreme Court  
~\$40 million claim

Co-op Bookshop group liquidation – insolvent trading claims  
(led by Daniel Krochmalik)

Acting for the liquidators of the Co-op Bookshop group in pursuing insolvent trading and breach of duty claims against directors and alleged de facto directors of the group.

2022 – 2025  
NSW Supreme Court  
~\$19 million claim

Co-op Bookshop group liquidation – unfair preference claims  
(led by Daniel Krochmalik)

Acting for the liquidators of the Co-op Bookshop group in pursuing unfair preference claims against creditors of the group.

**Significant decisions:** *In the matters of University Co-Operative Bookshop Ltd (in liq) and Co Info Ply Ltd (in liq)* [\[2024\] NSWSC 1034](#)

2025  
Federal Court  
~\$500 million fraud

Forum Finance group liquidation (led by Nick Kidd SC)

Acting for the liquidators of the Forum Finance group in seeking judicial advice concerning the distribution of funds recovered by the liquidators following the collapse of the group and the discovery of widespread fraud committed by directors of the group against various financiers.

**Significant decisions:** *Preston, in the matter of the Forum Group of Companies Pty Ltd (in liq)* [\[2025\] FCA 883](#)

2023 – 2024  
NSW District Court  
~\$100k claim

Freed v Gupta (unled)

Acting for the owners of a motor vehicle in pursuing various claims against a bailee who had possession of the vehicle for the purposes of sale, during the course of which the vehicle was stolen by third parties and wrecked beyond repair.

2022 – 2024  
NSW Supreme Court  
~\$1.2 million claim

Zhou v Huang (unled)

Acting for the former secretary of Birriga Development Pty Ltd (in liq) in defending misleading and deceptive conduct claims by an investor arising from a failed property development. An application to dismiss the proceeding was successful.

**Significant decisions:** *Zhou v Birriga Holding Pty Ltd* [\[2024\] NSWSC 1425](#)

- Dimarco v Matheson (unled)  
2023  
NSW Supreme Court  
Pursuing debt recovery claims for clients who had been victims of fraud, including through enforcement of an equitable charge over land through judicial sale.
- In the matter of Sydney-South Welfare Centre (led by Jack Hynes)  
2023  
NSW Supreme Court  
Acting for members of the managing council of a religious incorporated association in seeking various interlocutory relief and reinstatement orders following their exclusion from the council and association.
- Queensland Nickel liquidation (led by Michael Hodge KC)  
2022 – 2023  
Federal Court  
~\$100 million claim  
Acting for a litigation funder which had financed a successful debt recovery claim by the liquidators of Queensland Nickel Pty Ltd (in liq) against entities associated with Mr Clive Palmer. This matter involved successfully defending (including on appeal) claims by the Palmer entities relating to the distribution of the litigation proceeds.  
**Significant decisions:** *Park, in the matter of Queensland Nickel Pty Ltd (in liq) (No 3)* [2022] FCA 1301; *Queensland Nickel Sales Pty Ltd v Park in his capacity as liquidator of Queensland Nickel Pty Ltd (in liq)* [2023] FCAFC 150
- Ruby Princess class action (led by Ian Pike SC)  
2022 – 2023  
Federal Court  
Pursuing various claims against the owners and operators of the *Ruby Princess* for a class comprising passengers on the vessel who contracted COVID-19 following an outbreak of coronavirus on a cruise in March 2020.  
**Significant decisions:** *Karpik v Carnival plc (Ruby Princess) (Initial Trial)* [2023] FCA 1280
- Nguyen v The Star (led by Jack Hynes)  
2022  
NSW Supreme Court  
Acting for the operator of The Star casino in successfully seeking the dismissal of claims brought by a former patron of the casino who had been excluded from the premises at the direction of NSW Police.  
**Significant decisions:** *Nguyen v The Star Pty Limited* [2022] NSWSC 979

## Notable matters (as solicitor)

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- Dick Smith group litigation  
2016 – 2022  
NSW Supreme Court  
~\$50 million claim  
Acting for a former non-executive director of the Dick Smith group in public examinations and litigation commenced by the group's receivers alleging breaches of directors' duties. The matter resulted in the client being found to have no case to answer and an award of indemnity costs.  
**Significant decisions:** *DSHE Holdings (Receivers & Managers Appointed)(In Liquidation) v Abboud & Ors (No 3)* [2021] NSWSC 673; *DSHE Holdings (Receivers & Managers Appointed)(In Liquidation) v Abboud & Ors (No 4)* [2022] NSWSC 91
- ATO audit of ResMed  
2016 – 2022  
US\$381.7 million settlement  
Acting for ResMed in connection with an ATO audit raising complex transfer pricing issues relating to IP license royalties obtained via Singapore and the operation of the Part IVA anti-avoidance regime. The matter resulted in a successful settlement.

2013 – 2022  
NSW Supreme Court  
NSW Court of Appeal  
Federal Court  
~\$11 million claim

#### David James group litigation

Acting for ANZ and receivers appointed by it to the David James group of companies. The matter became litigious after investigations uncovered potential fraud against ANZ.

**Significant decisions:** *James v Australia and New Zealand Banking Group Ltd* [2018] NSWCA 41; *James v Australia and New Zealand Banking Group Ltd* [2020] NSWCA 101

2014 – 2018  
NSW Supreme Court  
NSW Court of Appeal  
Various US courts  
~\$60 million claim

#### Forge Group PPS litigation

Acting for the receivers of Forge Group in litigating a dispute with GE / APR Energy concerning the vesting of mobile electricity turbines under s 267 of the *Personal Property Securities Act Securities Act 2009* (Cth). The Australian litigation set important precedents around the treatment of fittings / fixtures in the legislation. The dispute also gave rise to proceedings in various courts in the US.

**Significant decisions:** *Forge Group Power Pty Limited v General Electric International Inc* [2016] NSWSC 52; *Power Rental Op Co Australia, LLC v Forge Group Power Pty Ltd* [2017] NSWCA 8; *Jones v. APR Energy Holdings Ltd. (In re Forge Grp. Power Pty Ltd.) Case No. 17-cv-02045-PJH* (N.D. Cal. Feb. 12, 2018) (recognition of a foreign proceeding under Chapter 15 of the Bankruptcy Code)

NSW Supreme Court  
NSW Court of Appeal  
High Court

#### Other matters

*Westport Insurance Corporation & Ors v Gordian Runoff Limited* [2009] NSWSC 245  
*Gordian Runoff Limited v Westport Insurance Corporation* [2010] NSWCA 57  
*Westport Insurance Corporation & Ors v Gordian Runoff Limited* [2011] HCA 37

#### Formal appointments

Acting for the financiers and receivers of AirportLink in Brisbane – assets sold for \$2 billion.

Acting for the financiers and receivers of the Clem7 Tunnel in Brisbane – assets sold for \$618 million.

Acting for the financiers and receivers of the Cross-City Tunnel in Sydney – assets sold for \$475 million.

Acting for the financier and receivers of the Lane Cove Tunnel in Sydney – assets sold for \$630.5 million.

#### Schemes of arrangement

Acting for Sydney Airport on the \$32 billion acquisition of its securities by the Sydney Aviation Alliance, a consortium led by Global Infrastructure Partners and IFM Investors.

Acting for the syndicate of lenders to the Alinta Finance Australia group as part of the successful 'loan to own' refinancing of the group's \$2.8 billion debt.

#### Voidable transactions

Assisting a telco client to settle a \$155 million unfair preference claim for \$20 million.