

BENJAMIN GOODYEAR

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QUALIFICATIONS

Education	Bachelor of Civil Law, <i>University of Oxford</i> Bachelor of Laws and Legal Practice, <i>Flinders University</i> (University Medal & 9 subject prizes) Bachelor of Science majoring in Theoretical Physics, <i>University of Adelaide</i> Graduate Diploma in Applied Finance & Investment, <i>Securities Institute of Australia</i> Graduate Diploma in Property, <i>University of South Australia</i>
Admitted to practice	2012
Called to the Bar	2019

SELECTION OF RECENT CASES

All cases are unled unless otherwise stated

New South Wales Supreme Court & Court of Appeal

- *Khanal v FSU Property Pty Ltd* [2026] NSWCA 10 (Adamson and Free JJA) – application for leave to appeal summary judgment obtained against personal guarantor of a lease.
- *Dowling v Irvine* [2025] NSWSC 961 (Slattery J) – review of commission payable to executrix in respect of an estate in administration for over 33 years.
- *Bennett & anor v Willis & anor* (2025/00481084) – family provision application.
- *Bray v Transport for New South Wales & ors* (2024/00338021) – Greta Bus Crash class action (led by J Hutton SC).
- *Chatime Australia Pty Ltd & anor v Patel & anor* (2024/00421408) – claims for amounts owing under franchise agreement & loan agreement, met with cross-claim asserting misleading & deceptive conduct.
- *Daire v Haley (No 2)* [2024] NSWSC 161 (Peden J) – real property dispute about a purchase money resulting trust, the presumption of advancement, the nature of indefeasibility of title, and the defences of illegality & unclean hands.
- *Bradley v Irvine; Irvine v Irvine* [2024] NSWSC 727; [2024] NSWSC 727 (Pike J) – family provision applications by quasi-stepdaughters involving allegations of historic sexual abuse, & application by *de facto* partner of testator.
- *JMTM Trading Co Ltd & anor v Macsim Fastenings Pty Ltd & ors* (2024/00154883) – misleading & deceptive conduct and deceit alleged in respect of share purchase.
- *Li & ors v Ye & ors* [2024] NSWSC 1176 (Stevenson J) – shareholder oppression (led by M Elliott SC).
- *Koudsy v Trivett Automotive Retail Pty Ltd* (2024/00273616) – leasing dispute about end-of-term makegood obligations & allegations of misleading conduct during pre-leasing negotiations.
- *Armidale Residential Pty Ltd v Lawson & ors* (2024/00076865) – action to evict squatters.
- *Edwards v Bailey* (2024/00371769) – real property dispute involving allegations of a purchase money resulting trust and a claim for specific performance of a chose-in-action held on trust.
- *Bucknell v Bucknell* (2024/00474176) – family provision application.
- *Halkett v APG & Co Pty Ltd* [2023] NSWSC 1058; [2023] NSWSC 1215 (Rees J) – dispute about the contractual interpretation of a shareholder’s agreement (led by M Elliott SC).
- *Coastal Service Centres Pty Ltd v United Petroleum Pty Ltd* [2023] NSWSC 326 (Williams J) – joinder application.
- *Lee v Li* [2022] NSWSC 1336 (Peden J) – real property dispute involving common intention constructive trusts, resulting trusts, *Baumgartner* style trusts, estoppel, and the law concerning money held in joint bank accounts.
- *Coastal Service Centres Pty Limited v United Petroleum Pty Limited* [2020] NSWSC 1870 (Ward CJ in Eq) – advance ruling on evidence pursuant *Evidence Act 1995* (NSW) s 192A.
- *CPB Contractors Pty Ltd (formerly known as Leighton Contractors Pty Limited) v Mott MacDonald Australia Pty Limited & ors* (2019/00267188) – large scale construction dispute (led by P Braham SC, M Sheldon).
- *Ent. Services Australia Pty Ltd v Optus Systems Pty Ltd* (2018/00207579) – large scale software implementation dispute (led by J Potts SC & A Langshaw).

