

SHANE DOYLE QC

YEAR OF CALL: 1987 | YEAR OF SILK: 1995

Widely recognised as one of Australia's leading silks with a "world class" practice (Chambers & Partners 2017) in international and domestic commercial law, Shane practices from Level Twenty Seven Chambers (Brisbane), 5 Selborne (Sydney) and Essex Court Chambers (London).

With experience that covers a wide range of commercial litigation, arbitration, regulatory investigations and pricing reviews, and various Commissions, Shane is particularly familiar with heavy and complex cases. Instructed by a diverse range of Australian and international clients, ranging from multi-nationals and Australian public companies to government entities, he is turned to for his "ability to narrow a case down to what actually matters" as well as being "calm under pressure, practical and easy to work with and finds a way to deliver the client an outcome" (Chambers & Partners 2020).

Shane is consistently recognised as a leading QC by leading legal directories such as Australian Financial Review's *Best Lawyers®*, Chambers & Partners (Asia Pacific and Global), Doyle's Guide and Who's Who Legal in the fields of Arbitration, Bet-the-Company Litigation, Competition, Construction & Infrastructure, Commercial Litigation, Dispute Resolution, Insolvency/Restructuring. The details of which are provided below.

AREAS OF PRACTICE

Appellate, Arbitration, Building & Construction, Class Actions, Competition & Consumer, Corporations, Insurance, International, Professional Negligence, Resources & Energy, Succession, Tax.

CASES

Mineralogy Pty Ltd & Anor v The State of Western Australia[2020] QSC 344

November 2020, Resources & Energy, Judicial Review & Administrative

Rolleston Coal Holdings Pty Ltd v ICRA Rolleston Pty Ltd[2020] QSC 331

November 2020, Contract

Cherwell Creek Coal Pty Ltd v BHP Queensland Coal Investments Pty Ltd & Ors (No 27)[2020] QLC 32

September 2020, Land Law & Property, Contract, Resources & Energy

State of Queensland v Masson[2020] HCA 28

LEVEL

TWENTY
SEVEN

CHAMBERS



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August 2020, Professional Negligence, Appellate

***Nerang Subdivision Pty Ltd v Hutson* [2020] QSC 225**

July 2020, Tax

***Brisbane Airport Corporation Pty Limited v Arup Pty Limited* [2020] QSC 202**

June 2020, Professional Negligence

***Talbot v Boyd Legal (A Firm) & Ors* [2020] QSC 185**

June 2020, Professional Negligence

***Cherwell Creek Coal Pty Ltd v BHP Queensland Coal Investments Pty Ltd & Ors* [2019] QLAC 5**

November 2019, Appellate, Contract, Resources & Energy

***Brisbane City Council v Amos* [2019] HCA 27**

September 2019, Appellate, Land Law & Property

***Parbery v QNI Metals Pty Ltd* [2019] QSC 207**

August 2019, Corporate Insolvency & Bankruptcy, Corporations

***Parbery (Liquidator), in the matter of Queensland Nickel Pty Ltd (in liquidation)* [2019] FCA 1219**

August 2019, Corporate Insolvency & Bankruptcy, Corporations

***Gold Coast City Council v Sunland Group Limited & Anor* [2019] QCA 118**

June 2019, Appellate, Land Law & Property, Planning & Environment

***Fairmont Group Pty Ltd v Moreton Bay Regional Council* [2019] QCA 81**

May 2019, Planning & Environment

***Civil Mining & Construction Pty Ltd v Wiggins Island Coal Export Terminal Pty Limited; Wiggins Island Coal Export Terminal Pty Limited v Civil Mining & Construction Pty Ltd* [2019] QCA 12**

February 2019, Contract, Building & Construction, Judicial Review & Administrative

***Gambaro Pty Ltd v Rohrig (Qld) Ltd* [2018] QCA 327**

November 2018, Appellate, Contract

***Aurizon Network Pty Ltd v Queensland Competition Authority & Ors* [2018] QSC 246**

October 2018, Judicial Review & Administrative, Competition & Consumer

Railway Royal Commission of Inquiry

September 2018, Inquiries & Coronial Inquests

***Parbery v QNI Metals Pty Ltd & Ors* (2018) 358 ALR 88; (2018) 127 ACSR 582; [2018] QSC 107**

May 2018, Commercial Equity, Corporate Insolvency & Bankruptcy, Contract, Corporations

