



Robert Size

ADMISSIONS

2021	Called to the New South Wales Bar
2016	Admitted as a Lawyer Supreme Court of New South Wales

EDUCATION

2018-present	University of Technology Sydney Doctor of Philosophy
2013-2015	University of Technology Sydney Bachelor of Laws (First Class Honours)
2009-2012	University of New South Wales Bachelor of Arts (Distinction)

SELECTED MATTERS

Commercial

- *Arora v Dwyer* (NSWLC, settled), breach of deed, application to set aside default judgment, instructed by Cornwalls.
- *Big Mike Construction Pty Ltd v ML Global Pty Ltd* (NTLC, settled), breach of contract, identity of contracting parties, agency, instructed by Bryson Kelly.
- *Braumann v McDonald* (NTSC, settled), application for declaration to enforce alleged express trust, instructed by Bryson Kelly.
- *Casaceli v Westpac* (NSWSW, ongoing), breach of mortgagee duty of good faith, led by John Anderson, instructed by Tom Howard Legal.



- *General & Commercial Financial Services Pty Ltd v Outsource Financial Pty Ltd* (NSWSC, settled), dispute between joint venturers, breach of contract, specific performance, led by D Cook SC, instructed by Hall & Wilcox.
- *Gooley v PricewaterhouseCoopers* (NSWSC, ongoing), alleged breach of fiduciary duty relating to dealings with ATO by legal representatives and financial managers, led by G Ng SC, instructed by Hall & Wilcox.
- *Hardy v Coates Hire Operations Pty Ltd* [2022] NSWCA 122, enforcement of guarantee, Contracts Review Act, led by A d'Arville.
- *Hymix Australia Pty Limited v ADC Development Pty Ltd* (NSWLC, settled), action for debt, instructed by Patane Lawyers.
- *Kilrush Farming Co Pty Ltd v S&M AG Pty Ltd* (NSWDC, ongoing), breach of contract, breach of s 18 of Sale of Goods Act, supply of pesticide, instructed by Hall & Wilcox.
- *Mohamad v El-Cheikh* (NSWSC, ongoing), breach of contract, misleading or deceptive conduct, led by Miles Condon SC, instructed by Cornwalls.
- *Owners of Strata Plan No 93392 v Chubb Insurance Australia Limited* (NSWDC, ongoing), claim for breach of insurance policy, interpretation of intended injury exclusion clause, instructed by Mills Oakley.
- *Pauli v Ageless Mens Health NT* (FedFamCA, ongoing), breach of fiduciary duty by manager of medical practice, equitable compensation, instructed by Bryson Kelly.
- *RGRJ Law Pty Ltd v M Berenger Nominees Pty Ltd* (NSWDC, ongoing), breach of indemnity under share sale agreement, instructed by Cornwalls.
- *Russell v Desi Nominees Pty Ltd* [2023] FCA 1249, opposition to application for injunction to restrain sale of shares by mortgagee in possession, alleged breach of duty of good faith and unconscionable conduct, instructed by HWL Ebsworth
- *Rusty Rox Pty Ltd v Ageless Mens Health NT Pty Ltd* (NTLC, ongoing), claim for delivery up of property left on former premises, cross-claim for unpaid rent, instructed by Bryson Kelly.
- *Tram v Innerwest Property Partners Pty Ltd* [2024] NSWDC 155, breach of deed, dishonoured cheque, illegality, instructed by David Leamey.



- *Uber.biz Pty Ltd v Knight Frank Australia Pty Ltd* (NSWDC, settled), action for debt, instructed by Hall & Wilcox.
- *Willis v Next Level Escape Pty Ltd* (NSWDC, settled), breach of contract to construct mystical forest-themed escape room, instructed by Hall & Wilcox.
- *ZACD Group Ltd v iProsperity Pty Ltd (in liq)* (FCA, ongoing), negligent misstatement, misleading or deceptive conduct, breach of trust, knowing receipt, led by DL Williams SC and N Riordan, instructed by Thomson Geer.
- *Zoobury Pty Ltd v Cariste Pty Ltd* [2022] NSWSC 18, contract, misleading and deceptive conduct, led by DL Williams SC, instructed by Cornwalls.
- Appearing before valuer to make submissions as to the nature and value of interest in a mortgage-aggregation business, instructed by Hall & Wilcox.
- Advising as to effect of licence agreement operating alongside contracts for sale of land and business, instructed by AgriLegal.
- Advising incubator as to effect of amendments to the unfair contracting provisions introduced by the *Treasury Laws Amendment (More Competition, Better Prices) Act 2022* (Cth), instructed by querylaw.
- Advising insurer as to prospects of recovering overpayments made to health service provider via electronic claiming system, led by M Walsh SC.
- Advising owners corporation as to apportionment of insurance premiums on policies held jointly with other buildings, instructed by John Churchill.
- Advising customer as to liability of bank for losses suffered by customer due to cryptocurrency scam, instructed by Hunt & Hunt.
- Advising insurer as to prospects of recovering overpayments made to health service provider under Services Agreement, direct access.

