



Andrew Chambers

Partner

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OVERVIEW

Andrew Chambers acts in a wide variety of insolvency and commercial litigation matters and has a broad range of experience in loan recovery and commercial disputes. He represents a range of clients including banks, financiers, listed and unlisted companies, and a number of insolvency accounting firms.

Andrew's areas of focus include general commercial litigation, banking litigation, loan recovery, debt recovery, securities enforcement and receiverships, corporate restructuring and workouts, liquidations and voluntary administrations. He advises clients across many sectors including financial services, manufacturing, distribution, retail, property, automotive, rural and transport.

ACHIEVEMENTS

- *Chambers Asia Pacific*, ranked individual in Restructuring/Insolvency - Australia (2020-present)
- *Best Lawyers in Australia*, listed in Insolvency and Reorganisation Law (2012-present).
- *Best Lawyers in Australia*, listed in Alternative Dispute Resolution (2015-present).
- *Doyle's Guide*, recognised as a Leading Insolvency & Reconstruction Lawyer in Victoria (2015-present).

PROFESSIONAL / CIVIC ACTIVITIES

- Insolvency Practitioners Association member

SPEAKING ENGAGEMENTS

Andrew regularly presents workshop sessions to students studying the ARITA Advanced Insolvency Course through the University of Technology Sydney.

EDUCATION

- Bachelor of Economics, Monash University, 1989

- LL.B., Monash University, 1988

ADMISSIONS

- Federal Court of Australia
- High Court of Australia
- Supreme Court of Victoria

NEWS & EVENTS

- 16 December 2020, K&L Gates Recognized in Chambers 2021 Asia Pacific and FinTech Guides (*Rankings & Recognitions*)

AREAS OF FOCUS

- Restructuring and Insolvency
- Complex Commercial Litigation and Disputes
- Financial Institutions and Services Litigation

REPRESENTATIVE EXPERIENCE

- Acting for a large global financial institution in the recovery of a large loan facility advanced to Cockatoo Ridge Wines Ltd and its subsidiaries following the appointment of Administrators. Andrew assisted by negotiating with the Deed Administrators the terms of the Deed of Company Arrangement, preparing documentation for the sale of the company assets and the listed company shell to a third party and advising in relation to employee entitlements payable by the insolvent companies.
- Acting for David Jones in Supreme Court proceedings commenced against Gandel and Colonial, the landlord of David Jones's Chadstone Shopping Centre department store in respect of a dispute concerning the manner in which outgoings were charged under the lease.
- Acting on behalf of Bendigo and Adelaide Bank Limited and its subsidiaries in pursuing the recovery of monies advanced to borrowers (whether individuals, companies and/or trusts) to fund investments in various Great Southern managed investment schemes. In addition to the typical steps these matters entail such as issuing proceedings, filing strike out applications and enforcing judgments (including bankruptcy proceedings and winding up proceedings), these matters often involve more complex issues such as applications to set aside Personal Insolvency Agreements, actions to replace trustees in bankruptcy and strategic considerations where borrowers reside overseas in non Hague Convention countries.
- Acting for a large Australian bank in a loan recovery and receivership matter involving a property development company. The matter involved advising on a partially completed property development (including all permits and licences required to carry out the remaining building works and negotiations with relevant unions),

advising on priority disputes regarding the distribution of proceeds from the sale of various properties and acting on behalf of the receivers in all matters concerning the receivership of the company.

- Acting for Pioneer Electronics Australia Pty Ltd in a retention of title claim against Wow Audio Visual Superstores Pty Ltd (Receivers and Managers Appointed) seeking recovery of stock valued at approximately AU\$430,000. This matter involved consideration of the Personal Property Securities Act 2009 (Cth) and its application to retention of title claims. Pioneer was one of the few creditors in the receivership of WOW to successfully make out its retention of title claim as a transitional security interest under the PPSA.
- Acting on behalf of a major bank in the recovery of a loan book totalling approximately AU\$280 million made to investors in various Willmott Forests managed investment schemes (whether individuals, companies and/or trusts).
- Acting for a large global financial institution in recovering advances made under revolving credit facilities and other loan facilities to Huon Corporation Pty Ltd which manufactured parts for the automotive industry. This included providing advice about its position as a secured creditor and acting on all issues arising as a consequence of the Administration of the companies, including the provision of funding to the Administrators for the ongoing trading of the business, retention of title claims and in negotiations for the sale of the business.
- Acting on behalf of the Receivers and Managers of Willmott Finance (KordaMentha) in the recovery of monies advanced to borrowers (whether individuals, companies and/or trusts) to fund investments in various Willmott Forests managed investment schemes.
- Acting on behalf of the Receivers and Managers of Gunns Finance (KordaMentha) in the recovery of a loan book totalling approximately AU\$190 million made to investors in various Gunns Plantations managed investment schemes.
- Acting on behalf of the Receivers and Managers of Timbercorp Finance (KordaMentha) in the recovery of monies advanced to borrowers to fund investments in various Timbercorp Plantations managed investment schemes.
- Acting for the Voluntary Administrators of Tamar Valley Dairy Pty Ltd (TVD). TVD had debts exceeding AU\$20 million, including secured debts with two major banks. We assisted the Administrators in negotiating and documenting the sale of TVD's business and assets to Fonterra. We successfully issued proceedings for the extension of the Voluntary Administration convening period to allow the sale process to be completed. We advised the Administrators in relation to the negotiation and documentation of funding arrangements with the Tasmanian Government and the two major bank lenders during the administration of TVD to allow the business to continue to trade.
- Acted for the Receivers and Managers of Mornington Park Homes Pty Ltd and Cosy Cabins Pty Ltd in the sale of all Tasmanian assets and properties owned by the companies.
- Acting for a major bank to secure possession of various properties against a number of persons/entities and realise the secured assets. The debt owing to the bank was approximately AU\$7million. There were fraud, bankruptcy and priority issues. The majority of the property was located in various parts of Tasmania.

Negotiations with liquidators for some of the entities who held the properties, trustees and other secured creditors. The matter is still ongoing.

- Acting for a bank on the recovery of a substantial loan facility owed by Unibic Australia Pty Ltd. He advised on the proposed sale of the assets of Unibic to a third party purchaser after the company had been placed in Voluntary Administration.