

GREENS LIST

BARRISTERS



AIMEE KINDA

BAR ROLL: 2012 | ADMITTED: 2002

Aimee Kinda is a commercial barrister at the Victorian Bar, where a significant part of her practice is in bankruptcy and corporate insolvency as well as other matters arising under the Corporations Act 2001.

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CHAMBERS: Douglas Menzies Chambers

EXPERTISE

**Bankruptcy Law & Insolvency Law | Commercial Law | Corporations Law & Securities Law | Criminal Law
| Equity & Trusts Law | Public Law & Administrative Law**

PROFILE

Aimee is a practical and commercial barrister. She is focussed on solving her clients' known problems, while keeping an eye to the broader risks and opportunities for her clients.

She gives advice, drafts documents and appears in most areas of commercial law, and including:

- corporate insolvency and bankruptcy
- contractual disputes and commercial litigation
- Probate and TFM matters
- matters arising under the Corporations Act
- corporate / regulatory offences and white collar crime
- debt recovery and enforcement of judgments

On coming to the Bar, Aimee read with Michael Galvin, KC. Before coming to the Bar, she was a solicitor with ASIC for over four years, was Associate to Justice Mandie at the Supreme Court for three years, and was a

researcher for the Judges in the Court of Appeal for a year. In between work and study she has travelled extensively (52 countries), largely prior to the onset of mortgage & children, as well as more recent impediments to travel.

RECENT CASES



INSOLVENCY & BANKRUPTCY: Appeared for ASIC seeking to bankrupt the respondent debtor on a pecuniary penalty order (not a debt provable in bankruptcy) led by M T Brady QC; ASIC v King [2021] FCA 1610 - <https://jade.io/article/883504>



INSOLVENCY & BANKRUPTCY: Acted for respondent to creditor's petition - seeking review of sequestration order made by a judicial registrar



removal from NPII and dismissal of creditor's petition; Owners Corporation 1 Plan No. PS633275D & Ors v Mingfei Xu Federal Circuit & Family Court proceeding MLG630/2021 (orders made on papers)



INSOLVENCY & BANKRUPTCY: Appeared for Trustee claiming contribution and orders re voidable transaction; Nelson (as Trustee of the bankrupt estate of Brian Laurence Birch) v Birch & Ors [2019] FCCA 3622 - <https://jade.io/article/696941>



INSOLVENCY & BANKRUPTCY: Appeared for defendant company in wind up application - arguing that the company was solvent and that the application was an abuse of process; Pharmadeal International Pty Ltd v Global New Health Pty Ltd [2019] VSC 861 - <https://jade.io/article/707141>



INSOLVENCY & BANKRUPTCY: Appeared for director in application to terminate liquidation of a company; Truyen v Micheletto and Carrafa as Liquidators of T&N Super T1 PL (In Liq) - Supreme Court proceeding S CI 2018 00865



INSOLVENCY & BANKRUPTCY: Appeared for trustees at return of application regarding distribution of proceeds of sale of house; Mitchell & Quin as trustees of bankrupt estate of Hasumann v Berlinde Hausmann - Federal Circuit Court proceeding MLG501/2016



INSOLVENCY & BANKRUPTCY: Acted for director in claim alleging preferences / voidable transactions; Franklin & Vrsecky as Liquidators of Flute Nominees PL v Luhur - Supreme Court proceeding S ECI 2018 068 (settled at mediation)



INSOLVENCY & BANKRUPTCY: Appeared for directors in applications to set aside orders placing company into liquidation; Dineamic



INSOLVENCY & BANKRUPTCY: Acted for liquidators in claims for preferences and unreasonable director related transactions;

Australia Pty Ltd v Kara Passionate Foodies Pty Ltd – Supreme Court proceeding S CI 2018 2066; In the matter of E.M.A. Start Pty Ltd (In Liq) – Supreme Court proceeding S CI 2012 4065

egs In the matter of FME Investments Pty Ltd (In Liq) – Supreme Court proceeding S CI 2017 04755 (settled at mediation) and White and Michell as Liquidators of Merbau Timber PL v STS Timber Wholesale PL – Magistrates’ Court proceeding H11475264 (settled)



