

MATTHEW WILKINSON

YEAR OF CALL: 2016

Matthew practices in commercial law and in public law.

He advises and appears in a wide range of commercial matters concerning commercial contracts, defamation, banking and finance, professional negligence and other torts, corporations, and real property disputes.

His public law practice includes advising and appearing for applicants and for government and administrative decision makers in merits review proceedings, judicial review proceedings, disciplinary matters, and parliamentary inquiries and commissions of inquiry.

He has appeared unled or as a junior counsel in the Supreme Court of Queensland, the Queensland Court of Appeal, the District Court of Queensland, the Magistrates Court of Queensland, the Federal Court of Australia, the High Court of Australia, and in the Queensland Civil and Administrative Tribunal.

Before joining the Bar, Matthew was a commercial litigation solicitor for six years at a leading Brisbane firm.

Matthew graduated from the University of Queensland in 2009 with degrees in Arts and Law (First Class Honours).

AREAS OF PRACTICE

Appellate, Banking, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Inquiries & Coronial Inquests, Judicial Review & Administrative, Land Law & Property, Media & Defamation, Professional Discipline & Regulatory, Professional Negligence, Succession.

CASES

Anthony v Commissioner of the Queensland Police Service[2022] QSC 124

May 2022, Judicial Review & Administrative

McEwan v The Commissioner of Taxation of the Australian Taxation Office and Ors[2022] QSC 81

May 2022, Intellectual Property, Professional Negligence, Professional Discipline & Regulatory, Corporate Insolvency & Bankruptcy

Mizikovsky v Berkley & Ors [2021] QSC 294

LEVEL

TWENTY
SEVEN

CHAMBERS



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November 2021, Media & Defamation

***Irving v Pfingst & Anor* [2021] QCA 280**

March 2021, Appellate, Human Rights & Discrimination

***The Body Corporate for 39 on Scenic CTS 41029 v Queensland Building and Construction Commission & Anor* [2021] QCAT 34**

January 2021, Professional Discipline & Regulatory

***Independent Assessor v Councillor Conduct Tribunal & Anor* [2020] QSC 316**

October 2020, Judicial Review & Administrative

***Irving v Pfingst* [2020] QSC 280**

September 2020, Appellate, Human Rights & Discrimination

***BWP Management Limited & Anor v Ipswich City Council* [2020] QCA 104**

May 2020, Land Law & Property

***New Emerald Coal Pty Ltd v Manlam Pty Ltd* [2019] QLC 43**

November 2019, Land Law & Property, Resources & Energy

***Ipswich City Council v BWP Management Limited & Anor* [2019] QLAC 1**

June 2019, Appellate, Land Law & Property

EXPERIENCE

Matthew has acted for clients in a wide variety of matters, including:

PUBLIC LAW

> Advising and appearing (unled) for the Commissioner of the Queensland Police Service in judicial review proceedings in the Supreme Court of Queensland.

> Advising and acting for Queensland integrity and anti-corruption agencies in relation to parliamentary inquiries, commissions of inquiry, and other public inquiries and reviews.

> Advising and appearing (as junior counsel) for the Crime and Corruption Commission in proceedings in the Supreme Court of Queensland and the Queensland Court of Appeal in relation to the publication of reports of its investigations and issues of parliamentary privilege.

> Advising and appearing (as junior counsel) for the Councillor Conduct Tribunal in relation to judicial review proceedings in the Supreme Court of Queensland.

- > Advising and acting (as junior counsel) for the Commissioner of the Queensland Police Service in special leave proceedings in the High Court of Australia relating to the *Information Privacy Act 2009* (Qld).
- > Advising (unled) in relation to judicial review proceedings relating to a decision under the *Extradition Act 1988* (Cth).
- > Advising (as junior counsel) in relation to proceedings in the original jurisdiction of the High Court of Australia for relief under section 75 of the *Constitution* against the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs.
- > Advising and appearing as junior counsel for a registered training organisation in judicial review proceedings in the Federal Court of Australia.
- > Advising and acting generally (as junior counsel) for a local council in relation to the investigation of complaints made to the Crime and Corruption Commission.

MERITS REVIEW

- > Advising and appearing (unled) for the Office of the Independent Assessor in councillor disciplinary matters in the Queensland Civil and Administrative Tribunal.
- > Advising and appearing (unled) for a building certifier in disciplinary proceedings in the Queensland Civil and Administrative Tribunal.
- > Advising and appearing (as junior counsel) for registered training organisations in merits review proceedings in the Administrative Appeals Tribunal.

MEDIA & DEFAMATION

- > Regularly advising and appearing (unled and as junior counsel) for plaintiffs and defendants in defamation proceedings in the Supreme Court of Queensland, District Court of Queensland, and the Federal Court of Australia.
- > Advising and appearing (as junior counsel) for the commercial broadcaster in relation to defamation proceedings relating to a broadcast of *A Current Affair*.
- > Advising and appearing (unled) for plaintiffs and defendants in defamation disputes in relation to body corporate matters.
- > General advice to plaintiffs and defendants about defamation claims and pre-litigation steps and procedures.

