

GREENS LIST

BARRISTERS



ROBERT HAY KC

SILK: 2014 | BAR ROLL: 1992 | ADMITTED: 1988

Robert practices mainly in Property law including sale of land, owners corporation, mortgages and leasing.

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EXPERTISE

Alternative Dispute Resolution | Appellate | Banking & Finance | Commercial Law | Property Law | Wills & Estates Law

PROFILE

Robert is a commercial barrister and King's Counsel who practices at trial and appellate level. With more than 30 years' experience in commercial law and dispute resolution, Robert has a particular interest in property law including sale of land, mortgages, retail and commercial leasing, easements, valuation of land and owners' corporation disputes. He also practices in equity and trust related matters. Robert has appeared in leading property law cases including acting for the Commonwealth of Australia and has given advice to State governments about legislation and property law matters. He also acts as a mediator.

Robert is a co-author of the leading property law texts Commercial Tenancy Law, The Mortgagee's Power of Sale and Retail Leases Victoria. Robert is a member of the Law Institute of Victoria's Leasing Committee and a member of the Bar Council in 2022 and the Bar's Health and Well-being Committee in 2015, 2016 and 2022.

Before coming to the Bar, Robert was a solicitor at Arthur Robinson & Hedderwicks and a journalist with a daily newspaper.

RECENT CASES



High Court of Australia: IMCC Group Pty Ltd v CB Cold Storage (High Court of Australia - Melbourne No. M104 of 2017) (opposing application for leave to appeal)



High Court of Australia: Crown Melbourne Limited v Cosmopolitan Hotel (Vic) Pty Ltd (2016) 333 ALR 384 (High Court)(retail lease dispute)



Court of Appeal: Laming v Jennings [2018] VSCA 335 (appeal from County Court concerning easement by prescription arising from doctrine of lost modern grant)



Court of Appeal: Advisory Services Pty Ltd v Augustin [2018] VSCA 95 (real estate agent's commission)



Court of Appeal: Lo v Russell [2016] VSCA 323 (sale of land dispute)



Court of Appeal: IMCC Group Pty Ltd v CB Cold Storage [2017] VSCA 178 (retail lease dispute)



Supreme Court: Richmond Football Club Inc v Verraty Pty Ltd [2019] VSC 597 (appeal from VCAT concerning whether a lease can cease to be a "retail premises lease" during the term of the lease)



Supreme Court: Ironbridge Holdings Pty Ltd (ACN 009 341 011) (Administrators Appointed) (Receivers And Managers Appointed) v Sonje Patricia O'Grady (S CI 2016 05210)(Ginnane J) (proceeding heard in August 2019 but not determined)



Supreme Court: CB Cold Storage v IMCC Group Pty Ltd [2017] VSC 23 (appeal from VCAT - retail lease dispute)



Supreme Court: Tan v Russell (2016) VSC 323 (sale of land dispute)



Supreme Court: Higgins Nine Group Pty Ltd v Ladro Greville St Pty Ltd [2016] VSC 244 (appeal from VCAT - retail lease dispute)



Supreme Court: De Bruyn v Victorian Institute of Forensic Mental Health (2016) 48 VR 647(challenge to the State government's ban on smoking)



Supreme Court: Bisognin v Hera Project Pty Ltd [2016] VSC 75 (sale of land dispute)



County Court: Meteorite Property (Bourke Street) Pty Ltd v New Concept Investment Pty Ltd [2017] VCC 119 (lease dispute)



VCAT: Verraty v Richmond Football Club
[2019] VCAT 1073 (retail lease dispute)



VCAT: Versus (Aus) Pty Ltd v ANH Nominees
Pty Ltd [2017] VCAT 859 (retail lease
dispute)



VCAT: CB Cold Storage Pty Ltd v IMCC Group
(Australia) Pty Ltd [2016] VCAT 1866 (retail
lease dispute)



VCAT: Luchio Nominees Pty Ltd v Epping
Fresh Food Market Pty Ltd [2016] VCAT 969
(retail lease dispute)

Publications

Robert is a co-author of:(a) Commercial Tenancy Law, Lexis Nexis (3rd to 5th editions);(b) The Mortgagee's Power of Sale, Lexis Nexis (3rd and 4th editions); and(c) Retail Leases Victoria, Lexis Nexis (looseleaf)

Memberships & Committees

[Victorian Bar](#)

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