

## LIST G BARRISTERS

### Damien McAloon SC



Damien McAloon SC practises in a broad range of commercial matters.

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#### QUALIFICATIONS

Bachelor of Laws (Hons)(Melb)  
Bachelor of Arts (Melb)

#### CORRESPONDENCE

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#### CHAMBERS

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#### COMMERCIAL LAW

Appellate | Banking & Finance | Bankruptcy | Consumer Law | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Equity & Trusts | Insurance | Real Property | Sports Law

Damien McAloon SC is a commercial barrister with particular experience in contract, corporations and trust disputes and litigation relating to financial services, securities enforcement, real property and directors' duties.

Damien has appeared in *Doyle's Guide*'s listing of the leading Commercial Litigation & Dispute Resolution Junior Counsel in Australia.

In addition to his general commercial practice, Damien has extensive experience in insolvency matters. In that setting, he has acted for secured and unsecured creditors, company directors and insolvency practitioners.

Prior to coming to the Bar, Damien was a solicitor and conducted a broad range of litigation matters in the Federal Court, all Victorian Courts and other state Supreme Courts.

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

## Recent Cases

### CORPORATIONS (INCLUDING CORPORATE INSOLVENCY AND OPPRESSION CLAIMS)

*Clubb (deed administrator), in the matter of Toys "R" Us ANZ Limited (subject to deed of company arrangement)* [\[2025\] FCA 1135](#) (Corporate insolvency: transfer of shares and options as part of deed of company arrangement)

*Re Caydon MP No 1 Developments Pty Ltd (in liq)(reps and mtrs apptd)* [\[2025\] VSC 803](#) (Corporate insolvency: application for extension of time for making claims under s 588FF(1) of *Corporations Act*)

*Resource Capital Ltd v Giovinazzo* [\[2024\] VSC 548](#) (Corporate oppression; proper characterization of commercial dealings); *Giovinazzo v Resource Capital Ltd* [\[2025\] VSCA 176](#) (Conduct of trial; refusal of leave to subpoena new witness) [led by C Parkinson KC]

*Gong v Nipps (liquidator), in the matter of i-Prosperity Pty Ltd (in liq)* [\[2024\] FCAFC 102](#); 305 FCR 55; *Nipps, in the matter of i-Prosperity Pty Ltd (in liq)* [\[2023\] FCA 1446](#) (Corporate insolvency: extension of time to bring voidable transaction claims)

*Morgan, in the matter of Traditional Values Management Limited (in liq)* [\[2024\] FCA 74](#) (Corporate insolvency: judicial direction sought by liquidator; appearing as court-appointed contradicitor)

*Deppeler, in the matter of Moulamein Grain Co-Operative Limited (in liquidation) (No 2)* [\[2023\] FCA 658](#); *Deppeler, in the matter of Moulamein Grain Co-Operative Limited (in liquidation) (No 3)* [\[2023\] FCA 803](#); 168 ACSR 244 (Court-appointed receivership; treatment of property held by co-operative in liquidation; entitlement to remuneration)

*Ford, in the matter of Melbourne Rebels Rugby Union Pty Ltd (Administrators Appointed)* [\[2024\] FCA 133](#) (Corporate insolvency: extension of convening period)

*Re Intellicoms Pty Ltd (in liq)* [\[2022\] VSC 228](#); *Re Intellicoms Pty Ltd (in liq) (No 2)* [\[2022\] VSC 310](#); 70 VR 391 (Corporate insolvency: creditor-defeating disposition; relief) [led by H Austin KC]

*Hylepin Pty Ltd v Doshay Pty Ltd* [\[2021\] FCAFC 201](#); 288 FCR; 156 ACSR 562 (Corporations: oppression; alleged breach of duties) [led by C Caleo KC]; (2020) 148 ACSR 30; [\[2020\] FCA 1370](#) [led by M Osborne KC]

*McCallum, in the Matter of Re Holdco Pty Ltd (Administrators Appointed)* (2020) 145 ACSR 243; [\[2020\] FCA 666](#); *McCallum, in the Matter of Re Holdco Pty Ltd (Administrators Appointed) (No 2)* [\[2021\] FCA 377](#) (2021) 391 ALR 418; 159 IPR 226 (Corporate insolvency: disposal of property of companies in administration)

*Re N.W.E.L. Pty Ltd (in liq)* [\[2018\] VSC 634](#) (Corporate insolvency: unfair preference claim)

*In the matter of Dalstonville Pty Ltd (in Liq) and Don Leunig Pty Ltd (in Liq)* [\[2018\] VSC 774](#); 133 ACSR 473 (Corporate insolvency: application to set aside summonses for public examinations)

*Lopez & Verge v Pawksi* [\[2017\] WASC 338](#) (Corporations: liquidators' application for directions; "indoor management rule")

*Re Pt Cook Community Entertainment Facility Pty Ltd* [\[2017\] VSC 727](#) (Corporations: appeal against reinstatement) [led by P Bick KC]

*FF (R & D) Pty Ltd v ASIC* [\[2017\] VSC 482](#) (Corporations: reinstatement; application for *nunc pro tunc* leave to proceed against company in liquidation).

