

**CURRICULUM VITAE**  
**CRAIG LAMBERT**  
**Barrister at Law**

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Educational and  
professional  
qualifications:

2023:	Accredited Arbitrator of the Local Court of NSW
2017:	Accredited ADR Arbitrator of the NSW Bar Association
2006:	Graduate Diploma of Legal Practice
2006:	Deans Award for Outstanding Achievement in Law
2006:	Winner International Law Prize
2006:	Winner Best Student in Distance Law Education Program
2005:	Bachelor of Laws - First Class Honours
2002:	Recipient International Honours Society Scholarship in Law
1996	Accredited Aus Industry Consultant
1994:	Accredited Quality/WHS Management Auditor
1993:	Bachelor of Business - Accounting Major
1992:	Accredited WHS Committee Trainer
1990:	Accredited Train the Trainer

Relevant experience:

2018 - present:	Member - 6th Floor Windeyer Chambers
2015 - 2017:	Licensee - 8th Floor Windeyer Chambers
2007 - 2015:	Member - Blackstone Chambers
2005 - 2007:	Paralegal and Solicitor - Browns Family Lawyers
1990 - 2005:	Managing Director - AQCS Consulting

	1989 - 1990:	Education Officer and Marketing Manager - The Sydney Futures Exchange Ltd.
	1988 - 1989:	Stockbroker - BBL Mullens Pty Ltd
	1987 - 1988:	Stockbroker - Potter Partners Ltd
	1986 - 1987:	Information Officer - The Sydney Stock Exchange Ltd
Current Appointments:	2024 - present:	Private Briefing Panel of the Building Commissioner of NSW
	2021 - present:	Industrial, Employment, Health & Safety Committee of NSW Bar Association
	2020-present:	Private Briefing Panel of the NSW Commissioner of Fair Trading
Former Appointments:	2003 - 2005:	National Executive Council of the Australian Association of the Sovereign Military Hospitaller Order of the Knights of Saint John of Jerusalem, Rhodes and Malta (‘Order of Malta’)
	2001 - 2003:	NSW Executive Council of the Order of Malta
	1999 - 2001:	Head of the East Timor Medical Aid Project for the Order of Malta
	1989 - 2002:	Founding Member St. Francis Xavier Finance Committee

## Cases List and Areas of Practice

- **Building and Construction - Jurisdiction:** [\*JJ Built This PL t/as JJJ Constructions v Department of Customer Service & Ensor\* \[2024\] NSWCATCD 68](#) Appeared for the Department - Jurisdiction of Tribunal - Builder asserted a complaint made to the Department of Fair Trading which resulted in the issue of a rectification order by the Building Commissioner was a claim for the purposes of the Home Building Act 1989 (NSW) - whether builder entitled to apply for determination of an 'owner's 'claim' – whether such is a building claim – Successful in having the Tribunal dismiss the Builders application for want of jurisdiction.
- **Building and Construction - Jurisdiction:** [\*JJ Built This Pty Ltd v Secretary, Department of Customer Service\* \[2025\] NSWCATAP 5](#) - Appeared for the Department - Jurisdiction of Tribunal - The Appellant filed two appeals to the Appeal Panel. The appeals were filed in respect of orders made by the Tribunal in proceedings by way of case management, and prior to the hearing or determination of those proceedings by the Tribunal. The Appeal Panel refused to grant leave to the Appellant in respect of both of the appeals, and successful in having each dismissed and obtaining a 'special circumstances' order that the Appellant pay the costs of each of the three Respondents.