INSOLVENCY & BANKRUPTCY: Appeared for debtor in application to set aside statutory demand; MWB Accountants v Deputy Commissioner of Taxation – Supreme Court proceeding S CI 2017 03190 (18/10/2017) (settled at hearing)



INSOLVENCY & BANKRUPTCY: Appeared for Administrator seeking adjournment of winding up proceeding to enable vote on proposed DOCA; IMO JEA Business Services Pty Ltd – Supreme Court proceeding S CI 2015 2318



INSOLVENCY & BANKRUPTCY: Appeared for creditor in application to set aside statutory demand; Rescom Asia Pacific Pty Ltd v Reapfield Property Consultants Pte Ltd [2014] VSC 41 - <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VSC/2014/41.html>



INSOLVENCY & BANKRUPTCY: Appeared for respondent in application for leave to appeal decision of Associate Justice not to set aside statutory demand - led by Carrie Rome-Sievers; Rescom Asia Pacific Pty Ltd v Reapfield Property Consultants Pte Ltd [2014] VSCA 92 - <https://jade.io/article/331761>



INSOLVENCY & BANKRUPTCY: Acted for creditor bringing claims against directors for insolvent trading; In the matter of Wooltara Australia Pty Ltd (In Liq) – Supreme Court proceeding S CI 7513 of 2010 (settled before trial)



INSOLVENCY & BANKRUPTCY: Appearances in Supreme Court and Federal Circuit Court in wind up proceedings; egs IMO Tass Goodwill Pty Ltd – Supreme Court proceeding S ECI 2021 00137 and Deputy Commission of Taxation v ATDL Holdings Pty Ltd – Federal Circuit Court proceeding MLG56/2018



INSOLVENCY & BANKRUPTCY: Appearances in Federal Circuit Court applications to set aside bankruptcy notices/ creditor's petitions and other applications arising under the Bankruptcy Act 1966; egs Simon v Connell MLG38/2018 and Connell v Simon MLG1806/2018



CONTRACTUAL DISPUTES AND COMMERCIAL LITIGATION: Acted for Plaintiffs in claim for breach of share sale agreement and enforcement of guarantees; Alpha Prime Australia Pty Ltd & Anor v City Gate & Ors – County Court proceeding CI-20-04832



CONTRACTUAL DISPUTES AND COMMERCIAL LITIGATION: Appeared for Plaintiff seeking to enforce guarantees; Moula Funding Pty Ltd v Taylor & Carkeek – Magistrates' Court proceeding L10410966



CONTRACTUAL DISPUTES AND COMMERCIAL LITIGATION: Appeared for Plaintiff seeking payment of retention amount pursuant to sale of business agreement; Short International Holdings PL v Croziers Realty PL & Ors – Magistrates' Court proceeding H12328310



EQUITY/PROBATE/TFM MATTERS: Acted for executor opposing application to remove him as executor; In the matter of the Will and Estate of Avgi Demetrios Vasiliades (deceased) [2021] VSC 720 - <https://jade.io/article/847094>
EQUITY/PROBATE/TFM MATTERS: Acted for applicant de facto partner in TFM application for further provision; In the matter of the Will and Estate of Cherylyn Carol Pearson - Supreme Court proceeding S E CI 2020 02313 (settled at mediation)



EQUITY/PROBATE/TFM MATTERS: Acted for objector to trustee's Beddoe application for judicial advice - led by JB Davis QC; In the matter of the Macedonian Orthodox Church Community 'Saint Dimitrij Solunski' Springvale Inc [2020] VSC 274 - <https://jade.io/article/730444>



EQUITY/PROBATE/TFM MATTERS: Acted for beneficiary in application under r 54.02 seeking distribution of entitlements and requiring executor to account; In the matter of the Estate of Carmen Pless; Rathey v Pless (as Executor) – Supreme Court proceeding S ECI 2018 01840 (settled)



EQUITY/PROBATE/TFM MATTERS: Acted for executor claiming commission; In the matter of the Will of William George Rayner (Deceased) – Supreme Court proceeding S PRB 2018 7255 (settled)