Carmody v Information Commissioner[2018] QCATA 14

March 2018, Judicial Review & Administrative

Saipem Australia Pty Ltd v GLNG Operations Pty Ltd[2017] QSC 294

December 2017, Building & Construction, Contract, Resources & Energy

Principal Properties Pty Ltd v Brisbane Broncos Leagues Club Ltd[2017] QCA 254

October 2017, Contract, Land Law & Property

Berhane v Woolworths Ltd[2017] QCA 166

August 2017, Appellate, Professional Negligence

Credit Suisse AG, Sydney Branch v Springsure Property Holdings Pty Ltd (in liquidation)[2017] QSC 142

June 2017, Contract, Land Law & Property

Trina Solar (US), Inc v Jasmin Solar Pty Ltd[2017] FCAFC 6

March 2017, Arbitration, Corporations, International

Westpac Banking Corporation v Zilzie Pty Ltd[2016] QSC 238

October 2016, Corporate Insolvency & Bankruptcy, Corporations

Callide Power Management Pty Ltd v Callide Coalfields (Sales) Pty Ltd; CS Energy Ltd v Callide Coalfields (Sales) Pty Ltd (No5) [2016] QSC 199

August 2016, Contract, Resources & Energy

Robinson Helicopter Company Incorporated v McDermott(2016) 331 ALR 550; (2016) 90 ALJR 679; [2016] HCA 22

June 2016, Appellate, Professional Negligence, Competition & Consumer

Lee v Abedian [2017] 1 Qd R 549; [2016] QSC 92

April 2016, Professional Negligence

Commissioner of Taxation v Australian Building Systems Pty Ltd[2015] HCA 48

December 2015, Appellate, Corporate Insolvency & Bankruptcy, Tax

IBM Australia Ltd v State of Queensland[2015] QSC 342

December 2015, Commercial Equity, Contract, Competition & Consumer

LM Investment Management Ltd) v Whyte (receiver of the LM First Mortgage Investment Fund) [2015] QSC 283

October 2015, Corporate Insolvency & Bankruptcy, Corporations

Westpac Banking Corporation v Jamieson & Ors[2015] QCA 500

April 2015, Banking, Appellate

AGL Sales (Qld) Pty Ltd v Westside Corporation Ltd[2015] QSC 70

April 2015, Contract, Resources & Energy

Mackay Sugar Ltd v Quadrio [2015] QCA 41

March 2015, Contract

Mules v Ferguson [2015] QCA 5

February 2015, Professional Negligence, Appellate

Re RiverCity Motorway Pty Limited (Administrators Appointed) (Receivers and Managers Appointed)
(2014) 225 FCR 541

September 2014, Corporations, Corporate Insolvency & Bankruptcy

Mid Brisbane River Irrigators Inc v The Treasurer and Minister for Trade of the State of Qld & Ors [2014]
QSC 196

August 2014, Judicial Review & Administrative, Competition & Consumer

Siemens Limited v Forge Group Power Pty Ltd (in liq)[2014] QSC 184

August 2014, Building & Construction

ATS Pacific Pty Ltd v Commissioner of Taxation[2014] FCAFC 33

March 2014, Tax, Appellate

Papale & Ors v Sucrogen Ltd & Anor[2015] QSC 21

February 2014, Competition & Consumer

Australian Competition and Consumer Commission v Flight Centre Limited (No 2) (2014) 307 ALR 209;
(No 3) [2014] FCA 292

December 2013, Competition & Consumer

Queensland North Australia Pty Ltd v Takeovers Panel[2014] FCA 591

July 2013, Corporations, Judicial Review & Administrative, Appellate

Queensland Health Payroll System Commission of Inquiry(2013)

July 2013, Contract, Intellectual Property, Inquiries & Coronial Inquests

Australian International Islamic College Board Inc IA 30976 v Kingdom of Saudi Arabia & Anor [2013]
QCA 129

May 2013, Appellate, Contract, International

Knott Investments Pty Ltd & Ors v Fulcher & Ors[2013] QCA 67

April 2013, Competition & Consumer, Appellate

Origin Energy Electricity Ltd & Anor v Queensland Competition Authority & Anor[2012] QSC 414

