

Education

1991	Griffith University Bachelor of Environmental Science (1 year completed)
1992-2001	University of Queensland
1998	Bachelor of Arts (double major in psychology)
2002	Juris Doctor (Dean's Honour Roll for academic excellence)
2002	Australian National University Graduate Diploma in Legal Practice
2003	Bar Practice Course (QUT & Bar Association of Qld)
2012	Advanced International Advocacy Course, Keble College, University of Oxford (UK)

Professional Qualifications

2001	Associate to his Honour Keith Dodds of the Queensland District Court
2002	Graduate and Solicitor at Blake Dawson Waldron working in Financial Services Admitted as a Legal Practitioner of the New South Wales Supreme Court Admitted to the Queensland Bar

2003	Barrister of the Federal Court of Australia and the High Court of Australia
2005-07; 2010-15	Investigator for the Board of Engineers (Qld). Investigating regulatory compliance and offences for the Board.
2012 -	AFL Tribunal player advocate (Brisbane Lions AFC)
2013 -	Australian Touch Football Tribunal, member

Recognitions

2010-11, 2015-17	Doyles Annual Guide, Leading Insolvency Junior Counsel - Queensland
2015 & 2017	Doyles Annual Guide, Leading Insolvency & Reconstruction Junior Counsel – Australia
2016-17	Doyles Annual Guide, Leading Queensland Commercial Litigation & Dispute Resolution Junior Counsel – Queensland

Memberships

2003	Bar Association of Queensland
2011	Queensland Public Interest Clearing House (QPILCH)
2012 - 2014	Australian & New Zealand Sports Law Association (ANZSLA)
2013	Lionhearts (Brisbane Lions AFC)

Extra-Curricular

1988 – 1992	Queensland Volleyball junior age teams (captain)
1988	Australian Volleyball All Star Six
1992	Australian Junior Men’s Volleyball Team - Asian Junior Volleyball Championships (Tehran)

1992	Australian Men's Volleyball Team (v. Japan)
2007 – present	Mentoring law students in the Career Mentors Scheme (QUT)

Selection of cases:

Administrative law

- *Connor v Southern Queensland Regional Parole Board* [2014] QSC 302 (statutory order of review)
- *Sibelco Australia Ltd v Magistrate Graham C Lee & Anor* [2014] QCA 113 (with O'Shea QC) (appeal against refusal by trial judge to make declaration or grant relief in the nature of certiorari sought for jurisdictional error)
- *Waratah Coal Pty Ltd v Mitchell* [2013] 1 Qd R 90 (with Mr R. Douglas SC) (priority of coal exploration permits)
- *Wigginton v Parole Board (Qld)* [2010] QSC 59
- *Dirk Karreman v Chief Inspector of Mines* [2010] QIRC (with Boddice SC, as his Honour then was) (direction to prevent a 9 yo driving a dozer)
- *SJ v Department of Communities (Disability Services)* [2010] QCAT 685 (appeal against refusal to grant yellow card)
- *Chief Executive, Department of Education and Training v Funch* [2010] QCAT 434 (suspension order of a parent)
- *Williams v May* [2009] QSC 276 (prison management)
- *Clampett v. Robyn Hill, Principal Registrar of the District Court of Queensland & Ors* [2007] QSC 292 (seal of the District Court of Queensland)
- *Weribone v Chief Executive, Department of Corrective Services* [2007] QSC 282 (McMurdo J (early remission))
- *Garland v Chief Executive Department of Corrective Services* [2007] HCATrans 154 (with Logan SC, as his Honour then was) (maximum security order)

- *Garland v Chief Executive, Department of Corrective Services* [2006] QCA 568 (with Logan SC, as his Honour then was) (maximum security order)
- *Garland v. Chief Executive, Department of Corrective Services* [2004] QSC 450 (with Logan SC, as his Honour then was) (maximum security order)
- *Adrenalin Sports Brisbane Pty Ltd v Deputy Premier Treasurer and Minister for Sport, The Honourable T M Mackenroth MLA* [2003] QSC 184 (gaming)

