



KIERAN HICKIE

Barrister, Mediator and Arbitrator

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PROFILE

Kieran Hickie practices as a barrister, mediator and arbitrator in commercial disputes. He is a nationally accredited mediator and a fellow of the Chartered Institute of Arbitrators.

As counsel, Kieran is regularly briefed unled and led in state and federal courts and tribunals. He has acted for and advised clients in a broad range of industry sectors, including banking, professional services, manufacturing, agriculture, mining, retail, education and sports entertainment.

Kieran prioritises understanding his client's business objectives, commercial drivers and perspectives, and provides practical and considered advice with an approachable manner. His clients include banks, universities, local councils, manufacturers, retailers, trustees, public and private companies, vendors, purchasers, landlords, tenants and individuals.

Kieran serves on various committees of the Commercial Bar Association of Victoria and is a co-author of *Australian Commercial Arbitration* (with Croft, Hockley and Ho, published by LexisNexis).

Before coming to the bar in 2013, Kieran served as associate to the Hon. Justice Croft AM in the Supreme Court of Victoria and was an associate in the litigation group at Gadens Lawyers. Kieran read with Michael Osborne KC (now the Honourable Justice Osborne of the Supreme Court) and his senior mentor was Nicholas Hopkins KC.

QUALIFICATIONS AND ADMISSIONS

Fellow of the Chartered Institute of Arbitrators (2025).

AMDRAS Accredited Mediator (2024).

Master of Laws, University of Melbourne (2017).

Signed the Victorian Bar Roll on 24 October 2013.

Admitted to the Supreme Court of Victoria as an Australian Lawyer on 22 April 2009 (also admitted in the High Court and Federal Courts of Australia).

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

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



AREAS OF PRACTICE

- Fraud and misappropriation
- Property, leasing and owners' corporations
- Contractual disputes
- Consumer law and trade practices
- Company, partnership and trusts disputes
- Insolvency and bankruptcy
- Banking, finance and securities law
- Professional negligence and torts
- Building & construction, major projects
- Restraints and confidential information
- Employment and privacy
- Arbitration (international and domestic)

PROFESSIONAL EXPERIENCE – SELECT PAST AND ONGOING MATTERS

Fraud and misappropriation

- **Cozmic Sales Pty Ltd v McKeone** (2025): Successfully acted on behalf of employer in freezing order application and proceeding to recover monies stolen by an employee through claims of breach of employment, breach of statutory duties and restitution (Supreme Court of Victoria, instructed by KHQ Lawyers).
- **Watson v Watson & Anor** (2025): Acted on behalf of employer as an intervening party in matrimonial proceedings between husband and wife (a bankrupt) seeking to recover stolen monies through proprietary trust and tracing claims (Federal Circuit and Family Court of Australia, instructed by SBA Law). Acted on behalf of employer in related proceedings in the Supreme Court of Victoria (instructed by Duxton Hill and SBA Law).
- **Falzon v Koeck & Anor** (2021): Acted on behalf of defendant in a proceeding concerning alleged fraudulent property dealings (transfer of land and discharge of mortgage) and trust and tracing claims (instructed by Blackwood Family Lawyers).
- **Tamis v La Trobe University** (2016): Acted for La Trobe University in a proceeding defending allegations of misleading and deceptive conduct concerning an honorary professorial appointment, and which concerned claims of alleged forgery and fraudulent applications for research funding (Federal Court of Australia, led by P O'Grady KC, instructed by Clayton Utz).
- **Fari Isai v The Registrar of Titles; Maine Isai & The Registrar of Titles** [\[2014\] VCC 325](#): Successfully acted for an owner in relation to a caveat removal application where purchaser on notice of an alleged fraud (led by W Alstergren KC, subsequently M Clarke KC, instructed by Hunt & Hunt).

Property, leasing and owners' corporations

- **Coles Supermarkets Australia Pty Ltd v 461 Hampton Street Investments Pty Ltd** (2024) 73 VR 500; [\[2024\] VSC 306](#): Successfully acted for Coles in an injunction application to restrain a proposed lease of land. The proceeding concerned a dispute whether a signed letter of offer to lease premises was binding under *Masters v Cameron* principles (led by R Heath KC, instructed by Lander & Rogers).
- **Ford v Owners Corporation SP 24717 & Ors** [\[2024\] VCAT 837](#): Successfully acted for a defendant in resisting an application to amend lot entitlement and lot liability of an owners corporation by reason of an alleged fraud on power of an owners corporation ballot (instructed by Best Hooper).
- **Paramount Investments Group Pty Ltd v Club Fogolar Furlan Melbourne** [\[2024\] VCAT 169](#) (primary decision); [\[2024\] VCAT 73](#) (stay application): Acted for the landlord in an application for declaratory relief concerning the termination of a lease for the non-payment of rent, and the tenant's application for injunctive relief and relief against forfeiture (instructed by Lander & Rogers).
- **Newland International (Vic) Pty Ltd v Maunder** [\[2019\] VSC 33](#) (primary judgment); [\[2018\] VCAT](#)

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[1843](#) (appeal): Successfully acted for a tenant in relation to dispute concerning the construction of a 99 year lease (instructed by Keelins Lawyers).

