ANDREW O'BRIEN KC

YEAR OF CALL: 2011 | YEAR OF SILK: 2025



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Andrew advises and appears in cases across the full spectrum of commercial issues with the core of his practice relating to commercial disputes affecting reputation, either between parties or involving regulators. His broad and versatile practice is reflected by his work across all areas of law, except for cases about assessment of Federal taxes and custody of children.

Drawing on a formative background in criminal law, Andrew is frequently briefed in regulatory and disciplinary proceedings, civil penalty cases, inquiries, AML/CTF and to defend the civil confiscation of criminal profits. Andrew is a leading barrister in cases involving corruption and foreign bribery. He has acted in sensitive and high stakes matters for judicial officers, public figures, senior executives, board members and fellow practitioners. He is experienced in working collaboratively with international teams to manage multijurisdictional disputes, extradition cases and INTERPOL related issues.

Before coming to the Bar in 2011, Andrew worked as a Judge's Associate in the Queensland Court of Appeal and practised as a solicitor in criminal, administrative and defamation law. He holds a Bachelor of Laws with Honours from the University of Queensland.

Andrew is a member of the Bar Association's Business and Consumer Law and Professional Indemnity/Professional Standards Committees. He also has an extensive *pro bono* practice.

AREAS OF PRACTICE

Appellate, Arbitration, Banking, Class Actions, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Inquiries & Coronial Inquests, International, Judicial Review & Administrative, Land Law & Property, Media & Defamation, Professional Discipline & Regulatory, Professional Negligence, Sport.

CASES

Fang v Yao (No 3) **[2026] QSC 267**
November 2026, Commercial Equity, Corporations

Australian Securities and Investments Commission v NGS Crypto Pty Ltd (No 7) **[2026] FCA 1545**
October 2026, Corporations

Fang v Yao **[2026] QSC 242**
October 2026, Commercial Equity, Corporations

DGR Global Ltd v P.T. Limited as trustee of the Armour Energy Security Trust **[2026] QSC 226**
October 2026, Competition & Consumer, Corporations, Professional Negligence

Jason H Pty Ltd ATF the Jason H Family Trust v Habchi **[2026] QCA 172**
September 2026, Appellate, Contract, Land Law & Property

ABC v A Magistrates Court of Queensland **[2026] QSC 203**
August 2026, Judicial Review & Administrative

Enyo Lawyers Pty Ltd v Island Resorts (Facilities and Equipment) Pty Ltd **[2026] QCA 133**
July 2026, Appellate, Corporations, Commercial Equity

GBA Operations Pty Ltd v QC Communications Pty Ltd **[2026] QDC 94**
July 2026, Contract

R v LBO **[2026] QCA 51**
March 2026, Appellate

R v Williams **[2026] QCA 24**
February 2026, Appellate

JustKapital Financing Pty Ltd (Receivers & Managers appointed) (In liquidation) v Compo Legal Pty Ltd **[2026] QSC 13**
February 2026, Banking, Contract, Corporations

R v Hasem **[2026] QCA 9**
February 2026, Appellate

Australian Securities and Investments Commission v NGS Crypto Pty Ltd (No 5) **[2025] FCA 1161**
December 2025, Corporations

Novadeck Pty Ltd v CK & PT Property Holdings Pty Ltd **[2025] QCA 170**
September 2025, Contract, Land Law & Property

DGR Global Ltd v P.T. Limited as trustee of the Armour Energy Security Trust **[2025] QSC 216**
September 2025, Corporations

DGR Global Ltd v P.T. Limited **[2025] QCA 122**
July 2025, Professional Negligence

Khattabi v ZZ **[2025] QCA 7**
February 2025, Appellate

DGR Global Ltd v P.T. Limited as trustee of the Armour Energy Security Trust **[2025] QSC 8**
January 2025, Competition & Consumer, Corporations, Professional Negligence

Marel Australia Pty Ltd v Buckmaster **[2024] QSC 218**
September 2024, Contract, Corporations

R v AGJ **[2024] QCA 124**
June 2024, Appellate

DGR Global Ltd v P.T. Limited as trustee of the Armour Energy Security Trust **[2024] QSC 90**
May 2024, Corporations

R v KBG **[2025] QCA 45**
April 2024, Appellate

R v TAZ; R v SED **[2023] QSC 292**
December 2023, Appellate

Kurschinsky v Queensland Law Society **[2023] FCA 1682**
November 2023, Corporate Insolvency & Bankruptcy