- **Partnership Law and Costs:** [\*Peter Holmes Investments Pty Ltd v S&C Nicola Pty Ltd \(No 3\) \[2024\] NSWSC 965\*](#) Parties involved in property investment and development ventures -dispute about financing of several development ventures - partnership account ordered - all substantive claims for relief determined - apportionment of costs to reflect mixed success of parties on claim and cross-claims - costs to lie where they fall in relation to settled claims -general rule that costs follow the event to be applied distributively by reference to separate "events".
- **Administrative Law:** [\*GNM v Building Commission NSW \[2024\] NSWCATOD 92\*](#) application for an electrician's contractor licence -whether the applicant was a fit and proper person as he had been convicted of several online child grooming and child pornography offences in 2015 - condition imposed on licence to restrict work to non-residential work only.
- **Administrative Law:** [\*Lexi Development Australia Pty Ltd v Commissioner for Fair Trading \[2024\] NSWCATOD 69\*](#) - Appeared for the Commissioner - Contractor Licence cancelled - jurisdiction of Tribunal to review cancellation decision - whether Commissioner refused to amend licence or restore licence – whether reviewable decision - held Tribunal lacked jurisdiction to review the decision.
- **Consumer Law, Corporations Law and Employment:** [\*Dove v Xmeta Pty Ltd \(formerly known as Everforex Financial Pty Ltd\) \(No 3\) \[2023\] FCA 1320\*](#) Appeared for the applicant/cross respondents on application against Mr I. Neil SC, inter alia, to strike out particular paragraphs of the cross-claim on the basis intra-employment representations are not made in trade and commerce – relevant paragraphs struck out – question of whether representations made by a prospective employee to a prospective employer during the negotiation of an employment contract are capable of being conduct in trade or commerce for the purposes of s 18 of the Australian Consumer Law - where the cross-claimant is not in a position to pay an adverse costs order from assets within Australia – the effect of s 570 of the Fair Work Act 2009 (Cth.) upon the exercise of the discretion to order the provision of security for costs applies.
- **Consumer Law, Corporations Law and Employment:** [\*Dove v Everforex Financial Pty Ltd \[2023\] FCA 1171\*](#) - Appeared for the applicant/cross respondents - Application by respondent/cross applicant to set aside three Notices to Produce - relevance of documents sought and whether the potential operation of s 570 of the Fair Work Act 2009 (Cth.) operates as a bar to the production of documents relevant to an application for security for costs - Successful in having the application dismissed.
- **Appeals - Administrative Law:** [\*Goodman v Commissioner for Fair Trading \[2023\] NSWCATAP 260\*](#) - Appeared for the Commissioner - Appeal from original decision in the Tribunal - whether error established - successful in having all five Grounds of Appeal dismissed and having the decision in the first instance upheld.
- **Administrative Law:** [\*Goodman v Commissioner for Fair Trading \[2023\] NSWCATOD 66\*](#) - Home Building Act 1989 (NSW) & Administrative Decisions Review Act 1997 (NSW) - Appeared for the Commissioner - administrative review of decision to refuse application for renewal of qualified supervisor licence – whether a fit and proper person to hold a licence – whether applicant took all reasonable steps to avoid external administration - applicant found to not be fit and person and to

have not taken all reasonable steps to avoid external administration of his company - Successful in having the decision upheld.

