

Simon Eggins

Year of call: 2014

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GERARD BRENNAN
CHAMBERS

Overview

Simon Eggins has a broadly based commercial practice. He was called to the Bar in 2014.

Before coming to the Bar he worked as a solicitor at Allens between 2006 and 2013, principally in the commercial litigation and insolvency practice groups. He was appointed a Senior Associate at Allens in July 2010.

Mr Eggins served as the Associate to the Honourable Justice JH Byrne of the Supreme Court of Queensland in 2005.

He graduated from the University of Queensland in 2004 with a Bachelor of Laws (with First Class Honours) and a Bachelor of Science (with a major in Computer Science).

Mr Eggins was also awarded a University Medal in Law by the University of Queensland in 2004.

Areas of practice

- Administrative Law
- Appellate
- Arbitration, Mediation & Evaluation
- Banking & Finance
- Building & Construction
- Bankruptcy & Insolvency
- Commercial
- Communication & Media
- Contract
- Equity
- Insurance
- Intellectual Property
- Professional Negligence
- Property
- Tort
- Trade Practices, & Competition

Tertiary education and awards

LLB (Hons I) / BSc (Computer Science), University of Queensland, 2004.

Awarded a University Medal in Law by the University of Queensland, as well as a number of prizes, including the Virgil Power prize for the highest overall marks in compulsory higher level courses in the Bachelor of Laws degree, and the Minter Ellison prize for the most outstanding law graduate of 2004 with the highest overall marks for the Bachelor of Laws degree.

Graduate Diploma, College of Law, 2006.

Professional experience

March 2014 – Present: Practiced as a commercial barrister since being first called to the Bar.

February 2006 – December 2013: Employee of Allens solicitors, working chiefly in the Commercial Litigation and Corporate Insolvency Practice Groups in Brisbane. Commenced as a Law Graduate and was appointed as a Senior Associate on 1 July 2010. Was also seconded by Allens during this time to in-house legal roles at ENERGEX and Sunwater.

6 November 2006: Admitted as a legal practitioner.

January to December 2005: Associate to the Honourable Justice JH Byrne of the Supreme Court of Queensland.

Practice as a barrister (selected sample of cases)

Santos Ltd v Fluor Australia Pty Ltd – Acting for Fluor Australia Pty Ltd in litigation concerning the construction of an LNG facility, concerning claims by Santos exceeding \$1.5 billion. Led by S Couper QC, L F Kelly QC and D O’Sullivan QC. Appeared at the special referee hearing and in earlier interlocutory applications (including [2021] QSC 181; [2021] QSC 189).

Tradecoast Land Pty Ltd v Tradecoast Central Pty Ltd – Acted with P Franco QC in this dispute concerning the Tradecoast development near the Brisbane Airport, and the entitlement of both parties pursuant to the agreement to develop the property. The proceeding settled prior to trial, although there was a significant interlocutory hearing concerning disclosure ([2021] QSC 025).

Wiggins Island Coal Export Terminal Pty Ltd v Civil Mining & Construction Pty Ltd (2021) 7 QR 1; [2021] QCA 008 and [2021] QCA 075 – case concerned the appeal of a costs order following a significant construction law dispute. Appeared with D A Kelly QC (now the Honourable Justice Kelly, Judge of the Supreme Court of Queensland). Also appeared at the first instance hearing: *Civil Mining and Construction Pty Ltd v Wiggins Island Coal Export Terminal Pty Ltd* [2020] QSC 001

In 2021, acted in an arbitration between a contractor and a foreign government regarding alleged defective construction of an international coal terminal.

Wagners Cement Pty Ltd v Boral Resources (Qld) Pty Ltd [2020] QCA 289; [2021] QCA 079 and [2020] QSC 124; [2020] QSC 163 – Acted with L F Kelly QC and S Couper QC for Boral on both the appeal and the trial of a dispute between Wagners and Boral regarding the proper interpretation of a cement supply contract.

