

MARK EADE

YEAR OF CALL: 2016

Mark's expertise across a broad range of commercial and public law practice areas sees him acting and advising international corporations, insurers, external administrators, government departments and individuals in public and private law litigation.

Appearing (mostly unled) in all State and Federal Courts, tribunals and inquests, Mark's work predominantly focusses on complicated commercial disputes in the areas of insurance, personal and corporate insolvency, class actions and professional negligence, as well as economic tort claims and succession matters. Increasingly, his experience in these areas involves working closely with large teams in highly complex and challenging litigation. His wide-ranging public law practice, which combines judicial and merits review, ranges from cases concerning the coronial jurisdiction and disciplinary matters to environmental challenges. Australian Financial Review *Best Lawyers*® list Mark as a leading Australia junior counsel in Insolvency and Reorganization Law.

Prior to being called to the Bar, 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 was a sessional academic in Ethics, Corporate Law and Evidence Law at the Queensland University of Technology and has undertaken a number of research positions for the Australian Centre for Health Law Research.

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

AREAS OF PRACTICE

Arbitration, 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

Stewart v Metro North Hospital and Health Service [2024] QSC 41

LEVEL

TWENTY
SEVEN

CHAMBERS



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March 2024

***Harvey & Ors v. Minister for Primary Industry and Resources & Ors*[2024] HCA 1**

February 2024, Appellate, Native Title & Cultural Heritage, Resources & Energy

***Niceforo v Berkshire Hathaway Specialty Insurance Company & Ors*[2023] QSC 282**

December 2023, Insurance

***Anderson v Pickles Auctions Pty Ltd*[2023] QSA 205**

October 2023, Employment & Industrial

***Ford v Nominal Defendant [No 2]*[2023] QCA 181**

September 2023

***Ford v Nominal Defendant*[2023] QCA 83**

April 2023, Insurance

***Chapman v Wide Bay Hospital and Health Service*[2022] QDC 271**

December 2022, Professional Negligence

***Cottee v Cobham Aviation Services Australia Pty Ltd & others*[2022] QDC 251**

November 2022, Insurance

***WorkCover Queensland v Yang*[2022] QCA 196**

October 2022, Judicial Review & Administrative

***Choppair Helicopters Pty Ltd v AMT Helicopters Pty Ltd*[2022] QDC 169**

August 2022, Contract

***Harvey v Minister for Primary Industry and Resources*[2022] FCAFC 66**

April 2022, Native Title & Cultural Heritage, Resources & Energy, Judicial Review & Administrative

***Yang v WorkCover Queensland*[2021] QSC 274**

October 2021, Insurance

***Friday v Minister for Primary Industry and Resources*[2021] FCA 794**

July 2021, Native Title & Cultural Heritage, Judicial Review & Administrative, Resources & Energy

***Schott and Civil Aviation Safety Authority*[2021] AATA 1855**

June 2021, Professional Discipline & Regulatory

***Scriven v Queensland Rural and Industry Development Authority*[2021] QCA 121**

June 2021, Banking

***van der Berg v WorkCover Queensland & another*[2021] QSC 28**

February 2021, Judicial Review & Administrative

Calmmouth Pty Ltd v AV Jennings Properties Limited[2021] QSC 3

January 2021, Contract

Commissioner of Taxation v Lane [2020] FCAFC 184

November 2020, Corporate Insolvency & Bankruptcy

Adani Mining Pty Ltd & Anor v Pennings [2020] QSC 249

June 2020, Appellate, Resources & Energy

Grace Buncle Pty Ltd & Anor v Ralph Lauren 57 Pty Ltd & Ors[2020] QSC 182

June 2020, Corporations, Land Law & Property

Neumann v Hutton and Anor [2020] QSC 17

March 2020, Professional Discipline & Regulatory, Judicial Review & Administrative

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

Notable matters as junior counsel include:

ADMINISTRATIVE & PUBLIC LAW

- > Appearing for the Attorney-General (led by McLeod QC) in an application in the Supreme Court of Queensland concerning the justiciability of coronial comments and disciplinary referrals together with the particular natural justice requirements in coronial process.
- > Appearing (unled) for the Queensland Rural and Industry Development Authority in the Supreme Court of Queensland, and subsequently the Queensland Court of Appeal, in an application for a statutory order of review concerning the proper construction of the *Farm Debt Mediation Act 2017* (Qld) and the role of the Authority within that statutory scheme.
- > Appearing (unled) for the Attorney-General in an application in the Supreme Court of Queensland concerning the proper construction of the *Coroners Act 2003* (Qld) and the interaction between that Act and the *Coroners Act 1958* (Qld) in relation to historical, reopened, inquests.
- > 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).

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

> Appearing (unled) on behalf of a company in administration in a three day trial in the Supreme Court of Queensland where a shareholder contended the company had been placed into administration for an improper purpose and sought an order terminating the administration under s 447A of the *Corporations Act 2001*(Cth).

> Appearing (led by D Kelly QC and S J Williams QC) on behalf of a number of defendants in multiple commercial proceedings in the Supreme Court of Queensland seeking the termination of alleged partnerships and joint investments.

> 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 and appearing on behalf of an importer and supplier of engineered stone (led by R Treston QC) in defence of a number of proceedings instituted by stonemasons seeking damages for silicosis and other advanced lung diseases.

> Acting and appearing (unled) on behalf of a rural General Practitioner clinic (through its subrogated insurer) in defence of proceedings issued by a patient against a multitude of medical and allied health professionals alleging a failure to diagnose.

> Acting (unled) on behalf of the subrogated insurer for a parachuting business defending wrongful death proceedings (relying upon tortious and statutory claims) instituted by the children on an amateur tandem parachutist who perished in a fatal aircraft incident.

> Acting as trial counsel for national and international insurers in the prosecution or defence of motor vehicle property damage proceedings.

> Advising on a wide variety of insurance issues with respect to novel duties of care, complicated questions of causation, issues of policy interpretation, indemnity and contribution, and the construction of provisions of the *Insurance Contracts Act 1984 (Cth)*, the *Civil Liability Act 2003 (Qld)* and the *Australian Consumer Law*.

Prior to being called to the Bar, Marked worked in the areas of transport, life, professional indemnity and medical insurance.

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).

RECOMMENDATIONS

Australian Financial Review *Best Lawyers*®

2022-25 – Insolvency and Reorganization Law

Doyle's Guide

2023 – 'Recommended' Insolvency & Restructuring Junior Counsel (QLD)

MEMBER

Bar Association of Queensland

EDUCATION

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

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

AWARDS

- 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

Coronial Inquests and the Coroners Act 2003 (Qld)

September 2020, Inquiries & Coronial Inquests

Damages in unusual circumstances: special loss arising from a defamation, damages for disappointment and distress and the (un)availability of loss of dependency damages for statutory claims

August 2020, Contract

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