



Dr Vicky Marie Priskich

Barrister and Arbitrator

c/- Chapman's List
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General Profile

Vicky practices as a barrister and arbitrator.

Her experience covers a broad range of commercial disputes including energy, shareholder and distributorship agreements. She acts in commercial and trust disputes and has appeared in banking and finance and insolvency disputes in the Supreme and Federal Courts.

Vicky is a National Councillor of the Australian Branch of the Chartered Institute of Arbitrators (CI Arb) and a Fellow of CI Arb.

She is co-author of Lender Liability (Thomson Reuters) with Professor James O'Donovan. Her doctorate in law from the University of Melbourne was about liability and insolvency of corporate groups.

Appointments and Memberships

- Vice-President, CI Arb Australia, 2020-2022
- National Councillor, CI Arb Australia, 2018-2022
- Faculty Member CI Arb, 2018-2022
- Director, Australian Centre for International Commercial Arbitration, 2018-2019
- Member, London Court of International Arbitration 2017-2022
- Arbitration Panel Member, Immediation, 2019-2022
- Reserve Panel Member, SIAC, 2016-2022
- Fellow, CI Arb, 2016-2022
- Member, Western Australian Bar Association, 2014-2022
- Member, Commercial Bar Association of the Victorian Bar, 2007-2022

Specialist areas

- International law and arbitration
- Commercial law
- Energy
- Banking and finance
- Company law
- Equity
- Trusts

Significant cases

International Law and Arbitration

- Arbitration seated in Singapore conducted under SIAC Rules involving English law. Appointed sole arbitrator.
- Arbitration seated in Singapore conducted under SIAC Rules involving Singapore law. Appointed sole arbitrator.
- Arbitration seated in Singapore conducted under UNCITRAL Rules involving English law. Tribunal secretary.
- Arbitration seated in Singapore conducted under ICC Rules involving English law. Assisted Tribunal.

Energy

- International commercial arbitration involving obligations under a gas supply agreement of guaranteed supply of daily contract quantity and delivery priority.
- International commercial arbitration concerning contractual interpretation of obligations under a cost and revenue sharing farm-in agreement.
- Counsel in proceedings regarding the estimate of debt risk premium. Involving financial services provider Bloomberg fair value curve and long-dated bonds. Amount in dispute: AUD10.5 million.
- Counsel in proceedings involving the interpretation of the National Gas Rules as to calculation of and adjustment to the opening capital base and corresponding adjustments to remove the effect of the rate of return on capital. Amount in dispute: AUD10.12 million.
- Counsel appearing in a dispute involving disapproval of certain operating costs and cost escalators. Amount in dispute: AUD151.3 million.
- Counsel in proceedings involving whether outsourcing expenditures involved in the roll out of smart meters fell within range of permissible expenditures under the Advanced Metering Infrastructure Order. Amount in dispute: AUD8.4 million.

Commercial, Equity and Trusts

- Sole arbitrator in an international commercial arbitration involving a distribution agreement.
- Sole arbitrator in an international commercial arbitration involving the sale and supply of goods.
- Counsel in an application for leave to appeal to the High Court of Australia concerning equitable set-off of contractual claims involving alleged breach of a financial support agreement and whether equitable set-off excluded by contract.
- Counsel in Supreme Court proceedings concerning uncommercial contracts entered into by a director of a corporate trustee of a unit trust. Alleged breaches of director's duties by entering into related party transactions.
- Counsel in Supreme Court proceedings claiming and tracing assets misappropriated from a commercial unit trust. Involving breaches of duties by a director of corporate trustee.

