



GREENWAY CHAMBERS

Jonathon Dooley

Solicitor 2006 / Barrister 2014

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Practice

Jonathon Dooley is a barrister specialising in commercial law and equity. His broad practice focuses on several key areas, including class actions, building and construction claims, commercial law, property law and insolvency.

Jonathon has built a strong reputation at the NSW Bar based on his core values of responsiveness, meeting deadlines and being upfront with costs and billing. He is briefed by firms of all sizes – including by large firms in complex high-value litigation, as well as by boutique firms and regional firms.

From 2008 to 2014, Jonathon worked as a solicitor at Allens, where he was appointed a Senior Associate in 2011. In his role, Jonathan was responsible for a number of complex pieces of commercial litigation. Before that, Jonathan worked as a graduate at Sparke Helmore. In 2006, Jonathon worked as the Tipstaff to the Hon. Justice P.A. Bergin, then the Commercial List Judge in the Equity Division.

Outside of work, Jonathon tries to exercise as much as his often sore legs permit, is a fan of the NBA, and enjoys reading things completely unrelated to the law.

Career Highlights

Class action for employee benefits. Jonathon appeared for the group members in a class action for telecommunications technicians. The proceedings concerned with whether they are independent contractors or employees (led by Mr Pike SC).

Derivative action in relation to large property development. Jonathon appeared for an advisor who was alleged to have provided incorrect advice in connection with the entry into options for a property development worth \$200 million (led by Mr Pike SC).

Insurance dispute relating to Queensland Floods Class Action. Jonathon appeared for Sunwater in relation to a dispute with its insurers concerning liability following the Queensland Floods Class Action, relating to whether a particular exclusion clause was engaged (led by Mr Sheahan KC and Mr Kidd SC).

Bankruptcy case regarding superannuation benefits. Jonathon appeared for trustees in bankruptcy in proceedings at first instance and on appeal to the Full Court of the Federal Court of Australia concerning whether the trustees were able to clawback superannuation contributions pursuant to s 128B of the Bankruptcy Act 1966, in what appears to have been the first intermediate appellate court consideration of that section.

Corporations and Insolvency

Derivative action; oppression; reinstatement of company; winding up; statutory demands; directors' duties; insolvent trading; continuous disclosure; white collar crime.

Class Actions for Applicants and Respondants

Debenture trustee schemes; shareholder claims arising from failure to comply with s 674 and ASX Listing Rules; claims for unpaid employee benefits; construction/cladding; business interruption re COVID-19.

Financial Services and Banking

Unconscionable conduct in respect of making/approval of loans; Contracts Review Act; Banking Code of Conduct; enforceable undertakings.

Insurance

Acting for insured re disputes re excess layers re catastrophe cover; coverage advice; acting for insurers when joined pursuant to statutory charge; acting for insurers re D&O policy in class action; reinsurance

Contract Disputes

Including rent revision disputes, debt claims, construction contracts, employment contracts, insurance policy disputes

Construction

Including liquidated damages; construction of rare metal and gold mines; defects claims; security for payment

Professional Advisors

Solicitors, accountants, financial advisors, and auditor's duties.

Misleading or Deceptive Conduct, and Unconscionable Conduct

Issue of performance bonds by insurer following allegedly misleading conduct; pre-contractual representations in sale of businesses and commercial leases; misleading statements to market in ASX announcements.

Real Property

Discharge of easement; extension of caveat; relief from forfeiture for non-payment of rent; relief from forfeiture of deposit following failure to settle purchase of land

Employment Issues

Misuse of confidential information; restraint of trade; independent contractor vs employee.

Pacific National Constructions Pty Ltd v Geurts Trucks Besloten Venootschap [2024] NSWSC 813

Application for a permanent stay of proceedings on the basis of an exclusive jurisdiction clause.

Independent Audit Services Pty Ltd v Aquatic School Pty Ltd [2024] NSWSC 279

Appeal from a decision of a judicial registrar of the District Court relating to the means of determining 13 separate professional negligence claims against an auditor of a franchise.

A Lloyd Babb Pty Ltd v Bexgrove Pty Ltd [2023] NSWSC 1167

Consideration of whether, in a commercial lease in dispute, a tenant could pay rent into court rather than to the landlord pending determination of the proceedings (leading Mr Sivanathan).

Boensch v Bingham [2023] NSWSC 1152

Summary dismissal of an application by a client against his former solicitor, including consideration of advocate's immunity and abuse of process.

H & M Constructions (NSW) Pty Ltd v Golden Rain Development Pty Ltd (No 4) [2023] NSWSC 925

Consideration of the validity of a conditional Certificate of Practical Completion and a related claim for liquidated damages (Led by Mr Kidd SC).

Mount Gilead Pty Ltd v Macarthur-Onslow [2021] NSWSC 948 and Mount Gilead Pty Ltd v Macarthur-Stantham [2023] NSWCA 37

Leave to commence a derivative action concerning sale of potential property development at undervalue (led by Mr Pike SC).

