

MOHAMMUD JAAMAE HAFEEZ-BAIG

YEAR OF CALL: 2018

Jaamae has a broad commercial and public law practice, which encompasses equity and trusts, civil fraud and asset recovery claims, contract law, administrative law, constitutional law, corporations law, consumer law, insolvency, and succession law. He has particular expertise in:

- civil fraud and equity and trusts—he is a co-author of *The Law of Tracing* (Federation Press, 2021); and
- restitution of unjust enrichment—he appeared in the most recent High Court case in that area (*Redland City Council v Kozik*) and teaches Restitution of Unjust Enrichment on the BCL at the University of Oxford.

His notable recent instructions include:

- appearing for the Attorney-General of Queensland in the High Court of Australia in *Redland City Council v Kozik*, which raised a number of issues in the law of unjust enrichment relating to the recovery of *ultra vires* taxes; and
- advising and acting for the court-appointed receivers of the property of the Presbyterian Church of Queensland in relation to proceedings in the Supreme Court of Queensland and in relation to the receivership more generally.

Jaamae has an international practice. In addition to advising on Australian law and appearing in Australian proceedings, he practises at the English Bar from Brick Court Chambers in London. His notable recent instructions in that capacity include:

- *Lonestar Communications Corporation LLC v Kaye* [2023] EWHC 421 (Comm); [2023] EWHC 732 (Comm), acting for the successful claimant in the trial of the first civil claim in England and Wales arising out of a “cyber-attack”;
- *Maharaj v The Cabinet of the Republic of Trinidad and Tobago* (*Trinidad and Tobago*) [2023] UKPC 17; [2023] 1 WLR 2870, acting for the successful appellant in the Privy Council in an important appeal relating to local government elections in Trinidad and Tobago; and
- *BTI 2014 LLC v PricewaterhouseCoopers LLP* (English High Court, Chancery Division), acting for PwC in the defence of a \$600 million auditor’s negligence claim.

With experience working as part of large teams of lawyers and experts as well as acting as sole counsel, his approachability and flexibility is appreciated by a broad mix of government entities, commercial clients and individuals. Jaamae is comfortable working from briefs in electronic or hard copy format (or a hybrid of the two) for advisory work through to complex document-heavy litigation.

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AREAS OF PRACTICE

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

CASES

***Redland City Council v. Kozik & Ors* [2024] HCA 7**

March 2024, Appellate

***The Presbyterian Church of Queensland Incorporated by Letters Patent v Attorney-General for the State of Queensland* [2021] QSC 219**

August 2021, Corporate Insolvency & Bankruptcy

***The Presbyterian Church of Queensland Incorporated by Letters Patent v Attorney-General for the State of Queensland* [2021] QSC 136**

June 2021, Corporations, Corporate Insolvency & Bankruptcy

***Val Eco Homes Pty Ltd (in liq) v Jason Hall t/a JHL Lawyers* [2020] QDC 301**

November 2020, Corporate Insolvency & Bankruptcy

***Val Eco Homes Pty Ltd (in liq) v Jason Hall t/a JHL Lawyers* [2020] QSC 301**

November 2020, Corporations

***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

***Sanrus Pty Ltd v Monto Coal 2 Pty Ltd (No 7)* [2019] QSC 241**

September 2019, Contract, Resources & Energy

***Sanrus Pty Ltd v Monto Coal 2 Pty Ltd (No 4)* [2019] QSC 199**

August 2019, Resources & Energy, Contract

EXPERIENCE

Experience includes:

> advising court-appointed receivers of the property of the Presbyterian Church of Queensland and acting for

those receivers in proceedings in the Supreme Court of Queensland;

> appearing (led) in the Supreme Court of Queensland in a dispute involving a claim for damages for loss of opportunity arising out of a joint venture for the exploitation of a coal deposit;

> appearing (led) in the Supreme Court of Queensland and Family Court of Australia in proceedings involving jurisdictional issues as between State and Federal courts, equity and trusts, and family law;

> appearing (unled) in the Magistrates Court of Queensland and Federal Circuit Court of Australia on interlocutory applications and other interlocutory hearings;

> appearing (led) for a contractor in an expert determination concerning coal mine health and safety;

> advising (led) a national law firm on issues concerning property law and company law;

> advising (led) a local government authority on an urgent basis in relation to a dispute which raised questions of contract law, administrative law, employment law, and competition law; and

> acting (led) for a tenant in a commercial tenancy dispute in the Federal Court of Australia.

RECOMMENDATIONS

Legal 500, London Bar, Commercial Disputes

2025 – *“Jaamae is technically brilliant. He is able to distil complex legal problems simply and cut through to an issue in the way that a judge would which is to be lauded. He is very accessible and available”*

APPOINTMENTS

2019-20 Associate Editor, Oxford University Commonwealth Law Journal

2019-20 Convenor, Faculty of Law Obligations Discussion Group, University of Oxford

MEMBER

Bar Association of Queensland

Money Laundering and Sanctions Working Group - Bar Council of England & Wales

Selden Society

CAREER

2021 Called to the Bar (England & Wales)

2018 Called to the Bar (Queensland)

2018–2019 Associate to Hon Justice Patrick Keane, High Court of Australia

2017–2018 Associate to Hon Justice John Bond, Supreme Court of Queensland

2016 Associate to Hon Justice Peter Lyons, Supreme Court of Queensland

EDUCATION

2020 Bachelor of Civil Law (with Distinction), University of Oxford (Magdalen College)

2017 Master of Laws, University of Queensland

2016 Bachelor of Laws (Hons I, University Medal), University of Queensland

AWARDS

2016 University Medal, University of Queensland

2015 Harrisonslaw Prize (subject prize for Succession Law)

2014 Ross Anderson Memorial Prize (subject prize for Constitutional Law)

2014 Dr M H M Kidwai Memorial Prize (subject prize for Administrative Law)

2014 Herbert Smith Freehills Prize (subject prize for Contract Law)

2014 McCullough Robertson Prize

PUBLICATIONS

The Quincecare Duty in Australian Law

December 2023, Banking, Commercial Equity, Corporations

Persuasive Legal Writing: The Importance of Document Design and Typography

August 2022

Tracing, Mixing, and Innocent Claimants (2020)0(0) MLR 1-15

December 2020, Corporate Insolvency & Bankruptcy

The Law of Tracing

December 2020, Commercial Equity, Corporate Insolvency & Bankruptcy

Appeals: When is a Trial Judge "Wrong"?

October 2020, Appellate

The Interaction of the Statutory Right of Action in Rem and the Cross-Border Insolvency Act 2008 (Cth)

April 2018, Corporate Insolvency & Bankruptcy, Shipping

Recovery of Upkeep Costs, Claims for Loss of Autonomy and Loss of Genetic Affinity

April 2018, Professional Negligence

The Liability of Search Engine Operators in Defamation: Issues relating to Publication and Qualified Privilege

March 2018, Media & Defamation

Navigating the Waters Between Admiralty and Cross-Border Insolvency

January 2018, Shipping

Appellate Guidance on Pleading Quantum Meruit Claims

December 2017, Appellate

An Inconsistency in the Canadian Law of Adverse Possession

November 2017, International

Re-thinking the Requirement for a 'Recognisable Psychiatric Illness' in the Law of Negligence

November 2017, Professional Negligence

'Lack of Consent' as an Unjust Factor

October 2017, Contract

Disclosure of Trust Information: Discretionary or Principle-Based Jurisdiction

September 2017, Commercial Equity

A Novel Approach to Foreign Maritime Liens

July 2017, Shipping

The Supreme Court Rectifies a Wrong Turn in Canadian Law

June 2017, International

Arbitration and Abuse of Process

June 2017, Arbitration

Claims Relating to Possession of a Ship

May 2017, Shipping

Liability of Search Engine Providers in Defamation

May 2017, Media & Defamation

Putting the 'Protection' in 'Temporary Protection Visa'

December 2016, Judicial Review & Administrative

Liability limited by a scheme approved under professional standards legislation