GREENS LIST
BARRISTERS

WILLIAM STARK

BAR ROLL: 1998 | ADMITTED: 1988

William practices in in the areas of property (especially mortgage-related property), retail leasing, contracts, corporations law and insolvency.

PHONE: +61 3 9225 7222

MOBILE: 0414 746 354

EMAIL: williamstark@vicbar.com.au

CHAMBERS: Greens List

EXPERTISE

Alternative Dispute Resolution │ **Appellate** │ **Banking & Finance** │ **Bankruptcy Law & Insolvency Law** │ **Commercial Law** │ **Corporations Law & Securities Law** │ **Criminal Law** │ **Equity & Trusts Law** │ **Family Law** │ **Inquests, Inquiries, Tribunals & Commissions** │ **Property Law** │ **Public Law & Administrative Law** │ **Wills & Estates Law**

PROFILE

Profile:

Interlocutory, trial and appellate advocacy, pleadings and opinion work in the Supreme, Federal and County Court in a broad range of commercial disputes in the areas of property (especially mortgage-related property), retail leasing, contracts, corporations law and insolvency.

Property disputes

I am currently involved in a number of ongoing disputes between developers about property developments in and around Melbourne, including in Cranbourne, Hampton Park and Preston.

I have acted in a number of complex Family Law property disputes, disputes over the ownership of farming land and disputes about the ownership of estate land.

Mediations

I am a nationally accredited mediator. I have been involved in hundreds of mediations representing parties.

I am a panel member/facilitator of the "Towards Healing" program. I am a panel member for the Small Business Commissioner as a mediator in retail tenancy disputes. I am a panel member for mediations in franchising disputes with the Office of the Franchising Mediation Adviser.

Tribunals

I also appear regularly before tribunals such as VCAT, Courts Martial and Chief of Defence Force Commissions of Inquiry.

Papers

I am a regular contributor to the Greens List Breakfast Briefings series, and I regularly give presentations on Property Law to both the Law Institute of Victoria and the Leo Cussen Centre for Law.

At www.greenslist.com.au there is a list of many of the papers that I have prepared and presented.

Blog

I write a blog about property law related matters – see: http://melbournepropertylaw.blogspot.com/

Social media

I can be found on Linked In at: <u>https://au.linkedin.com/in/williamstark</u>

Recent example of appearances in property case:

- *Bisognin and Hera Project P/L* [2016] VSC 75 - Supreme Court (Sloss J); [2015] VSC 647 – Supreme Court (Cameron J);

I appeared as junior counsel and co counsel in an ongoing dispute over the interpretation of a contract to sell part of a property to a developer. The dispute commenced as an application under section 49 of the *Property Law Act* 1958. Since then, it has been to the Court of Appeal [2016] VSCA 322, had a further trial in the Civil Division and an application for leave to appeal has been heard by the Court of Appeal again (the decision is still pending).

The developer unsuccessfully sought leave to appeal to the High Court from the original Court of Appeal decision.

Examples of appearances in mortgage cases:

- *Mason ats Mendonca* [2013] VSC 516 - Supreme Court (Macaulay J).

Appeared as counsel successfully opposing plaintiff tenant's application for interlocutory injunction to restrain mortgagee from taking possession of security property.

Mortgage dispute involving mortgagee taking possession of property from alleged residential tenant.

- *Mason ats Mendonca* [2013] VSC 280 – Court of Appeal of the Supreme Court (Priest and Santamaria JA).

Tenant was unhappy with the refusal of the injunction, and appealed (unsuccessfully) to the Court of Appeal

- *Mason ats Mendonca* [2013] HCATrans 235 (4 October 2013) – High Court (Hayne J).

Tenant was still unhappy with the refusal of the injunction, and appealed further (unsuccessfully) to the High Court

Example of appearances in caveat removal cases:

- *Alcor Nominees and Braham -* Supreme Court (Davies J).

Appeared as counsel for lender successfully seeking order for removal of caveat lodged by owner alleging that he had been fraudulently removed from title – mortgage in default and mortgagee wishing to sell

Example of appearances in retail tenancy cases:

- *Hook Line & Sinker Fish & Chips P/L ats Wong* – Supreme Court (Zammit As J) (SCI 2013 01620) -

Appeared as counsel successfully opposing application for leave to appeal to Supreme Court from VCAT.

Dispute involving whether landlord had settled dispute with tenant over key money involving a retail lease.

Example of appearances in alleged loan cases:

- *MOD Properties P/L and Jodack Investments P/L* – County Court (Ginnane J) – 26 April 2013

Appeared as counsel successfully defending claim by lender seeking to enforce alleged guarantee

Dispute involving whether company director's ex husband had authority to bind the company

Examples of appearances in ADF cases:

I am a Lieutenant in the Royal Australian Naval Reserve, and I act as a Legal Officer, appearing at Courts Martial for accused members of the Australian Defence Force.

I appear for potentially affected persons in Chief of Defence Force Commissions of Inquiry (which are

convened when a Defence Member is killed while on duty).

I appeared in the Private S CDF COI for 4 sitting weeks, as well as 4 weeks of preparation and follow up paperwork.

I am also available to undertake administrative inquiries into defence-related matters.

In my time as a solicitor, I worked with Hall & Wilcox and Mallesons Stephen Jaques for a total of ten years. For four years prior to coming to the Bar, I was an Associate with Hall & Wilcox.

Memberships & Committees

• [Victorian Bar](#)
• The Commercial Bar Association
• Military Bar Association

Other Experience

In my time as a solicitor, I worked with Hall & Wilcox and Mallesons Stephen Jaques for a total of ten years. For four years prior to coming to the Bar, I was an Associate with Hall & Wilcox.

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

📞 +61 3 9225 7222   ✉ clerkb@greenslist.com.au

Liability limited by a scheme approved under Professional Standards legislation.