Federal Court

- *Blue Op Partner Pty Ltd & ors v Certain Underwriters at Lloyds subscribing to Certificate No. LP198678* (NSD2087/2025) – dispute about whether or not insurance policy covers particular event (led by A Horvath SC).
- *Fair Work Ombudsman v DTF World Square Pty Ltd (in liq) (No 3)* [2023] FCA 201; [2024] FCA 341 (Katzmann J) – breaches of *Fair Work Act 2009* (Cth) and *Restaurant Industry Award 2010* (led by V Brigden).
- *Business Travel Media Pty Ltd v M Media Group Pty Ltd* [2023] FCA 411; [2023] FCA 512; [2023] FCA 876 (Lee J) – allegations of breach of contract, misleading and deceptive conduct, and unconscionable conduct.
- *Tattykeel Pty Ltd as Trustee for the Gilmore Family Trust v Roks* (NSD1552/2023) – creditor’s petition.
- *Jetan Pty Ltd v Malvern Investments (VIC) Pty Ltd* (NSD368/2020) – winding up.
- *VoR Environmental Australia Pty Ltd v Taset Inc.* (NSD585/2017) – *Australian Consumer Law* claims (led by J Hewitt).

Land & Environment Court

- *Boensch v Valuer-General of New South Wales* [2026] NSWLEC 12 (Duggan J) – Appeal against decision of Commissioner determining Class 3 valuation objection.
- *Boensch v Valuer-General of New South Wales* [2025] NSWLEC 1458 (Peatman AC) – Class 3 valuation objection.
- *Perisher Blue Pty Limited as Trustee for the Snow Trust v Valuer General* [2023] NSWLEC 41 (Duggan J) – Class 3 valuation objection (led by R White).

District Court

- *Medi Pty Limited v Galati & anor* (2025/00340143) – action by landlord for unpaid rent & makegood damages.
- *Emmobi v Bell* (2023/00438841) – debt claim.
- *Maverick Constructions Pty Ltd v Hire A Hubby Franchise Operations Pty Ltd* (2021/00091940) – motion for security for costs against a corporate plaintiff.
- *Guo & Wang v MacMillan & Ors* (2019/383381) – allegations of misleading & deceptive conduct, negligence, and various other *ASIC Act 2001* (Cth) and *Corporations Act 2001* (Cth) claims.

Local Court

- *Emmobi Pty Ltd v Edmondson Rural Holdings Pty Ltd* (2021/00201576) – action for real estate agent’s commission.
- *Betta Homes and Construction Pty Ltd v Wang & Wang* (2020/00356499) – landlord and tenant dispute concerning landlord’s covenant to repair, and COVID-19 related rent relief regulations.
- *Adsto International Pty Limited v Zeus Resources Limited* (2019/00215179) – debt claim.
- *Cheng v Chan* (2019/00366808) – allegations of misleading or deceptive conduct, including by silence.
- *Cranston v Piagentini* (2019/00159482) – claim for the return of detained goods, with cross-claim for unpaid rent due under a sub-lease; compensation for storage of deserted goods; and conversion.
- *Herbert v Siemson & ors* (2019/00177435) – dispute between neighbours about interpretation of an instrument that created an easement pursuant to section 88B of *Conveyancing Act 1919* (NSW).

NCAT

- *Margaret Elizabeth Lawson v Armidale Residential Pty Ltd* (2025/00229129) – appeal against consent orders terminating periodic tenancy agreement under the *Residential Tenancies Act 2010* (NSW).
- *Gerard O’Kane v Capital Special Vehicles Pty Ltd* (MV20/45282) – motor vehicle application alleging breaches of the *Australian Consumer Law* and breach of warranty.
- *Pluteus (No 81) Pty Ltd v Emmobi Pty Ltd* (COM21/52196) – application under *Property and Stock Agents Act 2002* (NSW) for review of agent’s commission and fees.
- *Willow Bend Station Pty Ltd v Madoti Pty Ltd* [2021] NSWCATCD – dispute under *Dividing Fences Act 1991* (NSW).

FORMER LEGAL POSITIONS

2012 to 2013	Associate to the Honourable Justice Lander, <i>Federal Court of Australia</i>
2013 to 2015	Solicitor, <i>Henry Davis York</i>
2015 to 2018	Solicitor then Senior Associate, <i>King & Wood Mallesons</i>