Jane Muir

Year of call: 2008

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GERARD BRENNAN CHAMBERS

Areas of practice

- Appellate
- Arbitration, Mediation & Evaluation
- Banking & Finance
- Bankruptcy & Insolvency
- Building & Construction
- Commercial
- Competition & Consumer Law
- Conflict of Laws
- Constitutional
- Contract
- Corporations
- Equity & Trusts
- Industrial & Employment
- Insurance
- Mining, Energy & Resources
- Professional Negligence
- Property
- Tort
- Trade Practices & Competition

Education

2000 BA (Honours Year) (English Literature) (University of Sydney)

1998 LLB (Hons) (University of Queensland)

1996 BA (University of Queensland)

Admissions

2008 Barrister (New South Wales)

2001 Legal practitioner (New South Wales)

2000 Solicitor (Queensland)

Professional experience

2001-2008	Solicitor at: Freehills, Sydney (Litigation, Corporate); Freshfields Bruckhaus Deringer, London (Financial Institutions Disputes); McCann FitzGerald, Dublin (Banking & Finance)
1999	Articled clerk, Allens Arthur Robinson, Brisbane (now Allens) (Litigation)
1998	Associate to the Honourable Mr Justice JDM Muir, Supreme Court of Queensland

Selected cases

Banking, bankruptcy & insolvency, corporations law

Fitzpatrick & Ors v Isaacs & Ors (Federal Court, Qld) - shareholder oppression (led by Ed Cox SC) (current).

Limba Property Lending Pty Ltd v Skoric & Anor (Supreme Court, NSW) - claim for possession (leading S Langan) (current).

JSY Securities Pty Ltd v Dakabin Homes Pty Ltd & Anor [2026] QSC 106 - dispute between first and second mortgagees as to interpretation of deed of priority and second mortgagee's entitlement to recover its costs of completing development (led by G Beacham KC).

Greer v Bandjalang Aboriginal Corporation (under special administration) [2025] FCA 1674 - application to discharge injunction restraining corporation from terminating CEO's employment (2025) (leading A Newman).

Pearson v ING Bank (Australia) Limited (2023) 14 QR 170 - security for costs against impecunious individual plaintiff in claim based on bank's alleged failure to comply with Code of Banking Practice 2004 and *ASIC Act* (leading M Daley).

Pearson v ING Bank (Australia) Limited (District Court, Qld) - dismissal and strike out before defence (2023) (leading K O'Hare).

MACH Australia Holdings Pty Ltd v Nicholas (Supreme Court, Qld) - application to set aside statutory demand (2019) (led by D Kelly KC).

Low v Barnet (Trustee); In the Matter of Mathai (2017) 250 FCR 562 - appeal to Full Federal Court in creditor's application for "risk premium" under s. 109(10) Bankruptcy Act (led by B Coles KC, S Aspinall).

RHG Mortgage Corporation Limited v Millard & Anor (Supreme Court, NSW) - "lo docs" loan, *Contracts Review Ac*t (2016/7).

Rossiter v Core Mining Limited (The Eastern Caribbean Supreme Court, High Court of Justice, Virgin Is, Comm. Div.) - Australian law advice in winding up proceedings and registration of foreign judgment proceedings in BVI (2015/6).

Low v Barnet (Trustee); In the Matter of Mathai [2015] FCA 1386; 13 ABC (NS) 427 - creditor's application for "risk premium" under s. 109(10) *Bankruptcy Act* and for review of Trustee's decision (led by B Coles KC, S Aspinall).

Health Services Union v Kathy Jackson (No 3) [2015] FCA 694 - leave to proceed against bankrupt (led by R Marshall SC).

Low v Barnet (Trustee); *In the Matter of Mathai* [2014] FCA 728; 12 ABC (NS) 107 - right of discharged bankrupt to be heard in creditor's application under s. 109(10) *Bankruptcy Act* (led by B Coles KC).

Low v Barnet (Trustee); In the Matter of Mathai [2014] FCA 1187 - right of discharged bankrupt and son to be heard in creditor's application under s. 178 *Bankruptcy Act* (led by B Coles KC).

Pokfulam Investments Pty Ltd & Anor v Wedgetail Asset Management Ltd (2013) (Supreme Court, NSW Corps List, *ex temp* judgment) - interim injunction to restrain unauthorised selective share buy-back.

Goodridge v Macquarie Bank Limited & Anor (2010) 265 ALR 170 - customer's claim for breach of margin loan and security agreement (led by J Sheahan KC).

