

MORGAN WINDSOR

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Gerard Brennan Chambers | Level 29, 32 Turbot Street, Brisbane Queensland 4000

Year of Call: 2020

Morgan was called to the Bar in 2020. He has maintained a broad commercial practice, with notable experience in disputes concerning bankruptcy and insolvency, building and construction, contract, and real property.

Prior to the Bar, Morgan was a Senior Government Lawyer in the Litigation and Recovery Branch of the Commonwealth Attorney-General's Department. Before that, Morgan was a solicitor at King & Wood Mallesons, where he practised principally in general commercial and insolvency disputes.

Morgan was an associate to a judge of the Court of Appeal of the Supreme Court of Queensland in 2016.

Areas of practice

Appellate, Arbitration, Construction, Competition and Consumer, Contract, Corporate Insolvency and Bankruptcy, Corporations, Employment, Equity, Insurance, Intellectual Property, Judicial and Administrative Review, Land and Property, Native Title and Cultural Heritage, Professional Negligence, Resources and Energy, Tax.

Selected cases

1. *Carter v Mackey Motels Pty Ltd* [2023] QSC 128 (led by Dan Piggott KC, 9-day trial concerning various complaints including alleged structural defects of a motel building)
2. *Frontier Networks Pty Ltd v Philadelphia Developments Pty Ltd* [2023] QSC 192 (unled, application for summary judgment and strike out on matters of contractual construction)
3. *Morton as Liquidator of MJ Woodman Electrical Contractors Pty Ltd v Metal Manufactures Pty Limited (No 3)* [2023] FCA 1618 (unled, compromised unfair preference claim the subject of a determination of interest and costs, including the issue of "public interest litigation")
4. *Australian Securities and Investments Commission v Daly (Penalty Hearing)* [2024] FCA 3 (unled, civil penalty hearing for contraventions of the *Corporations Act*)
5. Appeared led in a (settled) confidential building arbitration being conducted under the *Arbitration of the Resolution Institute Arbitration Rules 2020*
6. *Panthera Finance Pty Ltd v Spotjobs Holdings Pty Ltd* [2023] QSC 208 (led by Andrew O'Brien, concerning the construction of a deed of company arrangement)

7. *Akbari v State of Queensland & Anor* (2022) 10 QR 613; [2022] QCA 74 (led by Holly Blattman, now KC, concerning common law absolute privilege)
8. *Wallaby Grip (BAE) Pty Limited (in liq) & Anor v WorkCover Queensland; CSR Limited v WorkCover Queensland* [2022] QCA 204; and *WorkCover Queensland v Wallaby Grip (BAE) Pty Ltd (in liq) & Ors* [2021] QSC 332 (led by Rebecca Treston KC, concerning statutory construction)
9. *Lastavec & Anor v Effective Security Pty Ltd & Anor* [2021] QDC 314, [2021] QDC 82, [2022] QDC 120 and [2022] QCA 171 (led by Andrew O'Brien, concerning partnership accounting)
10. *Woodrow v Canine Control Council (Queensland) Ltd (Trading as Dogs Queensland)* [2021] QSC 327 (led by Andrew O'Brien, concerning construction of company documents)

Summary of matters

- Advising on various commercial matters, including:
 - (a) matters concerning the operation of the *Personal Property Securities Act 2009* (Cth), and the *Corporations Act 2001* (Cth);
 - (b) contract interpretation, and validity of legal instruments;
 - (c) professional negligence, including for professional advisors and builders;
 - (d) restraints of trade;
 - (e) shareholder oppression and derivative actions;
 - (f) reinstatement of companies and ASIC register rectification; and
 - (g) issues of jurisdiction.
- Appearing unled in matters listed on the Commercial List in the District Court concerning:
 - (a) contract enforceability and equitable estoppel;
 - (b) the appointment of a statutory trustee of sale by the trustee of a bankrupt estate, and declarations of a resulting trust and a common intention constructive trust; and
 - (c) debt recovery by liquidators.

- Appearing led in matters on the Commercial List and other managed lists in the Supreme Court concerning claims for:
 - (a) specific performance;
 - (b) loss of commercial opportunity and building rectification obligations;
 - (c) breach of confidence; and
 - (d) misleading or deceptive conduct.
- Appearing unled before registrars of the Federal Court and Federal Circuit and Family Court (Division 2) on commercial insolvency and person bankruptcy proceedings respectively.
- Prior to call, acting for the special purpose liquidator of a manager of a nickel refinery in the substantial pre-trial interlocutory disputes, public examination proceedings, and trial in the Supreme Court of Queensland (settling mid-trial). The proceeding involved claims for the recovery of funds pursuant to a right of indemnity, breach of trust, breach of director duties, and insolvent trading.

Career prior to call

- 2020 Senior Government Lawyer at the Commonwealth Attorney-General's Department
- 2017 Solicitor at King & Wood Mallesons
- 2016 Associate to the Hon. Justice R W Gotterson AO, Court of Appeal of the Supreme Court of Queensland

Education and Awards

- 2015 LLB (Hons), BCom (Fin)
 - Vice-Chancellor's List for Academic Excellence (2014, 2015)
 - Faculty of Law Dean's List for Academic Excellence (2014, 2015)
- 2013 Best Orator: National Gibbs/LexisNexis Constitutional Law Moot