

MATTHEW BRADY KC

Year of call - 1999
Year of silk - 2016

DIRECT CONTACT DETAILS:

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AREAS OF PRACTICE

Appellate
Commercial Law
Corporate Law
Equity
Public and Administrative Law
Professional Liability

EDUCATION

Bachelor of Arts (UQ) 1989
Bachelor of Laws (Hons) (UQ) 1992
Master of Laws (QUT) 1994

CAREER HISTORY

Matthew was admitted as a solicitor in 1994. He worked in litigation principally for two large national firms until he was called to the Bar in 1999. He has worked exclusively as a barrister since 1999.

Matthew has a broad commercial and civil practice, with particular emphasis upon corporate and commercial litigation, regulatory and administrative cases. He is regularly briefed by various Commonwealth entities, including ASIC. Matthew has considerable experience in conducting large and complex cases, including civil penalty and regulatory proceedings in both the Federal and State Courts and Tribunals. He is experienced in both trial and appellate work.

In 2022, Matthew was appointed a Justice of the Supreme Court of Nauru where he hears and determines appeals from the local Refugee Status Tribunal (e.g. *DWN066 v Republic of Nauru* [2022] NRSC 28).

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SELECTED REPORTED CASES

Fox Coal Pty Ltd v Minister for Resources (2023) 41 QLR 6; [2023] QSC 197 (selected for reporting in QR)

Acted for applicant in successful judicial review proceedings against Qld government, concerning legislative meaning of “public interest” in relation to mine approval.

Leahy v Brisbane City Council (2022) 11 QR 809; [2022] QSC 200 (first instance); On appeal *sub nom Brisbane City Council v Leahy* (2023) LGERA 324; [2023] QCA 133

Acted for applicant in successful judicial review proceedings against BCC, concerning whether procedural fairness required to be given to applicant in making decision re location of large billboard.

Reed v Smith (2022) 34 QLR 9; [2022] QSC 173

Acted for defendant in successful defence of proceedings alleging mutual wills.

Australian Securities and Investments Commission v King (2021) ABC(NS) 318; [2021] FCA 1610

Acted for successful applicant in proceedings for sequestration order based on a non-provable debt.

Australian Securities and Investments Commission v King (2020) 270 CLR 1; (2020) 94 ALJR 293; (2020) 376 ALR 1; [2020] HCA 4

Acted for ASIC in High Court appeal concerning interpretation of definition of “officer” in *Corporations Act* 2001.

King & Ors v Australian Securities and Investments Commission (No 1) (2019) 134 ACSR 105; [2018] QCA 352; ***(No 2)*** [2019] QCA 121

Acted for ASIC in the Queensland Court of Appeal on two-week appeal by four officers of a substantial corporate investment vehicle who were found to have engaged in large number of breaches of the *Corporations Act* 2001.

Australian Securities and Investments Commission v Gognos Holdings Ltd & Anor (2017) ACSR 110; [2017] QSC 207 **(Trial)**; (2018) ACSR 363 [2018] QCA 181 **(Court of Appeal)**

Acted for ASIC in application to wind up corporate investment vehicle on just and equitable grounds.

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Australian Building and Construction Commission v Construction, Forestry, Mining and Energy Union (No 1) (2017) 267 IR 130; [2017] FCA 157

Acted for ABCC in civil penalty proceedings against the CFMEU arising from illegal industrial action.

Various decisions in **Australian Securities and Investments Commission v Managed Investments Pty Ltd (No 9)** (2016) FLR 216; (2016) ACSR 138; [2016] QSC 109; **(No 7)** [2015] 2 Qd R 32; [2014] QSC 72; **(No 5)** (2013) 235 A Crim R 384; [2013] QSC 313; **(No 3)** (2012) 88 ACSR 139; [2012] QSC 74

Acted for ASIC in civil penalty proceedings against five officers of a substantial investment vehicle where trial occupied more than 60 hearing days.

