

# Dominic Pyle

Year of call: 2001

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GERARD BRENNAN  
CHAMBERS

## Overview

Dominic practises in all areas of commercial law. He is experienced in contractual disputes, insurance, insolvency, building and construction, professional negligence, trade practices and corporate matters.

Dominic has appeared in a variety of appeals, trials and interlocutory hearings in the Queensland courts and in the Federal Court of Australia. He also has experience in commercial arbitration proceedings and in appearing at mediations.

Prior to being admitted to the Bar, Dominic was a Senior Associate in the commercial dispute resolution section of a national top-tier law firm. He holds an honours degree in Law from the University of Queensland.

## Areas of practice

Commercial litigation, in particular:

- Insurance
- Contractual disputes
- Corporations (including director's duties)
- Insolvency
- Equity
- Property disputes
- Agribusiness
- Building and construction

## Education

BA, LLB (Hons), Qld

## Career summary

### **Barrister**

**2001** Barrister, Commenced private practice

**2001-2009** Bracton Chambers

**2009 to present** Gerard Brennan Chambers

## Career summary (contd)

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### **Prior to 2001**

<b>1996-2001</b>	Senior Associate, Clayton Utz
<b>1993-1996</b>	Solicitor, Wansbroughs Willey Hargrave (now DAC Beechcroft)
<b>1990-1992</b>	Solicitor and Articles of Clerkship, Feez Ruthning (now Allens)

## Selected appearances and matters

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*Adani Mining Pty Ltd & Anor v Pennings* ((acting for an international miner in relation to protest activity. This proceeding has included the following judgments: *Adani Mining Pty Ltd & Anor v Pennings* [2020] QSC 249 (search order); *Adani Mining Pty Ltd & Anor v Pennings* [2020] QCA 169 (search order); *Adani Mining Pty Ltd & Anor v Pennings* [2020] QSC 275 (injunction); *Adani Mining Pty Ltd & Anor v Pennings* [2021] QSC 162- [2021] 27 QLR (confidentiality regime); *Adani Mining Pty Ltd and Anor v Pennings* [2021] QSC 343 (particulars by example); *Adani Mining Pty Ltd v Pennings* [2024] QSC 302 (strike out); *Adani Mining Pty Ltd v Pennings* [2025] QSC 62 (pleadings and procedure)) {led, at various times by Shane Doyle KC (as his Honour then was), Liam Kelly KC, Graham Gibson KC and Dominic O'Sullivan KC}

*CBA v Dowd & Ors* (acting against the CBA for alleged breaches of the Banking Code of Practice) [2024 – 2025]

*Whitecrown Capital Pty Ltd v Schreuder* (loan dispute) [2024]

*Stockingham Pty Ltd v Brisbane Angels Nominees Pty Ltd & Ors* ((acting for investors in a proceeding alleging misuse of confidential information, conspiracy, agency and monies had and received. This proceeding has included the following judgments: *Stockingham Pty Ltd v Brisbane Angels Nominees Pty Ltd* [2024] QSC 171 (guillotine order); *Brisbane Angels Nominees Pty Ltd v Stockingham Pty Ltd* [2024] QCA 025 (security for costs)) {leading Andrew Schriffier}

*Hetherington v Marler* (estate dispute) [2024]

*McKinnon v CBA & Anor* (debts and mortgages) [2024]

*Enkelmann & Ors v Stewart & Anor* ((disclosure, waiver and privilege. This proceeding included the following judgments: *Enkelmann & Ors v Stewart & Anor* [2023] QCA 155 (disclosure, privilege and waiver); *Enkelmann & Ors v Stewart & Anor* [No 2] [2023] QCA 198 (costs) [2016 – 2023] {led by Nick Ferrett KC}

*In the matter of CN-AU Capital Pty Ltd* (security for costs) [2023]

*Trilogy Care Pty Ltd v Aspire 2 Life Pty Ltd* (injunction) [2023]

*Antipodeans Abroad Pty Ltd (In Liquidation) & Ors v Bunn & Ors* (insolvent trading) [2022] {leading Marjorie Daley}

