SHANE MONKS

YEAR OF CALL: 2004



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In over 30 years as a lawyer, Shane has focussed on commercial dispute resolution. With insights gained from working at leading international, national and boutique law firms, and three years as a lecturer at Oxford University, along with 20 years practising as a barrister, Shane brings a strategic, intellectual and commercial approach as he tailors a solution to achieve each client's business and personal objectives.

Shane's practice encompasses arbitration, building and construction, contractual disputes, corporations matters, insolvency, professional indemnity claims, real property, restraint of trade, securities, and trade practices. Shane also acts in succession disputes and tort claims, and he has specialist expertise in public and private international law (including multi-jurisdictional litigation). Shane has accumulated considerable experience in class action matters and has been listed in this area by the Australian Financial Review's Best Lawyers® in the years from 2020 to 2027. He was also listed in Best Lawyers® 2026 and 2027 for International Arbitration (and is FCIArb).

Shane is a highly experienced, adaptable and approachable lawyer, adept at assisting at all stages of dispute resolution. He has appeared in a wide variety of applications, trials and appeals in state and federal courts and tribunals. Shane has been appointed as the mediator for Supreme Court, District Court and FCFCOA matters, accepts appointments as an arbitrator, and has represented parties in arbitrations, mediations, and other forms of ADR.

AREAS OF PRACTICE

Appellate, Arbitration, Banking, Building & Construction, Class Actions, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Insurance, Intellectual Property, International, Land Law & Property, Professional Negligence, Resources & Energy, Shipping, Succession, Tax.

CASES

Your Realty Pty Ltd v Forwin International Investments Pty Ltd **[2025] QSC 223**
September 2025, Contract

Williams v Robba **[2025] QSC 203**
August 2025, Commercial Equity, Succession

Body Corporate for Infinity 1 Community Titles Scheme 45404 v Queensland Building and Construction Commission & Anor **[2025] QCAT 54**
February 2025, Building & Construction, Judicial Review & Administrative

Elanor Funds Management Ltd v Alceon Group Pty Ltd **(2024) 424 ALR 601; [2024] FCAFC 121**
September 2024, Appellate, Competition & Consumer, Contract

Zabusky & Ors v Virgtel Limited **[2024] QCA 2**
January 2024, Appellate, International

Elanor Funds Management Ltd v Alceon Group Pty Ltd **[2023] FCA 1291**
October 2023, Competition & Consumer, Contract

Zabusky & Ors v Virgtel Limited **[2022] QCA 223**
November 2022, International

Oranville Pty Ltd and Anor v Plum Property Pty Ltd & Ors **[2022] QSC 119**
June 2022, Contract

Francis v Oculus Accounting Pty Ltd (No 3) **[2022] FCA 363**
April 2022, Class Actions

Zabusky & Ors v Virgtel Limited **[2022] QSC 46**
April 2022, International

Ipswich Netball Association Inc v Netball Queensland Ltd **[2021] QSC 348**
December 2021, Corporations, Sport

HongKong Henson Industrial Limited v Victorian Ferries Pty Ltd **[2021] FCA 1450**
November 2021, Arbitration, International

Virgtel Ltd & Ors v Zabusky & Ors **[2021] QSC 284**
November 2021, Corporations

Queensland Building Services Authority v Samimi & Anor (No 2) **[2021] QDC 203**
August 2021, Contract

Queensland Building Services Authority v Samimi & Anor **[2021] QDC 112**
July 2021, Building & Construction, Contract

In the matter of Cullen Group Australia Pty Ltd (in liq) **[2021] QSC 113**
May 2021, Corporate Insolvency & Bankruptcy

HSBC Bank Australia Ltd v Wang & Ors **[2021] QSC 58**
March 2021, Banking, Contract

Guernier & Anor v Chelsea on the Park Pty Ltd **[2021] QLC 13**
March 2021, Land Law & Property, Resources & Energy

Zabusky & Ors v Virgtel Limited **[2021] QSC 17**
February 2021, Corporations

Sunshine Coast Hospital and Health Service v Webb **[2020] QCA 189**
September 2020, Appellate, Employment & Industrial

Webb v Sunshine Coast Hospital and Health Services **[2019] QSC 316**
December 2019, Employment & Industrial

