

# MATTHEW JONES

YEAR OF CALL: 2009

Matthew has over ten years' experience as a barrister, having previously been trained as a solicitor by market leading litigators. Matthew takes a strategic and commercial approach to litigation, spanning very substantial resources litigation to joint venture and business disputes. He is listed as a Leading Junior Counsel in Doyle's Guide in the areas of Arbitration, Commercial Litigation & Dispute Resolution and Insolvency.

Matthew's practice focuses primarily on resources, building & construction, professional negligence and insolvency. He also has strong practices in insurance, intellectual property, banking & finance and property matters. His referring solicitors include top tier national and international firms, interstate firms, Crown agencies and numerous mid-tier and smaller firms.

In the pro bono sphere, Matthew is the immediate past president of LawRight Inc, the Chair of the Queensland Legal Assistance Forum, and a member of the Bar Association of Queensland Pro Bono Committee. He regularly performs pro bono casework and attends a number of direct access services, particularly for refugee, elderly or indigenous clients, with an increasing guardianship practice.

Matthew is also a keen proponent of alternative dispute resolution, including as a party representative or mediator. He holds a Certificate in Adjudication (pursuant to the *Building and Construction Industry Payments Act 2004*), has post-graduate qualifications in arbitration and is a member of the Chartered Institute of Arbitrators.

## AREAS OF PRACTICE

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Appellate, Arbitration, Banking, Building & Construction, Class Actions, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Insurance, Intellectual Property, International, Judicial Review & Administrative, Land Law & Property, Resources & Energy, Succession.

## CASES

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***Drake v PKF (Gold Coast) Pty Ltd & Anor* [2021] QCA 83**

