

Matthew Harvey QC



Matthew Harvey QC 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.

His work for multinational organisations has led him to develop an interest in international taxation, including transfer pricing, thin capitalisation, CFC Rules, and double tax treaties.

Matthew appears regularly in the Supreme Court, Federal Court, Court of Appeal and in international and domestic arbitrations. He is often briefed in proceedings before the superior courts in other States. He has appeared in the High Court of Australia. Matthew also conducts domestic and international arbitrations and has delivered numerous awards.

Liability limited by a scheme approved by Professional Standards Legislation

Recent Cases

CORPORATE INSOLVENCY AND COMMERCIAL

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

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 AND MARITIME

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

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

Dispute between a lender and a borrower arising out of a finance agreement for the acquisition of livestock.

Dispute between shipowners and charterers arising out of the grounding of two vessels in foreign waters.

Dispute between partners arising out of the operation and dissolution of a commercial partnership, involving real property interests, contract, and intellectual property.

Dispute between an employer and employee arising out of termination and a restraint of trade clause.

Dispute arising out of a stevedoring agreement.

Memberships

Tax Bar Association

Maritime Law Association of Australia & New Zealand

Fellow of the Chartered Institute of Arbitrators

Singapore Chamber of Maritime Arbitration

Titulary Member of the Comité Maritime International

Commercial Bar Association

Law Programs Advisory Board, RMIT University

Victorian Legal Admissions Committee