

Dr CHRISTOS MANTZIARIS

BARRISTER



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PROFILE AND AREAS OF PRACTICE

Barrister since 2004

Admitted as a legal practitioner (solicitor) in 1996.

Christos advises and appears, primarily unled, in a wide range of private and public law litigation: *see Selected Decided Cases below*. His focus lies in:

- Trusts law
- Equity and commercial law
- Corporations and insolvency law
- Property and environmental law
- Administrative law and occupational licensing
- Estates law (domestic and international)
- Investigations and Inquiries
- Indigenous corporate governance and property rights

Christos acts for individual, institutional and corporate clients. He is valued by solicitors for his analytical skills, his commercial, common-sense approach to dispute resolution, and his ability to communicate effectively with clients and the Bench.

EDUCATION

BA (Hons), LLB, PhD (Law)

1998 – 2002	Doctor of Philosophy (Law) (Australian National University). Thesis entitled <i>Government Corporations and Shareholdings: The Public/Private Distinction in Judicial Reasoning</i>
1991 – 1995	Bachelor of Laws, (2 nd in graduating year) (University of New South Wales)
1988 – 1991	European University Institute (Florence) and the JW Goethe University (Frankfurt)
1984 – 1987	Bachelor of Arts (University Medal, 1 st class Honours) (University of Sydney)

OTHER LEGAL EXPERIENCE

2022	Part of the negotiation team for the State of New South Wales for the settlement of the first trust for 'native title compensation funds' in NSW under the Widjabul Wia-bal Goori naa Land Use Agreement ILUA (2023) , Schedule F.
2019, 2011	Appointed Reporter to the Minister for Sustainability, Environment, Water, Population and Communities under section 10 of the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (Cth), on applications involving Aboriginal heritage protection for Gulaga Mountain (Mt Dromedary), Mumbulla Mountain and Ravensworth Estate Homestead Complex and Surrounds.
2016	Appointed by the Department of Trade and Investment (NSW) to conduct an internal inquiry into tender processes involving Crown Land.

- 2003, 1995 **Solicitor, Blake Dawson Waldron (now Ashurst)** Dispute Resolution and Corporate Advisory on corporate and commercial law, superfund and public law matters.
- 1998–2002 **Adviser and legal consultant**
Part-time, during the ANU doctorate as a member of the ACT Bar. Advised in the areas of equity, corporations law, administrative law, land rights and native title. Clients included: National Native Title Tribunal, Corrs Chambers Westgarth, Aboriginal and Torres Strait Islander Commission (ATSIC), Registrar of Aboriginal Corporations, Central Land Council and Cape York Land Council.
- 1996–1997 **Lecturer, Faculty of Law, Australian National University**
Lectured and convened Corporations Law, Trusts, Equity and Commercial Law.
- 1994 **Associate to the Hon J Daryl Davies, Federal Court of Australia**
- 1991-93 **Legal Research Officer, Communications Law Centre, Sydney.** Legal research on print, broadcasting and telecommunications regulation.
- 1989–91 **Researcher, Prof J Habermas’ Legal Theory Group, JW Goethe University, Frankfurt**
- 1988 **Research Assistant to the Director, NSW Bureau of Crime Statistics and Research**

OTHER PROFESSIONAL QUALIFICATIONS

Trusts and Estates Practitioner (‘TEP’), certified by the Society of Trusts and Estates Practitioners (STEP) and STEP Advanced Certificate in Trust Disputes (2013)

Australian Bar Association Advanced Trial Advocacy Course Certificate (2014)

Australian Disputes Centre, Mediation – Certificate of Accreditation as Mediator (2019)

NSW Bar Association, Bar ADR — Certificate of Accreditation as Mediator (2023)

PUBLICATIONS AND PAPERS

Christos has published widely in professional journals, law reviews and with Federation Press in the areas of commercial law, public law and indigenous legal issues.

A list of his main publications can be viewed at www.sixstjameshall.com.au. A number of these publications have been cited by superior courts.

LANGUAGES

Christos accepts instructions comfortably in English, German, Greek, Italian and Spanish.

SELECTED DECIDED CASES

Trusts law

Northern NSW Helicopter Rescue Service Limited v Attorney General of New South Wales [2023] NSWSC 515 (Significant cy-près extension of the permissible operations of the Service).