April 2021, Corporate Insolvency & Bankruptcy

***Bremner v Bremner & Ors* [2020] QSC 374**

LEVEL

TWENTY  
SEVEN

CHAMBERS



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December 2020, Corporations

***Wylie v Orchard (No 2)* [2020] QDC 315**

December 2020, Contract

***Rolleston Coal Holdings Pty Ltd v ICRA Rolleston Pty Ltd* [2020] QSC 352**

November 2020, Contract

***Rolleston Coal Holdings Pty Ltd v ICRA Rolleston Pty Ltd* [2020] QSC 331**

November 2020, Contract

***LM Investment Management Ltd (receiver apptd) (in liq) v Drake & Ors* [2020] QSC 265**

August 2020, Corporations

***Wylie v Orchard* [2020] QDC 86**

May 2020, Contract

***Waterford PPG Pty Ltd v Civil Constructors (Aust) Pty Ltd* [2020] QSC 8**

February 2020, Building & Construction

***LM Investment Management Ltd (receiver apptd) (in liq) v Drake & Ors* [2019] QSC 281**

November 2019, Corporations

***The Trustee For Hardev Property (Deve 10) Unit Trust v Palgrove Holdings Pty Ltd & others* [2019] QSC 208**

August 2019, Building & Construction

***CRG* [2019] QCAT**

June 2019, Professional Discipline & Regulatory

***John Hopkins Financial Services Pty Ltd v De Lene & Anor* [2018] QDC 252**

December 2018, Contract

***Johnson v Minister for Home Affairs* [2018] FCA 1940**

November 2018, Judicial Review & Administrative

***Oceltip Pty Ltd v Noble Resources Pte Ltd & Ors* [2018] QSC 317**

September 2018, Resources & Energy, Contract

***Johnson v George* [2018] QSC 140**

June 2018, Succession

***Garda Capital Ltd v Herron Todd White (Sydney) Pty Ltd* [2018] QSC 079**

April 2018, Contract

***Bexalaw Pty Ltd (in liq)* [2018] 3 Qd R 322**

February 2018, Corporate Insolvency & Bankruptcy

***Bloomfield & Grainger & Anor* [2018] FamCA 36**

January 2018, Corporate Insolvency & Bankruptcy, Land Law & Property

***Tri-Star Petroleum Company v Australia Pacific LNG Pty Ltd* [2017] QSC 136**

June 2017, Resources & Energy

***Ennis v Credit Union Australia* [2017] FCCA 549**

March 2017, Competition & Consumer

***Mouglalis v Bendigo and Adelaide Bank Ltd* [2017] FCAFC 47**

March 2017, Appellate, Corporate Insolvency & Bankruptcy

***Grainger & Bloomfield* [2015] FamCA 32**

January 2017, Corporate Insolvency & Bankruptcy, Land Law & Property

***Oceltip Pty Ltd v Noble Resources Pte Ltd* [2016] QSC 246**

October 2016, Resources & Energy

***Sanderson v Bank of Queensland Ltd* [2016] QCA 137**

May 2016, Appellate, Competition & Consumer, International, Judicial Review & Administrative

***Bradshaw v Griffiths* [2016] QCA 20**

February 2016, Appellate, Land Law & Property

***Grainger & Bloomfield* [2015] FamCAFC 221**

November 2015, Corporate Insolvency & Bankruptcy, Land Law & Property

***FKP Residential Developments Pty Ltd v the Body Corporate for Ridges Peregrin Springs* [2015] QCATA 141**

September 2015, Appellate, Judicial Review & Administrative, Land Law & Property

***Re Bulwinkel Enterprises Pty Ltd* [2015] QSC 112**

May 2015, Corporate Insolvency & Bankruptcy, Corporations

***Donzenac Pty Ltd v MCV Enviroworks Pty Ltd* [2015] FCA 361**

April 2015, Intellectual Property

***Promoseven Pty Ltd v Markey, in the matter of Bluechip Development Corporation (Cairns) Pty Ltd (in Liquidation) (Receivers and Managers Appointed)* [2015] FCAFC 12**

February 2015, Appellate, Corporate Insolvency & Bankruptcy, Corporations

***Julstar Pty Ltd v Hart Trading Pty Ltd* [2014] FCAFC 151**

November 2014, Appellate, Competition & Consumer

***J M Kelly (Project Builders) Pty Ltd v Toga Development No. 31 Pty Ltd (No 6)***[2014] QSC 262  
October 2014, Building & Construction, Contract

***Promoseven Pty Ltd v Markey, in the matter of Bluechip Development Corporation (Cairns) Pty Ltd (in Liquidation) (Receivers and Managers Appointed)***[2013] FCA 1281  
November 2013, Corporate Insolvency & Bankruptcy, Corporations

***Filmana Pty Ltd v Tynan*** [2013] QCA 256  
September 2013, Appellate, Contract

***AWX Constructions Pty Ltd v IDH Modular Pty Ltd & Anor***[2013] QSC 218  
August 2013, Building & Construction, Contract

***Bank of Queensland Ltd v Chartis Australia Insurance Ltd***[2013] QCA 183  
July 2013, Appellate, Insurance

***Citypoint (Hotels) Pty Ltd v AIB Pty Limited***[2012] QCA 126  
May 2012, Contract, Land Law & Property

***Julstar Pty Ltd v Hart Trading Pty Ltd***[2013] FCA 1359  
May 2012, Competition & Consumer

***Essential Beauty Franchising Pty Ltd v Essential Beauty (Qld) Pty Ltd***[2012] FCA 12  
January 2012, Contract

***Walker v Government of the Republic of Vanuatu***[2011] FCAFC 138  
November 2011, Appellate, International

***McElligott v Boyce*** [2011] QCA 117  
June 2011, Corporate Insolvency & Bankruptcy

***Swanbank Industrial Park Pty Ltd & Anor v RD Catelan Investments Pty Ltd as trustee for RDC Trust & Anor*** [2010] QSC 354  
September 2010, Land Law & Property

## EXPERIENCE

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Representative examples of Matthew's broad experience include:

## RESOURCES & ENERGY

- > Acting for the plaintiff in a major resources dispute concerning ownership of and rights to coal seam gas leases.
- > Acting for the plaintiff in relation to a disputed coal mining royalty.

> Acting for a government agency in relation to the production and protection of confidential documents in a major mine dispute.