R v TAZ; R v SED (No 2) **[2025] QSCPR 16**
November 2023, Appellate

QNI Resources Pty Ltd & Anor v Vannin Capital Operations Limited & Ors **[2023] QCA 216**
November 2023, Contract

R v Smart **[2023] QCA 222**
September 2023, Appellate

Panthera Finance Pty Ltd v Spotjobs Holdings Pty Ltd **[2023] QSC 208**
September 2023, Corporations

Palmer v Palmer **[2023] QCA 165**
August 2023, Appellate, Succession

R v TAZ; R v SED **[2023] QCA 137**
July 2023, Appellate

Raciti Boulton Medical Practice Pty Ltd v Dynamic Superannuation Fund Pty Ltd **[2023] QSC 115**
May 2023, Contract

Clout (Trustee), in the matter of Warren (Bankrupt) v Warren **[2023] FCA 755**
April 2023, Corporate Insolvency & Bankruptcy

Kuperman v Permanent Trustee Australia Limited **[2023] QCA 54**
March 2023, Appellate

QNI Resources Pty Ltd & Anor v Vannin Capital Operations Limited & Ors **[2023] QCA 13**
February 2023, Appellate, Contract

R V TAY **[2023] QCA 5**
February 2023, Appellate

Vannin Capital Operations Limited v QNI Resources Pty Ltd & Ors **[2023] QSC 1**
February 2023, Contract

Palmer v Palmer and ors **[2022] QSC 263**
November 2022, Commercial Equity, Succession

Wood v Robertson O'Gorman Solicitors Pty Ltd **[2022] QCA 201**
October 2022, Appellate, Professional Negligence

Lastavec & Anor v Effective Security Pty Ltd & Anor **[2022] QCA 171**
September 2022, Appellate

BEP Zamia Pty Ltd & Anor v National Australia Bank Limited **[2022] QSC 73**
May 2022, Contract, Land Law & Property

Wood v Robertson O'Gorman Solicitors Pty Ltd **[2022] QSC 24**
March 2022, Professional Negligence

R v Turner **[2021] QCA 270**
December 2021, Appellate

Woodrow v Canine Control Council (Queensland) Ltd (trading as Dogs Queensland) (2021) 164 ACSR 619; **[2021] QSC 327**
October 2021, Corporations

Yue v CN-AU Capital Pty Ltd **[2021] QSC 248**
October 2021, Contract, Land Law & Property, Commercial Equity

Evans v NBN Co. Limited **[2021] QDC 227**
September 2021, Appellate

R v Ma **[2021] QCA 148**
July 2021, Appellate

R v BDM **[2021] QCA 108**
May 2021, Appellate

QNI Metals Pty Ltd v Vannin Capital Operations Ltd **[2021] QCA 24**
February 2021, Appellate

Rehabilitation Medicine Australia Pty Ltd v NIB Health Funds Ltd (No 2) **[2020] FCA 1761**
December 2020, Corporations, Contract

QNI Metals Pty Ltd v Vannin Capital Operations Ltd **[2020] QSC 292**
September 2020, Commercial Equity, Corporations

Walker v State of Queensland **[2020] QCA 137**
July 2020, Appellate

QNI Metals Pty Ltd v Vannin Capital Operations Ltd **[2020] QSC 238**
July 2020, Corporations

R v Cummins **[2019] QCA 308**
December 2019

R v Thompson; R v Farrugia (No.3) **[2019] NSWDC 332**
July 2019

R v Thompson; R v Farrugia **[2019] NSWDC 219**
July 2019

R v Thompson; R v Farrugia (No.2) **[2019] NSWDC 329**
June 2019

Pipe Networks Pty Ltd v 148 Brunswick Street Pty Ltd (2019) 371 ALR 627; **[2019] FCA 598**
May 2019, Contract, Competition & Consumer

Posgate & Anor v Hanson & Anor **[2018] QSC 951**
March 2018, Corporate Insolvency & Bankruptcy

Perovich and Another v Whitton and Another (No 2) **[2016] FCAFC 152**
November 2016, Corporate Insolvency & Bankruptcy

Meridien Airlie Beach Pty Ltd (Receivers and Managers Appointed) (in liq) & Anor v Karamist Pty Ltd **[2015] QCA 192**
October 2015, Corporations, Land Law & Property

Meridien Airlie Beach Pty Ltd (in liq) v Karamist Pty Ltd **[2016] 2 Qd R 412**
October 2015, Land Law & Property

Sutherland & Anor v Jot Property Solutions Pty Ltd **[2015] QSC 249**
August 2015, Corporations, Land Law & Property

