



Julia O'Connor **Barrister-at-Law**

LLB (Hons IIA), B Com (Bond), GDipLP (QUT)

Address	More Chambers Level 28 East, 32 Turbot Street Brisbane Qld 4000
Telephone	+61 7 3339 3620
Email	juliaoconnor@morechambers.com
Website	https://morechambers.com/julia-oconnor/

Year of Admission	2007
Year of Call	2015

SUMMARY

Prior to being called to the bar in 2015, Julia spent 8 years as a solicitor practising almost exclusively in complex commercial litigation.

Upon commencing at the bar, Julia continued to practise in commercial litigation and has appeared in disputes in competition and consumer law, commercial property, insolvency, corporations law and contract. Her experience has included appearances in courts and tribunals in both state and federal jurisdictions, as well as appearances in commissions of inquiry such as the Grantham Floods Commission of Inquiry and the Royal Commission into Institutional Responses to Child Sexual Abuse.

Julia has also developed a significant practice in mining, energy and resources, and environmental law. She regularly appears in cases before the Land Court of Queensland and the Land Appeal Court for mining proponents, statutory parties, and objectors. Julia has acted in environmental appeals, mining compensation disputes, land access disputes and mining objections proceedings. Her experience includes appearances in two of the largest and most complex objections proceedings before the Land Court – the *New Acland* and *Waratah Coal* objection proceedings.

Currently, Julia is a member of Queensland Environmental Law Association, sits on the Bar Association of Queensland's Environmental, Planning and Property Law, and New Bar committees, and is a reporter for the Queensland Reports.

AREAS OF PRACTICE

Banking	Corporations Law
Bankruptcy	Corporate Insolvency
Commercial Equity	Environmental Law
Commissions of Inquiry	Judicial Review

Competition Law

Land Law and Property

Consumer Protection Law

Mining, Energy & Resources

Contractual Disputes

Securities and Investments

SELECTED CASES

Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6) [2022] QLC 21 (led by Peter Ambrose KC and subsequently, Damien O'Brien KC)

Julia appeared as junior counsel for Waratah Coal Pty Ltd, the applicants for a mining lease and associated environmental authority. Multiple objections were lodged to the applications which included objections on environmental grounds (noise and vibration, air quality, surface water, groundwater quality, ecology (flora and fauna), land use and rehabilitation, subsidence, climate change, offsets, public health impacts), economic grounds (coal and energy markets and economic benefit of the project) and human rights grounds. The case was novel not only because of its size and complexity but because it was the first time that the Land Court (or any other Queensland Court) had comprehensively considered the application of the *Human Rights Act 2019* (Qld) in the context of objections proceedings.

Link to case: <https://archive.sclqld.org.au/qjudgment/2022/QLC22-021.pdf>

Cement Australia (Exploration) Pty Ltd & Anor v East End Mine Action Group Inc & Anor (No 4) [2021] QLC 22 (led by Declan Kelly KC (as his Honour then was)).

Julia appeared as junior counsel for Cement Australia (Exploration) Pty Ltd and Cement Australia (Queensland Pty Ltd), the applicants for a mining lease and associated amended environmental authority. Multiple objections were lodged to the applications which included objections as to geology, groundwater impacts (quantity and quality), surface water impacts, groundwater to surface water interactions, noxious weeds, subsoil moisture, flooding and past performance. In the result, the Land Court recommended approval of both the application for a mining lease as well as the application for an amended environmental authority.

Link to case: <https://archive.sclqld.org.au/qjudgment/2021/QLC21-022.pdf>

Thalanga Copper Mines Pty Ltd & Anor v Chief Executive, Department of Environment and Science [2021] QLC 21 (unled)

Julia appeared as Counsel for Thalanga Copper Mines Pty Ltd and BML Holdings Pty Ltd in an appeal of a review decision made by the Department of Environment and Science. The Department decided the financial assurance amount for a mining lease is \$11,156,826. Following the exchange of expert evidence, the parties agreed that the correct amount is \$6,237,474 and the Court made orders accordingly.

Link to case: <https://archive.sclqld.org.au/qjudgment/2021/QLC21-021.pdf>

***MRV Metals Pty Ltd v Chief Executive, Department of Environment and Science* [2020] QLC 9** (led by Anthony Morris KC)

Julia appeared as Junior Counsel for MRV Metals Pty Ltd in an appeal of a review decision made by the Department of Environment and Science. The Department decided the financial assurance amount for a mining lease but did so without taking into consideration the previous environmental harm that had occurred prior to the transfer of the mining lease to MRV Metals. A preliminary issue hearing was held concerning whether, on the proper construction of the *Environmental Protection Act 1994* (Qld), the Department was entitled to require financial assurance for previous environmental harm. In the result, the Court determined that the Department was not so entitled.