Buggy v Victorian Securities Corporation [2010] FMCA 724 - bankruptcy.

Permanent Trustee Company Limited v Gillian O'Donnell Permanent Trustee Company Ltd [2009] NSWSC 902 - "lo docs" loans, *Contracts Review Act* (led by A Bell SC, A Abadee).

Acting for examinees in examinations under section 19 *Australian Securities & Investment Commission Act* 2001 (Cth).

Building & construction

Arbitration of claims by developer of high rise apartments in Brisbane against the project's structural engineers for defective design (led by N Simpson SC) (current)

Queensland Motorways Limited v CBP Contractors Pty Limited & Anor (Supreme Court, Qld) - liability for alleged defects in the Gateway Motorway Upgrade works, including "downstream" claims against consultants and sub-consultants (2023-).

Johnson v Dream Courts Pty Ltd (District Court, Qld) - claim for defective building work (current).

International arbitration of port owner's claim against contractor for breach of fitness for purpose obligation under Design & Construct contract for container terminal in PNG; costs (2021/2) (led by L Kelly KC, then M Stewart KC).

McConnell Dowell Constructors (Aust) Pty Ltd v Cardno (Qld) Pty Ltd & Anor [2019] QSC 320 - referral to referee(s) of factual question in dispute about defective work on Gold Coast Light Rail Project (led by G A Thompson KC SG).

Arbitration of parties' claims under marine works and ship loader contracts for construction at North Queensland coal terminal (2014-5, 2017) (led by R Holt KC, then M Stewart KC and D Piggott).

Illawarra Hotel Company Pty Ltd v Walton Construction Pty Ltd (No 3) [2014] NSWCA 130 - application for leave to re-open after judgment (led by S Donaldson SC).

Kountouris v Kountouris (District Court, NSW) - claim for breach of contract and *quantum meruit* regarding construction work done on domestic dwellings (2013) (settled at trial).

The Owners Strata Plan No. 64622 v Australand Constructions Pty Limited [2009] NSWSC 948,1083 - review of referee's decision (led by S Kerr SC).

General commercial

Werror & Ors v Margate Beach Properties Pty Ltd (Supreme Court, Qld) - purchasers' claim under s. 18 ACL for representations made about asbestos-contaminated land (leading M Daley) (current).

Gispac Pty Limited v Michael Hill Jeweller (Australia) Pty Limited [2 0 2 4] N S W S C 1 8 (leading A Newman) - incorporation of terms in written contract, "take or pay" provisions, misleading or deceptive conduct under s. 18 ACL.

Collard, Twin Creek Rural Holdings Pty Ltd & Anor v Dique (Supreme Court, Qld) - constructive trust and partnership dispute over Central Qld farm land (2022-4).

DJHoworth Property Holdings Pty Ltd v Cannonview Developments Pty Ltd (District Court, Qld) - claim for specific performance where failure to complete contract for sale of land (2023).

Heffernan v Heffernan & Anor (Supreme Court, Qld)) - application for substitution of trustee (2022).

Chen v Peng, Ye and L&Y Investment Group Pty Ltd (Supreme Court, Qld) - misappropriation of joint venture funds, breach of fiduciary duty and knowing assistance in breach of duty (2021, 2023).

Stocon Pty Ltd & Anor v AMPE Sarl South Pacific Pty Ltd & Anor (Supreme Court, NSW) - claims for breach of contract and negligence regarding transport of allegedly contaminated waste (2017-8).

Kingvest Pty Ltd v Apple Pty Ltd (Supreme Court, NSW) - dispute over market rent review in lease for Apple's George Street Sydney store (2016/7) (led by P Brereton SC).

Elanor Funds Management Limited v Mega & Company Pty Ltd (NCAT Appeal Panel) - option to renew commercial lease (2016) (led by M Steele SC).

Mega & Co Pty Ltd t/as Oporto Clarence Street v Elanor Funds Management Ltd as Trustee for193 Clarence Hotel Syndicate [2016] NSWCATCD 60 - option to renew commercial lease

Petronaitis v Petronaitis [2016] NSWSC 765 - enforcement of settlement reached at mediation.

A.J. Lucas Operations Pty Limited v C.P.W. Trailer Sales & Repairs Pty Ltd & Ors (Supreme Court, NSW) - conversion and detinue of concrete pipes, knowing assistance in breach of fiduciary duty (2015-6) (led by S Donaldson SC).

