

# **PAUL JAMES HAYES QC**

## **CURRICULUM VITAE**



### **PRACTICE DETAILS**

#### **Melbourne**

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### **GENERAL PROFESSIONAL BACKGROUND**

Commenced practice as a Barrister at the Sydney Bar in 1990 (read with Bernard Coles QC, University Chambers), before relocating to the Melbourne Bar in 1997. Appointed Senior Counsel on 23 November 2017. Letters patent granted on 10 April 2018.

Advise and appear in cases at interlocutory, trial and appellate levels, (common law litigation [defamation and negligence & insurance], commercial & equity litigation, international law & arbitration, large scale/complex litigation, sporting disputes and constitutional & administrative law), conducted in multiple jurisdictions, but primarily in Melbourne, Sydney, Perth, London, Singapore, Kuala Lumpur and Lausanne. Also appear in jury cases, particularly in civil matters and especially in the field of defamation.

Appointed a Senior Fellow at the University of Melbourne (Faculty of Law) in 2010 and lecture in the subject 'Sports Dispute Resolution'. Recognised internationally in *Who's Who Legal* (2016-2019) as a leading lawyer in the specialty of sports law ([www.WhosWhoLegal.com](http://www.WhosWhoLegal.com)).

Prior to commencing practice at the Bar, practised as a Lawyer (1986 to 1990) at: Power & Power, Brisbane; Allen Allen & Hemsley (Allens), Sydney; and Baker & McKenzie, Sydney.

### **EDUCATION AND ACADEMIC HISTORY**

#### **Chartered Institute of Arbitrators, London**

Fellow of the Chartered Institute of Arbitrators – FCI Arb, 2013.  
Diploma in International Commercial Arbitration– Dipl Arb, 2013.  
(Dipl Arb course undertaken at St Anne's College, University of Oxford, 2012)

#### **University of Cambridge**

Master of Studies – MSt, 2010.  
Faculty of Social and Political Sciences (Centre for International Studies) and Wolfson College  
Thesis Title: *The Effect of International Relations on Sports Anti-Doping Regulation*.  
Visiting Fellow, 2005-2006.  
Faculty of Law (Lauterpacht Centre for International Law) and Wolfson College

Research Topic: *The International Resolution of Sporting Disputes: Private or Public International Law Framework?*

**Queensland University of Technology**

Bachelor of Laws – LLB, 1986.

Faculty of Law

(Union College, University of Queensland, 1984-1985)

**JURISDICTIONS ADMITTED TO PRACTICE**

**England and Wales (Lincoln's Inn)**

Called to the Bar as a member of The Honourable Society of Lincoln's Inn. 9 March 2006. (Prior temporary call - 4 July 2005).

**High Court of Fiji**

Barrister-at-Law. (Provisionally) 5 December 1994, 2 August 1995 and 20 October 1998.

**Supreme Court of New South Wales**

Barrister-at-Law. 3 August 1990.

**High Court of Australia**

Barrister and Solicitor. 22 June 1989.

**Supreme Court of Victoria**

Barrister and Solicitor. 2 November 1988. (Signed the Victorian Bar Roll - 3 July 1997).

**Supreme Court of Queensland**

Barrister-at-Law. 16 December 1987.

**PRACTICE AREAS**

**International Law and Arbitration**

International commercial arbitrations conducted before the following international arbitration panels: London Court of International Arbitration (LCIA); International Chamber of Commerce (ICC); Singapore International Arbitration Centre (SIAC); Asian International Arbitration Centre (AIAC, formerly KLRCA); Hong Kong International Arbitration Centre (HKIAC); Australian Centre for International Commercial Arbitration (ACICA); and the Court of Arbitration for Sport (CAS). Challenges to and Enforcement of arbitral awards.

**Commercial & Equity Litigation**

Contractual Disputes, Equity, Trusts & Probate, Real Property, Landlord & Tenant, Trade Practices, Banking & Finance, Securities (including Guarantees), Insolvency (including Bankruptcy), Corporations Law & Partnership, Insurance and Intellectual Property.

**Common Law Litigation**

Defamation & Media (including Privacy & Contempt), Insurance, Negligence, Professional Negligence and Products Liability.

