LIST G
BARRISTERS

Hamish McAvaney



Hamish McAvaney practises in commercial, construction, insurance and property disputes.

QUALIFICATIONS

Bachelor of Arts
(French Studies Major) (Monash)
Bachelor of Laws (Hons) (Monash)

CORRESPONDENCE

P 03 9225 8558
F +61 3 9225 8668
E hamish.mcavaney@vicbar.com.au

CHAMBERS

Aickin Chambers
Level 27 Room 9
200 Queen Street
Melbourne VIC 3000

COMMERCIAL LAW

Bankruptcy | Building & Construction | Class Actions | Competition | Consumer Law | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Energy & Resources | Equity & Trusts | Insurance | Real Property | Residential & Retail Tenancies | Sports Law | Climate Change

EMPLOYMENT & INDUSTRIAL

Confidential Information | Discrimination | Employment Contracts

TORT LAW

Appellate | Class Actions | Commissions & Inquiries | Common Law | Defamation | Inquests | Major Torts | Negligence | Personal Injury | Product Liability | Professional Negligence

PUBLIC LAW

Administrative Law | Civil & Human Rights | Commissions & Inquiries | Constitutional Law | Discrimination | Environment | Freedom of Information | Judicial Review | Planning & Local Government | Privacy | White Collar Crime

He regularly appears led and unled in trials and interlocutory matters in the Supreme Court of Victoria, the Victorian Court of Appeal, the Federal Court of Australia, the County Court and VCAT, as well as in arbitral tribunals.

Hamish has a broad commercial disputes practice. In addition to disputes involving contract, tort, the Australian Consumer Law and the Corporations Act, he has been briefed in matters concerning building and infrastructure projects, property disputes and climate change litigation, including greenwashing allegations. He also has experience in royal commissions and other public inquiries.

Recent highlights include:

- Acting for lenders in proceedings concerning the advance of $400 million to companies associated with an individual subsequently convicted of fraud, and related proceedings in the Supreme Court of Victoria concerning third parties alleged to have received those funds
- Acting in Federal Court litigation concerning allegedly misleading comparative environmental claims
- Acting for insurers and contractors in major construction disputes concerning infrastructure and energy projects
- Successful trial advocacy in multi-day commercial and property disputes in the Supreme and County Courts

Before coming to the Bar, Hamish was a Senior Associate at Allens in Melbourne and at Linklaters in London, where he worked in the environment and climate change team. Whilst in London, he worked on the Grenfell Tower Public Inquiry.

Hamish read with Tom Warner SC and his senior mentor is the Honourable Justice Claire Harris.

Hamish holds a Bachelor of Law (honours) and a Bachelor of Arts from Monash University, where he studied on a merit scholarship recognising academic excellence.

Liability limited by a scheme approved under Professional Standards Legislation.

Recent Cases

COMMERCIAL LAW

JBAM & Anor v LBA Capital Pty Ltd & Ors (VSC) (settled): acted for international lenders alleging almost $400m was advanced following breaches of contract and the ACL, and subsequently dissipated to third parties (led by Claire Harris SC (as Her Honour then was) and with Tom Warner, instructed by Allens).

JB Asset Management & Anor v LBA Capital Pty Ltd & Ors (No 2) [2025] VSC 166: acted for international lenders pursuing claims against third-party recipients of loan funds as assignees of Australian borrower entities. The case considered whether the execution and backdating of a contract after payment rendered the payment an advance within its terms (led by Tom Warner, instructed by JWS).

Clevertronics v Smarterlite (FCA) (ongoing): acting for leading Australian supplier of emergency lighting systems and exit signs in federal court proceedings concerning allegedly misleading comparative advertisement, including allegations of greenwashing (led by T Boston KC, instructed by Hall & Wilcox).

Re Malwa Express Transport Pty Ltd [2025] VSC 672: Acted for an insurer seeking orders under s 509(2) of the Corporations Act 2001 (Cth) to defer the deregistration of a company to allow continuation of County Court proceedings in the company's name pursuant to rights of subrogation (unled, instructed by Moray & Agnew).

Laurus Group Pty Ltd (admin apptd) v Mitsui & Co. (Australia) Ltd (No 2) (2023) 72 VR 551: Acted for Mitsui following a successful trial concerning non-payment for the supply of more than $7 million in steel. Post-trial proceedings concerned whether funds paid into Court should be returned to an administrator appointed to the plaintiff, raising novel issues regarding the interaction between the PPSA and the security for costs regime (led by Chris Brown SC, instructed by Corrs).

In the matter of JKC Air-Conditioning Services (Vic) Pty Ltd (In Liquidation) (SCV) (decision reserved): Acted for an individual seeking declarations that she was neither a de facto nor validly appointed director of a company in liquidation in circumstances where she faced director penalty notice and insolvent trading claims (unled, instructed by Pointon Partners).

FortKn Opco Pty Ltd v FK (Southern) Pty Ltd & Anor (VSC) (settled): Acted for a vendor defending claims of misleading and deceptive conduct concerning disclosures regarding compliance with the Building Act in connection with the approximately $400 million sale of a self-storage business to a private equity purchaser (led by Michael Roberts KC, instructed by Cornwalls).

