Queensland Law Society

SPECIALIST PRACTICE CONFERENCE 26

7-9 OCTOBER 2026 • BRISBANE

Program – Commercial Litigation

1hr

Keynote Address: Inside the Matter - ASIC v Bekier (Star Entertainment)

This session will examine the Federal Court's landmark decision in ASIC v Bekier (Star Entertainment) and its impact on directors', officers' and in-house counsel duties. It will explore the Court's findings on risk escalation, board reporting, governance oversight, and the evolving role of General Counsel. Attendees will gain practical guidance on managing legal and reputational risks, advising boards, documenting decision-making, and meeting expectations of care and diligence in complex organisational environments. The session will provide actionable lessons for legal practitioners seeking to strengthen governance and mitigate regulatory exposure.

Presenters:

Shaun Buckton, Senior Associate, Norton Rose Fullbright

Jenna Scott-Speyers, Partner, Norton Rose Fullbright

PLE SL

1hr

ADR in commercial practice: Are we there yet?

The last three decades have seen the growth of alternative dispute resolution (ADR) processes in the resolution of commercial disputes in Queensland such that ADR is very much part of the mainstream. But the question should be asked – have we reached our destination, or do we still have a long way to go in the effective use of ADR in commercial practice?

This panel will discuss their observations about ADR in commercial disputes, including practical steps that practitioners can take to assist their clients to use ADR more effectively to resolve commercial matters.

Presenters:

The Honourable Patrick Keane AC KC, Former Justice, High Court of Australia; Former Chief Justice, Federal Court of Australia

Toby Boys, Principal, DRM Legal; Accredited Specialist (Commercial Litigation) - Qld; Queensland Law Society Accredited Mediator

Madelaine Luchich, Barrister, Queensland Bar

Facilitator: **Dan Butler KC**, Barrister, Queensland Bar

PS SL

1hr

Evidence for Commercial Litigators

This session is an advanced review of the law of evidence as it applies to commercial litigation matters and will be run in two parts. To begin, the Hon David Jackson KC and Cate Heyworth-Smith KC will provide brief summaries of salient but often overlooked practice notes relating to leading written and oral evidence in commercial trials.

The second part of the session will be a question-and-answer session, where the panel will take questions from the floor focusing on the practical and strategic application of the rules of evidence to assist participants to better prepare for trial and present the best version of their case at trial. This is a rare opportunity to gain insight from both sides of the bench about how a case can be won or lost by how you handle the evidence both before and at trial.

Presenters:

The Honourable David Jackson KC, Retired Judge, Supreme Court of Queensland

Cate Heyworth-Smith KC, Barrister, Queensland Bar

Greg Smart, Partner, Wallace & Wallace Lawyers

Facilitator: **Andrew Shute,** Senior Consultant, Minter Ellison

PS SL

1hr

Delay, disruption & default: Arbitration of force majeure disputes amid market volatility

This lecture addresses the arbitration of commercial disputes in light of current market disruptions caused by war in the Middle East. It focusses on how force majeure is being triggered and determined in arbitration and commercial litigation, with particular emphasis on the challenges posed by fractured supply chains and global volatility. It also offers practical guidance on contract drafting, emphasising clarity in risk allocation and the need to anticipate disruption.

Presenters:

Dan Butler KC, Barrister, Queensland Bar

James Penrose, Barrister, Queensland Bar

Chair: **Annie Leeks**, Partner-in-Charge Brisbane, Jones Day

SL

1hr

Million dollar clauses: What goes wrong with arbitration clauses and how to draft them right

Deconstructing what can go wrong in dispute resolution clauses involving arbitration, including a review of recent case developments in Australia and in key arbitration jurisdictions globally. The session will also examine drafting techniques for arbitration agreements and equip practitioners with the tools to avoid drafting mistakes and the consequent costly disputes and challenges.

