

## Carrie Rome-Sievers



Carrie is a commercial law barrister practising with a focus on insolvency and corporations law, equity and trusts, bankruptcy and restitution.

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### QUALIFICATIONS

Bachelor of Laws  
Bachelor of Arts

### CORRESPONDENCE

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### CHAMBERS

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### COMMERCIAL LAW

Banking & Finance | Bankruptcy | Competition | Consumer Law | Contractual Disputes |  
Corporate Insolvency | Corporations & Securities | Equity & Trusts

### TORT LAW

Professional Negligence

Carrie is experienced in advocacy, pleadings and opinion work principally in the Supreme Court of Victoria, the Court of Appeal, and the Federal Court of Australia. A selection of recent cases in which Carrie has been briefed is listed below.

Carrie has advised and appeared for directors, liquidators, administrators, trustees and creditors in a range of matters. An area of particular interest is trading trusts with corporate trustees in liquidation or receivership. She has written several articles on the important decisions in [Carter Holt Harvey \(Amerind\)](#) (High Court appeal in 2019, and the Victorian Court of Appeal decision below it) and [Jones v Matrix Partners \(Killarnee\)](#) (Full Federal Court in 2018). Other areas of expertise include fraud, restitution and *Barnes v Addy* claims against third parties in cases of misuse of corporate or trust property. Carrie's publicly available articles and case reviews may be read at: [www.carrieromesievers.com](http://www.carrieromesievers.com).

Carrie is also a nationally accredited mediator.

### **Recognition**

Best Lawyers in Australia – each year 2016 to date – Insolvency and Reorganisation Law – Peer Review – published by the Australian Financial Review and Best Lawyers Australia

Doyles Guide of Leading Insolvency & Restructuring Junior Counsel – Australia – 2019 to date – Peer Review

Doyles Guide of Leading Commercial Litigation & Dispute Resolution Junior Counsel – Victoria – each year 2017 to date – Peer Review

Doyles Guide of Leading Insolvency & Restructuring Junior Counsel – Victoria – each year 2017 to date – Peer Review

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

### Recent Cases

#### **SELECTION OF RECENT CASES**

*Re Dysin Investment Partners Pty Ltd & Ors* [2021] - unreported decision of Lyons J, Victorian Supreme Court, 26 March 2021 - application for the winding up of DIP Anthony Street Pty Ltd on the just and equitable ground and in insolvency

*Re Dysin Investment Partners Pty Ltd & Ors* [2021] - unreported decision of Lyons J, Victorian Supreme Court, 12 March 2021 - application for search orders pursuant to rule 37B.02 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic)

*Re Dysin Investment Partners Pty Ltd & Ors* [2021] - unreported decision of Garde J, Victorian Supreme Court, 10 February 2021 - application for the appointment of provisional liquidators over the second defendant DIP Anthony Street Pty Ltd, a company holding the key assets of an unregistered investment scheme (property development), and for freezing orders over other companies and individuals

[Re IPO Wealth Holdings No 2 Pty Ltd \(No 2\) \[2020\] VSC 733](#) (6 Nov 2020) - application to wind up the

IPO Wealth managed investment scheme companies on the just and equitable ground; and in insolvency in respect of the borrower company IPO Wealth Holdings Pty Ltd (trading as Mayfair 101 Holdings) (led by Jonathan Evans QC)

[Re IPO Wealth Holdings No 2 Pty Ltd \[2020\] VSC 549](#) (9 Sept 2020) – application for the receivers of the IPO Wealth companies to be appointed provisional liquidators of the companies pending the hearing of the application to wind up on the just and equitable ground

*Re IPO Wealth Holdings No 2 Pty Ltd [2020]* - unreported decision of Robson J, Victorian Supreme Court, 22 May 2020 - unregistered managed investment scheme - application by the trustee of the IPO Wealth Fund to appoint receivers to the SPV companies of the IPO Wealth group, having exercised its power as secured creditor to appoint receivers to the borrower company IPO Wealth Holdings Pty Ltd (trading as Mayfair 101 Holdings)

[Re Waratah Group Pty Ltd \(in liq\) \[2020\] VSC 523](#) – application by liquidators for appointment as receivers and managers of trust assets, alternatively for power of sale over trust assets

