LIST G
BARRISTERS

Stewart J Maiden KC



Stewart Maiden KC is a preeminent commercial law advocate.

QUALIFICATIONS

Bachelor of Arts (Queensland)
Bachelor of Laws (Honours) (Queensland)
Graduate Diploma Legal Practice (ANU)
Master of Laws (Melbourne)
INSOL International Global Insolvency Practice Course (Honours)

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Appellate | Banking & Finance | Bankruptcy | Class Actions | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Equity & Trusts | Private International Law | Regulatory Investigations

He specialises in complex commercial litigation, and has a broad appeal, trial and advice practice which includes cross-border and domestic insolvency, fiduciary and fraud-related actions, banking and finance disputes, corporate control disputes, corporate governance matters, class actions and general commercial litigation.

Clients and instructors recognise him as being numerate, articulate and approachable.

Stewart takes instructions from solicitors in private practice, from in-house counsel and from government lawyers, and is experienced in advising boards, directors and senior executives, family offices, professionals and individual clients.

He is trusted with advice and appearance work in large, important and sensitive disputes. For example, he acted:

- for the Commonwealth of Australia in litigation regarding responsibility for the Northern Endeavour oil platform in the Timor Sea;
- for NAB concerning the failure of the Basslink electricity cable joining Victoria and Tasmania;
- for ASIC in high-profile and sensitive matters concerning the collapse of the Aboriginal Community Benefit Fund Ltd; and
- in several cases, for large firm insolvency practitioners personally, in matters affecting their professional reputations and potentially concerning their entitlements to practice.

Stewart's clients include Australian and overseas parties, both private and public. For instance, he:

- advised a New Zealand regulator concerning the takeover of an Australian insurance company;
- represented Hartree Partners, the New York-based global energy and commodities trader, in a dispute that determined the future of the Avebury nickel mine in Tasmania;
- acts for the African shareholder and creditor of Tiger Resources Ltd in appeals concerning the ownership of that company (the formerly ASX-listed owner of the Kipoi copper mine in the Democratic Republic of Congo);
- is representing a Nevada company in the process of taking ownership of Alita Resources Ltd, which was dual listed on the ASX and Singapore Stock Exchange;
- is acting for the Singaporean private equity firm EMR Capital, in proceedings concerning the listing of 29Metals Ltd; and
- has acted for companies, directors and and insolvency professionals from Germany, the United States of America, Singapore, South Korea and Thailand in a range of cross-border insolvency cases.

Stewart's expertise is recognised by all of the major guides to the legal profession. Doyle's Guide recognises him as a pre-eminent Australian insolvency silk, and as a leading Victorian commercial silk. Legal 500 also describes him as a leading silk, and he is recognised by Best Lawyers. Chambers and Partners wrote in its 2022 guide that Stewart is

"one of the silks most likely to be encountered on significant insolvency matters, but also one who is particularly noted for his expertise on international insolvency issues. Several interviewees emphasise this specialism, one calling him 'the most knowledgeable barrister and really the go-to guy on cross-border insolvency,' while others are keen to stress his broader capabilities, one simply saying: 'He's just a great barrister for insolvency, and he loves it.'"

He is the only Australian barrister to be recognised in the 2020 Lawdragon 500 Leading Global Restructuring & Insolvency Lawyers.

Stewart edited and co-authored the book *Insolvent Investments* (LexisNexis, 2015). He writes the chapter on private international law for *McPherson's Law of Company Liquidation*, and serves on the editorial boards of the *Insolvency Law Journal* and the *International Insolvency Review*. Several of his many law journal articles have been cited in superior court judgments. And he is Australia's national correspondent on cross-border insolvency for CLOUT (UNCITRAL's official database of case law concerning UNCITRAL texts).

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Recent Cases

A link containing all the reported decisions that Stewart has appeared in can be found here: Stewart Maiden KC Reported.

Memberships

Stewart has served on

1. the Insolvency Practitioner Disciplinary Committees constituted under the Corporations Act, as a ministerial appointee from 2017 to 2020;
2. the Joint Expert Group on Enhancing Cross-border Insolvency Co-operation convened by the governments of Australia and New Zealand, from 2010 to 2012;
3. the Legal Costs Committee constituted under the Legal Profession Uniform Law Application Act, as the representative of the Victorian Bar (continuing);
4. the Victorian Bar Council for four years (including a year as its Honorary Treasurer);
5. the Commercial Bar Association Executive (including two years as its President); and
6. the Ethics Committee of the Victorian Bar for seven years.

Stewart is also:

1. a Fellow of INSOL International (having achieved the highest result of the class of 2009-10 in INSOL's Global Insolvency Practice Course);
2. a Fellow of the Australian Restructuring, Insolvency and Turnaround Association;
3. a member of the International Insolvency Institute;
4. a member of the Law Council of Australia's Insolvency and Reconstruction Law Committee;
5. a member of the Turnaround Management Association Australia; and
6. a member of the American Bankruptcy Institute.