EXPERIENCE

APPELLATE

Andrew regularly appears in superior court appeals in all areas of the law. More recent examples include:

- general commercial matters: *Novadeck Pty Ltd v CK & PT Property Holdings* [2025] QCA 170 (property); *DGR Global Ltd v P.T. Limited* [2025] QCA 122 (security for costs); *Khattabi v ZZ* [2025] QCA 7 (vexatious proceeding); *Estate of Palmer* [2023] QCA 165 (judicial advice); *QNI Resources Pty Ltd & Anor v Vannin Capital Operations Limited & Ors* [2023] QCA 13 and [2023] QCA 216 (Guarantee case, led by Clothier KC); *Kuperman v Perpetual Trustee Ltd* [2023] QCA 54 (appeal against trial judge's refusal to grant leave to proceed); *Walker v State of Queensland* (2020) 5 QR 98; (2020) 92 MVR 462; [2020] QCA 137 (appeal from a civil trial conducted with a jury).

- criminal appeals: *R v AGJ* [2024] QCA 124; *R v KBG* [2024] QCA 45; *R v Smart* [2023] QCA 222; *R v TAZ; SED* [2023] QCA 137 ; *R v TAY* [2023] QCA 5; *R v Turner* [2021] QCA 270; *R v Ma* [2021] QCA 148; *R v BDM* [2021] QCA 108; *R v Cummins* [2019] QCA 308.

BANKRUPTCY, INSOLVENCY & RESTRUCTURING

Andrew is briefed in proceedings with direct and indirect insolvency issues. His experience is broad with examples including:

- acting for insolvency professionals in proceedings relating to their appointment or inquiries into their conduct. See, for example: *Perovich v Whitton (No 2*) (2016) 250 FCR 272; [2016] FCAFC 152; *Sutherland v JOT Property Solutions Pty Ltd* [2016] 1 Qd R 353; [2015] QSC 249 .
- general matters: *Kurschinsky v Queensland Law Society* [2023] FCA 1682 ; *Clout (Trustee), in the matter of Warren (Bankrupt) v Warren* [2023] FCA 755; *Panthera Finance Pty Ltd v Spotjobs Holdings Pty Ltd* [2023] QSC 208 (interpretation of a DOCA); *Tall Trees Tanah Merah Pty Ltd v Trust Company (PTAL) Ltd as Custodian for LM First Mortgage Income Fund* [2014] FCA 963 (led by McQuade KC).

BRIBERY AND CORRUPTION

Andrew is a leading junior in bribery and corruption matters, including foreign bribery. The matters are generally confidential or subject to non-publication orders, but examples include:

- briefed for the controlling members of a family with extensive international business interests in connection with allegations of bribing foreign public officials. The case involves some of the most serious allegations of foreign bribery in Australian history. The allegations are being litigated in multiple courts in Australia (both criminal proceedings and civil proceedings under the Proceeds of Crime Act 2002 – Cth) and internationally. The matter has involved extensive international cooperation and the handling of mutual assistance issues under various treaties.
- briefed for an Australian company and its managing director in connection with an ongoing investigation into allegations of bribing foreign public officials.
- briefed in various investigations into corruption, bribery, receipt of secret commissions and abuse of office, both for individuals, politicians and foreign public officials.

CORPORATIONS, JOINT VENTURES & PARTNERSHIPS

Andrew has practised extensively in disputes of this kind since he commenced at the bar. The matters in which he is briefed involve complex corporate, trust and partnership structures usually in circumstances where the relationship between the partners and venturers has broken down and generally where accusations of misconduct are involved. Current or recent cases include:

- He has acted in various shareholder disputes before the Supreme Court of Queensland. These include proceedings between joint venturers about the ownership of proprietary information used in a well-known ‘app’, between disputing shareholders relating to the ownership of real property with substantial development value and between disputing shareholders of a valuable building company.
- acting for several parties in a dispute between family members relating to multiple parcels of real property, several property developments and a construction company.
- acting in a shareholders’ dispute involving a civil construction company. Briefed with senior counsel in arbitral proceedings which settled shortly before the commencement of the arbitration.
- acted in several proceedings for relief under sections 232 and 461(1)(k) of the Corporations Act and similar proceedings in respect of joint ventures and partnerships.