- **Administrative Law:** [\*SNB Plus 3 Pty Ltd \(Macleay Trailers & Steel Fabrications\) v Commissioner for Fair Trading\* \[2023\] NSWCATOD 29](#) – Appeared for the Commissioner - Application under Motor Dealers and Repairers Act 2013 (NSW) – whether manager a 'nominated person' for purpose of motor dealer licence renewal application form – whether licence was renewed in error or because of a misrepresentation and therefore properly cancelled under section 22A(1) of Motor Dealers and Repairers Act 2013 (NSW) - Successful in having the decision upheld.
- **Appeals - Administrative Law - Apprehended Bias:** [\*DeMarco v Macey\* \[2022\] NSWSC 1348](#) - Appeared for the plaintiff on appeal from decision of NCAT Appeal Panel - successful in establishing a denial of procedural fairness and apprehended bias on the part of the Tribunal in the first instance against a self-represented applicant - Matter remitted to the NCAT Appeal Panel and the decision part of the Tribunal in the first instance set aside - Costs awarded to the plaintiff.
- **Consumer Law - Corporations Law - Employment Law:** [\*Dove v Everforex Financial Pty Ltd\* \[2022\] FedCFamC2G 752](#) Appeared for the applicant against Mr I. Neil SC – late amendment of cross claim alleging breaches of fiduciary and statutory directors duties under the Corporations Act 2001 – relevant considerations– application for transfer of matter to the Federal Court of Australia – relevant considerations - the proceedings were “in relation to a matter arising” under the Fair Work Act 2009 - question of the availability of costs under s.570 of that Act - Successful in obtaining cost order against the respondents despite s.570 of the FW Act 2009.
- **Partnership Law:** [\*Peter Holmes Investments Pty Ltd v S&C Nicola Pty Ltd \(No 2\)\* \[2022\] NSWSC 1215](#) - Appeared for the plaintiff orders made referring the taking of accounts of a partnership project – adoption of referee report – whether referee made an error of law as to whether the Builder was entitled to charge the partners for the cost of its contract works insurance and as between the partners, that cost would have been a partnership expense - successful in having the cost of the Builder's contract works classified as not being a partnership expense.
- **Land Law - Caveats - Writs:** [\*Nguyen v Sage Consultant Group Pty Ltd; Dang v Nguyen \(No 4\)\* \[2022\] NSWSC 782](#) – Appeared for the plaintiffs where a caveat was lodged on basis of spurious claim to interest in land thwarting enforcement their writ for levy of property - caveator fails to prosecute claim when given opportunity to do so - Successfully obtained a summary declaration that caveator has no estate or interest in land and an order that the caveat be removed and the Registrar General not register any further caveat on the property without the leave of the court.
- **Urgent Interlocutory Relief:** [\*DeMarco v Macey\* \[2022\] NSWSC 327](#) Appeared from the Appellant/applicant seeking a stay pending hearing of appeal from NCAT Panel decision – short stay initially granted to allow appeal to proceed – pending execution of judgment from NCAT affects plaintiff's building license – urgent stay granted until after hearing.

- **Land Law - Caveats - Writs :** [Nguyen v Sage Consultant Group Pty Ltd; Dang v Nguyen \(No 3\) \[2022\] NSWSC 515](#) -Acted for the successful first, second & third cross claimants - Land Law- caveats - second cross defendant, Ms. Dang, ordered to remove caveat lodged against title to real property subject of writ of levy of property preventing judgment creditors from executing on judgment - whether Real Property Act 1900 (NSW) exhaustive of means whereby caveats may be ordered to be withdrawn - application by first cross defendant to set aside summary judgment in *Nguyen v Sage Consultant Group Pty Ltd; Dang v Nguyen* [2021] (No 1) NSWSC 753 made on the merits - whether summary judgment irregular - whether summary judgment ought to be set aside where judgment given in absence of party – application to set aside summary judgement dismissed.
- **Criminal Fraud:** [Hanna v Commissioner for Fair Trading \[2021\] NSWCATOD 198](#) - Appeared for the Commissioner of Fair Trading - s.307A of the Crimes Act 1900 (NSW) - False or misleading applications - s.307B of the Crimes Act 1900 (NSW) - False or misleading information s.4A of the Crimes Act 1900 (NSW) - Recklessness -disciplinary action against holder of contractor licence – improper conduct – whether statement is false or misleading – recklessness - fit and proper person – whether disciplinary action is appropriate.
- **Land Law - Caveats - Civil Fraud:** [Nguyen v Sage Consultant Group Pty Ltd; Dang v Nguyen \(No 2\) \[2021\] NSWSC 978](#) - Acted for the successful first, second & third defendants as against Dang – Where the Nguyens sought to effectuate the judgment made in favour of the Nguyens against Mr Hoang & Sage and to protect themselves from the consequences of Ms Dang improperly lodging a Caveat where it was established that she was not entitled to the interest in the property claimed in the Caveat. Held; that where the Nguyens sought to seek compensation from Ms Dang, on the basis that she lodged a Caveat without reasonable cause, an application under s 74P of the Real Property Act (NSW) was necessary.
- **Land Law - Caveats - Civil Fraud:** [Nguyen v Sage Consultant Group Pty Ltd; Dang v Nguyen \[2021\] NSWSC 753](#) - Acted for the successful first, second & third defendants as against Dang- Where the plaintiff fraudulently claimed a constructive trust over her sons' property and improperly lodged a caveat against the property after the defendants had registered a writ for the levy of property against the title to the property - found the defendants were entitled to an injunction requiring plaintiff to withdraw the caveat and to not lodge another caveat interfering with judgement creditors' entitlement to register a new writ on the title to the property or the ability of the Sheriff to execute the writ.
- **Administrative Law - Strict Liability Offences:** [HSL Group Pty Ltd v Commissioner for Fair Trading, Department of Customer Service \[2021\] NSWCATAP 112](#) - Appeared for the Commissioner of Fair Trading - improper conduct - disciplinary action - appellants failed to obtain insurance and **made false or misleading applications** - breach of s.92 of the Home Building Act 1989 (NSW) - **strict liability** - appellants not fit and proper persons to hold an authority under the Act. Successfully defeated all 18 Grounds of Appeal.
- **Corporations Law - Security for Costs:** [Rad Drill Services Pty Ltd v Warrego Energy EP469 Pty Ltd \[2021\] NSWSC 214](#) – Security for costs – Relevant factors – Appeared for the plaintiff/cross-defendant - Whether plaintiff/ cross-defendant to be treated as the real defendant for the purposes– whether “oppression” a basis to

