

Some cases and other information

In addition to my court and tribunals practice, I have a substantial opinion practice. My court and tribunal appearances in comparatively recent years include the following (where I have been in an appeal from a matter that I was also in, usually I haven't referred to the decision in the court below unless it deals contains one or more different issues from those on appeal) –

Maybury v Body Corporate for Contessa Condominiums CTS 6203 QSC 6803/23: Callaghan J (20.3.26) – **limitation of actions** – economic loss - breach of statutory duty, breach of body corporate by-laws, infringement of statutory easement of shelter, negligence, nuisance; **breach of statutory duty** – whether confers a civil remedy

Commissioner of State Revenue v FKG01 Pty Ltd [2026] QCA 12: Bowskill CJ, Doyle JA, Wilson J (6.2.26) – **stamp duty** - refund of duty paid on **cancelled contract** - resale agreement

Xynias v Stones Corner Village Investments Pty Ltd [2025] QSC 28: Treston J (31.10.25) - **landlord and tenant** – *Retail Shop Leases Act 1994* (Qld) – relocation notice – purported relocation to nearby premises not in the same retail shopping centre complex to allow demolition and redevelopment of centre – whether permissible – whether alternative premises “reasonably comparable”

Churches of Christ in Queensland v Trustees of the Associated Churches of Christ in Queensland Connexional Fund QSC 569/25: Freeburn J (14.2.25) – **mortgages** - defunct mortgagee; **Torrens title system** - removal of defunct mortgage from Land Title register; **Religious Educational and Charitable Institutions Act 1863 (Qld) corporations**

Deen v Harburg Nominees Pty Ltd [2021] QCA 44: Fraser and Philippides JJA and Bradley J (16.3.21) - **guarantee** and indemnity; **estoppel** by conduct

Commissioner of State Revenue v Harrison [2022] QCATA 102: Member DJ McGill SC (25.7.22) - **land tax** – grouping; **issue estoppel**

Salemade Pty Ltd v Commissioner of State Revenue [2021] QSC 19: Dalton J (18.2.21) - **payroll tax** - grouping

Squash Vision Pty Ltd v Il Mito Pty Ltd [2020] QSC 328: Flanagan J (30.10.20) - **landlord and tenant** - determination of rental; **liquidated damages and penalties**

Benaroon Pty Ltd v Larmar [2020] QCA 62: Fraser, Morrison and Philippides JJA (3.4.20) - **rectification** of trust deeds

Queensland Building and Construction Commission v Ezra Constructions Pty Ltd [2019] QCA 304: Gotterson and McMurdo JJA and Brown J (20.12.19) – **statutory construction**, transitional provisions;

Brisbane City Council v Amos (2019) 266 CLR 593; (2019) 372 ALR 366; (2019) 93 ALJR 977; [2019] HCA 27: Kiefel CJ, Gageler, Keane, Nettle and Edelman JJ (4.9.19) - **limitation of actions**, choice between inconsistent periods, rates

Commissioner of State Revenue v Harrison [2019] QCA 50: Morrison and Philippides JJA and Davis J (26.3.19) - **land tax**, constructive trusts, separate assessments; **appeals**, when leave granted

KinCare Community Services Ltd v Chief Commissioner of State Revenue [2019] NSWSC 182: Payne J (6.3.19) - **payroll tax, exemptions, non-profit organisations**, incidental benefits

Thomas v Commissioner of Taxation [2019] FCA 114: Greenwood J (12.2.19) - **costs** on remitter by Full Court of the Federal Court – complex proceedings – partial success by both parties

Amos v Wiltshire [2019] 2 Qd R 232; [2018] QCA 208: Sofronoff P and Flanagan and Brown JJ (4.9.18) - **enforcement warrant**, validity, amendment of warrant

Commissioner of Taxation v Thomas (2018) 264 CLR 382; 92 ALJR 746; (2018) 359 ALR 31; [2018] HCA 31: Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ (8.8.18) - **income tax, franking credit refunds, inconsistent trust distribution resolutions; when Commissioner not bound by *inter partes* decision**

GWC Property Group Pty Ltd v Higginson [2014] QSC 264: Dalton J (29.10.14) - **contract – penalty - common law and equitable doctrines - leases - incentive deed**

Harvey v Commissioner of State Revenue [2015] QCA 258: Margaret McMurdo P and Philippides JA and Burns J (4.12.25) - **stamp duty - transfer cancelled – administrative law - statutory privative clauses – constitutional validity**

Mulherin v Commissioner of Taxation [2013] ATC 20-423; (2013) 96 ATR 835; [2013] FCAFC 115: Edmonds, Griffiths and Pagone JJ (23.10.13) - **income tax - appeal from Administrative Appeals Tribunal - question of law - whether applicant was presently entitled to income of a resident trust estate - onus of proof - necessity to prove actual taxable income** when assessment made under s 167 of *Income Tax Assessment Act 1936* (Cth)