

Alexander McKinnon

Barrister-at-Law

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PRACTICE OVERVIEW

Alexander McKinnon accepts briefs in all areas of commercial and public law, and private client matters.

Alexander has developed particular expertise in commercial disputes, corporations, insolvency, insurance, transport (aviation and maritime), equity and trusts, and in contentious and non-contentious private client and succession matters, especially those involving commercial complexity.

Alexander appears both led and unled in trials and appeals in courts and tribunals across Australia, as well as before arbitral tribunals and commissions of inquiry.

He is a Nationally Accredited Mediator and accepts appointments as mediator and arbitrator.

RECENT NOTABLE APPEARANCES

- Acting for the defendant in a Federal Court proceeding seeking damages for loss of a large industrial facility (unled)
- Acting for the insurer of an aircraft following a fatal aviation accident (unled)
- Appearing for the successful plaintiffs in a 3-day trial in the Supreme Court of Queensland involving equitable mortgages and misleading or deceptive conduct (2024, unled)
- Acting in proceedings to remove executors and in related litigation involving alleged estoppel and constructive trust claims (2023-present, led)
- Acting for a major agricultural company in Corporations Law proceedings in the Federal Court of Australia, including on appeal to the Full Court (2023-24, led)
- Acting for a solar power company in proceedings involving its construction contractor in the Supreme Court of Queensland and Court of Appeal (2023-24, led)

PROFESSIONAL QUALIFICATIONS & EDUCATION

- Called to the Queensland Bar 2019
- Called to the Bar of England & Wales (Gray's Inn) 2019
- Master of Laws (First Class Honours), University of Cambridge 2012
 - 3 Verulam Buildings Prize for top of class in International Commercial Litigation
 - Magdalene College Academic Scholarship
- Admitted as a Solicitor in Queensland 2010
- Bachelor of Laws (Honours), University of Queensland 2009
 - Dean's Honour Roll for Law and Commerce
 - Top of class in Commercial Law and Maritime Law
- Bachelor of Commerce (Finance), University of Queensland 2009

RECOMMENDATIONS

Doyle's Guide

- Leading Transport Law Junior Counsel Australia (Recommended), 2025
 - Leading Transport Law Junior Counsel Australia (Recommended), 2026
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PRIOR EMPLOYMENT

- Associate to the Hon. Justice J H Byrne AO RFD, Supreme Court of Queensland
 - Visiting Fellow, Centre for Maritime and Aviation Law, City University of Hong Kong
 - Debevoise & Plimpton LLP, London (Associate in disputes team)
 - British Airways Plc, London (Litigation and Aviation Regulatory Counsel)
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SELECTED MATTERS

Commercial law (including construction, resources and infrastructure, insurance)

<i>An arbitration seated in Sydney, Australia</i>	Retained as junior counsel in an arbitration concerning construction of a solar plant. Settled prior to hearing.	Led by T Breakspear SC, instructed by Thomson Geer
<i>Canadian Solar Construction Pty Ltd v Oakey Pty Ltd</i> [2023] QSC 288; and on appeal in [2024] QCA 202.	Acting for a solar power company in proceedings involving its construction contractor.	Led by A Stumer KC, instructed by Thomson Geer
<i>Great Barrier Reef Yacht Club Villas Pty Ltd v Insurance Australia Ltd</i> [2024] QSC 320	Acting for the builder in a dispute involving alleged defective work at luxury villas. Successful security for costs application.	Led by D O'Sullivan KC, instructed by Thomson Geer
<i>Minichiello v Patterson & Ors</i> (Supreme Court of Queensland, Kelly J, 11 November 2024)	Acting for the successful plaintiffs in a 3-day Supreme Court trial seeking declarations of equitable mortgage and relief from misleading and deceptive conduct.	Unled, instructed by HWL Ebsworth Lawyers
<i>Re.Cycle (Canberra) Pty Ltd v Helvetia Global Solutions Ltd</i>	Acting for the respondent insurer in relation to substantial claims for damages and declarations following the destruction of an industrial facility.	Unled, instructed by Kennedys
<i>Santos Limited v Fluor Australia Pty Ltd & Anor (No 3)</i> (2021) 9 QR 353	Acting for the contractor in a major CSG project and alleged breaches of contract and related claims. Application concerning the power of referees to determine privilege, and consideration of legal professional privilege.	Led by S Couper KC, instructed by Jones Day

