

Curriculum Vitae

BRIAN O'DONNELL QC

Overview

Brian has a busy commercial practice. He regularly appears in both trials and appeals, especially in Brisbane and Sydney. He has successfully practiced as a leading commercial silk for over 20 years. He is particularly in demand for complex corporate and commercial cases.

Areas of Practice

Administrative law, appeals, banking, class actions, equity and trusts, commercial disputes, contract, corporate insolvency and bankruptcy, corporations, insolvency, insurance, gas industry, leasing, mining industry, professional negligence, rail and port services, resources and energy, schemes of arrangement, trade practices and competition, taxation.

Recommendations

Doyles Guide - Commercial Litigation & Dispute Resolution

- 2019 – Preeminent (Queensland) and Recommended (Australia)
- 2018 – Preeminent (Queensland)
- 2017 – Preeminent (Queensland) and Recommended (Australia)
- 2016 – Preeminent (Queensland) and Recommended (Australia)
- 2015 – Leading (Queensland)

Doyles Guide - Construction and Infrastructure

- 2020 – Leading (Queensland)
- 2019 - Recommended (Queensland)
- 2018 – Leading (Queensland) and Recommended (Australia)
- 2017 – Recommended (Queensland)
- 2016 – Recommended (Queensland)
- 2015 – Leading (Queensland)

Doyles Guide - Insolvency and Reconstruction

- 2019 – Leading (Queensland)
- 2018 – Preeminent (Queensland)
- 2017 – Recommended (Australia)
- 2016 – Preeminent (Queensland) and Recommended (Australia)
- 2015 – Preeminent (Queensland) and Leading (Australia)

Doyles Guide - Queens Counsel

- 2016 – Preeminent (Queensland)

Cases

Construction, Forestry, Maritime, Mining & Energy Union v One Key Workforce Pty Ltd [2020] FCAFC 27

Civil Mining & Construction Pty Ltd v Wiggins Island Coal Export Terminal Pty Ltd [2020] QSC 1

McConnell Dowell Constructors (Aust) Pty Ltd v Cardno (Qld) Pty Ltd [2019] QSC 320

Prime Constructions (Qld) Pty Ltd v HPS (Qld) Pty Ltd & Ors [2019] QSC 301

Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority trading as Seqwater [2019] NSWSC 294

Civil Mining & Construction Pty Ltd v Wiggins Island Coal Export Terminal Pty Ltd (No 3) (2018) QSC 060

Re Linc Energy Ltd (in liq) [2017] 2 Qd R 720 and [2018] QCA 032

Longley v Chief Executive, Dept of Environment and Heritage Protection (2018) 331 FLR 33

Beenleigh Housing & Devt Company Ltd v Isaiah Jumeirah Kahrter Pty Ltd as Trustee For Isjuka Trust [2017] QSC 170

Burragubba v Queensland (2017) 254 FCR 175 and *Burragubba v State of Queensland (No 2)* (2018) FCAFC 65

Central Petroleum Ltd v Geoscience Resource Recovery LLC [2017] QSC 223

CMC v Wiggins Island (2017) QSC 085

Linville Holdings Pty Ltd v Fraser Coast Regional Council [2017] QSC 252

W.B. Rural v Commissioner of State Revenue (2017) 322 FLR 13, (2018) 1 Qd.R. 526

ASIC v Anderson (No.9) (2016) 308 FLR 216 and (2013) 2 Qd.R. 401 (CA)

Mt Isa Mines v Port of Townsville [2016] QSC 112

Re Palmer v Parbery; Qld Nickel Pty Ltd (in liq) (2016) 153 ALD 475

Wilmar Sugar Australia Ltd v Queensland Sugar Ltd (2016) 335 ALR 72 (FCA)

