

GREENS LIST

BARRISTERS



MIGUEL BELMAR

BAR ROLL: 2002 | ADMITTED: 1999

Miguel is a an experienced Barrister with a practice focusing on the following areas: Town Planning/Environment, Common Law/Personal injuries, Contract & Mediation/ADR

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CHAMBERS: Greens List Barristers

EXPERTISE

Alternative Dispute Resolution | Commercial Law | Common Law | Environmental Law & Planning Law | Industrial Relations Law & Employment Law | Inquests, Inquiries, Tribunals & Commissions | Public Law & Administrative Law | TAC/WorkCover

PROFILE

Miguel is a an experienced Barrister with a practice focusing on the following areas:

Town Planning/Environment

Appearing in VCAT hearings, Planning Panels, prosecutions and enforcement and compulsory acquisition. Advising and appearing for proponents and objectors as well as Responsible Authorities.

Common Law/Personal injuries

Paperwork, advice, mediations and trials in matters arising from workplace accidents, transport accidents, public liability and intentional torts including police torts and institutional abuse matters. Also appeared in private inquiries concerning allegations of abuse/misconduct. Advised and appeared in Sentencing Act

compensation applications. Advised and appeared in disputes concerning FOI requests, return of Subpoenas and discovery. Advised and appeared in Medical Panel matters both referrals and reviews.

Contract

Disputes arising from commercial relationships and employment agreements, including partnership disputes and domestic disciplinary proceedings. Appeared and advised in matters concerning termination of employment.

Mediator/ADR

In 2010 he became a nationally accredited mediator and he conducts mediations in his chosen fields of practice.

He has previously been a member of the Victorian Football Federation Tribunal that hears matters involving infringements of the rules of soccer. He has also heard and determined contract disputes between players and clubs. Miguel has also developed significant experience in mediating allegations of racial discrimination in a sports context.

RECENT CASES



PUBLIC LAW: MZZOG & Ors v Minister for Immigration [2014] FCCA 1901 – appeared for Appellants seeking judicial review of a decision of Refugee Review Tribunal on the ground of apprehended bias – matter remitted for rehearing



PUBLIC LAW: Pallas v Roads Corporation (Review and Regulation) [2013] VCAT 1967 – FOI – appeared for applicant – working documents – trade or commerce – public interest – part documents released



PUBLIC LAW: Hennessy v Minister Responsible for the Establishment of an Anti-Corruption Commission & Anor (Review and Regulation) [2013] VCAT 822 – FOI-



PUBLIC LAW: Christidis v Civil Aviation Safety Authority [2006] FCA 615 appeal concerning mutual recognition of aircraft pilot licences

appeared for applicant - cabinet documents
- working documents - public interest.
Tribunal ordered release of part of a
document



PUBLIC LAW: Neofotistou v Minister for Immigration and Multicultural Affairs [2005] FCA 919 (with Richard Niall) - Appeal concerning Migration Act and definition of spouse and continuing relationship



COMMON LAW: Dick v State of Victoria (2015) for plaintiff - Police Assault - proceeding under Victoria Police Act - allegations of assault - false imprisonment and malicious prosecution. Matter commenced after Plaintiff successfully defended multiple criminal charges in Magistrates' Court



COMMON LAW: Hexter v State of Victoria (2014) for plaintiff - Police Assault - multiple defendants to assault allegation - allegation of use of OC Spray and allegation of malicious prosecution



COMMON LAW: Vivoda v Kealy & Ors [2013] VCC 130 (with D. Hore-Lacy SC) Appeared for Plaintiff - Police Assault - self defence - malicious prosecution - one Police officer aiding and abetting another in bringing prosecution - general and aggravated damages awarded to plaintiff



COMMON LAW: Svajcer v Woolworths Limited [2012] VCC 1496 - return of subpoena - resisted application for access to documents in possession of DPP. No legitimate forensic purpose. Ruling upheld by Court of Appeal in Woolworths Ltd v Svajcer [2013] VSCA 123



COMMON LAW: Duan v State of Victoria (County Court Jury Trial 2011) (with D. Hore Lacy SC) appeared for Plaintiff in claim for injury to vision arising from incident in school playground - damages awarded to Plaintiff



COMMON LAW: Ucar v Nylex Industrial Products Pty Ltd (2007) 17 VR 492: (with Jim Kennan SC) dealing with in-court observations by a Judge during a hearing and procedural fairness



COMMON LAW: Casey C.C. v Kohn [2006] VSCA 82: (with Dyson Hore-Lacy SC) considers contributory negligence and the correct method for assessing interest on damages following a jury verdict



TOWN PLANNING: Platinum King Investments Pty Ltd v Manningham CC (Red Dot) [2015] VCAT - with Nick Tweedie SC- Hearing on question of whether a Cultural



TOWN PLANNING: 631 Orrong Road Pty Ltd v Stonnington CC [2015] VCAT - with Chris Townshend QC - Major Project - Townhouse development Toorak - Massing - Visual Bulk -

Heritage Management Plan was required as part of application. Requirements of the Aboriginal Heritage Act and Aboriginal Heritage Regulations

Materials - Neighborhood Character - Overland flow path - Landscaping - Permit granted



TOWN PLANNING: ITN Architects v Yarra CC & Anor [2014] VCAT - appeared for permit applicant - cafe licensed venue in residential zone - outdoor area hours of operation - traffic evidence - acoustic evidence - permit granted with extended hours of operation



TOWN PLANNING: Telstra Corp v Cardinia SC [2014] VCAT 735 – appeared for applicant - Telecommunications facility – road zone – visual impact – permit granted



TOWN PLANNING: Betheone Pty Ltd v Monash CC [2013] VCAT 1851 – appeared for permit applicant – loss of industrial land – traffic – parking – recreation in industrial land – permit granted for recreation facility



TOWN PLANNING: The Hawksburn South Yarra Pty Ltd v Stonnington CC [2012] VCAT 990 (11 July 2012) with Chris Townshend SC amendment to existing planning permit - neighborhood activity centre



TOWN PLANNING: Nepean Conservation Group Inc & Ors v Mornington Peninsula SC [2010] VCAT 336: successfully arguing that Trustee Company had standing to bring an application to subdivide land. At a separate hearing a permit to subdivide was granted by the Tribunal



TOWN PLANNING: Airlie House Developments Pty Ltd v Port Phillip CC [2010] VCAT 78: (with Chris Townshend SC) obtaining amendment to a permit for a multi-storey residential/commercial building including illuminated signage



TOWN PLANNING: Country Endeavours Pty Ltd v West Gippsland Catchment Management Authority [2010] VCAT 566: successfully resisting application to commence proceeding out of time seeking to set aside a works permit



TOWN PLANNING: South Gippsland C54 (PSA) [2010] PPV 133 Planning Panel hearing concerning helicopter flight paths and landing areas near regional hospitals




TOWN PLANNING: Winky Pop Pty Ltd v Hobsons Bay City Council (2007) 19 VR 492: (with Adrian Finanzio) setting aside a resolution of a local council to adopt a planning scheme amendment as a consequence of a finding of apprehended bias by a councillor.

Memberships & Committees

[Victorian Bar](#)

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

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Liability limited by a scheme approved under Professional Standards legislation.