EQUITY/PROBATE/TFM MATTERS: Acted for de facto partner in application to revoke grant of administration to parents; In the matter of the Estate of Damien Baranello (Deceased) – Supreme Court proceeding S PRB 2018 11630 (settled)



EQUITY/PROBATE/TFM MATTERS: Appeared for one of two named executors responding to application under s15 of the Administration and Probate Act 1958 (Vic); In the matter of the Will and Estate of Gail Lillian Blundell (Deceased) – Supreme Court proceeding S CI 2017 01081



CORPORATIONS ACT AND INCORPORATED ASSOCIATION MATTERS: Appeared for shareholder seeking winding up of company



CORPORATIONS ACT AND INCORPORATED ASSOCIATION MATTERS: Advised and acted for ASIC in application to terminate

pursuant to s 461(1)(a) and alternatively s 461(1)(k) and related relief; In the matter of Value Fund No.1 Pty Ltd - Supreme Court proceeding S ECI 2020 1129

administration and appoint liquidators - led by Jonathon Moore QC; ASIC v Traditional Therapy Clinics Ltd (In Admin) - Federal Court proceeding VID 1640/2018



CORPORATIONS ACT AND INCORPORATED ASSOCIATION MATTERS: Appeared for director / shareholder in application seeking reinstatement of company deregistered under the provisions of the then Companies (Victoria) Code; In the matter of ANBA Fashion Pty Ltd (Deregistered) - Supreme Court proceeding S CI 2016 4206



CORPORATIONS ACT AND INCORPORATED ASSOCIATION MATTERS: Advised. Drafted documents and appeared for either incorporated associations (including churches/ a mosque/ a temple and a yacht club) or (former) members in applications under Associations Incorporation Reform Act 2012 (Vic); eg The Khmer Buddhist Centre Inc & Ors v Venerable Then Sen & Ors - Magistrates' Court proceeding K13275263



CORPORATE AND REGULATORY OFFENCES: Appeared for Director of Consumer Affairs Victoria seeking declarations and pecuniary penalties for contraventions of the Domestic Building Contract Act 1995 (Vic) and Australian Consumer Law (Victoria); Director CAV v Arrow - Magistrates' Court proceeding J12425380 (28/2/2019)



CORPORATE AND REGULATORY OFFENCES: Appearances for company in ATO regulatory prosecutions re failures to lodge BAS / income tax returns; eg Commissioner of Taxation v Flute Nominees Pty Ltd - Magistrates' Court proceeding (3/12/2013)



CORPORATE AND REGULATORY OFFENCES: Appearances for company / director in ASIC regulatory prosecutions re failures to provide books and records/ lodge RATA/ lodge annual return; egs ASIC v Jiang (31/3/2017) - ASIC v Fong (20/3/2015) and ASIC v GRG International Ltd (28/1/2016) Magistrates' Court proceedings



DEBT RECOVERY AND JUDGEMENT ENFORCEMENT: Appeared in Federal Circuit Court in 2018 for the Fair Work Ombudsman seeking oral examinations and enforcement of orders; FWO v Cardamone MLG 1019/2018/ FWO v Rubee Enterprises PL & Ghazale SYG 3577/2014/ FWO v Thomas MLG 706/2012



DEBT RECOVERY AND JUDGEMENT ENFORCEMENT: Appeared for Council in appeal against Magistrates' Court decision re recovery of rates and fire services levy; Awad and Anor v Greater Bendigo City Council [2017] VSC 36



DEBT RECOVERY AND JUDGEMENT ENFORCEMENT: Appeared for Official Trustee in Bankruptcy seeking bankrupt's share of funds held in Court following mortgagee sale; Perrin v Sandhurst Club Ltd & Ors - Supreme Court proceeding S CI 2017

<https://jade.io/article/521110>

01665



DEBT RECOVERY AND JUDGEMENT ENFORCEMENT: Appeared for council seeking recovery of rates - including where owners deceased and a representative for the deceased estate was appointed; Bass Coast Shire v Kenyon & Ors - Magistrates' Court proceeding H10812349



