

## Michael Heaton QC

LLM (Uni Melb), LLB, BJuris (Monash Uni), FCI Arb (UK), FACICA, MRI  
Grade 1 Arbitrator | Nationally Accredited Mediator |  
Victorian Bar Accredited Advanced Mediator | Adjudicator (Victoria, WA and NT)

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**Year Admitted:** 1 Mar 1972  
**Year Signed Bar Roll:** 11 Sept 1975  
**Year Appointed QC:** 23 Nov 1999

**Admitted to Practice in:** All states and Federal Jurisdictions

Mr Heaton QC holds a Masters Degree in Law from the University of Melbourne as well as a Bachelor of Laws and Bachelor of Jurisprudence (Monash University). He is admitted to practice in all Australian states and territories.

Mr Heaton has a truly broad commercial practice which has spanned many years at the Victorian Bar.

### Litigation

Mr Heaton practices predominantly in the following areas and accepts briefs in all states:

- |                             |                       |
|-----------------------------|-----------------------|
| ○ Contract                  | ○ Banking and Finance |
| ○ Commercial                | ○ Trade Practices     |
| ○ Corporations              | ○ Property Law        |
| ○ Insolvency                | ○ Public Law          |
| ○ Building and Construction |                       |

Mr Heaton has been Counsel in key cases including:

- *Apriaden Pty Ltd v Seacrest Pty Ltd* (2005) 12 [VR 139](#) - lease repudiation
- *Monty Financial Services Ltd v Delmo* [1996] 1 [VR 65](#) - removal of administrator
- *Vassos v The State Bank of South Australia* [1993] 2 [VR 316](#) – immediate indefeasibility of title
- *Hill v Rose* (1990) [VR 129](#) - fiduciary obligations

### Arbitration

Mr Heaton is a Fellow of the Chartered Institute of Arbitrators UK (FCI Arb (UK)), a Fellow of the Australian Center for International Commercial Arbitration (FACICA) and a Resolution Institute (formerly Institute of Arbitrators and Mediators Australia) Grade 1 Arbitrator. He practises as an arbitrator and represents parties in arbitrations. He was the Arbitrator in *Amasya Enterprises Pty Ltd v Asta Developments (Aust) Pty Ltd* [2016] [VSC 326](#).

Mr Heaton has a keen interest in changing the landscape of arbitration for major disputes in Australia, and would like to see more arbitration hosted in Melbourne. He is on the NBN Arbitration Panel and on the New South Wales Mining and Petroleum Land Access Arbitration Panel and has arbitrated under that scheme.

## Adjudication

Mr Heaton is an accredited adjudicator under the *Building and Construction Industry Security of Payment Act 2002 (Vic)*, the *Construction Contracts Act 2004 (WA)* and the *Construction Contracts (Security of Payments) Act 2004 (NT)*.

He has carried out adjudications where the amounts in dispute range from over \$16 million to several thousand dollars. He was adjudicator in *APM DF2 Project2 Pty Ltd v Grocon Constructors (Vic) Pty Ltd & ors.* [2014] [VSC 596](#) and *Commercial Industrial Construction Group Pty Ltd v King Construction Group Pty Ltd & anor* [2015] [VSC 426](#).

He is also happy to advise and appear for claimants and respondents.

## Mediation

Mr Heaton is a Nationally Accredited Mediator under the National Mediation Accreditation System (NMAS) and a Victorian Bar Accredited Mediator. He conducts mediations and also represents parties at mediations. He is on the ACICA, Resolution Institute and Franchise Code Mediation Panels.

## Publications

Mr Heaton is the author of the 'Guarantee and Indemnity' section of LexisNexis Court forms and Precedents in Victoria.

Recent Articles include

- *Probuild Constructions (Aust) Pty Ltd v Shade Systems Pty Ltd* [2018] HCA4
- *Maxcon Constructions Pty Ltd v Vadasz* [2018] HCA 5 the Arbitrator and Mediator June 2018
- 'Security of Payment: Resolution of Some Divergences between the Eastern States the Arbitrator and Mediator (2017) 36(1) 8
- 'Security of Payment: Divergences between the Eastern States' (2016) 35(1) 49 *the Arbitrator and Mediator*
- 'Security of Payment: Resolution of some Divergences between the Eastern States' (2017) 36(1) the Arbitrator and Mediator
- 'Domestic Arbitration 2014: The Benefits of the New Acts and Recent Cases' (2014) 33(1) 73 the Arbitrator and Mediator
- 'The March 2015 Formula One Grand Prix, International Arbitration, Enforcement of Award and the Supreme Court of Victoria' (2015) 34(1) 113 the Arbitrator and Mediator

## Associations and Affiliations

Mr Heaton is a member of Melbourne TEC Chambers (MTECC) (<https://mtecc.com.au>)

Mr Heaton chaired the Alternative Dispute Resolution Committee of the Victorian Bar for eight. He is on the Victorian Bar International Arbitration Committee and the Advisory Committee to the Board of the Melbourne Commercial Arbitration and Mediation Centre.

He serves on the Board of and Chairs the Risk Committee for Servants Community Housing Ltd.

He chaired the Human Research Ethics Committee for the Christian Research Association, Converge Australia, Tabor College, and Harvest Bible College for 16 years and remains on that Committee. He was made a life member of the Christian Research Association in 2016.

He is a member of the Commercial Bar Association of Victoria, the Australian Insurance Law Association, the Dispute Resolution Board Foundation and the Victorian Environmental Planning Law Association.

He is a former Board member of Methodist Ladies College and was a resident representative of the City of Boroondara West Hawthorn Urban Design Framework Committee.

Mr Heaton enjoys swimming, sails a Couta Boat, walks, reads The New Yorker. He follows the Monash Blues, Old Scotch and Collingwood Football Clubs.