- **Loughran v Hasham** [\[2017\] VCAT 2067](#) (primary judgment); [\[2018\] VCAT 586](#) (indemnity costs): Successfully acted for a tenant in a dispute with the landlord of retail premises in relation to lease covenants and repair obligations (instructed by Aitken Partners).

Contractual disputes

- **Pinnacle Assets Pty Ltd v Jampler Nominees Pty Ltd & Ors** (2025): Acted for vendor in a proceeding concerning the disputed sale of water shares in a land contract of sale (County Court of Victoria, instructed by Harwood Andrews).
- **Coonwarra Pty Ltd v CornoNero Pty Ltd & Ors** [\[2021\] VSC 59](#) (interlocutory ruling); [\[2023\] VSC 781](#) (judgment); Successfully acted for a defendant party (agent of a lender) in a proceeding concerning whether loan monies had been disbursed under a loan contract other than for its stated purpose; claims of breach of fiduciary duty, misleading or deceptive conduct and knowing receipt regarding a shopping centre development (led by C Juebner KC, instructed by Russell Kennedy).
- **My Crazy Auntie's Food Pty Ltd (Receivers and Managers Appointed) v Selvam Holdings Pty Ltd** (2023): Acting for the receivers of a tenant in a proceeding concerning whether an option to purchase clause in a lease was enforceable, and whether the lease had been validly terminated prior to the exercise of the option (Supreme Court of Victoria, instructed by Hamilton Locke).
- **Mondous & Ors v Mansfield & Ors** (2023): Acting for the defendants in a proceeding concerning whether a signed 'heads of agreement' constituted an immediately binding agreement to sell land under *Masters v Cameron* principles (Supreme Court of Victoria, instructed by Lander & Rogers).
- **Lencat Pty Ltd v Teilaboot Pty Ltd & Anor** (2023): Acting for the purchasers of land in a proceeding concerning whether reasonable steps had been taken by the vendor to register a plan of subdivision by a sunset date in a conditional contract of sale (instructed by Best Hooper).
- **Re Venture Capital Group Pty Ltd** [\[2015\] VSC 319](#) (judgment); [\[2016\] VSCA 111](#) (appeal); [\[2018\] VSC 513](#) (remitter): Acting for a shareholder in proceedings concerning whether a dispute resolution agreement had been repudiated (led by R Heath KC in the primary case and appeal; led by M Osborne KC on the remitter, instructed by B2B Lawyers).

Consumer law and trade practices

- **Podium 1 Pty Ltd v Cardina Shire Council** (ongoing): Acting for the council defending claims of alleged misleading or deceptive conduct and unconscionable conduct concerning the purchase and development of a proposed motor recreation and education park (instructed by Lander & Rogers).
- **Crossley & Anor v Green** (2025): Acted for the defendant in a proceeding concerning claims of misleading or deceptive conduct in relation to property development project, and loss of opportunity (County Court of Victoria, instructed by Harwood Andrews).
- **Azar v Bendigo and Adelaide Bank Limited** (2024): Successfully acted for the bank in striking out claims of alleged misleading or deceptive conduct and unconscionable conduct in relation to a separation agreement (Federal Court of Australia, with T Duthie, instructed by Lander & Rogers).
- **GJB Building v AI&PB Property Pty Ltd & Ors** [\[2021\] VSC 59](#) (interlocutory ruling); [\[2022\] VSC 62](#) (special referee); [\[2023\] VSC 782](#) (judgment): Successfully acted for a defendant (non-executive director) in a proceeding concerning claims of misleading or deceptive conduct and breach of directors duties in relation to the purchase and management of a building company; counterclaim proven (led by C Juebner KC, instructed by Russell Kennedy).



- **Metal Men Recycling Pty Ltd v Petromech Pty Ltd (in liq)** (2022): Successfully acted for the purchaser in a proceeding concerning claims of misleading or deceptive conduct regarding the capacity of copper recycling machine; damages assessed (instructed by Lander & Rogers).