Kairouz v Jasper Nominees Ltd [2025] VSCA 16: Acted for the guarantor under a loan note subscription agreement in trial and Court of Appeal proceedings concerning pre-contractual misrepresentation, execution formalities and penalty interest exceeding $100 million (led by J Ribbans, instructed by Melbourne Legal Chambers).

MH&NG Investment Pty Ltd v Eatertainment Group Pty Ltd and Ors [2024] VCC 1655; (No 2) [2025] VCC 87: successfully acted for a lender in a multi-day County Court trial concerning enforcement of a bespoke loan facility agreement against guarantors, involving allegations of fraud, misrepresentation and penalty interest (unled, instructed by Mills Oakley).

Re Property Project Marketing Pty Ltd [2024] VSC: Acted in an oppression proceeding concerning a profitable Melbourne property development and real estate business, successfully resisting a summary judgment application before the proceeding settled (unled, instructed by MST Lawyers and later Sladen Legal).

Malwa Express Transport Pty Ltd (In Liq) v Laverton Auto & Anor (CCV) (settled): Acted for insurers of a logistics company in liquidation seeking recovery of damages following fire damage to a company-owned truck pursuant to rights of subrogation (unled, instructed by Kennedys).

BUILDING, CONSTRUCTION AND INSURANCE

Confidential Arbitration: acting for a contractor in a confidential arbitration seated in Perth concerning alleged defects in construction materials supplied to a renewable energy project (led by Michael Roberts KC and with Rebecca O'Brien, instructed by Cornwalls).

Biodiversity v Vaughan Constructions (HCA, VSCA, VSC and VCAT) (settled): Acted for a builder in a large and complex dispute concerning alleged breaches of warranties under a design and construct contract. Successfully defended an interlocutory appeal to the Victorian Court of Appeal (see *Melbourne Water Corporation v Vaughan Constructions Pty Ltd* [2022] VSCA 241) and a High Court special leave application concerning statutory interpretation under the Water Act before the matter settled mid-way through an eight-week trial (led by Tim Margetts KC and with William Thomas and Justin Lipinski, instructed by Piper Alderman).

Mincore Pty Ltd v Latrobe Magnesium Ltd (VSC) (ongoing): Acting for the insurer of an EPCM contractor in a dispute concerning termination of a contract relating to a magnesium production facility in Victoria's Latrobe Valley,

including allegations of contractual non-compliance and actionable misrepresentations under the Australian Consumer Law (led by G Harris KC, instructed by Martello Law).

Nanos v Rossengas [2026] VCC 127: Successfully acted for the defendant in a multi-day County Court trial concerning whether a boundary wall had collapsed onto neighbouring land. The case involved complex expert evidence across multiple disciplines and issues of negligence, nuisance, general law land and succession law (unled, instructed by Cornwalls).

Haritos v Rae (VCAT) (ongoing): Acted for property owners in a dispute concerning alleged water flow from their land into neighbouring property. After a week-long VCAT trial involving competing expert evidence, the proceeding was dismissed under s 75 of the VCAT Act as an abuse of process (unled, instructed by Baker McKenzie).

Telstra Corp Ltd v Hutchinson Builders & Straightline Contractors (SCV) (settled): Acted for insurers of an earthworks contractor and builder in negligence proceedings arising from damage to underground telecommunications infrastructure during excavation works in Box Hill (unled, instructed by Kennedys).

PROPERTY LAW

Nguyen v F & L Pty Ltd [2026] VCC 68: Acted for a defendant company in a contested trial concerning specific performance of a contract for the sale of development land, involving issues regarding corporate authority to execute contracts, competing equitable interests and laches (unled, instructed by Madgwicks).

Whitty v Talia (2023) 72 VR 1: acting for wife in a Victorian Court of Appeal decision about severance of a joint tenancy (led by S Pitt SC at trial and D Collins KC on appeal, instructed by Mills Oakley).

Melbourne Yifang Group Pty Ltd v Guangao A Group Pty Ltd & Ors [2023] VSC 577: acting for nominee purchaser in dispute with purchaser under contract of sale of land in large growth corridor in Melbourne. Case concerned interpretation of a contract of sale of land where date of settlement not identified with precision (led by G Costello KC, but did not appear at trial, instructed by Verge Legal).

Pick & Anor v McDonald & Anor [2025] VCC 1247 (CCV): Acted for residential tenants alleging breaches of a landlord's duty to maintain premises in good repair following a mould outbreak (unled, instructed by Lamplugh McIntosh).

Marina Three Holdings Pty Ltd ATF Marina Three Family Trust v Highprop Pty Ltd (CCV): Acted for the purchaser of a commercial property in Geelong in proceedings concerning alleged misleading disclosures regarding projected rental yield (led by Ian Horak KC, instructed by Antunes Lawyers).

Sheriff v Ribbands & Anor [2024] VCC 143: Successfully resisted an application to remove a caveat lodged to secure repayment of a debt following the sale of a hospitality business (unled, instructed by T F Grundy).

PRO BONO

Acting for numerous pro bono clients in homelessness, housing law and residential tenancies matters, as well as advising on property and environmental law matters on a pro bono basis.

Memberships

Commercial Bar Association - Building & Construction Law Committee

Commercial Bar Association - Climate Change Committee