*In the matter of Avecho Biotechnology Limited* (ASX listed company. application pursuant to s. 1322 of the *Corporations Act (Cth) 2001 - Re Avecho Biotechnology Ltd* [2022] FCA 821) [2022]

*Avopiling (QLD) Pty Ltd v John Holland Pty Ltd* (construction law; professional negligence) [2022]

*In the matter Of Lake Resources Ltd* (ASX listed company. Application pursuant to s. 1322 of the *Corporations Act (Cth) 2001 - Re Lake Resources NL* [2022] FCA 197) [2022]

*Bribie Island Cancer Clinic Pty Ltd v Health Developments Corporation Pty Ltd* (dispute over ownership of super medical centre) [2021]

*Zandonadi – Kubota* (advice regarding allegedly defective faring equipment) [2021]

*McClymont & Anor v Nelson & Anor* (rights to water; statutory right of user pursuant to s.180 of the *Property Law Act 1974* (Qld); Water Act; easements - *McClymont v Nelson* (2023) 13 QR 633; [2023] QSC 059) [2021] {led by Graham Gibson KC}

*Quad Civil Group Pty Ltd v NRW Contracting Pty Ltd* (construction law; adjudication; *Construction Contracts Act 2004* (WA)) [2021]

*Williams v Clive* (equity; estates) [2021]

*Adani Mining Pty Ltd v Adrian Burragubba & Anor* (injunction restraining nuisance and trespass) [2021] {led by Shane Doyle KC (as his Honour then was)}

*In the matter of Aus Tin Mining Limited* (ASX listed company. Application pursuant to s. 1322 of the *Corporations Act (Cth) 2001 - Aus Tin Mining Ltd, Re* [2020] FCA 1888)

*In the matter of Bowen Coking Coal Limited* (ASX listed company. Application pursuant to s. 1322 of the *Corporations Act (Cth) 2001 - Bowen Coking Coal Ltd, Re* [2020] FCA 1738)

*CCH Dowling Pty Ltd ACN v Island Resorts Pty Ltd* (specific performance) [2020]

*Eumundi Group Hotels Pty Ltd v Pat Nominees Pty Ltd* (specific performance; injunction; leases) [2020]

*Haughton River Floodplain Upgrade Project* (advice) [2020]

*Chan & Ors v Macarthur Minerals Ltd & Ors* (High Court. Special leave application. For the respondents. Leave refused) [2020] {led by Liam Kelly KC}

*Disley v Mount Emerald Wind Farm Pty Ltd* (nuisance; breach of operating permit) [2020]

*Adpen Pty Ltd v 37 Wyandra St Pty Ltd* (mortgage and guarantee) [2020]

*Quality Food Services (Aust) Pty Ltd v Porta* (contract; misleading and deceptive conduct) [2020]

*Johnston Street* (resumption of land) [2020]

*J Hutchinson Pty Ltd v Strata Community Insurance Agencies Pty Ltd* (consolidation of proceedings) [2020]

*Wickham 186 Pty Ltd v Marvel Investments Pty Ltd & Anor* (shareholders agreement) [2019]

*Grace Buncle Pty Ltd v Ralph Lauren 57 Pty Ltd* (joinder of parties; consolidation of proceedings - *Grace Buncle Pty Ltd & Anor v Ralph Lauren 57 Pty Ltd & Ors* [2020] QSC 182) [2019] {led by Liam Kelly KC}

*Clive v Tropical Medical Training Limited* (wrongful repudiation of an employment agreement) [2019]

*Fabbro v Little and Ors* (oppression) [2019] {leading Daniel Clarry}

*Gibbs v Scholz & Ors* (undue influence; equitable compensation; account of profits; constructive trust; mistake of fact) [2019]

*The HMW Accounting & Financial Group Pty Ltd v McPherson & Ors* (enforce and restraint and confidentiality provisions contained in written employment contracts) [2019]

*Associated Finance Pty Limited v Industrial Galvanizers Corporation Pty Ltd* (nuisance; negligence) [2019] {led by Peter Dunning KC}

*Chan & Ors v Macarthur Minerals Ltd & Ors* (Appeal - *Chan & Ors v MacArthur Minerals Limited & Ors* [2020] QCA 143) {led by Liam Kelly KC}

