

# GREGORY SIRTES SC

12<sup>TH</sup> FLOOR WENTWORTH SELBORNE CHAMBERS

## Admissions

2008: Appointed Senior Counsel  
1992: Barrister, New South Wales Bar  
1990: Solicitor of the Supreme Court of New South Wales

## Appointments

Head of Chambers, 12 Wentworth Selborne (2014-2016)  
Commander, Royal Australian Navy Reserves  
Judge Advocate/Defence Force Magistrate of the Australian Defence Force

## Qualifications

Master of Laws (with merit), University of London (1990)  
Bachelor of Economics (1987), Bachelor of Laws, University of Sydney (1989)

## Areas of Practice

Appellate	Defence force and military
Building and construction	Inquests, inquiries and Royal Commissions
Class Actions and Representative Proceedings	Product and professional liability
Commercial and corporations law	Property and strata
Competition and Consumer Law	Succession, wills and probate
Contracts	

## Biography

Greg Sirtes SC is one of the leading property, construction and commercial barristers in NSW with an extensive commercial and construction practice. Greg also maintains a substantial advice practice, and is highly regarded for his ability to provide pragmatic commercial advice, quickly identifying the key issues in dispute.

His range of work involves advising and appearing in complex property, building and construction, equity, contract law, succession, insurance/professional liability and family law cases. He has been recommended in Doyle's Guide as a 'Leading NSW Construction and Infrastructure Senior Counsel' in 2018, 2019, 2020 and 2022. He has also been listed as one of the 'Leading Commercial Litigation & Dispute Resolution Senior Counsel' in the 2017 Doyle's Guide.

Since his call to the Bar Greg has appeared in over 75 matters before the NSW Court of Appeal, including 50 as Senior Counsel, and almost 350 reported and unreported matters before the NSW Supreme Court, and a substantially greater number of appearances in other Courts and in interlocutory matters. Greg also appears in the Supreme Courts of Queensland, Victoria, the ACT and Western Australia, and his clients have included listed and multi-national companies, such as John Holland and Veolia, public figures and high net-worth individuals, family businesses, builders, developers, owners corporations, and both the Federal and NSW governments.

He is a co-author of '*Professional Liability in Australia*' (Thompson Reuters, 4th Ed., 2022) and was, from 2008 to 2022, a member of the NSW Supreme Court Equity Division Liaison Committee.

Greg is a Commander in the Royal Australian Navy and a Judge Advocate/ Defence Force Magistrate in the ADF.

To obtain Greg's rates or availability please contact his Clerk, Fiona Hayden.

## Selected Cases

### High Court of Australia

*Koompahtoo Local Aboriginal Land Council v Sanpine Pty Ltd* (2007) 233 CLR 115 (led by B Coles QC)

*Veolia Water Australia Pty Ltd v MP Water Pty Ltd* [2022] HCASL 203 (with B Walker SC, leading J Wright)

*Mitchell & Anor v Transport for NSW* [2022] HCASL 214 (leading L Johnston)

### New South Wales Court of Appeal

*Ausbao (286 Sussex Street) Pty Ltd v The Registrar General of New South Wales* [2023] NSWCA 18 (leading H Grace)

*Fisher v Degnan* [2022] NSWCA 202 (leading B Le Plastrier)

*Binetter v Binetter* [2022] NSWCA 169 (leading C P O'Neill)

*Sheppard v Smith* [2022] NSWCA 167 (leading G Marsden)

*Rialto Sports Pty Limited v Cancer Care Associates Pty Limited; CCA Estates Pty Limited; Davjul Holdings Pty Limited; Armmam Pty Limited* [2022] NSWCA 146 (leading J Pokoney)

*Ahern v Aon Risk Services Australia Ltd* [2021] NSWCA 166 (leading B May)

*Housman v Camuglia* (2021) 104 NSWLR 615; [2021] NSWCA 106 (leading G Rubagotti)

