

DAMIAN CLOTHIER QC

YEAR OF CALL: 1995 | YEAR OF SILK: 2011

Damian has a broad ranging commercial practice, with particular emphasis on commercial litigation, arbitration and advisory work in the fields of resources, building and construction, corporations, insurance, insolvency, property and professional negligence.

He is listed as a ranked QC for Dispute Resolution by Chambers & Partners Asia Pacific 2017-2020, and Chambers & Partners Global 2017, 2019. He was selected for inclusion in Best Lawyers in Australia 2017, 2018 and 2019 for Bet-the Company Litigation, Commercial Law and Litigation. He was named the Best Lawyers' 2014-2015 Brisbane Commercial Law 'Lawyer of the Year'. Damian is listed as a 'preeminent', 'leading' or 'recommended' QC by Doyle's Guide 2015-2019 in the areas of Commercial Litigation & Disputes, Construction, and Insolvency & Reconstruction.

Damian is the Chair of the Bar Association of Queensland's Business and Consumer Law Committee, a Member of the Bar Association of Queensland's Professional Conduct Committee and a former Member of the Queensland Law Society's Commercial Litigation Specialist Accreditation Committee.

AREAS OF PRACTICE

Appellate, Arbitration, Banking, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Employment & Industrial, Insurance, Intellectual Property, Judicial Review & Administrative, Land Law & Property, Planning & Environment, Professional Negligence, Resources & Energy.

CASES

Oakey Coal Action Alliance Inc v New Acland Coal Pty Ltd & Ors[2019] QCA 238

November 2019, Appellate, Judicial Review & Administrative

Lake v GBST Holdings Limited[2019] QSC 253

October 2019, Competition & Consumer, Contract, Employment & Industrial

Equititrust Limited v Tucker and Others (No 2)[2019] QSC 248

October 2019, Commercial Equity, Corporations

Sanrus Pty Ltd v Monto Coal 2 Pty Ltd (No 7)[2019] QSC 241

LEVEL

TWENTY
SEVEN

CHAMBERS



LEVEL 27, 239 GEORGE ST
BRISBANE QLD, 4000

level27chambers.com.au

T +61 7 3229 2288

M +61 408 476 339

dclothier@qldbar.asn.au

September 2019, Judicial Review & Administrative

Oakey Coal Action Alliance Inc v New Acland Coal Pty Ltd & Ors[2019] QCA 184

September 2019, Judicial Review & Administrative, Resources & Energy

Sanrus Pty Ltd v Monto Coal 2 Pty Ltd (No 5)[2019] QSC 210

August 2019, Judicial Review & Administrative

Harro Group Pty Ltd v Aspire Pty Ltd[2019] QSC 189

August 2019, Contract

Aurizon Network Pty Ltd v Glencore Coal Queensland Pty Ltd & Ors[2019] QSC 163

June 2019, Contract

King v Australian Securities and Investments Commission[2019] QCA 121

June 2019, Corporations, Judicial Review & Administrative, Appellate

Equititrust Limited v Tucker and Others[2019] QC 51

March 2019, Contract, Judicial Review & Administrative, Corporations, Corporate Insolvency & Bankruptcy

Wellington v Huaxin Energy (Aust) Pty Ltd (formerly Cuesta Coal Limited)[2019] QSC 18

February 2019, Contract, Resources & Energy, Land Law & Property

Suncorp-Metway Ltd ABN 66 010 831 722 v Nagatsuma & Anor[2019] QSC 16

February 2019, Land Law & Property, Banking

King & Ors v Australian Securities and Investments Commission[2018] QCA 352

December 2018, Appellate, Corporations, Judicial Review & Administrative

Byerwen Coal Pty Ltd v Colinta Holdings Pty Ltd (no.2)[2018] QCA 350

December 2018, Resources & Energy, Land Law & Property, Contract

Aurizon Network Pty Ltd v Queensland Competition Authority & Ors[2018] QSC 246

October 2018, Judicial Review & Administrative, Competition & Consumer

Port Ballidu Pty Ltd v Frews Lawyers[2018] QCA 110

June 2018, Competition & Consumer, Corporations

New Acland Coal Pty Ltd v Smith[2018] QSC 88

May 2018, Judicial Review & Administrative, Planning & Environment, Resources & Energy

