

Matthew Peckham

Owen Dixon Chambers West
Level 18 | Room 21
525 Lonsdale Street
Melbourne VIC 3000

T 03 9225 7961
M 0425 790 816
E matthew.peckham@vicbar.com.au

Admitted: 2007

Signed Bar Roll: 2017



Matthew practices nationally in commercial, regulatory and public law matters, including in statutory investigations and inquiries. He is the lead author of *Civil Penalties in Australia* (2025, LexisNexis) – the first comprehensive Australian textbook on civil penalty proceedings.

Matthew is an accomplished litigator and trial advocate, with nearly 20 years' experience of complex strategic litigation. He works closely with his instructors, and is regularly briefed either unled, with Senior Counsel, or as leader to more junior counsel. Matthew previously held senior roles at Maddocks Lawyers and the Australian Securities and Investments Commission, and worked at the Financial Services Authority in London.

Matthew's areas of expertise are:

- **Complex corporate and commercial litigation:** including corporate governance and shareholder disputes, commercial trusts, managed investment schemes, partnerships, corporate insolvency, schemes of arrangement, and complex fraud and wrongdoing. Matthew is a former member of the Law Council of Australia's Corporations Law Committee.
- **Regulatory and public law (especially civil penalty proceedings):** including proceedings for contraventions of corporate, commercial, energy, consumer and other legislation. Matthew has appeared for regulators and defendants in over 15 civil penalty proceedings – many high profile, complex or novel – and has conducted numerous compulsory or public examinations. Matthew also appears in judicial review, merits review and disciplinary proceedings.
- **Energy and infrastructure law:** including matters raising complex regulatory, engineering, logistical, economic, and consumer law issues. Matthew is the Deputy Chair of the Commercial Bar Association's Energy & Infrastructure Section, and the co-author of the *National Energy Regulation Handbook* (2017, Energy Consumers Australia).
- **Financial services law and regulation:** including financial products, financial services, financial markets and financial advice, superannuation, personal insurance, managed investment schemes, and associated fraud and misconduct.
- **Competition and consumer law:** including competition law, economic regulation, and breaches of consumer legislation.

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Substantial or indicative cases and experience

2025		
<i>Australian Securities and Investments Commission v Telstra Super Pty Ltd</i> [2025] FCA (7-day trial)	Financial services. Civil penalty; licensees' obligations; superannuation; consumer law; validity of delegated legislation – including complex issues concerning the validity of a civil penalty provision notionally created by ASIC under legislative instrument.	Led by N De Young KC, instructed by Mills Oakley.
<i>Australian Energy Regulator v CAM Engineering & Construction Pty Ltd</i> [2025] FCA 737 (1-day penalty hearing)	Energy. Civil penalty; obligations of embedded network operator; consumer law.	Unled, instructed by Norton Rose Fulbright. Heard in Sydney.
<i>Myers v Medical Board of Australia</i> [2025] VSC 363 (appeal, written submissions only – due to availability)	Public law. Security for costs; appeal against decision by an Associate Judge.	Unled (written submissions only, M Isobel appearing due to unavailability), instructed by Russell Kennedy.
<i>Australian Energy Regulator v Callide Power Trading Pty Ltd</i> [2025] FCA 32 (agreed penalty)	Energy. Civil penalty; generator performance standards, massive power station explosion.	Led by N De Young KC, instructed by Australian Government Solicitor. Heard in Brisbane.
<i>Alinta Sales Pty Ltd v Economic Regulation Authority (Western Australia)</i> [2025] WASC (ongoing)	Competition / economic regulation. Judicial review; energy; commercial access arrangements for gas pipeline.	Led by S Lloyd SC, instructed by Squire Patton Boggs. To be heard in Perth.
<i>NDIS Quality and Safeguards Commission v Lifestyle Solutions Pty Ltd & Anor</i> [2025] FCA (ongoing)	Consumer law. Civil penalty; disability support standards and safety; NDIS Practice Standards and Code of Conduct.	Led by D Star KC, instructed by the NDIS Quality and Safeguards Commission. To be heard in Sydney.
<i>Re Capesure Pty Ltd & Ors</i> [2025] VSC (settled)	Commercial. Corporations law; shareholder oppression; leave to bring derivative proceedings.	Unled, instructed by KHQ Lawyers.
<i>Dunn & Anor v Blomeley & Anor</i> [2025] CCV; [2025] FCA (ongoing)	Commercial / insolvency. Dispute regarding sale of a thoroughbred racehorse, resisting associated creditor's petition.	Unled, instructed by Mackay Chapman.
Advice re responding to investigation by the Labour Hire Authority.	Investigation/inquiry. Employment/industrial; labour hire.	Unled, instructed by Robert James Lawyers.