- Counsel in Federal Court proceedings on behalf of unit holders in a commercial unit trust regarding imprudent and improper investments and replacement of trustee.
- Advising a trustee of a foundation regarding the scope of the class of beneficiaries falling within the terms of the trust and trustee's power of delegation.
- Counsel in Federal Court proceedings to vary the power of a trustee of a managed investment scheme to alter the rights of members of the schemes and to wind up the schemes.
- Counsel in Federal Court proceedings seeking variation to a deed of company arrangement.
- Counsel for administrators in Supreme Court proceedings concerning managed investment schemes. Seeking to set aside commercial transactions based on alleged breaches of trustee's duties, breach of directors' duties and accessorial liability of other companies within the corporate group.
- Counsel in Federal Court proceedings involving an international price fixing cartel for paper products, extra territorial operation of legislation, liability of companies within a corporate group.
- Counsel in Federal Court proceedings seeking leave to serve proceedings on parties outside of the jurisdiction.
- Counsel in Federal Court proceedings concerning the scope and capabilities of the Next G Mobile Network throughout Australia.
- Counsel in Supreme Court proceedings concerning the design and construction of a gas plant in Victoria.

Banking and Financial Products

- Counsel in Supreme Court proceedings regarding a claim based on conversion of cheques, restitution and breach of duty of care.
- Counsel in proceedings for the Australian Prudential Regulation Authority in the Federal Court of Australia concerning breaches of the Banking Act, mareva orders and tracing funds through the banking system.
- Counsel in proceedings for the Australian Prudential Regulation Authority in the Federal Court of Australia for contempt of court orders prohibiting transfer of funds in bank accounts.
- Counsel in proceedings against a fraudulent insurance broker who purported to provide Lloyds of London insurance. Involved claims of breach of a commercial loan agreement, misleading and deceptive conduct, and restitution for mistaken payments.
- Appearing in proceedings involving use of Bloomberg fair value curves and long dated bonds to estimate debt risk premium. Amount in dispute AUD10.5 million.
- Appearing in proceedings involving reference to callable bonds, 'make whole' callable bonds, bonds with coupon resets, CBASpectrum fair value curve to estimate debt risk premium.
- Advising a commercial customer on its liability to a bank for dishonoured cheques from an overseas third party. Amount in dispute: AUD 2 million.

Publications

Book:

- Professor James O'Donovan & Dr Vicky Priskich, *Lender Liability* (Thomson Reuters, 2016)

Articles:

- "Mandatory Laws Applicable to an Arbitration: A View From Australia" Kluwer Arbitration Blog, July 2021
- "Binding Non-Signatories to Arbitration Agreements – Who Are Persons 'Claiming Through or Under' a Party?" (2019) 35 *Arbitration International* 375
- "The Recognition and Enforcement of New York Convention Awards in the People's Republic of China: Recent Reform of the Prior Reporting System and Trends in Recognition and Enforcement" [2019] *Asian Dispute Review* 70
- "Equitable set-off: Principles, Application and Exclusion by Contract" (2014) 22 *Insolvency Law Journal* 115
- "Cheques and Conversion: Five Different Categories of Fraud" (2012) 23 *Journal of Banking and Finance Law and Practice* 214
- "Liability of a Payee on a Cheque for Conversion and Moneys Had and Received - *Heperu Pty Ltd v Perpetual Trustees Australia Ltd*" (2011) 34 *Australian Bar Review* 214
- "Theft, Fraud and Mistaken Payments: Personal and Proprietary Remedies" (2008) 19 *Journal of Banking and Finance Law and Practice* 163
- "Funds Recovery From Fraudulent Deposit" (2004) 20 *Australian Banking and Finance Law Bulletin* 70
- "Bank Liability When Customer is Fraudulent" (2002) 18 *Australian Banking and Finance Law Bulletin* 65
- "Corporate Groups: Current Proposals for Reform in Australia, the UK and a Comparative Analysis of the Regime in Germany" (2002) 4 *International and Comparative Corporate Law Journal* 37
- "CASAC's Proposals for Reform of the Law Relating to Corporate Groups" (2001) 19 *Companies and Securities Law Journal* 250
- "A Statutory Business Judgment Rule in Australia: Proposals and Policy" (1999) 27 *Australian Business Law Review* 38
- "Webb Distributors Revisited: The Interaction between the Principle of Preservation of Share Capital in Winding Up to Claims for Misleading and Deceptive Conduct" (1998) 16 *Companies and Securities Law Journal* 35