*Mad Properties (Qld) Pty Ltd v The Salvation Army (Queensland) Property Trust* (lease dispute) [2019]

*Guy v Powins Pty Ltd & Ors* (shareholders dispute) [2018]

*Mining Company* (advice regarding termination for convenience) [2018]

*Major Food Franchisor* (advice regarding retail lease) [2018]

*MSD Securities Pty Ltd & Ors v MFB Properties (NQ) Pty Ltd & Ors* (contractual dispute in respect of the sale of a resort; instalment contracts *Property Law Act 1974* ss 71, 73(1), 73(2- *MSD Securities Pty Ltd v MFB Properties (NQ) Pty (No 2)* [2018] 2 Qd R 51; *MFB Properties (NQ) Pty Ltd v MSD Securities Pty Ltd* [2019] 3 Qd R 1; special leave refused) [2016 – 2019] {led by Keith Wilson KC}

*NAB Wealth Management Customer Response Initiative* (drawing material seeking delivery up of files) [2018]

*In the matter of Ostwald Bros. Pty Ltd (In Liquidation)* (application for leave to appear by the Department of Jobs and Small Business) [2018]

*Bennett v Bennett* (application for payment of monies out of court) [2018]

*Tom Dooley Developments Pty Ltd v A & G Fabrications Pty Ltd* (construction law; faulty façade; design and installation defects) [2018]

*Arquis Property Group Pty Ltd v Future Asset Management International Limited & Anor* (advising in respect of complex land and construction issues)

*Green & Ors v Basile & Ors* (advising on insurance aspects of complex tax and professional negligence issues) [2017]

*Papale & Ors v Wilmar Sugar Australia Ltd* (advising and appearing in trial regarding sugar pricing - *Papale & Ors v Wilmar Sugar Australia Ltd* [2017] QSC 72; *Papale & Ors v Wilmar Sugar Australia Ltd (No 2)* [2017] QSC 160) {led by GA Thompson at the trial}

*Wilmar Sugar P/L v Burdekin District Cane Growers Ltd* (whether the public interest in preserving the confidentiality of arbitral proceedings is outweighed by the public interest in the regulation of particular industries under valid legislation - *Wilmar Sugar P/L v Burdekin District Cane Growers Ltd* [2017] QSC 3)

*Gobbett & Ors v Elders Rural Financial Services Australia Limited & Anor* (misleading and deceptive conduct in relation to the sale of land - *Gobbett & Ors v Elders Rural Services Australia Limited & Anor* [2017] QDC 219) {leading Susan Forder}

*Hilltops Pastoral Group Pty Ltd v Terry Grant Van Der Velde & Ors* (removal of caveat; advising; settling material and drafting defence) [2017]

*Software Mechanics Pty Ltd v Ba-Insight Llc* (intellectual property dispute) [2017]

*Thermo King Corporation* (application for evidence to be obtained in Queensland in pursuance of the Letter of Request) [2017]

*Drane v Aqualyng Holdings & Anor* (trial - *Drane v Aqualyng Holdings & Anor* [2017] QSC 233)

*Drane v Aqualyng Holdings* [2016] QSC 139 (Summary judgment; cross-claims: set-off and counterclaim)

*Mirvac Queensland Pty Ltd and Anor v Shamrock Civil Engineering Pty Ltd and Ors* [2015] QSC 271 (Strike out)

*IPN Medical Centres Pty Ltd v Van Houten & Anor* [2015] QSC 204 (General contractual principles; construction and interpretation of contracts; warranties and implied terms and misleading representations; whether an agreed damages clause was unenforceable as a penalty)

*Papale & Ors v Sucrogen Ltd* [2015] QSC 192 (Joiner of a third party; whether proceedings ought be heard together)

*LPD Holdings (Aust) Pty Ltd & Anor v Phillips, Hickey and Toigo & Ors* [2013] QCA 305 (Indemnity costs) {led by Liam Kelly KC}

*LPD Holdings (Aust) Pty Ltd v Phillips & Ors* [2013] QSC 225 (Corporations; membership, rights and remedies; oppressive or unfair conduct) {led by Liam Kelly KC}

