

## MARK EADE

YEAR OF CALL: 2016

Mark has a broad civil practice and is regularly briefed in insurance, personal and corporate insolvency, administrative and public law, professional negligence, succession law and general commercial matters.

Mark advises upon and appears in proceedings in all State and Federal Courts, tribunals and inquests (frequently unled).

Prior to being called to the bar in 2016, Mark was the Associate to the Honourable Chief Justice Paul de Jersey AC (as his Excellency then was), Justice Peter Flanagan and Justice Ann Lyons.

Mark is a sessional academic in Ethics, Corporate Law and Evidence Law at the Queensland University of Technology. He has undertaken a number of research positions for the Australian Centre for Health Law Research.

Mark is also appointed as a Sub-Editor for the Incorporated Council of Law Reporting (Queensland) and has the overall editorial management for the Queensland Judgments website.



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## AREAS OF PRACTICE

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Arbitration, Building & Construction, Class Actions, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Employment & Industrial, Inquiries & Coronial Inquests, Insurance, Judicial Review & Administrative, Media & Defamation, Native Title & Cultural Heritage, Resources & Energy, Sport, Succession.

## CASES

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***Emperor Investment Group Pty Ltd v Delta Law Pty Ltd and Anor; Emperor Investment Group Pty Ltd & Anor v Rozario & Ors*** [2019] QSC 307

December 2019, Corporations

***Grace Buncle Pty Ltd v Ralph Lauren No 57 Pty Ltd; Grace Buncle Pty Ltd v Ralph Lauren No 57 Pty Ltd & Anor*** [2019] QSC 270

November 2019, Contract

***Scriven v Queensland Rural and Industry Development Authority (No 2)***[2019] QSC 263

October 2019, Judicial Review & Administrative

***Scriven v Queensland Rural and Industry Development Authority*[2019] QSC 176**

August 2019, Judicial Review & Administrative

***Jones v State Coroner & Anor*[2019] QSC 175**

July 2019, Judicial Review & Administrative

***Crown Solicitor v Bird*[2019] QSC 147**

June 2019, Judicial Review & Administrative

***Lane (Trustee), in the matter of Lee (Bankrupt) v Commissioner of Taxation (No 3)*[2018] FCA 1572**

October 2018, Corporate Insolvency & Bankruptcy

***State of Queensland v Baker Superannuation Fund Pty Ltd; Aurizon Operations Ltd v Baker Superannuation Fund Pty Ltd*[2018] QCA 168**

July 2018, Land Law & Property, Professional Negligence

***Conlon Property Developments Pty Ltd v Cavanagh Bros Pty Ltd*[2018] QSC 127**

June 2018, Corporations, Land Law & Property

***Australian Liquor Marketers (Qld) Pty Ltd v Lawson*[2017] FCCA 2804**

November 2017, Corporate Insolvency & Bankruptcy

***Lane (Trustee), in the matter of Lee (Bankrupt) v Commissioner of Taxation (No 2)*[2017] FCA 1112**

September 2017, Corporate Insolvency & Bankruptcy

***Lane (Trustee), in the matter of Lee (Bankrupt) v Commissioner of Taxation*[2017] FCA 953**

August 2017, Corporate Insolvency & Bankruptcy

***Michael Vincent Baker Superannuation Fund Pty Ltd v Aurizon Operations Ltd*[2017] QSC 26**

March 2017, Land Law & Property

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

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

## EXPERIENCE

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Notable matters as junior counsel include:

### ADMINISTRATIVE & PUBLIC LAW

> Appointed as an External Inspector under Part 8, Chapter 6 of the *Corrective Services Act 2006* (Qld) to investigate incidents in corrective services facilities.

> Appearing for the Crown Solicitor (led by McLeod QC) in an application in the Supreme Court of Queensland concerning the proper construction of the *Vexatious Proceedings Act 2005* (Qld) (including appearing unled in an

application for a case stated to the Court of Appeal).

## **BUILDING & CONSTRUCTION**

> Acting for builders in claims against the Queensland Building and Construction Commission in the Queensland Civil and Administrative Tribunal.

## **CIVIL PROCEDURE**

> Appearing unled for a company, successfully seeking security for the costs of an appeal in the Queensland Court of Appeal, and an order staying the appeal until security was provided.

