

Jayleigh Sargent

Barrister-at-Law

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PRINCIPAL AREAS OF PRACTICE

- Administrative Law
- Bankruptcy and Insolvency
- Building and Construction
- Contract and General Commercial
- Equity and Trusts
- Land Law and Property
- Resources and Infrastructure

CAREER

Prior to being called to the bar in 2022, Jayleigh worked for more than 6 years in commercial litigation and insolvency at a boutique litigation firm (Tucker & Cowen) and then a national firm (McInnes Wilson). As a solicitor, Jayleigh worked on a broad range of commercial disputes including large mining and resources litigation in the Supreme Court of Queensland, acting for insolvency practitioners, recovering misappropriated funds on behalf of employers, and smaller claims in lower courts. Jayleigh's experience also includes liquidator's recovery actions and enforcement proceedings in the Federal and State courts.

At the bar, Jayleigh's practice has focused predominately on general commercial disputes and insolvency. Many of the commercial disputes relate to real property interests, including various matters for and against property developers and landlords, as well as corporate disputes about director's duties and shareholder's rights. Jayleigh continues to practice in all areas of insolvency including for and against insolvency practitioners, directors and shareholders relating to small private companies and large public companies. Jayleigh also regularly appears unled on applications in the Federal and Supreme Courts.

EDUCATION

- Bachelor of Laws (Hons), QUT
- Master of Laws (LLM), College of Law

SELECTED CASES

Commercial

- *Barclay v See Well Law Practice & Anor* [2022] QDC 300 (unled) – orders for enforcement creditor to sell real property at best price obtainable

- *Al-Freah & Anor v Thompson & Anor* [2022] QSC 166 (led by B O'Donnell KC) – successfully defended contract claim at trial
- *CIP Group Pty Ltd v So (No 3)* [2023] FCA 518 (led by C Wilkins KC) –injunction application
- *General Trade Industries Pty Ltd (in liquidation) v AGL Energy Limited (No 2)* [2023] FCA 556 (led by P O'Shea KC) – security for costs
- *Al-Freah & Anor v Thompson & Anor* [2023] QCA 175 (led by J McKenna KC) – successfully responded to appeal
- *Q-Crete Premix Pty Ltd -v- Argo Navis Pty Ltd* (BD2358/23) (unled) – successfully obtained orders for sale of mortgaged property by equitable chargee
- *Malouf & Anor v Cameron & Ors* [2024] QSC 3 (unled) – successfully obtained orders for appointment of statutory trustee to sell real property
- *Samuel Gilles El Haik as trustee -v- Raise Projects – Wesley Street Pty Ltd* (BS3139/24) (unled) – successfully obtained orders for specific performance of land contract
- *McComiskie & Ors v Smith & Ors* [2024] QSC 77 (led by B O'Donnell KC) – successfully responded to application for declaration that appointment of director in general meeting was valid
- *General Trade Industries Pty Ltd (in liquidation) v AGL Energy Limited (No 3)* [2024] FCA 492 (led by P O'Shea KC) – successfully opposed application for leave to amend pleadings
- *CIP Group Pty Ltd v So (No 5)* [2024] FCA 1373 (led by S Couper KC) – successfully obtained orders varying injunction
- *Cameron -v- Arcobelano Pty Ltd & Ors* [2024] QSC 111 (led by G Beacham KC) – acted for mortgagee responding to application for declarations in relation to validity of mortgage
- *Brightman v Royal Pines Projects Pty Ltd* [2024] QSC 149 (led by B O'Donnell KC) – responding to application for declaratory and other relief in relation to a land sale contract
- *Lin v Fairfax Digital Australia & New Zealand Pty Ltd* [2024] QDC 231 – successfully opposed orders for indemnity costs under the *Defamation Act 2005*

Bankruptcy & Insolvency

- *ACN 114 733 569 Limited v Income2Wealth Pty Ltd* (2023) 14 QR 125; [2023] QSC 73 (led by M May) – successfully obtained orders setting aside statutory demand
- *Income2Wealth Pty Ltd v ACN 114 733 569 Limited* [2023] QCA 215 (led by M May) – successfully responded to appeal of [2023] QSC 73
- *Income2Wealth Pty Ltd v ACN 114 733 569 Limited (No 2)* [2023] QCA 254 (led by M May) successfully obtained indemnity costs of appeal
- *In the matter of GGPG Developments (No. 8) Pty Ltd (In Liquidation)* (QUD169/2023) (unled) – appeared for director at public examination
- *CRC Management Pty Ltd -v- Siliato* (BS1234/24) (unled) – successfully obtained orders setting aside statutory demand
- *Sev.en Gamma A.S. -v- IG Power (Callide) Pty Ltd (administrators appointed) & Ors* (QUD185/2024) (led by B O'Donnell KC) – acted for special purpose administrators
- *Re Park, IG Power (Callide) Ltd (Admins Apptd) (No 3)* [2024] FCA 1245 (led by B O'Donnell KC and R Jameson) – successfully obtained orders for extension of convening period
- *Re IG Power (Callide) Ltd (Admins Apptd)* [2024] FCA 1012 (led by B O'Donnell KC) – successfully obtained orders limiting administrators' liability

Other

- Administrative Law – *Lewis v Commissioner for State Revenue* [2022] QCATA 129 (unled) – responded to appeal of refusal of HomeBuilder Grant
- Administrative Law – *Commissioner for State Revenue v Lewis* [2024] QCATA 126 (unled) – successfully appealed primary decision in [2022] QCATA 129
- Guardianship & Administration – *TJ v The Public Trustee of Queensland & Anor* [2023] QCA 158 (led by M Jones KC) – appeared as *amicus curiae* in an appeal of QCATA's decision dismissing an application for compensation by an administrator
- Guardianship & Administration – appeared for the adult in a capacity assessment relating to property dispositions (unled)
- Taxation – advised in relation to payroll tax legislation (led by B O'Donnell KC)