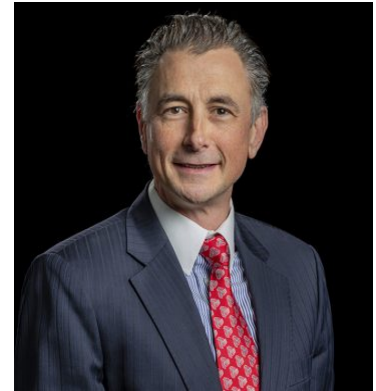


Adam Rollnik



Adam Rollnik practises in commercial law

QUALIFICATIONS

Master of Laws
Bachelor of Laws (Hons)
Bachelor of Applied Science

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Appellate | Building & Construction | Commercial Arbitration | Consumer Law | Contractual Disputes | Energy & Resources | Residential & Retail Tenancies | Real Property

EMPLOYMENT & INDUSTRIAL

Employment Contracts

TORT LAW

Negligence | Product Liability | Professional Negligence

Adam Rollnik practises in commercial litigation and domestic and international arbitration.

Adam is a Fellow of the Chartered Institute of Arbitrators and has particular expertise in contractual disputes, real property law, commercial arbitration (international and domestic), building and construction (including security of payment), large infrastructure disputes, owners corporations, commercial leasing, franchising, contract of employment and insurance.

Adam is a former lecturer at Monash University and has taught advocacy at the Leo Cussen Centre for Law. Adam also acts as an arbitrator in commercial disputes including in relation to sports law

Previously, Adam was a Senior Associate at King & Wood Mallesons in Perth and Melbourne, and he also worked for Ashurst in London. Adam accepts briefs direct from in-house counsel.

Liability limited by a scheme approved under Professional Standards legislation

Recent Cases

SUPREME COURT - COURT OF APPEAL

Commercial Building: Grocon Constructors (Victoria) Pty Ltd v APN DF2 Project 2 Pty Ltd [2015] VSCA 190. Dispute about the interpretation of a commercial building contract. Led by Jeff Gleeson QC and instructed by Arnold Bloch Leibler.

Security of Payment: Saville v Hallmarc Construction Pty Ltd [2015] VCSA 318. Whether payment claim made under the *Building and Construction Industry Security of Payment Act 2002* was made within time. Led by Mark Robins QC and instructed by Kliger Partners.

SUPREME COURT OF VICTORIA

Real property - contaminated land: *Ancor Ltd v Peter J Ramsay & Associates Pty Ltd*. Acting for Peter J Ramsay & Associates Pty Ltd in relation to the provision of an environmental site audit and a large parcel of contaminated land in Victoria. Led by Suresh Senathirajah QC and instructed by Wotton + Kearney.

Real property - contaminated land: *Orora Ltd v Peter Peter J Ramsay & Associates Pty Ltd*. Acting for Peter J Ramsay & Associates Pty Ltd in relation to contaminated land in Queensland and the adequacy of an environmental site audit. Led by Suresh Senathirajah QC and instructed by Wotton + Kearney.

Security of payment: *1155 Nepean Highway Pty Ltd v Promax Buildings Pty Ltd* – challenge to adjudication determination made in 2019 under the *Building and Construction Industry Security of Payment Act 2002* – Acting for developer in dispute with builder. Led by Mark Robins and instructed by Arnold Bloch Leibler. Court's decision presently reserved.

Nuisance and trespass: *The Baptist Union of Victoria v Lascorp Investment Group Pty Ltd*. Acting for developer of land in dispute as to whether development trespasses on and causes nuisance to neighbouring land. Instructed by Arnold Bloch Leibler.

Real property: *Wollert Epping Pty Ltd v Batten* [2019] VSC 618 – Acted for property developer (and purchaser of land) in dispute with vendor in connection with breach by vendor of warranties in contract of sale of land. Application made pursuant to s 49 of the *Property Law Act 1958*. Instructed by HWL Ebsworth.

Contract: *Dana Spicer (Thailand) Ltd v GA & L Harrington Pty Ltd* – breach of contract – Acted for plaintiff in defective motor vehicle parts claim which led to national vehicle recall. Instructed by HWL Ebsworth. Settled in 2019.