*White Constructions Pty Ltd v PBS Holdings Pty Ltd* [2020] NSWCA 277 (leading C L W Street)

*Cooper v The Owners – Strata Plan No 58068* (2020) 103 NSWLR 160; 19 BPR 40787; [2020] NSWCA 250 (leading L M Johnston)

*Brolton Group Pty Ltd v Hanson Construction Materials Pty Ltd* [2020] NSWCA 63 (leading D Byrne)

*Gordon v Lever (No 2)* (2019) 101 NSWLR 427; 19 BPR 39915; [2019] NSWCA 275 (leading C Simpson)

*Photios v Photios* (2019) 372 ALR 264; [2019] NSWCA 158 (leading M Sneddon)

*Strang v Steiner* (2019) 19 ASTLR 330; [2019] NSWCA 143 (leading N C T Bilinsky)

*Searle v Commonwealth of Australia* (2019) 100 NSWLR 55; 376 ALR 512; 345 FLR 356; [2019] NSWCA 127 (leading J W Kirk SC and D P Hume)

*Bega v Lauvan Pty Ltd* [2019] NSWCA 36 (leading A Avery-Williams)

*Globe Church Incorporated v Allianz Australia Insurance Ltd* [2019] NSWCA 27 (leading J L Clark)

*Jobema Pty Ltd v Zacaropoulos* [2018] NSWCA 235 (leading A Avery-Williams and L M Johnston)

*Upside Property Group Pty Ltd v Tekin* (2017) 19 BPR 38137; [2017] NSWCA 336 (leading A Cornish)

*New Galaxy Investments Pty Ltd v Thomson & Ors* (2017) 18 BPR 36881; [2017] NSWCA 153 (leading M Fernandes)

*Owners Corporation Strata Plan 76841 v Ceerose Pty Ltd* [2017] NSWCA 140 (leading P Bambagiotti)

*Saravinovski v Saravinovska* [2017] NSWCA 85 (leading A Avery-Williams)

*B & R Stevens Transport Pty Ltd v Burkitt* [2016] NSWCA 259 (leading D P O'Connor)

*Perry v Anthony* [2016] NSWCA 56 (leading P English)

*Chamberlain Group Pty Ltd v Kids for Life Academy Pty Ltd* (2015) 18 BPR 35591; [2015] NSWCA 241 (leading D P O'Connor)

*Adrenaline Pty Ltd v Bathurst Regional Council* (2015) 97 NSWLR 207; 322 ALR 180; [2015] NSWCA 123 (with R White)

*FBHS (Aust) Pty Ltd v Stone Homes Pty Ltd* [2014] NSWCA 312 (leading S Gray)

*Registrar-General of New South Wales v LawCover Insurance Pty Ltd* (2014) 17 BPR 33235; [2014] NSWCA 241 (leading H Altan)

*Frumar v Guilfoyle Developments Pty Limited* (2014) 17 BPR 33525; [2014] NSWCA 225 (leading J P Knackstredt)

*Takla v Nasr* [2013] NSWCA 435

*Carnemolla v Adelaide Bank* [2013] NSWCA 122

*May v Christodoulou* (2011) 80 NSWLR 462; [2011] NSWCA 75.

*Waldorf Apartment Hotel, The Entrance Pty Ltd v Owners Corp SP 71623* [2010] NSWCA 226 (leading E Peden)

*Tudor Developments Pty Ltd v Makeig* (2008) 72 NSWLR 624; [2008] NSWCA 263

*The Owners of Strata Plan No 3397 v Tate* (2007) 70 NSWLR 344; [2007] NSWCA 207

*Frumar v The Owners of Strata Plan 36957* (2006) 67 NSWLR 321; [2006] NSWCA 27

*Falgat Constructions Pty Ltd v Equity Australia Corporation Pty Ltd* (2005) 62 NSWLR 385; [2005] NSWCA 49

