



Nicole Ward

Special Counsel

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OVERVIEW

Nicole Ward acts in a variety of commercial litigation matters and has particular experience in corporate and personal insolvency, insolvency related litigation and loan recovery and securities enforcement.

Nicole advises listed and unlisted companies, financial institutions and accounting firms on security enforcement and receiverships, liquidations and winding up proceedings, voluntary administrations and deeds of company arrangement, as well as bankruptcy proceedings.

Nicole also handles a large number of loan recovery matters for banks and other financiers, including instituting proceedings against borrowers and guarantors and enforcing property mortgages without the need for proceedings to be commenced.

ADDITIONAL BACKGROUND

Nicole has completed post graduate studies in advanced insolvency law and the recently introduced *Personal Property Securities Act 2009 (Cth)*.

EDUCATION

- B.Com, Deakin University, 2003
- LL.B., Deakin University, 2003 (*Honours*)

ADMISSIONS

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

THOUGHT LEADERSHIP POWERED BY HUB

- 22 March 2017, Fashion Law Newsletter - March 2017 (*Alerts/Updates*)

OTHER PUBLICATIONS

- Claim after carnage, *Ragtrader*, 2017

AREAS OF FOCUS

- Restructuring and Insolvency
- Corporate, Acquisition, and Asset-Based Finance

REPRESENTATIVE EXPERIENCE

- 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).
- Acted for the liquidator of Atco Controls Pty Ltd (in liquidation) in the High Court of Australia in an action against its subsidiary Newtronics Pty Ltd (in liquidation) (receivers and managers appointed), and its appointed liquidator. The matter involved a claim by Newtronics' liquidator that he was entitled to retain certain settlement monies pursuant to a liquidator's equitable lien arising from the principles set in *Re Universal Distributing Co Ltd (in liquidation) (1933) 48 CLR 171*.
- Regularly acting for the ATO in complex and significant debt recovery matters (with taxation liabilities of up to AU\$220,000,000), including issuing applications for freezing orders and the appointment of special purpose liquidators.