

GREENS LIST

BARRISTERS



JUSTIN WHEELAHAN

BAR ROLL: 2004 | ADMITTED: 2000

Justin Wheelahan practises in commercial law, intellectual property, and administrative law. He accepts briefs in all courts and tribunals.

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CHAMBERS: Emmerson Chambers

EXPERTISE

PROFILE

Justin practises primarily in intellectual property. Justin holds a Masters in IP, and is a contributing author to Lahore's *Trade Marks, Patents and Confidential Information and Related Rights* service published by LexisNexis.

Justin's general commercial practice includes advice and advocacy in disputes involving copyright, trade mark, design and patent infringement, breach of confidence, misleading and deceptive conduct, breach of contract, unconscionable conduct, breach of director's duties, and insolvency related matters. He also regularly advises and appears in defamation proceedings, injurious falsehood claims, and *Open Courts Act* related matters.

Justin has a background in running jury trials appearing for the prosecution and the defence in commercial fraud trials involving offences against the Corporations Act. Justin is an experienced cross-examiner with a thorough understanding of the rules of evidence. He regularly appears for company directors and professionals in relation to allegations of professional misconduct in disciplinary and regulatory tribunals.

His public and administrative law practice extends to judicial review and appellate advocacy. Justin appeared

as junior counsel in the High Court in *Minister for Home Affairs v FRX17* (2020) 270 CLR 302, *Frugtniet v ASIC* (2019) 266 CLR 250, and *Clayton v The Queen* (2006) 231 ALR 500.

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RECENT CASES



Frugtniet v ASIC [2019] HCA 16 (led by Michael O'Bryan QC)



Flujo Holdings Pty Ltd v Merisant Company [2019] FCA 594



FRX17 as litigation representative for FRM17 v Minister for Immigration and Border Protection VID 412/2018 and Ors (led by Geoffrey Watson SC)



Frugtniet v MARA [2018] HCATrans 157



MARA v Frugtniet [2018] FCAFC 5



FRX17 as litigation representative for FRM17 v Minister for Immigration and Border Protection [2018] FCA 63 (led by Julian Burnside QC)



Marie Theresa Arthur as litigation representative for BXD18 v Minister for Immigration and Home Affairs VID412/2018 (led by Lisa De Ferrari SC)



Callychurn v ASIC [2017] FCAFC 137 (led by Michael O'Bryan QC)



Marasco v R [2016] VSCA 85

Memberships & Committees

[Victorian Bar](#)

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