Acting for the respondents to an application for freezing orders and search orders in the Supreme Court of Victoria (August - September 2020)

Acting for the executive chairman of a formerly listed company Apex Minerals Ltd and its subsidiary which had developed and operated gold projects in WA, in Federal Court proceedings in Western Australia in an action for alleged insolvent trading - 2019-2020 - (led by Philip Crutchfield QC)

Acting for the liquidators of a company in a proceeding in the Federal Court of Australia involving funds misappropriated by a director, against a company which runs an online gambling business. Claims include restitution, *Black v Freedman* trust, *Barnes v Addy* knowing receipt and knowing assistance, unreasonable director-related transactions (led by Scott Nixon SC, ongoing)

*Multiple unnamed cases* – Public examinations conducted in the Federal Court in Melbourne in December 2018-February 2019, and in the Federal Court in Sydney in November 2019-March 2020

*Re Kasbah Moroccan Imports (VIC) Pty Ltd (administrators appointed)* – Federal Court – March 2019 – adjournments of a winding up application obtained on behalf of the administrators to allow creditors to consider a DOCA

[Northway Panels \(Vic\) Pty Ltd & Ors v Adrian John Warry and Shane Leslie Deane \(as joint receivers and managers\) and Admiralty Drive Pty Ltd \[2018\] VSC 581](#) – 24 September 2018 – an urgent injunction application to restrain receivers from acting on their appointment and seeking a declaration under s 418A of the Corporations Act that their appointment was invalid. Successfully resisted for the receivers.

*ASIC v Realestate Equity Investment Trust* – Federal Court proceedings – July-September 2018 – advising and providing written submissions on behalf of a non-party claimant regarding an equitable secured interest in the property of a managed investment scheme, arising under a musharakah agreement.

*Re Cameron Lane Pty Ltd (in liq); Playaround Pty Ltd v Peter Robert Vince [2018] VSC (14 August 2018, unreported decision of Efthim Asj)* – an appeal by a creditor from a liquidator's decision to reject a proof of debt, by way of application under s 90-15(1) of Schedule 2 of the Corporations Act. Successfully resisted for the liquidator.

[Re Mamounia Pty Ltd \(in liq\)\(No 3\) \[2018\] VSC 65](#) – briefed as contradictor - application by liquidators of a trustee of a trading trust for directions - a sum of trust funds was held by solicitors under a general possessory common law lien, and questions arose as to the liquidators' power to apply it in payment of the solicitors' fees - power was also sought for the company as a bare trustee to be conferred under s 63 of the Trustee Act

*Apollo General Engineering (Aust) Pty Ltd (in liq) & Ors v Culve Engineering Pty Ltd & Ors* – County Court and Supreme Court of Victoria proceedings (2013-2017) – insolvent trading, uncommercial transactions, subrogation. Pre-trial applications included to dismiss for want of prosecution, and to substitute the executrix of the deceased estate of the third defendant as a party following his death, to defend the insolvent trading claims. The latter was appealed to Robson J – [Re Apollo General Engineering \(Australia\) Pty Ltd \(in liquidation\) \[2016\] 533](#) – which decision went to the Court of Appeal – [Curve Engineering Pty Ltd & Ors v Apollo General Engineering \(Aust\) Pty Ltd \(in liq\) \[2017\] VSCA 182](#) (led by Jim Peters QC)

[The Presbyterian Church of Victoria Trusts Corporation v Anstee & Ors \(No 1\) \[2016\] VSC 297](#), [The Presbyterian Church of Victoria Trusts Corporation v Anstee & Ors \(No 2\) \[2017\] VSC 102](#) and [The Presbyterian Church of Victoria Trusts Corporation v Anstee & Ors \(No 3\) \[2017\] VSC 520](#) – a complex charitable property trust dispute involving breaches of trust and questions of proprietary remedies and tracing. It has also involved several legal professional privilege disputes one of which may be found at [The Presbyterian Church of Victoria Trusts Corporation v Anstee & Ors \[2014\] VSC 426](#) (led by Michael Shand QC)

## Memberships

Law Council of Australia – Insolvency and Reconstruction Law Committee

Commercial Bar Association of Victoria

Women in Insolvency and Restructuring Victoria (WIRV)

INSOL International