

GREGORY BURTON SC

5 Wentworth Chambers
180 Phillip Street
SYDNEY NSW 2000

Selected Cases

Blake v Blake – ongoing (complex estate and partnership dispute with fiduciary, contractual, co-ownership and valuation issues).

CMAA Property Trust v HAC – ongoing (charitable trust, nature of proprietary interest).

McDonald v Clifton & Ors – ongoing (joint venture, fiduciary, estoppel and valuation).

Ongoing advice on trust, charitable, administrative law, abuse and discipline matters as retained counsel for Presbyterian Church.

Lieschke v Lieschke [2024] HCASL 66, [2023] NSWCA 241, [2023] NSWSC 92, [2022] NSWSC 1705 (setting-aside of arbitral award).

Galati v Deans [\[2023\] NSWCA 13](#) (trust, secret commission, damages and other issues arising from prospective joint venture).

Beyond Bank Australia Ltd ats Human Appeal International Australia [2023] NSWSC 382; [No. 2] [2023] NSWSC 1161; [No. 3] [2023] NSWSC 1622 (bank/customer contract – incorporation and effect of code of practice into terms of contract – alleged implied obligation of good faith in exercise of power to terminate relationship by bank – did that require commercial reasons and disclosure of those reasons).

(*Name withheld*) Supreme Court retail tenancy, registered club, planning permissions, building defects dispute, alleged misleading conduct and breach, compensation for improvements, causation and quantification - resolved immediately prior to 17-day hearing in September/October 2023.

Johnson and Williams v Campbell; re Rockgedgiel Pastoral Co PL and Skeldon PL (corporations law (register of members, oppression), trust, rectification, estoppel and valuation proceedings; settled shortly before long hearing 2018/19).

Abraham v Watkins (rights of way that pre-dated current statutory requirements – validity and scope of implication from title plans and description, removal for obsolescence; settled shortly before hearing with submissions to Court on appropriateness of settlement).

Re Fearndale Holdings PL (admin apptd) (r&m apptd) [2019] NSWSC 1810, 1885 (referee's report in complex securities proceedings, including contested hearing on matters of credit during reference, adopted by Black J).

Re Cisera FT [2016] NSWCA 319, [2017] NSWSC 960 and [2018] NSWCA 286 (reconsideration of section 81 Trustee Act 1925 (NSW) as interpreted in *Re Dion Investments PL* (2014) 87 NSWLR 753, [2014] NSWCA 367 and *Stein v Sybmore Holdings* [2006] NSWSC 1004, 64 ATR 325).

Re S, an incapacitated young person [2017] NSWSC 859 (protective jurisdiction – taxation and other implications of change of protective management order and existing personal injury damages trust).

Macquarie International Health Clinic Pty Ltd v Sydney Local Health District (formerly South West Area Health Service) [2016] NSWSC 1587 (significant trial submissions upheld on appeal from primary decision [2020] NSWCA 274); [2008] NSWSC 738, [2009] NSWSC 629, [2010] NSWSC 1139, [2010] NSWCA 268, [2010] NSWCA 348, [2011] NSWCA 171 (trespass, public/private co-venture, good faith, contract interpretation, restrictive covenants, loss of opportunity, mesne profits, valuation).

Sahab Investments PL v Castle Constructions PL [2011] NSWCA 395, [2012] NSWCA 42, [2013] HCA 11 (entitlement of registering authority to alter land titles register or to be compelled to do so).

Heperu PL v Perpetual Trustees Ltd; Heperu PL v Belle [2009] NSWCA 252, [2010] NSWCA 13, [2010] NSWCA 339, [2011] NSWSC 1151 (settled day before delivery of judgment by HC; conversion and restitutionary rights in cheque fraud and receipt by third parties).