

# David Jackson AM QC

## FCI Arb, FACICA, FAAL

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<b>Admitted to the legal profession</b>	16 December 1964
<b>Appointment as Queen's Counsel</b>	15 January 1976
<b>Also entitled to practise in</b>	All Australian jurisdictions (Commonwealth, State and Territory) Admitted for appearances in Vanuatu, Fiji, Solomon Islands, Tonga.

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<b>Principal areas of practice</b>	Appellate Arbitration Constitutional law Mediation
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<b>Previous professional experience</b>	1963-1964 Associate to Sir Harry Gibbs, then a member of the Supreme Court of Queensland, later Chief Justice of Australia
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<b>Awards or professional recognition</b>	<ul style="list-style-type: none"><li>• Ross Anderson Memorial Prize 1962 (University of Queensland)</li><li>• Henderson Prize 1964 (University of Queensland)</li><li>• Wilkinson Prize 1964 (University of Queensland)</li><li>• Virgil Power Prize 1964 (University of Queensland)</li><li>• Judge, Federal Court of Australia 1985-1987</li><li>• Fellow Chartered Institute of Arbitrators 2003</li><li>• Fellow Australian Centre for International and</li></ul>
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Commercial Arbitration 2011

- Fellow Australian Academy of Law 2013
- Member of the Order of Australia 2007
- Sir Harry Gibbs Oration 2010
- Sir Maurice Byers Lecturer 2006
- Member of Hong Kong International Arbitration Centre Panel of Arbitrators
- Member Kuala Lumpur Regional Centre for Arbitration Panel of Arbitrators
- *Best Lawyers 2014*. Listed for *Bet the Company Litigation, Constitutional Law, Alternative Dispute Resolution and Litigation*
- *Chambers Global and Chambers Asia-Pacific 2014*. Dispute Resolution Australia – Star individuals

### **Professional memberships**

- Member of Committee of Bar Association of Queensland 1969-70, 1972-1974, 1976-1978, 1979-1980, 1981-1983
- Vice-President Bar Association of Queensland 1982-1983
- Member Barristers Board of Queensland - 1975-1985
- Chairman, Constitutional Law Committee of Law Council of Australia - 1984-1985
- Law Council of Australia Observer at Australian Constitutional Conventions - 1984, 1985
- Chairman of New South Wales Bar Association's Standards and Specialisation Committee 1994-1995
- Convenor of New South Wales Bar Association's Constitutional Law Section 1996 to 2001
- Foundation lecturer at Bar Practice Centre in Brisbane ("Leading Evidence")
- Member (part-time) Judicial Commission of New South Wales 1995 – 1998
- Committee Member Australian Association of Constitutional Law 1999-2003
- Head of Chambers, Seven Wentworth 2002-

## Inquiries

David Jackson has conducted a number of inquiries for the national and state governments

- In 1986-1987 he was Chairman of the Commonwealth's Government's Constitutional Commission's *Advisory Committee on the Australian Judicial System*
- In 1996 he conducted the "Southern Cross Syndicate" Inquiry for the Australian Government
- In 2004 he was appointed by the New South Wales government as a Special Commission of Inquiry into the Medical Research and Compensation Foundation established by the James Hardie Group
- In 2011 he was appointed by the New South Wales government as Chairman of the Recall Elections Panel of Experts

## Publications

- *Mining Act 1968-1971*. A paper delivered to the 1971 Joint Symposium of Queensland Law Society Incorporated and Bar Association of Queensland, published at 2 Q.L.S.J. 149
- *Commonwealth and State Powers in Relation to Offshore Mineral Resources*. A paper presented to the Southern Central Queensland Conference of The Australian Institute of Mining and Metallurgy (July 1974)
- *Federalism in the Future: The Impact of Recent Developments*. A paper delivered as Leader of the Law Society of Western Australia's 24th Law Summer School (February 1984) published at (1984) 58 Australian Law Journal 438
- *Constitutional Commission - Report of the Advisory Committee on the Australian Judicial System, with R.E. McGarvie, G.A. Kennedy, W.M.C. Gummow and R.C. Jennings (1987)*
- *Selection of Judges: Who, When and By Whom. A paper presented at the 1989 Australian Legal Convention*
- *"Such is Life" - The Media's Importance to Australian Culture. A paper presented to a joint seminar of lawyers and journalists at Brisbane in 1991*
- *Appellate Advocacy*. A paper delivered on 29 April 1991 as part of the NSW Bar Association's Continuing Legal Education Programme, and published in 8 Aust. Bar Rev. 235
- *The Australian Judicial System: 1992 and onwards*. A paper delivered to the joint Australian Institute of Judicial Administration and Law Council of Australia Conference in Melbourne (1992), published in Zariski (ed) - *Evidence and Procedure in a Federation* (1993)

