

J. P. Knackstredt

Curriculum Vitae

Chambers

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Year of Admission

2007 Called to the Bar

2006 Admitted to the High Court of Australia

2005 Admitted as a Lawyer of the Supreme Court of NSW

Education

2013 Master of Laws (University of Sydney)

2005 Bachelor of Laws (Honours Class 1) (Macquarie)
Bachelor of Arts (Politics/ International Relations) (Macquarie)

Awards

2009 Macquarie University Alumni Award to a Recent Graduate for Distinguished Service

2007 P Blashki Award for placing equal first in the Bar Examinations

2004 Macquarie University Dean's Award for Outstanding Academic Achievement

Areas of Law

Administrative
Commercial
Construction
Corporations
Equity and Trusts
Insolvency and Bankruptcy
Intellectual Property
Private International Law
Property and Strata

Sample superior court cases

- 2020 *Super Vision Resources Ltd v Xu* [2020] FCCA 758 – bankruptcy application brought by multi-million creditor in respect of unpaid construction loan
- Super Vision Resources Ltd v AC Holdings Co Pty Ltd* [2020] NSWSC 65 – application to set aside alienation of property under s 37A of the *Conveyancing Act* in the context of the liquidation and receivership of a property development company
- 2019 *Rema Tip Top Asia Pacific v Grüterich* [2019] NSWSC 1594 – breach of fiduciary duty and contract involving alleged misconduct by senior employee
- Omayya Investments Pty Ltd v Project Lawyers* [2019] NSWSC 1394 – application under s 472 of the *Legal Profession Uniform Law* and the Court's inherent jurisdiction for delivery up of a solicitor's file subject to a lien
- Super Vision Resources Ltd v Xu* [2019] NSWSC 389 – enforcement of a guarantee, where positive defences alleging misleading conduct and unconscionability advanced by the defendant
- Super Vision Resources Ltd v Xu* [2019] NSWSC 367 – freezing order application
- Quantum v Schenker* [2019] NSWSC 2 – application for restraint in relation to former employee
- Ta Lee Investment Pty Ltd v Antonios* [2019] NSWCA 24 – appeal in relation to claim for specific performance of sale contract, raising issues of indefeasibility, the nature of a 'right to caveat', adverse inferences and the method of payment under sale of land contracts
- Golden J Wealth Pty Ltd v AC Holdings Co Pty Limited* [2019] NSWSC 1342 – possession proceedings involving impact on freezing orders made in related proceedings
- 2018 *Lum v M V Developments (Lane Cove) Pty Limited (in liq)* [2018] NSWSC 247 – specific performance of contract for sale of land and competing equitable interest claimed by a lender
- Fisher-Pollard v Fisher-Pollard* [2018] NSWSC 500 – unconscionable conduct and undue influence in the context of a real estate transaction
- Rema Tip Top Asia Pacific v Grüterich* [2018] NSWSC 591 – freezing order application in context of alleged employee fraud
- Lum v M V Developments (Lane Cove) Pty Limited (in liq)* [2018] NSWSC 1129 – application for personal costs orders against non-party liquidators
- In the matter of BCD Resources NL (Subject to Deed of Company Arrangement)* [2018] NSWSC 1605 – s 444GA Corporations Act application for compulsory transfer of shares by deed administrator
- Surf Life Saving v Hanks* [2018] NSWSC 1871 – application for a stay based on abuse of process
- 2017 *Singh v De Castro* [2017] NSWCA 241 – appeal from District Court decision upholding loan guarantee, involving various alleged legal and factual errors, including questions of capacity and onus
- Gooley v Breda Pty Ltd & Ors* [2017] NSWSC 817; [2017] NSWSC 1505 – preliminary discovery in the context of oppression and other highly complex underlying shareholder disputes
- McGuire v Sporting Shooters Association* [2017] NSWSC 826 – purported review of costs judgment arising out of lengthy commercial proceedings
- Bradstreet & Ors v Merrin Developments* [2017] NSWSC 1559 – injunction proceedings arising out of large off-the-plan development involving multiple plaintiffs and defendants and various common law and statutory claims

