

## Patrick Noonan



Patrick Noonan has an extensive commercial and administrative law practice

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### QUALIFICATIONS

Bachelor of Laws (Hons)(Melb)

Bachelor of Science (Physics)(Melb)

### CORRESPONDENCE

P 03 9225 8558

E [psnoonan@vicbar.com.au](mailto:psnoonan@vicbar.com.au)

### CHAMBERS

Ninian Stephen Chambers

Level 39 Room 2

140 William Street

Melbourne VIC 3000

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### COMMERCIAL LAW

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

### TORT LAW

Common Law | Professional Negligence

### PUBLIC LAW

Administrative Law | Appellate | Commissions & Inquiries | Judicial Review

Patrick practices in commercial and administrative law. His main areas of practice in commercial matters include contract disputes, Corporations Act including shareholder disputes and oppression proceedings, Australian Consumer Law, insolvency and property law.

*Liability limited by a scheme approved under Professional Standards legislation*

## Recent Cases

### COURT OF APPEAL

Makland Constructions Pty Ltd v Page Steel Fabrications Pty Ltd [\[2024\] VSCA 142](#) (contract; alleged repudiation)

Ek v Red Eagle International Pty Ltd [\[2022\] VSCA 254](#) (removal of caveat)

Perpetual Ltd v Myer Pty Ltd [\[2019\] VSCA 98](#) (leases; construction of contract; rectification)

Lopes v Taranto [\[2018\] VSCA 288](#) (contract; guarantee; pleadings)

Adventure Golf Systems Australia Pty Ltd v Belgravia Health & Leisure Group Pty Ltd [\[2017\] VSCA 326](#) (contract; fiduciary duties)

P-Value Pty Ltd v William McNee & Ors [\[2016\] VSCA 223](#) (misleading & deceptive conduct)

Legend International Holdings Inc (in liq) v Indian Farmers Fertiliser Cooperative Limited [\[2016\] VSCA 151](#) (winding up; cross-border insolvency)

Zhan & Ors v Haijing [\[2013\] VSCA 315](#) (appellant seeking stay of judgment)

Total Gas Care Pty Ltd v Barry Bros Specialised Services Pty Ltd [\[2012\] VSCA 303](#) (appeal from summary judgment order; leave to rely on new material; solicitor client costs against successful appellant)

### SUPREME COURT OF VICTORIA

*Re Nature One Dairy Pty Ltd* [\[2023\] VSC 571](#) (setting aside statutory demand)

*Sparkling Waters Pty Ltd v Burgess Rawson & Associates Pty Ltd* [\[2023\] VSC 30](#) (contract; summary dismissal)

Thorpe v Head, Transport for Victoria & Ors [\[2021\] VSC 750](#) (summary dismissal; Aboriginal Heritage Act 2006)

Ledlin v Harperway Pty Ltd [\[2021\] VSC 745](#) (summary dismissal; contract)

Urban Moto Import Pty Ltd v KTM AG & Ors [\[2021\] VSC 616](#) (private international law; jurisdiction)

Vergara v Chartered Accountants ANZ [\[2021\] VSC 34](#) (administrative law; judicial review; contract)

Foster v TW (Vic) Pty Ltd [\[2020\] VSC 533](#) (summary dismissal; amendment of pleadings)

Transurban v CPB Contractors Pty Limited [\[2020\] VSC 476](#) (Commercial Arbitration Act 2011)

Kestenberg v Kestenberg [\[2020\] VSC 84](#) (discretionary trusts)

MCH Australia Pty Ltd v Kee Doery & Ors [\[2019\] VSC 412](#) (strike out; summary judgment)

Opti-Pharm Pty Ltd v Nature One Dairy Pty Ltd (No 2) [\[2018\] VSC 688](#) (discovery)

Opti-Pharm Pty Ltd v Nature One Dairy Pty Ltd [\[2018\] VSC 397](#) (summary judgment; strike out)

Perpetual Ltd v Myer Pty Ltd [\[2018\] VSC 2](#) (leases; construction of contract; rectification) and [\[2018\] VSC 57](#) (costs)

FF (R & D) Pty Ltd v ASIC [\[2017\] VSC 482](#) (company reinstatement)

K J & B Flanders Pty Ltd v South Gippsland Shire Council [\[2016\] VSC 786](#) (summary dismissal & strike out)

P-Value v Vicland Group & Ors (No 2) [\[2016\] VSC 318](#) (commercial or statutory interest rates, costs and contribution claims)

Legend International Holdings Inc (as debtor in possession of the assets of Legend International Holdings Inc) v Legend International Holdings Inc [\[2016\] VSC 308](#) (winding up; cross-border insolvency)

City of Boroondara v Verrocchi [\[2015\] VSC 525](#) (appeal from Magistrates Court)

Dimopoulos & Anor v Unafood & Ors [\[2014\] VSC 327](#) (injunctions; Corporations Act, oppression)

Re Krypton Nominees Pty Ltd; Krypton Nominees v Gutnick & Anor [\[2013\] VSC 446](#) (misleading & deceptive conduct; breach of Corporations Act Ch 6D disclosure obligations)

Yesodei Hatorah College Inc v Trustees of the Elwood Talmud Torah Congregation [\[2011\] VSC 622](#) (arbitration; powers of arbitrator). Also appeared in the underlying arbitration before Alan Goldberg AO QC regarding equitable leases.