**Sports Law**

Sporting Disputes conducted before the Court of Arbitration for Sport, Sports Disputes Resolution Panel (UK), Statutory & Domestic Tribunals and Courts, including Doping, Selection, Eligibility, Integrity, On & Off Field Conduct, Results & Outcomes, Contractual Disputes, Sponsorship, Competition Organisation, Internal Management & Membership and Public/Private International Law.

**Constitutional & Administrative Law**

Judicial review and administrative law, Merits review, Constitutional law, Disciplinary proceedings.

## **SIGNIFICANT CASES**

### **International Law and Arbitration**

#### *Arbitration seated in Malaysia and conducted under AIAC Rules*

Appointment (Sole Arbitrator) dated 5 April 2017. Proceedings resolved in June 2019.  
Media and Broadcasting. Claim: MYR RM472,604,114M (USD \$110M).

#### *Arbitration seated in Australia and conducted under RIoA Rules*

Retained as Counsel (Leading Louis Hawas of Counsel). Interim Award dated 5 April 2019.  
Education, Intellectual Property, Licence Agreement (AUS-CHN). Injunction.

#### *Arbitration seated in the United Kingdom and conducted under LCIA Rules*

Retained as Counsel, May 2015. Proceedings resolved in September 2017.  
Telecommunications, Technology, International Trade. Claim: USD\$50.0M

#### *Arbitration seated in Singapore and conducted under SIAC Rules*

Retained as Counsel, May 2015. Proceedings resolved in September 2017.  
Electronic Technology, International Trade. Claim: USD\$800K

#### *Arbitration seated in Malaysia and conducted under KLRCA Rules*

Appointment (Sole Arbitrator) dated 15 November 2015. Final Award, 12 September 2017.  
Infrastructure. Claim: MYR RM5,763,363 (USD \$1.349M).

#### *Arbitration seated in Malaysia and conducted under UNCITRAL Rules*

Appointment (Sole Arbitrator) dated 3 December 2015. Final Award, 28 September 2016.  
Infrastructure, Transportation and Energy. Claim: MYR RM45,000,000M (USD \$11.250M).

Since 2003, have appeared as Counsel in numerous *Court of Arbitration for Sport* arbitrations (CAS Awards being enforceable under the *New York Convention 1958*), as referred to in 'Sports Law' section below.

### **Commercial Law & Equity**

#### *Jieyun Pty Limited v Toorak Development Group Pty Limited and Others*

Supreme Court of Victoria (Commercial Court). [Lyons J, Unreported, 8 April 2019, 19 September 2018 and 23 August 2018, No. S CI 2018 00919]. (Leading Daniel Kinsey of Counsel).  
Contract, Breach of contract. Trust, Breach of trust. World-wide Freezing order, Domestic Freezing order. Search and seizure order.

#### *Kassiou and Others v Heard and Another Re GEBIE Services Pty Ltd (In Liquidation)*

Federal Court of Australia (Adelaide). [2017] FCA 425.  
Appeal/Leave to Appeal. Corporations, Corporations Act 2001, ss. 596A, 596D, 597(9). Whether company's 'examinable affairs' includes personal/confidential documents of examinees.

#### *Kambouris v Kiatos*

Supreme Court of Victoria (Court of Appeal). [2016] VSCA 266.  
Appeal, Application for leave to appeal out of time. Damages, Assessment.

#### *Bridge Bar Investments Pty Ltd and Anor v Dog at the Bridge Pty Ltd and Others*

Supreme Court of Victoria (Commercial Court). [2016] VSC 224. (Leading Myles Tehan of Counsel).  
Courts and Judges, Apprehended bias, Relevant principles.

#### *St Kilda Arts & Events Company (Vic) Pty Ltd and Others v Apes With Wings Pty Ltd and Another*

Supreme Court of Victoria (Court of Appeal). [2015] VSCA 199. (Leading David Yarrow of Counsel).  
Appeal, Application for stay of execution of judgment pending appeal.

