

MATTHEW MCGIRR

BARRISTER

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ADMISSIONS

CALLED TO THE BAR IN 2021

ADMITTED IN 2015

EDUCATION

JURIS DOCTOR (HONOURS)

UNIVERSITY OF NEW SOUTH
WALES

2010 – 2013

Dean's List Prize 2012 & 2013

1st in Restitution

1st in Remedies

1st in American Public Law

BACHELOR OF ARTS (HONOURS)

UNIVERSITY OF SYDNEY

2006 – 2010

Major in history

SUMMARY

Matt McGirr is a highly regarded, busy and experienced commercial litigator. Since coming to the bar, Matt has acted both led and unled in over fifty trials, appeals, and applications.

Matt was called to the bar in 2021 and read with Darrell Barnett SC and Michael Heath.

Matt maintains a broad practice, but has particular interest in commercial, corporations, equity, insolvency, leasing / strata / real property, and trade practices law.

Matt also acts in family law disputes (property and parenting) and has acted in several hearings unled in this jurisdiction.

Prior to being called to the bar, Matt was a senior solicitor at the Australian Prudential Regulation Authority (APRA), Herbert Smith Freehills and Gilbert + Tobin.

PRACTICE AREAS

- Appellate
- Building & Construction
- Commercial
- Corporations
- Equity
- Family Law / Guardianship
- Insolvency
- Real Property, including leasing, land and environment
- Trusts
- Professional liability and negligence
- Common law / insurance

PRIOR PROFESSIONAL EXPERIENCE

SENIOR SOLICITOR

AUSTRALIAN PRUDENTIAL REGULATION AUTHORITY | 2020 - 2021

SOLICITOR

HERBERT SMITH FREEHILLS | 2019 - 2020

LAWYER AND POLICY ADVISER

AUSTRALIAN INSTITUTE OF COMPANY DIRECTORS | 2017 - 2019

LAWYER

GILBERT + TOBIN | 2013 - 2016

SELECTED MATTERS (AS COUNSEL)

Gemi 169 Pty Ltd & Anor v Suria Global (L) Pty Ltd & Ors (2025) – 3-week trial in the NSW Supreme Court (Peden J) concerning a mortgage fraud. Led by M Ashhurst SC. Judgment reserved.

DRE Capital Pty Ltd v Wixels Property Holdings Pty Ltd [2025] NSWSC 874 – application before Harrison AsJ for summary dismissal and security for costs. Led by A Cheshire SC.

North Rocks St Pty Ltd v City Garden Australia Pty Ltd [2025] NSWSC 686 – application before Williams J for security for costs. Led by H Somerville.

Perpetual Corporate Trust Limited v Adgemis [2025] NSWSC 520 (Rothman J) – application to stay writ of possession. Unled.

Nexus Access Pty Ltd v CH Pacific Resources Pty Ltd [2025] NSWDC 140 – 1 day application before Andronos SC DCJ for setting aside of default judgment. Unled.

Clough v Breen (No 7) [2025] NSWSC 344 – hearing on costs and interest before Slattery J. Unled.

Peter Krejci in his capacity as liquidator of AM NSW Pty Ltd; Peter Krejci in his capacity as liquidator of Richmond Lifts Pty Ltd (2024) – 1 day hearing before Moore J to set aside search orders. Led by M Ashhurst SC. Judgment reserved.

Breen v Clough [2025] NSWCA 144 – 1 day appeal before Leeming, Ball and Free JJA concerning an easement. Led by A Cheshire SC.

Touma v Highfields Australia Pty Ltd [2024] NSWCA 160 – 1 day appeal before White JA, Adamson JA, and Basten AJA. Led by H Somerville.

Data Transfer Services Pty Ltd v The Local Project Pty Ltd [2024] NSWDC 531 – 1 day trial before Andronos SC DCJ. Concerning construction of a contract. Unled.

Murphy v State of NSW [2024] NSWSC 601 – 1 day application before Campbell J.

Gemi Nominees Pty Ltd v Chamoun [2024] NSWSC 926 – 5 day trial before Faulkner J. Led by H Somerville. Concerning mortgage.

Toltz Pty Ltd v City Garden Australia Pty Ltd (in liq) (2-day appeal) [2024] NSWCA 70 2024 – hearing before Kirk, Stern JJA, Basten AJA. Led by H Somerville.

TM v KM [2024] NSWDC 271 – assessment hearing before Fitzsimmons SC DCJ. Unled.

AJ v KM [2024] NSWDC 272 – assessment hearing before Fitzsimmons SC DCJ. Unled.

Toltz Pty Ltd v City Garden Australia Pty Ltd (in liq) (2-day appeal) [2024] NSWCA 70 – hearing before Kirk, Stern JJA, Basten AJA. Led by H Somerville.