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2024		
Australian Energy Regulator v Pelican Point Power Ltd [2024] FCA 277 (2-day penalty hearing)	Energy. Civil penalty; National Electricity Market.	Led by T Clarke, instructed by Australian Government Solicitor. Heard in Adelaide.
Australian Competition and Consumer Commission v Bloomex Pty Ltd [2024] FCA 243 (1-day penalty hearing)	Consumer law. Civil penalty; false advertising.	Unled (opposed to Senior Counsel), instructed by KHQ Lawyers.
Yarra Valley Water v Adams; Adams v Head, Transport for Victoria [2024] MCV (7-day trial)	Infrastructure. Negligence and statutory claims re damage caused by large infrastructure project.	Unled, instructed by Hall & Wilcox.
Essential Services Commission v Sumo Power Pty Ltd & Sumo Gas Pty Ltd [2024] VSC 758 (agreed penalty)	Energy / consumer law. Civil penalty; best offer messages; prohibited door-to-door selling; lack of explicit informed consent.	Led by D Star KC, instructed by Corrs Chambers Westgarth.
Energy Safe Victoria v Ausnet Electricity Services Pty Ltd [2024] VSC 385 (agreed penalty)	Energy and infrastructure. Civil penalty; bushfire safety.	Leading A Mobrici, instructed by Energy Safe Victoria.
Australian Communications and Media Authority v Phase Broadcasting Pty Ltd [2024] FCA 473 (agreed penalty)	Infrastructure. Civil penalty; radio communications.	Unled, instructed by Australian Government Solicitor.
Soul of the Universe Pty Ltd v Werribee Centre Pty Ltd [2024] VSC (settled)	Commercial. Complex commercial dispute; property development; trusts; managed investment schemes; financial services.	Leading M Hardinge / A Lane, instructed by Tisher Liner FC.
Investigation concerning conduct and compliance by Sumo Power and Sumo Gas: conducting compulsory examinations for the Essential Services Commission	Investigation/inquiry. Energy/consumer law; compulsory examinations. This was the Commission's first use of compulsory examination powers.	Conducted examinations unled, instructed by Corrs Chambers Westgarth.
2023		
Australian Energy Regulator v Pelican Point Power Ltd [2023] FCA 1110; [2023] FCA 1381 (13-day trial)	Energy. Civil penalty; National Electricity Market.	Led by A McClelland KC and T Clarke, instructed by Australian Government Solicitor. Heard in Adelaide.
Essential Services Commission v QEnergy Ltd; Mojo Power East Pty Ltd [2023] VSC 460 (agreed penalty)	Energy. Civil penalty; Victorian Energy Upgrades scheme.	Unled, instructed by Essential Services Commission.

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<i>Looking at the Stars Pty Ltd v LFC Enterprises & Ors</i> [2023] VSC (settled)	Commercial. Corporations law; shareholder oppression, directors' duties.	Leading M Hardinge, instructed by Tisher Liner FC.
<i>Re The Sustainable Nutrition Group Ltd</i> [2023] FCA (approval of scheme of arrangement, acting for the takeover target – scheme approved, but reasons not published)	Scheme of arrangement. Corporations law – takeover scheme of arrangement.	Unled, instructed by K&L Gates.
<i>Re PropTech Group Ltd</i> [2022] FCA 1606 ; [2023] FCA 89 (scheme of arrangement, acting for the takeover target)	Scheme of arrangement. Corporations law – takeover scheme of arrangement.	Led by Carl Moller SC, instructed by Nicholson Ryan.
<i>The Complete Planner Pty Ltd v DFS & Anor</i> [2023] VCC (settled)	Commercial. Professional negligence and indemnity; financial advice; fraud.	Unled, instructed by SLF Lawyers.
<i>EnergyAustralia Pty Ltd v Ivanhoe Ops Pty Ltd</i> [2023] VCC (settled)	Commercial. Dispute with energy retailer.	Unled, instructed by Mills Oakley.
<i>Green Solutions Australia Pty Ltd v Essential Services Commission</i> [2023] VSC (settled)	Energy. Judicial review; Victorian Energy Upgrades scheme; injunction.	Unled, instructed by the Essential Services Commission.
Advice to litigation funder re proposed class action against Tesla Motors	Class action. Consumer law - product liability, consumer guarantees.	Unled, instructed by a litigation funder.
2022		
<i>Melbourne Property Group Investments (MPGI) Pty Ltd v Knight 43 Martin Street Pty Ltd & Ors</i> [2022] VSC 41 ; [2022] VSC 195 (6-day trial, separate costs hearing)	Commercial. Dispute regarding failed property development; complex contract law issues.	Leading V Murano, instructed by Mills Oakley.
<i>Townshend v Fendall Farms Pty Ltd & Ors</i> [2022] FCA 848 (derivative leave application) (substantive proceeding later resolved)	Commercial. Complex corporations law dispute; shareholder oppression; directors' duties; knowing receipt; fraudulent concealment.	Led by R Heath KC, instructed by Rigby Cooke (later Velocity Legal).
<i>Re PayGroup Ltd</i> [2022] FCA 1026 ; [2022] FCA 1350 (scheme of arrangement, acting for the takeover target)	Scheme of arrangement. Corporations law – takeover scheme of arrangement.	Led by Carl Moller SC, instructed by K&L Gates.
<i>The Kilmore International School (Vic) Pty Ltd & Anor v The Kilmore International School Ltd</i> [2022] FCA (settled after order for expedited hearing)	Commercial. Commercial dispute concerning licensing rights – contract law; intellectual property; regulatory issues.	Unled (opposed to Senior Counsel), instructed by Mackay Chapman.