#### *Sgargetta v National Australia Bank Ltd*

Supreme Court of Victoria (Court of Appeal). [2014] VSCA 159. (Leading Joel Silver of Counsel).  
Appeal, New evidence on appeal. Mortgage and securities, Proper construction of settlement deed, Accord and conditional satisfaction, Defence of tender.

*Loftus v Australia and New Zealand Banking Group Ltd*

Supreme Court of Victoria. [2014] VSC 342. (Leading Joel Silver of Counsel).

Appeal from judgment of Associate Justice, New evidence on appeal. Mortgage, summary judgment application, Triable issue. Civil Procedure Act 2010 (VIC), ss. 63, 64.

*Mathai and Others v Nelson*

High Court of Australia. [2013] HCASL 115. (Leading Dr Oren Bigos of Counsel).

Federal Court of Australia. [2012] FCA 1448; (2012) 208 FCR 165.

Federal Magistrates Court of Australia (Melbourne). [2011] FMCA 686; (2011) 253 FLR 139.

Bankruptcy, Fraudulent disposition of property, Proof of insolvency at time of contested transfers of property, Bankruptcy Act 1974, s. 121.

*Fulton Hogan Construction Pty Ltd v Cox Coating Pty Ltd and Wattyl Australia Pty Ltd*

Supreme Court of Victoria (Commercial & Equity Division - TEC List). [2012] VSC 358. (Leading Karen Le Faucheur of Counsel).

Hearing: 3, 6-7, 10-13, 17-20, 24-27 October, 2-4, 7-9, 16-17 November 2011 (23 days).

Negligence, Causation, Failure of bridge coating, Defective product or faulty application of product. Damages, Calculation of economic loss.

*Zhou v Kousal*

Supreme Court of Victoria (Commercial & Equity Division). [2012] VSC 187, (2013) 35 VR 419. (Leading Julian Snow of Counsel).

Execution of Judgment, Sheriff's duties on unreserved sale of property, Inherent jurisdiction of court to set aside sale at undervalue. Equity, unconscionability.

*Korda (Receiver and Manager), In the matter of South Eastern Secured Investments Ltd (Receivers and Managers Appointed)*

Federal Court of Australia (Melbourne). [2010] FCA 1417; (2010) 191 FCR 68.

Corporations, Corporations Act 2001, s. 596B, Whether company's 'examinable affairs' includes the value of an insurance policy, Legal Profession Act 2004, s. 6.6.13(2), Whether examination is a 'proceeding'.

*Independent Cement & Lime Pty Ltd v Rafidi and Others*

County Court of Victoria (Melbourne - Commercial List). [2010] VCC 521.

Equity, Freezing order sought against third party, Restructuring of family business, Balance of convenience.

*Narain v Euroasia (Pacific) Pty Ltd*

Federal Court of Australia (Melbourne). [2010] FCA 1352.

Bankruptcy, Application to aside sequestration order, Leave to appeal out of time.

High Court of Australia. [2010] HCATrans 188.

Supreme Court of Victoria (Court of Appeal). [2009] VSCA 290; (2009) 26 VR 387.

Equity, Characterisation of financial transactions, Application of *Garcia* and *Yerkey* principle.

*WPS Enterprises Pty Ltd v Radford*

High Court of Australia. [2009] HCATrans 223.

County Court of Victoria (Melbourne - Commercial List). [2007] VCC 941. ([2009] VSCA 22). (Leading Hans Bokelund of Counsel).

Contract, Restraint of Trade, Breach, Reasonableness of restraint.

*Fieldglen and Ford v Financial Services Authority and Keydata Investment Services Limited (In Administration)*

High Court of Justice (Chancery Division). Claim No. HC09C02458. (London, United Kingdom). Coram: Briggs J, 13, 16 July 2009; Coram: Richards J, 22-23 July 2009. (With Hodge Malek QC; Saima Hanif and Rebecca Drake with me).

Financial Services and Markets Act 2000 ('FSMA'), Part XI, Information gathering and investigations by the FSA, Validity of notice issued under ss. 171, 172 FSMA, Enforcement of notice; Breach of Confidentiality; Breach of Privacy, European Convention on Human Rights, Article 8; Trespass to goods (conversion of computer server and data); Data Protection Act 1998, s. 55; Interim injunction, principles for grant of relief. (Large scale litigation).

