

# PETROS MACAROUNAS

Barrister

## FREDERICK JORDAN CHAMBERS

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A highly motivated and driven barrister, Petros maintains a broad practice, with his core areas of focus encompassing commercial and equity, common law, family law and criminal law.

Petros holds a Bachelor of Laws (with Honours) and a Bachelor of Medical Science from the University of Technology, Sydney. The combination of these two disciplines, in addition to being awarded the Roche Award for Excellence in Pharmacology at university, provides Petros with a solid foundation upon which to interpret medical evidence in the many cases in which he advises and appears.

Within the spheres of his practice, Petros regularly appears in interlocutory applications, as well as in matters at both first instance and appeal (led and unled) in the Supreme, District and Local Courts of New South Wales, the Federal Circuit Court, Family Court of Australia and the NSW Court of Appeal. He appears predominantly for plaintiffs in personal injury matters, and insurers in motor vehicle property litigation, and his commercial practice sees him acting for both individuals and small companies. Other matters to which his experience extends includes worker's compensation, wills and probate, fraud, building and construction and property.

Prior to being called to the Bar, Petros practised as a solicitor at Henry Davis York and McLachlan Chilton, where he gained significant experience in the areas in which he continues to practice, providing him with a well-balanced approach when representing clients. Such areas include litigation and disputes relating to insurance, property, family provisions, estates, building and construction, CTP, personal injury and motor vehicle property damage.

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### ADMISSIONS TO PRACTICE

- 2012 Admitted to the Bar of New South Wales
- 2009 Admitted to the High Court of Australia
- 2008 Admitted as a Solicitor of the Supreme Court of New South Wales

### PROFESSIONAL QUALIFICATIONS

- 2007 Bachelor Medical Science: University of Technology, Sydney
  - 2007 Bachelor of Laws (Honours): University of Technology, Sydney
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## PRINCIPAL AREAS OF PRACTICE

- Building and Construction
- Common Law, Personal Injury and Medical Negligence
- Commercial Law, Corporations and Trade Practices
- Criminal Law and Proceeds of Crime
- Equity, Real Property, and Trusts
- Family Law, Matrimonial Property, Child Welfare and Adoption
- Insolvency and Bankruptcy
- Insurance and Superannuation

## PROFESSIONAL EXPERIENCE

- 2012 – present      Barrister, Frederick Jordan Chambers
- 2010 – 2011      Lawyer, Henry Davis York
- 2008 – 2010      Solicitor, McLachlan Chilton

## ACCOLADES

- Winner: Roche Award for Excellence in Pharmacology - 2006

## PROFESSIONAL MEMBERSHIPS AND APPOINTMENTS

- Member, New South Wales Bar Association
- Board Member, Frederick Jordan Chambers

## SELECT CASES

### Motor Vehicle Claims

- Advised upon, appeared and obtained successful outcomes at a number of defended liability hearings in both the General Division and Small Claims Division of the Local Court. He has also appeared at various hearings at CARS including the preparation of statements and submissions on the same.

### Workers Compensation

- Appeared on several contested notices of motion defending the grant of leave under s151D of the *Workers Compensation Act 1987* together with appearances at several Workers Compensation Commission mediations.

### Powers of Attorney and Succession Act

- Successfully acted for the estate seeking the recovery of \$490,000 from the deceased's son and his wife who abused the power of attorney and an authority to operate the deceased's accounts to misappropriate those monies (Led by Robert Tregenza) *Fulton v Fulton* [2014] NSWSC 619.

### Fraud

- Acted for a group of investors bringing a claim based on the second limb of *Barnes v Addy* against a solicitors firm who knowingly received funds from in respect of a sham discount promissory note investment scheme.

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- Acted for a charity seeking the recovery of \$200,000 from a former accountant personally and, in negligence and breach of contract as against her employer.

## **Building and Construction**

- Acted for a builder defending a claim made against him by his Home Builders' Warranty insurance pursuant to a deed of settlement (Led by Greg James QC). He acted for a clean energy government body to resist a claim made under the Security of Payments legislation.

## **Property Law**

- Acted in Supreme Court proceedings seeking the extension of the operation of a caveat and various declaratory relief as to the existence of constructive and resulting trusts to protect his client's entitlement to property. Resolved on highly favourable terms to our client.
- Acted in Supreme Court proceedings seeking the restraint on the severance of a joint tenancy and defending a cross-claim seeking declarations as to constructive and resulting trusts (led by David Pritchard SC).
- Acted for a farmer in Supreme Court Proceeding seeking to defend possession proceedings on the basis of Res Judicata of an earlier dismissal of substantially similar proceedings *Hargraves v Waller* [2013] NSWSC 673.
- Acted for the assignees of a cause of action in negligence and breach of contract as against the leasing agent of a discount factory outlet. Successfully amended the claim at a contested notice of motion *Bassal v Savills* [2015] NSWSC 1779 (led by David Pritchard SC).

## **Insolvency**

- Acted for the Chief Commissioner of State Revenue opposing an application to set aside a statutory demand on the basis of technical non-compliance with s459E(3) of the Corporations Act 2001 (led by David Rayment) In the Matter of Gemaveld Pty limited [2012] NSWSC 582.
- Petros acted for a debtor successfully opposing the making of a sequestration order on the basis of an accord and satisfaction reached by way of agreement to resolve the proceedings before the hearing *Warton v Warton* [2012] FMCA 825.
- Acted for a debtor seeking to set aside a bankruptcy notice on the grounds that there was a court order preventing the payment being made and for abuse of process (led by Tim Hale SC) *Ezekiel v Segal* [2012] FMCA 1231.
- Acted for a creditor successfully seeking the amendment of a petition that was defective by failing to relinquish assets *Bevan v Rake* [2013] FCCA 343.

## **Criminal Law**

- Acted in several pleas in mitigation for both District Court drug supply matters as well as many Local Court pleas and hearings for a variety of offences including Assaults, Traffic Offences including Drive Manner Dangerous, AVO proceedings and the like.

## **Family Law**

- Acted for a wife in a disputed parenting and property matter so as to obtain her desired orders for parenting on the interim basis and ultimately leveraging that result to obtain a settlement such that the division of property in favour of my client 70/30 that allowed her to retain the former marital home and have the children 10/14 nights through school terms and equal time in all other time periods.

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## Appellate

- **Common Law**

Acted for a plaintiff/respondent in an appeal on liability and quantum (led by Sharron Norton SC). *Shoalhaven City Council v Pender* [2013] NSWCA 210.

- **Common Law (Local Court)**

Successfully cross-appealed judgment before Garling J of a Local Court decision in respect of errors in assessment of damages for breach of bailment for the loss of use of a non-profit earning chattel *Lyon v Adami* [2014] NSWSC 1956.

- **Commercial Law**

Acted for a company (respondent) arguing that the phrase “dealings with a company” in s128 of the Corporations Act 2001 encompasses the need for a director to have actual or ostensible authority to enter into negotiations for dealings (led by Robert Tregenza) *ANZ v Frenmast* [2013] NSWSC 459.

- **Administrative Decisions Tribunal**

Acted for the Guardian ad Litem for a woman seeking to review the decision of the Guardianship Tribunal on the basis that there was a denial of natural justice, failure to consider relevant matters it ought to and that the findings were made without evidence *LV v Guardianship Tribunal* [2012] NSWADTAP 47.