

RICHARD WILLIAM MORGAN

Barrister at Law

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- Admissions: Supreme Court of Queensland 1984
Supreme Court of New South Wales 1987
Supreme Court of the Northern Territory 1987
High Court of Australia 1987
- Practice: Richard Morgan was admitted to the bar in 1984 after serving as Associate to the Hon. Justice Macrossan AC of the Supreme Court of Queensland. His practice has included a broad range of dispute resolution including commercial, construction and engineering, insurance, maritime, real property, wills and estates, insolvency, mining, professional negligence, claims for pure economic loss and personal injuries.
- He has appeared in superior and appellate courts in Queensland, New South Wales, the Northern Territory, the Federal Court and the High Court of Australia, as well as in other tribunals, arbitrations, military tribunals, coronial inquests and many mediations. Earlier in his career he appeared in the Queensland Court of Appeal in criminal matters on approximately 20 occasions.
- He has great experience in insurance, professional negligence, contractual disputes, construction claims and personal injuries claims.
- He is a qualified arbitrator and a Fellow of the Chartered Institute of Arbitrators (UK), and has acted on many occasions as a mediator, mainly in commercial disputes.
- Education: University of Queensland, – Bachelor of Arts 1988
Queensland Institute of Technology, – Bachelor of Laws 1982

University of London, – Mediation Certificate
2001
Master of Laws 1986

Chartered Institute of Arbitrators (UK)
(undertaken at Jesus College, Oxford), –
Diploma of International
Commercial Arbitration 2016

Fellow of the Chartered Institute of Arbitrators (UK) 2016
Fellow of the Australian Centre for International Commercial
Arbitration 2017
Fellow of the Asian International Arbitration Centre 2017
Fellow of the Pacific International Arbitration Centre 2017

Selected Cases and Areas of Interest

Maritime Law

Laing v. Lowe (1993) ALJR 710, High Court of Australia, Admiralty, High Court Practice, original jurisdiction.

Rigney v. Browne [2004] QSC 265, Supreme Court of Queensland, trial, marine collision.

Acted for a Taiwanese fishing fleet in a series of fisheries arrests, prosecutions and seizures of vessels in the Northern Territory concerning the 200 mile limit and maritime boundaries, navigation law, fisheries law, consular access, setting of bonds.

Recently advised concerning a collision of two fishing vessels near the entrance to Darwin Harbour, Northern Territory of Australia.

Banking

Midland Montagu Aust Ltd v. O'Connor (1992) 2 NTLR 86, Supreme Court of the Northern Territory, cross vesting.

Corporations/ Insolvency

Re Grenadier (1994) 12 ACLC 460, Supreme Court of Queensland, *Corporations Law*

Winter v Official Trustee in Bankruptcy (2006) FMCA 1059 *Federal Magistrates Court*, trial, bankruptcy, specific performance.

@Investments v Gillmeister [2006] QSC *Corporations Act* 2001, statutory demand, “genuine dispute”, setting aside on condition of payment into court.

National Australia Bank Ltd v Neil [2009] FMCA 826, *Bankruptcy Act* 1966, *Federal Magistrates Act* 1999, *Federal Magistrates Court Rules* 2001, *Trade Practices Act* 1974, Creditors petition.

Real Property Disputes

Wickham Developments v. Parker [1995] QCA 281, Queensland Court of Appeal, removal of caveats, constructive trusts, fiduciary duties.

Zivanovic v Coles & Farlow (2006) QSC 299, Supreme Court of Queensland, Real Property, encroachments, *Property Law Act 1974*, declaratory relief.

Williams v. Turner [2008] QSC 9888/08 Supreme Court of Queensland, contracts, principal and agent, powers of attorney, mortgages, indefeasibility.

