

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

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

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

LEVEL

TWENTY
SEVEN

CHAMBERS



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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, Judicial Review & Administrative

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 Peregian 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

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

Doyle's Guide to the Australian Legal Profession

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*®

2020 – Listed for Insolvency and Reorganisation Law

APPOINTMENTS

2016 Nationally Accredited Mediator

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

2017-2019 LawRight Inc (previously the Queensland Public Interest Law Clearing House / QPILCH): President 2017-2019, Member of Management Committee 2012-present

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

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

CAREER

2009-present Barrister

2006-2009 Solicitor (Tucker & Cowen)

EDUCATION

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

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

Strategies for a Successful Mediation

September 2019, Contract, Commercial Equity, Corporations

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