- *The Lawmaking Role of the High Court. A paper delivered on 10 May 1993 as part of the NSW Bar Association's Continuing Legal Education Programme and published in 11 Aust. Bar Rev.197*
- *Special Leave Applications and Appeals to the High Court. A paper delivered to the College of Law, Sydney, 23 October 1993 and published as part of "Courts of Appeal", CLE Paper No. 93/72*
- *The Superannuation Industry (Supervision) Act 1993 - Constitutional Validity. A paper delivered to the Superannuation Conference February 1994 and published by the Leo Cussen Institute*
- *The Constitution - The Unwritten Part. A paper delivered at the Australian Bar Association's Biennial Conference, Noosa on 4 July 1994*
- *The Role of the High Court in Guaranteeing a Fair Trial. A paper delivered to the Public Defender's Weekend Conference 26 November 1994*
- *If Privy Council Appeals are Abolished, What Appellate Structure Should New Zealand Have. A paper delivered at the New Zealand Bar Association Conference, Queenstown on 22 July 1995*
- *The Role of the Chief Justice. A paper delivered at "The Mason Court and Beyond". Conference conducted by the University of Melbourne Law School, Centre for Comparative Constitutional Studies on 9 September 1995 and published in Saunders (ed) - *Courts of Final Jurisdiction* (1996)*
- *The Implications of the Constitution. A paper delivered at the Law Council of Australia 29th Australian Legal Convention on 27 September 1995*
- *Is it Necessary to have Three Tiers of Government? A paper presented to a "People's Constitutional Convention" at Sydney during Law Week 1996*
- *Report of the "Southern Cross Syndicate" Inquiry, December 1996*
- *Practice in the High Court. A paper delivered on 25 March 1997 to the Constitutional Law Section of the New South Wales Bar Association, published in 15 Aust. Bar Rev. 187*
- *"Stamp Duties – An Unconstitutional Excise?" The implications of *Ha v. New South Wales* and *Walter Hammond & Associates Pty Ltd v. New South Wales*. A paper delivered at the IBC Stamp Duties Symposium held at the Gold Coast on 7 November 1997*
- *Compulsory Acquisition, with Stephen Lloyd. A paper delivered on 23 July 1998 at the Annual Convention of the Australian Mining and Petroleum Law Association, Adelaide*
- *Federation in Australia – The First 98 Years. A paper delivered on 7 April 1999 at the New Zealand Law Conference 1999 in Rotorua*
- *"Devolution – a view of the Scotland Act from an Australian lawyer's perspective". A talk given to the Anglo-Australasian Lawyers Society in London on 27 May 1999*
- *"Griffith and the Australian Constitution". A paper delivered on 31 March 2001 to the Supreme Court History Society Conference in commemoration of the Centenary of Federation in White and Rahemtula (eds.): *Sir Samuel Griffith – The Law and the Constitution* (2002)*
- *"The Australian Judicial System: Judicial Power of the Commonwealth" (2001) 24(3) UNSWLJ 737, part of a Thematic Issue of the University of New South Wales Law Journal in commemoration of the centenary of the Federation in Australia.*

- *"Globalisation of rights and the Constitution"*. A paper presented at the Australian Association of Constitutional Law's Convention in June 2001 at Perth, Western Australia.
- *"Brennan Court", "Leave to Appeal", "Gibbs, Harry Talbot"* (jointly), articles contributed to the *Oxford Companion to the High Court of Australia* (2002).
- *"Relator Proceedings"*. A paper presented to the Australian Association of Constitutional Law, 22 August 2002.
- *"Sir Harry Gibbs"*. A Commentary delivered at the Supreme Court of Queensland Library's Conference on 29 March 2003, published in White and Rahemtula, *Queensland Judges on the High Court*, p.75.
- Launch of Dr Andrew Bell's *"Forum Shopping and Venue in Transnational Litigation"* 12 June 2004.
- *"Appeals"*. A paper presented at the Queensland Law Society's "Symposium-04", 6 March 2004.
- *"The Development of Judicial Review in Australia over the Last Ten Years – The Growth of the Constitutional Writs"*. A paper presented at the Federal Court of Australia/Law Council of Australia Joint Seminar on Administrative Law, 3 April 2004.
- *"Comparative thoughts on Supreme Courts in Commonwealth Countries"*. A paper delivered to the United Kingdom branch of the Anglo-Australasian Lawyers Society, London, 21 July 2004.
- *Report of Special Commission of Inquiry into Medical Research and Compensation Foundation* 21 September 2004
- *"Appellate Advocacy"*. A paper presented to the Bar Association of Queensland Conference 5 March 2005.
- *"Money, the Constitution and Me"*. A paper presented to the Challis Taxation Discussion Group, Sydney 5 August 2005.
- *"Sir Harry Gibbs and the Constitution"*, Inaugural Sir Harry Gibbs Oration sponsored by the Bar Association of Queensland, Brisbane 4 November 2005.
- *"Obituary – Sir Harry Gibbs"* (2005) 79 Australian Law Journal 651.
- *"Current issues in civil and criminal litigation arising from the regulation of commerce and public authorities in Australia: the interplay between civil penalties and criminal penalties in Australian regulation."*. A paper presented to the Law Summer School, Law Society of Western Australia, 26 February 2006.
- *"The Implications of the Constitution"*, 2006 Sir Maurice Byers Lecture, sponsored by the New South Wales Bar Association, 20 March 2006.
- *"Appeals to the High Court of Australia"*. A paper delivered at Ebsworth and Ebsworth, solicitors, Sydney, 11 September 2007.
- *"Analysing a Judgment"*. A paper delivered to the Bar Practice Course, Sydney, 10 October 2007.
- Speech to Anglo-Australasian Lawyers Society Annual Dinner, Sydney, 7 March 2008.
- *"Advocacy – the art of persuasion"*. A paper delivered to the Young Lawyers, Sydney, 16 July 2008.