*Strategic Management Australia AFL Pty Ltd & Anor v Precision Sports & Entertainment Group Pty Ltd & Ors* [\[2016\] VSC 303](#); 114 ACSR 1 & [\[2017\] VSC 35](#) (Corporations: oppression (including relief and determination of fair value); duties of directors and officers) [led by M Osborne KC]

*Onebev Pty Ltd v Encore Beverages Pty Ltd* [\[2016\] VSC 284](#); 50 VR 106; 309 FLR 289 (Corporations: application to set aside statutory demand)

*Re Tomker Pty Ltd (in liquidation)* [\[2016\] VSC 656](#); 315 FLR 164; 104 ATR 27 (Insolvent trading; leave for director to object to tax assessment)

#### SECURITY ENFORCEMENT (INCLUDING PPSA, REAL PROPERTY MORTGAGE AND GUARANTEES)

*Re Dairy Soils Pty Ltd (in liq)* [\[2025\] VSC 540](#) (Application to fix later time for personal property security registration)

*Laurus Group Pty Ltd (admin apptd) v Mitsui & Co. (Australia) Ltd (No 2)* [\[2023\] VSC 412](#) 72 VR 551; 379 FLR 52 (Operation of PPSA; scope of "security interest")

*Hazelwood v Mercurio* [\[2021\] VSC 362](#) (Real Property: removal of caveat)

*Jayfield Pty Ltd v Cussen* [\[2020\] VSC 380](#) (Personal Property: disposal of uncollected goods; equitable lien; application of PPSA)

*Re Amerind Pty Ltd (receivers and managers apptd) (in liq)* [\[2017\] VSC 127](#); 320 FLR 118; (2017) 121 ACSR 206 (Securities: retention of title clause, operation of PPSA and section 588FL of the *Corporations Act*)

*Central Cleaning Supplies (Aust) Pty Ltd v Elkerton* [\[2015\] VSCA 92](#); 321 ALR 181; 296 FLR 25; (Contract: retention of title clause; Securities: operation of PPSA) [led by P Crutchfield KC]

#### CONTRACT, CONSUMER LAW AND EQUITABLE REMEDIES

*Re Emerging Energy Solutions Group Pty Ltd (No 2)* [\[2024\] VSC 393](#) (Application to set aside statutory demand; Meaning of 'debt', 'liquidated demand', 'liquidated claim' and 'liquidated sum')

*Re Haidi Holdings Pty Ltd* [\[2023\] VSC 739](#) (Application to set aside statutory demand; status of unpaid trust distributions)

*Australian Executor Trustees Limited v Lokit Investments Pty Ltd & Ors* [\[2023\] VSC 141](#) (Estoppel; Limitation of

actions)

*Swiss Re International Se v LCA Marrickville Pty Ltd (Second Covid-19 insurance test cases)* [\[2022\] FCAFC 17](#); (2022) 401 ALR 17; [\[2021\] FCA 1206](#) 349 ALR 461; (Contract: insurance) [led by J Slattery KC]

*Li v So* [\[2021\] VSCA 32](#) [led by C Caleo KC]; (2019) 349 FLR 352; [\[2019\] VSC 515](#) [led by M Osborne KC] (Equitable remedies: fiduciary relationship; loss of opportunity)

*Definity Clinic v AMD Rifat* [\[2021\] VSC 325](#) (Contract: construction of contract for sale of real property)

*Primary Flooring Pty Ltd v Australian Comfort Group Pty Ltd* [\[2019\] VSC 104](#) (Contract: implied terms; good faith in contract) [led by P A Neskovic KC]

*CA & CA Ballan Pty Ltd v Oliver Hume (Australia) Pty Ltd* (2017) 55 VR 62; [\[2017\] VSCA 11](#) (Equitable remedies: rectification of written sales agreements) [led by L Glick KC]

#### PRACTICE AND PROCEDURE

*Kyne v Brandrick & Associates Pty Ltd* [\[2025\] VSCA 17](#) (Non-party costs order) [Led by R Andrew KC]

*FNH United Pty Ltd v United Petroleum Franchise Pty Ltd* [\[2024\] VSC 522](#); [\[2024\] VSC 366](#) (Group proceeding; security for costs; joinder of parties and amendment of pleadings) [led by N De Young KC]

*Business Service Brokers Pty Ltd v Optus Mobile Pty Ltd (No 3)* [\[2022\] VSC 283](#) (Application to amend and strike out pleadings) [led by D Collins KC]

*Fleiszig v Trumble* [\[2021\] VSC 659](#) (Application for consolidation of proceedings) [led by D Collins KC]

*Tonks, in the matter of Ambient Rail Pty Ltd (in liq) v Fishwick* [\[2020\] FCA 1755](#) (Security for costs)

*Flightdeck Geelong Pty Ltd v All Options Pty Ltd* (2020) 280 FCR 479; 147 ACSR 227; [\[2020\] FCAFC 138](#) (Representation of company in proceedings; procedural fairness for self-represented litigant) [led by T Boston KC]

*Andrews & Anor v Zuccubarr Pty Ltd & Ors* [\[2020\] VSC 675](#) (Security for costs)

*PCCEF Pty Ltd v Geelong Football Club Ltd* [\[2018\] VSC 258](#) (Application to re-open case; application for special costs order) [led by P Bick KC]

#### Memberships

Victorian Bar - Commercial Bar Association

Insolvency & Reconstruction Law Committee of the Law Council of Australia