Grain Technology Ltd & ors v Rosewood Pty Ltd & ors and associated proceedings, eg *Re Rosewood Research Pty Limited* (no 3) [2023] NSWSC 238 and associated proceedings since 2012 (Contested cy-près scheme for control of the Bread Research Institute's real estate and intellectual property assets).

Allen Ralph Robinson as Trustee for the Trust Fund of the Fairfax Fellowships at Balliol College v Attorney-General of New South Wales [2022] NSWSC 996 (Termination of trust and transfer of assets to trust in England).

Wright v Stephens [2018] NSWSC 548 (Beneficiaries' right to access documents of a discretionary private trust for persons of a locality).

Royal Botanic Gardens and Domain Trust v The Attorney General of New South Wales [2018] NSWSC 1666 (Administrative scheme for bequest).

Lever v Attorney General of New South Wales [2018] NSWSC 838 (Validity of gift to foreign charity, conflict of laws).

Ubiparipovic v v Vucicevic [2018] NSWSC 1583 (Settlement of a scheme for division of a religious group's assets)

The Trust Company (Australia) Limited As Trustee of the Kyle Williams Home Trust v Attorney-General of New South Wales (No 2) [2012] NSWSC 1505 (Cy-près administration of welfare institution).

Laycock v Registrar-General (NSW) [2012] NSWSC 248; (2012) 16 BPR 30,367; *Laycock v Registrar-General (NSW) (No 2)* [2012] NSWSC 249 (Disputed trusteeship of community asset).

Chartered Secretaries Australia Ltd v Attorney General of New South Wales [2011] NSWSC 1274 (succession of entities and historical change of functions).

Tantau v Macfarlane [2010] NSWSC 224 (Disclaimer of gift of EP Fox works to National Gallery Victoria).

Cunliffe and Ors v the Attorney General In and for the State of New South Wales [2009] NSWSC 1450 and *Elizabeth Anne Dodds & Ors v Attorney General (NSW)* (NSWSC, unreported, Windeyer J, 9 October 2007) (Alterations of trust over St Vincent's Hospital, Darlinghurst for property redevelopments).

Armidale Dumaresq Council v Attorney General [2007] NSWSC 557; *University of New England v Attorney General of New South Wales and Ors* [2009] NSWSC 1020 (scheme for the New England Regional Art Gallery and Museum).

Perpetual Trustee Company Limited v the Attorney General of NSW [2007] NSWSC 1339 (Charitable bequest to institution that had ceased to exist).

Re Elizabeth [2007] NSWSC 729 (Ambit of Supreme Court's *parens patriae* protective jurisdiction).

Corporate and commercial law

Murdoch v Mudgee Dolomite & Lime Pty Ltd (in liq) [2022] NSWCA 12 and associated prior litigation (Led by JC Kelly SC and HK Insall SC) (fiduciary obligations, scope of duty, account of profits, other equitable remedies).

Horn v GA & RG Horn Pty Ltd [2022] NSWSC 1519 (farm estoppel claim involving intergenerational corporate holdings.)

Ample Source International Ltd v Bonython Metals Group Pty Ltd (in liq) (No 8) [2018] FCA 1614 (judicial advice for conduct of litigation – rule in *Cherry v Boulton*).

Wentworth Metals Group Pty Ltd v Leigh and Owen [2013] FCA 349; (2013) 93 ACSR 626 (Sale of interest in mining exploration licence, led by IM Jackman SC).

Australian Institute of Workplace Learning v Willowgrove (NSWDC, 2 August 2012, Curtis J, no 2009/334325) (Complex accounting dispute over sale of teaching college business).

Sandalciyan v International Development & Construction Pty Ltd Share [2010] FCA 1145; (2010) 80 ACSR 31 (Contested liquidation application to a property development company).

Seven Network News Ltd v News Ltd [2007] FCA 1062 and interlocutory applications thereto ('The C7 litigation' – Complex pay TV competition dispute. (Appearing for News Ltd, led by NC Hutley SC & PR Whitford SC).

The James Hardie Inquiry — *Special Commission of Inquiry into the Medical Research and Compensation Foundation* (DF Jackson QC, 2005) (Appearing for James Hardie, led by AJ Meagher SC).

