

## Albert Ounapuu



Albert Ounapuu practises in general commercial law

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### QUALIFICATIONS

Bachelor of Laws (Honours)  
Bachelor of Arts

### CORRESPONDENCE

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### CHAMBERS

Owen Dixon Chambers West  
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### COMMERCIAL LAW

Appellate | Banking & Finance | Commercial Arbitration | Consumer Law | Contractual Disputes | Corporate Insolvency | Equity & Trusts | Insurance | Real Property | Residential & Retail Tenancies | Regulatory Investigations

### TORT LAW

Commissions & Inquiries | Professional Negligence

### PUBLIC LAW

Freedom of Information | Privacy

Albert maintains a broad commercial practice in State and Federal courts and tribunals.

In particular, he has experience, both led and unled, in:

shareholder oppression and *Corporations Act 2001* (Cth) proceedings;  
 partnership disputes, including under the *Partnership Act 1966* (Vic);  
 complex family trust litigation, and equity, trusts and property law generally;  
 consumer law, financial services and insurance matters;  
 personal and corporate insolvency; and  
 professional negligence and professional disciplinary proceedings.

Recent cases in which Albert has been involved include:

*Australian Securities and Investments Commission v Retail Employees Superannuation Pty Ltd* [2022] FCA 438;  
*Melbourne Roma Caravans & RV's v Cunningham* [2022] VSC 25;  
*Australian Securities and Investments Commission v TAL Life Limited (No 2)* [2021] FCA 193  
*Australian Securities and Investments Commission v Youi Pty Ltd* [2020] FCA 1701;  
*Gandel Metals Pty Ltd v Centennial Mining Limited* proceedings: [2020] FCA 794, [2020] FCA 633, [2020] FCA 250;  
*Hivance Pty Ltd v Moscatiello & Ors* [2020] VSC 183; and  
*Hoh v Ying Mui Pty Ltd* [2019] VSCA 203.

Before coming to the bar, Albert was a senior associate at Arnold Bloch Leibler in the litigation department and an associate to Justice Gordon (then a judge of the Federal Court). Albert graduated with first class honours in law from Monash University, where he won a number of academic prizes and was an editor of the *Monash University Law Review*.

Albert read with Nicholas De Young KC and his senior mentor was Hamish Austin KC.

*Liability limited by a scheme approved under the Professional Standards Legislation*

## Recent Cases

### COMMERCIAL

A series of proceedings concerning the sale of the Sushi Sushi business to private equity investors (Supreme Court, led by P Bick KC);

A dispute concerning re-crediting of VET Fee-Help loans under the *Higher Education Support Act 2003* (Cth) (Supreme Court, led by N De Young KC);

An appeal concerning a long-running family trust dispute: *Hoh v Ying Mui Pty Ltd* [2019] VSCA 203 (Court of Appeal, led by P Bick KC and C Truong KC);

A partnership dispute arising from the sale of a credit scoring business (Supreme Court, led by N De Young KC);

An application concerning confidentiality of documents in proceedings between alleged trade rivals: *Fonterra Brands Australia Pty Ltd & Anor v Bega Cheese Ltd* [2018] VSC 471 (Supreme Court, led by C Button KC);

A 12 day hearing in VCAT's retail leasing jurisdiction concerning the failed redevelopment of a basement

premises and associated issues (VCAT, lead by M Wise KC): *Finetea Pty Ltd v Block Arcade Melbourne Pty Ltd (Building and Property)* [2019] VCAT 1529;

#### CORPORATIONS

Acting for a creditor of Centennial Mining in proceedings concerning a proposed DOCA (Federal Court, led by S Maiden KC): *Gandel Metals Pty Ltd, in the matter of Centennial Mining Limited (Subject to Deed of Company Arrangement) v Centennial Mining Limited (Subject to Deed of Company Arrangement)* [2020] FCA 250;

and, for that same creditor, successfully claiming a prior secured interest in a gold mine by operation of equitable subrogation (Federal Court, led by S Maiden KC): *Gandel Metals Pty Ltd, in the matter of Centennial Mining Limited (Subject to Deed of Company Arrangement) v Centennial Mining Limited (No 2)* [2020] FCA 633;

An application for approval of a compulsory acquisition of a minority shareholding under Pt 6A.2 of the *Corporations Act 2001* (Cth): *Ijack Pty Ltd v Cobb, in the matter of Vealls Limited* [2018] FCA 1321 (Federal Court, led by R Craig KC);

A shareholder dispute in relation to an anti-counterfeiting startup and associated initial coin offering seeking remedies under ss 233 and 461 of the *Corporations Act 2001* (Cth) (Supreme Court, unled);

#### PROPERTY, PLANNING AND DEVELOPMENT

Acting for the respondent to proceedings seeking rescission of a contract of sale under s 9AC of the *Sale of Land Act 1962* (Vic) (County Court, unled);

Acting for a builder in proceedings alleging defective construction of a residential and commercial development (VCAT, unled);

Various advices in relation to easements, subdivision, leases and licenses, the *Retail Leases Act 2003* (Vic), the *Building Act 1993* (Vic) and the *Planning and Environment Act 1987* (Vic);

#### PUBLIC AND REGULATORY

Acting for ASIC in respect of various matters arising from the Financial Services Royal Commission (led by J Peters KC and D Luxton), including in relation to a claim against Youi under the *Insurance Contracts Act: Australian Securities and Investments Commission v Youi Pty Ltd* [2020] FCA 1701 (Federal Court, led by S Donaldson SC and D Luxton);

Acting for and advising professionals and professional bodies (including the Legal Services Commissioner) in disciplinary matters;

An appeal concerning the use of anonymously supplied information in the determination of a skilled visa application: *Minister for Immigration and Border Protection v Gill* [2019] FCAFC 9 (Full Court, unled);

An application to determine the VCAT's jurisdiction as between two natural persons resident in different states in light of the High Court's decision in *Burns v Corbett* (VCAT, unled);

Aarious proceedings under, and advice in respect of, the *Freedom of Information Act 1982* (Vic) and *Privacy and Data Protection Act 2014* (Vic) (VCAT, unled).