Major projects: Arbitration: *Mitchell Water Australia Pty Ltd v McConnell Dowell Constructors (Aust) Pty Ltd* [2018] VSC 753 – Acted for McConnell Dowell in long-running dispute with Mitchell Water (arbitral proceeding and subsequent court challenge) about the construction of a significant liquified natural gas pipeline in Queensland. Led by Jeff Gleeson QC and instructed by Pinsent Masons.

Real Property: *Dai v Liu* [2018] VSC 189 – acted for vendor of real property in dispute with purchasers – validity of nomination clause – equitable interest of undisclosed purchaser and alleged constructive trust. Instructed by HWL Ebsworth.

Statutory Demand: *United Petroleum Pty Ltd v McGrathNicol Advisory* [2017] VSC 239 – application to set aside a statutory demand. Instructed by Sewell & Kettle.

Commercial Leasing: *Camperdown Dairy International Pty Ltd v The Camperdown Cheese Company Ltd* [2016] VSC 693 – commercial lease and contractual dispute. Led by David Collins QC and instructed by HWL Ebsworth.

Major Projects: *Melbourne Water Corporation v Aurecon Australia Pty Ltd* – alleged defects at the Eastern Treatment Plant. Acted for Aurecon, led by Jeff Gleeson QC and instructed by Gilchrist Connell. Matter settled in 2015 prior to trial.

Insurance: *Bupa Australia Pty Ltd v Shaw* – contract of insurance and insurer's refusal to pay out under policy. Instructed by Arnold Bloch Leibler.

Commercial Building: *Roman Catholic Trusts Corporation v Knox City Council* – large, multi-party construction dispute. Instructed by Minter Ellison. Matter settled prior to trial.

Corporations and Securities: *Groves v Austock Securities Limited* – alleged failure by broker to sell shares when instructed by shareholder. Led by Philip Crutchfield and instructed by Arnold Bloch Leibler. Matter settled prior to trial.

Legal Professional Privilege: Acted for property investment company in connection with a dispute about legal professional privilege and waiver of privilege.

Winding up application: Acted for directors of a company in opposition to a liquidator's insolvent trading claim under s 588G of the *Corporations Act*.

Breach of contract: *JRC Enterprises Pty Ltd v Zoomlion Australia-New Zealand Pty Ltd* – liability for supply of crane. Instructed by Norton Gledhill.

SUPREME COURT OF TASMANIA

Security of payment: *Parliament Square Hobart Landowner Pty Ltd v Max Tonkin & Hansen Yuncken*. Acting for Hansen Yuncken in connection with dispute as to validity of adjudication determination in Hobart. Led by S B McElwaine and instructed by Crawford Legal.

INTERNATIONAL / COMMERCIAL ARBITRATION

Arbitrator: sports law dispute. Acted as chair of an arbitral tribunal in 2019/2020 to determine a sports law dispute between a sporting body and an athlete in dispute about breach of a sporting code of conduct.

International ICC arbitration: Acted in 2018/2019 for an overseas claimant contracted to engineer and construct components of a gas processing plant for the Blaydin Point facility in Darwin. The claimant claimed significant sums outstanding upon the delivery of the components and the respondent alleged defects in construction and delay costs. Led by Jeff Gleeson QC and instructed by Corrs Chambers Westgarth. Arbitral panel included Lord Hoffman.

Domestic ACICA arbitration: Acted in 2019 for builder (claimant) in dispute with developer of large infrastructure project in South Australia. Instructed by King & Wood Mallesons.

International arbitration: Acted for an oil company in an international arbitration concerning the alleged repudiation of a charter party contract in relation to a floating oil platform. Led by John Digby QC (prior to his Honour's appointment to the Supreme Court of Victoria) and instructed by King & Wood Mallesons.

Domestic arbitration: Acted for telecommunications and utility provider in dispute with a supplier of telecommunications goods and services. Led by John Digby QC (prior to his Honour's appointment to the Supreme Court) and instructed by Norton Gledhill.