December 2012, Judicial Review & Administrative, Resources & Energy, Competition & Consumer

Commissioner of Taxation v Clark (No 2)[2011] FCAFC 140

November 2012, Tax, Appellate

***Gough v South Sky Investments Pty Ltd* [2012] QCA 161**

June 2012, Contract, Appellate, Land Law & Property

***Re Alinta Sales Pty Ltd (No 2)* [2012] ACOMPT 13**

June 2012, Competition & Consumer

***Application by WA Gas Networks Pty Ltd (No.3)* [2012] ACompT 12**

May 2012, Competition & Consumer

***Application by Energex Ltd (Gamma) (No5)* [2011] ACompT 9**

May 2012, Competition & Consumer

***BHP Coal Pty Ltd v Minister for Natural Resources, Mines, Energy and Minister for Trade* [2011] QSC 246**

August 2011, Judicial Review & Administrative, Resources & Energy

***Australian Energy Regulator v Stanwell Corporation Limited* [2011] FCA 991**

August 2011, Resources & Energy, Competition & Consumer, Appellate

Application by Energex Ltd (Distribution (Gamma)) (No3) [2010] ACompT9

December 2010, Competition & Consumer

***Application by Energex Ltd (No2)* [2010] ACompT 7**

October 2010, Competition & Consumer

***Chief Executive, Department of Natural Resources and Mines v Kent Street Pty Ltd* [2010] QCA 56**

March 2010, Appellate, Land Law & Property

***Callide Coalfields (Sales) P/L v CS Energy Ltd* [2008] QCA 408**

December 2008, Contract, Resources & Energy, Appellate

***Westfield Management Ltd v Brisbane Airport Corporation Ltd* [2005] FCA 32**

February 2005, Land Law & Property, Judicial Review & Administrative

***Wik Peoples v State of Queensland & Ors B8/1996* [1996] 187 CLR 1**

June 1996, Appellate, Land Law & Property

EXPERIENCE

ARBITRATION

Previous matters Shane has assisted on include hearings under domestic arbitration rules (including ACICA, CIArb, IAMA rules). His experience also includes appearing in international matters governed by ICC rules as well as ad hoc arbitrations and matters where the arbitral seat is outside Australia. His arbitration practice

includes matters relating to public and private international issues, commodities, price setting for gas supplies, access to infrastructure, energy projects (in particular LNG pipelines and facilities, offshore oil and gas extraction) as well as other general contractual matters. Recent experience includes:

- > Acting as Counsel in emergency arbitrator procedures under SIAC Rules opposing injunctive relief;
- > Acting as Counsel in a lengthy arbitration under ICC Rules relating to contract dispute for LNG facility development;
- > Advising on a significant LCIA arbitration relating to an Offtake Agreement for coal delivery;
- > Appearing for an international engineering firm in a lengthy domestic arbitration relating to allegations of defective design;
- > Acting for the principal in a significant LCIA arbitration (AUD 915 m) concerning a contractual dispute arising out the construction of LNG infrastructure;
- > Acting as Counsel in an arbitration concerning variations and related issues over mechanical and electrical works for a AUD 1.5 bn tunnel project;
- > A leading Federal Court decision concerning the choice of law to apply where there is a dispute concerning whether a person is a party to an agreement containing a proper law clause and the interaction between ss 7 and 8 of the *International Arbitration Act 1974* (Cth);
- > A challenge to set-aside an arbitral award on grounds that the Arbitrator's mandate no longer subsisted and of denial of procedural fairness.

COMMERCIAL & CORPORATE LITIGATION

Shane has advised and appeared in key cases in all areas of general contract, banking, and corporate disputes including oppression proceedings, claims for director's breach of duties and majority/minority shareholder disputes of all kinds. His experience includes many cases involving takeovers, schemes of arrangement and mergers of listed Australian and international companies. Cases of interest include:

- > Appearing for the Special Purpose Liquidators of Queensland Nickel, in high profile proceedings against Clive Palmer and various of his companies, including successfully obtaining freezing orders against them;
- > A leading appellate decision on loss of commercial opportunity, a contractual claim for damages stemming from the loss of an opportunity to acquire and develop land at a profit, in circumstances where the project was unlikely to have returned a profit;
- > A significant claim for an interest in various mining tenements and infrastructure arising from a sale and purchase deed;
- > Class actions, with a particular emphasis on shareholders class actions;
- > Successfully defending a contract and misleading conduct claim made by the State against IBM arising out of

the design and supply of systems for the Queensland Health Department.