*Barcar Pty Ltd v Carpatsea Pty Ltd*

Supreme Court of New South Wales (Equity Division - Commercial List) (Sydney). [2008] NSWSC 344.  
Trade Practices Act 1974, s. 52, Misleading and deceptive conduct, Reliance, Damages.

*Morton v Elgin-Stuczynski*

Supreme Court of Victoria (Court of Appeal). [2008] VSCA 25; (2008) 19 VR 294. (Leading Deborah Mandie of Counsel).

Interest, Method of calculation, Compound or simple interest.

Supreme Court of Victoria (Commercial & Equity Division). [2006] VSC 279; [2007] VSC 8.

Contract, Interpretation, Mistake, Consideration, Certainty/Implied Terms. Nature of Demand. Interest. Costs.

*The Australian Steel Company (Operations) Pty Ltd v Hicks, Murden and Ausreo Pty Ltd*

Supreme Court of Victoria (Commercial & Equity Division).

Proceedings No. 5665 of 2003.

Contract, Breach, Restraint of trade. Proceedings settled in 2007. (Large scale litigation).

*Mobile Cosmetic Treatments Pty Ltd v Cosmetic Equipment Company Pty Ltd*

Supreme Court of Victoria (Commercial & Equity Division). [2007] VSC 194.

Equity, Injunction. Contract, Interpretation. Private International Law, Chinese law. Adequacy of remedy of damages.

*Flashback Ventures Limited v The New Clapham Grand Limited and Howard Spooner*

High Court of Justice (Chancery Division). Claim No. HC05C00560 (London, United Kingdom). Coram: Collins J, 27 October 2005.

Contract, Wrongful termination, Breach. Equity, Relief against forfeiture, Account of profits, Freezing orders. Proceedings settled in 2007.

*Nine Network Australia Ltd v Roy Morgan Research Pty Ltd and Seven Network Ltd*

Federal Court of Australia (Sydney). Proceedings No. N-1298 of 2004.

Intellectual Property, Trademarks ('the worm'), Breach, Proprietorship, Prior/Honest and concurrent use. Proceedings settled in 2006. (Large scale litigation).

*Martech Energy Systems Pty Ltd (In Liquidation) & Another v Bell*

Supreme Court of Victoria (Commercial & Equity Division). [2005] VSC 198.

Equity, Resulting Trusts, Insufficiency of evidence led in rebuttal of presumption of resulting trust.

*Sarkis and Others v Deputy Commissioner of Taxation*

Supreme Court of Victoria (Court of Appeal). [2005] VSCA 67. (Junior to Gavan Griffith QC on appeal).

Supreme Court of Victoria (Commercial & Equity Division). [2003] VSC 349; (2003) 54 ATR 127.

Constructive Trusts. No case submissions. Standing of Plaintiff under s. 3(5) Supreme Court Act 1986. Declaration.

*Lau v Bob Jane T-Marts Pty Ltd*

Supreme Court of Victoria (Commercial & Equity Division). [2004] VSC 69.

Contract of employment, Existence of contract, Termination, What constitutes 'reasonable notice' on termination.

*Hollow and Sons (In Liquidation) Pty Ltd and Others v A.H. Hollow and Another*

Supreme Court of Victoria (Commercial & Equity Division). [2002] VSC 543.

Interlocutory Injunction. Allegation company trading while insolvent. Liability of directors to creditors.

*IGA Distribution Pty Ltd v King & Taylor Pty Ltd and Another*

Supreme Court of Victoria (Commercial & Equity Division). [2002] VSC 440. (Leading Lisa Hannon of Counsel).

Contract, Repudiation. Specific performance. Real Property, Failure to lodge caveat, Consequences, Constructive notice.

*Layrill Pty Ltd v Furlap Constructions Pty Ltd*

Supreme Court of Victoria (Commercial & Equity Division). [2002] VSC 51; (2002) V ConvR 54-659.

Real Property, Caveats, Successive caveats, Caveatable interest, Transfer of Land Act 1958 (VIC), ss. 91(4), 103(1).

