LIST G
BARRISTERS

Matthew Harvey KC



Matthew Harvey KC is a leading senior counsel with a broad commercial practice.

QUALIFICATIONS

Bachelor of Arts (Hons)
Bachelor of Laws
Master of Laws
Professional Certificate in Arbitration

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Admiralty & Maritime | Appellate | Aviation | Banking & Finance | Bankruptcy | Building & Construction | Commercial Arbitration | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Equity & Trusts | Insurance | Private International Law | Taxation

EMPLOYMENT & INDUSTRIAL

Confidential Information | Restraint of Trade

PUBLIC LAW

Commissions & Inquiries | Constitutional Law | Customs Law

Since 1996, he has developed a diverse commercial practice, both in trial and appellate work. He has significant expertise in corporations law and corporate insolvency, insurance, contracts, trusts and equity, transport and trade, and arbitration.

Matthew is regularly recognised in the leading legal directories, including Best Lawyers, Doyle's Guide, Chambers & Partners, and Who's Who Legal. He is described as "excellent at getting to the heart of a complex matter and determining the key issues that will decide the case", "extremely good on his feet in court" and "confident and convincing when presenting an argument". His "experience acting in major commercial disputes" is well recognised.

Matthew appears in the High Court of Australia, the Federal Court of Australia, the Supreme Court of Victoria and in arbitrations (international and domestic). He is often briefed in proceedings before the superior courts in other States.

Matthew also conducts domestic and international arbitrations and has delivered numerous awards. Information about his work as an arbitrator is found here: www.matthewharveykc.com

Matthew also lectures in mergers and acquisitions law in the Juris Doctor program at the RMIT Law School.

Liability limited by a scheme approved by Professional Standards Legislation

Recent Cases

CORPORATE INSOLVENCY AND COMMERCIAL

Jielun Xu v Jiyun Ma [2026] VSCA 202 – briefed for applicant: factual question as to ownership of funds transferred from mother in China to son in Australia.

Aintree Major Town Shopping Centre Pty Ltd v Copia Developments Pty Ltd (in liq) [2026] VSCA 179 – briefed for appellant: proper construction of contract for the sale of land.

Yao v Jatcorp Limited [2026] VSC 459 – briefed for plaintiff: summary judgment and strike out of pleading: whether shareholder's claim was contrary to reflective loss principle.

M & H Allen Services Pty Ltd v Blue Sea Container Storage Pty Ltd [2025] VSC 463: dispute over property of unit trust, claims for equitable relief: specific performance and estoppel;

DA Carron Pty Ltd v Carron [2025] FCA: freezing order, breaches of director's duties;

Re Reliance Franchise Partners Pty Ltd (in liq) (No 2) [2025] FCA 139: application by unsecured creditor under s 564 *Corporations Act* for priority repayment;

Re Reliance Franchise Partners Pty Ltd (in liq) [2024] FCA 868: creditor priority application under s 564 Corporations Act;

Vasco Trustees Ltd v Australian Pacific & Investment Corp Pty Ltd [2024] VSC 515: briefed for responsible entity in managed investment scheme;

PTD Nominees Pty Ltd v Deacon [2023] VSC 245: briefed for trustee seeking judicial advice to amend Trust Deed to remove appointor;

Re Ausun Property CBD Pty Ltd (in liq) [2022] VSC 541: briefed for liquidator and for receiver and manager in relation to sale of corporate property;

Re NWEL Pty Ltd (in liq) [2018] VSC 634: briefed for creditor in preference action;

Re Mamounia Pty Ltd (in liquidation) (No. 3) [2018] VSC 65: briefed for liquidators seeking the Court's advice whether funds held in solicitor's trust account were subject to a lien and should be applied to payment of legal fees;

Equal 54 Pty Ltd v Galimberti [2016] VSC 588: briefed for the plaintiff in a claim in professional negligence against a solicitor;

Cato Brand Partners Pty Ltd v Air India Ltd [2016] VSC 28: briefed for the respondent in an application to wind up a foreign corporation, under Part 5.7 of the *Corporations Act*;

Babcock & Brown DIF III Global v Babcock & Brown International Pty Ltd & Ors [2015] VSC 453: briefed for a law firm in an application to enjoin it from acting for the plaintiffs.

TRUSTS AND EQUITY

Martino & Anna Pty Ltd v Marjames (SCV) – briefed for trustee of unit trust as to dispute with former trustee and unitholders;

Macedonian Orthodox Church disputes: briefed in the Supreme Court in a dispute about property held on charitable trust;

Serbian Orthodox Church disputes: briefed in numerous, long running proceedings in the Supreme Court. Proceedings resolved by *cy-près* scheme under the *Charities Act 1978;*

Kelsall v Evans [2016] VSC 724: briefed for the executors in a dispute as to testamentary capacity and an informal codicil;

Daunt v Daunt [2015] VSCA 58: briefed for the appellant in proceeding involving constructive trust and fiduciary duties;

In Re Timbercorp Securities Pty Ltd [2012] VSC 590: briefed for the trustees seeking the Court's approval to enter into a compromise in complex and protracted insolvency proceedings.