- 2016 *Healthcare Australia v Randstad* [2016] NSWSC 1407 – proceedings to restrain recruitment services being provided in alleged breach of a restraint arising out of a sale of business agreement, involving questions of contractual construction
- Surf Life Saving New South Wales v Hanks* [2016] NSWSC 1284 – freezing order variation application in context of alleged major employee fraud
- Lum v M V Developments (Lane Cove) Pty Limited (in liq)* [2016] NSWSC 1248 – application for extension of caveat and specific performance in circumstances where developer placed into liquidation
- In the matter of Denham Constructions Pty Ltd* [2016] NSWSC 1425 – application for adjournment of winding up application in context of administration and proposed DOCA
- Ryde Developments Pty Ltd v Property Investors Alliance Pty Ltd* [2016] NSWSC 728; [2016] NSWSC 829 - application for leave to withdraw admissions and discovery in complex proceedings involving potential application of s 55 of the *Property, Stock and Business Agents Act*
- Yes Family Pty Ltd v Sphere Healthcare* [2016] NSWSC 393 – abuse of process in context of preliminary discovery proceedings relating to a major commercial lease dispute
- Meriton Apartments Pty Ltd v Owners – SP 72381 (No. 2)* [2016] NSWSC 819 – dispute between owners corporation and developer/ caretaker, involving contractual termination and breach of fiduciary duty issues
- 2015 *Corbett v Corbett Court Pty Ltd & Ors* [2015] FCA 1176 – oppression occasioned by share issue in closely-held family company
- Owners – SP 76502 v Waterpoint Shepherds Bay Pty Limited* [2015] NSWSC 1129 – application to enforce a settlement of building defect proceedings
- SZTRY v Minister for Immigration and Border Protection* [2015] FCAFC 86 - administrative law appeal
- Meriton Apartments Pty Ltd v Owners – SP 72381* [2015] NSWSC 202 – dispute between owners corporation and developer/ caretaker, involving contractual termination and breach of fiduciary duty issues
- Owners – SP 72381 v Meriton Apartments Pty Ltd* [2015] NSWSC 442 – adoption of referee’s report in relation to building defects
- Allsvelte Pty Ltd v Cassegrain Wines Pty Limited* [2015] NSWSC 1370 – case involving a claim for relief against forfeiture of a lease
- 2014 *Frumar v Guilfoyle Developments Pty Limited* [2014] NSWCA 225 – appeal on a *Masters v Cameron* issue
- B J McAdam Pty Ltd & Ors v Jax Tyres Pty Ltd & Ors (No 5)* [2014] FCA 358 – application for strike out of a Reply and limiting the use of evidence in the context of a complex derivative oppression suit
- Aravanis (Trustee), in the matter of Gillespie (Bankrupt) v Gillespie* [2014] FCA 630 – application by bankruptcy trustee for access to sale proceeds of a property formerly owned by a bankrupt, in circumstances where the property was subject to a constructive trust
- Token Imports Pty Ltd v Tex-N-Jean Pty Limited* [2014] NSWSC 806 – application for review of a decision of the Registrar refusing security for costs in the context of a complex commercial dispute
- 2013 *Burabs Holdings Pty Ltd v Alexander Dennis (Australia) Pty Ltd* [2013] NSWSC 1182 – commercial dispute arising out of a share sale agreement for a large bus manufacturer
- Franklins Pty Ltd v Endeavour Holdings Pty Ltd* [2013] NSWSC 1204 – application for costs by subpoenaed third party, arising out of a large commercial lease dispute

- B J McAdam Pty Ltd & Ors v Jax Tyres Pty Ltd & Ors (No 4)* [2013] FCA 643 – application for removal and discontinuance in the context of a complex derivative oppression suit
- Meriton Apartments Pty Ltd v Owners of the Strata Plan No 72381* [2013] NSWSC 1037 – application for discovery in the context of a complex strata dispute involving allegations of breach of fiduciary duty
- 2012 *B J McAdam Pty Ltd & Ors v Jax Tyres Pty Ltd & Ors (No 3)* [2012] FCA 1438 – application to amend pleadings in the context of a complex derivative oppression suit
- In the matter of Wan Jia (Australia) International Development Pty Ltd* [2012] NSWSC 1007 – application for s 237 derivative leave
- Granger v Murdoch Books Pty Ltd* [2012] FCA 909 – decision on appropriate Orders to be made arising out of the settlement of proceedings for infringement of copyright, misleading or deceptive conduct and infringement of moral rights
- B J McAdam Pty Ltd & Ors v Jax Tyres Pty Ltd & Ors (No 2)* [2012] FCA 799 – applications for s 237 derivative leave and other interlocutory issues
- Guilfoyle Developments Pty Ltd v Geoffrey Craig Frumar* [2012] NSWSC 859 – application for specific performance of a conveyance and damages claim in consequence of variations
- 2011 *In Re Perpetual Investment Management Ltd as responsible entity for Perpetual's Monthly Income Fund and Perpetual's Wholesale Monthly Income Fund* [2011] NSWSC 592 – application for judicial advice
- Brennan v NSW Land and Housing Corporation* (2011) 83 NSWLR 23; [2011] NSWCA 298 – breach of procedural fairness and jurisdictional facts
- BOS International (Australia) Ltd v Babcock & Brown International Pty Ltd* [2011] NSWSC 1382 – breach of contract and contractual interpretation of facility agreement involving a loan of in excess of A\$3 billion
- Ryan v Sutherland* [2011] NSWSC 1397 – proceedings for declaration of invalidity of an exclusive-use easement or restrictive covenant
- The Owners of Strata Plan 75633 v Axiom Property Consulting Pty Limited* [2011] NSWSC 1542 – breach of contract, negligence, detinue and conversion by a former strata manager
- 2010 *Frumar v The Owners of Strata Plan 36957* [2010] NSWCA 172 – breach of contract and assessment of legal costs
- Linkins v Rinbac Pty Ltd* [2010] NSWSC 1199 – breach of lease in former retirement village
- Gammasonics Institute for Medical Research Pty Ltd v Comrad Medical Systems Pty Ltd* [2010] NSWSC 267 – appeal from Local Court arising out of a breach of contract dispute
- Bui v Minister for Immigration and Citizenship* [2010] FCA 234 – judicial review of decision not to grant a prospective marriage visa, involving questions of apprehended bias
- 2009 *Buzrio v CTTT & Ors (No. 2)* [2009] NSWSC 937 – judicial review of decision by Adjudicator of the CTTT
- Buzrio v CTTT & Ors* [2009] NSWSC 836 – judicial review of decision by Adjudicator of the CTTT
- Comdox v Robins* [2009] NSWSC 367 – option to renew lease in circumstances where validity of notice to exercise option was in dispute
- SZLSM v Minister for Immigration and Citizenship* [2009] FCA 537 – judicial review of decision not to grant refugee visa, involving questions of common law guardianship

