

Dan Butler KC

Year of call: 2010

Year of silk: 2022

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GERARD BRENNAN
CHAMBERS

Overview

Dan's practice is focussed on complex and high value commercial disputes, whether in Court or arbitration. Dan also acts as an arbitrator.

Experience in disputes involving mining and resources, oil and gas, infrastructure projects, joint ventures, commodities, shipping, banking and finance, corporate insolvency, insurance and reinsurance, trusts, equity, professional negligence, directors' duties and taxation.

Prior to being called to the bar, Dan completed a Master of Law degree at Cambridge University with First Class Honours and worked as a disputes lawyer in Brisbane, London and Melbourne.

Areas of practice

- Administrative Law
- Appellate
- Bankruptcy & Finance
- Banking & Insolvency
- Building & Construction
- Commercial
- Contract
- Equity
- Insurance
- International and domestic arbitration
- Mining Energy & Resources
- Professional Negligence
- Property
- Representative proceedings
- Tax Litigation
- Tort
- Trade Practices, & Competition
- Conflict of Laws

Education

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| 2003 | Master of Laws (Hons I), University of Cambridge Cambridge Commonwealth Trust Scholar St Edmund's College Prize for Academic Excellence First in class, Corporate Insolvency |
| 2000 | Post-Graduate studies in Corporate Finance & Investment, Securities Institute of Australia |
| 1998 | Bachelor of Laws (Hons), University of Queensland |
| 1996 | Bachelor of Commerce, University of Queensland |

Career summary

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| 2022 | Appointed King's Counsel |
| 2010 - present | Barrister in private practice |
| 2008 - 2009 | Commercial Dispute Resolution, Blake Dawson, Melbourne |
| 2003 - 2007 | Corporate Insolvency & Finance Litigation, Mayer Brown, London |
| 1999 - 2002 | Litigation & Corporate Advisory, Phillips Fox & Blake Dawson, Brisbane |

Qualifications

Fellow of the Singapore Institute of Arbitrators (SIArb)

Panel Arbitrator, Singapore Chamber of Maritime Arbitration (SCMA)

Selected cases

Corporate & Commercial

Acting for US company Fluor in an AUD\$1.5 billion oil and gas claim by Santos arising from the construction of a liquified natural gas plant. The hearing of this case was incredibly complex and ran for 5 months.

Acting for Glencore in an AUD\$65 million pricing dispute concerning coal sales from Australia via its Singapore marketing and distribution arm.

Acting for Aquila Coal in an AUD\$500 million dispute with its joint venture partner Vale concerning access to port terminals and rail logistics for the sale of coal.

Acting for Central Petroleum in a contractual dispute valued at AUD\$60 million relating to the exploration and sale of petroleum.

Acting for a joint venturer and shareholder, in a dispute valued at more than AUD\$180 million, relating to the development and sub-division of real estate.

Acting in a claim against design engineers in a dispute valued at more than AUD\$400 million in relation to the construction of a motorway tunnel.

Acting in alleged breach of trust claims following the division of AUD\$500 million of assets of the Stanbroke Pastoral business.

Acting for the liquidator of the Bell Group of companies suing a consortium of 20 banks for \$1.6 billion.

Acting for a lender in relation to a claim before the English High Court concerning the insolvency of a structured investment vehicle whose liabilities exceeded £7 billion.

Acting for a European bank in respect of US\$14 billion of money market transactions with Iranian banks in potential contravention of US sanctions.

Defending the Bank of America in a £6 billion claim before the English High Court for fraudulent trading brought by the BCCI liquidators.

Acting for GE Healthcare in a month-long trial before the English High Court for breach of a patent for drug screening technology.

Commodities disputes, trade and shipping

Claims relating to quality, quantity, delay, contractual default, payment obligations, financing and security, production sharing contracts, profit sharing contracts, derivative contracts, distribution agreements, force majeure, breach of long-term supply contracts, US trade sanctions, fraud, insolvency of counter-parties and retention of title claims.

Experience in shipping disputes, including charterparties, bills of lading, cargo claims, carriage of goods and carrier's liability, contamination, demurrage, vessel repairs and storage, stevedoring claims, leasing disputes relating to ship building yards, letters of credit and trade finance, logistics - including port, rail and terminal access, storage and warehousing claims and liens, marine insurance, including damage to port infrastructure and equipment.

Taxation

Acting for the Commissioner in an alleged anti-avoidance proceeding concerning share and options trading in relation to a \$500 million facility.

Conducting compulsory interviews in relation to the sale of coal tenements valued at more than \$200 million.

Acting for the Commissioner in a \$58 million garnishee dispute with the liquidators of Octaviar Ltd.

Acting for the Commissioner in the first tax residency cases to reach the Full Federal Court in more than 40 years.

Acting for the Commissioner concerning the validity of the 'backpacker tax' under the double tax treaty with the UK.

Acting for the Commissioner in a dispute involving \$30 million in GST liabilities concerning the ATS Travel Group.

Selected publications

Expert evidence in Queensland: Disclosure of Draft Expert Reports Should be Abolished, (2025), 99 **Australian Law Journal**, 42 (with Liam Kelly KC).

Directors' Duties on the Precipice of Insolvency: The Sequana Decision, (2023) 30 **Insolvency Law Journal**, 183.

Suing Foreign Defendants in Contract: Does a Court Have Jurisdiction Where the Contract May Not Exist?, (2023) 97 **Australian Law Journal**, 321.

Limitation Period for Breach by a Trustee of the "Self-dealing" and "Fair-dealing" Rules, (2020) 94 **Australian Law Journal**, 128.

Enforcement of Foreign Judgments: Does an Issue Estoppel Arise from a Foreign Court's Determination of its Own Jurisdiction? (2019) 93, **Australian Law Journal**, 558.

In-house counsel advising on foreign law: Is it privileged? (2014) 42 **Australian Business Law Review** 5.

Equitable Remedies for participation in a breach of directors' fiduciary duties: the mega litigation in Bell v Westpac: (2013) 31 **Company & Securities Law Journal** 307.

The Entitlement to Preference Proceeds: Cook v Italiano Family Fruit Company Pty Ltd (in liq) (2010) 190 FCR 474; 80 ACSR 680; (2011) 19 **Insolvency Law Journal**, 128.

Ethical Considerations in Dealing with Experts, **Hearsay**, Issue 47, February 2011.

Contested Proprietary Claims to the Assets of an Insolvent Company: Re Timbercorp Securities [2009] VSC 510, (2010) 18 **Insolvency Law Journal**, 170.

Client legal privilege: changes under the Evidence Amendment Act: **Civil Procedure News, NSW**, 2009, Vol 6, No 3.

Undervalue Transactions and Preferences: the "Good faith" defence, **Insolvency Intelligence**, Vol 20, No 5, June 2007.

Liquidators' litigation expenses, funding arrangements and the amendment to rule 4.218, **Insolvency Law & Practice**, Vol 20, No 4, 2004.

Re MDA Investment Management Limited: the insolvency implications of dividing sale proceeds between related entities, **Insolvency Law & Practice**, Vol 20, No 2, 2004 (reprinted in the **Journal of Banking and Finance Law and Practice**, Volume 16, December 2005, Number 4).