Vale 1 Pty Ltd v. Delorain Pty Ltd [2009] QSC 425, Supreme Court of Queensland, trial, contract, put and call options, deeds, *Property Agents and Motor Dealers Act 2000*

Vennard v. Delorain Pty Ltd [2010] QSC 190, Supreme Court of Queensland, trial, *Property Agents and Motor Dealers Act 2000*, *Body Corporate and Community Management Act 1997*, *Land Sales Act 1984*

Trade Practices

Allen v. G&F Steel Constructions Pty Ltd [1999] QCA 108, Queensland Court of Appeal, leave to appeal, *Trade Practices Act*, misleading and deceptive conduct

Praxis Pty Ltd v. Hewbridge Pty Ltd [2004] QCA 79, Queensland Court of Appeal, *Trade Practices Act*

Wright v. KB Nut Holdings Pty Ltd [2013] QCA 66, Queensland Court of Appeal, torts, negligence, dangerous premises, *Trade Practices Act*

Arbitration

Counsel for a claimant in a construction claim by a subcontractor against a head contractor for variations and release of retention monies concerning construction of a large public building in Darwin, Northern Territory of Australia.

Counsel for a claimant civil engineering firm against a local authority in North Queensland for variations and damages for delay relating to a new town water supply.

Counsel for a contractor against a local authority in New South Wales for damages and monies owing concerning a contract for installation of utilities throughout a rural shire.

Richard Morgan is a Fellow of the Chartered Institute of Arbitrators (UK). He has assisted with training by sitting as an arbitrator for the Willem C. Vis International Commercial Arbitration Moot Competition involving Australian university students. He holds a Diploma of International Commercial Arbitration undertaken at Jesus College, Oxford and taught by the Chartered Institute of Arbitrators (UK). He is a Fellow and Panel Arbitrator of

the Australian Centre for International Commercial Arbitration and a Panel Arbitrator and Mediator of the Asian International Arbitration Centre (formerly Kuala Lumpur Regional Centre for Arbitration) and the Pacific International Arbitration Centre (Vietnam).

Negligence

Giner v Public Trustee (1991) 2 NTLR 86, Supreme Court of the Northern Territory, trial , occupiers liability.

Butler v Natural Ideas [2000] QSC 087, Supreme Court of Queensland , trial, employment law, negligence , breach of statutory duty.

McKinnon v Kirdy [2003]QSC 302, Supreme Court of Queensland, trial , contracts , landlord and tenant , negligence

Long v. Monckton [2003] QCA 115, Queensland Court of Appeal, negligence, duties of schools.

Miller v Nominal Defendant [2003] QCA 558; [2005]1QdR 135, Queensland Court of Appeal , insurance, *Motor Accidents Insurance Act 1994*.

Leyden v. Caboolture Shire Council (2007) QCA 134, Queensland Court of Appeal, public authorities, negligence, *volenti non fit injuria*.

Leyden v Caboolture Shire Council [2007] HCA Trans 475, High Court of Australia, negligence , special leave to appeal.

Green v. Hanson Construction Materials Pty Ltd (2007) Queensland Court of Appeal, torts, negligence, occupiers liability.

Ellis v. Uniting Church in Australia Property Trust [2008] QCA 388, Queensland Court of Appeal, negligence, occupiers liability.

Jackson v. Redcliffe City Council [2010] QSC 206 Supreme Court of Queensland, trial, torts, negligence, nuisance, breach of statutory duty.

Wright v KB Nut Holdings [2012] QDC 202, District Court of Queensland ,trial , contract for short term accomodation, negligence, implied warranty, *Trade Practices Act* , foreseeability and remoteness of damage for psychiatric injury.

Baillie v. Victoria Point Sharks Sporting Club Inc [2015] QDC 31, District Court of Queensland, trial, negligence, occupiers liability.

Berhane v. Woolworths Ltd [2016] QCA 38, Queensland Court of Appeal, security for costs.

Berhane v Woolworths Ltd [2017] QCA 166, Queensland Court of Appeal, torts, negligence, assessment of damages .