Bankruptcy & Insolvency

- *Clout v Andi-Co Australia Pty Ltd & Ors* (2013) 96 ACSR 512 (leave to extend time to bring an unfair preference payment)
- *Combis (Trustee) v Spottiswood (No 2)* [2013] FCA 240 (void transfer; value of a gift made by book debts)
- *Combis (Trustee) v Spottiswood (No 1)* (2011) 123 ALD 40 (deemed service; substituted service)
- *Equititrust Ltd v Willaire* (2012) 30 ACLC 12-041 (rectification of registered mortgage; presumed insolvency provisions)
- *Willaire Pty Ltd v Equititrust Ltd* [2012] QSC 3 (statutory demand)
- *Spottiswood v Equititrust Ltd* (2010) 245 FLR 395 (setting aside bankruptcy notice on basis of cross claim, set-off or demand)
- *BTBF Plumbing Pty Ltd v Workers Compensation Nominal Insurer* [2011] QSC 394 (statutory demand; unconscionable conduct)
- *Willaire Pty Ltd v Equititrust Ltd* (2010) 81 ACSR 200 (statutory demand)
- *Re Dalewon Pty Ltd* (2010) 79 ACSR 530 (adequacy of pleading misleading conduct action)
- *Valad Investments P/L v Gregory Michael Maloney and Peter Murray Walker* [2009] QSC 246 (leave to recover possession of demised property from Administrator)
- *Ogle v Brown* [2008] FMCA 1234 (bankruptcy notice)

- *Rogers v Asset Loan Co Pty Ltd* (2008) 250 ALR 82 (vexatious litigant)
- *Six Appeal Pty Ltd v. Medical Corporation Australia Ltd (Receivers & Managers appointed) (in Liq)* [2007] QSC 122 (statutory demand)
- *Kortz Ltd v Data Acquisition Pty Ltd* (2006) 155 FLR 556 (statutory demand; service of affidavit in support)
- *National Australia Bank Limited v Freeman (a Bankrupt)* (2005) 3 ABC (NS) 738 (vexatious litigant)

Body Corporate

- *Trojan Resorts Pty Ltd v Body Corporate for the Reserve* [2015] QCAT 337 (with Mr Couper QC) (Whether director resigned; if so, whether assignment under management rights agreement)
- *Body Corporate for the Reserve v Trojan Resorts Pty Ltd* [2017] QCATA 053 (with Mr Couper QC) (Whether s. 94 of the BCCM Act applies to termination of caretaking and letting agreements; whether leave to appeal should be given)
- *Trojan Resorts Pty Ltd v Emprove Holdings Pty Ltd* [2017] QCA 153 (leading Mr Walker) (Whether a lot owner, who was not a party to the proceedings below, has standing to appeal to the Court of Appeal against the appeal tribunal's refusal to grant the body corporate leave to appeal to it; application for leave to appeal struck out)

Building & Construction

- *M J Arthurs Pty Ltd v Isenbert* [2017] QDC 085 (contract; offer and acceptance; termination for repudiation; *Domestic Building Contracts Act* compliance; whether notice of withdrawal was valid)
- *M J Arthurs Pty Ltd v Heaysman & Anor* [2015] QCA 113 (*Domestic Building Contracts Act* compliance; whether notice of withdrawal sent to last known address)
- *MJ Arthurs Pty Ltd v Heaysman & Anor* [2014] QDC 160 (*Domestic Building Contracts Act* compliance and grounds for termination; scope of authority of finance broker to receive communications on behalf of principal;

whether statutory right to withdraw from domestic building contract exercised)

- *James Trowse Constructions Pty Ltd v ASAP Plasterers Pty Ltd* [2011] QSC 145 (BCIPA; severance)
- *Ware Building Pty Ltd v Centre Projects Pty Ltd & Anor (No 1)* [2011] QSC 424 (BCIPA; entitlement to and recovery of payment claims)
- *Spankie v James Trowse Constructions Pty Ltd* [2010] QCA 355 (with Mr L. Kelly SC) (BCIPA; entitlement to and recovery of payment claims)
- *David & Gai Spankie & Northern Investment Holdings Pty Limited v. James Trowse Constructions Pty Limited & Ors* [2010] QSC 29 (BCIPA; entitlement to and recovery of payment claim)

Contract

- *William James Watson & May Marlene Watson as trustee for the WJ & MM Watson Superannuation Fund v Scott* [2016] 2 Qd R 484; [2015] QCA 267 (what constitutes a guarantee; whether enforceable guarantee; whether summary judgment should have been entered)
- *Hydrofibre Pty Ltd v Australian Prime Fibre Pty Ltd and Anor* [2013] QSC 163
- *Mosman Services Pty Ltd (ACN 079 350 744) (Suing in a Representative Capacity as Trustee of the Mosman Services Trust) and Ors v William James McDonald and Ors* [2013] QSC 113
- *Mantra Hotels Australia Pty Ltd v Palm Cove Restaurant Services* [2011] QSC 17 (exercise of option under lease)
- *Yara Nipro Pty Ltd v Interfert Australia Pty Ltd* [2010] QCA 128 (with Mr Morrison QC) (damages)

Criminal

- *Bryce v Chief Executive Officer of Customs* [2010] 2 Qd R 504; (2009) 235 FLR 1 (determination of non-parole period for offender convicted under the *Crimes Act 1901* (Cth) and sentenced under the *Penalties and Sentences Act 1992* (Qld))