King v Gunthorpe[2018] QSC 1

January 2018, Contract, Corporations, Professional Negligence

Australian Conservation Foundation Incorporated v Minister for the Environment and Energy(2017) 251 FCR 359; [2017] FCAFC 134

August 2017, Appellate, Judicial Review & Administrative, Resources & Energy

Burragubba v Minister for Natural Resources and Mines[2017] QCA 179

August 2017, Appellate, Resources & Energy, Judicial Review & Administrative

Hancock Galilee Pty Ltd v Currie[2017] QLC 35

July 2017, Resources & Energy, Planning & Environment

Whitsunday Residents Against Dumping Ltd v Chief Executive, Department of Environment and Heritage Protection [2017] QSC 121

June 2017, Judicial Review & Administrative, Resources & Energy

Port Ballidu Pty Ltd v Frews Lawyers[2017] QSC 19

February 2017, Commercial Equity

Australian Securities and Investments Commission v Drake (no2)[2016] FCA 1552

December 2016, Commercial Equity, Corporations

Burragubba v Minister for Natural Resources and Mines(2016) 222 LGERA 13; [2016] QSC 273

November 2016, Judicial Review & Administrative, Resources & Energy

Land Services of Coast and Country Inc v Chief Executive, Department of Environment and Heritage Protection (2016) 222 LGERA 122; [2016] QSC 272

November 2016, Judicial Review & Administrative, Resources & Energy

Annie Street JV Pty Ltd v MCC Pty Ltd & Ors[2016] QSC 268

November 2016, Building & Construction, Judicial Review & Administrative

Coast & Country of Queensland Inc v Smith[2016] QCA 242

September 2016, Appellate, Judicial Review & Administrative, Planning & Environment, Resources & Energy

Callide Power Management Pty Ltd v Callide Coalfields (Sales) Pty Ltd; CS Energy Ltd v Callide Coalfields (Sales) Pty Ltd (No5) [2016] QSC 199

August 2016, Contract, Resources & Energy

Australian Conservation Foundation Incorporated v Minister for Environment[2016] FCA 1042

August 2016, Judicial Review & Administrative, Resources & Energy

RCR O'Donnell Griffin Pty Ltd v Forge Group Power Ltd (Receivers & Managers Appointed) (in liq)[2016] QCA 214

August 2016, Appellate, Building & Construction, Contract, Resources & Energy

Pointon & Ors v Oaks Hotels & Resorts Limited & Ors[2016] QSC 152

July 2016, Contract

Lee v Abedian [2017] 1 Qd R 549; [2016] QSC 92

April 2016, Professional Negligence

Comgroup Supplies Pty Ltd v Products for Industry Pty Ltd [2016] QCA 88

April 2016, Appellate, Commercial Equity

Bradshaw v Griffiths [2016] QCA 20

February 2016, Appellate, Land Law & Property

Callide Power Management Pty Ltd v Callide Coalfields (Sales) Pty Ltd (No 3) [2015] QSC 295

October 2015, Contract, Resources & Energy

Coast and Country Association of Queensland Inc v Smith [2015] QSC 260

September 2015, Judicial Review & Administrative, Resources & Energy

LPD Holdings (Aust) Pty Ltd v Russells (a firm) [2015] QCA 122

June 2015, Appellate, Contract

RCR O'Donnell Griffin Pty Ltd v Forge Group Power Pty Ltd [2015] QSC 186

June 2015, Building & Construction, Contract

Witherspoon v Hutson [2015] QCA 109

June 2015, Banking, Land Law & Property, Appellate

BDO Group Holdings (Qld) Limited & Anor v Sully [2015] QSC 166

June 2015, Competition & Consumer, Contract, Employment & Industrial

Samimi v Queensland Building & Construction Commission [2015] QCA 106

June 2015, Building & Construction, Insurance, Appellate

Endocoal Limited v Glencore Coal Queensland Pty Ltd and Department of Environment and Heritage Protection [2014] QLC 54