DEBT RECOVERY AND JUDGEMENT ENFORCEMENT: Acted for liquidators in claims for debt; JS Civil Works PL (In Liq) v Windermere View PL - Magistrates' Court proceeding H13246254 (settled at mediation)



DEBT RECOVERY AND JUDGEMENT ENFORCEMENT: Appearances for plaintiffs in debt recovery claims/ particularly on behalf of water authorities/ councils and electricity suppliers; egs Murrindindi Shire Council v Mircevski H11604768 (29/11/2018)



Southern Rural Water v Pateras D11960997 (26/2/2015)/ Lumo Energy Australia PL v Rainczuk D11887336 (11/2/2014) Magistrates' Court proceedings



PROPERTY: Appeared for Plaintiff seeking removal of caveats over certain properties; Reed (as Executor) v Courtney & Registrar of Titles - Supreme Court proceeding S ECI 2020 04159



PROPERTY: Appeared on behalf of respondent tenant re breach of retail lease; Malvern Bayswater Properties v Tokyo Sushi Kitchen Franchising Pty Ltd - VCAT proceeding BP750/2018



PROPERTY: Appeared for mortgagee seeking summary judgment; Minkar v Toumbouras - Supreme Court proceeding S CI 2014 03860



PROFESSIONAL NEGLIGENCE: Acted for architectural draftsman defending claim for negligence regarding restrictive covenant on title; Bacon & Ors v MS Designer Living PL & Ors - Supreme Court proceeding S ECI 2019 03123 (settled at mediation)



PROFESSIONAL NEGLIGENCE: Acted for plaintiff in claim against solicitor for negligence; Kara Passionate Foodies Pty Ltd v Sleigh - County Court proceeding CI-18-04800 (settled)



OTHER MATTERS: Appeared for designer resisting joinder to proceeding; Mavani Family Pty Ltd v Hummel Homes Pty Ltd & Anor - VCAT proceeding BP1047/2019



OTHER MATTERS: Appeared for attorney opposing application for compensation under Powers of Attorney Act 2015 (Vic); Vivian Dewes v Merrilyn Dewes - VCAT



OTHER MATTERS: Appeared for practitioner in appeal pursuant to s143(1) of the Building Act 1993 (Vic) relating to an inquiry into the conduct of registered building practitioner;

proceeding G7949/01 (settled at hearing)

Sivic v Building Practitioners Board –
Building Appeals Board proceeding No
444772 (31/5/2013)



OTHER MATTERS: Appeared for defendant seeking to vacate self-executing orders; ABL Nominees PL v Brakatselos & Ors Supreme Court proceeding S CI 2009 5451; Appeared in application for judicial review of AsJ's decision - led by Michael Galvin; ABL Nominees PL v Brakatselos & Ors [2012] VSC 265 - <https://jade.io/article/268541>

Publications

"Bankruptcy and other proceedings under the Bankruptcy Act", chapter in Lawyers Practice Manual Victoria published by Thomson Reuters (from 2013, including updates - <https://legal.thomsonreuters.com.au/lawyers-practice-manual-victoria-springvale-legal-centre/productdetail/21973>) "Bankruptcy - Practical Guidance", online module, part of Insolvency and Reconstructing Practice Area, LexisNexis Advance published by LexisNexis (from 2021, including updates - <https://www.lexisnexis.com.au/en/products-and-services/practical-guidance>) "3.18 - Debt Agreements" (in Bankruptcy), subtitle in The Laws Of Australia published by Thomson Reuters (from 2022 - <https://legal.thomsonreuters.com.au/products/the-laws-of-australia/>) Reporter for Victorian Reports (2013-2019, <https://victorianreports.com.au/>) Presented CPDs for Greens List, at firms, at conferences and at Leo Cussen Centre for Law, on topics including Drafting, Serving and Opposing Bankruptcy Notices, Statutory demands and threatened corporate insolvency, Damages for breach of contract, Enforcing judgments and orders in Victoria and Enforceable undertakings

Memberships & Committees

[Victorian Bar](#)

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