Williams & Kersten Pty Ltd v Walton Construction (Qld) Pty Ltd (in liq), in the matter of Walton Construction (Qld) Pty Ltd (in liq) **[2019] FCA 1201**
August 2019, Corporations, Corporate Insolvency & Bankruptcy

Pipe Networks Pty Ltd v 148 Brunswick Street Pty Ltd (2019) 371 ALR 627; **[2019] FCA 598**
May 2019, Contract, Competition & Consumer

Kadam v MiiResorts Group 1 Pty Ltd (No 5) **(2018) 129 ACSR 74; [2018] FCA 1086**
July 2018, Class Actions, Commercial Equity, Corporations, International, Land Law & Property

Principal Properties Pty Ltd v Brisbane Broncos Leagues Club Ltd **[2018] 2 Qd R 584; [2017] QCA 254**
October 2017, Contract, Land Law & Property

Mineralogy Pty Ltd v BGP Geoexplorer Pte Ltd **[2017] QSC 219**
October 2017, Contract, Competition & Consumer, Resources & Energy

Kadam v MiiResorts Group 1 Pty Ltd (No 4) **(2017) 252 FCR 298; [2017] FCA 1139**
September 2017, Class Actions, Commercial Equity, Corporations, International, Competition & Consumer

Kadam v MiiResorts Group 1 Pty Ltd (No 3) **[2017] FCA 1138**
September 2017, Class Actions, Commercial Equity, Corporations, Competition & Consumer, International

Mineralogy Pty Ltd v BGP Geoexplorer Pte Ltd **[2017] QCA 162**
August 2017, Appellate

Steer v McLellan (No 2) **[2016] QDC 305**
November 2016, Land Law & Property

Principal Properties Pty Ltd v Brisbane Broncos Leagues Club Ltd (No 2) **[2017] 2 Qd R 128; [2016] QSC 252**
November 2016, Contract, Land Law & Property

Steer v McLellan **[2016] QDC 260**
October 2016, Land Law & Property

Kadam v MiiResorts Group 1 Pty Ltd **[2016] FCA 1205**
October 2016, Class Actions, Corporations, Commercial Equity

Mackay Sugar Limited v Wilmar Sugar Australia Limited **[2016] FCA 789**
July 2016, Corporations

Badenach v Calvert **(2016) 257 CLR 440; [2016] HCA 18**
May 2016, Professional Negligence, Succession

Hayes v Westpac Banking Corporation **[2015] QCA 260**
December 2015, Appellate, Banking

Meijer (Executors, Estate of Hendrik van Leeuwen Dec'd) v Zabusky **[2014] QCA 40**
March 2014, Commercial Equity, Contract

Rod Mathiesen Truck Hire Pty Ltd (As Trustee for the Mathiesen Family Trust) and Federal Commissioner of Taxation **[2013] AATA 496**
July 2013, Tax

Principal Properties Pty Ltd v Brisbane Broncos Leagues Club Ltd **[2014] 2 Qd R 132; [2013] QSC 148**
June 2013, Contract, Land Law & Property

Greene v McIver **(2012) 263 FLR 450; [2012] QSC 181**
June 2012, Contract

Mark Bain Constructions Pty Ltd v Avis **[2012] QCA 100**
April 2012, Appellate, Land Law & Property, Competition & Consumer

Amalia Investments Ltd v Virgtel Global Networks N.V. (No 2) **[2011] FCA 1270**
November 2011, Contract, Appellate

Joyce v Sunland Waterfront (BVI) Ltd **(2011) 195 FCR 213; [2011] FCAFC 95**
August 2011, International

Avis v Mark Bain Constructions Pty Ltd **(2011) 82 ACSR 655; [2011] QSC 80**
April 2011, Land Law & Property, Competition & Consumer

Nuttall v S4U Pty Ltd **[2010] QSC 191**
June 2010, Contract

Sunland Waterfront (BVI) Ltd v Prudentia Investments Pty Ltd **(2010) 267 ALR 46; [2010] FCA 312**
March 2010, International

Tri-Star Petroleum Co v GPT Funds Management Ltd **[2009] QSC 73**
April 2009, Contract, Land Law & Property

UI International Pty Ltd v Interworks Architects Pty Ltd **[2008] 2 Qd R 158; [2007] QCA 402**
November 2007, Appellate, Building & Construction, Contract, Professional Negligence