PROFESSIONAL NEGLIGENCE

- > Advising and appearing (unled) in solicitor's professional negligence proceedings in the District Court of Queensland.
- > Advising and appearing (as junior counsel) in solicitor's professional negligence proceedings in the Supreme Court of Queensland.
- > Advising clients generally on professional negligence claims.

OTHER TORTS

- > Advising and appearing (as junior counsel) for a member of the Queensland Police Service and the State of Queensland in proceedings for malicious prosecution and false imprisonment in the Supreme Court of Queensland and Queensland Court of Appeal.
- > Advising and appearing (unled) for the State of Queensland in several proceedings for malicious prosecution, false imprisonment, and assault and battery brought against members of the Queensland Police Service.
- > Advising and appearing (as junior counsel) for members of the Queensland Police Service in relation to alleged reprisal actions taken in breach of the *Public Interest Disclosure Act 2013* (Qld).
- > Advising and appearing (as junior counsel and unled) for the Commissioner of Taxation and Commonwealth prosecutors in proceedings for malicious prosecution and misfeasance in public office.
- > Advising and appearing (unled) for the State of Queensland in the District Court of Queensland in negligence proceedings relating to damage to underground sewerage works.
- > Advising and appearing (as junior counsel) in Supreme Court of Queensland proceedings relating to trespass to land.

BANKING & FINANCE

- > Advising (both as junior counsel and unled) in relation to potential breaches of lenders of the *Banking Code of Practice*.
- > Acting and appearing (unled) for lenders in relation to the preservation and enforcement of their security and in proceedings to recover possession of real property.

CORPORATIONS & INSOLVENCY

- > Advising and appearing (unled) for liquidators in the Supreme Court of Queensland in a dispute over ownership of heavy machinery.
- > Advising and appearing (unled) for liquidators at public examinations conducted under the *Corporations Act 2001* (Cth), and acting for witnesses at public examinations.
- > Advising and appearing (as junior counsel) in proceedings in the Supreme Court of Queensland for the appointment of receivers over trust assets.
- > Advising and acting generally in relation to winding up proceedings.
- > Advising and acting generally in relation to proceedings to set aside creditor's statutory demands issued under the *Corporations Act 2001* (Cth).

OTHER CONTRACTUAL & COMMERCIAL DISPUTES

- > Advising and appearing (unled) for plaintiffs and defendants in proceedings for misleading or deceptive conduct and for breach of statutory guarantees under the *Australian Consumer Law*.
- > Advising and appearing (as junior counsel) for a medical services provider in Supreme Court of Queensland proceedings about alleged breaches of contract and fiduciary duty.
- > Advising and acting for chief executive officer in relation to recovery of unpaid performance bonuses.
- > Advising real estate agency businesses in relation to the misuse of their confidential information by former employees and advising on their liability for unpaid commission benefits to those employees.
- > Advising and appearing (unled) in Supreme Court of Queensland proceedings about a commercial leasing dispute and claims of promissory estoppel.
- > Advising and appearing (unled) in Magistrates Court of Queensland proceedings about a stay of proceedings under the *Commercial Arbitration Act 2013* (Qld).
- > Advising generally about potential breaches of the contractual disclosure provisions of the *Land Sales Act 1984* (Qld).
- > Advising generally in relation to the preparation of "informal wills" under the *Succession Act 1981* (Qld).

LAND LAW

- > Advising and appearing (unled) in Supreme Court of Queensland proceedings about the removal of encroachments under the *Property Law Act 1974* (Qld).

> Advising and appearing (as junior counsel and unled) in proceedings in the Land Court of Queensland in relation to the compensation for the compulsory acquisition of land.

> Advising and appearing (as junior counsel) for Ipswich City Council in the Land Appeal Court and in the Queensland Court of Appeal in relation to an appeal about ratings categories.

> Advising and appearing (unled) for the Ipswich City Council in proceedings in the District Court of Queensland in relation to the recovery of rates and challenge to differential rating categories.

> Advising and appearing (as junior counsel) in the Land Court of Queensland in proceedings in relation to a caveat over mining tenements.

MEMBER

Bar Association of Queensland

CAREER

2016 Barrister

2010-2016 Associate, HopgoodGanim Lawyers, Brisbane

2013-2014 Guest Lecturer, "Civil Procedure", T. C. Beirne School of Law, University of Queensland

EDUCATION

2009 Bachelor of Arts / Bachelor of Laws (Hons I), University of Queensland

PUBLICATIONS

Notes for a Scandal: is it worthwhile & how to justify what is said in defamation cases

March 2019, Media & Defamation

Companies behaving badly: winding up on grounds other than in insolvency

May 2017, Corporate Insolvency & Bankruptcy

Liability limited by a scheme approved under professional standards legislation