## **COMMERCIAL**

> Acting for the indigenous applicant in a class action commenced against the State of Queensland in the Federal Court alleging misappropriation of wages of Aboriginal and Torres Strait Islanders from 1939 to 1972 (led by D Campbell QC, WAD Edwards, J Creamer, A Newman and A Edwards).

> Appearing for Aurizon Operations Ltd in a 5 day trial in the Supreme Court of Queensland, and in a 1 day appeal to the Queensland Court of Appeal (led by Horton QC), successfully resisting a claim in nuisance seeking \$2.5 million in damages.

> Appearing (unled) for a party to a joint venture dispute, successfully seeking security for costs in the Supreme Court of Queensland.

> Acting for a national weapons and munitions importer, alleging breach of copyright and passing off against a retail supplier.

> Acting for a financial planning and wealth management franchisee in a dispute concerning the termination of the franchising agreement.

> Acting in an appeal to the Queensland Court of Appeal (led by M Hickey) in a breach of fiduciary duty and knowing receipt claim.

> Appearing unled for an aviation company, successfully seeking the removal of a director and secretary (including an interlocutory application for substituted service).

> Acting for a property development company in its resistance of a commercial claim for damages brought against it in the Supreme Court of Queensland (led by C Johnstone).

> Appearing for a hydraulic, fire and environmental consultancy company in a disputed restraint of trade and passing off case in the District Court of Queensland.

## **GUARDIANSHIP**

> Appearing (*pro bono*) for an individual for the appointment of a private guardian and financial administrator in

the Queensland Civil and Administrative Tribunal.

## **INQUESTS & INQUIRIES**

> Appearing unled for a former skydiving business owner/operator in a 7 day coronial inquest into 5 deaths arising out of an aircraft incident.

## **INSOLVENCY**

> Appearing for trustees-in-bankruptcy in an application for directions in the Federal Court of Australia concerning the complex determination as to the proper distribution of that individual's assets arising out of a trading trust business, including the proper allocation of funds from an unfair preference payment (Mark is also briefed unled in the presently stayed appeal in the Full Federal Court).

> Acting for the liquidators of a group of 9 related companies concerning the proper distribution of the assets of each company (led by P McQuade QC).

> Appearing unled for a petitioning creditor, successfully seeking an opposed sequestration order in the Federal Circuit Court.

> Appearing unled for former directors and shareholders of a company in liquidation in the Supreme Court of Queensland, successfully seeking a priority payment from the property of that company pursuant to s 564 of the *Corporations Act 2001*(Cth).

> Appearing unled for a trustee-in-bankruptcy in the Federal Circuit Court, successfully seeking an order pursuant to s 146 of the *Bankruptcy Act 1966*(Cth) that dividends be distributed from a bankrupt estate without the filing of a statement of affairs.

> Appearing unled for a national gas well delivery provider in a successful application in the Supreme Court of Queensland to set aside a statutory demand issued against it.

> Acting for the wife of a former bankrupt seeking the vesting to her of encumbered, disclaimed real property.

## **INSURANCE**

> Acting for national and international insurers in trials in the Magistrates Court of Queensland (consistently for over two years) in motor vehicle property damage claims and hire vehicle claims, including complex multi-vehicle collisions, and a successful trial based on the novel application of s 51 of the *Insurance Contracts Act 1984* (Cth).

## **SUCCESSION LAW**

> Acting for a litigation guardian of a minor in a family provision claim in the Supreme Court of Queensland (including appearing in an application successfully resisting the removal of the individual as litigation guardian).

## MEMBER

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Bar Association of Queensland

## EDUCATION

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**2013** Bachelor of Laws, First Class Honours, Queensland University of Technology

**2013** Bachelor of Information Technology with Distinction, Queensland University of Technology

## AWARDS

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**2013** Subject award for Sports Law

**2013** Subject award for Civil Procedure

**2013** Subject award for Laws and Global Perspectives

**2012** Allens prize for Corporate Law

**2012** Subject award for Administrative Law

**2012** Subject award for Evidence

**2012** Subject award for Professional Responsibility

**2011** Deans Research Scholar

**2011** Vocational Research Scholarship

## PUBLICATIONS

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### **Insolvent Trading Trusts: Clarification Re Amerind**

August 2019, Corporate Insolvency & Bankruptcy

### **Insolvent corporate and personal trustees, the Re Amerind High Court appeal, what you need to know**

July 2019, Corporate Insolvency & Bankruptcy

*Liability limited by a scheme approved under professional standards legislation*