

# Jonathon Dooley

Barrister  
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## Curriculum vitae

2014 to date Barrister admitted in NSW, mainly practising in these areas:

- Class actions for plaintiffs and defendants (debenture trustee schemes; shareholder claims arising from failure to comply with s 674 and ASX Listing Rules; claims for unpaid employee benefits).
- Financial services and banking (unconscionable conduct in respect of making/approval of loans; Contracts Review Act; Banking Code of Conduct; enforceable undertakings).
- Contract disputes (including rent revision disputes, debt claims, construction contracts, employment contracts, insurance policy disputes).
- Construction (including EPC and EPCM litigation and arbitration re construction of rare metal and gold mines; defects in residential and aged care developments; payment claims and payment schedules under *BACISOP Act*).
- Professional advisors (including claims against solicitors, accountants, and financial advisors, and auditor's duties).
- Misleading or deceptive conduct, and unconscionable conduct (issue of performance bonds by insurer following allegedly misleading conduct; allegedly unconscionable conduct by a bank in refusing to refinance loan; misleading statements to market in ASX announcements).
- Real property (discharge of easement; extension of caveat; relief from forfeiture for non-payment of rent; relief from forfeiture of deposit following failure to settle purchase of land).
- Corporations and insolvency (reinstatement of company; winding up; statutory demands; directors duties; insolvent trading; continuous disclosure; white collar crime).
- Employment issues (misuse of confidential information; restraint of trade; independent contractor vs employee distinction).

NSW Supreme Court judgments include:

- application for derivative action under s 237 of the *Corporations Act 2001* (*Dinomyte Pty Ltd v ASIC* [2019] FCA 1989, unled);
- appeal re undertaking proffered under s 44 *Proceeds of Crime Act* (*Youssef v Commissioner of the AFP* [2019] NSWCA 272, unled);
- strike-out / summary dismissal (*Stimpson v Australian Traditional-Medicine Society Ltd* [2019] NSWSC 979, unled);
- application for exclusion of property under *Proceeds of Crime Act 2002* (*The Commissioner of the Australian Federal Police v Pharmacy Depot Hurstville Pty Ltd (in liq)* [2019] NSWSC 643, unled);
- legal professional privilege and without prejudice privilege, and waiver (*Hera v Gekko* [2019] NSWSC 37, led by Mr Kidd SC);

- indemnity costs based on offer of compromise (*Grewal v Layton (No 2)* [2018] NSWSC 1910, unled);
- review of Registrar's decision to order security for costs (*Trojan Marketing & Consultants Pty Ltd v Kirela Pty Ltd* [2018] NSWSC 1786, unled);
- breach of contract (*Grewal v Layton* [2018] NSWSC 1645, unled);
- termination of a winding up (*Inverell Shire Council v Australia Gemstone Resources Pty Ltd (in liq)* [2018] NSWSC 1470, unled);
- appeal regarding *Farm Debt Mediation Act* judgment (*Kiriwina v Green Lees* [2018] NSWCA 210, led by Mr Pike SC);
- costs of preliminary discovery application (*Renton v Kelly* [2018] NSWSC 1377, unled);
- defence of allegations of breaches of fiduciary duty and misuse by employee of confidential customer information (*Vanguard Financial Planners Pty Ltd v Ale* [2018] NSWSC 314, unled);
- acting for Insurers, where underlying allegations of misleading conduct concerning collapse of Forge Group (*Swiss Re International SE v Simpson* [2018] NSWSC 233, led by Mr Muston SC);
- defence of debt claim under the *Farm Debt Mediation Act* (*Kiriwina v Green Lees* [2017] NSWSC 1727, unled);
- appeal from Local Court re payment by solicitor out of trust account for fees (*Simone v Kola* [2017] NSWSC 821, unled);
- discharge of easements (*Denshire v Newcastle* [2017] NSWSC 577, unled);
- unconscionable conduct (*Marsden v DCL* [2016] NSWSC 1795, unled);
- reinstate a deregistered company (*Rocha* [2016] NSWSC 899 and [2016] NSWSC 1172, unled);
- judgment under *Hague Convention* (*Nitro Circus* [2016] NSWSC 178, unled).

Federal Court judgments include:

- approval of settlement in Representative Proceedings (*Hodges v Sandhurst* [2018] FCA 1346, led by Mr Pike SC);
- joinder in shareholder class action (*Rushleigh v Forge* [2018] FCA 26, led by Mr Muston SC);
- application for strike-out in Representative Proceedings (*Hodges v Sandhurst* [2014] FCA 1223, led by Mr Pike SC).

Other appearances and judgments include:

- Land and Environment Court, claim for special value under *Land Acquisition (Just Terms Compensation) Act* (*Denshire v RMS* [2017] NSWLEC 181, unled);
- District Court, Local Court and NCAT appearances including construction and commercial disputes, and acting in a CDPP prosecution regarding ASX continuous disclosure requirements (led by Mr Game SC);
- appearing for witnesses in Royal Commission into Institutional Responses to Child Sexual Abuse (unled); Independent Commission Against Corruption (Operation Spicer) (led by Mr Henskens SC).

2008 – 2014 Allens, Commercial Litigation. Senior Associate from January 2011.  
2007 Sparke Helmore, Lawyer. Federal Litigation and Commercial Litigation.  
2006 Tipstaff to the Hon. Justice P. A. Bergin, Supreme Court of NSW.