

# GREENS LIST

BARRISTERS



## ANTONY BERGER

BAR ROLL: 2019 | ADMITTED: 2017

Antony practises in general commercial, property, and insolvency. He also accepts briefs in building & construction, intellectual property as well as tax law.

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## EXPERTISE

**Commercial Law | Common Law | Competition Law & Consumer Law | Criminal Law | Defamation | Equity & Trusts Law | Intellectual Property | Property Law | Public Law & Administrative Law | Tax Law & Revenue Law**

## PROFILE

Antony has a broad commercial practice and appears in all jurisdictions.

He is regularly briefed to appear (whether led or unled), to draw pleadings, and to provide strategic and considered advice in all commercial matters. He is also regularly briefed to appear in and assist with the preparation of; applications for freezing orders, security for costs, injunctions, summary judgment and strike outs.

His specific experience includes:

- Commercial law: Corporations Act matters (eg oppression proceedings), contract disputes, Australian Consumer Law matters, loans, fund misappropriation and accessorial liability issues, sales of businesses, and restraint of trade;
- Property: leasing, relief against forfeiture, sale of land, estate agents, planning and restrictive

covenants, caveat removal, adverse possession, easements, owners corporations, recovery of land, and land rateability;

- Insolvency: set aside statutory demands, contested winding up applications, advice on voidable transactions, meetings proceedings, and personal bankruptcy; and
- Building and construction: *Building and Construction Industry Security of Payment Act 2002*, domestic building disputes, Building Act and BCA issues.

He is undertaking a Master of Laws at the University of Melbourne. He also tutors in Obligations, Contracts and Property at Ormond College at the university.

He read with Roslyn Kaye. His senior mentor is Philip Crutchfield QC.

As a solicitor, he practised in insurance law and commercial litigation across Victoria and NSW.

## RECENT CASES



Brighton Foreshore Association Inc v Bayside City Council [2021] VSCA 284 (led by S Moloney – planning appeal)



Melbourne Roma Caravans & RV's Pty Ltd v Cunningham [2022] VSC 25 (unled – appeal from VCAT– consumer guarantees)



Shan v Zhang & Ors [2021] VSC 452 (led by I Upjohn QC and S Rubinstein – breaches of trust - misappropriation of funds - Barnes v Addy claims - statutory contribution - freezing orders - security for costs - summary judgment)



A & C Reavin Pty Ltd v Plenty Australia Pty Ltd [2021] VCC 552 (unled – sale of business – contract interpretation – misleading or deceptive conduct)



Select Market & Financial Services Pty Ltd & Ors v Mirabella (unled – dispute between shareholders in prominent sports club)



Sorbara v Prochilo (led by D P Lloyd – easement by lost modern grant)

## Publications


'Lowering the bar of admissibility' (2019) 93(7) Law Institute Journal 42. 'The extent of a broker's duty

of care — PC Case Gear Pty Ltd v Instrat Insurance Brokers Pty Ltd (in liq)' (2020) 36(4) Australian Insurance Law Bulletin 67. Removing Hostile Caveats, 2020 (Leo Cussen). Residential Tenancies and COVID, 2020 (with D P Lloyd and W Rimmer). Section 9AC of the Sale of Land Act 1962 and its impact on Property Developments, 2019 (with K Mihaly).

## Memberships & Committees

[Victorian Bar](#)

To get in touch with Antony Berger | or for more information please contact the Clerk on:

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