COMMERCIAL LITIGATION

Andrew maintains a general commercial practice, which involves general advisory and appearance work across the spectrum of commercial law. Current or recent superior court examples include:

- acting for Perpetual Limited in proceedings in respect of allegations of misleading and deceptive conduct and tortious conspiracy causing alleged losses exceeding $100M.
- acting for a large building company to successfully obtain interim and interlocutory relief restraining publications on “TikTok” in aid of claims for injurious falsehood.
- acting for a large airport in proceedings against multiple oil companies relating to the operation and ownership of refuelling infrastructure (JUHI).
- acting for the receivers of a litigation funding business in proceedings against a law firm to recover amounts advanced by the funder.
- acting for a large logistics company in proceedings against a rail operator following the derailment of a cargo train causing loss of mineral concentrate and environmental damage.
- acting for an insurance broking firm (and its director) in proceedings accusing them of misleading and deceptive conduct, conspiracy and fraud.
- acted for the plaintiff in the proceeding to recover US$20M+ pursuant to a deed of guarantee. The proceeding was defended on the basis of, inter alia, an allegation that the secured property was sold at an undervalue. This included interlocutory proceedings involving an application for a Norwich Pharmacal order and to restrain lawyers from acting,

REGULATORY, INQUESTS & COMMISSIONS OF INQUIRY, REPUTATION MANAGEMENT

- acted in matters connected with the initial public offering of Nuix Ltd, the liquidation of the Forum Group of Companies, bank remediation processes and other confidential regulatory investigations, including competition and consumer law issues involving misleading and deceptive conduct, unconscionable conduct, cartel conduct, retail price maintenance, unfair practices and abuses of market power.
- acting in various proceedings to protect and restrain misuse of confidential information, including obtaining orders for provision of information and actions for restraint of trade.

- acting in several defamation proceedings before the State and Federal Courts, including acting for witnesses in high profile matters.
- defended (and occasionally prosecuted) many offences (including substantial criminal trials with juries) under the Commonwealth Criminal Code, Corporations Act, the Australian Securities and Investments Commission Act, the Competition and Consumer Act, the Planning Act, the Work Health and Safety Act, the Fire and Emergency Services Act, taxation legislation, local government laws and other discipline specific regulatory legislation.
- appearing for professionals subject to allegations of professional wrongdoing. Andrew has acted for barristers, solicitors, doctors and a variety of other allied health professionals during investigations, disciplinary proceedings before QCAT and in respect of associated professional indemnity issues (both coverage and liability).
- appearing at or advising with respect to the Queensland Floods Commission of Inquiry, the Barrett Adolescent Centre Commission of Inquiry, the Queensland Racing Commission of Inquiry, the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, the Royal Commission into the Robodebt Scheme, the Queensland Coal Mining Board of Inquiry and in a public examination into the catastrophic explosion that occurred at the Callide Power Station in 2021. Throughout 2003 Andrew assisted Milton Griffin KC to conduct the Queensland Parole System Review No 2.
- acted for corporations that have received subpoenas to produce documents in circumstances where the entity has no other connection with the relevant proceeding. He has also been briefed for such clients in respect of other vexatious quasi-criminal proceedings initiated by private citizens.

PROPERTY

- appearing in several cases concerning the proper construction of leases and (especially those relating to energy supply under the national energy laws).
- acted in proceedings in connection with real property and commercial assets, including contracts for the sale of land or businesses, leasing disputes, and applications for relief against forfeiture, applications in respect of caveats or allegations of misleading and deceptive conduct in connection with related transactions.

RECOMMENDATIONS

Australian Financial Review's Best Lawyers

2027 – Defamation and Media Law

Doyle's Guide to the Australian Legal Profession

2026 – White Collar Criminal Law & Regulatory Investigations – Leading Senior Counsel (Australia)

2026 – Insolvency & Restructuring – Recommended Senior Counsel (Australia)

2025 – Litigation & Dispute Resolution – Recommended Junior Counsel (Qld)

2025, 2024 – Insolvency & Restructuring – Recommended Junior Counsel (Qld)

2017 – Criminal Law – Recommended Junior Counsel (Qld)

APPOINTMENTS

Bar Association's Professional Indemnity/Professional Standards Committee

Bar Association's Business and Consumer Law Committee.

Statutory Interpretation Advisory Group in respect of the Council of Australian Law Deans Good Practice Guide to Teaching Statutory Interpretation

MEMBER

Bar Association of Queensland

CAREER

2011 Barrister at Law, admitted

2009 - 2010 Solicitor practising in criminal law, administrative law and defamation proceedings

2008 Judge's associate, Court of Appeal, Supreme Court of Queensland

EDUCATION

2008 Grad Dip PLEAT – Griffith University

2007 LL.B (Hons) – University of Queensland

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