

# Jason Dudley

Barrister-at-law

35 West Chambers, Santos Place, 32 Turbot St | 3211 0387 | 0432 298 311 | jdudley@qldbar.asn.au

**YEAR OF CALL: 2019**

## **OVERVIEW**

Jason has a broad general commercial and criminal practice.

He appears in the Supreme and District Courts, the Federal Court of Australia, the Childrens Court of Queensland, the Magistrates Court and the Queensland Civil and Administrative Tribunal regularly.

Jason acts and provides advice in matters involving bankruptcy and insolvency, contractual disputes, trusts, equity, restitution, corporations and company law, and competition and consumer law. He has represented (unled) clients at oral hearings with evidence and interlocutory applications, and at mediation.

His appellate experience extends to having appeared led in the Court of Appeal for the successful appellant in a significant contractual dispute, and subsequently in a special leave application to the High Court of Australia which was successfully resisted: *Allen v G Developments Pty Ltd* [2019] QCA 287; *G v Developments Pty Ltd* [2020] HCA Trans 74, 5 June 2020.

In criminal law he has appeared for both the prosecution and defence on numerous serious criminal matters including trials, sentences, applications and committal hearings with evidence (including for a murder).

Prior to being called to the Bar, Jason practised as a senior solicitor at the Office of the Director of Public Prosecutions and Legal Aid Queensland, having carriage of high profile and complex criminal prosecutions.

In 2013 he was the Associate to his Honour Judge David Searles of the District Court and Planning & Environment Court of Queensland.

Jason is a member of LawRight (formerly QPILCH) and undertakes pro bono work, including judicial review and administrative law matters.

## **AREAS OF PRACTICE**

Administrative & Public Law – Appellate – Bankruptcy & Insolvency – Building & Construction – Civil Confiscation of Criminal Profits – Commercial – Contract – Corporations – Criminal – Equity – Personal Injury – Professional Discipline – Property – Tort – Tax

## **RECENT CASES**

### **Commercial**

#### ***Council of the City of Gold Coast v Wilkins et al* (Supreme Court proceeding 11722/20)**

Acting for the Gold Coast City Council (plaintiff) in a claim for negligence, misleading or deceptive conduct and nuisance in respect of property damage arising from a commercial development. Complex litigation involving 14 parties managed on the Supervised Case List (led by Keith Howe & Alex Psaltis).

***PWB Enterprises Pty Ltd v Maine (District Court proceeding BD 24/17)***

Acting for the plaintiff in respect of a contractual dispute and a counterclaim for negligence causing loss of opportunity. Listed for trial (unled).

***Australia and New Zealand Banking Group Limited v Lawson (District Court proceeding BD 4239/19)***

Acting for the Bank against self-represented litigants in an application for the mortgagee to obtain possession of property following default (unled).

***Esteb v Mengan Pty Ltd et al (Federal Court of Australia proceeding QUD98/2021)***

Acted for the plaintiff (applicant) in a dispute concerning underpayment of wages and proprietary estoppel claims, including in respect of a share held in the defendant company (led by Christopher Murdoch QC).

***Cecil Healy Pty Ltd v Grisman (District Court proceeding BD 584/19)***

Acted for the plaintiff in respect of the trial of a claim for conversion of a motor vehicle (unled).

***Lugton v Hall (District Court proceeding BD 1587/18)***

Acted for the defendants in a property related dispute in an application to dismiss proceedings for want of prosecution (unled).

***Al Raja v Hummingbird Place Pty Ltd et al (District Court proceeding BD 1342/2020)***

Acted for the plaintiff in a claim for misleading or deceptive conduct and restitution for unjust enrichment for a contract that failed to materialise (unled).

***CapFF Pty Ltd v Queensland Building and Construction Commission [2020] QCAT 408***

Represented the contractor in an application to review a decision of the QBCC to deny coverage under the statutory home warranty scheme under the *Queensland Building and Construction Commission Act 1991* (Qld). Two day oral hearing with cross-examination of multiple witnesses including experts (unled).

***G Developments Pty Ltd et al v Allen (as trustee) [2020] HCA Trans 74 (5 June 2020)***

Appeared for the successful respondent resisting an application for special leave (led by Stephen Lee).

***Commonwealth Bank of Australia v State of Queensland; in the matter of McCrohon [2020] FCA 582***

Appeared for the Bank in a vesting application under the *Bankruptcy Act 1966* (Cth) (unled).

***Commonwealth Bank of Australia v State of Queensland; in the matter of Welford [2019] FCA 1362***

Appeared for the Bank in a vesting application under the *Bankruptcy Act 1966* (Cth) (unled).

***Allen v G Developments Pty Ltd [2019] QCA 287***

Appeared for the successful appellant. Primary issue was construction of a poorly drafted deed of loan and whether the borrower was required to pay interest at 25% per annum on outstanding principal. The Court considered the application of the principle that parties are presumed to intend a commercial result (led by Stephen Lee).

**Criminal**

***Australian Federal Police v Crazzi [2021]***

Acting for an accused charged with alleged Syria-related terrorism offences against the *Crimes (Foreign Incursions and Recruitment) Act 1978* (Cth) (led by Philip Dunn QC).

***R v [a juvenile] CCQ 2021***

Represented at trial a child charged with rape and sexual offending of two complainants. Involved interlocutory application in respect of admissibility of privileged evidence. Acquitted on all counts.

***R v [a juvenile] CCQ 2020***

Represented at trial a child charged with violent armed robbery and unlawful use of a motor vehicle to facilitate the offence. Primary issue was identification and photo board evidence. Acquitted on all counts.

***Queensland Police Service v [a juvenile] QMC 2019***

Represented at summary trial a child charged with assault, wilful damage of police property, resisting arrest and public nuisance witnessed by a police officer. Issues were compliance by police with the *Youth Justice Act 1992* (Qld), legal definition of wilful damage and witness reliability. Acquitted on all charges.

**CAREER**

<b>June 2019</b>	Barrister, <b>35 West Chambers</b>
<b>2019</b>	Senior solicitor, <b>Legal Aid Queensland</b> (Youth)
<b>2018</b>	Solicitor, <b>Legal Aid Queensland</b> (Youth, Serious Crime and Drug Court)
<b>2017 – 2018</b>	Senior Legal Officer, <b>Office of the Director of Public Prosecutions</b>
<b>2015 – 2017</b>	Legal Officer, <b>Office of the Director of Public Prosecutions</b>
<b>2014 – 2015</b>	Law Clerk, <b>Office of the Director of Public Prosecutions</b> (Crime, Criminal Confiscations & Supreme Court Bail)
<b>2013</b>	Judge’s Associate, <b>District Court of Queensland</b>

**EDUCATION**

<b>2014</b>	Graduate Diploma of Legal Practice, <b>The College of Law</b>
<b>2012</b>	Bachelor of Laws (Honours), <b>Queensland University of Technology</b>
<b>2010</b>	Exchange semester, <b>University of Copenhagen</b> (International Human Rights Law, Intellectual Property in International and EU Context, International Criminal Law Cooperation)

**PROFESSIONAL MEMBERSHIPS**

Bar Association of Queensland // LawRight (formerly QPILCH) – Pro bono service

**PUBLICATIONS**

Practice note on Costs: General Principles, Costs Assessment and Enforcement, *Thomson Reuters Practical Law Practice Notes* (2021).

J Dudley, A review of Administrative Appeals Tribunal by D Pearce, *The Queensland Lawyer*, Feb 2014.

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