resist security even if respondent fails to establish that an order for security will stultify the claim.

- **Appeals - Building & Construction - Costs:** [X-Build Construction Services Pty Ltd v O'Rourke \(No 2\) \[2021\] NSWCATAP 45](#) - Acted for the Appellant -procedural fairness - decision on costs made at time appellant stayed from filing and serving submissions – denial of procedural fairness - successful in having decision of the Tribunal of 3 September 2020 as to costs set aside.
- **Appeals - Building & Construction:** [X-Build Construction Services Pty Ltd v O'Rourke \[2020\] NSWCATAP 181](#) – Acted for the Appellant - **constructive failure to exercise jurisdiction** - absence of a necessary finding of fact – Appeal Panel in as good a position as the Tribunal to make that finding of fact – Success in obtaining a variation of the Tribunal's orders.
- **Appeals - Administrative Law:** [Murabito v Commissioner for Fair Trading \(No 2\) \[2020\] NSWCATAP 155](#) - Appeared for the Commissioner - real estate agent's licence – application for renewal – **offences involving dishonesty** – s.16(2) of the Property Stock and Business Agents Act 2002 (NSW) - discretion to ignore offences recorded in the last ten years – whether error of law in the exercise of the discretion - successful in defeating an application to rely on fresh evidence and leave to appeal - appeal dismissed.
- **Corporations Law - Statutory Demands:** [In the matter of Warrego Energy EP469 Pty Limited \[2020\] NSWSC 980](#) - Winding up - Statutory demand - Application to set aside - Genuine dispute - Debt claimed based on contract where contracting parties uncertain - Where construction of several contractual terms in dispute - Where creditor's statutory demand pursued despite assertion of plausible grounds of dispute.
- **Criminal Contempt:** [In the matter of Jimmy's Recipe Pty Limited \[2020\] NSWSC 93](#) Acting for the third and fourth defendants – **Contempt –whether criminal or civil** – breach of undertakings- elements of civil contempt – elements of technical contempt — whether acts of clients deliberate or wilful.
- **Criminal Fraud:** *NSW Fair Trading, Department of Finance, Services and Innovation v Edward Kang* [2019] – Acting Crown Prosecutor for the Commissioner of Fair Trading - 6 x s 192E(1)(b) Crimes Act 1900 (NSW) charges: The defendant by deception, namely inducing consumers to believe that a company would arrange a 457 Visa application knowing or being reckless to the fact that no such visa would eventuate, dishonestly caused a financial disadvantage.
- **Administrative Law:** [Saul v Department of Fair Trading \[2019\] NSWCATAD 161](#) - Appeared for the applicant - Department issued a determination to take disciplinary action against the applicant under s 198 of the Property Stock and Business Agents Act 2002 (NSW) – applicant sought review - **offences involving dishonesty** – s.16(2) of the PSBA Act 2002 (NSW) - discretion to ignore offences recorded in the last ten years - Whether applicant fit and proper person to hold a Licence under Act.
- **Court of Appeal - Appeals, Jurisdiction and Procedure:** [Gorczynski v W & FT Osmo Pty Limited \[2019\] NSWCA 80](#) - Appeal from interlocutory decision of associate Judge - Effect of commencing appeal in Court of Appeal rather than in



