

CATE HEYWORTH-SMITH QC

YEAR OF CALL: 1995 YEAR OF SILK: 2014

Cate is a skilful and versatile trial and appellate counsel. She provides advice in a range of commercial and civil areas of practice, with a focus on commercial litigation, commercial equity and trusts, financial services disputes, insurance, property, corporations law, equity and personal injuries.

Cate is an effective and sought-after mediator, particularly in financial services matters, insurance and personal injuries.

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AREAS OF PRACTICE

Trial and Appellate Advocacy, Trials involving Fraud and Issues of Credit, Commercial Litigation, Commercial Equity, Trusts, Corporations Law, Property, Intellectual Property, Insurance, Personal Injuries, Estates and Alternative Dispute Resolution.

CAREER

2014	Queen's Counsel
1998	Commenced in Practice at the Private Bar in Brisbane
1996 to 1998	In-house Counsel, Environment Agency of England and Wales
1995	Called to the Bar
1994 to 1996	Associate to the Hon. Justice Helman

EDUCATION

1999	LLM (Hons) (Honours Dissertation: Constructive Trusts in Insolvency)
1993	LLB

COMMITTEES AND APPOINTMENTS

2017 to date	Bar Practice Course Committee
2014 to date	Supreme Court of Queensland Library Committee (Statutory Committee)
2016 to date	Finance and Risk Management Sub-committee of the Library Committee
2016	BAQ Constitutional Review Sub-committee of the Bar Council
2017 to date	Immediate Past President of the International Law Association, Queensland Chapter
2012 to 2016	President of the International Law Association, Queensland Chapter

- 2009 to 2011** Sessional Member, Queensland Commercial and Administrative Tribunal (Civil List)
- 2007 to 2009** Sessional Member, Commercial and Consumer Tribunal (Civil List)
- 2006 to 2007** Member of the Bar Council

MEMBERSHIPS

Bar Association of Queensland

International Law Association

Australasian Institute of Judicial Administration Incorporated

Australian Lawyers Alliance

Australian Insurance Lawyers Association

RECENT PAPERS AND TEACHING

- 2017** Causation in Psychiatric Injury Cases for ALA “Litigation at Sunrise” Seminar
- 2017** Speaker – University of Queensland Law Society Breakfast with the Profession
- 2016** Speaker – University of Queensland Law Society Barristers’ Function
- 2016** Pre-existing Vulnerabilities, Causation and Proof for ALA Annual Conference
- 2014 to date** Presenter – Case Analysis Session of the Bar Practice Course (biannually)
- 2006 to date** Presenter – Ethics Session of the Bar Practice Course (biannually)

RECENT CASES

***Aklia Holdings Pty Ltd v The Carter Group Pty Ltd (In Liq) & Ors* [2017] QSC 075**
Corporate Law, Shares, Reflective Loss and Prudential Principle, Trade or Commerce, Conversion

***Covey v State of Queensland* [2017] QSC 023**
Personal Injuries, Liability, Causation, Quantum

***Geju Pty Ltd v Central Highlands Regional Council (No. 2)* [2016] QSC 279**
Negligence, Pure Economic Loss, Duty of Care, Quantum, Apportionable Claim

***Ozibar Pty Ltd v Laroar Holdings Pty Ltd (No.2)* [2016] QSC 82**
Commercial Lease, Property, Surrender or Assignment.

***Geju Pty Ltd v Central Highlands Regional Council* [2016] QSC 159**
Pleadings, Disallowance of Amendments, Expert Evidence