- 2008 *Elidock Pty Ltd v N B Stone & Associates Pty Ltd* [2008] NSWSC 1278 – scope of right of occupation granted to shareholders in land-owning company
- Capital Finance Australia Limited v Struthers* [2008] NSWSC 440 – priorities in the context of a joint tenancy, where one joint tenant mortgages his or her interest in the subject property
- SZEQH v Minister for Immigration and Citizenship* [2008] FCA 1474 – judicial review of decision not to grant refugee visa, involving questions of the right to cross-examine a witness before an administrative tribunal
- 2007 *Jessica Estates v Lennard* [2007] NSWSC 1434 – breach of covenant and equitable principles informing the grant of a mandatory injunction to reverse the breach

Employment History

- 2007-
Current Barrister
- 2007 Tutor and Marker
Litigation
Macquarie University
- 2006-7 Solicitor
General Commercial Litigation and Taxation
Clayton Utz
- 2006 Tutor and Marker
Torts, Advanced Torts
Macquarie University
- 2005 Tipstaff/ Legal Researcher to Justice R P Austin, Supreme Court of NSW

Publications

- 2011 Author of “Court of Appeal confirms effect of a judgment based on a certificate of determination of costs” (2011) 49(2) *Law Society Journal* 36
- Author of “*Judicial Review after Kirk v Industrial Court of NSW*” (2011) 18 AJ Admin L 203
- 2010 Author of “Compliance with Privacy Act critical for credit reporting” (2010) 48(5) *Law Society Journal* 36
- Contributor to *A Practitioner’s Guide to Civil Litigation*, 3rd Edition, NSW Young Lawyers, 2010
- 2009 Co-author of “Procedural fairness mandated for the CTTT” (2009) 47(11) *Law Society Journal* 77
- 2006 Author of “Infrastructure deductions: Citylink (Transurban)” (2006) 17 *Journal of Banking and Finance Law and Practice* 299
- Author of “The non-resident’s residual liability to withholding tax” (2006) 40(10) *Taxation in Australia* 538
- Author of “The Evolution in Civil Penalty Proceedings” (2006) 24 *Company and Securities Law Journal* 56
- Contributor to *A Practitioner’s Guide to Civil Litigation*, 2nd Edition, NSW Young Lawyers, 2006
- Co-author of “How to judge the judges?”, *Lawyers Weekly*, 20 January 2006
- 2003 Editor of P M G Fonseca, *The Law of Armed Conflicts*, Forlaget SB, Copenhagen
- Various Author of various CLEs delivered to NSW Young Lawyers, Law Society of NSW and private firms

Professional Involvement

2016-	Member of the Australian Institute of Company Directors
<i>Current</i>	
2007-	Member of the NSW Bar Association
<i>Current</i>	
2008-2012	Marker of the NSW Bar Practice and Procedure Bar Examinations
2009	Member of the NSW Bar Association New Barristers Committee
	Member of the Australian Young Lawyers Committee
	Immediate Past President of NSW Young Lawyers
	Judge in the Manfred Lachs International Space Law Moot, Asia-Pacific Regional Rounds
2008	President of NSW Young Lawyers
	Member of the Australian Young Lawyers Committee
	Judge in the Manfred Lachs International Space Law Moot, Asia-Pacific Regional Rounds
2007	Vice President of NSW Young Lawyers
	Observer at Law Society Council meetings
2006	Executive Councillor of NSW Young Lawyers