December 2014, Planning & Environment, Resources & Energy

Londy v Van Nieuwburg [2014] QSC 290

December 2014, Commercial Equity

Canehire Pty Ltd v Themis Holdings Pty Ltd [2014] QCA 296

November 2014, Commercial Equity, Appellate

J M Kelly (Project Builders) Pty Ltd v Toga Development No. 31 Pty Ltd (No 6) [2014] QSC 262

October 2014, Building & Construction, Contract

Caltex Refineries (Qld) Pty Ltd v Allstate Access (Australia) Pty Ltd [2014] QSC 223

September 2014, Building & Construction, Judicial Review & Administrative, Contract

Callide Power Management P/L v Callide Coalfields (Sales) P/L [2014] QSC 205

August 2014, Contract, Resources & Energy

***Markan v Bar Association of Queensland (No 3)*[2014] QSC 225**

July 2014, Judicial Review & Administrative

***LM Investment Management Ltd (in liq) (recs and mgrs apptd) as responsible entity of the LM First Mortgage Income Fund) v Bruce*[2014] QCA 136**

June 2014, Corporations, Appellate, Corporate Insolvency & Bankruptcy

***Glencore Coal Queensland Pty Ltd v Keys*[2014] QLAC 2**

May 2014, Resources & Energy, Planning & Environment

***Hancock Coal Pty Ltd v Kelly and Ors and Department of Environment and Heritage Protection (No. 4)* [2014] QLC 12**

October 2013, Resources & Energy, Planning & Environment

***Clout v Andi-Co Australia Pty Ltd & Ors*[2013] QSC 278**

October 2013, Corporations, Corporate Insolvency & Bankruptcy

***Modi and Clements v SDW Projects Pty Ltd and Ors*[2013] QCA 221**

August 2013, Land Law & Property, Professional Negligence, Appellate

***Xstrata Coal Qld Pty Ltd & Ors v Keys & Anor; Xstrata Coal Qld Pty Ltd & Ors v Sky Grove Pty Ltd; Xstrata Coal Qld Pty Ltd & Ors v Erbacher; Xstrata Coal Qld Pty Ltd & Ors v Edmonds & Anor* [2013] QLC 34**

June 2013, Planning & Environment, Land Law & Property, Resources & Energy

***Shaft Drillers International LLC v Australian Shaft Drilling P/L*[2013] QSC 79**

March 2013

***Australian Securities and Investments Commission v. Managed Investments Limited & Ors No.4* [2013] QSC 15**

January 2013, Corporations, Corporate Insolvency & Bankruptcy

***Buckby v Wharton* [2012] QSC 416**

December 2012, Land Law & Property, Corporate Insolvency & Bankruptcy, Banking

***Anderson v ASIC* [2012] QCA 301**

December 2012, Corporations, Appellate, Corporate Insolvency & Bankruptcy

***Bradshaw v Bar Association of Queensland*[2012] QCA 322**

November 2012, Judicial Review & Administrative, Appellate

***Gough v South Sky Investments Pty Ltd*[2012] QCA 161**

June 2012, Contract, Appellate, Land Law & Property

***Sucrogen Australia Pty Ltd v. Westpac Banking Corporation & Anor*[2011] QSC 393**

December 2011, Land Law & Property, Banking

Cassels & Anor v Brisbane City Council [2009] QSC 124

May 2009, Land Law & Property, Judicial Review & Administrative

Octaviar Ltd, Re; Re Octaviar Administration P/L [2009] QSC 37

March 2009, Corporations, Corporate Insolvency & Bankruptcy

Westfield Management Ltd v Brisbane Airport Corporation Ltd [2005] FCA 32

February 2005, Land Law & Property, Judicial Review & Administrative

RECOMMENDATIONS

Chambers & Partners Asia Pacific – Selected as a leading QC for Dispute Resolution