Palmer Leisure Coolum Pty Ltd v Takeovers Panel (2015) 245 FCR 371; 328 ALR 664; (2015) 110 ACSR 425; [2015] FCA 1498

Acted for the Takeovers Panel on application to the Federal Court concerning requirements of Chapter 6 of the *Corporations Act*.

Various decisions in **Queensland North Australia Pty Ltd v Takeovers Panel (No 1)** (2015) 230 FCR 150; (2015) 320 ALR 726; (2015) 106 ACSR 186; [2015] FCAFC 68; **(No 2)** (2015) 236 FCR 370; (2015) 109 ACSR 232; [2015] FCAFC 128

Acted for Takeovers Panel in appeal concerning proper application of Chapter 6 of *Corporations Act*.

White v Australian Securities and Investments Commission (2013) 237 A Crim R 83; [2013] QCA 357

Acted for ASIC in appeal on whether to stay civil penalty proceedings pending criminal proceedings overseas.

Anderson v Australian Securities and Investments Commission (2013) Qd R 401; (2012) 297 ALR 546; (2012) 91 ACSR 452; [2012] QCA 301

Acted for ASIC in appeal on practice point concerning civil penalty proceedings under *Corporations Act*.

Bank of Western Australia Ltd v National Australia Bank [2014] 1 Qd R 99; [2011] QSC 379

Acted for Bank of Western Australia in claim against NAB under charge.

Australian Competition and Consumer Commission v TF Woollam & Sons Pty Ltd (2011) 196 FCR 212; (2011) 285 ALR 236; (2011) ATPR 42-367; [2011] FCA

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Acted for ACCC in two-week trial of claim against various respondents for breaches of Part IV and Part V of the *Trade Practices Act 1974*.

Various decisions in ***John Holland Pty Ltd v Construction, Forestry, Mining and Energy Union (No 1)*** (2009) 186 IR 408; [2009] FCA 786; **(No 2)** (2009) 187 IR 400; [2009] FCA 865; **(Appeal)** (2010) 186 FCR 88; (2010) 204 IR; [2010] FCAFC 90; **(No 3)** (2011) 195 FCR 280; (2011) 63 AILR 101-394; [2011] FCA 973

Acted for ABCC (intervenor) in series of cases concerning disputes about rights of entry under industrial agreements concerning the Abbot Point Coal Terminal.

Jones v Australian Competition and Consumer Commission (2010) 189 FCR 390; [2010] FCAFC 136

Acted for ACCC in series of cases concerning breach of Part V of the *Trade Practices Act*, and subsequent contempt proceedings.

Minister for Immigration and Citizenship v Hart (2009) 179 FCR 212; [2009] FCAFC 112

Acted for Minister for Immigration in appeal concerning meaning of "ownership interest" in the *Migration Act 1958*.

Various decisions in ***McCarthy v St Paul International Insurance Co Ltd*** (2007) 157 FCR 402; (2007) 239 ALR 527; (2007) 14 ANZ Ins Cas 61-725; [2007] FCAFC 28; At trial *sub nom A&D Douglas Pty Ltd v Lawyers Private Mortgages Pty Ltd* (2006) 14 ANZ Ins Cas 61-709; [2006] FCA 520

Acted for St Paul Insurance at trial and on appeal against a firm of solicitors concerning issues relating to indemnity under insurance policy.

Hadkiss v Sunland Constructions Pty Ltd (No 1) (2007) 158 FCR 193; (2007) 161 IR; [2007] FCA 346; **(No 2)** (2007) 162 IR 385; [2007] FCA 524

Acted for delegate of the Employment Advocate against construction company for misleading conduct.

Osric Investments Pty Limited v Clout (as liquidator of Woburn Downs Pastoral Pty Ltd) (2002) ACLC 1; (2001) 48 ATR 184; (2002) Aust Contract R 90-139; [2001] FCA 1402

Acted for sixth and seventh respondents in contract claim in relation to embryo technology for stud cattle.

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