

Joshua Knackstredt

Solicitor 2005

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Joshua Knackstredt is a leading commercial junior. Called to the Bar in 2007 following the award of first place in the Bar examinations, Joshua specialises in matters involving commercial & equity, corporations, real property (including strata), construction, insolvency/ bankruptcy and family law. He has appeared both led and unled in the NSW Supreme Court, NSW Court of Appeal, Full Federal Court, Federal Court, Federal Circuit and Family Court as well as in other courts both in NSW and interstate, and in various statutory tribunals.

Before being called to the Bar, Joshua spent time as a Tipstaff to the Hon. Justice R P Austin in the Supreme Court of NSW and was employed as a solicitor in the taxation and commercial litigation teams at Clayton Utz. He has also lectured on a part-time basis at Macquarie University and was President of NSW Young Lawyers in 2008.

Joshua has a keen interest in the business and financial world, and has had a number of business interests outside of the law, including part-ownership and a directorship in a Sydney-based technology company and a funds management company. He is also a Member of the Australian Institute of Company Directors. These external projects have been of significant value to his legal practice, as they have given him hands-on knowledge and experience of the practical reality of commercial life.

QUALIFICATIONS

- Bachelor of Arts/Bachelor of Laws (Macquarie) 2004, First Class Honours
- Master of Laws (Sydney) 2012

Specialisations

- Commercial law and equity
- Property law (including strata)
- Construction law
- Corporations law
- Insolvency and bankruptcy law
- Family law
- Wills and estates

Huang and Zhou v 18 Woodville Holding Pty Ltd & Ors; Tao & Tao v 18 Woodville Holding Pty Ltd & Ors [2023] NSWCA 15. Appeal from 18 Woodville Holding Pty Ltd v Hua Cheng International Holdings Group Pty Ltd [2022] NSWSC 947 (in which Joshua also appeared). The proceedings below involved a dispute about indefeasibility and priorities, in the context of a claim for possession of certain units in a real estate development, where the developer had been placed into external administration. My client (the Respondent) was the assignee of the secured debt and mortgage. The Appellants were alleged equitable interest holders who had acquired their interests under contracts for sale, and who were in pre-settlement possession of the units. The appeal related to the proper construction of the exception to indefeasibility in s 42(1)(d) of the Real Property Act 1900 (NSW) and general law notions of tenancies and priorities.

In the matter of Meglo-Yowrie Flat Units Pty Ltd [2023] NSWSC 1634. These were proceedings seeking relief under s 1071F of the Corporations Act for registration of a share transfer, as well as relief for oppression and winding up on the just and equitable ground. The dispute arose in the context of a closely-held and small company title unit block in Manly, NSW.

Clee Capital Pty Ltd v IOUPay Limited [2023] FCA 312. This high-profile matter involving ASX-listed Malaysian-based fintech IOUPay (which at one point had a market capitalisation of \$130 million) received both domestic and international media attention. It related to oppression proceedings, commenced in urgency, in the context of a multi-million-dollar fraud perpetrated by IOUPay's former CFO. Joshua successfully represented IOUPay (against a Silk) before the Federal Court in defending an application for a restraint preventing it from raising capital or incurring any major liabilities. The outcome of the matter was critical to the future operations of IOUPay, which required an infusion of capital to continue as a going concern.

Wieck v Wayoutback Desert Safaris Pty Ltd [2023] NSWSC 134. Proceedings involving a claim for breach of contract, breach of statutory consumer guarantees and statutory unconscionability under the Australian Consumer Law, arising out of the provision of travel services to the Plaintiff, a German national on holiday in Australia. During the holiday, the Plaintiff suffered catastrophic personal injuries in an accident. The case involved multiple complex issues, including as to statutory construction, choice of law and jurisdictional issues. This was an application for leave to join the insurer of the Defendants to the proceedings pursuant to s 5(1) of the Civil Liability (Third Party Claims Against Insurers) Act 2017 (NSW).

Gilmore Finance Pty Ltd v Aesthete Pty Ltd & Ors [2022] NSWCA 279. The proceedings involved complex claims of misleading or deceptive conduct, breach of contract and breach of trust in respect of unit trusts set up for investors in two property developments in Western Sydney. The appeal related to a subset of the breach of trust claims, an involved allegations of a failure to give adequate reasons, a failure to find a breach of trust and a failure to properly exercise the discretion to remove the trustee.

Paolucci v Makedyn Pty Ltd [2021] NSWCA 215. This was an appeal from a decision of Rein J ([2020] NSWSC 1871, in which Joshua also appeared) relating to the purchase of a development lot in Western Sydney. The case involved issues of natural justice, specific performance, contractual construction (and, at first instance, an application under s 66ZS of the Conveyancing Act).

Practice Area: Property Law

Gooley v Gooley [2021] NSWSC 56. This was a probate dispute about testamentary capacity arising from dementia and stroke in the context of a complex multi-million dollar (~\$30m) estate.

Practice Area: Commercial Law & Equity

Super Vision Resources Ltd v AC Holdings Co Pty Ltd [2020] NSWSC 65. This was an application to set aside alienation of property under section 37A of the Conveyancing Act, in the context of the liquidation and receivership of a property development company.

Practice Area: Insolvency & Bankruptcy Law

CIC Projects Pty Ltd v Eyre Kingston Pty Ltd [2020] NSWSC 1658. This was an urgent contractual construction suit brought in the Technology & Construction List relating to the timing of a multi-million dollar payment required by contractual arrangements governing a multi-use development located in Kingston in the Australian Capital Territory. The dispute also involved issues of derivative leave under the Corporations Act.