<i>Star Kingdom Investments Pty Ltd v Camatic Pty Ltd</i> [2024] FCA 329	Successful summary judgment application in proceeding concerning alleged breach of contractual warranties and the Australian Consumer Law.	Unled, instructed by HWL Ebsworth Lawyers
<i>Professional negligence: various matters</i>	Acting for the plaintiffs in separate proceedings concerning professional negligence and misleading or deceptive conduct.	Unled

Corporations and insolvency

<i>Canstruct Pty Ltd v Project Sea Dragon Pty Ltd (Subject to a Deed of Company Arrangement (No 4))</i> [2024] FCA 112; and on appeal to the Full Court in [2024] FCAFC 141	Acting for the respondent in an application seeking to set aside a Deed of Company Arrangement.	Led by M Martin KC, instructed by Mills Oakley
<i>Colwell (Deed Administrator), in the matter of Wealth Mining Pty Ltd (Subject to Deed of Company Arrangement) v Wealth Resources Pty Ltd</i> [2021] FCA 857	Acting for a secured creditor seeking the transfer of shares in an insolvent company.	Unled, instructed by HWL Ebsworth Lawyers

Private client (including succession, equity and trusts, tax & superannuation)

<i>Private succession law matter</i>	Acting for the applicant seeking removal of executors.	Led by J Otto KC
<i>Private commercial and succession law matter</i>	Acting for the lead defendant in a claim seeking declaration of constructive trust and equitable compensation in relation to a substantial multinational business.	Led by Bell KC
<i>Private superannuation matter</i>	Acting for the trustee of an industry superannuation fund defending alleged breaches of the best interests covenant in s 52 of the <i>Superannuation Industry (Supervision) Act 1993</i> .	Unled, instructed by HWL Ebsworth Lawyers
<i>Oliver v Commissioner of Taxation, AAT</i>	Acting for the Commissioner of Taxation in proceedings involving assessments made pursuant to s 167 of the <i>Income Tax Assessment Act 1936</i> .	Unled, instructed by McInnes Wilson Lawyers
<i>Ward v Ward</i> (Supreme Court of Queensland, Brown J, 6 February 2024)	Acting for the defendants in a proceeding seeking declaration of a constructive trust over rural land and other equitable claims.	Led by A Stumer KC, instructed by Enterprise Legal
<i>Wright v Australian Prudential Regulation Authority</i> [2024] FCA 183	Acting for the regulator in relation to an application under the <i>Superannuation Industry (Supervision) Act 1993</i> .	Unled, instructed by the Australian Prudential Regulation Authority



Transport

<i>Supreme Court proceedings</i>	Acting for the defendant carrier in relation to a fatal aviation accident.	Unled, instructed by Norton White
<i>District Court proceedings</i>	Acting for freight forwarders in a claim involving breaches of security at a port.	Unled, instructed by Wotton + Kearney

Practice and procedure (reported cases)

<i>Canstruct Pty Ltd v Project Sea Dragon Pty Ltd (Subject to a Deed of Company Arrangement) (No 3) [2023] FCA 905</i>	Application for discovery.	Led by M Martin KC, instructed by Mills Oakley
<i>Canadian Solar Construction (Australia) Pty Ltd v Oakey Pty Ltd [2024] QSC 027</i>	Proper calculation of interest and costs.	Led by A Stumer KC, instructed by Thomson Geer
<i>Canstruct Pty Ltd v Project Sea Dragon Pty Ltd (Subject to a Deed of Company Arrangement) (No 5) [2024] FCA 479</i>	Application for stay of orders pending appeal.	Led by M Martin KC, instructed by Mills Oakley

Alexander also regularly acts in proceedings seeking interim and permanent injunctions, relief against forfeiture and freezing orders.

Commissions of Inquiry

<u>Paradise Dam Commission of Inquiry</u> (2020)	Counsel Assisting an inquiry into the root cause of structural and stability issues identified with the Paradise Dam, Queensland.	Led by J Horton KC, instructed by Crown Law
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