

ANTHONY MESSINA

YEAR OF CALL: 2013

In a wide-ranging commercial practice, Anthony applies more than 15 years' experience as a trusted advisor to clients involved in litigation.

Technical depth, commercial acumen and good judgement are qualities that make Anthony an effective choice for his clients. Anthony combines these qualities with a candid communication style and diligent work ethic to guide clients through litigation and achieve their optimal legal and commercial outcomes.

Clients in the banking and finance, construction, energy and resources, financial services, insurance, property, technology and transportation industries turn to Anthony for advice and advocacy in all Federal and State courts sitting in Queensland and interstate. He is regularly briefed to advise and appear with and without a leader.

Anthony is active in continuing professional development and learning. He is a trusted mentor to new barristers including as part of the Bar Association of Queensland's mentor program. Anthony is a regular seminar and lecture presenter in Chambers' CPD program and is sought by law firms and universities to present seminars and lectures on a variety of substantive and procedural topics.

AREAS OF PRACTICE

Appellate, Banking, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Insurance, Intellectual Property, Judicial Review & Administrative, Land Law & Property, Native Title & Cultural Heritage, Professional Negligence, Resources & Energy.

CASES

Mineralogy Pty Ltd v Adani Mining Pty Ltd[2022] QSC 154

July 2022, Contract, Resources & Energy

Klatt v Sacco Pty Ltd (Administrator Appointed)[2021] QSC 271

November 2021, Corporate Insolvency & Bankruptcy

LEVEL

TWENTY
SEVEN

CHAMBERS



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Hardingham v RP Data Pty Limited [2021] FCAFC 148

August 2021, Contract

Price v Spoor [2021] HCA 20

June 2021, Contract, Banking

Egan v Cameron & Anor [2021] QDC 66

March 2021, Corporate Insolvency & Bankruptcy

In the matter of Cullen Group Australia Pty Ltd (in liq) [2020] QPEC 63

December 2020, Corporate Insolvency & Bankruptcy

Spoor & Ors v Price & Ors [2019] QCA 297

December 2019, Contract

Hardingham v RP Data Pty Limited [2019] FCA 2075

December 2019, Intellectual Property

Samios Plumbing Pty Ltd v John R Keith (QLD) Pty Ltd [2019] QDC 237

November 2019, Contract

Spoor & Ors v Price & Ors [2019] QSC 53

April 2019, Contract

Pioneer Credit Acquisition Services Pty Ltd v Hayes [2018] FCCA 3144

November 2018, Corporate Insolvency & Bankruptcy

CSR Building Products Limited v Halstead [2018] QDC 241

October 2018, Contract

Hayes v Pioneer Credit Acquisition Services Pty Ltd [2018] FCA 1113

July 2018, Corporate Insolvency & Bankruptcy

Trenfield v HAG Import Corporation (Australia) Pty Ltd (No.2) [2018] QDC 129

July 2018, Corporate Insolvency & Bankruptcy, Corporations

Trenfield v HAG Import Corporation (Australia) Pty Ltd [2018] QDC 107

June 2018, Contract, Corporate Insolvency & Bankruptcy, Corporations

Fordyce v Ryan [2016] QSC 307

December 2016, Commercial Equity, Corporate Insolvency & Bankruptcy

Clark v Matton Developments Pty Ltd [2016] QSC 251

October 2016, Insurance

***Matton Developments Pty Ltd v CGU Insurance Ltd*[2016] QCA 208**

August 2016, Appellate, Insurance

***Morrison v Workers' Compensation Regulator*[2016] QIRC 065**

June 2016, Judicial Review & Administrative

***Seilers Transport Pty Ltd v McGrath*[2016] QDC 075**

April 2016, Competition & Consumer

***Boon v Summs of Qld Pty Ltd*[2016] QCA 038**

February 2016, Insurance, Appellate

***Boon v Summs of Qld Pty Ltd t/a Big Bill's Bobcats*[2015] QSC 162**

June 2015, Insurance

***Matton Developments Pty Ltd v CGU Insurance Ltd (No2)*[2015] QSC 072**

April 2015, Insurance

***Wilms v Simon Blackwood (Workers' Compensation Regulator)*[2015] QIRC 021**

February 2015, Judicial Review & Administrative

***Matton Developments Pty Ltd v CGU Insurance Ltd*[2014] QSC 256**

October 2014, Insurance

EXPERIENCE

Anthony's recent work examples include:

CONTRACTS

- > Acting (with Shane Doyle QC and Nicholas Andreatidis QC) for an energy company in complex and high-value litigation in the Supreme Court of Western Australia about the termination of a power purchase agreement.
- > Acting (with Nicholas Andreatidis QC) for a mortgagee in litigation in the Supreme Court of Queensland and Court of Appeal concerning the construction of a mortgage and the operation of the *Limitations of Action Act*. An application for special leave to appeal to the High Court of Australia is pending.
- > Acting (with Robert Anderson QC) for a shareholder of a national property development group concerning a dispute about compulsory share acquisition rights of shareholders.

