



Ian Dorey

Partner

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OVERVIEW

Ian Dorey has a great depth of experience in all areas of insolvency, banking, recovery, and commercial litigation. His main focus is in the area of secured recovery, where he advises major banks, regional banks and other financial institutions on banking, insolvency, and recovery issues. He concentrates on providing practical commercial advice to clients to get the best possible outcome.

Ian also acts for insolvency practitioners appointed as receivers and managers, voluntary administrators, liquidators or trustees in bankruptcy. He has been involved in litigation of all sizes in Australian state and federal jurisdictions, including matters involving injunctive and declaratory relief, complex banking litigation, mortgage recovery, and debt recovery, including recovery against guarantors and principal debtors where a shortfall exists. Ian has participated in numerous mediations and is a supporter of alternative dispute resolution processes.

ACHIEVEMENTS

- *Best Lawyers in Australia*, listed in Litigation, and Insolvency and Reorganisation Law (2014-present)
- *Doyle's Guide*, recognised as a Leading Insolvency & Restructuring Lawyer in Queensland (2017-present)
- *The Legal 500 Asia Pacific*, leading individual in Restructuring and Insolvency (2017)

PROFESSIONAL / CIVIC ACTIVITIES

- INSOL (International Association of Restructuring, Insolvency and Bankruptcy Professionals) Global Electronic Newsletter Editorial Committee Member (since 2015)
- Chair of the INSOL Global Electronic Newsletter Editorial Committee (2019/20)
- Fellow of Australian Restructuring, Insolvency and Turnaround Association (ARITA)
- ARITA Committee Member (QLD)
- Queensland Law Society Insolvency Committee Member
- Law Council of Australia Insolvency and Reconstruction Committee Member

- INSOL Member

SPEAKING ENGAGEMENTS

Ian regularly presents seminars on all aspects of banking recovery, insolvency, and litigation. He also provides specialised training for clients in the areas of recovery and insolvency.

EDUCATION

- LL.B., University of Queensland, 1987
- B.Com, University of Queensland, 1984

ADMISSIONS

- High Court of Australia
- Supreme Court of Queensland

THOUGHT LEADERSHIP POWERED BY HUB

- March 2021, The In-House Lawyer Conundrum: Balancing the Ethical and Business Roles (*Webinar*)
- 23 December 2020, Happy New Year - the Small Business Insolvency Reforms Come to the Party (*Alerts/Updates*)
- 1 May 2020, COVID-19: (Australia) Liability of Administrators for Rents During COVID-19 Crisis (*Alerts/Updates*)
- 10 April 2020, COVID-19: Will All Businesses Get Through This? How? The Australian Edition (*Alerts/Updates*)
- 23 March 2020, COVID-19: (Australia) Temporary Changes to Insolvency Laws to Support Businesses During Coronavirus Crisis (*Alerts/Updates*)
- 14 October 2019, New Insolvency Inquiry Misses the Mark (*Articles*)
- February 2019, Safe Harbour but have we missed the boat? (*Articles*)
- 16 November 2018, Top 3 Restructuring Tools (*Video*)
- 4 October 2018, Set-Off Under Section 553C - It Forges On (*Alerts/Updates*)
- 15 September 2018, A Stay or no Stay, That is the Question (*Alerts/Updates*)
- 13 March 2018, Court of Appeal Finds the Missing Linc (*Alerts/Updates*)
- 11 December 2017, I Get Knocked Down, But I Get Up Again (*Alerts/Updates*)

- 15 June 2017, Australian Insolvency Reforms - The Harbour Appears Safer Than it Was (*Alerts/Updates*)
- 4 April 2017, Australian Insolvency Reforms – Is the Harbour Safe Yet? (*Alerts/Updates*)
- February 2017, Who Would Be An Insolvency Practitioner In 2017? (*Articles*)
- 6 December 2016, Singapore's Restructuring Focus Singapore - The New Hub of Asia Pacific Restructuring (*Alerts/Updates*)
- November 2016, Reform Afoot in Australia – Where Will it Lead? (*Articles*)
- May 2016, The Harbour is Not Yet Safe – Reform on the Move in Australia (*Articles*)
- February 2016, When Restructuring Resource Companies – Don't Forget the Farm (*Articles*)
- January 2016, Will the Safe Harbour *Ipsa Facto* Assist with Restructuring in Australia? - Proposed Reform to Australian Insolvency Laws (*Articles*)
- 11 December 2015, Capital Gains – Not so Taxing for Receivers and Liquidators? (*Alerts/Updates*)