*Chapman v E-Sports Club Worldwide Limited and Another*

Supreme Court of Victoria (Commercial & Equity Division – Corporations List). [2000] VSC 403; (2000) 35 ACSR 462; (2001) 19 ACLC 213.

Corporations, Derivative action, Application of rule in Foss v Hardbottle (NSL), Corporations Law, ss. 236, 237.

*Karadimas v H & P Solopitias Pty Ltd*

Supreme Court of Victoria (Commercial & Equity Division). [2000] VSC 392.

Mareva Injunction, Serious question to be tried, Onus of proof.

*Kyriakou v Saba*

Supreme Court of Victoria (Commercial & Equity Division). [2000] VSC 318.

Trusts, Creation, Constructive trust, Nature of contributions. Equity, 'clean hands'. Bankruptcy Act 1966, ss. 58, 139U.

*Beckwith v Pedlar*

Supreme Court of Victoria (Court of Appeal). [2000] VSCA 86.

Costs, Difference between solicitor/client and solicitor/own client, Solicitor's entitlement.

*Telstra Corporation Ltd v AAPT Ltd ex parte Hansen Corporation Ltd*

Federal Court of Australia (Sydney). [1999] FCA 1410.

Practice & Procedure, Setting aside Subpoena, Non-party costs, Whether costs of compliance include legal costs.

*Bunninghausen v Glavanics*

New South Wales Court of Appeal. [1999] NSWCA 199; (1999) 46 NSWLR 538; (1999) 32 ACSR 294; (1999) 7 ACLC 1247. (Junior to Bernard Coles QC).

Supreme Court of New South Wales. (1996) 19 ACSR 204; (1996) 14 ACLC 345.

Corporations, Fiduciary duties of Directors. Constructive Trusts; Trade Practices Act 1974, ss. 52, 82.

*Liberty USA Pty Ltd v Telstra Corporation Ltd*

Federal Court of Australia (Melbourne). [1998] FCA 1189.

Contract, Existence, Breach. Equity, Unconscionability, Estoppel. Trade Practices Act 1974, s. 52. Damages, calculation.

*Deputy Commissioner of Taxation v Cliveden Consulting Group Pty Ltd and Another*

Supreme Court of New South Wales (Equity Division). (1996) 33 ATR 521; (1996) 34 ATR 26.

Taxation. Recovery. Breach of undertaking by taxpayer to maintain assets of company. Contempt.

*Commonwealth Bank of Australia v Trellis Holdings Pty Ltd and Others*

New South Wales Court of Appeal. (1996) 39 NSWLR 337; (1996) 132 FLR 266.

Mortgages, Prohibition on 'enforcement'. Farm Debt Mediation Act 1994 (NSW), s. 4(1). Corporations Law, ss. 459E&P.

Supreme Court of New South Wales. (1996) 19 ACSR 319; (1996) 14 ACLC 650.

Mortgages, Prohibition on 'enforcement'. Farm Debt Mediation Act 1994 (NSW).

*The Baltic Shipping Litigation*

Federal Court of Australia/Supreme Court of New South Wales/Supreme Court of Victoria. (1995 to 1996) (Junior to Henry Jolson QC in multiple proceedings).

Admiralty, (MV Skulptor Vuchetich, MV Skulptor Konenkov), Maritime debts. Mareva relief. (Large scale litigation).

*Elders NZ Forest Products Ltd v Pacific Timber Developments Ltd*

High Court of Fiji (Suva, Fiji). (1995).

Contract, Breach. Securities, Mortgage and Charge, Enforcement. Equity, Unconscionability. Proceedings settled mid-trial in 1995.

*Karedis Enterprises Pty Ltd and Another v Antoniou and Another*

Full Court of the Federal Court of Australia (Sydney). [1995] FCA 1356; (1995) 59 FCR 35; (1995) 137 ALR 544; (1995) 31 IPR 393; (1995) ATPR 41-427. (Junior to Bruce Collins QC on appeal).

Misrepresentation. Limitation of actions. Calculation of loss. Trade Practices Act 1974, ss. 52, 82, 87.

