

DOMINIC PYLE

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Areas of Practice

Commercial litigation, in particular:

- Insurance
- Contractual disputes
- Corporations (including director's duties)
- Insolvency
- Equity
- Property disputes
- Agribusiness
- Building and construction

Degrees

BA, LLB (Hons) (Qld)

Professional Experience

Barrister

2001 to 2009 Bracton Chambers

2009 to present Gerard Brennan Chambers

Prior to 2001

Senior Associate Clayton Utz (1996 to 2001)

Solicitor Wansbroughs Willey Hargrave (now DAC Beechcroft) (1993 to 1996)

Solicitor and Articles
of Clerkship Feez Ruthning (now Allens) (1990 to 1992)

Selected Court Appearances

Drane v Aqualyng Holdings [2016] QSC 139 (Summary judgment; cross-claims: set-off and counterclaim)

Mirvac Queensland Pty Ltd and Anor v Shamrock Civil Engineering Pty Ltd and Ors [2015] QSC 271 (Strike out)

IPN Medical Centres Pty Ltd v Van Houten & Anor [2015] QSC 204 (General contractual principles; construction and interpretation of contracts; warranties and implied terms and misleading representations; whether an agreed damages clause was unenforceable as a penalty)

Papale & Ors v Sucrogen Ltd [2015] QSC 192 (Joinder of a third party; whether proceedings ought be heard together)

LPD Holdings (Aust) Pty Ltd & Anor v Phillips, Hickey and Toigo & Ors [2013] QCA 305 (Indemnity costs)

LPD Holdings (Aust) Pty Ltd v Phillips & Ors [2013] QSC 225 (Corporations; membership, rights and remedies; oppressive or unfair conduct)

LPD Holdings (Aust) Pty Ltd v Phillips [2013] QSC 30 (Indemnity costs)

Tarangau Game Fishing Charters Pty Ltd v Eagle Yachts Pty Ltd and Anor [2013] QSC 16

(Whether there is a general duty of care upon a manufacturer of chattels not to cause economic loss to subsequent purchasers of defective products; liability of manufacturers or importers for defective goods (TPA); amendment - whether causes of action were founded on the same facts or substantially same facts as the existing causes of action)

Modi and Clements v SDW Projects Pty Ltd and Ors [2015] 1 Qd R 519 (Appeal; *Property Agents and Motor Dealers Act 2000* (Qld); statutory interpretation)

SDW Projects Pty Ltd v Modi and Ors [2012] QSC 400 (Conveyancing; statutory obligations or restrictions relating to contract for sale)

Crouch and Lyndon (a Firm) v IPG Finance Australia Pty Ltd and Anor [2012] QCA 332 (Appeal; whether a stay of execution should be granted)

IPG Finance Aust P/L & Ors v Crouch and Lyndon & Anor [2012] QSC 312 (Partnerships; negligence)

Hartmann v Pilkington and Ors [2012] QSC 254 (Leave to withdraw deemed admissions)

SGS Australia Pty Ltd v Australian Laboratory Services Pty Ltd [2012] FCA 711 (Restraint of trade; equity)

Joyce v Gold Coast Blaze Pty Ltd [2012] QSC 32 (Interest; indemnity costs)

Re Wendy Anne Wright [2011] QSC 34 (Leave to proceed)

Australasian Medical Insurance Ltd and Anor v CGU Insurance Ltd (2010) 271 ALR 142
(Appeal; double insurance; estoppel by convention)

Australasian Medical Insurance Limited and Anor v CGU Insurance Limited [2009] QSC 235 (Double insurance; estoppel by convention)

Re Octaviar Ltd (No 8) (2009) 73 ACSR 139 (Corporations; voluntary administration; deeds of company arrangement)

Re Octaviar Ltd (2009) 69 ACSR 621 (Charge requiring a notice to be lodged under s 263 of Corporations Act 2001 (Cth);

Re Octaviar Ltd; Re Octaviar Administration P/L [2009] QSC 37 (DOCA; validity of charge)

Re Octaviar Limited (Formerly MFS Limited) [2008] QSC 216 (Winding up by the Court)

ASIC v Jorgensen and Ors [2008] QSC 91 (Contempt, attachment and sequestration)

Royalene Pty Ltd v Registrar of Titles and Ors (2008) Q ConvR 54-689; [2008] QSC 064

(Conveyancing; land titles under the Torrens system; mortgages, charges and encumbrances; rights, liabilities and remedies of mortgagor)

AVS Property P/L v QLD-1 P/L and Ors [2007] QSC 365 (Whether default judgment should be set aside)

Royalene Pty Ltd v Registrar of Titles and Anor [2007] QSC 059 (Strike out)

Fanigun Pty Ltd v Woolworths Ltd [2006] 2 Qd R 366 (Easements; trespass and nuisance; injunction)

Stone v ACE-I.R.M. Insurance Broking Pty Ltd [2004] 1 Qd R 173 (Whether proceeding a nullity)

Re Interchase Corp (In Liq) [2002] QSC 260 (Letter of request to the Chancery Division of the English High Court in London for examinations; whether evidence sought from reinsurers relates to the existence of a policy of insurance which was an "examinable affair")

Arbitration

2014/2016 Acted in an ICC arbitration relating to the construction of gas infrastructure (pipeline) connecting upstream to downstream operations at Curtis Island, Gladstone.