Liberty v Sunwater [2021] NSWSC 1582 and Sunwater v Liberty [2022] NSWCA 273

Construction of exclusion clause of policy relating to Queensland Floods Class Action (Led by Mr Sheahan QC and Mr Kidd SC).

In the matter of Austpac Resources NL [2022] NSWSC 1668

Application to set aside a statutory demand

PRC Capital Pty Ltd v The Trust Company Ltd [2021] NSWSC 1007

Costs of a preliminary discovery application which had otherwise resolved

Gregor v Amaya [2021] NSWSC 89

Resulting trust based on contribution to purchase price.

Hutson v Roufeil [2020] NSWSC 864

Consideration of conventional estoppel as in personam claim re judgment for possession of land.

Dinomyte Pty Ltd v ASIC [2019] FCA 1989

Application for derivative action under s 237 of the Corporations Act 2001.

Youssef v Commissioner of the AFP [2019] NSWCA 272

Appeal re undertaking proffered under s 44 Proceeds of Crime Act.

Stimpson v Australian Traditional-Medicine Society Ltd [2019] NSWSC 979

Strike-out / summary dismissal.

The Commissioner of the Australian Federal Police v Pharmacy Depot Hurstville Pty Ltd (in liq) [2019] NSWSC 643,

Application for exclusion of property under Proceeds of Crime Act 2002.

Hera v Gekko [2019] NSWSC 37

Legal professional privilege and without prejudice privilege, and waiver (led by Mr Kidd SC).

Grewal v Layton (No 2) [2018] NSWSC 1910

Indemnity costs based on offer of compromise

Trojan Marketing & Consultants Pty Ltd v Kirela Pty Ltd [2018] NSWSC 1786

Review of Registrar's decision to order security for costs

Grewal v Layton [2018] NSWSC 1645

Breach of contract

Inverell Shire Council v Australia Gemstone Resources Pty Ltd (in liq) [2018] NSWSC 1470

Termination of a winding up

Kiriwina v Green Lees [2018] NSWCA 210

Appeal regarding Farm Debt Mediation Act judgment (Led by Mr Pike SC).

Renton v Kelly [2018] NSWSC 1377

Costs of preliminary discovery application.

Vanguard Financial Planners Pty Ltd v Ale [2018] NSWSC 314

Defence of allegations of breaches of fiduciary duty and misuse by employee of confidential customer information

Swiss Re International SE v Simpson [2018] NSWSC 233

Acting for Insurers, where underlying allegations of misleading conduct concerning collapse of Forge Group (Led by Mr Muston SC).

Kiriwina v Green Lees [2017] NSWSC 1727

Defence of debt claim under the Farm Debt Mediation Act

Simone v Kola [2017] NSWSC 821

Appeal from Local Court re payment by solicitor out of trust account for fees

Denshire v Newcastle [2017] NSWSC 577

Discharge of easements

Marsden v DCL [2016] NSWSC 1795

Unconscionable conduct

Rocha [2016] NSWSC 899 and [2016] NSWSC 1172

Reinstate a deregistered company

Nitro Circus [2016] NSWSC 178,

Judgment under Hague Convention

Cody Gemtec Retail Pty Ltd v Underwriting Members of Syndicate 2003 at Lloyd's (Declassing Applications) [2024] FCA 1098

De-classing application in respect of a class action seeking indemnity under insurance policies for business interruption sustained during COVID-19 (Led by Mr Collins KC and Mr Donaldson SC).

Do (Trustee), in the matter of Andrew Superannuation fund v Sijabat [2023] FCAFC 6

Appeal concerning whether trustees in bankruptcy could recover superannuation payments

Bradshaw v BSA Ltd [2022] FCA 1440

Settlement approval hearing in respect of an employee/independent contractor class action (Led by Mr Pike SC)

BSA Ltd v Bradshaw [2022] FCA 1440, and whether within no costs jurisdiction [2022] FCA 1182

Construction of settlement deed in respect of class action (Led by Mr Sulan SC)

Bradshaw v BSA Ltd [2021] FCA 1080

An application to restrain communications to group members by a respondent during an opt-out period

ISG Management Pty Ltd v Mutch [2020] FCAFC 213

Appeal from decision re common questions and de-classing re class action (Led by Mr Pike SC)

Pro-Pac Packaging (Aust) Pty Ltd v Penn [2020] FCA 540

Release from implied undertaking

Mutch v ISG Management Pty Ltd [2020] FCA 362

Issues of common questions and de-classing in a class action concerning employees (Led by Mr Pike SC)

Hodges v Sandhurst [2018] FCA 1346

Approval of settlement in Representative Proceedings (Led by Mr Pike SC)

Rushleigh v Forge [2018] FCA 26

Joinder in shareholder class action (Led by Mr Muston SC)

Hodges v Sandhurst [2014] FCA 1223

Application for strike-out in Representative Proceedings (Led by Mr Pike SC)
