

# SEAN RUSSELL

YEAR OF CALL: 2017

Since coming to the Bar from a boutique commercial litigation and insolvency law firm, Sean has continued his broad commercial litigation practice. He has particular experience and interest in matters concerning bankruptcy, corporate insolvency, contracts, equity, professional negligence and the *Corporations Act*.

Previous clients have included a diverse group of domestic and international insolvency practitioners, creditors, solicitors, miners, property developers, farmers, manufacturers and investors. They appreciate his honest and direct advisory and advocacy style in matters at all levels of the State, Federal and High Court. Sean accepts unled briefs as well as being instructed as part of larger teams when required.



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## 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

### ***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, Judicial Review & Administrative

***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

***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

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

### CONTRACT

> 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

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

discharge from bankruptcy.

## **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*.

## **MEMBER**

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Bar Association of Queensland

## **CAREER**

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**2017** Barrister

**2011-2017** Associate, Russells

## **EDUCATION**

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**2011** Bachelor of Laws, University of Queensland

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

## **PUBLICATIONS**

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**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*