Link to case: <https://archive.sclqld.org.au/qjudgment/2020/QLC20-009.pdf>

***Flying Fighters Pty Ltd v Official Trustee in Bankruptcy* [2019] QSC 120; (2019) 3 Qd R 522** (led by Keith Wilson KC)

Julia appeared as Junior Counsel for Flying Fighters Pty Ltd in an application contesting the appointment of receivers pursuant to a charge. The application followed lengthy proceeds of crime proceedings, which culminated in a decision made by the High Court. Amongst other things, the Court was required to consider whether the forfeiture of an asset under the *Proceeds of Crime Act 2002* (Cth) meant that there had been a merger of both the legal and the equitable interest in the asset. The Court found that there was a merger and that consequently, the right to appoint a receiver in respect of that equitable interest under the terms of the charge did not remain. The purported appointment of the receivers was declared invalid.

Link to case: <https://archive.sclqld.org.au/qjudgment/2019/QSC19-120.pdf>

***Kadam v MiiResorts Group 1 Pty Ltd (No 5); Securities and Exchange Board of India v MiiResorts Group 1 Pty Ltd* (2018) 129 ACSR 74; [2018] FCA 1086** (led by Thomas Bradley KC (as his Honour then was) and M Hodge KC)

Julia appeared as Junior Counsel for the Securities and Exchange Board of India in two proceedings before the Federal Court of Australia. The proceedings concerned the investment of funds by investors in a 'Ponzi' scheme, which operated in India for two decades, and the transfer of more than \$100 million of those funds to purchase assets in Australia. The Securities and Exchange Board of India was charged under the laws of India with vindicating the rights of all investors (approximately 58.5 million) and to secure and return any assets or funds for re-distribution to investors in India.

The proceedings were complex and involved factual determinations as to the law of trusts in India (through the appointment of referee), tracing exercises through both India and Australia, capital gains tax issues, and questions as to the mechanism by which any residual fund should be re-distributed to investors. In the result, the Court declared that the residual funds remaining in Australia were held on trust for the investors. The Court subsequently made orders returning the fund to India for distribution by the Securities and Exchange Board of India.

Link to case: <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2018/1086.html>

Australian Competition and Consumer Commission v Oakmoore Pty Ltd [2018] FCA 1472 (led by Declan Kelly KC (as his Honour then was)); *Australian Competition and Consumer Commission v Oakmoore Pty Ltd* [2018] FCA 1169 (led by Michael Hodge KC); *Australian Competition and Consumer Commission v Oakmoore Pty Ltd (No 2)* [2018] FCA 1170 (led by Michael Hodge KC).

Julia appeared as Junior Counsel for the Australian and Competition Consumer Commission concerning contraventions of s 45(2)(a)(ii) of the *Trade Practices Act 1974* (Cth) (now the *Competition and Consumer Act 2010* (Cth)) regarding supply arrangements for polycarbonate roof sheeting. The parties to the supply arrangements conceded that the arrangements had the likely effect of substantially lessening competition in the market. Findings were made to that effect, together with determinations as to the penalties to be imposed on the relevant companies that were parties to the arrangements.

Link to cases: <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2018/1169.html>;
<http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2018/1170.html>; <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2018/1472.html>.

Childcare Providers Pty Ltd v Bright Horizons Australia Childcare Pty Ltd [2017] QSC 307 (led by Simon Couper KC)

Julia appeared as Junior Counsel for Bright Horizons Australia Childcare Pty Ltd, the respondents to an application to set aside a statutory demand. The applicant contended that it had an offsetting claim that exceeded the amount of the statutory demand, that there was a genuine dispute as to the existence of the debt and that the affidavit supporting the demand did not comply with the relevant legislative requirements. The Court rejected each of these contentions and refused the application to set aside the statutory demand.

Link to case: <https://archive.sclqld.org.au/qjudgment/2017/QSC17-307.pdf>

Wilmar Sugar Australia Limited v Mackay Sugar Limited (2017) 120 ACSR 1; [2017] FCAFC 40 (led by M Hodge KC).

Julia appeared as Junior Counsel for the Respondents in an appeal concerning the manner in which mill owner directors were appointed to the Board of Queensland Sugar Limited in relation to the *Sugar Industry (Real Choice in Marketing) Amendment Act 2015* (Qld). The appeal challenged resolutions which had the effect of amending the company constitution on the grounds that the resolutions were oppressive, unfairly prejudicial, or unfairly discriminatory within the meaning of section 232 of the *Corporations Act 2001* (Cth).

Link to case: <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCAFC/2017/40.html>

New Acland Coal Pty Ltd v Ashman & Ors (No 4) [2017] QLC 24 (unled)

Julia appeared for the Department of Environment and Heritage Protection (as it was then known), the statutory party in objections proceedings concerning an application for a mining lease and an application for an amended environmental authority. The objections proceedings were the largest objections proceedings in Australian history. Multiple objections were lodged on environmental grounds (groundwater quality and quantity, air quality, noise, lighting, visual amenity, traffic, climate change, ecology (flora and fauna), health,

land use and soils, livestock and rehabilitation and surface water), economic and social grounds (community and social environment).