## **BUILDING & CONSTRUCTION**

> Acting in proceedings upholding or challenging adjudicators' decisions, particularly those turning on the interpretation of the *Queensland Building and Construction Commission Act 1991*.

> Acting for a project builder in a substantial claim against a developer/owner of a coastal resort for variations, delay damages and other relief.

> Advising a contractor in relation to a proposed arbitration against a major construction firm, including variation and programming disputes.

> Advising and acting for a major Australian not-for-profit organisation in relation to damage to an inner-city building.

## **PROFESSIONAL NEGLIGENCE**

> Acting for a valuer in a negligence claim brought by a managed investment scheme.

> Acting for receivers in a public examination in relation to the examinable affairs of the responsible entity of a managed investment scheme.

> Acting for a national firm of solicitors in defence of professional negligence proceedings brought by the receivers of former property developer.

> Professional negligence claims against solicitors, financial planners and other professionals, including advice as to pending and potential class actions.

## **INSOLVENCY & BANKRUPTCY**

> Acting in the advancement, and defence, of numerous unfair preference and uncommercial transaction proceedings.

> Advising on and appearing in proceedings seeking judicial advice on behalf of liquidators and receivers.

> Appearing in Full Court proceedings concerning interpretation of certain provisions of the *Bankruptcy Act 1966*.

> Acting for liquidators in proceedings (including appellate proceedings) concerning disputed adjudications of proofs of debt.

> Acting in proceedings seeking the winding up of companies on various grounds, including at appellate level.

> Provision of advice to creditors of insolvent companies and of bankrupt estates as to their rights and remedies.

## **BANKING & FINANCIAL SERVICES**

- > Acting for a court-appointed receiver in an action against former directors of a registered managed investment scheme.
- > Acting for a bank in a financial services class action.
- > Acting for banks and credit unions in recovery actions against borrowers and guarantors.
- > Acting for guarantors in defence of recovery actions by lenders, including banks and mezzanine lenders.

## **REGULATORY & ADMINISTRATIVE**

- > Acting for a bank in defence of regulatory proceedings brought by ASIC.
- > Acting in a number of judicial review applications under the *Migration Act 1958*.
- > Advice to solicitors and to their insurers as to the proper response to early stage claims.

## **INSURANCE**

- > Acting for a government agency in claims for allegedly deficient electricity supply and consequential loss.
- > Acting for the insurer of a horticultural enterprise in relation to allegedly deficient products.
- > Acting for insureds (including a bank, farmers and builders) in disputes as to the extent of cover under policies of insurance, including at appellate level.
- > Acting in a proceeding for a receiver against an insurer for declaratory relief under the *Insurance Contracts Act 1984*.

## **BUSINESS DISPUTES**

- > Acting in claims (including expert determination proceedings) seeking specific performance or enforcement of business contracts.
- > Acting for franchisers and franchisees (including at appellate level).
- > Advice as to the proper construction and enforcement of body corporate service agreements, sponsorship agreements, business service agreements, property development agreements/joint venture agreements and other forms of contractual relationships and acting in proceedings arising from those disputes.

## **INTELLECTUAL PROPERTY**

- > Acting for a grower in Federal Court proceedings under the *Plant Breeders' Rights Act 1994*.

> Advising on and acting in numerous claims for the protection of confidential information and other intellectual property rights.

> Advising on and acting in trade mark and patent infringement proceedings.

## **MEDIATION**

> As a party representative in many proceedings, including resources claims, proceedings brought under the *Property Law Act 1974*, business disputes, guarantee claims, family provision claims, commercial elements of matrimonial property disputes and professional negligence claims, among others.

> As mediator in guarantee, commercial lease, loan recovery, family provision, franchising and employment claims.

