

**CEDRIC HAMPSON
CHAMBERS**

STEPHEN RICHARD LUMB

YEAR ADMITTED: 1985

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Level 17, 107 North Quay
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PROFESSIONAL QUALIFICATIONS

Barrister of the Supreme Court of Queensland (Admitted 29 July 1985)

Barrister and Solicitor of the Supreme Court of Western Australia

AREAS OF PRACTICE

Body Corporate (strata)

Building and Construction

Commercial and Equity

Contract

Insurance

Landlord and Tenant

Professional Negligence

Real Property and Land Contract

Disputes Taxation

CASES

Stephen has appeared as sole Counsel or as Junior Counsel in a variety of jurisdictions. Such appearances include the following:

High Court

Commissioner of Taxation v Unit Trend Services Pty Ltd (2013) 250 CLR 523 (Appeal); [2013] HCA 16

Commissioner of Taxation v Unit Trend Services Pty Ltd [2013] HCA Trans 46 (Special Leave)

Russell v Commissioner of Taxation [2012] HCA Trans 21 (Special Leave)

Queensland Court of Appeal

Delta Pty Ltd v Mechanical and Construction Insurance Pty Ltd [2019] QCA 62

Mirvac Queensland Pty Ltd v Wilson [2010] QCA 322

Bossichix P/L v Martinek Holdings P/L [2009] QCA 154

Mitchell v Pacific Dawn Pty Ltd [2003] QCA 526

Queensland Supreme Court

Wakefield v Commissioner of State Revenue [2019] QSC 085

Delta Pty Ltd v Team Rock Anchors Pty Ltd [2018] 1 Qd R 564

Prentice & Carmody as Trustees for Carmprent Unit Trust v AGL Sales Pty Ltd (2015) 296 FLR 202; [2015] QSC 154

Wilson v Mirvac Queensland Pty Ltd [2010] QSC 087

Bossichix Pty Ltd v Martinek Holdings Pty Ltd [2008] QSC 278

Southern Cross Mine Management Pty Ltd v Ensham Resources Pty Ltd [2004] QSC 457

Hartglen Pty Ltd v Geoff Mitchell & Associates Pty Ltd [2004] QSC 067

Anderson v AON Risk Services Australia Ltd (2004) 13 ANZ Ins Cas 61-614; [2004] QSC 049

Southern Cross Mine Management Pty Ltd v Ensham Resources Pty Ltd [2004] 2 Qd R 207

Southern Cross Mine Management Pty Ltd v Ensham Resources Pty Ltd [2003] QSC 486

Mitchell v Pacific Dawn Pty Ltd [2003] QSC 179

Mitchell v Pacific Dawn Pty Ltd [2003] QSC 086

Crooks v Fitzgerald [2001] QSC 371

Full Court of the Federal Court of Australia

Queensland Maintenance Services Pty Ltd v Commissioner of Taxation (2012) 91 ATR 125; [2012] FCAFC 152

Unit Trend Services Pty Ltd v Commissioner of Taxation (2012) 85 ATR 48; [2012] FCAFC 112

Russell v Commissioner of Taxation (2011) 190 FCR 449; [2011] FCAFC 10

Coal Developments (German Creek) Pty Ltd v Commissioner of Taxation (2008) 71 ATR 96; [2008] FCAFC 27

Pearson v Commissioner of Taxation (2006) 232 ALR 55; [2006] FCAFC 111

JMA Accounting Pty Ltd v Carmody (2004) 139 FCR 537; [2004] FCAFC 274

Electricity Supply Industry Superannuation (Qld) Ltd v Deputy Commissioner of Taxation (2003) 199 ALR 339; [2003] FCAFC 138

Federal Court of Australia

Unit Trend Services Pty Ltd v Commissioner of Taxation [2013] FCA 333

Russell v Commissioner of Taxation (No 2) (2009) 74 ATR 760; [2009] FCA 1469

Russell v Commissioner of Taxation (Cth) (2009) 74 ATR 466; [2009] FCA 1224

Meridien Marinas Horizon Shores Pty Ltd v Federal Commissioner of Taxation (2009) 221 FCR 534; [2009] FCA 1594

Russell v Commissioner of Taxation (2008) 168 FCR 330; [2008] FCA 343

National Mortgage Co Pty Ltd v Commissioner of Taxation (2008) 69 ATR 543; [2008] FCA 9

Commissioner of Taxation v Atherton [2007] FCA 1569

Coal Developments (German Creek) Pty Ltd v Commissioner of Taxation (2007) 241 ALR 667; [2007] FCA 1324

Bauer v Power Pacific International Media Pty Ltd (2007) ASAL 55-166; [2007] FCA 349
JMA Accounting Pty Ltd v Carmody (2006) 64 ATR 537; [2006] FCA 1519
Westfield Management Ltd v Brisbane Airport Corp Ltd [2005] FCA 32
JMA Accounting Pty Ltd v Carmody (2004) 56 ATR 327; [2004] FCA 896
Australian Competition and Consumer Commission (ACCC) v Black on White Pty Ltd (2004) 138 FCR 314; [2004] FCA 363
Direct Factory Outlets Pty Ltd v Westfield Management Ltd (2003) 132 FCR 428; [2003] FCA 1095
Australian Competition and Consumer Commission v Black on White [2002] FCA 1605
Australian Competition and Consumer Commission (ACCC) v Black on White [2002] FCA 739
Australian Competition and Consumer Commission v Black on White Pty Ltd [2001] FCA 372
Australian Competition and Consumer Commission (ACCC) v Black on White Pty Ltd (2001) 110 FCR 1; [2001] FCA 187