Cousins Securities Pty Ltd v CEC Group Ltd **[2007] 2 Qd R 520; [2007] QCA 192**
June 2007, Land Law & Property

Rich v BDO Kendalls **[2007] QCA 147**
May 2007, Contract, Competition & Consumer

Benzlaw & Assoc Pty Ltd v Medi-Aid Centre Foundation Ltd **[2008] 2 Qd R 215; [2007] QSC 9**
January 2007, Commercial Equity

IVI Pty Ltd v Baycrown Pty Ltd **[2007] 1 Qd R 428; [2006] QCA 461**
November 2006, Contract

Watkin v GRM International Pty Ltd **[2007] 1 Qd R 389; [2006] QCA 382**
September 2006, International, Insurance

Jefferson and Joiner v Shirlaw **[2007] 1 Qd R 162; [2006] QSC 153**
June 2006, Corporate Insolvency & Bankruptcy, Land Law & Property

EXPERIENCE

Examples of significant matters Shane has been briefed on include:

BANKING

> Appeal from refusal to set aside a judgment against a self-represented litigant in a long trial against a bank and mortgage broker in which fraud and misrepresentations were alleged; also appeared at the trial.

BUILDING & CONSTRUCTION

> Acted for body corporate in claim relating to use of aluminium composite panels in a 70 storey residential tower.

> Acted for builder successfully defending claim by QBCC for recovery under home owners' warranty in relation to two unfinished houses.

> Various disputes in relation to the payment of progress claims, contractual variations, and defective work.

CLASS ACTIONS

> Acting (with C M Kenny KC) on behalf of 34,000 investors to recover over AUD 130 million invested in property in Australia by the Indian operators of the world's largest Ponzi scheme (claimed to be 58 million investors and over AUD 9 billion invested).

> Acting (with R Anderson KC) on behalf of 3 bodies corporate and the owners of over 300 lots in a 54 storey apartment building in a claim against the builder for rectification of defects, value $130 million+

> Acting (with LA Armstrong KC) for the plaintiff group members in two parallel class actions against the Commonwealth government in respect of failures in biosecurity alleged to have caused the 2016 outbreak of White Spot Syndrome Virus in prawns and related species. Total damages estimated at $500 million

> Acting (with CM Kenny KC) for sub-contractors in a claim against a bank in relation to the ongoing funding of an insolvent building company.

COMPETITION & CONSUMER

> Supreme Court of Queensland proceedings (led by the then H B Fraser SC) enforcing contractual restraint of trade against former partner of accountancy firm.

> Claim (with P Zappia KC) in the Supreme Court of Queensland for declaratory relief under the unwritten law that the plaintiff is not obliged to pay any sum to the defendant under a written contract of guarantee on a number of different grounds. Relief sought pursuant to s 87 of the *Trade Practices Act* 1974 or s 237 of the Australian Consumer Law, based on misleading or deceptive conduct or unconscionable conduct.

> Appearing (with P McQuade KC) in the Federal Court for one of the respondents in a two week misleading and deceptive conduct trial in relation to the sale of a shopping centre. Then appearing in the Full Federal Court (unled) on the appeal.

> Various matters involving the provision of misleading or negligent financial advice, including acting in a group of over 30 claims brought against a large national retail stockbroking and wealth management firm in relation to inappropriate financial advice involving clients of modest means (many soon to be retired) making highly geared investments in equities.

CONTRACT

> Highly technical dispute in the Federal Court of Australia (led by M M Stewart KC) concerning a contract clause regulating the amount which a domestic property, as Lessor, might charge a commercial energy supplier, as Lessee for various utility and other services supplied, and further issues relating to the holding of appropriate exemptions.

> Acting in a claim by former State director of a political party (an unincorporated association) for breach of the contract ending his employment, and breach of the party's constitution.

> Numerous matters involving former employees or contractors and breaches of restraints of trade and misuse of intellectual property.

> Matters involving claims made of misfeasance in public office and other contractual dispute with former employees of State entities.

CORPORATE INSOLVENCY & BANKRUPTCY

> Appearing in Federal Court of Australia proceedings where creditors of two related companies in liquidation applied for the appointment of a Special Purpose Liquidator under Division 90, s 90-15 of the Insolvency Practice Schedule (Corporations)

> Appearing in various cases in the Federal Court and the Supreme Court of Queensland dealing with the appointments of receivers, administrators, liquidators, provisional liquidators and trustees in bankruptcy.