## **PUBLICATIONS**

Matthew is a regular presenter and writer on the law of construction, insolvency and professional negligence as well as on the mechanisms of Alternative Dispute Resolution and pro bono work. Examples topics he covers include:

Strategies for a Successful Mediation

Drafting deeds and settlement agreements

Evidence in Queensland – forthcoming Thomson Reuters Practical Law paper (with Andrew Crowe QC and Max Walker)

Mediation and ADR in Queensland – forthcoming Thomson Reuters Practical Law paper (with Andrew Crowe QC and San-Joe Tan)

## **RECOMMENDATIONS**

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### **Doyle's Guide to the Australian Legal Profession**

2021 – 'Leading' Junior for Administrative & Public Law (Australia)

2021 – 'Leading' Junior for Arbitration (Australia)

2021 – 'Recommended' Junior for Insolvency & Restructuring (Queensland)

2021 – 'Leading' Junior for Commercial Litigation (Queensland)

2021 – 'Recommended' Junior for Construction & Infrastructure (Queensland)

2020 – ‘Leading’ Junior for Arbitration (National)

2020 – ‘Leading’ Junior for Insolvency & Restructuring (Queensland)

2020 – ‘Recommended’ Junior for Commercial Litigation (Queensland)

2020 – ‘Recommended’ Junior for Construction & Infrastructure (Queensland)

2019 – ‘Leading’ Junior for Arbitration (National)

2019 – ‘Leading’ Junior for Commercial Litigation, ‘Recommended’ Junior for Insolvency & Restructuring (Queensland)

2018 – ‘Leading’ Junior for Arbitration (National)

2018 – ‘Leading’ Junior Counsel for Insolvency (Queensland)

2018 – ‘Leading’ Junior Counsel for Commercial Litigation (Queensland)

2017 – ‘Recommended’ Junior Counsel for Commercial Litigation (Queensland)

2017 – ‘Leading’ Junior for Insolvency (Queensland)

2017 – ‘Recommended’ Junior for Insolvency (National)

2017 – ‘Leading’ Junior for Arbitration (National)

#### **Australian Financial Review *Best Lawyers*®**

2022 – Recognised in Alternative Dispute Resolution and Insolvency & Reorganisation Law

2020 – Recognised in Insolvency and Reorganisation Law

## **APPOINTMENTS**

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**2016** Nationally Accredited Mediator

**2017-2020** Queensland Legal Assistance Forum: Chair, Bar Association of Queensland nominee, Member of the Mental Health Service Planning Working Group

**2009-present** LawRight Inc (previously the Queensland Public Interest Law Clearing House / QPILCH): President 2017-2019, Member of Management Committee 2011-2020

**2015-present** Member of the Bar Association of Queensland Pro Bono Committee



**2013-present** Honorary Solicitor to the Sri Lanka Society of Queensland Inc

## **MEMBER**

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Professional Member of the Resolution Institute (Nationally Accredited Mediator)

Fellow of the Chartered Institute of Arbitrators

Member of the Migration Committee of the Federal Law Section of the Law Council of Australia

Member of the International Institute of Space Law

Member of AMPLA

Member of the Access to Justice Committee of the Law Council of Australia

Member of LawRight

## **CAREER**

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**2009-present** Barrister

**2006-2009** Solicitor (Tucker & Cowen)

## **EDUCATION**

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**2020** University of Melbourne, Candidate for Master of Laws by Coursework

**2018** Certificate in Adjudication (pursuant to the Building and Construction Industry Payments Act 2004)

**2017** Professional Certificate in Arbitration (Adelaide)

**2016-2017** CiArb, Diploma in International Commercial Arbitration

**2005** University of Queensland, Bachelor of Laws (Honours IIA)

**2004** Monash University, Master of Diplomacy and Trade

**2002** University of Queensland, Bachelor of Arts (Double Major in German)

## AWARDS

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**2017** Professional Certificate in Arbitration Achievement of Excellence Award

**2004** Monash University Prize for Top Graduating Student in Master of Diplomacy and Trade

**2004** University of Queensland, Vice Chancellor's Scholarship

**2004** French Department of Foreign Affairs Student Exchange Scholarship

## PUBLICATIONS

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### **Mediation Strategies**

July 2021, Commercial Equity, Land Law & Property, Tax

### **So, you're telling me there's a chance: the preparation and presentation of claims for loss of opportunity damages**

May 2020, Corporations, Contract

### **Strategies for a Successful Mediation**

September 2019, Contract, Commercial Equity, Corporations

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