

GREENS LIST

BARRISTERS



EDWARD MOON

BAR ROLL: 2005 | ADMITTED: 1998

Edward has a broad commercial and equity practice, with extensive experience in *Corporations Act 2001* (Cth), *Bankruptcy Act 1966* (Cth), real property, equity and trusts matters.

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CHAMBERS: Dawson Chambers

EXPERTISE

Appellate | Banking & Finance | Bankruptcy Law & Insolvency Law | Commercial Law | Corporations Law & Securities Law | Equity & Trusts Law | Property Law | Wills & Estates Law

PROFILE

Edward has a broad commercial and equity practice, with extensive experience in *Corporations Act 2001* (Cth), *Bankruptcy Act 1966* (Cth), real property, equity and trusts matters.

Edward's commercial practice is principally focused on contractual disputes, including partnership disputes, tortious claims and real property disputes.

In his insolvency practice, Edward acts for companies and individuals in relation to statutory demands, winding up and recovery proceedings, including insolvent trading claims, termination applications under section 482 and the conduct of public examinations for liquidators.

Edward often acts in oppression proceedings brought under the *Corporations Act 2001* (Cth).

Edward is regularly briefed in claims involving real property, including the sale of land, co-ownership disputes and the enforcement of mortgages and other securities.

Edward often advises in respect of deeds of trust and has experience in equitable claims, including unconscionable conduct, resulting and constructive trusts, proprietary estoppel and solicitors' liens.

Edward appears regularly in the Supreme Court of Victoria, Federal Court of Australia and County Court of Victoria.

Prior to coming to the Bar, Edward was a Senior Associate at Allens Arthur Robinson.

RECENT CASES



CORPORATIONS ACT MATTERS: In the matter of Cullen Group Australia Pty Ltd (in liquidation) (Federal Court of Australia proceeding QUD 262/ 2020) – public examination into the affairs of Cullen Group Australia Pty Ltd (in liquidation)



CORPORATIONS ACT MATTERS: Re Queensland One Homes Pty Ltd (in liquidation) (Federal Court of Australia proceeding QUD262/ 2019) – public examination into the affairs of Queensland One Homes Pty Ltd (in liquidation)



CORPORATIONS ACT MATTERS: El-Saafin & Anor v Franek & Ors (No 3) [2019] VSC 155 – regarding the conduct of a second meeting of creditors under the Insolvency Practice Rules (Corporations) 2016



CORPORATIONS ACT MATTERS: Viking Group Holdings Pty Ltd (in liquidation) v BKA Practice Co Pty Ltd [2015] VSC 485 – an application for leave to amend an originating process outside of the limitation period set out in section 588FF(3); with Ted Woodward SC



CORPORATIONS ACT MATTERS: Horne & Ors v Retirement Guide Management Pty Ltd [2015] VSC 327 – an application to set aside an order extending time for service of an originating process; with Ted Woodward SC



CORPORATIONS ACT MATTERS: Hanks v Admiralty Resources NL [2011] FCA 891 – an application for inspection of company books by a member; with Michael Wyles QC



CORPORATIONS ACT MATTERS: Burdett-Baker - in the matter of AFS Group Limited



APPLICATIONS TO SET ASIDE STATUTORY DEMANDS: Eventcepts Pty Ltd v Creative

(in liquidation) v National Australia Bank Limited [2013] FCA 799 – an application for directions by administrators under sections 447A and 447D

Talent Management Pty Ltd [2017] VSC 457 – regarding the date of service of a creditor’s statutory demand and its impact on the 21 day period referred to in section 459G(2)



APPLICATIONS TO SET ASIDE STATUTORY DEMANDS: Glenhawk Pty Ltd v Forty Second Maylux Pty Ltd [2016] VSC 270



APPLICATIONS TO SET ASIDE STATUTORY DEMANDS: Konig Constructions Pty Ltd v Moracom Furniture and Fit Out Pty Ltd [2010] VSC 659



WINDING UP APPLICATIONS: In the matter of American Gemstone Pty Ltd (in liquidation); Lemmen v Porcu [2013] FCA 1056



WINDING UP APPLICATIONS: Look Property Group Pty Ltd v Gateway Developments (Vic) Pty Ltd [2011] VSC 237 – an application under section 440A to adjourn the hearing of an application for winding up



WINDING UP APPLICATIONS: Deputy Commissioner of Taxation v S.J. Bambra Pty Ltd [2010] FCA 1245



WINDING UP APPLICATIONS: Latham Moore & Associates (Vic) Pty Ltd v Funktion Enterprises Pty Ltd [2010] VSC 656



BANKRUPTCY: BKA Practice Co Pty Ltd v Nida [2021] FCCA 334 – application for review of Registrar’s order for sequestration of bankrupt’s estate



BANKRUPTCY MATTERS: Jacks v Jakimowicz [2015] VCC 1067 – enforcement of a bankrupt’s claim for breach of a declaration of trust