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<i>Deanlee Pty Ltd v Head, Transport for Victoria</i> [2022] VCC (settled)	Infrastructure. Negligence, safety, statutory claims against road authority.	Unled, instructed by Minter Ellison.
Investigation concerning events on the National Electricity Market in June 2022: conducting compulsory examinations for the Australian Energy Regulator . See AER, “June 2002 market events report” (December 2022)	Investigation/inquiry. Compulsory examination; energy regulation; wholesale electricity market – suspected market misconduct. This was the AER’s first use of compulsory examination powers.	Conducted examinations unled, otherwise led by Ruth Higgins SC, instructed by Australian Government Solicitor. Conducted in Sydney and Brisbane.
2021		
<i>Rothnie & Australian Securities and Investments Commission</i> [2021] AATA 1545 (5-day hearing)	Financial services. Merits review; disciplinary; financial advice; challenge to ASIC banning order.	Unled (opposed to Senior Counsel), instructed by K&L Gates. Heard in Brisbane.
<i>Gershon v Design Flow Pty Ltd</i> [2021] VSC (successful interlocutory injunction, subsequently settled)	Commercial. Corporations law; shareholder oppression; confidentiality; injunction.	Unled, instructed by Tisher Liner FC.
<i>Hajipour & Anor v Azimzadeh</i> [2021] VCC (main proceeding); [2020] VSC (resisting removal of caveat)	Commercial. Property; equity; fraudulent transactions.	Leading U Ramachandran, instructed by AMS Law.
2020		
<i>Application by Flexigroup Ltd</i> (acting for the Consumer Action Law Centre) [2020] ACompT 1 (leave to intervene); [2020] ACompT 2 (6-day hearing in the Australian Competition Tribunal)	Competition law. Energy; consumer law; credit regulation; financial services; ACCC approval of the New Energy Technology Consumer Code – issues concerned door-to-door sales and access to Buy-Now-Pay-Later credit.	Led by T Clarke, instructed by the Consumer Action Law Centre.
<i>Marijancevic v Page & Ors</i> (acting for VicRoads) [2020] VSC 68 (1 day trial)	Public law. Judicial review of County Court criminal prosecution; road safety and driver licensing.	Unled, instructed by Minter Ellison.
<i>Somers v Box Hill Institute & Gobel Aviation Pty Ltd</i> [2020] VSC (settled).	Class action. Consumer law; education; aviation law.	Led by R Heath QC, instructed by Maddocks.
2019 and earlier		
<i>DED16 v Minister for Home Affairs</i> [2019] FCAFC 18 (appeal to the Full Court)	Public law. Appeal; judicial review; immigration – refusal of protection visa.	Led by D Yarrow, instructed by the Asylum Seeker Resource Centre.

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<i>Rothnie & Australian Securities and Investments Commission</i> [2019] AATA 4546 (stay application)	Financial services. Merits review; disciplinary; financial advice; seeking stay of ASIC banning order.	Unled (opposed to Senior Counsel), instructed by K&L Gates. Heard in Brisbane.
<i>Bartley v Racing Victoria Ltd</i> (Review & Regulation List) [2019] VCAT 949 (hearing on novel jurisdictional issue)	Public law. Merits review; limits of VCAT's jurisdiction; acting for a prominent racing journalist – successfully argued that media pass was an “occupational racing licence”, and refusal was subject to review.	Unled, instructed by Geoff Dillon & Co.
<i>Minister for the Environment v ACN 089 171 415 Pty Ltd (formerly Fire Protection Technologies Pty Ltd)</i> [2020] FCA 1557 (agreed penalty)	Environmental law. Civil penalty; synthetic greenhouse gas importation.	Unled, instructed by McCullough Robertson.
<i>Commissioner of Taxation v Pavihi</i> [2019] FCA 2056 (agreed penalty)	Superannuation. Civil penalty; illegal scheme for early release of super.	Unled, acting pro bono without instructors.
<i>Australian Securities and Investments Commission v AGM Markets Pty Ltd & Ors</i> [2019] FCA (ceased acting when administrators appointed)	Financial services. Civil penalty; consumer law.	Led by H Austin QC, instructed by Mills Oakley.
<i>Diversa Trustees Ltd v Primary Superannuation Services Pty Ltd</i> [2019] VSC (main dispute settled, then application for judicial advice)	Commercial and superannuation. Dispute between superannuation trustee and fund administrator, complex issues re remediation of superannuation fund, application for judicial advice to trustee.	Led by J Moore QC, instructed by Maddocks.
<i>Undisclosed RTO & Australian Skills Quality Authority</i> [2019] AATA (written reasons not provided)	Public law / education. Merits review; licensing of VET provider; successful application for stay of decision to cancel provider's registration.	Led by R Heath QC, instructed by Maddocks.
<i>DED16 v Minister for Home Affairs</i> [2018] FCCA 3074	Public law. Judicial review; immigration – refusal of protection visa.	Unled, instructed by Asylum Seeker Resource Centre.
<i>Kraft Foods Group Brands LLC v Bega Cheese Ltd (Nos 3, 4 and 7)</i> [2018] FCA 1023 ; [2018] FCA 1055 ; [2018] FCA 1507	Civil procedure. Acting for non-party foreign corporation, re subpoenas and orders for disclosure, undertakings, costs.	Led by E Heerey QC, instructed by Clifford Chance.

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<i>Australian Securities and Investments Commission v Golden Financial Group Pty Ltd</i> (No 2) [2017] FCA 1267 (agreed penalty, settled in week prior to trial)	Financial services. Civil penalty; financial advice; first case brought by ASIC under the Future of Financial Advice laws.	Led by J Moore QC, instructed by Mills Oakley.
<i>Application by ActewAGL Distribution</i> (acting for Energy Consumers Australia) [2017] ACompT 2 (hearing to challenge economic determination by the Australian Energy Regulator).	Competition / economic regulation. Energy; hearing in the Australian Competition Tribunal.	Unled, instructed by Maddocks (written submissions only, for Energy Consumers Australia).
<i>Previti v VicRoads</i> [2017] MCV (3-day hearing)	Public law. Merits review; road safety; medical fitness to drive; expert medical evidence.	Unled, instructed by Minter Ellison.
<i>United Petroleum Pty Ltd v Minister for the Environment & Energy</i> [2017] FCA (written reasons not provided, withdrawn by opposing party).	Public law. Judicial review; defending challenge to regulatory powers; numerous interlocutory applications opposed to Senior Counsel, proceeding withdrawn by the opposing party.	Unled (opposed to Senior Counsel), instructed by Maddocks.
<i>Cant v Healey Infrastructure Pty Ltd</i> [2017] MCV (3-day hearing)	Commercial / insolvency. Liquidator's claim to recover unfair preference payments.	Unled, instructed by Maddocks.

Key publications

- Peckham, Truong, Latham and Storey, *Civil Penalties in Australia* (2025, LexisNexis)
- Peckham, "Civil penalty proceedings", chapter in *Practical Guidance* (LexisNexis online service, 2023 and ongoing updates)
- Truong and Peckham, "Civil penalty proceedings: A practitioners guide" (2022, published online)
- Peckham, "Westpac v ASIC: High Court addresses some important questions for Australian financial service licensees" (2021) 25(1) *Inhouse Counsel* 6; (2021) 37(3&4) *Banking & Finance Law Bulletin* 38
- Peckham and Gregory, *National Energy Regulation Handbook* (2017, Energy Consumers Australia)
- Peckham, 'From the Wallis Report to the Murray Report: a critical analysis of the financial services regime between two Financial System Inquiries' (2015) 33 *Company and Securities Law Journal* 478.