Company, partnership and trusts disputes

- **Undisclosed** (2025): Acting for directors and minority shareholders in foreshadowed proceedings concerning claims of alleged breaches of directors' duties in the management and operation of a food delivery business, and cross claims of oppressive conduct (instructed by Macpherson Kelley Lawyers).
- **Rice & Ors v Seladene Pty Ltd** (2021): Acting for beneficiaries of a family trust in an application to remove and replace the trustee and to set aside a historical deed of variation of trust due to mistake; relief sought pursuant to *Pitt v Holt* [2013] 2 AC 108 (Supreme Court of Victoria, led by J Moore KC, instructed by Harwood Andrews).
- **Bepacked Pty Ltd v Moervo Pty Ltd** (2021): Successfully acted for a trustee concerning the vesting of trust property (Supreme Court of Victoria, instructed by Lander & Rogers).
- **Kanyon Pty Ltd v Hartwig** (2019): Acted for a company director in a proceeding defending claims of alleged breaches of directors' duties relating to company transactions (Supreme Court of Victoria, led by C Juebner KC, instructed by Russell Kennedy).
- **Sallon Pty Ltd v Hunter** (2019): Acting for shareholder in a proceeding concerning claims of oppressive conduct in relation to a finance business (Supreme Court of Victoria, led by C Juebner KC, instructed by Russell Kennedy).
- **Mercier Rouse Street Pty Ltd v Burness & Ors** [\[2015\] VSCA 8](#): Acting for appellant in an appeal concerning a joint venture property development; whether manager of joint venture trustee held apartment on trust; jurisdiction of VCAT (led by M Osborne KC, instructed by B2B Lawyers).

Insolvency and bankruptcy

- **In the matter of Trimson Partners Pty Ltd (in liq)** (2025): Successfully acted for applicant seeking leave to proceed against a company in liquidation (Supreme Court of Victoria, instructed by Asprey Lawyers).
- **In the matter of Celebrations Group Pty Ltd (in liq)** (2021): Acting for liquidator in a proceeding concerning claims of insolvent trading and voidable transactions against employee and alleged shadow director of craft business (Supreme Court of Victoria, instructed by JRT Partnership).
- **In the matter of Total Express Pty Ltd (in liq)** (2021): Successfully acted for liquidator in obtaining urgent freezing orders in relation to claims of breach of directors' duties and voidable transactions (Supreme Court of Victoria, instructed by Russell Kennedy).
- **Mitchell v Meli & Ors** (2020): Acting for respondent defending claims by bankruptcy trustee concerning alleged receipt of undervalued transactions and transfers to defeat creditors; equity of exoneration (Federal Circuit Court of Australia, instructed by Schetzer Papaleo Luddo Solicitors).
- **In the matter of MMAP Constructions Pty Ltd (in liq)** (2017): Acting for liquidator to conduct public examinations of directors in relation to claims of insolvent trading and voidable transactions against directors, and subsequent proceedings (Federal Court of Australia, instructed by Lander & Rogers).
- **Helti (Australia) Pty Ltd v Vulcan Steel Pty Ltd** [\[2015\] VSC 192](#): Successfully acted on behalf of company to vary statutory demand (instructed by Consult Solicitors).

Banking, finance and securities law

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- **Teachers Mutual Bank v Al-Houli** (2025): Successfully acted for lender to recover loan funds and possession of mortgaged property (County Court of Victoria, instructed by BH Lawyers).
- **Gepp v Grossman** (2025): Acted for respondent lender in relation to appeal concerning disputed lending facilities and appropriation of repayments under *Clayton's case* (Supreme Court of Victoria – Court of Appeal, instructed by Harwood Andrews).
- **Archery Capital Pty Ltd v STC Management Pty Ltd** (2023): Acted for lender in proceeding for the recovery of loan monies and responding to allegations of alleged unconscionable conduct and penalties (Supreme Court of Victoria, instructed by Hall & Wilcox).
- **ING Bank (Australia) Limited v Gillis; Gillis v Daly & Anor** (2020): Acted on behalf of the defendant in a proceeding concerning an alleged fraudulent application for finance and claims under the National Credit Code (led by A Kirby, instructed by Connect Law).
- **Bendigo and Adelaide Bank Limited v The Estate of McLean** [\[2018\] VSC 215](#): Successfully acted for Bendigo Bank in relation to application for possession where mortgagor died and no probate nor letters of administration granted (instructed by Harwood Andrews).

Professional negligence and torts

- **Pinnacle Assets Pty Ltd v Jampler Nominees Pty Ltd & Ors** (2025): Acted for vendor in a third-party claim alleging professional negligence in relation to the preparation of a land contract of sale (County Court of Victoria, instructed by Harwood Andrews).
- **Yarra Valley Water Corporation v Adams; Adams v Head, Transport for Victoria** (22 February 2024, [unreported](#), Magistrate Fawcett): Acted for landowner in proceedings concerning claims of negligence and breach of statutory duty in relation to installation and maintenance of water infrastructure in road network (instructed by Best Hooper).
- **Nassef v Metricon Homes Pty Ltd & Melton City Council** (2020): Acted for owner in a proceeding concerning claims of building defects and nuisance caused by tree roots from council land (Victorian Civil and Administrative Tribunal, instructed by Bleyer Lawyers).