Corporations and insolvency

- *Motasea Pty Ltd v Gooley* (NSWSC, ongoing), breach of directors' duties, application for relief under Corporations Act ss 1317S and 1318, equitable contribution, led by G Ng SC, instructed by Hall & Wilcox.



- *Re Davis Investment Group Holdings Pty Ltd (in Liq) (No 2)* [2022] FCA 1200, appeal against rejection of proof of debt by liquidator, breach of contract for sale, diminution in value of property, instructed by Pure Legal.
- *Re Bedrock Quarry Pty Ltd (in Liq)* (FCA, settled), de facto director, insolvent trading, application for relief under Corporations Act ss 1317S and 1318, led by B Le Plastrier, instructed by Hall & Wilcox.
- *Re Champion Homes Sales Pty Ltd* (NSWSC, ongoing), claim for repayment of alleged loans, breach of contract, quantum meruit, breach of directors' duties, shareholder oppression, instructed by Hall & Wilcox.
- *Re Habibi Waverton Pty Ltd* (2021) 154 ACSR 701; [2021] NSWSC 1443, objection to transfer of share by administrator under s 444GA of the Corporations Act, instructed by Pure Legal.
- *Re Mucho As Pty Ltd (in Liq)* (NSWSC, settled), shareholder oppression, claim for relief against non-shareholder, instructed by TheunissenTrollip.
- *Re P Saad Property Group Pty Ltd (in liq)* (NSWSC, settled), breach of directors duties, unreasonable director-related transactions, uncommercial transactions, instructed by Equium Lawyers.
- *Re Parthia Property Group Pty Ltd* (NSWSC, settled), derivative action, breach of directors' duties, rectification of share register, just and equitable winding up, instructed by D Leamey.
- *Re Patent Development Pty Ltd* (NSWSC, settled), shareholder oppression, led by J Brown, instructed by Turnbull Hill.
- Advising on prospects of derivative action, compulsory sale of shares, and just and equitable winding up of company, led by R Yezerksi, instructed by Pigott Stinson.
- Advising as to date of resignation of director and liability under director penalty notice, instructed by Legal Vision.
- Advising as to alleged breaches of directors duties, prospect of recovering shareholder loans and shareholder oppression, instructed by Bryson Kelly.



Construction

- *Dent v Owners of Strata Plan No 69595* (NCAT, unreported, 7 June 2022) waterproofing, obligation to repair and maintain, reimbursement for work done on common property, instructed by J Stephens & Associates.
- *Di Lullo v JG King Pty Ltd* (NSWDC, ongoing), residential building contract, edge heave of concrete slab, instructed by Champions Lawyers.
- *Ellair Solutions Pty Ltd v Taylor Construction Group Pty Ltd* (NSWSC, ongoing), repudiation of construction contract, recoverability of expected profits, instructed by David Leamey.
- *Elman v Owners SP 11629* (NSWLC, settled), nuisance arising from failure to maintain and repair common property structural beams, instructed by Hall & Wilcox.
- *Ghag v Prestige Homez Pty Ltd* (NCAT, settled), residential building contract, delay damages, defective works, instructed by Mills Oakley.
- *Impero Pacific Group Pty Ltd v ITF Cabinetmaking & Joinery Pty Ltd* (NSWSC, ongoing), breach of contract, misleading or deceptive conduct, led by W Marshall, instructed by Gilbert + Tobin.
- *Landsman v Owners of Strata Plan No 11349* (NCAT, unreported, 17 April 2025), obligation to repair and maintain, inadequate waterproofing, instructed by Mills Oakley.
- *Owners of Strata Plan No 92450 v JKN Para 1 Pty Ltd & Toplace Pty Ltd* [2022] NSWSC 958, combustible cladding, remediation of building defects under Home Building Act, led by J Steele SC, instructed by Eakin McCaffery Cox.
- *Owners of Strata Plan No 92450 v JKN Para 1 Pty Ltd & Toplace Pty Ltd* [2023] NSWCA 114, failure to comply with BCA, evidential burden re reasonableness of rectification, led by J Steele SC, instructed by Eakin McCaffery Cox.
- *Probuild Constructions (Aust) Pty Ltd v S&T Services Pty Ltd* (NSWSC, settled), breach of contract, negligence and misleading and deceptive conduct, collapse of crane, led by D Weinberger, instructed by McCabe Curwood.
- *Rawson Homes Pty Ltd v Capital Estate Developments Pty Ltd* (NSWDC, settled), fire in solar power system, instructed by HWL Ebsworth.



