

GREENS LIST

BARRISTERS



LIONEL WIRTH

BAR ROLL: 2011 | ADMITTED: 2010

Lionel has a broad, general commercial and public law practice.

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CHAMBERS: [Castan Chambers](#)

EXPERTISE

Appellate | Banking & Finance | Bankruptcy Law & Insolvency Law | Building Law & Construction Law | Commercial Law | Competition Law & Consumer Law | Corporations Law & Securities Law | Equity & Trusts Law | Inquests, Inquiries, Tribunals & Commissions | Property Law | Public Law & Administrative Law

PROFILE

Lionel has a broad, general commercial and public law practice.

His commercial practice has a focus on property disputes, corporations and insolvency matters and building and construction disputes, with a particular interest where these types of disputes overlap or give rise to complex issues. Other matters in which he has been briefed include contract disputes, professional negligence claims and banking and finance disputes.

His public law practice includes both advice and appearances in disciplinary, licensing and regulatory prosecutions, including matters brought by the Victorian Legal Services Commissioner. He also accepts briefs in matters of merits and judicial review of government decision-makers.

Lionel has appeared in the Court of Appeal (led and unled) and conducted appeals on questions of law in the

Trial Division of the Supreme Court.

Lionel graduated with first-class honours in law from Monash University. He received the Peter Twining Prize for the Best Honours Thesis in Common Law, the topic of which concerned the law of restitution.

RECENT CASES



COURT OF APPEAL: Chan v Liu [2020] VSCA 28 (removal of caveat)



COURT OF APPEAL: Bisognin v Hera Project Pty Ltd [2018] VSCA 93 (sale of land)



COURT OF APPEAL: Fraser v Sperling [2017] VSCA 53 (domestic building contract)



COURT OF APPEAL: Birek Industries Pty Ltd v McKenzie Group Consulting (Vic) Pty Ltd (No 2) (2015) 48 VR 558; [2015] VSCA 185 (professional negligence; building permits; damages)



COURT OF APPEAL: P'Auer AG v Polybuild Technologies International Pty Ltd [2015] VSCA 42 (sale of business)



SUPREME COURT: Re JSSP Holdings Pty Ltd; Lee v Liang [2021] VSC 33 (winding-up on just and equitable grounds)



SUPREME COURT: Alpine Valley Flour Mill Pty Ltd v Grainlink (NSW) Pty Ltd [2020] VSC 85 (statutory demand; genuine offsetting claim)



SUPREME COURT: Kahan v Strauss [2017] VSC 8 (pro bono amicus curiae; question of law under the Private Security Act 2004)



SUPREME COURT: HRF Nominees Pty Ltd (in liq) v MAN Civil Constructions Pty Ltd (preference claim; directors' liability; phoenixing conduct; professional negligence of pre-insolvency advisers; settled prior to trial)



SUPREME COURT: Perpetual Trustees Victoria Ltd v Miller (unconscionable lending in relation to Storm Financial; professional negligence; settled prior to trial)



FEDERAL COURT: Zhao v Ausin Group Pty Ltd (share reduction; fair and reasonable; ongoing)



FEDERAL COURT: Modscape Holdings Pty Ltd v Caspaney [2019] FCA 2137 (meeting of creditors; interlocutory orders)



FEDERAL COURT: Hoskin v Robert Balzola & Associates (Legal) Pty Ltd [2019] FCA 1353



FEDERAL COURT: Donaldson v Natural Springs Australia Ltd [2015] FCA 498

(bankruptcy; appeal against sequestration order)

(oppressive conduct; interference with contractual relations)



FEDERAL COURT: Francis v Eggleston Mitchell Lawyers Pty Ltd [2013] FCA 564 (bankruptcy annulment; assignment of debt)



FEDERAL COURT: Feiglin v National Australia Bank Ltd (bankruptcy annulment; unconscionable conduct; discontinued prior to trial)



COUNTY COURT: Fisher v Fisher (2017-18) (family farming; water rights; unconscionable conduct and estoppel; settled prior to trial)



COUNTY COURT: Sportzcom Australia Pty Ltd v Ekeru Dental Pty Ltd [2018] VCC 398 (employment)



COUNTY COURT: MW Accounting Pty Ltd v Tenni [2014] VCC 1541 (sale of business)



COUNTY COURT: Horne (as liquidator of Unikon Pty Ltd (in liq)) v Southeast Investment Holdings Pty Ltd (preference claim; complex transaction; accessorial and Barnes v Addy liability; settled prior to trial)



VCAT: Lewis v Volkswagen Group Australia Pty Ltd (2019) (consumer guarantees; major failure; settled prior to hearing)



VCAT: Victorian Legal Services Commissioner v Joseph [2018] VCAT 864 (professional discipline; trust money; breach of undertaking)



VCAT: Victorian Legal Services Commissioner v Johansson [2015] VCAT 2034 (professional discipline; costs agreements)



VCAT: Ross v Planet Platinum Limited [2012] VCAT 1670 (liquor licensing)




VCAT: Westside Real Estate Investments Pty Ltd v Nguyen [2011] VCAT 1830 (retail lease; right to renew)

Memberships & Committees

[Victorian Bar](#)

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

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