***Woolworths Ltd v Grimshaw* [2016] QCA 274**

Personal Injuries, Liability, Quantum

***Kennedy v Queensland Alumina Limited* [2016] QCA 159**

Personal Injuries, Quantum, Contributory Negligence

***Westpac Banking Corporation v Jamieson & Ors* [2015] QCA 050; [2016] Qd R 495**

Commercial Litigation, Financial Services, Causation, Remedies, Tax

***Findlay v Queensland Folk Federation Inc & Ors* [2016] QDC 087**

Personal Injuries, Fraud and Credit, Liability, Quantum

***MCG Quarries Pty Ltd v Offermans & Ors* [2015] QCA 103**

Corporate Insolvency, Liquidation, Preferential Payments

***Ozibar Pty Ltd v Laroar Holdings Pty Ltd* [2015] QSC 345**

Commercial Leases, Surrender or Assignment, Summary Judgment

***Kennedy v Queensland Alumina Limited* [2015] QCA 317**

Personal Injuries, Quantum, Contributory Negligence

***Caduceus Enterprises International Pty Ltd v Complete Lending Pty Ltd* [2015] QDC 159**

Contract, Interpretation, Entitlement to Commission, Equity, Equitable Assignment, Financial Services

***Verney v The Mac Services Group Pty Ltd* [2014] QSC 057**

Personal Injuries, Liability, Defective Equipment, Quantum

***Jamieson & Ors v Westpac Banking Corporation* [2014] QSC 032; [2014] 17 QLR**

Commercial Litigation, Financial Services, Causation, Remedies, Tax

***Queensland Building & Construction Commission v Meredith* [2014] QCA 062**

Construction Law, Licences, Permitted Individual

***Gillespie v Gillespie* [2013] QCA 099; [2013] 2 Qd R 440**

Property, Estates, Undue Influence, Laches and Acquiescence

***Herrod & Ors v Johnston & Anor* [2012] QCA 360; [2013] 2 Qd R 102**

Property, Estates, Fraud, Undue Influence, Agri-accounting and Stock Valuation

***Hookham Constructions Pty Ltd v Lindemann* [2013] QCA 274**

Contracts, Formation of Contractual Relations, Appellant Practice, Points not taken below

***Mattress Innovations Pty Ltd v MIB Insurance Brokers Pty Ltd* [2013] QSC 028; ANZ Ins Cas 61-964**

Insurance, Construction of Insurance Policy, Reduction for Input Tax Credits

***In the Will of Bruce George Gillespie Deceased* [2012] QSC 335**

Estates, Removal of Estate Caveat, Testamentary Capacity, Undue Influence

***Gough & Ors v South Sky Investments Pty Ltd* [2012] QCA 161**

Contracts, Implied Terms, Property Development, Body Corporate

***Creswick v Creswick & Ors* [2011] QCA 194**

Equity, Fraud and Forgery, Unconscionable Conduct, Remedies, Evidence

Mooloolaba Slipways Pty Ltd & Anor v Cashlaw Pty Ltd & Ors [2011] QSC 236

Commercial Lease, Negligence, Pure Economic Loss, Misrepresentations, Mitigation, Quantum

J Creswick & W Creswick v F Creswick [2011] QSC 062

Property, Statutory Trust for Sale, Equitable Doctrines and Presumptions, Exoneration

Koven v Hail Creek Coal Pty Ltd [2011] QSC 051

Personal Injuries, Quantum

Moylan v Rickard [2010] QSC 327

Succession, Construction and Effect of Testamentary Dispositions, Contracts, Powers of Attorney

Corkery & Ors v Kingfisher Bay Resort Village Pty Ltd & Anor [2010] QSC 161

Personal Injuries, Liability, Loss of Servitium, Quantum

Creswick & Ors v Creswick [2010] QSC 218

Equity, Fraud and Forgery, Unconscionable Conduct, Remedies, Burden of Proof and Presumptions.

Deeson Heavy Haulage Pty Ltd v Cox & Ors [2009] QSC 277

Fiduciary Duties, Breach of Confidence, Causation and Quantum

Brookes v Ralph & Ors [2009] QSC 416

Equity, Fiduciary Obligations, Intellectual Property

COMEDY LEGAL DEBATES

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- 2016** Herbert Smith Freehills Comedy Debate: "All lawyers should be replaced by robots."
 - 2015** People's Choice Award for QYL "Olden Gavel" (Golden Gavel for Oldies) Competition: "It's all fun and games until someone third parties the White Walkers."
 - 2014** Women in Insolvency and Restructuring Queensland Comedy Debate: "It is better to be in the hands of an undertaker than an insolvency practitioner."
 - 2014** Queensland Law Society Annual Symposium Debate: "A case without a barrister is a loser."