Common Law - Preliminary discovery denied - application not confined to defined period and specific category of documents.

- **Full Federal Court - Appeals, Jurisdiction and Employment Law:** [Liu v Stephen Grubits and Associates \[2019\] FCAFC 24](#) appealing *Liu v Stephen Grubits and Associates (No2)* [2018] FCCA 842 – Precedential case upholding the power for the then Federal Circuit Court to award costs against a party in proceedings relating to a matter arising under the Fair Work Act 2009 (Cth.).
- **Equity - Trust and Estates - Protected Persons:** [LP v P & Ors \[2018\] NSWSC 1168](#) - Application by mother of protected person to have financial manager of the estate removed - Appeared for the family successfully opposing the application by the guardian to have the financial manager removed.
- **Employment Law:** [Liu v Stephen Grubits & Associates \(No 2\) \[2018\] FCCA 842](#) - whether costs available under the Fair Work Act 2009 (Cth.) where the applicant had acted unreasonably and was vexatious. Precedential case in which costs were ordered against an applicant in the Fair Work Division of the Federal Court and Federal Circuit Court of Australia.
- **Immigration Law - Civil Fraud:** [Nguyen v Sage Consultant Group Pty Ltd \[2018\] NSWSC 65](#) - Appeared for the plaintiffs - 1<sup>st</sup> & 2<sup>nd</sup> defendants posed as Registered Immigration Agents and Solicitors defrauding the plaintiffs and obtaining financial benefit by deceit - obtained orders striking out the defence of the second & third defendants and judgment for the plaintiffs in the amount of \$103,380 jointly and severally as against the first and second defendant and judgment for the plaintiffs against the second defendant in the sum of \$136,526 and that the second defendant pay the plaintiffs' costs of the proceedings on an indemnity basis.
- **Practice and Procedure:** [Gorczynski v W & FT Osmo Pty Limited \[2018\] NSWSC 1107](#) - Acted for the fifth respondent - Application for preliminary discovery-whether plaintiff has confined orders sought for disclosure, discovery and production to a defined time period - whether plaintiff has defined the specific category of documents required - respondents not required to provide preliminary discovery.
- **Indictable Offences:** *R –v– Liam Cooley H60475420* [2017] – Acting Crown Prosecutor for ODPP - Seq. 1: Aggravated Break and Enter & commit serious indictable offence (in company) - s.112(2) Crimes Act 1900 (NSW), Seq. 2: Be carried in conveyance taken w/o consent of owner - T2 - s.154A(1)(b) Crimes Act 1900 (NSW), Seq. 3: Larceny - s.117 Crimes Act 1900 (NSW) Seq. 4: Possess prohibited drug - s.10(1) Drug Misuse and Trafficking Act 1985. Successfully in prosecuting the defendant for the foregoing offences.
- **Civil Fraud:** *The Entourage Group Pty Ltd v Amilo Abouna & Rania Ishak trading as Smart Way Consulting* [2016] NSWDC 14827 - Fraud established against employee and by contractor wife and thereafter *The Entourage Group Pty Ltd v Amilo Abouna & Rania Ishak trading as Smart Way Consulting* [2016] NSWSC 226197 (24 June 2016) - Freezing order obtained against fraudsters.
- **Building & Construction:** [Yong v Antworks Pty Ltd \[2016\] NSWCATAP 14](#) - Successful appeal from findings in original proceedings and precedential case on the interpretation and application of the term 'variation' in the Home Building Act 1989 (NSW).