### **Supreme Court of New South Wales**

*The Owners – Strata Plan No 90018 v Parkview Constructions Pty Ltd* [2022] NSWSC 1123 (leading D Byrne)

*Keevers v Sarraf Property Group Pty Ltd* [2022] NSWSC 1017

*Haiye Developments Pty Ltd v The Commercial Business Centre Pty Ltd* [2022] NSWSC 937 (leading A L Oakes)

*In the matter of Beverage Freight Services Pty Ltd* [2022] NSWSC 874 (leading D Birch)

*Mitchell v Roads and Maritime Services (now known as Transport for NSW)* [2022] NSWSC 500 (leading L Johnston)

*Zoobury Pty Ltd v Cariste Pty Ltd* [2022] NSWSC 18 (leading R McEwen)

*Fitz Jersey Pty Ltd v Atlas Construction Group Pty Ltd (in liq); Yazbek v Gleeson as Liquidator of Atlas Construction Group Pty Ltd (in liq); Fitz Jersey Pty Ltd v Gleeson as Liquidator of Atlas Construction*

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*Group Pty Ltd (in liq)* [2021] NSWSC 1692 (leading A Vincent and J Adamopoulos) (see also [2022] NSWSC 394; [2022] NSWSC 772; [2022] NSWSC 1702)

*Ausbao (286 Sussex St) Pty Ltd v The Registrar-General of New South Wales* (2021) 20 BPR 42107; [2021] NSWSC 1651 (leading H Grace)

*Opera Properties Pty Ltd v The Uniting Church in Australia Property Trust (NSW)* [2021] NSWSC 1436 (leading Dr S A Baron Levi)

*Ida Wolff bht Steven Binetter v Binetter* [2021] NSWSC 1249 (leading C P O'Neill)

*In the matter of Crow Inn Pty Limited (No 2)* [2020] NSWSC 1749 (leading J Adamopoulos)

*The Owners Strata Plan 97121 v RCBS Devco Pty Ltd* [2020] NSWSC 1247 (leading D Hand)

*In the matter of Sumo Australia Limited* (2020) 147 ACSR 561; [2020] NSWSC 1142

*Lavigne v Kumar* (2020) 19 BPR 40377; [2020] NSWSC 1120 (leading B Le Plastrier)

*Hanson Construction Materials Pty Ltd v Brolton Group Pty Limited* [2019] NSWSC 1641 (leading D Byrne)

*White Constructions Pty Ltd v PBS Holdings Pty Ltd* [2019] NSWSC 1166 (leading D Weinberger)

*Ayers Rock SkyShip Pty Ltd v Voyages Indigenous Tourism Australia Pty Ltd* (2019) 19 BPR 39541; [2019] NSWSC 828 (leading A Cornish)

*Silver Star Fashions Pty Ltd v Dal Broi* (2018) 19 BPR 38813; [2018] NSWSC 1445 (leading A Avery-Williams)

*Owners of Strata Plan 80458 v TQM Design & Construct Pty Ltd* [2018] NSWSC 1304 (leading P Barham)

*Searle v Commonwealth of Australia* [2018] NSWSC 1017 (leading J Steele)

*DGF Property Holdings Pty Limited v Di Federico; DGF Property Holdings Pty Limited v Butros* (2018) 19 BPR 38319; [2018] NSWSC 344 (leading P Barham)

*Lauvan Pty Limited & Anor v Bega & Ors* (2018) 330 FLR 1; [2018] NSWSC 154 (leading A Avery-Williams)

*XA v XB* [2016] NSWSC 944 (leading M Fernandes)

*In the matter of HIH Insurance Limited (In Liquidation) (ACN 008 636 575)* (2016) 335 ALR 320; 113 ACSR 318; [2016] NSWSC 482 (leading R D White)

*Meriton Apartments Pty Limited v The Owners Strata Plan No. 72381* (2015) 105 ACSR 1; [2015] NSWSC 202 (leading J P Knackstredt)