Presenters:

Lucinda Brabazon, Barrister, Queensland Bar

Ruimin Gao, Counsel, Ashurst

Chair: **Karyn Reardon**, Partner, PiperAlderman



1hr

Navigating the Matrix: A guide to electronic document management in Queensland Courts

As courts continue their transition to digital document management and electronic filing, and with the increasing impact of AI, practitioners must adapt to new technologies and processes. This session will discuss practical approaches to electronic document management with a focus on the Queensland courts, including e-trials, hyperlinked court books, document review platforms, and data security issues, while also exploring how publicly available court search tools can support litigation strategy and commercial due diligence. The panel will also discuss developments and issues associated with the use of AI to assist with document management.

Presenters:

Julie Ruffin, Resolution Registrar, Brisbane Supreme Court

Jason Faulkner, Acting Director, Business Improvement, Supreme District and Land Courts Service

Andrew Shute, Senior Consultant, Minter Ellison

Facilitator: **Toby Boys**, Principal, DRM Legal; Accredited Specialist (Commercial Litigation) - Qld; Queensland Law Society Accredited Mediator



1hr

Costs, recent decisions and amendments to the UCPR

This session provides commercial litigators with practical and actionable updates on key developments in civil procedure, costs, and privilege. The session will examine costs recovery across state and federal jurisdictions, the process of fixing costs in the Federal Court, and emerging issues relating to legal professional privilege. Attendees will also gain insights into strategies for securing payment of legal fees, including the use of equitable charges. Designed for busy practitioners, this session delivers timely guidance and practical takeaways to assist with effective litigation management and costs recovery.

Presenter: **Paul Garrett**, Principal, Paul D Garrett

Chair: **Andrew Smyth**, Solicitor, Robbins Watson

Presenters



Lucinda Brabazon

Lucinda Brabazon is a barrister at Level Twenty Seven Chambers. She has practised in contractual disputes for over a decade, including in the energy, construction and infrastructure, aviation and insurance industries, appearing in trials and appellate proceedings across state and federal jurisdictions as well as in commercial mediations. Prior to joining chambers in Australia in 2023, Lucinda was called to the Bar of England and Wales and worked in London in international arbitration teams at Clifford Chance and White & Case. She has recent experience sitting as an arbitrator, having being awarded Fellowship of the Chartered Institute of Arbitrators last year. Lucinda is a strong supporter of junior arbitration practitioners in Australia and is currently the co-chair of the ACICA45 Steering Committee.



Toby Boys

Toby Boys is an Accredited Specialist in Commercial Litigation and a National Accredited Mediator. He has acted as both a dispute resolution and litigation adviser and an independent mediator for over 25 years, assisting clients and parties in a wide range of commercial and regulatory matters across a range of jurisdictions.



Dan Butler KC

Dan Butler KC's practice focusses on substantial commercial disputes, whether in litigation or international arbitration.

Dan also acts as an arbitrator in Australia, Singapore and throughout Asia-Pacific. He is a fellow of the Singapore Institute of Arbitrators and a Panel Arbitrator with the Singapore Chamber of Maritime Arbitration.

He has extensive experience in disputes involving mining and resources, oil and gas, infrastructure projects, joint ventures, commodities, shipping, banking and finance, corporate insolvency, insurance and reinsurance, trusts, equity, professional negligence, directors' duties and taxation.

Prior to being called to the bar, Dan completed a Master of Law degree at Cambridge University with First Class Honours and worked as a disputes lawyer in Brisbane, London and Melbourne.



Shaun Buckton

Shaun Buckton is a senior associate working in the commercial litigation team in Norton Rose Fulbright Australia's Sydney office.

Shaun specialises in regulatory investigations and enforcement proceedings, as well as general commercial disputes, with an emphasis on class action proceedings.