- **Family Law - Property - Breach of Fiduciary Duty:** [Heidner & Heidner \[2015\] FamCA 105](#) - Appeared for the husband where the husband and wife cohabited for 42 years and raised four children – Where the husband was in poor mental and physical health and a case guardian was appointed to act – Where the wife acted as the husband's attorney while he was unwell – Where the husband established the wife breached her fiduciary duty - Successful in obtaining 50% share of the available property.
- **Consumer Law - Corporations Law - Employment Law:** [Cole v Quest Australia Software Pty Ltd \[2015\] FCCA 1314](#) – Applicant employed in position of managing director of sales by respondent – applicant's employment terminated by respondent employer – whether applicant was by virtue of title also managing director for the purposes of Corporations Act 2001 (Cth.) – whether deed of release relating to termination of applicant's employment executed with proper authority of respondent employer – whether deed of release validly entered into – whether termination of applicant's employment also ended employee's directorship of respondent company – definition and role of “officer” of company – application dismissed.
- **Consumer Law - Corporations Law - Employment Law:** [Cole v Quest Software Pty Ltd \[2014\] FCCA 1251](#) – Interlocutory application seeking tender of late evidence by respondent as to its constitution – application opposed by applicant – relevant considerations – Application to tender late evidence refused.
- **Consumer Law - Corporations Law - Employment Law:** [Cole v Quest Software Pty Ltd \[2013\] FCCA 1160](#) - Application in a case seeking to set aside subpoena – objectives of ss.3(2) and 23 of Federal Circuit Court Act 1999 (Cth.) – proceedings listed for mediation before evidence is ordered to be filed – relevant considerations – application in a case and subpoena stood over until after mediation of proceedings.
- **Intellectual Property Law :** [Enviro Pak Pty Ltd v New Horticulture Pty Ltd \(No 2\) \[2013\] FCA 624](#) - Application to have examination of a design conducted by the Registrar of Designs – whether appropriate to order Registrar of Designs to undertake examination – interlocutory application to stay proceedings pending outcome of examination and revocation inquiry by Registrar of Designs – principles relevant to stay of proceedings where related administrative proceedings are on foot – whether application for stay should be determined on forum non-conveniens principle.
- **Court of Appeal:** [Tjong & Anor -v- Tjong \[2012\] NSWCA 201](#) - Junior - led by Mr M. Evans against Mr I. Barker QC - credibility of appellant - application to rely on further evidence - - whether "special grounds" - whether requirement of probability of different result satisfied - whether evidence credible - whether evidence available or could reasonably have been obtained - relevance of gravity of findings - Appeal dismissed.
- **Corporations Law - Urgent Relief:** [Cascio v Western Suburbs Soccer, Sports and Community Club Limited t/as Canada Bay Club \[2012\] NSWSC 796](#) - Interim and final relief sought to prevent the expulsion of a member. White J found; There would be a serious question to be tried as to whether, acting rationally, the directors could form a view that the plaintiff was guilty of conduct unbecoming a member by not producing statements from the persons who made them.



