



KIERAN HICKIE

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PROFILE

Kieran Hickie has a broad commercial practice with a focus on commercial law and equity, property, corporations and insolvency, banking and securities, construction and consumer protection, and arbitration.

Kieran has acted for domestic and international clients across a range of industry sectors, including banking institutions, professional services, agriculture, manufacturing, retail, mining, education and construction.

Kieran has appeared both unled and led in a range of matters in the Supreme Court of Victoria, the Federal Court of Australia, and lower courts and tribunals.

Prior to coming to the bar, Kieran was an associate to the Hon. Justice Croft AM of the Supreme Court of Victoria. Prior to that, Kieran was an associate at Gadens Lawyers Melbourne in the litigation group, and a solicitor in the property group. At Gadens, Kieran also worked as an in-house secondee lawyer at a major bank.

Kieran is a co-author of *Australian Commercial Arbitration* (published by LexisNexis). Kieran read with Michael Osborne KC (now the Hon. Justice M Osborne).

QUALIFICATIONS AND ADMISSIONS

Master of Laws, University of Melbourne (2017).

Signed the Victorian Bar Roll on 24 October 2013.

Admitted to practise as an Australian Lawyer on 22 April 2009 (entitled to practise in all Australian jurisdictions).

Bachelor of Laws (Honours), Deakin University (2008).

Bachelor of Commerce, Deakin University (major in Accounting) (2008).



AREAS OF PRACTICE

- Appellate
- Building, Construction and Engineering
- Class Actions
- Dom. & Int. Commercial Arbitration
- Commercial Law
- Contractual Disputes
- Corporations
- Employment/Industrial
- Equity / Trusts / Fraud
- Insolvency and Bankruptcy
- Insurance
- Real Property (inc Leasing)
- Trade practices / Regulatory proceedings
- Transport and Shipping
- Tax
- Torts (inc Negligence)

PROFESSIONAL EXPERIENCE

Kieran has a wide range of commercial disputes experience concerning (among others) property developments, major projects, complex financial transactions, companies, trusts, negligent advice and civil fraud.

- *Coonwarra Pty Ltd v CornoNero Pty Ltd & Ors; GJB Building Pty Ltd v AI & PB Property Pty Ltd & Ors* (Supreme Court of Victoria, led by C Juebner):-Acted for a number of defendant parties across two proceedings in relation to claims of breach of contract, misleading or deceptive conduct, and breach of directors duty in relation to a shopping centre development and the acquisition of a building company (judgment reserved following 49 day trial).
 - *Coonwarra Pty Ltd v CornoNero Pty Ltd; GJB Building Pty Ltd v AI & PB Property Pty Ltd* (Ruling No 2) [\[2021\] VSC 59](#): Ruling on application that two proceedings be joined and determined together.
 - *Coonwarra Pty Ltd v CornoNero Pty Ltd; GJB Building Pty Ltd v AI & PB Property Pty Ltd* (Ruling No 3) [\[2022\] VSC 62](#): Ruling on application to adopt a special referee report.
- Briefed to advise a legal practice in relation to matters concerning the receipt of settlement proceeds from an international class action (2022, led by L Hannon KC).
- Briefed to advise an international company in relation to a joint venture dispute concerning Australian assets (2022, led by J Twigg KC).
- *In re Total Express Pty Ltd* (Supreme Court of Victoria, 2021, unled): Acted for liquidator in insolvent trading and breach of directors duties claim, obtained freezing order in excess of \$1M restraining disposal of assets (settled).
- *In re Delaney Family Trust* (Supreme Court of Victoria, 2020-21, led by J Moore KC): Acted for beneficiaries in a dispute with trustee in relation to the mistaken execution of trust documents and removal of trustee (led by, application for settlement approval (settled)).
- *ETV Developments Pty Ltd v Argyle Pty Ltd* (Supreme Court of Victoria, 2021, unled): Acted for a developer seeking judicial review of an adjudication determination under *Security for Payment* legislation (settled).



