

Alexander McKinnon

Barrister-at-Law

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PRACTICE

Alexander practises predominantly in corporate and commercial litigation.

Alexander has experience in complex commercial disputes across various areas including joint ventures, construction, infrastructure and resources, insolvency, trade practices, professional negligence, insurance and general contract. He has appeared led and unled in the Federal Court of Australia and the Supreme, District and Magistrates Courts of Queensland.

Alexander also has experience in Commissions of Inquiry and regulatory matters, as well as expertise in aviation and maritime law.

Matters in which Alexander has been briefed as Counsel include:

- **Equity and trusts** – Acting for the defendant to a claim for the imposition of a constructive trust over assets worth in excess of \$100m (led by J Bell KC)
- **Construction and infrastructure / Breach of contract** – Acting for Fluor Australia Pty Ltd and Fluor Corporation with respect to Supreme Court proceedings brought by Santos Ltd in relation to the construction of CSG infrastructure (led by G A Thompson KC, S Couper KC, L Kelly KC and D O'Sullivan KC)
- **Competition law** – Advising in relation to access undertakings and Queensland Competition Authority Act matters
- **Civil procedure / Legal professional privilege** – *Santos Limited v Fluor Australia Pty Ltd & Anor (No 3) [2021] QSC 281* (led by S Couper KC)
- **Insolvency / Corporations** – Acting for a secured creditor seeking the transfer of shares in an insolvent company: *Colwell (Deed Administrator), in the matter of Wealth Mining Pty Ltd (Subject to Deed of Company Arrangement) v Wealth Resources Pty Ltd [2021] FCA 857*
- **Superannuation** – Acting for the trustee of an industry superannuation fund defending alleged breaches of the best interests covenant in s 52 of the *Superannuation Industry (Supervision) Act 1993*
- **Professional negligence / Insurance** – Acting in proceedings against a financial advisor concerning the provision of insurance advice (led by C Heyworth-Smith KC); acting in proceedings against a conveyancing firm (unled)
- **Breach of contract / Unconscionable conduct** – Acting (unled) for the plaintiff in a claim concerning repudiatory breach of contract and alleged unconscionable conduct on the part of a business partner (settled at mediation)
- **Misleading or deceptive conduct** – Acting (unled) in proceedings in the Supreme Court of Queensland involving claims of misleading or deceptive conduct
- **Property / Land law** – Advising in relation to the purchase of rural crown leasehold land
- **Commissions of Inquiry** – Counsel Assisting the *Paradise Dam Commission of Inquiry (2020)* (led by J Horton KC)
- **Administrative law / Charities** – Appearing (unled) in a trial in the Supreme Court of Queensland involving alleged breaches of contract and a failure to afford natural justice on the part of an incorporated association
- **Regulatory investigations** – Acting for the defendants in a regulatory investigation and at a sentencing hearing before the Magistrates Court

- **Civil procedure** – Acting for the respondent to a summary judgment and strike-out application in the District Court
- **Insurance** – Advising insurers in relation to claims arising out of the COVID-19 pandemic
- **Injunctions** – Acting and advising in relation to proceedings seeking interim and permanent injunctions
- **Mining** – Appearing in proceedings relating to mining and gas compensation matters
- **Corporations (winding-up, pooling applications and public examinations)** – Appearing and advising in relation to corporate insolvency, fraud and misrepresentation; pooling applications; public examinations; and winding-up applications

Arbitration and Aviation Law experience as a solicitor

As a solicitor, Alexander acted in a number of high-value **international commercial arbitrations** and gained experience in dealing with complex expert issues including in the transport sector and in environmental litigation.

He has acted in arbitrations under the ICC, LCIA and German DIS rules.

As a Solicitor-Advocate in the United Kingdom, Alexander has appeared in **aviation law** cases involving carrier delay and the Montreal Convention. He regularly provided advice in relation to aviation regulations and contract issues including engine procurement contracts, codeshare agreements, slots and airport contracts.

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 the London Disputes Practice which covered commercial litigation, arbitration, and white collar defence and regulatory prosecutions
- **Key arbitration experience** – Acting for Suzuki in its multi-billion Euro joint venture LCIA arbitration against Volkswagen; acting for an international construction company in an ICC arbitration concerning airport infrastructure
- **Environmental and corporate litigation** – Acting for a major international company in various disputes concerning river pollution in the United States and the payment of dividends in the face of substantial contingent liabilities

British Airways Plc, London

- Litigation and Aviation Regulatory Counsel

PROFESSIONAL QUALIFICATIONS

- Called to the Queensland Bar, 2019
- Called to the Bar of England & Wales (Gray's Inn), 2019 (non-practising)

EDUCATION

- **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
- **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**