- Advising builder on prospects of recovering damages following repudiation of contract, led by John Anderson, instructed by Christopher Freeman & Co.

Professional negligence

- *Forrester Management Pty Ltd v AMI Tax Advisory Pty Ltd* (NSWDC, ongoing), accounting advice, instructed by HWL Ebsworth.
- *Kennedy v Dillon* (NSWLC, settled), accounting services, instructed by RMB Lawyers.
- *Wu v Wu & Perkins* [2022] ACTSC 360, legal services, led by M Walsh SC, instructed by Moray & Agnew.

Property

- *Heinecke v Le Maitre* (NSWSC, settled), proprietary estoppel, breach of trust, led by G Sirtes SC and T Catanzariti, instructed by Baker, Deane & Nutt.
- *Hosseini-Nasab v Palagummi* (NSWSC, settled), breach of contract for sale of property, claim for deposit and damages, negligent misstatement re ability to complete, led by J Lazarus SC, instructed by Storey & Gough.
- *Karimbla Properties No 22 Pty Ltd v Planning Ministerial Corporation* (NSWSC, settled), construction of new Powerhouse Museum, interference with easement instructed by Meriton Property Services Pty Ltd, led by G Sirtes SC and B Le Plastrier.
- *Miraki v El-Cheikh* (NSWSC, settled), alleged lodgment and failure to remove caveat without reasonable cause, instructed by Cornwalls.
- *Siganto v Siganto* (NTSC, settled), joint endeavour constructive trust, breach of contract, instructed by Bryson Kelly.
- *Theunissen v Barter* [2025] NSWCA 50, interpretation of easement granting recreation rights, led by J Lazarus SC, instructed by Speiser Lawyers.
- *Tringas v Liberty Investments Pty Ltd* (NSWSC, ongoing), proprietary estoppel, constructive trust, instructed by David Leamey.
- *Wilson v Allen* (ACTSC, ongoing), alleged lodgment of caveat without reasonable cause, instructed by HWL Ebsworth.



- Advising vendor as to prospects of obtaining order for specific performance of contract for sale of commercial property, instructed by Bryson Kelly.

Constitutional Law

- *Casey v DePuy International Ltd* [2023] FCA 254, class action, appeal from decision of independent counsel, jurisdiction of Federal Court, error of law, led by M Walsh SC, instructed by Norton Rose Fulbright.
- *Burton v DPP (NSW)* (2022) 110 NSWLR 145; [2022] NSWCA 242, implied freedom of political communication, validity of s 105 of the Care and Protection Act, led by M Seymour, *amicus curiae* brief.
- *Leggett v Hawkesbury Race Club Limited* (2022) 293 FCR 608; [2022] FCA 622, inconsistency between Fair Work Act and NSW Workers Compensation Act, led by M Best, instructed by Gilbert's Legal.
- Advising as to potential inconsistency between offences under *Drug Misuse and Trafficking Act 1985* (NSW) and Commonwealth Criminal Code, instructed by ANB Lawyers.

Criminal Law

- *Lusty (Examiner) v ITT124* [2025] FCA 141, contempt of Australian Criminal Intelligence Commission, plea in mitigation, instructed by Bryson Kelly.
- *R v E3Sixty Ltd* (NSWLC, 17 January 2023, unreported), failure to file financial statements, plea in mitigation, instructed by Hall & Wilcox.
- *R v Pridgeon & Ors* (QDC, 8 February 2024, discontinued), conspiracy to defeat justice, trial by jury, direct-access.
- *R v Rolfe* (NTSC, acquittal), murder, trial by jury, led by P Strickland SC, S Callan SC and J Poole.
- *R v Sotiriadis* (NSWDC, 18 April 2023, unreported), import commercial quantity of prohibited precursor, committal, plea in mitigation, led by P Strickland SC, instructed by Stephen Andrianakis & Associates.