Administrative Appeals Tribunal

Queensland Maintenance Services Pty Ltd (In Liq) and Commissioner of Taxation (Taxation) [2018] AATA 4525
Taxpayer and Commissioner of Taxation (2010) 76 ATR 917; [2010] AATA 497

TRIBUNAL POSITIONS

2014 – Current: Sessional Member of the Queensland Civil and Administrative Tribunal
2011 – Current: Member of the University of Queensland Student Union Electoral Tribunal

EDUCATION

Master of Laws (Queensland University of Technology)
 Bachelor of Laws (University of Queensland)
 Bachelor of Arts (University of Queensland)

CONTRIBUTIONS TO REVIEW OF PROPERTY LAWS IN QUEENSLAND

In 2015, Stephen made written contributions to the Review of Queensland Property Laws being conducted by the Commercial and Property Law Research Centre at QUT in relation to the provisions of the *Property Law Act 1974* (Qld) concerning:

- (a) Vendor and Purchaser Summons (incorporated in Property Law Review Issues Paper (1));
- (b) Summary Recovery of Possession (incorporated in Property Law Review Issues Paper 2); and
- (c) Co-ownership (incorporated in Property Law Review Issues Paper 4).

LEGAL PUBLICATIONS

Stephen has made numerous contributions to legal writing in Australia (which publications include the Australian Law Journal and other national journals) including the following:

Establishing accessorial liability under the Australian Consumer Law

(2014) Australian Journal of Competition and Consumer Law 254 (Author)

Reading words into statutes: When Homer nods

(2014) 88 Australian Law Journal 661 (Co-author)

Dicing with deed polls

(2014) 34 (6) Proctor 14 (Author)

A mortgagee's liability for body corporate debts: The lurking danger of recovery costs

(2014) 29 (2) Australian Property Law Bulletin 26 (Author)

Termination of community (strata) titles schemes

(2014) 29 (2) Australian Property Law Bulletin 26 (Author)

Lodgement of a caveat without reasonable cause: a cautionary tale

(2011) 25 (9) Australian Property Law Bulletin 290 (Author)

The Impact of Enforcement Warrants on Unregistered Transferees in Queensland

(2010) 24 (8 & 9) Australian Property Law Bulletin 13 (Author)

The Development Approval Exception to "Residential Property" under the Property Agents and Motor Dealers Act 2000 (Qld)

(2009) 24 (2 & 3) Australian Property Law Bulletin 26 (Author)

Termination of Contracts and the Entrenchment of the "Hongkong Fir" Doctrine

Hearsay, Issue 25, April 2008 (Author)

Present Declarations of Trust, the Statute of Frauds and Part Performance

(2006) 80 Australian Law Journal 796 (Author)

Assessment of damages for breach of the Standard Land Contract: A Vendor's Perspective

(2006) 27 Qld Lawyer 138 (Author)

The Impact of the Property Agents and Motor Dealers Act (Qld) on Put and Call Options

(2006) 21(3 & 4) Australian Property Law Bulletin 29 (Author)

Assignees of Retail Shop Leases: Compensation against Lessors Denied

(2006) 21(2) Australian Property Law Bulletin 23 (Author)

Purchaser's Loss of Profit for Vendor's Breach: Obstacles to Recovery

(2006) 21(1) Australian Property Law Bulletin 7 (Author)

Ascertaining when loss is first suffered by misleading conduct: Relevance of contingencies, future predictions and concealment

(2005) 13 Trade Practices Law Journal 149 (Co-author) (cited in *Edwards v Stocks* (2008) ANZ Conv R 8-023, [2008] TASSC 12 at [70])

Retail Tenancy Disputes: Better the Tribunal or the Courts?

(1999) 8 National Law Review 1 (Co-author)

Lack of a Legal Leasehold Relationship – A Landlord's Perspective

(1995) 25 Queensland Law Society Journal 535 (Author)

Can Non-Disclosure of a Defect in Quality of Title entitle a Purchaser to Rescind?

(1993) Queensland Law Society Journal 311 (Co-author)

Consumer Protection in Queensland Court Forms Precedents and Pleadings Butterworths

(Original Co-author)

LEGAL TEACHING

2015 (Semester 1): Sessional Tutor (Law), Queensland University of Technology

2010: One of the workshop leaders at the Property Agents and Motor Dealers Workshop at the Queensland Law Society Property Law conference

2009: One of the workshop leaders at the Property Agents and Motor Dealers Workshop at the Queensland Law Society Property Law conference

2004: Presented a paper, at a Legalwise seminar, entitled *Accrual of Causes of Action pursuant to s 82 of the Trade Practices Act 1974*