

CHANCERY

BARRISTERS - ARBITRATORS - MEDIATORS

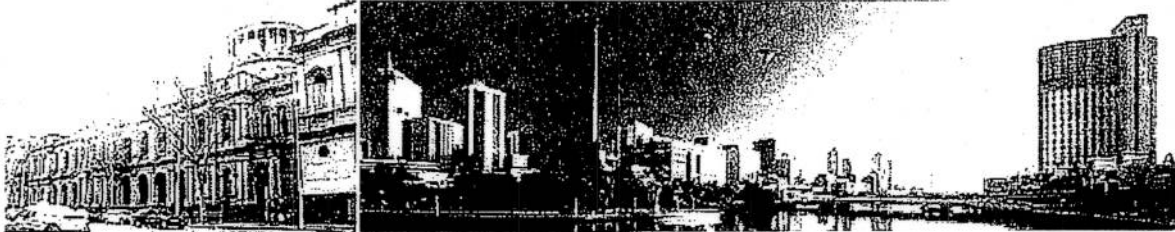
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Michael D G Heaton, QC

• In recent years Michael has practised in a broad range of areas including, commercial, corporations, trade practices, sale of land mortgages, landlord and tenant, professional negligence, equity, constructive trusts – farming disputes, testators family maintenance, building and construction, administrative law and town planning.

Michael is a fellow of the Chartered Institute of Arbitrators (UK) and an Associate of the Institute of Arbitrators and Mediators Australia.

He is an accredited adjudicator under the Building and Construction Industry Security of Payment Act (2002) (Vic) as amended.

Michael is a nationally accredited mediator and a Victorian Bar Accredited Advanced Mediator. He is on several panels including the panel of Franchised Dispute Mediators under the Franchise Code.

Leading cases in which he has been involved include:

- Hill v. Rose (1990) VR 129 (Fiduciary obligations, equitable compensation)
- Commonwealth Bank of Australia v. Friedrich & Ors (1991) 5 ACSR 115 (Corporations – Directors Liabilities)
- Vassos v. The State Bank of South Australia [1993] 2 VR 316 (indefeasibility of title);
- Australian Horizons (Vic) Pty Ltd v. Ryan Landco Pty Ltd [1994] 2 VR 463 (SS6 and 14 Sale of Land Act);
- Beatty v. ANZ Banking Group [1995] 2 VR 301 (fraudulent registration of mortgage);
- Constante v. City of Preston (1994) 1 VR 379 (Local government, discontinuance of road);
- Karenlee Nominees Pty Ltd v. ACN 004312234 Ltd (1995) 8 ANZ Ins Cases 61 – 236 (insurance);
- HG & R Nominees Pty Ltd v. Fava [1997] 2 VR 368; (1995) v. ConvR 54-522 (enforcement of mortgage, mortgagor's defences)
- Baker v. Microdos Computers Aust Pty Ltd (in liq) (1996) 20 ACSR 148 (corporations void dispositions);
- Monty Financial Services Ltd v. Delmo [1996] 1 VR 65 (removal of administrator)
- Corio Bay & District Private Hospital NH Pty Ltd v. The Minister & Others (1998) 157 ALR 181 (private nursing home Aged Care Act 1997, allocated places, landlord and approved provider).
- Ali v. Hartley Poynton Ltd [2002] VSC 113 (to late March 2001) (Stockbroking – Professional Negligence).
- Apriaden Pty Ltd v. Seacrest Pty Ltd (2005) 12 VR 319 (Landlord & Tenant repudiation)
- Wayne Terry Kerr v. J. P & M (Billabidgee) Pty Ltd & Ors [2006] NSWSC 1044 (Trusts, constructive trusts proprietary estoppel family farming enterprise).

Michael has also appeared in hearing before the Australian Securities Commission including S600 CL hearings

Michael also has extensive experience in matters relating to private nursing home

operations; ie validations, prosecutions, administrative appeals.

Given his experience and interests he is willing to practice in most areas.

Michael chairs the Dispute Resolution Committee of the Victorian Bar.

He is the author of the Guarantee & Indemnity Section of Lexis Nexis Court Forms and Precedents Victoria.

He is on the Board of Methodist Ladies College. He is Chairperson of the Human Research Ethics Committee for the Inter Church Trade & Industry Mission Australia Inc. and the Christian Research Association. He was a resident representative on the City of Boroondara West Hawthorn Urban Design Framework Committee.

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Admitted In Victoria: 1972

Signed Bar Roll: 1975

Appointed Queens

Counsel: 1999

Also Admitted: Victoria, New South Wales, Queensland, Northern Territory, Western Australia, South Australia, Tasmania, Australian Capital Territory, Federal Jurisdictions

Previous Occupation: