

SEAN RUSSELL

YEAR OF CALL: 2017

Since coming to the Bar from a commercial litigation and insolvency law firm, Sean has continued working with clients on an extensive range of commercial litigation matters. He has particular experience and interest in matters concerning bankruptcy & corporate insolvency, contracts, equity, professional negligence and the *Corporations Act*.

Previous clients include a diverse group of domestic and international insolvency practitioners, creditors, solicitors, miners, property developers, farmers, manufacturers and investors. They appreciate his ability to get across materials quickly, identify the key issues and provide a pragmatic way forward. Aware of the burdens litigation can bear on clients, Sean guides and appears as counsel for clients party to mediation and other ADR proceedings. Where out of court remedies do not provide suitable commercial solutions, Sean accepts unled briefs as well as instructions as part of larger teams in matters at all levels of the State, Federal and High Court.

AREAS OF PRACTICE

Banking, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Insurance, Judicial Review & Administrative, Land Law & Property, Media & Defamation, Professional Discipline & Regulatory.

CASES

Sentinel Industrial Pty Ltd v Yamba Shipping Pty Ltd[2024] QSC 261

November 2024, Land Law & Property

Yang v Wong, in the matter of Axis North Pty Ltd (receiver and manager appointed) (in liquidation)[2024] FCA 1017

September 2024, Corporations, Corporate Insolvency & Bankruptcy

Australian Securities and Investments Commission v NGS Crypto Pty Ltd (No 3)[2024] FCA 822

July 2024, Corporations

Kirk as trustee of the Property of Smith (a Bankrupt) v Smith (No 2)[2024] FCA 773

July 2024, Corporate Insolvency & Bankruptcy, Corporations

LEVEL

TWENTY
SEVEN

CHAMBERS



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Australian Securities and Investments Commission v NGS Crypto Pty Ltd (No 2)[2024] FCA 521
April 2024, Corporations, Competition & Consumer

Broadbent v Medical Board of Australia [2024] QCA 37
March 2024, Appellate

WCL (QLD) Albert St Pty Ltd v Orb Holdings Pty Ltd & Ors [2023] QCA 263
December 2023, Land Law & Property

Palmer & Anor v Palmer & Ors [2023] QSC 278
December 2023, Corporate Insolvency & Bankruptcy

Broadbent v Medical Board of Australia [2023] FCAFC 186
December 2023, Corporate Insolvency & Bankruptcy

Inspector-General in Bankruptcy v Rutherford (Bankrupt) [2023] FCAFC 99
June 2023, Corporate Insolvency & Bankruptcy

Smith v Trustee of the Property of Richard John Smith (a Bankrupt) [2023] FCA 300
April 2023, Corporate Insolvency & Bankruptcy

Johnson v Kinetic Superannuation Ltd & Ors [2023] QDC 50
March 2023, Tax

Merker & Ors v Merker & Anor [2023] QCA 33
March 2023, Land Law & Property

Merker & Ors v Merker & Anor [2022] QCA 277
December 2022, Succession

McVicker International Pty Ltd & Anor v James [2022] QSC 269
December 2022, Contract

Legat v Queensland Law Society Incorporated [2022] QCA 184
September 2022, Judicial Review & Administrative

Orb Holdings Pty Ltd v WCL (Qld) Albert St Pty Ltd & Ors [2022] QSC 190
September 2022, Land Law & Property

In the matter of CGS Constructions (Qld) Pty Ltd [2022] QSC 28
March 2022, Corporate Insolvency & Bankruptcy

Business and Personal Solutions Pty Ltd v John Clive Witherspoon & Ors [2022] QSC 10
February 2022, Contract

Hutson v Nerang Subdivision Pty Ltd & ors[2021] QSC 323

December 2021, Arbitration, Land Law & Property

Wallace (Liquidator), in the matter of Avestra Asset Management Ltd (In Liq) v Dempsey[2021] FCA 1643

November 2021, Corporate Insolvency & Bankruptcy, Corporations

Merker & Ors v Merker & Anor[2021] QSC 285

November 2021, Succession

Purdie v Queensland Law Society[2021] QCAT 291

September 2021, Professional Discipline & Regulatory

Harrison (Trustee) v King (a Bankrupt) (No 2)[2021] FCCA 2015

August 2021, Corporate Insolvency & Bankruptcy

Calabretta & another v Wiltshire[2020] QSC 103

May 2020, Corporate Insolvency & Bankruptcy

Murphy Operator & Ors v Gladstone Ports Corporation & Anor (No 5)[2020] QSC 36

March 2020, Class Actions

Cardtronics Australasia Pty Ltd v FX Investments Australia Pty Ltd[2020] FCA 218

February 2020, Contract

Elan, in the matter of Guild Enterprises Australasia Pty Ltd v Cohen[2020] FCA 79

February 2020, Corporations

Mulvey v Brisbane Roar Football Club Pty Ltd[2019] QDC 239

November 2019, Employment & Industrial, Contract

Falkenhagen v West[2019] FCA 2055

November 2019, Intellectual Property

LM Investment Management Limited & Anor v Whyte[2019] QSC 233, 245 & 257

October 2019, Corporate Insolvency & Bankruptcy

Rozario & Anor v Delta Law Pty Ltd & Ors[2019] QSC 159

June 2019, Corporations

Sword Holdings Pty Ltd v Skelton[2019] QDC 89

May 2019, Land Law & Property

Coast Corp Pacific Pty Ltd v Stockland Development Pty Ltd[2018] QSC 305

December 2018, Contract, Land Law & Property

Sentinel Citilink Pty Ltd v PS Citilink Pty Ltd [2018] QSC 239

October 2018, Land Law & Property, Contract

Re Mallett and Inspector-General in Bankruptcy [2018] AATA 3739

October 2018, Corporate Insolvency & Bankruptcy

John Bridgeman Ltd v Dreamscape Networks FZ-LLC [2018] FCA 1279

August 2018, Corporations, Media & Defamation

Bowyer Group Pty Ltd v Cook Shire Council [2018] QCA 159

July 2018, Appellate, Planning & Environment

Sexpo Pty Ltd v Collective Shout Ltd [2018] FCA 544

April 2018, Competition & Consumer

EXPERIENCE

Matters Sean has been instructed on since coming to the Bar include:

CLASS ACTIONS

> Appearing for the State of Queensland unled opposite a Silk in proceedings related to the Gladstone Fisheries Class Action considering whether the production of documents was subject to confidentiality requirements.

CONTRACT

> Appearing unled in the trial of a matter before the Federal Court of Australia in relation to the provision of Automatic Teller Machines where there was conflicting evidence as to oral conversations.

> Appearing led in a trial of a matter before the Supreme Court of Queensland where the primary issue was whether a property developer had been induced to enter into a collateral contract based on representations made by the vendor of development land.

> Appearing unled opposite a Silk on behalf of Brisbane Roar in proceedings concerning the contract of a former head coach of the football team.

> Proceedings concerning an oral agreement between parties whereby, amongst other matters, the Applicant agreed to assign the respondent the sole rights to the intellectual property to an invention, a certain proportion of shares in the company developing the invention and share certain proportions of the profits made from the invention.

> Appearing led in a matter concerning the sale of a commercial property considering whether the seller breached its contractual obligation to do all acts and execute all documents necessary for the purpose of completing the sale.

> A matter arising from a contract of sale for a commercial property. The dispute was over the obligation to pay “the balance of the Purchase Price” on the settlement date and a special contractual condition provided that the seller must pay to the buyer, by way of an adjustment to “the balance Purchase Price payable on settlement”.

CORPORATE INSOLVENCY & BANKRUPTCY

> Appearing led in a series of applications by the liquidator of an investment management company in a complex administration for directions as to how the registered managed investment scheme was to be wound up consequent upon earlier orders resolving an earlier directions application court.

> Multiple proceedings involving applications for remuneration of insolvency practitioners and orders dealing with the position of the company in liquidation as trustee of a trading trust.

> Acting for a bankrupt who applied to review a decision of the Inspector-General in Bankruptcy relating to their discharge from bankruptcy.

CORPORATIONS

> Proceedings where the court considered whether to grant a disqualified director to manage a corporation under the *Corporations Act 2001* (Cth) s 206G(1). ASIC proposed that the director be given conditional leave to manage affairs of the company whilst it was facing other court proceedings.

MEDIA & DEFAMATION

> A matter concerning alleged misleading representations made online by an unknown publisher. The applicants sought discovery of documents relating to the description of the publisher. Issues included whether legal professional privilege applies to a person’s communication of their name to a solicitor whom they wish to engage.

PLANNING & ENVIRONMENT

> Dispute concerning whether the holders of a rolling term lease for pastoral purposes under the Land Act 1994 are “owners” of the relevant land within the meaning of the *Sustainable Planning Act 2009*.

PROFESSIONAL DISCIPLINE & REGULATORY

> Appearing unled for the Queensland Law Society in an application for review of a solicitor’s practising certificate where the solicitor had their practising certificate cancelled due to failures to comply with their taxation and superannuation obligations.

> Appearing unled in an application to restrain a person who was not a solicitor from holding themselves out as entitled to practise.

RECOMMENDATIONS

Doyle's Guide to the Australian Legal Profession

Litigation & Dispute Resolution

2024 – Recommended Junior Counsel (QLD)

Insolvency & Restructuring

2023-2024 – Recommended Junior Counsel (QLD)

MEMBER

Bar Association of Queensland

LawRight

CAREER

2017 Barrister

2011-2017 Associate, Russells

EDUCATION

2011 Bachelor of Laws, University of Queensland

2011 Bachelor of Arts (History and International relations), University of Queensland

PUBLICATIONS

Insolvency Law Update - Badenoch and the End of the Peak Indebtedness Rule

June 2021, Corporate Insolvency & Bankruptcy

Quantum meruit claims following the High Court's decision in Mann v Paterson Constructions Pty Ltd

November 2019, Building & Construction

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

Current Issues in Voidable Transactions

September 2017, Corporate Insolvency & Bankruptcy, Corporations

Expert Evidence

June 2017, Insurance

Unfair preferences: Putting an end to the peak indebtedness “rule”

August 2016, Corporate Insolvency & Bankruptcy

Liability limited by a scheme approved under professional standards legislation