Sacks v Klein [\[2011\] VSC 451](#) (real property; equity; tenancies in common)

Cohen v State of Victoria & Ors (No 2) [\[2011\] VSC 165](#) (group proceedings; procedure; abuse of process); also (No 3) [\[2011\] VSC 229](#) (costs)

Beluga Developments Pty Ltd v Sobel Investments Pty Ltd & Anor [\[2010\] VSC 303](#) (security for costs)

#### COUNTY COURT OF VICTORIA

*Mesh & Bar Pty Ltd v CMR Structure Group Pty Ltd* [\[2024\] VCC 858](#) (review of Judicial registrar's decision to enter judgment in default)

*Makland Constructions Pty Ltd & Ors v Page Steel Fabrications Pty Ltd* [\[2023\] VCC 891](#) (costs)

Makland Constructions Pty Ltd & Ors v Page Steel Fabrications Pty Ltd [\[2023\] VCC 706](#) (building & construction; contract)

*Makland Constructions Pty Ltd & Ors v Page Steel Fabrications Pty Ltd* [\[2023\] VCC 327](#) (interlocutory costs)

Taranto v Lopes & Lopes [\[2017\] VCC 1613](#) (loan & guarantee; Garcia defence)

Adventure Golf Systems Australia Pty Ltd v Belgravia Health & Leisure Group Pty Ltd [\[2017\] VCC 185](#) (contract; fiduciary duties); also (No. 2) [\[2017\] VCC 274](#) (costs)

Haijing v Zhan & Ors [\[2013\] VCC 1261](#) (misleading & deceptive conduct; breach of contract)

Australian Scholarships Group v Zhang [\[2011\] VCC 455](#) (mortgages; unconscionable conduct)

#### FEDERAL COURT OF AUSTRALIA (INCLUDING FULL COURT)

Powell Navel Pty Ltd as trustee for the Irwin Superannuation Fund v Airline Services Pty Ltd [\[2023\] FCA 279](#) (security for costs)

Shaanxi Nutracare Australia Pty Ltd v Viplus Dairy Pty Ltd [\[2021\] FCA 1015](#)

Automotive Components Limited (Receivers and Managers appointed) (in liquidation) v Secretary, Department of Industry and Science (2016) 237 FCR 468; [\[2016\] FCAFC 6](#) (appeal from decision of the AAT regarding a decision under the Automotive Transformation Scheme Act)

Robert Bosch (Australia) Pty Ltd v Secretary, DIISRTE (2012) 206 FCR 92; [\[2012\] FCAFC 117](#) (appeal from decision of single judge regarding a decision under the ACIS Administration Act)

Swisse Vitamins Pty Ltd v The Complaints Resolution Panel (2012) 203 FCR 481; [\[2012\] FCA 536](#) (ADJR review of a decision under the Therapeutic Goods Act)

Robert Bosch (Australia) Pty Ltd v Secretary, Department of Innovation, Science and Research (2011) 197 FCR 374; [\[2011\] FCA 1133](#) (appeal from decision of the AAT)

#### TRIBUNALS

Montagner and Secretary, Department of Health and Aged Care (Freedom of Information) [\[2023\] AATA 1443](#)

Brazenor v Vicprop OC Pty Ltd (Owners Corporations) [\[2019\] VCAT 1152](#)

Phillips Constructions Pty Ltd v Nicosia (Building and Property) [\[2017\] VCAT 1445](#) (domestic building; expert evidence)

Rich River Developments Pty Ltd v Cusmano [\[2017\] VCAT 765](#) (lease dispute)

Automotive Components Limited (Receivers and Managers Appointed) (In Liquidation) and Secretary, Department of Industry and Science [\[2015\] AATA 79](#) (administrative law; review of deregistration of participant under the Automotive Transformation Scheme Act)

Robert Bosch (Australia) Pty Ltd and Secretary, Department of Innovation, Industry, Science and Research (2010) 119 ALD 208 [\[2010\] AATA 983](#) (administrative law; customs duty rebates under the ACIS Administration Act)

Cook v Holmesglen Institute of TAFE (Civil Claims) [\[2010\] VCAT 1808](#)

Miao v Warsame (Retail Tenancies) [\[2010\] VCAT 955](#)

#### COMMISSIONS & INQUIRIES

Royal Commission into Institutional Responses to Child Sexual Abuse [\(2017\) Case Study 53, Yeshivah Centre Melbourne & Yeshiva College Bondi](#)

Royal Commission into Institutional Responses to Child Sexual Abuse [\(2015\) Case Study 32, Geelong Grammar School](#)

Royal Commission into Institutional Responses to Child Sexual Abuse [\(2015\) Case Study 22, Yeshivah Centre Melbourne & Yeshiva College Bondi](#)

