

Miguel Belmar

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Barrister at Law – Green’s List

Member of the Victorian Bar since 2002

Nationally Accredited Mediator since 2010

Practice Areas

Representing clients (both individuals and corporations) in legal disputes including advice and appearing in Courts and Tribunals. Areas of practice include:

- Local Government and Town Planning;
- Environment Law;
- Commercial Law;
- Employment Law including discrimination, underpayment of wages, dismissal and contract disputes;
- Administrative Law;
- Disciplinary matters including professional misconduct and boards of enquiry;
- Personal Injury including industrial/traffic accidents and common law claims.

Also appear in practice areas on a ‘pro bono’ basis representing individuals who could not otherwise afford legal representation.

Since 2008, a member of the Football Federation of Victorian Disciplinary Tribunal. Hearing cases at first instance and on appeal. Have chaired hearings as well as been a member of the panel hearing charges.

Have also heard matters involving arbitration of disputes between a Player and a Club.

Continuing Professional Development

- Continuing Professional Development through regular attendance at seminars conducted by the Victorian Bar.
- Delegate at International Bar Association Conference in Buenos Aires, Argentina 2008.
- Presenter at seminar conducted by Leo Cussen Institute “Planning Law Update” 2010, 2011.
- Law reporter for the *Victorian Planning Reports* – Reporting cases decided by the Victorian Civil and Administrative Tribunal and Supreme Court of Victoria in areas of urban planning, land use and local government.
- Visiting Lecturer at Swinburne University, Melbourne, on Land Use, Development and Sustainability 2006-continuing.
- Presented to Australian Psychology Society – Annual Conference on Practice Management. Topic: ‘Employee or Subcontractor?’ 2011.

- Author of Blog "Town Planning Barrister"

Cases include

Andrews v Secretary, Department of Human Services (2011) Supreme Court of Victoria (with D. Hore-Lacy SC) – proceeding raised allegations of negligence against DHS for failure to properly investigate and care for a child in need of protection.

Wood v Victorian WorkCover Authority (2011) County Court (with D. Brooks SC) – matter concerned extension of time to commence a widows claim.

Nepean Conservation Group Inc & Ors v Mornington Peninsula SC (2010)- successfully arguing that Trustee Company had standing to bring application to subdivide land. At a separate hearing a permit to subdivide was granted by the Tribunal.

Country Endeavours Pty Ltd v West Gippsland Catchment Management Authority (2010) successfully resisting application to commence proceeding out of time seeking to set aside a works permit.

Migunda v Minister for Immigration and Citizenship (2009) Federal Magistrates Court of Australia - considers whether the Migration Review Tribunal properly characterised the fact that Mr Migunda was father to an Australian born child and whether this raised "exceptional circumstances".

Werdna James v Mornington City Council (2008) VCAT – Planning List- (with C. Townshend SC) the Tribunal granted planning approval for a development that required consideration of impact on native vegetation, impact on fauna and water use issues.

Ucar v Nylex Industries Pty Ltd (2008) Victorian Supreme Court of Appeal - with Jim Kennan SC: considered the right to procedural fairness and when a judge's conduct infringes on a fair hearing.

Winky Pop v Hobson's Bay City Council (2007) Supreme Court of Victoria - with A. Finanzio: the Court considered whether a local councillor should have participated in a town planning decision or whether an apprehension of bias existed. Court held Councillor should not have participated in decision.

Civil Aviation Safety Authority v Christidis (2006) Federal Court of Australia - the Court considered whether disciplinary findings in New Zealand affected a pilot's license in Australia. Court held that it did and prevented pilot flying.

Languages Spoken

- Native level fluency and literacy in Spanish
- High level fluency and literacy in Italian