ADMIRALTY, MARITIME, AND PRIVATE INTERNATIONAL LAW

CSL Australia Pty Ltd v Tasmanian Ports Corporation Pty Ltd [2026] HCA 15 – briefed for respondent: proper interpretation of Convention on Limitation of Liability for Maritime Claims and whether it limits claims as to wreck removal

Tasmanian Ports Corporation Pty Ltd v CSL Australia Pty Ltd (The "Goliath") [2025] FCAFC 53: briefed for appellant in setting aside primary judge's judgment;

CSL Australia Pty Ltd v Tasmanian Ports Corporation (The "Goliath") [2024] FCA 824: briefed for defendant in a wreck removal claim subject to the Limitation Convention;

Platinum Capital Partner Inc v The Star Entertainment International No 2 Pty Ltd (FCA): briefed for the plaintiff as to

the sale of a luxury yacht;

Keri Lee Charters Pty Ltd v QBE Insurance (Australia) Ltd (FCA): briefed for an insurer in claims under the *Marine Insurance Act* for damage to charter vessel;

Karis v Digital CC Management Pty Ltd (No 3) [2024] FCA 738: briefed to defend summary judgment and strike out applications as to claims over bitcoin;

UIL (Singapore) Pte Ltd v Wollongong Coal Ltd (FCA): currently acting for applicant in commodities agreement dispute;

CSL Australia Pty Ltd v Tasmanian Ports Corporation (FCA): currently acting for TasPorts in various proceedings, including application to establish a limitation fund under the Convention on Limitation of Liability for Maritime Claims 1976;

Karis v Digital CC Management Pty Ltd [2022] FCA 685: briefed in application for anti-suit injunctions as to proceedings in United States;

The "APL England" (FCA): acted for and advised freight forwarders as to legal claims brought for containers lost overboard in heavy seas;

The MV "Royal Knight" (FCA): acted for and advised shipowners as to severe damage to ship by shiploader;

Manassen Foods Australia Pty Ltd v Seaway Logistics Pty Ltd [2020] VSC 835: briefed for importer in a claim for damage to cargo;

Williams v TT-Line Company Pty Ltd [2019] VSC 55: briefed to oppose application to cross-vest proceeding to Supreme Court of Tasmania;

Toll Holdings Ltd v Stewart (2016) 338 ALR 602: briefed for the carrier in a dispute over ownership of goods and stoppage *in transitu*;

Geraldton Port Authority v The Ship "Kim Heng 1888" (2012) 291 ALR 471: briefed for the port authority in a dispute over the interpretation of the *Admiralty Act 1988*.

COURT PROCEEDINGS AS TO ARBITRATION

Smithbridge Guam Inc v Swire Shipping Pte Ltd [2026] FCA 884 – briefed for plaintiffs: application for anti-arbitration/anti-suit injunction and proper interpretation of *Carriage of Goods by Sea Act 1991* (Cth).

Degroma Trading Inc v Viva Energy Australia Pty Ltd [2019] FCA 649: application to stay proceeding under s 7 of the International Arbitration Act 1974;

Emerald Grain Australia Pty Ltd v Agrocorp International Pte Ltd (2014) 314 ALR 299: application to set aside award on the basis that natural justice had been denied.

COMMERCIAL ARBITRATIONS

The breakdown of a ship loader which led to claims for damages (including lost profits and demurrage) and reliance on force majeure provisions in a services contract.

Disputes arising out of the winding up of a commercial partnership.

Disputes arising out of a contract for the supply of coal to a power station.

Disputes arising out of contracts for the sale of iron ore and related contracts of affreightment.

A contract for the provision of international shipping services which led to claims for payment for those services.

APPOINTMENTS AS ARBITRATOR

Matthew has given numerous awards, including merits (liability and damages), costs, and interim measures. He has been appointed to arbitrate disputes subject to Singaporean, English, Chinese, and Australian law. He has accepted panel and sole arbitrator appointments. His appointments include:

• International sale of goods (commodities) – appointed by SIAC – currently ongoing (Singaporean law – SIAC Rules)

• International sale of goods (commodities) – appointed by respondent – currently ongoing (English law – HKIAC Rules)

• Dissolution of partnership – involving real property – appointed by parties – currently ongoing (Australian law – RI Rules)

• Carriage of goods by sea – carriage of goods from New Zealand to Singapore – appointed by parties (Singaporean/New Zealand law – SCMA Rules)

• Charterparty – challenge to jurisdiction and demurrage claims – SIAC appointment (English law – SIAC Rules)

• Air services agreement – proper interpretation of agreement – RI appointment (Australian law – RI Rules)

• Charterparty – challenge to jurisdiction, conflict of laws, termination – SCMA appointment (English/Singaporean/PRC Law – SCMA Rules)

• Salvage agreement – contract, breach of contract, and misleading or deceptive conduct under the *Australian Consumer Law* (MLAANZ Rules)

• Infrastructure agreement – whether terms incorporated and, if so, whether a breach (Australian law – UNCITRAL Rules)

• Finance agreement for the acquisition of commodities (Australian law – UNCITRAL Rules)

• Grounding of vessels in foreign waters – whether charterers or owners liable (MLAANZ Rules)

• Dissolution of a commercial partnership – involving real property interests, contract, and intellectual property (UNCITRAL Rules)

• Dispute between an employer and employee arising out of termination and a restraint of trade clause (UNCITRAL Rules)

Memberships

Bar Associations:

- Commercial Bar Association
- Tax Bar Association
- Victorian Bar Arbitration Committee (Chair)

Arbitration:

- Fellow of the Chartered Institute of Arbitrators
- Singapore International Arbitration Centre
- Singapore Chamber of Maritime Arbitration
- Fellow Australian Centre for International Commercial Arbitration
- Australian Maritime and Transport Arbitration Commission
- Maritime Law Association of Australia and New Zealand
- Resolution Institute (Grade 1 Arbitrator)
- Hong Kong International Arbitration Centre

Other memberships:

- Titulary Member of the Comité Maritime International
- Law Programs Advisory Board, RMIT University
- Victorian Legal Admissions Committee
- Maritime Law Association of Australia and New Zealand (honorary life member)