CONSTITUTIONAL, PUBLIC & COMMISSIONS OF INQUIRY

In matters concerning the validity or otherwise of legislative and administrative acts, Shane advises and appears in the Federal and State Courts regarding constitutional issues at various levels. His expertise extends to Commissions of Inquiry, judicial review and regulatory cases which overlap his commercial law practice. Examples of his experience in this area includes:

- > *Railway Royal Commission of Inquiry* (2018). An inquiry arising from a multi-billion AUD contract to build new trains for Queensland Rail;
- > *Queensland Health Payroll Commission of Inquiry* (2013). An inquiry dealing with one of the largest ever IT and procurement disputes in Australia with allegations of losses in the order of AUD 1 bn;
- > Appearing for Queensland Competition Authority in a judicial review challenge in respect of a draft access undertaking on the basis that the then Chair of the Authority, Professor Roy Green, had been appointed as Chair of the Port of Newcastle, which gave rise to an apprehension of bias;
- > Acting for Justice Carmody in a series of cases involving the review of a decision by the Information Commissioner to grant access (under the *Right to Information Act* 2009 (Qld)) to documents held by the Supreme Court of Queensland.

ENERGY & RESOURCES, COMMODITIES, AND CONSTRUCTION & INFRASTRUCTURE

Commensurate with his in-depth experience in the field, Shane advises and appears in a raft of cases dealing with issues of energy and commodities supply, for example, gas price fixing, coal mines ownership and management, electricity and concrete supply and regulation, and important cases dealing with freight and passenger transport infrastructure. Some examples of such matters include:

- > Acting in an ongoing matter for a major Canadian-based entity, Trans-Alta, in WA Supreme Court proceedings concerning an engineering, procurement, construction and power purchase agreement at a major power station in the Pilbara region of WA;
- > Proceedings in the Supreme Court of Western Australia in relation to claims made under the contract in relation to delays, resequencing, prolongation, acceleration and variations for engineering and design work for a loading facility and Tug Berths at the Chevron Wheatstone LNG;
- > A AUD 150 m claim from a joint venture which constructed a 2 km jetty, wharf and ship loader in Gladstone Plant;
- > Acted in relation to a dispute under a contract for the development of an LNG facility in Western Australia;
- > Acting for Arup in a substantial contract dispute arising out of the construction of the Northern Apron Extension at Brisbane Airport;
- > Acting in WA Supreme Court proceedings against the operator of Perth Airport following the construction of a

new domestic pier and an expansion of international departures.

INSURANCE, TORT AND PROFESSIONAL NEGLIGENCE

Shane's experience includes large-scale commercial insurance or reinsurance disputes (particularly coverage and indemnity disputes), professional liability (principally solicitors, engineers, valuers, and accountants) as well as commercial product liability disputes. He advises and appears for insurers and the insured in complex cases, including in relation to directors and officers liability, construction risk, flood, fire and accident and professional indemnity. The diverse spread of matters he has worked on include:

- > Appearing in the High Court for the State of Queensland in respect of the duty of care and skill of paramedics;
- > Robinson Helicopter Incorporated, the United States' manufacturer of the R22 helicopter, in a product liability and duty of care case that followed the crash of a Robinson R22 helicopter which resulted in the death of the pilot and in the first respondent suffering serious injuries;
- > Acting for solicitors in Supreme Court proceedings defending allegations of negligence arising from the conduct of a retainer relating to a deceased estate;
- > A significant claim relating to Aqueous Film Forming Foam that was released at a Brisbane Aircraft Hangar;
- > A leading Court of Appeal decision that concerned whether or not the trial judge was correct that the employer did not breach their duty of care to the appellant employee;
- > A high profile appeal, in which a patient was awarded AUD 6.7 m in damages (ranking as one of the largest in the state's history), concerning the liability of a general practitioner for failing to refer a patient.