Federal Court of Australia (Sydney). [1994] FCA 1551; (1995) ATPR 41-400.

Trade Practices Act 1974, ss. 52, 82, 87, Misleading and deceptive conduct, Limitation of actions.

*Hosmer Holdings Pty Ltd v CAJ Investments Pty Ltd*

Federal Court of Australia (Sydney). (1995) 57 FCR 45; (1995) ATPR 41-407; (1995) ATPR 41-442.

Misleading or deceptive conduct, Representations as to future conduct, Damages, Trade Practices Act 1974, ss. 52, 82.

*Pyout Pty Ltd v Puleo and Others*

Supreme Court of New South Wales (Equity Division). [Cohen J, unreported, 18 October 1991, No. 2249/1991]. (Junior to David Bennett QC).

Real Property, Deposit, Forfeiture, Calculation of loss.

## **Common Law (Defamation, Negligence and Insurance)**

### Defamation

*Tsamis v State of Victoria*

Supreme Court of Victoria (Common Law Division - Defamation List). Coram: John Dixon J, Jury. Hearing: 5-9, 12-16, 19-23, 26-28 August, 16 December 2019, 24 February 2020. [2020] VSC 67; [2019] VSC 826; [2019] VSC 591; [2019] VSC 590; [2019] VSC 507; [2019] VSC 506; [2018] VSC 209; [2017] VSC 496. (Leading Renee Sion and Justin Hooper of Counsel).

Defamation, Imputations capable of being defamatory, Justification, Damages, Costs. Evidence, Hearsay exception. Practice and Procedure, Witness pseudonym orders

*Teo v Pacific Media Group Pty Ltd*. [2016] VSC 626.

Supreme Court of Victoria (Common Law Division - Defamation List). (Leading Justin Hooper of Counsel).

Practice and Procedure, Release from *Harman* obligation in respect of documents obtained on subpoena from VCAT. Defamation, Amendment of Defence, Plea of justification.

*Von Marburg v Aldred and Mourik*

Supreme Court of Victoria (Common Law Division - Defamation List). [Dixon J, Unreported, 19 June 2015, No. S CI 2014 06065]. (Leading Justin Hooper of Counsel).

Defamation, Internet publication (social media). Practice and procedure, Summary dismissal, Strike-out pleading, SCR rr. 13.02, 23.02.

*Stanton v Fell*

Supreme Court of New South Wales (Court of Appeal). [2014] NSWCA 44.

Supreme Court of New South Wales (Common Law Division – Defamation List). [2013] NSWSC 1001; [2014] NSWSC 1052.

Defamation, Defamatory imputations and meanings, Justification, Qualified privilege, Malice, Triviality, Damages. Costs, Defamation Act 2005 (NSW), s. 40, Indemnity costs.

*Akras v Mora*

County Court of Victoria (Melbourne). Coram: Judge Murphy, Jury. Hearing: 20, 23-27, 30, 31 July, 1, 2, 13 August 2012. [2012] VCC (23 August 2012).

Defamation, Justification, Qualified Privilege, Malice, Damages.

*French v Herald and Weekly Times Ltd*

Supreme Court of Victoria (Common Law Division – Defamation List). [2010] VSC 127, (2010) 27 VR 140; [2010] VSC 155, (2010) 27 VR 171. (Leading Renee Sion of Counsel).

Practice and Procedure, Trial by Jury or Judge alone. Defamation, Defamatory imputations and meanings, 'Pollypeck' Justification, Fair comment, Qualified privilege, Malice, Damages, Mitigation of damages.

*French v Triple M Melbourne Pty Ltd*

Supreme Court of Victoria (Common Law Division - Defamation List). Coram: J Forrest J, Jury. Hearing: 10-14, 17-21, 24-28 November, 1 December, 2008. [2008] VSC 547; [2008] VSC 548; [2008] VSC 549; [2008] VSC 550; [2008] VSC 553. (Leading Jane Treleaven of Counsel).

Defamation, Defamatory imputations and meanings, Justification, Fair Comment, Malice, Damages.