FEDERAL COURT

Franchising: *Boccabella & Smith Pty Ltd v Swim Loops Pty Ltd* – termination of franchise agreement. Instructed by in-house counsel for Swim Loops Pty Ltd.

Services Contract: *Architecture HQ Pty Ltd v Propertyline Pty Ltd* – contract for services. Led by Ed Heerey QC and Instructed by CLP Lawyers. Matter settled prior to trial.

Corporations and Securities: *Holmes v Quinte Holdings Pty Ltd* – opposition to a winding up application. Instructed by Atanaskovic Hartnell.

COUNTY COURT

Residential development: *Gaythorne Pty Ltd v Universal Concrete Contractors Pty Ltd*. Acting for Universal Concrete in relation to civil works carried out in connection with residential development in St Albans. Instructed by HWL Ebsworth.

Franchising Dispute. *Empower Investment Solutions Pty Ltd v United Petroleum Franchise Pty*

Ltd. Acting for franchisee in dispute with franchisor as to repudiation of franchise agreement. Led by J Tsalanidis and instructed by Starnet Legal.

Domestic Building: *Rawlings v J Follett Investments Pty Ltd*. Acted in 2019/2020 for home owners in dispute with real estate agent and various building practitioners as to defects in luxury home in Brighton. Instructed by B L Powell Barrister & Solicitors.

Security of Payment: *SJ Higgins Pty Ltd v The Bays Healthcare Group Inc* [2018] VCC 805 – acted for defendant to claim made under the *Security of Payment Act 2002* (Vic). Instructed by Macpherson Kelley Lawyers.

Contract: *Murray v Wylie* – dispute about the interpretation of terms of an agreement, and termination of agreement. Instructed by Minter Ellison.

Security of Payment: *Hercules Car Parking Systems (Victoria) Pty Ltd v MAV Group Commercial Pty Ltd* – application for judgment under the *Building and Construction Industry Security of Payment Act 2002* (Vic). Instructed by Frenkel Partners.

Security of payment: *Valeo Construction Pty Ltd v 232 Bay Street Pty Ltd* – application for judgement under the *Security of Payment Act 2002* (Vic). Instructed by Arnold Bloch Leibler.

Trademarks and misleading or deceptive conduct: *The Barry Plant Group Pty Ltd v FP and KH Enterprises Pty Ltd* – unauthorised use of trademarks and misleading or deceptive conduct – application for injunction. Instructed by M&K Lawyers Group Pty Ltd.

Trademarks: *Mercedes-Benz Australia/Pacific Pty Ltd v Automotive Retail Group Pty Ltd* – dispute about use of a trade mark. Led by Gerard Meehan and Instructed by Rothwell Lawyers.

Franchising: *United Petroleum Franchise Pty Ltd v Gold Fuels Pty Ltd* [2016] VCC 292 – dispute between franchisee and franchisor in relation to the termination of a franchise agreement and claim for damages for breach of contract. Instructed by HWL Ebsworth.

Franchising: *Hungry Jack's Australia Pty Ltd v TLC Company Pty Ltd* – termination of franchise agreement. Instructed by HWL Ebsworth. Matter settled part-way through trial.

Franchising: *Wendy's Supa Sundaes Pty Ltd v Lin & Hu Investment Pty Ltd* – franchise dispute. Instructed by Portfolio Law Pty Ltd.

Adverse possession: *Lew v Brough* – Acted for landowner in claim for adverse possession of land. Instructed by SBA Law.

Wills and estates: acted for children claiming maintenance under the *Administration and Probate Act* (Vic).

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Owners Corporations / Water Act: *Australia DL Corporate Pty Ltd v Owners Corporation 1. Acting* for owners corporations defending claim brought by lot owners alleging breach of the *Water Act 1989* and breach of the *Owners Corporations Act 2006*. Led by Suresh Senathirajah and instructed by Terrill & Holmes Lawyers.

Owners Corporations: *Owners Corporation 4 v Bensons Property Group Pty Ltd [2019] VCAT 652* – Acted for Bensons in dispute with a facilities management company – application for summary dismissal. Instructed by Arnold Bloch Leibler.