City Garden Australia Pty Ltd (subject to DOCA) as trustee for Ming Tian City Garden Unit Trust v Gemi 130 Pty Ltd [2024] NSWCA 139 – hearing before Meagher JA. Led by H Somerville.

Murphy v State of New South Wales [2024] NSWSC 601 – 1 day application before Campbell J. Unled.

Lucas v State of New South Wales [2024] NSWSC 600 – 1 day application before Campbell J. Unled.

The Owners – Strata Plan No. 5403 v Sargents Developments Pty Ltd [2024] NSWCATCD – 1 day hearing before G Ellis SC. Concerning application for unit entitlement re-allocation. Led by A Cheshire SC.

Barrett v State of New South Wales [2024] NSWSC 332 – 1 day application before Walton J. Unled.

Dakin v ICC Group West Ryde Pty Ltd [2024] NSWCATAP 151 – 1 day appeal before the NCAT Appeal Panel (P Durack SC, P H Molony). Unled.

Summer Co Rural Pty Ltd v Gibbon [2023] NSWSC 1643 – 1 day hearing before Slattery J. Unled.

Kramer v Stone (No 2) [2023] NSWCA 298 – 1 day appeal before Ward P, Leeming JA, Kirk JA. Led by Raoul Wilson SC.

Kramer v Stone [2023] NSWCA 270 – 1 day appeal before Ward P, Leeming JA, Kirk JA. Led by Raoul Wilson SC.

Clough v Breen [2022] NSWSC 1759; Clough v Breen (No 2) [2022] NSWSC 1759; Clough v Breen (no 3) [2023] NSWSC 752; Clough v Breen (no 4) [2023] NSWSC 1155; Clough v Breen (No 5)

[2024] NSWSCC 337; Clough v Breen (No 6) [2022] NSWSC 1759; – various hearings before Slattery J concerning easement.

Breen v Rose [2023] NSWDC – 19 July 2023– appeal hearing before Scotting DCJ. Unled.

Zaya v Damirdjian [2022] NSWCA 203 – before Bell CJ, Gleeson JA, and Griffiths AJA. Led by P Menzies QC and A J Parker.

Hebbel Constructions Pty Ltd v Bitar Pty Ltd [2022] NSWSC 1594 – 1 day hearing before Hammerschlag CJ in Eq – defending application to set aside statutory demand – unled.

Dealt Holdings Ltd, in the matter of Dealt Holdings Ltd (No 2) [2022] FCA 1266 – 26 October 2022 - 1 day hearing before Halley J – scheme of arrangement 2nd hearing – led by D Barnett.

Watkinson v Western Sydney University [2022] NSWCATAD 321 –1 day hearing before SC H Dixon SC – access to government information request – unled.

Dealt Holdings Ltd, in the matter of Dealt Holdings Ltd [2022] FCA 1104 – 1 day hearing before Halley J – scheme of arrangement 1st hearing – led by D Barnett.

Ozmen Entertainment Pty Ltd v Neptune Hospitality Pty Ltd (No 8) [2022] FCA 1091 - 1 day hearing before Rares J – adoption of referee’s report – unled.

M&R Etri and Amani Farming Pty Ltd v M&R Desai [2022] NSWCATAP 211 - 1 day appeal hearing before S Westgarth (Deputy President) and C Fougere (Principal Member) – commercial tenancy dispute – unled.

Wiggett v Stone [2022] NSWSC 771 -- 1 day hearing before Schmidt AJ – transfer under s 1337H of Corporations Act – unled.

Keyworth v The Owners - Strata Plan No. 45081 & 43487 [2022] NSWCATCD -- 2-day hearing before Ellis SM – fire safety strata dispute – led by G Sirtes SC.

Group and General Finance Pty Ltd v Samer Tabbaa (NSWSC 2022/0002979) - urgent interlocutory injunction before Ward CJ in Eq – dispute regarding mortgagee in possession – unled.

Rise Distributors Pty Ltd v Slaven Property Pty Ltd (NSWSC 2021/3216433) – one day hearing before Darke J – obtained urgent relief against forfeiture for commercial lessee – unled.

Valiant Finance Pty Ltd v Allpoints Carpentry Pty Ltd (NSWLC 2021/0030871) – 1-day trial – consumer transaction – unled.

Ozmen Entertainment Group Pty Ltd v Neptune Hospitality Pty Ltd (2021-2022) – reference hearing before The Hon. R Gyles AO QC – damages quantification – Federal Court of Australia – unled.

Bassett v Bassett [2021] NSWCA 320 – FP claim appeal before Bell P, Leeming and Payne JJA – led by R D Wilson SC.