Jason Faulkner

Jason Faulkner is the Director, Business Improvement within the Department of Justice - Supreme, District and Land Courts Service. With 20 years' of public service in Queensland's justice system, he has worked across registry operations, executive governance roles and court modernisation initiatives. Jason currently leads the transformation of the Supreme, District and Land Courts' civil case management systems, including expansion of electronic lodgement services. He has extensive experience working with the judiciary, legal practitioners and government stakeholders to deliver technology-enabled improvements that enhance court operations, service delivery and access to justice.



Ruimin Gao

Ruimin is an experienced lawyer with experience spanning the commercial and government sectors. She has practised across multiple jurisdictions within Australia (Queensland, NSW and ACT), and has worked for several years at leading international arbitration firms in London and Beijing.

Ruimin is recognised for her depth of expertise in international arbitration, advising and representing corporations, States and State-owned entities in complex commercial and investment treaty arbitrations. She is consistently entrusted with high-value, multi-jurisdictional disputes across critical sectors, particularly in energy, mining and resources sectors.

Ruimin was formerly an Adviser to an Australian Prime Minister on foreign affairs and legal policy. She also worked as a government lawyer in the Commonwealth Attorney-General's Department.

Ruimin holds a Master of Laws in international law from the Australian National University and a Bachelor of Laws with honours from The University of Queensland. She is fluent in English and Chinese (Mandarin).

Ruimin is an active member in the arbitration community and regularly speaks on arbitration topics.



Paul Garrett

Admitted as a Solicitor in February 1979. Worked as employed Solicitor for approximately 18 months. Commenced practice in partnership as a Solicitor until 1986. Since that time, I have been involved exclusively as a Cost Consultant. I have prepared a number of Reports for applications for security for costs and the fixing of costs in most jurisdictions, presented Papers at Seminars at the Queensland University



Cate Heyworth-Smith KC

Cate is a civil and commercial trial and appellate silk. She was admitted in 1995, came to the private bar in 1998 and was appointed Queen's Counsel in 2014. She holds a Master of Laws with Honours in equity and insolvency.

Cate is the President of the Bar Association of Queensland and a director of the Australian Bar Association. She is the Chair of the Bar Association's Indigenous Affairs Committee, Co-convenor of the Annual Bar Conference and a member of the Bar Practice Course Management Committee, presenting bi-annually at the Bar Practice Course in Ethics and in Case Analysis.

Cate is a member of the Queensland Ballet Academy Committee and, from time to time, she participates in comedy debates to raise money for good causes.



The Honourable David Jackson AM KC

The Hon David Jackson KC was admitted to the bar in 1977 and took silk in 1990. He was appointed a judge of the Supreme Court on 8 October 2012 until his retirement on 27 February 2023, during which time he sat as a judge on the Commercial List.

The Hon David Jackson brings a wealth of trial experience from both sides of the bench and a particularly keen and incisive knowledge of the rules of evidence.



The Honourable Patrick Keane AM KC

Admitted as solicitor of Queensland 1976

Admitted as a barrister of Queensland 1977

Appointed Queen's Counsel 1988

Appointed Solicitor General for Queensland 1992

Appointed Judge of the Court of Appeal of the Supreme Court of Queensland 2005

Appointed Chief Justice of the Federal Court of Australia 2010

Appointed Justice of the High Court of Australia 2013

Retired from High Court 2022

Appointed Non Permanent Judge of the Court of Final Appeal of Hong Kong 2023

Appointed Judge Court of Appeal of the Dubai International Financial Centre Court 2026



Annie Leeks

Annie Leeks has in-depth experience in high-pressure litigation and arbitration having acted for major corporations in a wide range of industries, including health care, mining, energy, financial services, aviation, sports, and construction. Annie has a particular focus on resolving and managing high-stakes disputes for energy sector clients with cross-border operations, including in Australia and across the Asia-Pacific region.