Domestic Building: *Zaitsev v Urbanworks Group Pty Ltd* – domestic building dispute involving 10 parties and multiple claims in excess of \$4M. Acted for architect and instructed by Gilchrist Connell. Settled in 2019 just prior to trial.

Domestic Building: *K&C Constructions Pty Ltd v Qiang Feng Hi Sushi Pty Ltd*. Acted for developer in dispute with builder in connection with alleged defective building work and counterclaim for *quantum meruit*. Instructed by Frenkel Partners.

Domestic Building: *Reuveni and Swartz v Stemcon Pty Ltd*. Acted for builder in 2018/2019 in dispute with property owner in connection with alleged defective building work and contractual indemnity. Instructed by Frenkel Partners.

Owners Corporation / domestic building: *Capco Industries Pty Ltd and Holden Peel Projects Pty Ltd*. Acted for project management company in 2019 in connection with the construction of residential apartment complex comprising 20 apartments and claim by owners corporation for allegedly defective construction works. Instructed by Carter Newell Lawyers.

Commercial Leasing: *The Gallery Bar & Grill Pty Ltd v Freilich Nepean Pty Ltd [2017] VCAT 720* – dispute about the terms of a commercial lease. Instructed by Frenkel Partners.

Owners Corporations: *TM Facilities Management Pty Ltd v Owners Corporation No.1* – termination of building management agreement by owners corporation and claim for damages for breach of contract. Instructed by Purpose Law.

Owners Corporations: *O'Donnell v Owners Corporation* – dispute about an owners corporations' obligations under the *Owners Corporations Act 2006* (Vic). Instructed by Wotton + Kearney.

Owners Corporations: - *Lawandi v Owners Corporation 21842D [2015] VCAT 1810* – power of Owners Corporations to make rules under the *Owners Corporation Act 2006*. Instructed by Norton Gledhill.

Domestic building: *Cajkusic v Armak Constructions Pty Ltd* – domestic building dispute. Instructed by Hassall's Litigation Services.

Domestic building: *Doyle v R & P Trevorrow Pty Ltd [2014] VCAT 1036* – failure to comply with settlement agreement.

Domestic building: *Owners Corporation Plan 518857 v Lynchpin Constructions Pty Ltd* – alleged defects in residential apartments.

Construction: *Owners Corporation 1 PS537642N v Hickory Group Pty Ltd* – building defects at holiday resort (\$7M claim). Led by Craig Harrison QC and instructed by Piper Alderman.

Professional costs: *Carmelli v Marando [2012] VCAT 1900* – claim by solicitor for payment of professional fees.

Retail Tenancy: *Versus (Aus) Pty Ltd v A.N.H Nominees Pty Ltd [2011] VCAT 2273* – late payment of rent and defects. Instructed by HWL Ebsworth.

Jurisdiction: *Sansome v Urban Renewal Authority of Victoria* - whether VCAT had jurisdiction to hear a dispute about access to telecommunications infrastructure. Instructed by K&L Gates.

FEDERAL MAGISTRATES COURT

Employment law: *The Director of the Fair Building Industry Inspectorate v Linkhill Pty Ltd (No.3)* [2013] FMCA 165 (12 Mar 2013), led by Simone Bingham - dispute about whether workers were independent contractors or employees.

Bankruptcy: Acted for a bankrupt in the Federal Magistrates' Court re: the validity of a sequestration order.

MAGISTRATES COURT

Contract law: Acting for Open Developments Pty Ltd in its dispute with AHB Australia Pty Ltd in connection with the alleged breach of a commission agreement. Instructed by HWL Ebsworth.

Employment law: *Hall v Manark Printing Pty Ltd* (10 December 2013) - claim for unpaid commissions against former employer and claim of misappropriation of intellectual property. Instructed by Rigby Cooke.

Corporations and Securities: Unfair preference claim brought by a liquidator. Instructed by Sewel & Kettle.

Memberships

Society of Construction Law

Building Disputes Practitioner's Society

Commercial Bar Association - Arbitration & ADR

Commercial Bar Association - Building & Construction

Chartered Institute of Arbitrators