*David Alan Thomson v Golden Destiny Investments Pty Limited* [2015] NSWSC 1176 (leading N C T Bilinsky)

*Registrar-General of New South Wales v LawCover* [2013] NSWSC 1471 (leading H Altan)

*Mercedes-Benz Financial Services Australia Pty Limited v State of New South Wales & Anor* [2011] NSWSC 1458 (leading D R Meltz)

*Pedulla v Panetta* [2011] NSWSC 1368

*Cactus Imaging Pty Limited v Glenn Peters* (2006) 71 NSWLR 9; [2006] NSWSC 717

*Dalton v Ellis; Estate of Bristow* (2005) 65 NSWLR 134; [2005] NSWSC 1252

*Ferella v Otvosi* (2005) 64 NSWLR 101; [2005] NSWSC 962

*Challenger Managed Investments Ltd v Direct Money Corp. P/L* (2003) 59 NSWLR 452; [2003] NSWSC 1072

### **Federal Court of Australia**

*Bega v Lauvan Pty Ltd* (2021) 157 ACSR 206; [2021] FCA 1392 (leading A Avery-Williams)

*Neptune Hospitality Pty Ltd v Ozmen Entertainment Pty Ltd* (2020) 375 ALR 489; [2020] FCAFC 47 (leading B K Nolan)

*Wyzenbeek v Australasian Marine Imports Pty Ltd (No 2)* [2018] FCA 1517 (leading D Lloyd and F Forde)

*Capic v Ford Motor Company of Australia Limited (No 5)* [2018] FCA 8 (leading R White and A Avery-Williams)

*Peter Vogel Instruments Pty Ltd v Fairlight.Au Pty Ltd* (2016) 343 ALR 387; 121 IPR 349; [2016] FCAFC 172 (leading A Kaufmann)

*Chief of Navy v Angre* (2016) 244 FCR 457; [2016] FCAFC 171 (leading M Gracie)

*Caason Investments Pty Ltd v Cao* (2015) 236 FCR 322; 328 ALR 396; 108 ACSR 576; [2015] FCAFC 94 (leading S A Lawrance)

*Bauer Consumer Media Ltd v Mamamia.com.au Pty Ltd* [2014] FCA 1400 (leading C O'Neil)

### **Family and Federal Circuit Court of Australia (and Family Court of Australia)**

*Self Care Corporation Pty Ltd v Green Forest International Pty Ltd (No 12)* [2022] FedCFamC2G 1030 (leading B Le Plastrier) (see also [2021] FCCA 1000; [2021] FCCA 1277; [2021] FCCA 1668)

*Allan & Allan and Ors (No 4)* [2015] FamCA 1081 (leading R Harper) (see also [2015] FamCA 985)

*Southwell & Fadley and Anor* [2014] FamCA 881

*Medlow & Medlow (No 2)* [2014] FamCA 530

*Read & Chang and Anor* (2010) 44 Fam LR 198; 6 ASTLR 289; [2010] FamCA 876

### **Supreme Court of Queensland**

*Demex Pty Ltd v John Holland Pty Ltd* [2022] QSC 259 (leading M Hickey and L Tassell)

*PFJV Pty Limited v Bartter Enterprises Pty Limited* [2022] QSC 110 (leading A Rae)

### **NSW Civil & Administrative Tribunal**

*Hanave Pty Ltd v Wine Nomad Pty Ltd; Wine Nomad Pty Ltd v Hanave Pty Ltd* [2022] NSWCATAP 153 (leading A Oakes)

*Keyworth v The Owners - Strata Plan No. 45081* [2022] NSWCATCD 75 (leading M McGirr)

*The Owners - Strata Plan No 1813 v Keevers* [2021] NSWCATAP 130 (leading N Newton)

*The Owners – Strata Plan No 58068 v Cooper* [2020] NSWCATAP 96 (leading L M Johnston)