Jennings v Jennings [2015] NSWSC 1826 - enforcement of settlement reached at mediation.

GrainCorp Oilseeds Pty Ltd v W & M Mahony Pty Ltd (Supreme Court, NSW) - dispute with silo operator regarding destruction of grain (2014/5) (led by S Donaldson SC).

Riverland Oilseeds Pty Ltd v QBE Insurance (Australia) Limited (Supreme Court, NSW) - dispute regarding application of insurance policy to loss caused by destruction of grain (2014) (led by S Donaldson SC).

Sungho Pty Ltd v Pie Face Pty Ltd & Ors (Federal Court) - franchisee's claim for misleading and deceptive conduct (2014) (led by S Donaldson SC).

Virginia Nemeth (by her tutor) v Australian Litigation Funders Pty Ltd & Ors [2013] NSWSC 529 - unconscionable conduct, *Contracts Review Act* (led by C R C Newlinds SC).

Commercial arbitration between a government timber supplier and a timber purchaser regarding pricing review (2010 - 2012) (led by R Dick SC).

Jaksic v Yim [2011] NSWSC 962 - appeal from Local Court decision.

Itaoui v Yamaha Motor Finance Australia Pty Ltd [2009] NSWSC 1363 - appeal from Local Court decision (led by C R C Newlinds SC).

Administrative, constitutional, crime, employment & IR, public, law

Crispe v Vetta Productions Pty Ltd (Federal Court, Qld) - general protections claim (current).

Laurence v Bare-Co Pty Ltd & Anor (FC&FCoA) - general protections claim (current).

R v Neal (Yarrabah Magistrates Court, Qld) - Crown's public interest immunity claim over documents relevant to defence to charges of breach of Yarrabah community liquor carriage limit laws breached *Racial Discrimination Act* (Cth) and were invalid under s. 109 Constitution (led by S Beckett SC) (2024-5).

Nicholls v State of Qld (QIRC) - general protections claim (2023-4).

Hickson-Jamieson v University of the Sunshine Coast [2023] QCAT 66 - indirect discrimination claim by student who sought to perform her teaching practical experience part time.

Steptoe & Anor v State of Qld (Supreme Court, Qld) - injunction - Scenic Rim landowners seeking to restrain the State from baiting their properties for fire ants (2023).

Wright v Gregson & Weight Pty Ltd (FC&FCoA) - general protections claim (2022).

McAlister v Yara Australia Pty Ltd (2021) 307 IR 300 - general protections, notice, redundancy (leading E Kovacs).

Application for declaration of validity of the enduring power of attorney of Melissa Caddick (2020) (QCAT).

Versic v Chartered Accountants Australia and New Zealand (Supreme Court, NSW) - judicial review of professional body's appeal panel decision (2019).

Willebrand v Tenants Queensland Inc (FCCA) - general protections claim (2018).

Obeid v Stryker South Pacific Limited (FCCA) - general protections claim (2016-7).

Hoxton Park Residents Action Group Inc. v Liverpool City Council & Ors [2017] HCASL 60 - constitutional law (led by B Katekar).

Hoxton Park Residents Action Group Inc. v Liverpool City Council & Ors [2016] NSWCA 157; 212 LGERA 446 - constitutional law appeal to New South Wales Court of Appeal (led by B Katekar).

Acting for a retired bishop in the Royal Commission into Institutional Responses into Child Sexual Abuse - Case Study 42 (Newcastle Anglican Diocese) (2016).

Rossiter v Core Mining Limited & Anor [2015] NSWSC 360 - judgment in foreign currency.

Rossiter v Core Mining Limited & Ors (Supreme Court, NSW) - CFO's claim for shares, options and unpaid entitlements (2014) (settled at trial, led by Ian Neil SC).

Duncan v West Corurgan Irrigation District (FCCA) - general protections claim (2014).

Rice v Wedgetail Asset Management Ltd & Ors (Supreme Court, NSW) - claim for unpaid salary and quantum meruit by CIO of funds manager (2013).

R v Anderson (2012) (District Court, NSW) - sentence for aggravated enter dwelling with intent to commit a serious indictable offence and assault in company.

R v Trudgett (2012) (District and Local Courts, NSW) - hearing and appeal against severity of sentence for offence under s. 8(3) *Summary Offences Act*.

R v Ji (2011) (Local Court, NSW) - hearing, accused charged with reckless wounding.