*LPD Holdings (Aust) Pty Ltd v Phillips* [2013] QSC 30 (Indemnity costs) {led by Liam Kelly KC}

*Tarangau Game Fishing Charters Pty Ltd v Eagle Yachts Pty Ltd and Anor* [2013] QSC 16

(Whether there is a general duty of care upon a manufacturer of chattels not to cause economic loss to subsequent purchasers of defective products; liability of manufacturers or importers for defective goods (TPA); amendment - whether causes of action were founded on the same facts or substantially same facts as the existing causes of action)

*Modi and Clements v SDW Projects Pty Ltd and Ors* [2015] 1 Qd R 519 (Appeal; *Property Agents and Motor Dealers Act 2000* (Qld); statutory interpretation)

*SDW Projects Pty Ltd v Modi and Ors* [2012] QSC 400 (Conveyancing; statutory obligations or restrictions relating to contract for sale)

*Crouch and Lyndon (a Firm) v IPG Finance Australia Pty Ltd and Anor* [2012] QCA 332 (Appeal; whether a stay of execution should be granted) {led by Liam Kelly KC}

*IPG Finance Aust P/L & Ors v Crouch and Lyndon & Anor* [2012] QSC 312 (Partnerships; negligence) {led by Liam Kelly KC}

*Hartmann v Pilkington and Ors* [2012] QSC 254 (Leave to withdraw deemed admissions)

*SGS Australia Pty Ltd v Australian Laboratory Services Pty Ltd* [2012] FCA 711 (Restraint of trade; equity)

*Joyce v Gold Coast Blaze Pty Ltd* [2012] QSC 32 (Interest; indemnity costs)

*Re Wendy Anne Wright* [2011] QSC 34 (Leave to proceed) {led by Liam Kelly KC}

*Australasian Medical Insurance Ltd and Anor v CGU Insurance Ltd* (2010) 271 ALR 142 (Appeal; double insurance; estoppel by convention) {led by Liam Kelly KC}

*Australasian Medical Insurance Limited and Anor v CGU Insurance Limited* [2009] QSC 235 (Double insurance; estoppel by convention) {led by Liam Kelly KC}

*Re Octaviar Ltd (No 8)* (2009) 73 ACSR 139 (Corporations; voluntary administration; deeds of company arrangement) {led by Walter Sofronoff KC}

*Re Octaviar Ltd* (2009) 69 ACSR 621 (Charge requiring a notice to be lodged under s 263 of *Corporations Act 2001* (Cth); {led by Walter Sofronoff KC}

*Re Octaviar Ltd; Re Octaviar Administration P/L* [2009] QSC 37 (DOCA; validity of charge) {led by Walter Sofronoff KC}

*Re Octaviar Limited (Formerly MFS Limited)* [2008] QSC 216 (Winding up by the Court) {led by Walter Sofronoff KC}

*ASIC v Jorgensen and Ors* [2008] QSC 91 (Contempt, attachment and sequestration) {led by Liam Kelly KC}

*Royalene Pty Ltd v Registrar of Titles and Ors* (2008) Q ConvR 54-689; [2008] QSC 064

(Conveyancing; land titles under the Torrens system; mortgages, charges and encumbrances; rights, liabilities and remedies of mortgagor)

*AVS Property P/L v QLD-1 P/L and Ors* [2007] QSC 365 (Whether default judgment should be set aside)

*Royalene Pty Ltd v Registrar of Titles and Anor* [2007] QSC 059 (Strike out)

*Fanigun Pty Ltd v Woolworths Ltd* [2006] 2 Qd R 366 (Easements; trespass and nuisance; injunction)

*Stone v ACE-I.R.M. Insurance Broking Pty Ltd* [2004] 1 Qd R 173 (Whether proceeding a nullity)

*Re Interchase Corp (In Liq)* [2002] QSC 260 (Letter of request to the Chancery Division of the English High Court in London for examinations; whether evidence sought from reinsurers relates to the existence of a policy of insurance which was an "examinable affair"){led by Walter Sofronoff KC}

## Arbitration

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**2014/2016**      Acted in an ICC arbitration relating to the construction of gas infrastructure (pipeline) connecting upstream to downstream operations at Curtis Island, Gladstone.