- *Corrigan v Pinheiro* [2005] QDC 188 (appeal for customs offence)

Employment

- *Wilkie v National Storage Operations Pty Ltd* [2013] FCCA 1056 (constructive dismissal)

Equity

- *WorkPac Healthcare v Rovic & Ors* [2017] QDC 22 (interlocutory injunction in aid or restraints of trade and confidential information; whether serious question to be tried; balance of convenience)
- *Peterson v Hottes* [2012] QCA 292 (constructive trust)
- *AG(CQ) Pty Ltd v A & T Promotions Pty Ltd* [2011] 1 Qd R 306 (lead by Mr D. Campbell SC) (priority of competing equities)
- *Ausarc Ltd v Chapman* [2008] QSC 290 (against Mr Couper QC and Mr de Jersey) (breach of fiduciary duty; mistake)

Intellectual property

- *Mack Innovations (Australia) Pty Ltd v Rotorco Pty Ltd* [2011] 2 Qd R 217

Practice & Procedure

- *Andrews Property Investments Pty Ltd v Aquesta Pathology Pty Ltd* [2017] QDC 290 (dismissal of third-party claim for breach of professional duty; summary judgment)
- *Jonker v Thomas International Limited Company Number 01568983 (A UK Company)* [2017] FCA 1397 (application to strike out defence; defendant unable to particularise allegations until after discovery; whether the defendant had identified a sufficiently good defence so as to overcome the suggestion that it was “fishing”)
- *WorkPac Healthcare Pty Ltd v Rovic & Ors (No 3)* [2017] QDC 188 (application to strike out defence and counterclaim; narrative pleading)
- *Murstaff Industries Pty Ltd & Ors v Cross* [2016] QCA 292 (leading Mr Klevansky, against Mr Derrington QC and Mr Frigo) (claim upon a

guarantee; where summary judgement was granted to the defendant by District Court upon appeal; whether summary judgment should be granted)

- *Smits v Loel* [2014] FCA 1341 (proceedings dismissed for abuse of process); *Smits v Loel (No 2)* [2015] FCA 29 (costs awarded on indemnity basis)
- *Hutchins v Robinson and Ors* [2012] QSC 411 (pleading; joinder of party)
- *The Reserve Vault v Barrier Reef Arts* [2012] QCA 35 (setting aside summary judgment granted in the absence of the defendant)
- *Equititrust Ltd v Gamp Developments Pty Ltd (No 2)* [2009] QSC 169 (summary judgment against guarantor)
- *Equititrust Ltd v Gamp Developments Pty Ltd* [2009] QSC 169 (summary judgment; pleadings)
- *Carsburg Earthmoving Pty Ltd v Geroff & Ors* [2007] QDC 136 (appeal from Magistrates Court; disclosure)
- *Petroleum Engineering v Alexander* [2014] QMC 5 (summary judgment)

Property

- *Elan Boulevard Pty Ltd v Fnyn Investments Pty Ltd & Ors* [2016] QSC 123 (Contract of sale; alleged misrepresentations through intermediary; whether representations were made or relied upon)
- *Lambert Property Group Pty Ltd v Body Corporate for Castlebar Cove* [2015] QSC 179 (with Mr Savage QC) (statutory right of user; whether reasonably necessary for the effective use of the land)
- *Orchid Avenue Pty Ltd v Parniczky & Anor* [2015] QSC 207 (Contract of sale; damages; whether plaintiff established entitlement to claim in the absence of the defendant and the presence of a counterclaim)
- *Orchid Avenue Pty Ltd v. Hingston & Anor* [2015] QSC 42 (Contract of sale; alleged misrepresentations as to views; whether representations made or relied upon)

- *Orchid Avenue Pty Ltd v Goode & Anor* [2014] QDC 217 (Contract of sale; alleged representations as to capital growth and financial returns; whether representations made or relied upon)
- *Lewis v Orchid Avenue Pty Ltd* [2014] FCA 739 (Contract of sale; alleged representations as to capital growth and financial returns; whether representations made or relied upon)
- *Ross Nielson Properties Pty Ltd v Orchard Capital Investments Ltd* [2013] 1 Qd R 72 (with Mr Morrison QC, as his Honour then was) (construction and operation of *Property Law Act 2001* to residential land sale contracts)
- *Lindaning Pty Ltd v Goodlock* [2011] QSC 266 (specific performance; use of “ATF”)
- *Vale 1 Pty Ltd v Delorain Pty Ltd* [2010] Q ConvR 54-742 (construction and operation of *Property Law Act 2001* to residential land sale contracts)
- *Bank of Queensland Ltd v Khoury* [2010] QSC 114 (second caveat)
- *Hedley Commercial Property Services Pty Ltd v BRCP Oasis Land Pty Ltd* [2010] 1 Qd R 439 (with Mr Morrison QC, as his Honour then was) (construction and operation of *Property Law Act 2001* to residential land sale contracts)
- *Kevroy Pty Ltd v Keswick Developments Pty Ltd* (2009) 69 ACSR 635 (with Mr Couper QC) (priority of sub-leases under *Land Act 1994*)
- *Acacia Ridge Hotel Holdings Pty Ltd v Stratis* [2009] 2 Qd R 100 (with Mr Griffin QC) (interpretation of an option deed)
- *HZD Pty Ltd v McInnes & Ors* [2007] QSC 213 (caveat; conduct of an auction)
- *Kentwick Pty Ltd v Chandler & Anor* [2007] QDC 179 (authority of leasing agent to make representations; summary judgment)
- *Blackman v Milne* [2007] 1 Qd R 198 (waiver/election of statutory rights)
- *CIA Camilleri Industries Australia P/L v Kevin Howard Investments P/L* [2005] QSC 328 (exercise of option)