Miscellaneous

- *Accord Pacific Properties Pty Ltd v Matthai* (NCAT, 17 August 2022, unreported), validity of election of strata committee, appointment of independent strata managing agent, led by J Lazarus SC, instructed by Eakin McCaffery Cox.
- *Bolinger v Bell* [2022] NSWSC 1495, cross-vested property settlement proceedings, validity of will and codicil, family provision, led by R Wilson SC and J Brown, instructed by Ryan Walker Legal.
- *Chester v Cowin* [2024] NSWSC 1554; *Chester v Cowin (No 2)* [2025] NSWSC 74, family provision, costs, instructed by Bryson Kelly.
- *Corban v New South Wales Police Force* (NSWDC, ongoing), false imprisonment, assault and battery, instructed by McCabes.
- *Feng v Catsanos* [2024] NSWLEC 1712, application under *Trees (Disputes Between Neighbours) Act 2006* (NSW), instructed by Speiser Lawyers.
- *Gooley v Gooley* [2023] NSWSC 1117, opposition to application for gross sum costs order, instructed by D Leamey.
- *Ghag v Prestige Homez Pty Ltd* [2025] NSWCATAP 93, appeal from costs order, principles applicable where no hearing on the merits, reasonableness of rejection of offer, instructed by Mills Oakley.
- *Hall v Hall* (NSWSC, ongoing), application for removal of trustee, led by J Brown, instructed by Turnbull Hill.
- *Hall v Hall* [2023] NSWSC 1230, review of registrar's decision ordering production of solicitor's file, privilege, led by J Brown, instructed by Turnbull Hill.
- *Owners of Strata Plan No 11629 v Elman* (NSWLC, unreported, 15 October 2024), claim for recovery of unpaid levies, instructed by Hall & Wilcox.
- *Pascoe v Voukidis* [2025] NSWSC 398, application to transfer proceedings to Federal Circuit and Family Court of Australia, exclusive jurisdiction in bankruptcy, instructed by Hall & Wilcox.
- *Re Davis Investment Group Holdings Pty Ltd (in Liq)* [2022] FCA 85, opposition to application for release from implied undertaking, instructed by Pure Legal.



- *Re Davis Investment Group Holdings Pty Ltd (in Liq) (No 3)* [2022] FCA 1297, application for indemnity costs where liquidator successfully defended proof of debt, instructed by Pure Legal.
- *Wilson v Allen* [2023] ACTSC 257, opposition to application to amend statement of claim, instructed by HWL Ebsworth.
- *Wilson v Allen (No 2)* [2024] ACTSC 13, application for permanent stay, abuse of process, instructed by HWL Ebsworth.

OTHER EXPERIENCE

2019-2022	Seminar and Tutorial Leader Constitutional Law, Criminal Law, Evidence University of Technology Sydney
2015-2022	Reporter (Jul 2015-Apr 2020) Senior Reporter (Apr 2020-Nov 2022) FCR, FLR, ARLR, AAR Thomson Reuters
2017-2020	Research Assistant Research and editorial assistance for <i>Heydon on Contract</i> (2019), <i>Cross on Evidence</i> (12th ed, 2019), <i>Restraint of Trade Doctrine</i> (4th ed, 2018), <i>Cases and Materials on Equity and Trusts</i> (9th ed, 2018), <i>Trade Practices Law</i> (online and loose-leaf) Eight Selborne Chambers
2017-2018	Tipstaff to the Honourable Justice Stephen Robb Supreme Court of New South Wales
2016	Law Graduate Commercial Dispute Resolution, Insurance, Banking & Finance Hall & Wilcox Lawyers
2015-2016	Intern & Project Officer Australasian Legal Information Institute
2015	Intern Native Title Inquiry, Freedoms Inquiry



Australian Law Reform Commission

AWARDS/SCHOLARSHIPS

2018-2021	Centre for Media Transition Doctoral Scholarship University of Technology Sydney
2016	Joint Winner, Annual Essay Prize Australian Academy of Law
2015	Winner, Sir Anthony Mason Constitutional Law Essay Prize New South Wales Young Lawyers
2015	Runner up, Governor General's Essay Competition Constitution Education Fund of Australia

PUBLICATIONS

R v Bashir? The Case for Charging Martin Bashir with Fraud
[2021] *Criminal Law Review* 779.

Publishing Fake News for Profit Should be Prosecuted as Wire Fraud
(2020) 60 *Santa Clara Law Review* 29.

Can Parliament Deprive the High Court of Jurisdiction with Respect to Matters Arising
Under the Constitution or Involving its Interpretation?
(2020) 41 *Adelaide Law Review* 87.

Taking Advantage of Advances in Technology to Enhance the Rule of Law
(2017) 91 *Australian Law Journal* 575.