- **Security for Costs - Vexatious Litigants:** [Viavattene v Morton \[2011\] NSWSC 1173](#) - Guillotine order sought and obtained - precedential case in that security for costs order was obtained for the first time against a self-represented litigant in person.
- **Corporations Law - Breach of Fiduciary Duty - Account of Profits:** [H. Polesy & Co Pty Limited -v- Peter Wayne Cherry \[2011\] NSWSC 1336](#) - An inquiry of profits was taken of the illicit enterprises of the first and second defendants and they were ordered to account for the profits made from the breaches of the first defendants fiduciary duty to the plaintiff.
- **Corporations Law - Breach of Fiduciary Duty:** [H. Polesy & Co Pty Limited -v- Peter Wayne Cherry \[2011\] NSWSC 1335](#) - Appeared for the plaintiff- Equity - Breach of fiduciary and statutory duty - where first defendant found to have breached duties to the plaintiff by channelling away to an enterprises owned by the first and second defendants business opportunities of the plaintiff - where second defendant did not dispute breaches found against the first defendant but disputed that he had knowingly assisted - found that the second defendant had knowingly assisted the first defendant -
- **Corporations Law - Officers Duties - Confidential Information:** [H. Polesy & Co Pty Limited -v- Peter Wayne Cherry \[2011\] NSWSC 1334](#) - Appeared for the plaintiff- Equity - Corporations Act 2001 (Cth.) ss 182(1), 183 - A Senior employee established a competing business with that of his employer during his employment - held first defendant breached his statutory duties to the plaintiff - breach of fiduciary duty - restraint of confidential information of the plaintiff.
- **Trusts - Civil Fraud - Perjury:** [Tjong & Anor -v- Tjong \[2010\] NSWSC 578](#) - Junior - led by Mr M. Evans acting for the plaintiffs - fraudulently established family trust - removed trustee and executor - reclaimed monies improperly procured from the family trust - defendant found to have fabricated evidence.
- **Corporations Law - Costs:** [Wood v Inglis \[2010\] NSWSC 749](#) - Acting for the third cross-defendant -Whether costs should be borne by company where its solicitor acted without proper retainer – Held: costs should be borne by the directors or purported directors of the company who had set in motion the retainer of the solicitor – interest on costs - No costs order made against the third cross-defendant.
- **Corporations Law -Trusts - Costs:** [Wood v Inglis \(Costs\) \[2009\] NSWSC 900](#) - Junior - led by Mr M. Evans (acting for third cross-defendant)- Whether Court should depart from the general rule and costs should be borne by the estate - whether proceedings were analogous to construction suit - Held: proceedings not analogous to construction suit - Whether proceedings fault of deceased - where confusion more attributable to activities of parties after death than conduct of deceased - Held: proceedings not fault of deceased - Whether agitation of issues ultimately not necessary to determine warrant any special costs order - Held: no costs can be regarded as attributable to maintenance of an unsubstantiated and unjustified issue.
- **Corporations Law - Trusts:** [Wood v Inglis \[2009\] NSWSC 601](#) - Junior - led by Mr M. Evans acting for third cross-defendant) - Directors authority – where other directors leave conduct of affairs of corporation entirely to controlling director – whether controlling director has implied actual authority in respect of all relevant affairs of company – Powers of trustees - Capital v Income – whether trustee of discretionary trust entitled to treat as income unrealised capital gain on investments – whether trustee validly and effectively did so – whether trustee

validly made distributions of such income to beneficiary – whether trustee entitled after beneficiary's death to revisit treatment of unrealised capital gain so as to revoke distributions previously made.

- **Corporations Law - Statutory Demands:** [Challenge v Etienne & Belmore v Etienne \[2007\] NSWSC 1145](#) & *Challenge Home Loans Pty Ltd v Etienne Lawyers* [2007] NSWSC 1145 - Application to set aside statutory demand under s459G of the Corporations Act 2001 (Cth.) - Application filed one day out of time. Application dismissed.
- **Building & Construction - Security of Payment Act 1999 (NSW):** [Rojo Building Pty Ltd v Jillcris Pty Limited \[2007\] NSWSC 880](#) - Junior - led by Mr M. Southwick - Authority of solicitor to sign payment claim on behalf of claimant - Progress payments - Payment claim served on defendant - Failure of defendant to provide payment schedule within time limited by the Act - plaintiff serves notice of intention to make adjudication application - Whether plaintiff thereby made any election - Whether open to plaintiff to withdraw any election made.
- **Family Law - Parenting:** [Goode v Goode \[2006\] FamCA 1346](#) - Junior - Led by Mr Brown - precedent setting family law matter that first interpreted the changes to the Family Law Act 1975 (Cth.) by the Family Law Amendment (Shared Parental Responsibility) Act 2006 (Cth.) and first dealt with the concept of 'Shared Parental Responsibility' as set out in section 65DAC.