- *Kelly & Ors v. Arkdev Pty Ltd; Kelly v Harling Queensland Pty Ltd* [2005] QSC 318 (specific performance of land sale contract)

Trusts

- *Fordyce v Kordamentha Real Estate Pty Ltd & Ors* [2017] QSC 289 (statutory trustees; dissolution of community title scheme; application for directions and advice)

Trustees/ TPD Disability

- *Williams v Mercer Superannuation (Australia) Ltd & National Mutual Life Assurance Association of Australia Ltd* [2017] QDC 289 (superannuation; total and permanent disablement; whether breach of trust; whether breach of duty of good faith by insurer; claim dismissed)
- *Edington v Board of Trustees of the State Public Sector Superannuation Scheme* [2017] HCASL 121 (superannuation; total and permanent disablement; whether breach of trust by trustee to make a preference when competing medical opinions; whether intention to create a contractual relations) – special leave refused
- *Edington v Board of Trustees of the State Public Sector Superannuation Scheme* [2017] HCASL 122 (superannuation; total and permanent disablement; whether Court of Appeal dispensed with appeal; whether time should be extended for the filing of the application for special leave) – application dismissed
- *Fletcher v Australian Super Pty Ltd and TAL Life Limited* [2016] QDC 359 (superannuation; total and permanent disablement; whether advice obtained by trustee is subject to joint privilege; if not, whether legal professional privilege was waived)
- *Edington v Board of Trustees of the State Public Sector Superannuation Scheme* [2016] QCA 247 (with Brown QC) (superannuation; total and permanent disablement; whether breach of trust by trustee to make a preference when competing medical opinions; whether intention to create a contractual relations under a benefits scheme provided under a statutory trust; whether proceedings should have been dismissed)

- *Wilkin v TAL Life Limited & Anor* [2016] QDC 157 (superannuation; total and permanent disablement; whether breach of duty of good faith by insurer; whether proper relief is remitter)
- *Edington v Board of Trustees of the State Public Sector Superannuation Scheme* [2015] QSC 312 (superannuation; total and permanent disablement; whether judgment should be entered)
- *Edington v Board of Trustees of the State Public Sector Superannuation Scheme* [2015] QSC 245 (with Brown QC) (superannuation; total and permanent disablement; separate questions; whether breach of trust; whether breach of duty of good faith by insurer; whether intention to create a contractual relations under a benefits scheme provided under a statutory trust)
- *Edington v Board of Trustees of the State Public Sector Superannuation Scheme* [2012] QSC 211 (superannuation; total and permanent disablement; what constitutes breach of trust)
- *Rusterholz v Board of Trustees of the State Public Sector Superannuation Scheme* (2011) 11 ESL 20; [2011] QSC 2011 (superannuation; total and permanent disablement; what constitutes breach of trust)

Disciplinary proceedings

- *BOPE (Qld) v Jutte* [2005] QCCTE 2 (professional misconduct; fraud; registration cancelled)

Biographical notes

Since being called to the Bar in 2002, Gavin has developed a broad commercial practice. He is also extensive experienced in mediations acting for parties and is a nationally accredited mediator.

Gavin appears for the State of Queensland, banks, liquidators, receivers, trustees, insurers, financiers, developers, large and small companies, and individuals. Mr Handran also appears as a player advocate in the Australian Football League (AFL) Tribunal, and at first instance and on appeals to the Qld AFL Tribunal.

Gavin has extensive experienced (including appearing with junior counsel, and against senior counsel at trial and appellate level) in disputes involving contracts, corporations (including directors' duties) building and construction,

professional negligence, financial services, banking and finance, equity, property, trade practices, joint ventures, partnerships, shareholder disputes, judicial review, insurance (especially life and TPD) and insolvency.