YOUNG'S LIST

- *In re Sallon Pty Ltd; Kanyon Pty Ltd v Hartwig* (Supreme Court of Victoria, 2018-19, led by C Juebner): Acted for defendant parties in relation to a dispute concerning the management and operation of a property development company and finance business, allegations of misleading or deceptive conduct and breaches of directors duties (settled at trial).
- *Newland International (Vic) Pty Ltd v Maunder* [\[2019\] VSC 33](#) (Supreme Court of Victoria, unled): Successfully acted for group of tenants under long term leases in a VCAT appeal concerning the interpretation of a rent review clause.
 - *Maunder v Newland International (Vic) Pty Ltd (Civil Claims)* [\[2018\] VCAT 1843](#) (unled).
- *Bendigo & Adelaide Bank Limited v The Estate of McLean* [\[2018\] VSC 215](#) (Supreme Court of Victoria, unled): Acted for the Bendigo Bank in an application for leave to proceed against an unrepresented deceased estate, followed by successful summary judgment application.
- *Coady Family Investments Pty Ltd v Pitard & Ors; Multitude Pty Ltd v Tim & Tam Bathrooms Pty Ltd & Ors* (Supreme Court of Victoria, 2017, led by C Juebner): Acted for a shareholder in a corporations law dispute involving the sale of a business, allegations of corporate oppression and misleading or deceptive conduct (settled).
- *Loughran v Hasham* [\[2017\] VCAT 2067](#) (unled): Successfully acted for a tenant in a retail lease dispute concerning building defects and the repudiation of the lease by the landlord.
 - *Loughran v Hasham* [\[2018\] VCAT 586](#) (unled): Successful application for indemnity costs against the landlord (in no costs jurisdiction).
- *Adventure Set Productions Pty Ltd v GM Holden* (VCAT, 2017, unled): Acted for Holden in relation to a dispute over a sponsorship agreement and allegations of unconscionable conduct (settled).
- *In re Venture Capital Group* (Supreme Court of Victoria, 2015-18, led): Acted for shareholder in relation to a contract dispute concerning the repudiation of a dispute resolution agreement:
 - *Re Venture Capital Group (No 3)* [\[2018\] VSC 513](#) (remitter) (led by M Osborne KC)
 - *Alphater Consulting v Rozman* [\[2016\] VSCA 111](#) (appeal) (led by R Heath KC)
 - *Re Venture Capital Group (No 2)* [\[2015\] VSC 319](#) (trial) (led by R Heath KC)
- *Wilson & Anor v Richards & Anor* (County Court of Victoria, 2017, led by J Evans KC): Acted for a shareholder in relation to a dispute in relation to a sale of shares involving allegations of misleading or deceptive conduct and breach of fiduciary duty (settled).
- *Tamis v La Trobe University* (Federal Court of Australia, 2016, led by P O'Grady KC): Acted for University in relation to claims of misleading or deceptive conduct concerning the termination of a honorary professorial appointment (settled).
- *Helti (Australia) Pty Ltd v Vulcan Steel Pty Ltd* [\[2015\] VSC 192](#): Successful application on behalf of company to set aside a statutory demand.



- *Mercier Rouse Street Pty Ltd v Burgess & Ors* [\[2015\] VSCA 8](#): Dispute between joint venture partners in relation to the construction of residential apartments (led by M. Osborne KC).
- *MedHealth Pty Ltd v D'Costa & Anor* (County Court of Victoria, 2014, led by N Green KC): Acted for an employer in relation to claims of misuse of confidential information and restraint of trade.
- *Re Annesley Plant Hire Pty Ltd (No 2)* [\[2014\] VSC 350](#): Amendment of pleadings in relation to claims under the *Corporations Act 2001* (Cth) (led by M. Osborne KC).
- *Isai v Registrar of Titles & Ors* [\[2014\] VCC 325](#): Dispute concerning allegations of fraud and forgery of loan and mortgage documents; application for an injunction restraining execution of warrant of seizure and sale (pro bono counsel led E. W. Alstergren KC (now Alstergren CJ of the Federal Circuit and Family Court of Australia) and later by M. Clarke KC).

PROFESSIONAL ASSOCIATIONS AND POSITIONS

Memberships

- Commercial Bar Association of Victoria
- Common Law Bar Association of Victoria
- Industrial Bar Association of Victoria
- Member, Chartered Institute of Arbitrators (MCI Arb)
- Australian Centre for International Commercial Arbitration (ACICA)

Positions

- Assistant Honorary Secretary, Victorian Bar Council (2019-20)
- Executive Member, Commercial Bar Association of Victoria (2019-21)
- Honorary Secretary, Commercial Bar Association of Victoria (2015-19)
- Secretary, Banking and Finance Section, Commercial Bar Association of Victoria (current)
- Monitor, Arbitration & ADR Section, Commercial Bar Association of Victoria (current)
- Member, Organising Committee for the London (2016), Hong Kong (2018), Penang (2020) and Albury (2022) CommBar Conferences
- Founding committee, Victorian Commercial Arbitration Scheme