Building and construction, and major projects

- **Undisclosed** (2025): Advising a building company in relation to obligations under building legislation (instructed by Madgwicks).
- **Fumberger v Domato Pty Ltd & Ors** (2023): Acted for owner in a proceeding concerning allegations of building defects in domestic building; apportionment claims against builder, engineer and surveyor (Victorian Civil and Administrative Tribunal, instructed by Harwood Andrews).
- **EVT Development Pty Ltd v Argyle Building Services Pty Ltd & Anor** (2023): Successfully acted for developer in an application to quash adjudication determination; application conceded to by consent (Supreme Court of Victoria, instructed by Madgwicks).
- **BEUT Property Pty Ltd v Bunnings Group Ltd** (2020): Acted for Bunnings in a proceeding concerning promissory estoppel claims relating to the cost of intersection works, and disputed variations (Supreme Court of Victoria, led by R Heath KC, instructed by Lander & Rogers).
- **Undisclosed** (2019): Advising a contracting party in relation to agreements concerning the Forrestfield-Airport Link major project in Perth, WA (instructed by Madgwicks).

Restraints of trade, confidential information, employment and privacy

- **SX Global Pty Ltd v Bailey & Ors** (ongoing): Acting for an employer in a proceeding against the former

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CEO of a sports entertainment business concerning alleged breaches of statutory duties and a restraint of trade (Federal Court of Australia, led by P Collinson KC, instructed by Arnold Bloch Leibler).

- **Kant v University of Melbourne** (2025, Curnow JR, [unreported](#); ongoing): Acting for the University of Melbourne in defending proceedings that seek the production of documents under freedom of information and privacy legislation; University's application to strike out and dismiss the proceedings granted (instructed by Lander & Rogers).
- **EnergyAustralia Yallourn Pty Ltd v Mabaleka** (2025): Acted for Energy Australia in relation to claims of misuse of confidential information against a former employee, and breaches of employment obligations and statutory duties (Federal Court of Australia, instructed by Lander & Rogers).
- **Harston v Australian Leisure and Hospitality Group Pty Ltd** [\[2019\] FWC 41](#): Acted for employer in proceedings concerning unfair dismissal (instructed by Stonier & Associates).
- **Height v PSW Pty Ltd (2018)**: Acted for employer in proceedings concerning alleged contravention of general protections (settled after trial) (Federal Circuit and Family Court of Australia, instructed by Macpherson Kelley Lawyers).

Class actions, arbitrations, inquiries, government / regulatory, and other matters

- **Confidential** (2025): Acting for grain seller in a domestic commercial arbitration under the Grain Trade Australia arbitration rules (led by C Juebner KC, instructed by Bowman & Knox).
- **Andrianakis v Uber Technologies Inc; Salem v Uber Technologies Inc** [\[2024\] VSC 733](#): Acted for an unregistered group member seeking leave to be registered as a group member following closure order; application granted (instructed by Sutton Family Law).
- **Undisclosed** (2022): Advising a law practice in relation to the holding of settlement monies in connection with a class action (led by L Hannon KC, instructed by PwC).
- **Crib Point Gas Import Jetty and Crib Point-Pakenham Gas Pipeline Inquiry (Planning Panels Victoria)** (2020): Acting for the Westernport & Peninsula Protection Council Inc in the Crib Point Gas Import Jetty and Pipeline Inquiry (direct brief, pro bono).
- **Lake v Municipal Association of Victoria** [\[2018\] VSC 561](#): Acting for the Municipal Association in Victoria in proceeding concerning whether a casual vacancy arose in the office of president under MAV Rules (briefed to prepare submissions and led by M Osborne KC, instructed by MinterEllison).

PROFESSIONAL ASSOCIATIONS AND POSITIONS

Memberships

- Victorian Bar Association
- Commercial Bar Association of Victoria
- Industrial Bar Association of Victoria
- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Australian Centre for International Commercial Arbitration (ACICA)
- Nationally Accredited Mediator, National Mediator Accreditation System (Australia)

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)
- Deputy Chair, Arbitration & ADR Section, Commercial Bar Association of Victoria (current)

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YOUNG'S LIST

- Secretary, Banking and Finance Section, Commercial Bar Association of Victoria (current)
- Member of the CommBar organising committee for the London (2016), Hong Kong (2018), Penang (2020), Albury (2022), London (2024) and Dublin (2026) conferences
- Founding committee member, Victorian Commercial Arbitration Scheme
- Victorian Amateur Football Association, Independent Integrity Division (2018-2023)
- Secretary, Surrey Hills Preschool Centre (2024-2025).

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