

GREENS LIST

BARRISTERS



RICHARD ANTILL

BAR ROLL: 2003 | ADMITTED: 2003

Richard signed the bar roll in 2003 and has an established practice in general commercial law.

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CHAMBERS: Greens List

EXPERTISE

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

PROFILE

Richard signed the bar roll in 2003 and has an established practice in general commercial law with expertise in:

- professional negligence;
- personal property securities;
- insolvency;
- property matters;
- planning matters;
- equity & trusts;
- wills and estates; and
- contractual disputes.

From 2010 to 2012, Richard took leave from the bar to take up the position of Risk Manager at the Legal Practitioners Liability Committee (the LPLC), the leading professional indemnity insurer of Australian lawyers.

In this role Richard assisted solicitors and barristers in managing the risks of practice. This involved talking to insured solicitors, reviewing and analysing claims data, helping to deliver a comprehensive education program, authoring various publications, monitoring how changes to the substantive law or practice in general may effect risks and claims. In particular, Richard was responsible for educating practitioners about the new personal property securities regime. He thereby gained a great deal of practical knowledge about the new PPS regime and developed relationships and a reputation with the various other experts in this area.

Below is a sample of other matters in which Richard has advised or acted and successfully resolved via mediation or in unreported decisions:

- Issuing Supreme Court proceedings to pursue a claim based on a resulting trust and/or partnership dispute of rural property, and successfully negotiating a settlement during the subsequent trial including providing tax advice in relation to various settlement proposals (CGT, income tax, stamp duty).
- Defending Supreme Court proceedings brought against the purchaser of a property based on a failure to agree to a rectification of a completed contract for the sale of land. Successfully resolved at mediation.
- Advising a limited owners corporation in relation to a dispute with the unlimited owners corporation regarding the responsibility for maintenance of common property.
- Issuing Supreme Court proceedings to pursue a claim on behalf of two beneficiaries of a discretionary trust to impugn the decisions of trustees to vest trust and exclude beneficiaries from any distributions of capital or income. Claim successfully resolved at mediation notwithstanding the high hurdles imposed by the leading cases in similar circumstances. Settlement also involved providing complex tax advice (CGT, income tax, stamp duty) in relation to the various settlement proposals.
- Advising a purchaser in an assignment and subsequent exercise of an option to purchase real estate including the provision of detailed tax advice (CGT, stamp duty)
- Negotiating a settlement of various co-ownership disputes in VCAT.
- Conducting various retail lease disputes in VCAT.
- Acting for a mortgagee in successfully obtaining orders from the Supreme Court for possession of a rural property.
- Acting for a vendor of land in successfully resisting a Supreme Court application by a purchaser for an injunction to prevent the release of the deposit to the vendor.
- Acting for one of five defendants in a complex estate matter in the Supreme Court involving allegations of professional negligence on the part of an accountant, a solicitor and executors of an estate, and allegations that various property was held on resulting trust. Matter successfully resolved at mediation.
- Several County Court and Supreme Court cases involving both adjustment of property between former de facto couples (Part IX claims) and claims of resulting/constructive trusts
- Several Testator Family Maintenance Claims

Prior to coming to the Bar, Richard:

- graduated from the University of Sydney in 1991 with first class honours,
- worked as the Research Assistant to the NSW Court of Appeal during 1992
- worked for several law firms in Melbourne and Sydney, including Maddocks, Mallesons, Blake Dawson Waldron and Gilbert and Tobin.

RECENT CASES



WILLS AND ESTATES: Re Manlio [2015] VSC 733 (21 December 2015) Supreme Court - Dispute about whether applicant was the unregistered domestic partner of the deceased at the time of his death.



WILLS AND ESTATES: Re Manlio (No 2) [2016] VSC 130 (8 April 2016) - Dispute about whether applicant was the unregistered domestic partner of the deceased at the time of his death.



PROPERTY DISPUTES: Downey as liquidator of Complete Print Solutions Pty Ltd (in liq) v Stewart [2014] FCA 792 (17 July 2014) - Settlement of a dispute concerning the application of the Personal Property Securities Act



PROPERTY DISPUTES: Bretair Pty Ltd v Cave (No 2) (Retail Tenancies) [2013] VCAT 1808 (24 October 2013) - Dispute regarding retail tenancy



PROPERTY DISPUTES: Casey/ Graham Lawrence Anor v Ryan/ Vikki Lisa Ors County Court - Dispute arising out of a contract for the sale of land. Involved questions about the manner in which cooling off rights may be exercised.



PROPERTY DISPUTES: Forrest v Fraser County Court - Dispute arising out of the termination of a share-farming agreement. Filed an appeal to the Court of Appeal and successfully negotiated a settlement during the course of the appeal.



INSOLVENCY: In2Ply Pty Ltd v Amerind Pty Ltd (in liq) (receivers and managers appointed) [2014] VSC 603 (2 December 2014) - Successful application to set aside statutory demand.