Bateman v Newhaven Park Stud Ltd [2004] NSWSC 392; (2004) 49 ACSR 454 (Defending company in an oppression suit relating to a share buy-back scheme, led by RJ Weber SC).

Rothschild & Sons (Australia) Ltd v St Paul International Insurance Co Ltd [2004] NSWSC 359; (2004) 13 ANZ Ins Cas 61-602 (Appearing for Rothschild for declaration of insurance cover, led by PJ Brereton).

Public law

Operation Fiera, counsel assisting the Law Enforcement Conduct Commission (2019) (Hearing and confidential report into allegations of improper conduct by a senior NSWPF officer in a promotions process; examinations).

Joseph v NSW Commissioner of Police [2017] NSWCA 31 (firearm dealer's licence application).

Jenkins v Director of Public Prosecutions (NSW) [2013] NSWCA 406 (prerogative relief application arising from a jury irregularity, led by N Adams SC).

Commissioner of Police (NSW) v Roy [2013] NSWADTAP 6 (disclosure of speed camera policy under FOI legislation).

Doyle v Hall Chadwick [2012] NSWCA 175 (Defending costs assessors in multiple appeals and judicial review proceedings).

Lim v State Parole Authority of New South Wales [2010] NSWSC 93; (2010) 76 NSWLR 452 (Judicial review of parole decision of person convicted of Dr Victor Chang's murder, led by L Babb SC).

Majzoub v Kepreotis [2009] NSWSC 314 (Defending a search warrant in the first case under new NSW police powers legislation, led by L Babb SC).

SZLPO v Minister for Immigration and Citizenship (no 2) [2009] FCAFC 51; (2009) 177 FCR 1; [2009] FCAFC 60; (2009) 255 ALR 435 (Challenge to departmental use of embassy sourced information).

SZAJB v Minister for Immigration and Citizenship [2008] FCAFC 75; (2008) 168 FCR 410 (Constitutional challenge to limitation periods for commencement of proceedings in lower federal courts).

Tervonen v Minister for Home Affairs (No 2) [2008] FCA 872 (Challenge to an extradition notice).

Guiseppe v Registrar of Aboriginal Corporations [2007] FCAFC 91; (2007) 160 FCR 465 (Challenge to dismissal of Mutitjulu Aboriginal Corporation board at minister's behest, led by N Perram SC).

Powercoal Pty Ltd v Industrial Relations Commission of New South Wales (2005) 64 NSWLR 406; [2005] NSWCA 345 (Appearing for the Attorney General (NSW), intervening on issues relating to judicial power, led by MJ Leeming).

Environmental law and Aboriginal land rights

Roads & Maritime Services v Rockdale City Council & Ors [2015] NSWSC 1844 (Enforcement of trust obligation to make land available at no cost for construction of WestConnex freeway).

Rothwell Boys Pty Ltd v Coffs Harbour Council [2012] NSWLEC 1152 (Riparian protection legislation in environmental assessments).

Deerubbin Local Aboriginal Land Council v Minister Administering the Crown Lands Act ('O'Haras Creek Claim') [2012] NSWLEC 68 (NSW land rights. Whether land required for public recreation, nature conservation, urban fringe park and open space).

Darkinjung Local Aboriginal Land Council and the Minister Administering the Crown Lands Act (no 30293 of 2010, NSWLEC, 9 Nov 2012, Moore AJ & Cmr McAvoy) (Conditional grant of land claim involving a novel public positive covenant for carbon and bio-credit farming).

Minister Administering the Crown Lands Act v Illawarra Local Aboriginal Land Council [2009] NSWCA 289; (2009) 168 LGERA 71; [2011] NSWCA 127; (2011) 182 LGERA 133 (Whether land required for national park, coal mining. Four separate cases, argued alone or led by CE Adamson SC and JK Kirk SC).

NSW Aboriginal Land Council v Minister Administering the Crown Lands Act [2007] NSWLEC 481 ('*Evans Head claim*'). (Whether land required for national park, led by MJ Leeming).

Succession and occupational licensing

Christos has appeared in a range of NSWSC succession cases and NCAT/NCATAP occupational licensing cases.