Practice Area: Commercial Law & Equity

Super Vision Resources Ltd v AC Holdings Co Pty Ltd & Ors [2020] NSWCA 319. This was an appeal from a decision of Stevenson J ([2020] NSWSC 65), involving an application for relief under s 37A of the Conveyancing Act. An application by the unsuccessful Respondents for special leave to appeal to the High Court was refused ([2021] HCASL 126).

Practice Area: Commercial Law & Equity

Rodny v Stricke [2020] NSWSC 800; [2020] NSWSC 1126. These were applications for leave to appeal from decisions of the NSW Civil and Administrative Tribunal in the context of a strata dispute relating to the owners corporation's duty to repair and maintain common property.

Practice Area: Building & Construction

Super Vision Resources Ltd v Xu [2020] FCCA 758. This bankruptcy application concerned a multi-million dollar unpaid construction loan.

Practice Area: Insolvency & Bankruptcy Law

Hua Cheng International Holdings Group Pty Ltd v Xu [2020] NSWSC 922. These proceedings involved claims for possession of apartment units in a development at Hurstville, as well as a claim for mesne profits.

Practice Area: Property Law

GR Capital Group Pty Ltd v Yan [2020] NSWSC 911. This was an application for the withdrawal of caveats under s 74MA of the Real Property Act.

Practice Area: Property Law

Ta Lee Investment Pty Ltd v Antonios [2019] NSWCA 24. This appeal concerned a claim for specific performance of a sale of land contract. It raised issues of indefeasibility, the nature of a 'right to caveat', adverse inferences and valid methods of payment.

Practice Area: Property Law

Super Vision Resources Ltd v Xu [2019] NSWSC 389. These proceedings concerned the enforcement of a guarantee, where the defendant's positive defences alleged misleading conduct and unconscionability.

Practice Area: Commercial Law & Equity

Fisher-Pollard v Fisher-Pollard [2018] NSWSC 500. These proceedings concerned unconscionable conduct and undue influence in the context of a real estate transaction. The case also involved issues of capacity.

Practice Area: Commercial Law & Equity

In the matter of BCD Resources NL (Subject to Deed of Company Arrangement) [2018] NSWSC 1605. These proceedings involved a section 444GA Corporations Act application for the compulsory transfer of shares by a deed administrator.

Practice Area: Insolvency & Bankruptcy Law

Singh v De Castro [2017] NSWCA 241. This was an appeal from a NSW District Court decision upholding a loan guarantee. It involved alleged legal and factual errors, including questions of capacity and onus.

Practice Area: Commercial Law & Equity

Healthcare Australia v Randstad [2016] NSWSC 1407. In these proceedings, the plaintiff attempted to restrain the defendant from providing recruitment services, alleging it breached a restraint arising out of a sale of business agreement. The case involved questions of contractual construction.

Practice Area: Commercial Law & Equity

In the matter of Denham Constructions Pty Ltd [2016] NSWSC 1425. This was an application for the adjournment of a winding up application in the context of administration and proposed DOCA.

Practice Area: Insolvency & Bankruptcy Law

The Owners of Strata Plan 75633 v Axiom Property Consulting Pty Limited [2011] NSWSC 1542. This case involved allegations of breach of contract, negligence, detinue and conversion against a former strata manager.

Practice Area: Property Law

Meriton Apartments Pty Ltd v Owners - SP 72381 (No. 2) [2016] NSWSC 819; [2015] NSWSC 202. These proceedings concerned a dispute between an owners corporation and a developer/caretaker. They involved contractual termination and breach of fiduciary duty issues.

Practice Area: Property Law

Lum v M V Developments (Lane Cove) Pty Limited (in liq) [2016] NSWSC 1248. This was an application for specific performance and to extend a caveat where a developer was placed in liquidation.

Practice Area: Property Law

Owners - SP 72381 v Meriton Apartments Pty Ltd [2015] NSWSC 442. These proceedings concerned whether to adopt a referee's report on building defects in a major development at World Square. Joshua also appeared in the reference and in other associated proceedings in the Supreme Court.

Practice Area: Building & Construction

Allsvelte Pty Ltd v Cassegrain Wines Pty Limited [2015] NSWSC 1370. This case involved a

claim for relief against forfeiture of a lease.

Practice Area: Property Law

Aravanis (Trustee), in the matter of Gillespie (Bankrupt) v Gillespie [2014] FCA 630. This was an application by a bankruptcy trustee for access to sale proceeds of a property formerly owned by a bankrupt. The property was subject to a constructive trust.

Practice Area: Insolvency & Bankruptcy Law

Burabs Holdings Pty Ltd v Alexander Dennis (Australia) Pty Ltd [2013] NSWSC 1182. These proceedings involved a commercial dispute arising out of a large bus manufacturer's share sale agreement.

Practice Area: Commercial Law & Equity

Granger v Murdoch Books Pty Ltd [2012] FCA 909. This decision concerned the appropriate orders to be made out of settlement of proceedings for infringement of copyright, misleading or deceptive conduct and infringement of moral rights.

Practice Area: Commercial Law & Equity

BOS International (Australia) Ltd v Babcock & Brown International Pty Ltd [2011] NSWSC 1382. These proceedings concerned breach of contract and the contractual interpretation of a facility agreement involving a \$3 billion loan.

Practice Area: Commercial Law & Equity