

Jason Dudley

Barrister-at-law

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YEAR OF CALL: 2019

OVERVIEW

Jason practises primarily in commercial law, although has experience in criminal matters as well.

He is briefed by top-tier and mid-tier national law firms, as well as boutique firms. He has acted for a diverse range of clients, including “big four” banks, the Gold Coast City Council, liquidators, companies and private individuals.

Jason acts and provides advice in matters involving bankruptcy and insolvency, building and construction, contractual and property disputes, trusts, equity, corporations law and competition and consumer law. He has represented (unled) clients at trial and interlocutory applications, and at mediation. He regularly appears in state and federal courts and tribunals.

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 – Commercial – Contract – Corporations – Criminal – Equity – Professional Discipline – Property – Tort

RECENT CASES

Appellate

***G Developments Pty Ltd & Ors v Allen (as trustee)* [2020] HCA Trans 74 (5 June 2020).** Appeared in the High Court for the successful respondent resisting an application for special leave (led by Stephen Lee).

Allen v G Developments Pty Ltd & Anor [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).

Building & Construction

Queensland Building and Construction Commission v Abel House Removers & Ors (District Court proceeding 448/23). Acting for a contractor against the QBCC in a proceeding for recovery under s 71 of the *Queensland Building and Construction Commission Act 1991* (Qld) (unled, contra Peter Hastie KC).

An adjudication under the Building and Construction Industry Security of Payment Act 1999 (NSW) [2022]. Represented the contractor/applicant (mining ventilation) in an adjudication under the Act seeking \$5.5M payment under a \$23M contract, and defending a \$28M setoff by the principal (mine operator). Succeeded in recovering \$4.7M plus costs and defeating setoff in entirety (led by Matthew Jones).

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).

Commercial

Council of the City of Gold Coast v Wilkins & Ors (Supreme Court proceeding 11722/20). Acted for the Gold Coast City Council in a multimillion dollar claim for professional negligence in respect of subsidence at a commercial development. Complex litigation involving 16 parties and expert evidence across multiple disciplines, managed on the Supervised Case List (led by Keith Howe).

McAllister v Gold Coast City Council [2023] QCAT 348. Acted for the Gold Coast City Council in a property damage dispute. Succeeded in having proceeding dismissed for want of jurisdiction (unled).

Council of the City of Gold Coast v Davies & Ors (District Court proceeding 2721/19). Acted for the Gold Coast City Council in a successful application (2022) for extension of time (led by Keith Howe).

Golden Honeyplum Pty Ltd v Body Corporate for Harvard Mews CTS 29810 (QCAT proceeding 52/23). Acted for the caretaker in a management rights dispute under the *Body Corporate and Community Management Act 1997* (Qld) (unled).

Esteb v Mengan Pty Ltd et al (Federal Court of Australia proceeding QUD98/2021). Acted for the applicant in a dispute concerning underpayment of wages and proprietary estoppel claims (led by Christopher Murdoch QC, contra Michael Hodge QC).

Brar v Grewal; Grewal & GB Developers Pty Ltd v Brar & Singh (Supreme Court proceeding BS 15152/21). Acted for the defendant and counterclaimants asserting unconscionable conduct and breach of fiduciary duties in answer to a contractual claim (unled).

Al Raja v Hummingbird Place Pty Ltd & Ors (District Court proceeding BD 1342/2020). Acted for the plaintiff in a claim for misleading or deceptive conduct and restitution for unjust enrichment (unled).

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).

PWB Enterprises Pty Ltd v Maine (District Court proceeding BD 24/17). Acted for the plaintiff in respect of a contractual dispute and a counterclaim for negligence causing loss of opportunity (unled).

Bankruptcy & Insolvency

A public examination under the Corporations Act 2001 (Cth) [2022]. Acted in a mandatory examination under s 596A of the *Corporations Act 2001 (Cth)* for the former director of a coal mining joint venturer. Alleged conduct under investigation included payment of an \$8M dividend while insolvent (unled).

In the matter of Oilseeds Australia Pty Ltd (Supreme Court proceeding BS 6028/22). Acted for the successful applicant in an interlocutory application to set aside a statutory demand under the *Corporations Act 2001 (Cth)* for non-compliance with statutory timeframes (unled).

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).

Australia and New Zealand Banking Group Limited v Lawson (District Court proceeding BD 4239/19). Acted for the Bank against self-represented litigants in an application for the mortgagee to obtain possession of property following default (unled).

Regulatory

An examination under the Australian Securities and Investments Commission Act 2001 (Cth) [2023]. Represented the examinee in a coercive examination under s 19 of the ASIC Act investigating suspected contraventions of director's duties and unlawful fundraising activities.

Office of Work Health and Safety Prosecutor v Ahmedov & Service2Go Pty Ltd QMC 2022. Acted for electrical contractor in sentence hearing in respect of dozens of contraventions of the Act (unled).

Criminal

Australian Federal Police v Crazzi [2022] QSC. Acted for an accused charged with alleged Syria-related terrorism offences against the Crimes (*Foreign Incursions and Recruitment) Act 1978 (Cth)*. Successful in applying for bail in the Supreme Court, requiring demonstration of notoriously stringent 'exceptional circumstances' test (led by Philip Dunn QC).

Attorney-General (Qld) v Willis [2022] QSC. Acted for the prisoner on a contravention hearing under the *Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld)*. Successful in discharging onus that release was appropriate without extension of order. Oral hearing with cross-examination of two court-appointed psychiatrists (unled).

R v [a juvenile] [2021] CCQ. Represented at trial a child charged with rape and sexual offending of two complainants. Acquitted on all counts (unled).

R v [a juvenile] [2020] CCQ. Represented at trial a child charged with violent armed robbery and unlawful use of a motor vehicle to facilitate the offence. Acquitted on all counts (unled).

Queensland Police Service v [a juvenile] [2019] QMC. Represented at summary trial a child charged with assault, wilful damage of police property, resisting arrest and public nuisance witnessed by a police officer. Acquitted on all charges (unled).

CAREER

2019 Barrister, **35 West Chambers**

2018 – 2019 Solicitor, **Legal Aid Queensland**

2015 – 2018 Lawyer, **Office of the Director of Public Prosecutions**

2014 – 2015 Law Clerk, **Office of the Director of Public Prosecutions**

2013 Judge’s Associate, **District Court of Queensland**

EDUCATION

2014 Graduate Diploma of Legal Practice, **The College of Law**

2012 Bachelor of Laws (Honours), **Queensland University of Technology**

2010 Exchange semester, **University of Copenhagen** (International Human Rights Law, Intellectual Property in International and EU Context, International Criminal Law Cooperation)

PROFESSIONAL MEMBERSHIPS

Bar Association of Queensland // LawRight (formerly QPILCH)
(Member of New Bar Committee)

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.

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