> A Supreme Court of Queensland dispute (with M M Stewart KC) over proceeds of sale of land between court appointed receivers of the land and subsequent transferees of registered mortgages over that land.

CORPORATIONS

> A long running substantial dispute (briefed between 2007 and 2025, initially with G Newton KC, then both unled and leading S Gibson) between the former owners of a Nigerian telecommunications business, involving proceedings in the British Virgin Islands, the Netherlands, Nigeria, Panama and Queensland.

> Appearing in a Federal Court of Australia hearing to restrain certain members from putting resolutions to a general meeting of a company limited by guarantee.

> Acting for a Queensland peak sporting body in dispute with one of its regional organisations in relation to its constitution and shareholder rights.

INSURANCE

> Defending (with the then D O J North SC) a workers compensation claim by a contractor working for the Solomon Islands prison service pursuant to an Australian foreign aid agreement.

INTERNATIONAL LAW

> Briefed in a matter arising out of an oil spill from the MV Pacific Adventurer off the Queensland coast.

> Advising on questions concerning the conformity of duties legislation with the Chicago Convention on Civil Aviation.

> Instructed concerning the consequences for an Australian manufacturer arising out of allegations made against its foreign parent company of corrupt dealings with the government of a developing country.

> Instructed on various matters dealing with anti-terrorist legislation and its conformity with international law, particularly the International Covenant on Civil and Political Rights.

> Appearing in matters dealing with anti-suit injunctions.

> Enforcing in the Federal Court of Australia an international arbitration award obtained in the Singapore International Arbitration Centre.

> Defending (with D Tait KC) claims made against her former employer by an Australian who was prosecuted and jailed in a foreign state in connection with her complaint that she had been sexually assaulted.

PROPERTY & LAND LAW

> Appearing (with Shane Doyle KC) in proceedings where a plaintiff sought to recover damages for loss of a commercial opportunity which is more likely to make a loss than a profit.

> Acting (with P O'Shea KC) in a substantial dispute concerning misrepresentations over land sold in Dubai with proceedings in the UAE and Australia.

> Appearing in District Court proceedings addressing whether the defendants had caused substantial interference with the use or enjoyment of the plaintiff's land and whether that interference with the plaintiff's land was unreasonable.

> Numerous matters involving commercial leases and sales of land, mortgages, and the lodgement of caveats.

RECOMMENDATIONS

Australian Financial Review *Best Lawyers*®

2026-2027 – Class Action Litigation and International Arbitration

2020-2025 – Class Action Litigation

APPOINTMENTS

International Law Association - Queensland Chapter President

International Law Association - Management Committee (Australia)

2014-24 Bar Association of Queensland - International Law Committee

2017-22 Chartered Institute of Arbitrators - National Councillor

2017-22 Chartered Institute of Arbitrators - Queensland State Convener

MEMBER

Bar Association of Queensland

Caxton Legal Centre Inc

Chartered Institute of Arbitrators (FCIArb)

International Law Association

New South Wales Bar Association

Society of Construction Law (SoCLA)

CAREER

1995 Commercial litigation at Hunt & Hunt (Brisbane, now Cooper Grace Ward)

1996 Tipstaff to Justice M D Ireland, Common Law Division of NSW Supreme Court

1997 Associate to Acting Justice Ian Temby, Common Law Division of NSW Supreme Court

1998 Insurance litigation at MinterEllison (Brisbane)

1999 Solicitor at a leading boutique UK immigration and nationality specialist

2001-4 Lecturer (primarily contract law and international law), New College, Oxford University

2005- Barrister

EDUCATION

Doctor of Juridical Studies, University of Sydney

Master of Studies (by thesis), University of Oxford

Bachelor of Laws (Honours), University of Queensland

Bachelor of Arts, University of Queensland

Postgraduate Diploma in Teaching in Higher Education, University of Oxford

PUBLICATIONS

Settling Up, Not Settling Down - Offers to Settle in Australian Disputes
December 2022

Arbitrating with Guerrillas and Gorillas - Ethics & Remedies
February 2020, Arbitration, International

Flight MH370: International Law and How We Use It
August 2014, International

Worldwide Witnesses: Full Federal Court approves overseas video evidence
June 2012, International

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