TAXATION & BANKING LITIGATION

Shane's practice includes advising and appearing both for individuals, companies and the Australian Commissioner of Taxation in a range of cases concerning income, stamp duties, GST and indirect taxation matters. Examples include:

- > The leading High Court decision as to whether receivers and liquidators must withhold tax in the absence of assessment;
- > A Federal Court appeal concerning booking and arranging services provided by Australian company at the request of overseas travel agents for the benefit of their clients being overseas tourists coming to Australia.

RECOMMENDATIONS

Nominated as a leading arbitration barrister in Australia by **Who's Who Legal: Arbitration**

- 2020 noted as a "peerless legal mind" and for his "adept ability to swiftly convince judges, arbitrators and adjudicators of his argument".

- 2018 “a widely recognised name in the Australian market where he stands out for his expert handling of complex construction and infrastructure-related disputes”.
- 2017: listed as one of only four leading arbitration barristers in Australia.

Recommended for Dispute Resolution in **Chambers & Partners Asia-Pacific:**

- 2020 “overpowering intellect”, “calm under pressure, practical and easy to work with and finds a way to deliver the client an outcome” and “ability to narrow a case down to what actually matters”.
- 2019 “the undisputed leader of the Queensland Bar” and “powerful and persuasive arguments which command the attention and respect of a tribunal” and “very strong intellect, quick grasp of issues and readiness to make a call and not sit on the fence”.
- 2018 “quite clearly head and shoulders above everyone else at the Queensland Bar”.
- 2017 “the clear leader of the Queensland Bar” and “confidence that he will do an exceptional job every time”.
- 2016 “pre-eminent in the Brisbane market – the first name on every solicitor’s lips”.
- 2015 “extraordinary intellect, outstanding knowledge of the law and extraordinary work ethic” and “extremely strong in cases involving complex economic issues”.

Recommended (Band 1) for Construction & Infrastructure in **Chambers & Partners Asia-Pacific:**

- 2020 “He’s very persuasive, he exercises very good judgement, he’s got real gravitas and he’s very efficient with his use of time” and “the go-to silk in Brisbane for bet-the-company litigation, or where highly proficient technical advice is required”.
- 2019 “the most pre-eminent QC in Queensland and one of the best silks in Australia” and “he’s at the top of his game”.
- 2018 “one of the most talented barristers in the country” and “one of the best advocates in the Australian market”.
- 2017 “a world-class commercial practice” and “his advocacy is widely regarded as the best in the country, the best in Queensland for sure and, clearly, he has a fine legal brain and is good on strategy – a go-to for extremely hard or complex matters”.

Recommended (Band 1) for Restructuring/Insolvency in **Chambers & Partners Asia-Pacific:**

- 2020 – “head and shoulders above everyone else in the insolvency space” and “his quality of client service is rare to see in barristers at his level”.
- 2019 “if there is a major insolvency matter which requires counsel, Shane is always the first choice” and “he has no peer” and “truly a colossus in the area”.
- 2018 “considered to be a leader of the Queensland Bar” and “he stands alone as the top one in Queensland”.
- 2017 “a brilliant and exceptional advocate who has a great sense of authority and is very knowledgeable”.

Recommended for Dispute Resolution in **Chambers & Partners Global:**

- 2020 “leader of the Queensland Bar”.
- 2019 “very strong intellect, quick grasp of issues and readiness to make a call and not sit on the fence”.
- 2018 “very skilled in presentation and can cut to the chase in the way that judges like”.
- 2017 “a go-to for extremely hard or complex matters”.

- 2016 “*formidable advocate*”.
- 2015 “*very experienced in a broad range of areas, particularly large commercial disputes*”.
- 2014 “*pre-eminent senior counsel*”.

Recommended for Arbitration in **Doyle’s Guide**:

- 2020 (Australia) – Leading
- 2019 (Australia) – Leading
- 2018 (Australia) – Leading
- 2017 (Australia) – Leading

Recommended for Commercial Litigation & Disputes in **Doyle’s Guide**:

- 2018-2020 (Queensland) – Market Leader
- 2017, 2019 & 2020 (Australia) – Leading
- 2017 (Queensland) – Market Leader
- 2016 (Queensland) – Market Leader
- 2015 (Queensland) – Preeminent
- 2015 (Australia) – Preeminent

Recommended for Competition in **Doyle’s Guide**:

- 2019 (Australia) – Recommended

Recommended for Construction & Infrastructure in **Doyle’s Guide**:

- 2020 (Queensland) – Preeminent
- 2019 (Queensland) – Preeminent
- 2018 (Australia) – Leading
- 2018 (Queensland) – Preeminent
- 2017 (Queensland) – Preeminent
- 2017 (Australia) – Leading
- 2016 (Queensland) – Preeminent
- 2015 (Queensland) “*the unquestioned first choice*”
- 2015 (Australia) – Preeminent
- 2014 (Queensland)

Recommended for Insolvency & Reconstruction in **Doyle’s Guide**:

- 2020 (Australia) Recommended
- 2018-2020 (Queensland) – Preeminent
- 2017 & 2019 (Australia) – Leading
- 2017 (Queensland) – Market Leader
- 2016 (Australia) – Leading
- 2016 (Queensland) – Market Leader
- 2015 (Queensland) – Market Leader
- 2015 (Australia) – Preeminent

Recommended for Insurance in **Doyle's Guide**:

- 2018 (Queensland) – Recommended
- 2017 (Queensland) – Recommended
- 2016 (Queensland) – Recommended

Recommended for IP & TMT in **Doyle's Guide**:

- 2016 (Queensland)

Recommended for Planning & Environment in **Doyle's Guide**:

- 2017 (Queensland) – Recommended

Recommended for Professional Indemnity in **Doyle's Guide**:

- 2020 (Queensland) – Recommended

Recommended for Wills & Estates in **Doyle's Guide**:

- 2016 (Queensland)

Recommended in **Australian Financial Review's Best Lawyers** since 2013.

- 2021 (Bet-the-Company Litigation, Commercial Law, Competition Law, Construction & Infrastructure, International Arbitration, Litigation and Oil & Gas)
- 2020 (Bet-the-Company Litigation, Commercial Law, Competition Law, Construction & Infrastructure, International Arbitration, Litigation and Oil & Gas)
- 2019 (Bet-the-Company Litigation, Commercial Law, Competition Law, Construction & Infrastructure, Litigation and Oil & Gas)
- 2018 (Bet-the-Company Litigation, Commercial Law, Competition Law, Construction & Infrastructure, Litigation and Oil & Gas)
- 2017 (Bet-the-Company Litigation, Commercial Law, Competition Law, Construction & Infrastructure, Litigation)

APPOINTMENTS

2014–2015 President, Bar Association of Queensland

2002–2008, 2011–Nov 2015 Member of the Bar Council in Queensland

2013–2014 Vice President, Bar Association of Queensland

1996–2014 Chairman, Bar Association Commercial Law Committee

MEMBER

IBA Council Member (International Bar Association Council Member) (2014-2015)

The Australasian Institute of Judicial Administration Incorporated

Commercial Bar Association (COMBAR) (UK)

Bar Association of Queensland

New South Wales Bar Association

CAREER

2001 Call to the Bar of England & Wales

1995 Senior Counsel, Queensland

1987 Barrister, Queensland

1985 Clayton Utz Solicitors

1982 Partner, Power & Power Solicitors, Brisbane

EDUCATION

1985 BCL, Magdalen College, Oxford University

1980 LLB (First Class Honours), University of Queensland

1977 BEcon, University of Queensland

AWARDS

2017 Australian Financial Review's Best Lawyers 2017 Brisbane Competition Law Lawyer of the Year.

2016 Australian Financial Review's Best Lawyers 2015-2016 Brisbane 'Bet-the-Company' Lawyer of the Year.

2014–2015 Australian Financial Review's Best Lawyers 2014-2015 Brisbane Competition Law Lawyer of the Year.

1985 Dr Morris Award (Oxford University).

1984 British Council Commonwealth Scholarship.

1981 University of Queensland Medal (Law).

PUBLICATIONS

International Arbitration - Trends, Developments and Opportunities for Future Growth

November 2018, Arbitration

International Arbitration: trends, developments and opportunities for future growth

April 2018, Arbitration, International

Estoppels in a Commercial Setting

October 2016, Contract

Emerging Trends in Arbitration in Europe and Lessons for Arbitration in Australia

August 2014, Arbitration, International

Aspects of the Application of the Civil Liability

July 2014, Building & Construction

Formation and Interpretation of Contracts

November 2012, Contract

Contractual Damages and Penalties

November 2012, Contract

Liability limited by a scheme approved under professional standards legislation