

Kane Loxley



Kane Loxley practises in commercial litigation

QUALIFICATIONS

Master of Laws (Sydney)
Bachelor of Laws (Dist)
Bachelor of Arts (Hons) (UWA)

CORRESPONDENCE

P 03 9225 8558
F 03 9225 8668
E kane.loxley@vicbar.com.au

CHAMBERS

Aickin Chambers
Level 19 Room 12
200 Queen Street
Melbourne VIC 3000

COMMERCIAL LAW

Appellate | Commercial Arbitration | Contractual Disputes | Corporations & Securities | Equity & Trusts

TORT LAW

Class Actions | Commissions & Inquiries | Inquests

Kane has a broad commercial practice. He has significant experience acting for leading corporations in class action, regulatory and inquisitorial proceedings.

Recent Cases

SHAREHOLDER CLASS ACTIONS

Lieberman v Crown Resorts Limited: acting for Crown in a misleading conduct and continuous disclosure case based on allegations from the NSW Casino Inquiry (ongoing) (led by N Young QC and C Button QC, instructed by Allens)

Buch / Gehrke v Freedom Foods: acting for the auditor of Freedom Foods (Deloitte) in a shareholder class action (ongoing) (led by W Harris QC, instructed by Corrs Chambers Westgarth)

Southernwood v Brambles Limited: acting for Brambles in a market guidance class action (ongoing) (led by C Button QC, instructed by Allens)

Impiombato v BHP Group Limited: acting for BHP in a class action arising out of the collapse of the Fundao dam in Brazil (ongoing)(see, eg, [2019] FCAFC 107; [2020] FCA 350; [2020] FCA 1720) (led by W Harris QC, instructed by Herbert Smith Freehills)

Fisher v Vocus Group Limited: acting for Vocus in a market guidance class action (settled) (see [2019] FCA 712; [2020] FCA 579) (led by M Garner instructed by Herbert Smith Freehills)

Clime Capital v UGL Limited: acting for UGL in a class action arising out of the construction of the Ichthys LNG facility (settled) (see [2020] FCA 66) (led by W Harris QC instructed by Herbert Smith Freehills)

Whittenbury v Vocation Limited: acting for PwC in a class action arising out of the collapse of the VET provider Vocation (settled) (led by M Garner instructed by Herbert Smith Freehills)

Babscaj Ltd v Slater & Gordon Limited / Pitcher Partners (a firm): acting for the representative plaintiff in proceedings arising from the collapse of Slater & Gordon (see, eg, [2019] FCA 480) (led by W Harris QC and R Craig QC instructed by Johnson Winter & Slattery)

Earglow v Newcrest Mining Limited: acting for Newcrest in a class action concerning gold production guidance (settled) (led by W Harris QC and R Craig QC instructed by Herbert Smith Freehills)

OTHER CLASS ACTIONS

Fordham v Commonwealth Bank of Australia: acting for the CBA in a class action concerning the sale of consumer credit insurance products (ongoing) (led by N Young QC instructed by Clayton Utz)

Batey-Smith v Vasco Trustees: acting for the respondent trustee and AFSL holder in a class action by unitholders of the IPO Wealth fund (ongoing) (led by R Craig QC instructed by Johnson Winter & Slattery)

5 Boroughs / Roberts v State of Victoria: acting for the State defending class actions arising out of the Hotel Quarantine program (ongoing) (led by R Doyle SC and R Enbom QC instructed by Herbert

Smith Freehills)

Moira Shire Council v Jardine Lloyds Thompson: acting for local council plaintiffs in a class action regarding insurance (ongoing) (led by P Crutchfield QC and R Craig QC instructed by Quinn Emmanuel Urquhart Sullivan)

Bolitho v Banksia Securities: acting for the litigation funder of the Banksia class action (see, eg, [2018] VSCA 278 and [2020] VSC 123) (unled, instructed by Arnold Bloch Leibler)

Kamasae v Commonwealth of Australia: acting for Wilson Security in a class action brought by detainees on Manus Island (settled) (see, eg, [2018] VSC 138) (led by R Craig QC instructed by Herbert Smith Freehills)

REGULATORY PROCEEDINGS

ASIC v Commonwealth Bank of Australia & Colonial First State: acting for Colonial First State in civil penalty proceedings concerning the alleged provision of conflicted remuneration (ongoing) (led by J Sheahan SC and N de Young QC instructed by King & Wood Mallesons)

ACCC v Bupa Aged Care Australia Pty Ltd: acting for Bupa in proceedings brought by the ACCC ([2020] FCA 602) (led by R Higgins SC instructed by Herbert Smith Freehills)

ASIC v Mitchell and Healy: acting for the former President of Tennis Australia in proceedings brought by ASIC ([2019] FCA 1484; [2020] FCA 1098) (led by N Young QC and P Flynn SC instructed by Herbert Smith Freehills)

COMMISSIONS AND INQUIRIES

Suitability inquiries into Crown Resorts Limited: acting for Crown in the NSW Casino Inquiry (led by N Young QC instructed by Minter Ellison) and the Crown Melbourne Royal Commission (led by M Borsky QC and C Button QC instructed by Allens)

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry: acting for the Commonwealth Bank of Australia (led by C Scerri QC instructed by Clayton Utz)

Parliamentary Inquiry into Jukkan Gorge cave destruction: acting for BHP Limited (led by N Young QC instructed by King & Wood Mallesons)

OTHER SIGNIFICANT CASES

Talacko v Talacko: acting for an estate in a long-running family dispute concerning property in the Czech Republic, including in appeals in the High Court (led by W Harris QC) and Court of Appeal ([2017] VSCA 163) (led by N O'Bryan SC instructed by Patrick & Associates)

Tabcorp / Tatts v State of Victoria: acting for the State of Victoria at the trial and appeal phases of litigation concerning end-of-licence compensation claims, including in the High Court (see, eg, [2016] HCA 4 and [2016] HCA 5) (led by J Karkar, W Harris QC and R Craig instructed by Johnson Winter &

Slattery)

Lochard Energy v Energy Australia: acting for EnergyAustralia in a large-scale dispute arising out of the sale of a gas storage facility (settled) (led by J Sheahan SC, N Hopkins QC and C Young QC with T Cogley instructed by Minter Ellison)

John Holland v State of Western Australia: acting for the State of Western Australia in a dispute arising out of the construction of the Perth Children's Hospital (ongoing) (led by M Roberts QC and J Taylor SC instructed by Herbert Smith Freehills)

Fingal Pastoral Pty Ltd v Page Seager Lawyers: acting for Fingal Pastoral in a professional negligence claim in the Supreme Court of Tasmania ([2019] TASSC 48) (led by M Roberts QC instructed by Shields Heritage)

Masters Home Improvement v Aventus: acting for Aventus in a lease dispute regarding a repurposed Masters site ([2019] VSC 428) (led by J Karkar QC instructed by Herbert Smith Freehills)

Fonterra Brands v Bega Cheese: acting for Bega in a contractual dispute with Fonterra (see, eg, [2019] VSC 209) (led by C Button QC instructed by Gilbert + Tobin)