BANKRUPTCY MATTERS: Jacks v Jakimowicz [2011] VCC 1409 – an application concerning the property of a bankrupt divisible amongst creditors; also see Jacks v Jakimowicz [2011] VSCA 312 - where leave to appeal was granted



BANKRUPTCY MATTERS: Winn v Blueprint Instant Printing Pty Ltd (No 2) [2011] FCA 723 – an appeal from the making of a sequestration order



BANKRUPTCY MATTERS: Winn v Blueprint Instant Printing Pty Ltd [2010] FCA 1513 – an application to stay a sequestration order



EQUITY AND TRUSTS: Nieduziak v Nieduziak [2019] VCC 1277 – a claim under a resulting trust



EQUITY AND TRUSTS: Bornyan v Bornyan [2019] VCC 482 – various claims including unconscionable conduct and undue



EQUITY AND TRUSTS: Australia’s Residential Builder Pty Ltd (in liq) v Wiederstein [2018] VSC 37 and Re Australia’s Residential

influence

Builder Pty Ltd (in liquidation) [2019] VSC 115 – regarding a claim for equitable tracing; with Ian Upjohn CSC QC



EQUITY AND TRUSTS: Ryan v Ryan [2017] VSC 490 – regarding the duties of an attorney - administrator under the Guardianship and Administration Act 1986 and executor of a deceased estate



EQUITY AND TRUSTS: Porter v Bonarrigo [2009] VSC 500 – regarding equitable charges and alleged equitable lien



APPEALS: Broughton v B & B Group Investments Pty Ltd [2017] VSCA 227 – with Jim Peters QC



APPEALS: Jakimowicz v Jacks [2016] VSCA 42 – with Michael Galvin QC



APPEALS: P'Auer AG v Polybuild Technologies International Pty Ltd [2015] VSCA 42 – with Michael Shand QC



APPEALS: Jacks v Jakimowicz [2014] VSCA 120 – determined on the papers; with Michael Galvin



APPEALS: Alabakis v Boyd [2010] VSC 472 – an appeal from a VCAT order



APPEALS: Wakefield v Ribbera [2008] VSC 124 – an appeal from a Master's decision to grant summary judgment for the possession of real property



PROPERTY: BCA Asset Management Group Pty Ltd v Sand Solutions (Vic) Pty Ltd & Ors [2021] VSC 177 – caveat removal application



PROPERTY: Betts v Harman [2021] VCC 1349 – regarding s 137B(2) of the Building Act 1993 and a purchaser's right to rescind a contract of sale



PROPERTY: Lowery v Cousins [2021] VCAT 1462 – co-ownership dispute



PROPERTY: Kuipers v Harrington (No 2) [2019] VSC 190 – caveat removal application



PROPERTY: Kay Hadaway Pty Ltd v Stathopoulos - 26 July 2011 – an application for summary judgment for possession of real property



AUSTRALIAN CONSUMER LAW: Keogh v Higgins [2014] VCAT 1256 – claim of misleading and deceptive conduct brought against vendors of a family home not in trade or commerce



AUSTRALIAN CONSUMER LAW: Alabakis v Boyd No 2 [2011] VCAT 1090 – a claim under



OTHER MATTERS: Badge v Smithdene Pty Ltd [2021] FCCA 1195 – lump sum costs



OTHER MATTERS: Liu v Resi Ventures Leakes Pty Ltd (No 2) [2019] VSC 638 – application for security for costs



OTHER MATTERS: ACME Properties Pty Ltd v Perpetual Corporate Trust Limited as Trustee for Braeside Trust [2019] FCA 1189 – intention to create legal relations regarding a commercial lease; with Michael Wyles QC



OTHER MATTERS: Braewoodland Pty Ltd v Gallop & Ors [2018] VCC 2050 – claim under a guarantee given in relation to a commercial lease



OTHER MATTERS: Christopoulos v Krishna [2017] VSC 154 – contract voided for illegality; with Ian Upjohn CSC QC



OTHER MATTERS: Pizza Fellas Pty Ltd v Eat Now Pty Ltd [2017] VSC 226; [2017] VCAT 589 – application for summary dismissal of a VCAT proceeding before Croft J as an acting member of the VCAT; with Edward Heerey QC



OTHER MATTERS: Donaldson v Natural Springs Australia Limited (No 2) [2015] FCA 1157 – successfully resisted an application for costs against a non-party



OTHER MATTERS: Polybuild Technologies International Pty Ltd v P'Auer AG [2014] VCC 1868 – enforcement of an agent's claim for commission



OTHER MATTERS: Winn v Garland Hawthorn Brahe (a firm) [2007] VSC 360 – Kaye J held that a barrister representing herself is not entitled to claim costs incurred in the capacity of solicitor nor counsel's fees

Memberships & Committees

[Victorian Bar](#)

To get in touch with Edward Moon | or for more information please contact the Clerk on:

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Liability limited by a scheme approved under Professional Standards legislation.