Link to case: <https://archive.sclqld.org.au/qjudgment/2017/QLC17-024.pdf>

GENERAL

Julia's expertise lies in commercial litigation, with specialist expertise in mining, resources and energy and environmental matters. Julia is often briefed to provide advice on (and act in) disputes involving the proper interpretation and application of the *Mineral Resources Act 1989* (Qld), *Environmental Protection Act 1994* (Qld), and the *Petroleum & Gas (Production and Safety) Act 2004*, and contractual disputes where one (or more parties) are involved in the mining, resources, or energy industries.

In addition to the cases outlined above, Julia's recent matters include:

- Acting for a petroleum and gas company in an appeal of a review decision which declined to grant a potential commercial area under the *Petroleum & Gas (Production and Safety) Act 2004* (ongoing).
- Acting for a mining company in an appeal of a review decision which decided that the environmental authority application was not "*properly made*" within the meaning of the *Environmental Protection Act 1994* (Qld) (ongoing).
- Acting for the insurer of a mining company in multi-million proceedings before the Queensland Supreme Court concerning causes of action for breach of contract and negligence (settled before trial).
- Acting for a mining company in proceedings before the Land Court concerning the compensation payable for proposed mining lease (settled before final hearing).
- Acting for a landholder in defence of an application in the Land Court to vary access to a mining lease. See: *Friese v 2PL Superannuation as Tte; Friese v Finger* [2020] QLC 11.
- Acting for a national, publicly listed motor vehicle company in multi-million proceedings before the Queensland Supreme Court concerning causes of action in environmental nuisance and negligence. (settled following trial and before judgment).
- Acting for a mining company in proceedings before the Land Court concerning the compensation payable for an existing mining lease and, in particular, whether there had been a "*material change in circumstances*" within the meaning of the *Mineral Resources Act 1989* (Qld) which warranted a change to the compensation amount (settled before final hearing).
- Acting for a mining company in proceedings before the Land Court concerning the compensation payable that is associated with land access rights under an exploration tenement (settled before final hearing).
- Acting for a mining company in an appeal of a review decision concerning the amount of financial assurance payable pursuant to a mining lease. See (concerning a stay of the review decision): *Alphadale*

Pty Ltd v Chief Executive, Department of Environment and Heritage Protection [2016] QLC 38; [2016] QLAC 6.

- Acting for a mining company in a dispute before the Queensland Supreme Court and the Court of Appeal concerning the proper construction of a clause in a joint venture agreement. See: *Lake Vermont Marketing Pty Ltd v Coranar (Australia) Pty Ltd* [2018] QCA 2; *Coranar (Australia) Pty Ltd v Lake Vermont Marketing Pty Ltd* [2017] QSC 120.
- Acting for a mining company in proceedings before the Queensland Supreme Court for urgent injunctive relief restraining the appointment of receivers and managers under securities granted for a joint venture arrangement.
- Acting on behalf of a mining company in proceedings before the Queensland Supreme Court concerning the renewal and termination of a pastoral sub-lease in North Queensland (settled before trial).
- Acting for two related mining companies in judicial review proceedings before the Queensland Supreme Court concerning the approval of an initial development plan under the *Mineral Resources Act 1989* (Qld) (settled before hearing).
- Acting for two related mining companies, the objectors in complex mining objections proceedings, before the Land Court (settled before hearing).
- Advising a publicly listed mining company on foreshadowed proceedings associated with early redemption rights on convertible preference notes.
- Advising a large seafood company on an amendment to an environmental authority and material change in use application.
- Advising a mining company on an original decision made under the *Environmental Protection Act 1994* (Qld) regarding an amendment to a transitional environmental plan and an application for an internal review of the decision.

MEMBERSHIPS

Bar Association of Queensland.

New Bar Committee – Bar Association of Queensland.

Environmental, Planning & Property Law
Committee – Bar Association of Queensland.

Queensland Environmental Law Association

LawRight.

PAPERS AND PRESENTATIONS

Julia regularly delivers papers and presentations. For example:

- in November 2022, Julia was part of a panel presenting on the topic *"How to be a Good Junior"* for the Bar Association of Queensland.
- in October 2022, Julia assisted with an Expert Witness Workshop for the Land Court of Queensland conducted by the Queensland Environmental Law Association. Julia appeared as Counsel in the mock hearing held before the Land Court of Queensland.
- in December 2021, Julia delivered a presentation for the Queensland and Environmental Law Association on the topic *"Human Rights and the Queensland Resources Industry."*
- in May 2021, Julia was part of panel presenting at the Queensland Environmental Law Association's annual conference on the topic *"Mining Leases and Environmental Authorities – Land Court Objections Proceedings – Learnings and Perspectives"*.
- in March 2021 (and previously in August 2019), Julia was part of a panel that presented to the Bar Course on the topic *"Commencing Proceedings & Pleadings in State and Federal Courts"*.
- in November 2020, Julia was part of a panel that delivered a presentation for the Queensland and Environmental Law Association on the topic, *"Learnings from the Bench and the Bar – Update on recent cases, outcomes and learnings for the Planning and Environment Court and the Land Court of Queensland"*.
- in August 2017, Julia delivered a presentation for the National Environmental Law Association's National Conference entitled *"The Financial Assurance Regime in Queensland – A Practical Application."*