- 2020 “*leader of the future*“, “*ability to get on top of his material very quickly and to cut to the core of an issue*” and “*advocacy which is extremely clear, intellectually rigorous and forceful*.”
- 2019 “*very insightful in his case preparation and identification of issues*” and “*an outstanding advocate*.”
- 2018 “*outstanding analytical and advocacy skills, including a devastatingly effective cross-examination capability*”
- 2017 “*an exceptional advocate with a remarkable skill for articulating a case with the content and style that best convinces the judge and gives the client the best chance of success*”

Chambers & Partners Global 2017, 2018 and 2019– Selected as a leading QC for Dispute Resolution

Australian Financial Review’s Best Lawyers Best Lawyers 2017-2020– Listed for Alternative Dispute Resolution, Bet-the Company Litigation, Commercial Law, Insolvency and Reorganisation Law, Litigation, Oil & Gas Law. In 2014-2015, Damian was named Brisbane Commercial Law ‘Lawyer of the Year’.

Doyle’s Guide to the Australian Legal Profession 2015-2019– Listed for Commercial Litigation & Disputes (‘Preeminent’ in Queensland and ‘recommended’ in Australia).

Doyle’s Guide to the Australian Legal Profession 2015, 2017 and 2019– Nominated as a ‘recommended’ QC for Construction & Infrastructure (Queensland).

Doyle’s Guide to the Australian Legal Profession 2015-2019– Nominated as a ‘preeminent’ QC for Insolvency & Reconstruction (Queensland 2016, 2017 and 2018) and a ‘recommended’ QC for Insolvency & Reconstruction (Australia 2015, 2016, 2017).

Doyle’s Guide to the Australian Legal Profession 2016– Nominated as a ‘recommended’ QC for Insurance (Queensland).

APPOINTMENTS

Chair of the Bar Association of Queensland's Business and Consumer Law Committee

Member of the Bar Association of Queensland's Professional Conduct Committee

Member of the Bar Association of Queensland's Queen's Counsel Consultation Group

Member of the Queensland Law Society's Commercial Litigation Specialist Accreditation Committee

MEMBER

Member of the Bar Association of Queensland

Sometime Instructor, Leading Evidence and Cross-Examination, Bar Practice Course

CAREER

2013 Appointed Queen's Counsel

2011 Appointed Senior Counsel

1996-present Practising Barrister

1996 Admitted, Barrister of the High Court of Australia

1995 Admitted, Barrister of the Supreme Court of Queensland

1994-1995 Associate to the Honourable Mr Justice Lee, Supreme Court of Queensland

1991-1995 Part-Time Tutor, Queensland University of Technology

1993 Research Assistant, the Honourable Mr Justice Spender and the Honourable Mr Justice Drummond, Federal Court of Australia

1993 Admitted, Solicitor of the Supreme Court of Queensland

1992 Associate to the Honourable JM Macrossan, Chief Justice of Queensland

1991 Article Clerk, Corrs Chambers Westgarth, Solicitors

EDUCATION

LLB (QUT) (1st Class Hons)

AWARDS

1992 Inaugural recipient of the TE Cain Moot Trophy

1990 Queensland Law Society Prize (awarded to the graduating Bachelor of Laws student with the highest aggregate marks in the subjects of Commercial Law, Conveyancing & Drafting, Company Law and Partnership and Taxation Law)

1990 Power & Power Company Law and Partnership Prize

1990 Clarke & Kann Taxation Law Prize

1990 Law Book Co Pty Ltd Professional Conduct Prize

1989 Butterworths Pty Ltd Equity Prize

PUBLICATIONS

Timing is Everything

July 2019, Insurance

Objections to Resource Projects in the Land Court

March 2015, Planning & Environment

Liability limited by a scheme approved under professional standards legislation