

PATRICK TIERNAN

Dever's List

BCom/LLB (Hons); MCommrciLaw

Admitted to Practice as an Australian Legal Practitioner – 5 December 2017

Signed the Victorian Bar Roll – 7 May 2020

Address – Room 2903, Aickin Chambers – 200 Queen Street Melbourne

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Employment/Experience:

8 May 2020 to
present

Barrister at Victorian Bar (Dever's List)

Areas of Practice include:

Commercial Law

Acting for plaintiffs and defendants in a range of commercial law matters (at both trial and interlocutory stages) including:

- Australian consumer law;
- Equity;
- Insurance law;
- Sports law;
- Building and construction;
- Corporations law;
- Guarantee claims;
- Banking and finance;
- Property law; and
- Bankruptcy and insolvency.

Recent cases include:

***GJB Building Pty Ltd v AI&PB Property Pty Ltd* [2023] VSC 782 (led by A T Strahan KC)**

***Coonwarra Pty Ltd v CornoNero Pty Ltd* [2023] VSC 781 (led by A T Strahan KC)**

***GJB Building Pty Ltd v AI and PB Property Pty Ltd (Ruling No 3)* [2022] VSC 62 (led by A T Strahan KC in proceeding – appearance unled)**

(acting as Junior Counsel for Defendant in 49 day Supreme Court trial, defending various allegations including misleading and deceptive conduct, breach of director's duties, breach of fiduciary duty, Barnes v Addy claims and contract claims)

***Plunkett v Portier Pacific Pty Ltd (Civil Claims)* [2024] VCAT 205 (led by A T Strahan KC in s 77 application)**

(acting for various Uber entities Respondent in defending allegations of misleading and deceptive conduct and unconscionable conduct regarding UberEats app; and s 77 application to transfer proceedings from VCAT to Supreme Court of Victoria)

***Storage Depot Pty Ltd v Brooklyn Logistics Park Pty Ltd (Building and Property)* [2022] VCAT 210 (unled)**

(acting for Respondent regarding Valuation Determination and s 37 of the *Retail Leases Act 2003* (Vic))

Common Law

Institutional Liability List – Supreme Court Victoria and County Court Victoria

Acting for various defendants and third parties in the Institutional Liability Lists of the Supreme Court of Victoria and County Court of Victoria – both trial and advice work on liability and quantum – led and unled (including acting for the Archdiocese of Melbourne and other religious institutions; sporting organisations; councils; nominated defendants and third parties).

Other Common Law Litigation

Acting for plaintiffs and defendants and third parties in common law personal injury litigation and trials including issues of negligence; vicarious liability; torts; non-delegable duties; economic loss; *Wrongs Act 1958* (Vic); third-party claims; insurance law; VWA recoveries; TAC.

Sports Law

Acting for various athletes, sporting organisations and associations in sports law related matters including:

- Anti-doping disputes;
- Selection disputes;
- Tribunal proceedings;
- Member protection disputes;
- Disrepute disputes;
- Racing disputes;
- Contract disputes;
- Sitting on tribunals.

Various sports include: AFL; cricket; horse racing; golf; gymnastics; basketball; aikido; motorsport; badminton.

Recent cases include:

Thornell v Cerberus Golf Club Inc (Human Rights) [2024] VCAT 20 (unled) (acting pro bono for female golfer alleging sex discrimination for not being allowed to play in the 'men's only' golf competitions)

Michael Randall v Australian Football League and Sport Integrity Australia CEO [2023] NST NST-E22-334478 (unled) (acting for the AFL in regard to anti-doping suspension appeal by WAFL athlete)

Heath Thorpe v Gymnastics Australia [2023] NST NST-E23-173421 (unled) (acting for Applicant in selection dispute – drawing submissions and advice)

Employment Law

Acting for both employers and employees regarding unfair dismissal, vicarious liability, general protections.

**7 Nov 2016 to
February 2020**

T J Mulvany & Co
Associate Lawyer (Full-Time) – Admitted to Practice 5 Dec 2017
Graduate Lawyer (Full-Time) – 7 Nov 2016 – 4 Dec 2017

Areas of Practice included:

- Commercial and Common Law Litigation;
 - Australian Consumer Law; Personal Injuries, Contract Law; Negligence; Corporations Law;
- Wills and Estates;
- Workplace Law;
- Commercial Law;
- Debt Recovery;
- Guardianship & Administration Law;
- Family Law;
- Property Law;
- Equine Law; and
- Building and Construction Law.

**Aug 2015
To Feb 2016**

Victoria Legal Aid – Geelong
Legal Internship (Part-Time)

- 6 month Legal Internship with Victoria Legal Aid – Geelong;
- Completed internship with overall result of 90/100.

**July 2014 to
April 2015**

T.J. Mulvany & Co.
Work Experience (Part-Time)

- Work experience one day a week;
- Attending court hearings at the Magistrates Court of Victoria, the Family Court of Victoria, the Supreme Court of Victoria, the County Court of Victoria and the Children’s Court of Victoria.

2013 to 2016

Toorak Prahran Cricket Club Coach Under 13/15
Southern District and Churches Cricket League - Representative Coach Under 12

- Senior Coach of Under 13/15 TPCC Cricket team; and
- Co-Coach of SDCCL Under 12 Representative team.

Education

**July 2018 to
July 2023**

University of Melbourne
Masters of Commercial Law (MCommerclLaw)
Completed Subjects:
Advanced Evidence – First Class Honours
Australian Consumer Law – First Class Honours
Remedies in Commercial Law
Institutional Abuse and Legal Redress
Liability Insurance Law – First Class Honours
Civil Regulatory Litigation
Sports Integrity and Investigations
Current Issues in Civil Litigation

**Mar 2012 to
Nov 2016**

Deakin University – Burwood Campus
Bachelor of Commerce/Law - BCom/LLB (Hons)

2004 to 2011

Xavier College – Kew Senior Campus Year 9-12 and Kostka Hall Year 5-8
Prefect – House President
Captain of First XI Cricket Team
Vice-Captain of First XVIII Football Team

Outside Interests

- Cricket:
 - First XI Cricket at Xavier College from Year 10-12 (2009-2011) (Captain 2011);
 - Junior representative Cricket from under 12-18 level.
- Football:
 - VAFA - Old Xaverians Football Club (2014-2016);
 - AFL Pre-season training with St Kilda Football Club (2013);
 - VFL - Sandringham Zebras Football Club (2013);
 - TAC Cup - Sandringham Dragons Football Club (2012) (Leadership Group);
 - First XVIII Football at Xavier College from year 11-12 (2010-2011) (Vice-Captain 2011).

Referees:

- Can be provided upon request.