

Ben McGlade
Barrister-at-law
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Overview

Ben was called to the Bar in 2010. He has a broad practice in commercial and administrative law.

Ben's practice involves extensive advocacy and advice work. He regularly appears in the Queensland and Federal Courts and Tribunals in trials, appeals and interlocutory applications. He has also appeared in the High Court on a number of occasions.

As a commercial lawyer and litigator, Ben has nearly 20 years' experience advising and appearing in respect of matters varying in nature, complexity and scale. This has seen him develop a wide-spanning knowledge of many areas of commercial law (refer to his practice areas below), together with a deep understanding of the strategic and commercial approach necessary to achieve optimal client outcomes. He has a particular expertise in disputes involving equity and trusts issues (being an area he has lectured on extensively).

Ben also has significant experience in judicial review, merits review and disciplinary matters where he regularly advises and appears both for and against government departments and agencies. Ben is recognised in Doyle's Guide as a leading administrative and public law barrister in Queensland.

Before coming to the Bar, Ben practised as a commercial litigation solicitor at top tier and national law firms for five years.

Practice areas

- Administrative law
- Bankruptcy and insolvency
- Building and construction
- Commercial law
- Commercial litigation
- Constitutional law
- Consumer and trade practices law
- Contract
- Corporations law
- Disciplinary proceedings
- Equity and trusts
- Insurance law
- Judicial review
- Merits review
- Migration law
- Partnership and joint venture disputes
- Professional negligence
- Property
- Restraint of trade
- Wills, Probate and Family Provision

Career

2010-present	Barrister, Queensland
2010	Associate, HWL Ebsworth (Commercial Litigation)

	2006-2009	Solicitor, Clayton Utz (Commercial Litigation)
	2006	Admitted as a legal practitioner
	2005-2006	Trainee Solicitor, Thynne & Macartney (Professional Indemnity Insurance and Litigation)
Education	2008	Master of Laws (majoring in commercial law), Queensland University of Technology
	2006	Graduate Diploma in Legal Practice, College of Law
	2002- 2005	Bachelor of Laws (with Honours), Queensland University of Technology
Appointments	2009-2015	Lecturer at Queensland University of Technology in undergraduate subjects of Equity and Trusts. Lecture topics include: Third Party Liability for Breach of Fiduciary Duty and Breach of Trust; Equitable Defences; Equitable Remedies; Resulting Trusts; Void & Illegal Trusts; Purpose & Charitable Trusts; Trustees Rights; Beneficiaries Rights; Actions and Remedies for Breach of Trust; Following & Tracing.
	2008-present	Tutor at Queensland University of Technology in subjects of Equity, Trusts, Evidence and Commercial Law.
Memberships		Bar Association of Queensland Migration Law Committee (Queensland Bar)
Selected Cases		<p>Commercial law, litigation and merits review matters</p> <ul style="list-style-type: none"> • <i>McEwan v Cloudsdale</i> [2023] QCA 122 • <i>Hernandex & Cranage (No 2)</i> (2022) 65 Fam LR 107; [2022] FedCFamC1A 103 • <i>LCA Marrickville Pty Ltd v Swiss International SE</i> (2022) 290 FCR 435; [2022] FCAFC 17 • <i>Swiss Re International Se v LCA Marrickville Pty Ltd</i> (<i>Second Covid-19 Insurance Test Cases</i>) (2021) 394 ALR 461; [2021] FCA 1206 • <i>Satellite Accounting Pty Ltd v Tax Practitioners Board</i> [2020] AATA 1648 • <i>Iseppi v Tax Practitioners Board</i> (2020) 169 ALD 653 • <i>McConnel v Queensland Police Service (Weapons</i> <i>Licensing Branch)</i> [2019] QCATA 156 • <i>Phelan and Secretary, Department of Social Services</i> [2019] AATA 554 • <i>Ashala Model Agency Pty Ltd (in liq) v Featherstone</i> [2017] 2 Qd R 1 • <i>Pignat and Secretary, Department of Social Services</i> [2017] AATA 2745

- *Krajniw v Hunt* [2017] FCA 488
- *Motorline South City Pty Ltd v Cosmetic Suppliers Pty Ltd* [2016] QDC 45
- *Pittaway v Noosa Cat Australia Pty Ltd* [2016] 2 Qd R 556
- *Arrowsmith v Micallef* [2015] 2 Qd R 208
- *Rexel Electrical Supplies Pty Ltd v Morton (as liquidator of South East Queensland Machinery Manufacturing and Distribution (Mining No 1) (in liq))* (2015) 110 ACSR 341
- *Trouton v Official Receiver in Bankruptcy* [2014] FCCA 2345
- *Commonwealth Bank of Australia v Dalle Cort* [2014] QSC 296
- *Darling Downs & Anor v Shaw* [2014] QDC 93
- *Leach v Ross* [2013] QSC 333
- *Darling Downs Aviation Pty Ltd & Anor v Shaw* [2013] QDC 300
- *Micallef v Micallef* [2012] QSC 239
- *Zeivering v Callaghan* [2012] 1 Qd R 194

Administrative law (including appeals therefrom)

- High Court – *CWF16 v Minister for Home Affairs* [2020] HCATrans 191; *DJF16 v Minister for Home Affairs* [2019] HCATrans 72; *APP15 v Minister for Immigration and Border Protection* [2016] HCATrans 221
- *Ibrahim v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FCAFC 173
- *Manebona v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (2023) 298 FCR 516; [2023] FCAFC 173
- *McEwan v Office of Australian Information Commissioner* [2023] FCAFC 137
- *DMQ20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (2023) 297 FCR 550; [2023] FCAFC 84
- *Minister for Immigration, Citizenship and Multicultural Affairs v JSMJ* (2023) 297 FCR 630; [2023] FCAFC 77
- *Kumar v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (2023) 412 ALR 502; [2023] FCAFC 173
- *Healey v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (2022) 295 FCR 210; [2022] FCAFC 188
- *Jones v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCAFC 137
- *Savaiinaea v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCAFC 56

- *Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v AZC20* (2022) 290 FCR 149; [2022] FCAFC 52
- *BRH18 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCAFC 74
- *Singh v Minister for Home Affairs* (2020) 274 FCR 506; [2020] FCAFC 7
- *Ketjan v Assistant Minister for Immigration and Border Protection* (2019) 273 FCR 105; [2019] FCAFC 207
- *Pallas v Minister for Home Affairs* [2019] FCAFC 149
- *AYY17 v Minister for Immigration and Border Protection* (2019) 261 FCR 503; [2018] FCAFC 89
- *Minister for Immigration and Border Protection v Stretton* (2016) 237 FCR 1; [2016] FCAFC 11
- *Chien v Minister for Immigration and Citizenship* [2013] FCAFC 124