Madelaine Luchich

Madelaine Luchich is a nationally accredited mediator under the Australian Mediator and Dispute Resolution Accreditation Standards (AMDRAS) who has practised exclusively as a mediator since January 2017. She brings more than three decades' experience in commercial dispute resolution. Madelaine has received sustained peer and market recognition for her mediation practice including recognition by Doyle's Guide as a Leading Mediator in Queensland for eight consecutive years, from 2019 to 2026.

Before being called to the Bar in August 2005, Madelaine practised for 14 years as a solicitor, almost exclusively in commercial litigation and insolvency. From 2001 to 2005, she was a partner of a national law firm, practising in its Insolvency and Commercial Litigation division.

Her experience as both solicitor and counsel spans complex commercial litigation and insolvency matters involving banking and financial services, property, corporate and personal insolvency, directors and shareholders, professional negligence, construction and infrastructure, and other commercial disputes.



James Penrose

James Penrose has a broad commercial practice, including appearing regularly in arbitrations as counsel. He has recently appeared, led and unled, in proceedings administered by SIAC, ICC and ACICA.

Prior to being called to the Bar, James was a senior associate in the international arbitration department of Baker Botts in London. In that role, he appeared in international commercial arbitrations and bilateral investment treaty arbitrations.

James was an Associate to the Hon. Justice Patrick Keane in the High Court of Australia.

He holds a Master of Law (Hons Class I) from the University of Cambridge and a Bachelor of Laws (Hons Class I) from the University of Queensland.

Karyn Reardon



Julie Ruffin

Julie is Resolution Registrar (Civil) for the Supreme Court of Queensland. Prior to taking up this role, she practised for over twenty years in defendant insurance litigation. She conducts case management processes designed to enhance the efficient conduct of litigation, including the effective management of documents, the identification (and resolution) of real issues in dispute, and planning for a timely and cost effective trial. Julie was involved in the review of the higher courts' procedure surrounding the electronic management of documents in civil proceedings. This procedure relies on the courts' eTrials platform (a free, secure, user-friendly web portal) which facilitates the navigation of the eCourtbook via the portal before and during a trial. Use of the eCourtbook provides time and costs savings and offers enhanced searchability and 24 hour global access to documents.



Jenna Scott-Speyers

Jenna Scott-Speyers is a specialist insolvency and restructuring lawyer based in Brisbane, with significant litigious experience in insolvency, regulatory, class action, banking and general commercial matters, as well as transactional restructuring, across geographic locations.

She has acted on significant and highly complex litigation, regulatory and insolvency matters, involving substantial documentary evidence and multifaceted lay and expert witness evidence across jurisdictions, including acting in one of only a handful of securities class actions to be litigated in Australia.

Jenna's clients include government regulators, intermediaries, all of the major Australian banks and major corporates.



Andrew Shute

Andrew is a Senior Legal Consultant in MinterEllison's Dispute Resolution team, with more than 30 years' experience in commercial litigation and alternative dispute resolution. He advises a wide range of public and private sector clients on complex commercial disputes and regulatory investigations, with recent matters spanning cyber incidents, climate-related claims in the resources sector, and investigations in the tertiary education sector. He has also been at the forefront of applying technology to improve the efficiency of litigation, including through work with the courts and the Queensland Law Society (QLS) to identify areas for reform. That work has recently extended into AI policy development and education for the profession. He regularly presents on litigation and ADR, best practice in discovery, information management and cyber security, and AI.



Greg Smart

Greg is a commercial litigation accredited specialist, and a solicitor advocate who regularly appears in both State and Federal Courts, with and without counsel. He is the current Chair of the QLS Commercial Litigation Specialist Accreditation Committee



Andrew Smyth

I am a member of the Queensland Law Society, Society of Trust and Estate Practitioners (STEP) and The Tax Institute (ATI).

I am an executive member of the Legal Practice Section of the Law Council of Australia, and deputy chair of the Qld Law Society Litigation Rules committee.

I practise primarily in estate planning and administration and business and personal structuring, focusing on complex and high value matters: typically involving superannuation, trusts, companies, taxation and international assets.