BUILDING & CONSTRUCTION

- > Acting (with Duncan Miller SC) for a subcontractor in litigation in the Supreme Court of Queensland concerning the defective construction of a multi-tower mixed-use development.

> Acting for an engineer in litigation in the District Court of Queensland concerning the defective construction of dwellings and the Queensland Civil and Administrative Tribunal concerning alleged unprofessional conduct of an Registered Professional Engineer.

CORPORATIONS, BANKRUPTCY & INSOLVENCY

> Acting (with Paul McQuade QC) for a shareholder of a company that was wound up in insolvency and deregistered, but which was potentially entitled to millions of dollars in partnership distributions. Relief was sought in the Supreme Court of Queensland to reinstate the company, so that a dispute about ownership of its shares and partnership entitlements could be determined.

> Acting (with Damian Clothier QC) for a subcontractor involved in the construction of a mine in litigation in the Supreme Court of Western Australia concerning the collapse of Forge Group Limited (in liq) and associated entities.

> Acting (with Robert Anderson QC) for a member of an Aboriginal land council in litigation in the Supreme Court of Queensland concerning the proposed restructuring of the land council in a way adverse or oppressive to members' rights.

> Acting for the State of Queensland in litigation in the Federal Court of Australia associated with the collapse of Careers Australia Group Limited (in liq) and associated entities.

> Acting for the former financial controller of a high-profile building group in a Federal Court of Australia public examination about the group's collapse.

> Acting for the trustee of a self-managed superannuation fund in litigation in the Federal Court of Australia brought by a bankruptcy trustee seeking to recover contributions made into the fund.

> Acting for the directors of a multi-national plumbing contractor in a Federal Court of Australia public examination about the contractor's collapse.

> Acting for the liquidators of companies wound up in insolvency in public examinations in the Federal Court of Australia and in recovery proceedings in the State courts of against former directors, related entities and counter-parties to voidable transactions.

INTELLECTUAL PROPERTY

> Acting (with Mark Martin QC) for the operator of the database RP Data Professional in litigation in the Federal Court of Australia and Full Court of the Federal Court of Australia concerning alleged infringements of copyright subsisting in photographs and floor plans created by a photographer.

> Acting for the owner of registered trade marks in litigation in Federal Court of Australia concerning the unlawful use of the marks and alleged passing off under the *Australian Consumer Law*.

LAND & PROPERTY

> Acting (with Roger Traves QC) for an energy and resources company in litigation in the Land Court of

Queensland concerning the compensation payable to a landowner under the *Mineral Resources Act* by reason of the grant of a mining lease.

> Acting (with Nicholas Andreatidis QC) for a Chinese property investor in litigation in the Supreme Court of Queensland about ownership of millions of dollars of property located on the Gold Coast.

> Advising (with Roger Traves QC) the owners of a large shopping centre about the right to challenge the Valuer-General's assessments concerning land value, and consequential impacts on land tax assessments and rates notices.

> Acting for the trustee of national property development trust in a misleading and deceptive conduct claim arising out of the multi-million dollar acquisition of land including the Melbourne Hotel.

> Acting for the developer of a multi-million dollar theme park and hotel development on the Sunshine Coast in litigation in the Supreme Court of Queensland about the acquisition of the land.

> Acting for the operator of an off-site airport parking business in a commercial leasing dispute with the Gold Coast Airport Corporation.

RECOMMENDATIONS

Doyle's Guide to the Australian Profession

Insolvency & Restructuring

2022 – Recommended Junior Counsel (QLD)

MEMBER

Bar Association of Queensland

LawRight

CAREER

2013 Barrister

2012 Senior Associate

2010 Associate

2008 Solicitor

2003 Law Clerk

EDUCATION

2008 Graduate Diploma of Legal Practice, The College of Law

2007 Bachelor of Laws, Queensland University of Technology

PUBLICATIONS

High Court affirms parties can effectively contract out of some statutory limitation periods

July 2021, Contract, Banking

Does a Stitch in Time Really Save Nine? Issues Surrounding Mitigation Costs Under a Policy of Liability Insurance

December 2018, Insurance, Contract

Trenfield v Hag Import: Trading Agreements, ROT, PPSA Vesting and Valuing Security Interests

August 2018, Corporate Insolvency & Bankruptcy

Expert Evidence

June 2017, Insurance

Companies behaving badly: winding up on grounds other than in insolvency

May 2017, Corporate Insolvency & Bankruptcy

Equitable Promises, Estoppel and Remedies

April 2017, Succession

Total and permanent disablement: a case update

March 2017, Insurance

Insurance Litigation Update

March 2017, Insurance

Liability limited by a scheme approved under professional standards legislation