

Timothy Kane

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Professional experience and education

12 Wentworth Selborne Chambers	Barrister	2015-present
Herbert Smith Freehills	Senior Associate / Solicitor	2007-2015
University of Sydney	LL.B. (First Class Honours), B.A.	2002-2006

Practice areas

General commercial litigation, representative proceedings, regulatory investigations and proceedings, financial services, insurance, and employment and restraint of trade proceedings.

Selected matters

<i>Zonia Holdings Pty Ltd v Commonwealth Bank of Australia – judgment reserved</i>	For CBA in shareholder representative proceedings concerning AML/CTF issues.
Federal Court of Australia	Led by N Hutley SC, E Collins SC and I Ahmed (instructed by Herbert Smith Freehills)
<i>Parkin v Boral Limited; Martini Investments Pty Ltd v Boral Limited – ongoing</i>	For Boral in shareholder representative proceedings concerning its North American Windows business.
Federal Court of Australia	Led by C Withers SC (instructed by Herbert Smith Freehills)
<i>Australian Securities and Investments Commission v Cohen – judgment reserved</i>	For ASIC in proceedings alleging contraventions of conflicted remuneration provisions.
Federal Court of Australia	Led by E Nekvapil SC (instructed by ASIC)

***Australian Securities and Investments
Commission v eToro AUS Capital Limited –
ongoing***

Federal Court of Australia

For ASIC in proceedings relating to design and distribution obligations in the Corporations Act.

Led by A Harding SC (instructed by ASIC)

Kraft v BPR Audit Pty Ltd & Ors – ongoing

Federal Court of Australia

For the class in representative proceedings against the auditors of SMSFs which invested in a scheme operated by Melissa Caddick.

Led by A Harding SC (instructed by Mackay Chapman)

***WorkPac Pty Ltd v Coal Mining Industry
(Long Service Leave Funding) Corporation –
ongoing***

Federal Court of Australia

For Coal LSL in proceedings commenced by WorkPac relating to long service leave in the black coal mining industry.

Led by J Clarke SC (instructed by Moray & Agnew)

AMA Group Limited v Hopkins – ongoing

Federal Court of Australia

For the AMA Group in restraint of trade proceedings commenced against former employees.

Led by J Darams SC (instructed by Seyfarth Shaw)

***Aerolink Air Services Pty Ltd v Bankstown
Airport Ltd [2023] NSWCA 92; [2022] NSWSC
587***

NSW Court of Appeal and NSW Supreme Court

For Bankstown Airport in proceedings relating to a hangar fire.

Led by D Lloyd SC (instructed by Holman Webb)

***Coal Mining Industry (Long Service Leave
Funding) Corporation v Hitachi Construction
Machinery (Australia) Pty Ltd (2023) 322 IR
129; [2023] FCA 1187***

Federal Court of Australia

For Coal LSL in proceedings commenced against Hitachi relating to long service leave in the black coal mining industry.

Led by Y Shariff SC (instructed by Ashurst Australia)

***Medical Device Technologies Pty Ltd v Health
Administration Corp [2023] NSWSC 602***

NSW Supreme Court

For MDT in proceedings relating to the sale of medical ventilators to NSW Health during the COVID-19 pandemic.

Led by J Clarke SC (instructed by Johnson Winter Slattery)

***Haselhurst v Toyota Motor Corporation Australia Limited* [2022] NSWSC 1076; (2020) 101 NSWLR 890; [2020] NSWSC 1607; [2019] NSWSC 1493; [2018] NSWSC 1868**

NSW Court of Appeal and NSW Supreme Court

For Toyota in representative proceedings relating to the supply of vehicles fitted with Takata airbags.

Led by G Rich SC and P Flynn SC (instructed by Herbert Smith Freehills)

***ASIC v Westpac Banking Corporation & Ors (Omnibus)* (2022) 407 ALR 1**

Federal Court of Australia

For ASIC in proceedings against Westpac relating to the charging of contribution fees.

Led by Y Shariff SC (instructed by Maddocks)

***Australian Securities and Investments Commission v Rio Tinto Limited* [2022] FCA 184**

Federal Court of Australia

For ASIC in proceedings alleging continuous disclosure contraventions against Rio Tinto.

Led by M Darke SC, Y Shariff SC and J Arnott (instructed by AGS)

***Westpac Securities Administration Ltd v Australian Securities and Investments Commission* (2021) 270 CLR 118; [2021] FCA 1008; (2019) 272 FCR 170; [2018] FCA 2078**

High Court of Australia and Federal Court of Australia

For ASIC in proceedings against Westpac concerning personal financial product advice.

Led by T Bannon SC and J Renwick AM CSC SC (instructed by ASIC)

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry

For NAB in relation to various Royal Commission rubrics.

Led by W Harris QC and D Thomas SC (instructed by Herbert Smith Freehills)

***Lendlease Building Contractors Pty Ltd v Insurance Australia Limited & Ors* – settled**

NSW Supreme Court

For Lendlease in proceedings relating to the construction and rectification of an insurance policy, and the exercise of due care and skill by an insurance broker.

Led by T Mehigan SC (instructed by Herbert Smith Freehills)

***Australian Securities and Investments Commission v Volkswagen Financial Services Australia Pty Ltd* – settled**

Federal Court of Australia

For ASIC in proceedings alleging breaches of responsible lending provisions by Volkswagen.

Led by J Clarke SC (instructed by ASIC)