- “*Corporate responsibility: the fall-out of the James Hardie Inquiry on Australian Corporate Law*”. A paper delivered to the National Workplace Safety Summit 2008, Melbourne, 31 July 2008.
- “*Adversarial And Inquisitorial Systems*”. A paper delivered to the Medico-Legal Society of New South Wales, Sydney, 4 March 2009.
- “*The Supreme Court of the United Kingdom – An Australian Perspective*”. A paper delivered to the United Kingdom branch of the Anglo-Australasian Lawyers Society, London, 23 July 2009.
- “*Human Rights Legislation - Should the Commonwealth enact human rights legislation for Australia? What rights should be covered by any such legislation? How should such rights be enforced?*”. A paper delivered at the Queen’s Club, Sydney 12 March 2010.
- “*Liability of Company Directors in 2010*”, with Jack Hynes. A paper delivered to the North Queensland Law Association, Cairns, 29 May 2010.
- “*Sir Harry Gibbs Oration 2010*”, Emanuel College, Brisbane, 13 August 2010
- Judge in New South Wales Bar Association/New York Bar Association Moot 29 October 2010.
- “*The Constitution in 2011*”. A paper delivered to the Salvation Army Legal Service Conference on 22 October 2011.
- “*Trusts and the Commonwealth Constitution*”. A paper delivered to the Society of Trust and Equity Practitioners at the Supreme Court of New South Wales on 28 November 2012.
- “*Role of Counsel in Commissions and Inquiries*” A commentary on a paper by Peter Dunning QC at the Supreme Court of Queensland on 22 May 2013.
- “*Statutory Interpretation in the First Quarter of the 21<sup>st</sup> Century*, with Caspar Conde. A paper delivered to the Family Court of Australia Judges Conference, Melbourne on 7 November 2013.

### **Selected Cases**

David Jackson has appeared in hundreds of matters in the High Court of Australia, in both its original and appellate jurisdiction, and in numerous matters in the federal and state intermediate appeal courts. Prior to the abolition of Australian appeals to the Privy Council in 1986 he appeared in such appeals on four occasions (one as a junior, three as a silk).

Some recent matters in the High Court of Australia are:

- *Westfield Management Ltd v. AMP Capital Property Nominees Pty Ltd* (2012) 247 CLR 129
- *Fortescue Metals Group Ltd v. Australian Securities and Investments Commission* (2012) 247 CLR 486
- *Hunt & Hunt Lawyers v. Mitchell Morgan Nominees Pty Ltd* (2012) 247 CLR 613
- *Saraceni v. Jones* (2013) 246 CLR 251
- *Amaba Pty Ltd v. Booth* (2013) 246 CLR 36
- *Weinstock v. Beck* (2013) 87 ALJR 554
- *Beck v. Weinstock* (2012) 87 ALJR 570

- *Fortescue Metals Group v. The Commonwealth* (2013) 87 ALJR 935
- *Public Service Association v. Director of Public Employment* (2013) 87 ALJR 162
- *ADCO Constructions Pty Ltd v. Goudappel* (2014) 88 ALJR 624
- *Apotex Pty Ltd v. Sanofi-Aventis Australia Pty Ltd* (2014) 88 ALJR 261
- *Clark v. Macourt* (2014) 88 ALJR 190
- *Williams v. The Commonwealth (No 2)* (2014) 88 ALJR 701
- *Electricity Generation Corporation v. Woodside Energy Ltd* (2014) 88 ALJR 447
- *Versi v. The Queen* [2014] HCA Trans 163
- *Brookfield Multiplex Ltd v. Owners Corporation Strata Plan 61288* [2104] HCA 36

### **Dispute Resolution**

He has acted as an arbitrator in a number of domestic and international arbitrations in relation to a wide range of disputes, involving intergovernmental relations, prices for energy, and commercial arbitrations. He sometimes acts as a mediator.