INSOLVENCY: White Newman and Linc Construction Group Pty Ltd (in liquidation) v. Prestige Foundation Systems Pty Ltd (Civil) (Magistrates' Court) - Successfully defended a claim by a liquidator to claw back a payment made by an insolvent company.



PROFESSIONAL NEGLIGENCE: Heaton v Batttiato (Legal Practice) [2009] VCAT 756



PROFESSIONAL NEGLIGENCE: Naylor v Oakley Thompson and Co Pty Ltd (Legal

(29 April 2009) - Acted for solicitor in defending claims of professional negligence in the conduct of a shareholder oppression action.

Practice) [2007] VCAT 958 (1 June 2007) - Acted for client in pursuing claims of professional negligence against a solicitor. Successfully resisted a summary judgment application based on the interpretation of specific provisions of the Legal Practice Act 1996.



PROFESSIONAL NEGLIGENCE: Naylor v Oakley Thompson Co Pty Ltd Ors (Legal Practice) [2008] VCAT 1724 (18 August 2008) - Acted for client in pursuing claims of professional negligence against a solicitor and two barristers. Successfully resisted a summary judgment application based on advocates immunity.



PLANNING: Stonnington City Council v Southern Property Corporation Pty Ltd [2006] VSC 435 (15 November 2006)



PLANNING: Costa v Glen Eira City Council (Red Dot) [2005] VCAT 2719 (21 December 2005)



PLANNING: Department of Human Services v Nillumbik CC (Red Dot) [2005] VCAT 2602 (8 December 2005)



PLANNING: Gray v Colac Otway SC (Red Dot) [2005] VCAT 2266 (3 November 2005)



PLANNING: Wild Design v Colac Otway SC [2005] VCAT 2350 (25 October 2005)



STAMP DUTY: Pascu v Commissioner of State Revenue (Review and Regulation) [2016] VCAT 668 (29 April 2016)



APPLICATIONS FOR AND INTERPRETATION OF COSTS ORDERS: Bilbarin v Di Mella Constructions (Domestic Building) [2007] VCAT 663 (17 February 2007) - Involved novel questions regarding the interpretation of a multi-million dollar costs order made as a result of the acceptance of an Offer of Compromise. Successfully resisted an attempt to significantly reduce the amount payable.



APPLICATIONS FOR AND INTERPRETATION OF COSTS ORDERS: Naylor v Oakley Thompson and Co Pty Ltd (Legal Practice) [2007] VCAT 1443 (9 August 2007)



APPLICATIONS FOR AND INTERPRETATION OF COSTS ORDERS: Naylor v Oakley Thompson Co Pty Ltd Ors (Legal Practice) [2008] VCAT 2074 (7 October 2008)



APPLICATIONS FOR AND INTERPRETATION
OF COSTS ORDERS: Smirnios v Byrne [2009]
VSC 610 (18 December 2009)



APPLICATIONS FOR AND INTERPRETATION
OF COSTS ORDERS: Middletons v. Meridian
Financial P/L Anor (County Court)



SOLICITOR CLIENT DISPUTES / COSTS
DISPUTES: Smirnios v Byrne [2009] VSC 610
(18 December 2009)



SOLICITOR CLIENT DISPUTES / COSTS
DISPUTES: Sinni v Esposito (Legal Practice)
[2009] VCAT 135 (26 February 2009)



SOLICITOR CLIENT DISPUTES / COSTS
DISPUTES: Kocabas v L G Yves Michel Co
(Legal Practice) [2008] VCAT 2642 (7
November 2008)



SOLICITOR CLIENT DISPUTES / COSTS
DISPUTES: Rosata v Issac Brott and Co
(Legal Practice) [2006] VCAT 1217 (3 April
2006)



SOLICITOR CLIENT DISPUTES / COSTS
DISPUTES: Collier v Rigby Cooke (a firm)
[2004] VSC 488 (30 November 2004)



SOLICITOR CLIENT DISPUTES / COSTS
DISPUTES: Gadens Lawyers v Virgtel Ltd
Anor [2009] VSC 377 (17 August 2009)



SOLICITOR CLIENT DISPUTES / COSTS
DISPUTES: Middletons v. Meridian Financial
P/L Anor (County Court)



SOLICITOR CLIENT DISPUTES / COSTS
DISPUTES: Kuek v Devflan Pty Ltd Anor
[2009] VSC 91 (20 March 2009)



SOLICITOR CLIENT DISPUTES / COSTS
DISPUTES: Kuek v Devflan Pty Ltd & Anor
[2011] VSCA 25 (10 February 2011)

Memberships & Committees


- [Victorian Bar](#)

Other Experience

Prior to coming to the Bar, Richard:

- graduated from the University of Sydney in 1991 with first class honours,
- worked as the Research Assistant to the NSW Court of Appeal during 1992
- worked for several law firms in Melbourne and Sydney, including Maddocks, Mallesons, Blake Dawson Waldron and Gilbert and Tobin.

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

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