(Plaintiff succeeded on claim. Defendants ordered to pay to the Plaintiff damages in the amount of \$350,000, plus interest and solicitor/client costs).

*French v John Fairfax Publications Pty Ltd*

Supreme Court of Victoria (Common Law Division - Defamation List). [2007] VSC 105. (Leading Jane Treleaven of Counsel).

Defamation, Interrogatories, Application of 'newspaper rule' where malice pleaded in answer to fair comment defence.

*French v Triple M Melbourne Pty Ltd & Others*

Supreme Court of Victoria (Common Law Division - Defamation List). [2006] VSC 36. (Junior to Simon Wilson QC).

Practice and procedure, Setting aside default judgment, Whether arguable defence, Defamation, SCR rr. 21.01, 21.07.

*Negligence & Insurance*

*Djukic v Kokosi Constructions Pty Limited*

County Court of Victoria (Melbourne). Coram: Judge Ginnane, Jury. Hearing: 9-11, 14-18, 21-25, 28 October 2019. (Leading Tom Storey of Counsel).

Negligence, Personal Injury, Liability, Quantum.

*Barnes v Forys*

County Court of Victoria (Morwell). Coram: Judge Jordan, Jury. Hearing: 27-31 May, 1 June 2019. (Leading Paul Lamb of Counsel).

Medical Negligence, Liability, Quantum.

*Bamco Grove Pty Limited and Anor v Contek Constructions Pty Limited & Anor*

County Court of Victoria, Commercial List (Melbourne). [2019] VCC 400; [2019] VCC 327. (Leading Dr Matt Barrett of Counsel).

Negligence, Insurance, Property Damage, Liability, Quantum. Costs, Indemnity Costs.

*Singh v Estia Investments Pty Limited*

County Court of Victoria (Melbourne). [2019] VCC 356 (Leading Natasha Crowe of Counsel).

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & Suffering, Economic Loss).

*Quilligan v Copyshift Group Pty Limited*

Supreme Court of Victoria (Melbourne). [2018] VSC 784. (Leading Brooke Hutchins of Counsel).

Negligence, Personal injury, Liability, Quantum.

*Radosavljevic v Residential Commercial Industrial Roofing Pty Limited*

County Court of Victoria (Melbourne). Coram: Judge Bourke, Jury. Hearing: 7 to 17 May 2018. (Leading Paul Lamb of Counsel).

Negligence, Personal injury, Liability, Quantum.

*King v Victorian Workcover Authority*

County Court of Victoria (Melbourne). [2018] VCC 184. (Leading Carmelina Spitaleri of Counsel).

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & Suffering, Economic Loss).

*Victorian Workcover Authority v Racing Victoria Limited*

County Court of Victoria (Melbourne). [2018] VCC 124.

Recovery, Accident Compensation Act 1986 (VIC), s. 138 (Indemnity).

*Pandurevic v Healthscope Pty Ltd*

County Court of Victoria (Melbourne). [2017] VCC. (Leading Johannes Angenent of Counsel).

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & Suffering, Economic Loss).

*Griffin v The Orbost Club Inc*

County Court of Victoria (Melbourne). Coram: Judge Saccardo, Jury. Hearing: 13 to 25 October 2017.

Negligence, Personal injury, Liability, Quantum.



*Balalas v Spendless Shoes Pty Ltd*

County Court of Victoria (Melbourne). [2017] VCC 853. (Leading Megan Tait of Counsel).

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & Suffering, Economic Loss).

*Kavusan v Capeyield Pty Ltd*

County Court of Victoria (Melbourne). Coram: Judge Brookes, Jury. Hearing: 7 to 25 August 2017. (Leading Simone Bailey of Counsel).

Negligence, Personal injury, Liability, Quantum.

*Vale v Daumeke and Others*

Supreme Court of Victoria (Common Law Division). [2017] VSC 467. (Leading Daniel Kinsey and Tass Antos of Counsel).

Negligence, Assessment of Damages. Foreign State Immunity, Foreign State Immunity Act 1985 (Cth), ss. 9, 13 and 27. Motor Vehicles (Third Party Insurance) Act Cap 177 (Fiji).