Qld North Australia Pty Ltd v Takeovers Panel [2015] 320 ALR 726

Qld North Australia Pty Ltd v Takeovers Panel (No 2) (2015) 236 FCR 370

Westpac Banking Corp v Lomas [2014] QSC 117

- 7 Eleven Stores v United Petroleum* (2013) 1 Qd.R. 272 (CA)
- Aquila Coal v Bowen Central* (2013) QSC 082
- Commissioner Taxation v Unit Trend Services* (2013) 250 CLR 253 (HCA)
- Filmana Pty Ltd and Ors v Tynan and Anor* [2013] QCA 256
- Groves v Groves* [2013] QSC 277
- Stepping Stones Childcare Centre (ACT) Pty Ltd v Early Learning Services Ltd* (2013) 95 ACSR 179 (ACTSC)
-
- BG International v 400 George Street* (2012) 2 Qd.R. 302 (CA)
- Commissioner of Taxation v Crown Insurance Services Ltd* (2012) 207 FCR 247
- Hillam v Ample Source International Pty Ltd* (2012) 202 FCR 336
- Hogno v Racing Qld Limited* (2012) QSC 303 and (2013) QCA 139
- McIvor v Westpac Banking Corporation* [2012] QSC 404
- Proprietors Cathedral Village Building Units Plan No. 106957 v Cathedral Place Community Body Corporate* [2012] QSC 301 and [2013] QCA 264
-
- Petroleum Nominees Pty Ltd v Central Petroleum*(2012) 90 ACSR 611
- Ample Source International Ltd v Bonython Metals Group Pty Ltd (No.6)* (2011) 285 ALR 488
- CVC Private Equity v Suncorp Metway; Drapac Management Ltd v Glennington* [2011] 1 Qd.R. 101
- Mulherin Rigging & Cranes Australia Pty Ltd v Roberts & Schaefer Australia Pty Ltd* [2011] 1 Qd R 139
- Re CMI Ltd* (2011) 87 ACSR 144
- Vale Belvedere v B.D. Coal* (2011) 2 Qd.R. 285 (CA)
-
- AA Shi Pty Ltd v Avbar Pty Ltd (No 2)* (2010) 186 FCR 148
- Body Corporate for Sun City Resort CTS 24674 v Sunland Constructions Pty Ltd* [2010] QSC 463
- Boss v Hamilton Island Enterprises* (2010) 2 Qd.R. 115 (CA)
- Lerinda Pty Ltd v Laertes Investments* [2010] 2 Qd.R 312
- Raschilla and Anor v Westpac Banking Corporation* [2010] QCA 255
- Wright and Ors v Westpac Banking Corporation* [2010] QCA 190
- Yara Nipro Pty Ltd v Interfert Australia Pty Ltd* [2010] QCA 128 (CA)
-
- Beach Retreat Pty Ltd v Mooloolaba Marina Ltd* [2009] Qd R 356
- Re City Pacific Ltd; City Pacific v Bacon (No.2)* (2009) 178 FCR 81

Lee v Surfers Paradise Beach Resort [2008] 2 Qd.R. 249 (CA)

Westpac Banking Corp v McMillan in his Capacity as Trustee for the CSA - Melbas Unit Trust and Melbas On The Park Pty Ltd [2008] QSC 206

AMCI (IO) Pty Ltd v Aquila Steel Pty Ltd (2007) 64 ASCR 427

Cannon St v Karedis [2007] 1 Qd.R. 505 (CA)

Lanepoint Enterprises Pty Ltd (recs and mgrs apptd), Re; Fraser v Australian Securities and Investments Commission (2007) 159 FCR 424

Mincom Ltd v EAM Software Finance Pty Ltd (No 3) (2007) 213 FLR 364

David Jones Ltd v Perpetual Ltd [2006] QSC 337

Expectation Pty Ltd v PRD Realty Pty Ltd [2006] FCA 360

Expectation Pty Ltd v PRD Realty Pty Ltd (No.2) (2006) 151 FCR 160

Lifetime Investments Pty Ltd v Commercial (Worldwide) Financial Services Pty Ltd [2006] FCA 495

Peppercorn Holdings No 1 Pty Ltd v DDH Graham Ltd and Ors [2006] QSC 156

Pacific National (ACT) Pty Ltd v Queensland Railways (2005) 215 ALR 544 and (2006) FCA 91 (FCA)

Denham Bros v Freestone Leasing [2004] 1 Qd.R. 500 (CA)

Emanuel Management Pty Ltd (in liq) v Foster's Brewing Group Ltd [2004] 2 Qd R 11

Elfic Ltd v Marks (2003) 2 Qd.R. 125

Charter Pacific Corporation v Coventry (2002) QSC 301 and (2003) 179 FLR 438

Charter Pacific Corporate v Belrida [2002] QSC 254 and (2003) 2 Qd.R. 619 (CA)

Naomi Marble & Granite Pty Ltd v FAI General Insurance (1999) 1 Qd.R. 507 and (1999) 1 Qd.R. 518.

Gore v Octahim Wise Limited [1995] 2 Qd R 242

Deputy Commissioner of Taxation v State Bank NSW (1992) 174 CLR 219 (HCA)

Qualifications

Batchelor of Laws (with Honours), University of Queensland

Batchelor of Arts, University of Queensland

1982 – Admitted as Solicitor of Supreme Court of Queensland

1983 – Admitted as Barrister and commenced private practice

1993 - Appointed Queen's Counsel

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