OTHER PUBLICATIONS

- "Phoenixing: A concept best left in the Harry Potter books," *INSOL International Electronic Newsletter*, September 2019
- So, Here We Go Again! Maritime Law Versus Insolvency on the Cross-border Frontier – Australia's Latest Case on the UNCITRAL Model Law," *INSOL International Electronic Newsletter*, November 2015

AREAS OF FOCUS

- Restructuring and Insolvency
- Aviation Finance
- Complex Commercial Litigation and Disputes
- Corporate and Acquisition Finance
- Financial Institutions and Services Litigation
- Maritime
- Real Estate Finance

REPRESENTATIVE EXPERIENCE

- Acting for a top four Australian bank in reviewing securities, appointing receivers and managers over a trading fish and chip business, as well as over commercial property. As part of this engagement, we acted for the receivers appointed over the business and property in all aspects of the receiverships, including issues of

food licences, leasing issues, interests of a former spouse of the director residing at one of the commercial properties, sale issues and liaising with the director, his lawyers and other advisers.

- Acting for a large regional bank in relation to recovery possibilities (debt in excess of AUD18 million), issuing notices dealing with a potential purchaser of the debt and drafting deeds to reflect the agreement.
- Acting for the receivers and managers appointed by a top four Australian bank in an application to allow the appointment to proceed over a motel business and a non-trading hotel business, which ultimately allowed the receivers to go into possession of the properties. We subsequently acted for the receivers in all aspects of the receiverships, including status of 'permanent occupiers' at the motel, liquor licence issues, attempts to obtain books and records from the owner, dealing with an alleged break in at one of the properties and, ultimately, all sale issues.
- Appointing receivers and managers on behalf of a top four Australian bank over a rental car business. As part of this engagement, acting for the receivers and managers advising on over 300 Personal Property Securities Register (PPSR) interests benefiting the position of the appointing bank.
- Advising a top four Australian bank with respect to defaults including appointing receivers over a motel property, advising the bank and documenting a deed of settlement for a related entity over a major tourist business in Tasmania resulting in the bank 'writing back' its loss provision of AUD4.5 million.
- Acting for a large Australian bank appointing receivers and managers to a company carrying on a management rights business and in turn acting for the receivers and managers with respect to issues that arose, such as licensing, dealings with the body corporate, obtaining possession of the managers units, ongoing issues relating to protecting the management rights and steps to sell the management rights.
- Acting for receivers and managers appointed to five separate companies over properties such as shopping centres, taverns, and commercial property in Australia. Issues involved in the receiverships included lease issues, conversion of property by former employees, OH&S issues involving dangerous goods, and funds transferred out of one of the company accounts inappropriately by a director.
- Acting for a large regional Australian bank appointing receivers and managers over a pharmacy business and acting for the receivers in all aspects of the administration, including the sale.
- Acting for court appointed receivers appointed by the Australian Securities and Investments Commission over an alleged Managed Investment Scheme and advising the receivers on all aspects of the administration.
- Acting for financial institutions with respect to actions for alleged breaches of the Australian Corporations Act 2001 by proper authority holders.
- Acting for Australian financial institutions in mortgage recovery matters.
- Acting for Australian financial institutions in banking litigation matters.
- Acting for financial institutions in litigation in Australian state and federal jurisdictions involving injunctive and declaratory relief.
- Acting in litigation that involves guarantees and other financial documents for monies owing.

- Acting for financial institutions in actions under the Australian Consumer Credit Code/National Credit Code.
- Acting for Australian financial institutions and debt collection agencies in debt recovery matters.
- Providing insolvency advice and assistance to a construction company with respect to building claims and set-off against liquidators of head contractor.
- Acting for receivers appointed to a company and providing assistance with recovery of debtors.
- Acting for global corporate client in relation to the orderly shutdown (without initially using an insolvency process) of subsidiaries in New Zealand and Australia.
- Providing PPSA advice to corporate clients.
- Acting for directors and shareholders of a company where injunctive relief was sought and the company sought to be wound up on the just and equitable ground.
- Acting for liquidators of an incorporated legal practice in a trial relating to the dispute between partners. Provided advice regarding ongoing aspects of the liquidation.