Valuers Registration Board of Queensland v Murphy (2021) 8 QR 382 [2021] QCA 159 – Appeared with D F Kelly QC (now the Honourable Justice Kelly of the Supreme Court of Queensland). The case was one of statutory interpretation as to whether there was a binding time limit as to the ability of the Valuers’ Board to refer a valuer to QCAT.

Middlemount South Pty Ltd v Anglo American Metallurgical Coal Assets Pty Ltd [2020] QCA 132; [2019] QSC 211 – Acted for Anglo in a case concerning the validity of an expert determination. Appeared with P Franco QC at first instance and on appeal. Also acted in a broader dispute between these parties that settled prior to trial.

HAP2 Pty Ltd v Bankier [2020] QCA 152 – Acted for an accountant in the appeal of a trial concerning the accountant’s liability for allegedly negligent advice and whether the causes of action were statute barred. Appeared with S Couper QC on appeal, and appeared alone at two hearings before the primary judge reported as *Bankier v HAP2 Pty Ltd* (No 3) [2019] QSC 186 and *Bankier v HAP2 Pty Ltd* (No 4) [2019] QSC 198.

Menegazzo v Pricewaterhousecoopers & Ors – Appeared alone in numerous interlocutory applications, including, amongst others, those reported at [2016] QSC 094 and [2019] QSC 296). The case concerned negligence of accountants and solicitors and a family dispute regarding a settlement agreement and the distribution of assets under a will, and claims for breach of trust. The case settled prior to trial.

Prider v Bond University Ltd [2019] QSC 197 – Acted for Bond University in a dispute regarding a decision as to whether a student should be permitted to enrol. This was an interlocutory application concerning the transfer of the case to the

Federal Court. The case settled prior to trial. Acted with M Hindman QC (now the Honourable Justice Hindman, Judge of the Supreme Court of Queensland) and Rowan Jackson QC (now His Honour Judge Rowan Jackson KC of the District Court of Queensland).

EDIS Service Logistics Pty Ltd (In Liq) v PKF East Coast Practice (A Partnership) [2018] QSC 262 – Acted for the defendant in a successful application to set aside the renewal of a claim in an action for allegedly negligent audits conducted by accountants. Appeared with L F Kelly QC.

Surfstone Pty Ltd v Morgan Consulting Engineers Pty Ltd [2017] 2 Qd R 66; [2016] QCA 213; [2016] 2 Qd R 194; [2015] QSC 290 – Appeared with Dominic O’Sullivan QC at first instance and on appeal in a case which concerned the alleged negligence of an engineer and whether the contract of engagement incorporated a term which limited the engineer’s liability.

Jonker v Thomas International Ltd [2017] FCA 1397 – Appeared alone in a case concerning the proper construction of a settlement deed. The case settled prior to trial (this judgment concerned an interlocutory application regarding pleadings)

Leximed Pty Ltd v Morgan [2016] 2 Qd R 442 – Acted with K Downes QC (now the Honourable Justice Downes, Judge of the Federal Court) in a case which concerned an application for the provision of what was essentially pre-litigation disclosure, pursuant to an alleged entitlement under a contract

Springsure Creek Coal Pty Ltd (admin apptd) (recs and mgrs apptd) v Sullivan (2015) 110 ACSR 403; [2015] QLC 051 – Application to stay an application for mining leases and environmental authorities by virtue of a miner going into administration under Part 5.3A of the Corporations Act. Appeared with Kylie Downes QC (now the Honourable Justice Downes, Judge of the Federal Court)

IBM Australia Pty Ltd v State of Queensland [2015] QSC 342 – Acted for the State of Queensland in a dispute regarding the construction of a release in a settlement agreement. Appeared with L F Kelly QC and A Stumer of counsel.

Emanuel v Austair Pilots Pty Ltd – Acted with Kylie Downes QC (now the Honourable Justice Downes, Judge of the Federal Court) in an application that went to trial in the District Court for a claim made against a pilots’ superannuation fund.