

# SOPHIE GIBSON

YEAR OF CALL: 2019

Sophie has a broad commercial dispute resolution practice, with a particular focus on banking & insolvency, building & construction, competition, insurance and property disputes. She acts as junior counsel in large-scale litigation at both trial and appellate level and also appears unled in all State and Federal Courts.

In 2021, Sophie was briefed to appear led by Nicholas Andreatidis QC in a case before the Full Bench of the High Court of Australia in *Price v Spoor* [2021] HCA 20.

Sophie also recently acted in the Paradise Dam Commission of Inquiry, led by senior counsel.

Sophie's experience extends to working as part of large multi-disciplinary teams of lawyers and experts. Before being called to the Bar, Sophie worked as an Associate in the commercial litigation group of Norton Rose Fulbright, acting for both national and international clients on a range of complex disputes.

She is presently a member of the author team for Civil Procedure Queensland, together with the Honourable Justice Bond of the Supreme Court of Queensland and Mr Mohammad Jaamae Hafeez-Baig.

Sophie served as associate to the Honourable Justice Patrick Keane in the High Court of Australia in 2016-2017.

## AREAS OF PRACTICE

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Arbitration, Banking, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Inquiries & Coronial Inquests, Insurance, Judicial Review & Administrative, Land Law & Property, Planning & Environment, Resources & Energy, Shipping, Tax.

## CASES

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

LEVEL

TWENTY  
SEVEN

CHAMBERS



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***Broadbent v Medical Board of Australia* [2021] QDC 189**

September 2021, Professional Discipline & Regulatory

***Price v Spoor* [2021] HCA 20**

June 2021, Contract, Banking

***LWB QLD SBB Limited v State of Queensland* [2021] NSWSC 462**

May 2021, Commercial Equity, Contract

***Whiteley v Stone & Anor* [2021] QSC 31**

March 2021, Judicial Review & Administrative, Resources & Energy, Human Rights & Discrimination

***Paradise Dam Commission of Inquiry***

April 2020, Building & Construction, Inquiries & Coronial Inquests

***Hoch v Hoch* [2020] QSC 9**

February 2020, Contract

***Spoor & Ors v Price & Ors* [2019] QCA 297**

December 2019, Contract

***Royal and Sun Alliance Insurance Plc v DMS Maritime Pty Limited* [2019] QCA 264**

November 2019, Contract

***CCIG (Australia) Pty Ltd v Amicus Hospitality Group Pty Ltd* [2019] QSC 232**

September 2019, Building & Construction, Contract

## **EXPERIENCE**

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A selection of past and ongoing cases in which Sophie has been briefed includes:

- > Acting, unled, for a director of a bulk fuel supply company, in liquidation, during a two day public examination in the New South Wales Supreme Court by the financiers of the company who were owed collectively more than AUD 64 million.
- > Appearing (led by Nicholas Andreatidis QC) for a leading engineering consultancy before the Paradise Dam Commission of Inquiry. The inquiry will determine if and to what extent the governance, processes and systems involved in the design, construction or commissioning of the Paradise Dam (near Bundaberg) contributed to structural issues.
- > Appearing (led by Simon Couper QC) in the Queensland Court of Appeal for Royal and Sun Alliance Plc, a London based insurer, regarding the reasonableness of a settlement reached by the insured with the Commonwealth of Australia in relation to the total constructive loss of HMAS Bundaberg- judgment pending.
- > Appearing (led by Melanie Hindman QC) in the Supreme Court of Queensland representing a building

contractor in relation to the provision of further security under a construction contract- judgment pending.

> Appearing (led by Gerard Forde) in the Supreme Court of Queensland in relation to whether a settlement agreement reached between two parties ought be set aside on the basis of mistake- judgment pending.

> Acting (led by Nicholas Andreatidis QC with Anthony Messina) for trustees of a pension fund in relation to whether a mortgage agreement properly precluded the mortgagor from relying on the *Limitation of Actions Act*- judgment pending.

> Acting (led by Declan Kelly QC) for a telecommunications company in respect of a judicial review application relating to the proper construction of the *Telecommunications Act*.

> Recent matters as sole counsel include advising and appearing for litigants in building disputes, contractual disputes, body corporate disputes and judicial review applications.

As a solicitor, Sophie acted in a number of significant commercial matters in the State and Federal Courts.

> Acting for BY Winndown Inc, an American based client, defending cross-border proceedings in the Supreme Court of Queensland, commenced by the purchaser of a vessel, for alleged breaches of contract and implied undertakings as to quality or fitness under the *Trade Practices Act*1974 (Cth).

> Acting for five mining companies in defending proceedings issued against their subsidiaries in relation to contracts for the construction and modification of rail infrastructure connecting to the Wiggins Island Coal Export Terminal near Gladstone. Aurizon commenced proceedings in the Supreme Court of Queensland alleging that the clients breached implied terms to deal fairly with, and act in good faith towards it.

> Acting for Royal and Sun Alliance Plc, a London based insurer, defending a claim in the Supreme Court of Queensland made by the insured in relation to the total constructive loss of HMAS Bundaberg. A key issue at trial was the reasonableness of a settlement reached by the insured with the Commonwealth of Australia for the destruction of the vessel.

> Acting for the Retail Food Group, defending an application for preliminary discovery by Asahi Beverages relating to a misleading or deceptive conduct claim in the Supreme Court of Victoria.

> Acting for a major publicly listed airline in relation to an incident that occurred at one of its premises. Advising on all aspects of the dispute, including potential claims that may be made by and against the client.

> Advising the Australian Maritime Safety Authority on whether to commence proceedings in the Federal Court of Australia pursuant to the *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act*2008 (Cth) to recover the clean-up costs of responding to a pollution incident.

## MEMBER

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Bar Association of Queensland

## CAREER

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**2019** Barrister

**2017** Solicitor, Norton Rose Fulbright

**2016** Associate to the Honourable Justice Keane, High Court of Australia

## EDUCATION

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**2016** Bachelor of Laws (Hons), Queensland University of Technology

## PUBLICATIONS

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**High Court affirms parties can effectively contract out of some statutory limitation periods**

July 2021, Contract, Banking

**Court Etiquette - Working with the Bar and Persuading the Bench**

April 2021

**Judicial Review No Replacement for QLD Industrial Magistrates Court**

March 2021, Judicial Review & Administrative

**Commissions of Inquiry: and In-House Counsel Perspective**

October 2020, Inquiries & Coronial Inquests

**Commissions of Inquiries and Coronial Inquests - perspectives from the bench and each side of the Bar Table**

July 2020, Inquiries & Coronial Inquests

**Trouble in Paradise: Protecting Privilege After Glencore**

October 2019, Commercial Equity, Judicial Review & Administrative

**Timing is Everything**

July 2019, Insurance

*Liability limited by a scheme approved under professional standards legislation*