*Griffin v The Orbest Club Inc*

County Court of Victoria. [2017] CCV 1022.

Limitation of Actions Act 1958, ss. 23A, 27D, 27F, 27K, 27L; Tort. Negligence.

*Kalos v Goodyear & Dunlop Tyres (Aust) Pty Ltd and Victorian Automobile Chamber of Commerce*

Supreme Court of Victoria (Common Law Division). [2016] VSC 715.

Negligence, Personal injury, Liability, Quantum.

*Lagogiannis v ALH Group Pty Ltd and Others*

County Court of Victoria (Melbourne). [2016] VCC 30.

Limitation of Actions Act 1958, ss. 23A, 27D, 27F, 27K, 27L; Tort. Assault and Battery.

*Victorian Workcover Authority v Princess Laundry Services Pty Ltd*

County Court of Victoria (Melbourne). [2015] VCC 1771.

Recovery, Accident Compensation Act 1986 (VIC), s. 138 (Indemnity).

*Etan v Owners Corporation PS414356B*

County Court of Victoria (Melbourne). Coram: Judge Parrish, Jury. Hearing: 12 to 24 August 2015. (Leading Daniel Briggs of Counsel).

Negligence, Personal injury, Liability, Quantum.

*Williamson v Kildair Hotels Pty Ltd and Princess Laundry Services Pty Ltd*

County Court of Victoria (Melbourne). Coram: Judge Dyer, Jury. Hearing: 16 to 18 June 2015. [2015] VCC 1771.

Negligence, Personal injury, Liability, Quantum. Contribution. Accident Compensation Act 1986 (VIC), s. 138.

*Cooper v Victorian Workcover Authority*

County Court of Victoria (Melbourne). [2015] VCC 737.

Tort. Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & Suffering).

*Clare v Wesfarmers Ltd*

County Court of Victoria (Melbourne). [2015] VCC 395.

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & Suffering, Economic Loss).

*Pederson v ISS Facility Services Pty Ltd*

County Court of Victoria (Melbourne). [2015] VCC 318.

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & Suffering, Economic Loss).

*Brittain v Total Logistic Solutions (Aust) Pty Ltd*

County Court of Victoria (Melbourne). [2014] VCC 1933.

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Economic Loss).

*Brisbane v Dandy Pre-Mix Concrete Pty Ltd*

County Court of Victoria (Melbourne). [2014] VCC 1526.

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & Suffering).

*Faria v Budget Rent-A-Car Pty Ltd and Others*

County Court of Victoria (Melbourne). [2014] VCC 1158.

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & Suffering, Psychological Injury, Economic loss).

*Tarrant v Premier Waste Management Pty Ltd*

County Court of Victoria (Melbourne). [2014] VCC 463.

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Economic loss).

*Hallam v Hastings RSL Sub-Branch Australia Inc*

County Court of Victoria (Melbourne). [2014] VCC 915.

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & Suffering, Psychological Injury, Economic loss).

*Toth v Southern Health and Secure Parking Pty Ltd*

County Court of Victoria (Melbourne). Coram: Judge Cohen, Jury. Hearing: 29 May to 6 June 2014. (Proceedings settled mid-trial)

Negligence, Personal injury, Liability, Quantum. Contract, Construction of agreement for indemnity.

*Telstra Corporation Ltd v Quinn Civil Pty Ltd & Ors*

County Court of Victoria (Melbourne). [2014] VCC 465.

Negligence, Property damage, Breach of duty of care. Proportionate Liability, Wrongs Act 1958 (VIC), Part IVA.

*Rascovici v Steelfield Victoria Pty Ltd*

County Court of Victoria (Melbourne). [2014] VCC 293.

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & suffering and Economic loss).

*Drousiotis v Wingfoot Australia Partner Pty Ltd and Goodyear Tyres Pty Ltd*

County Court of Victoria (Melbourne). [2014] VCC 221.

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & suffering and Economic loss).

*Trajovska v Nuredinovski and Others*

County Court of Victoria (Melbourne). [2014] VCC 174.

Negligence, Existence of duty of care, Contributory negligence, Wrongs Act 1986 (VIC), ss. 14B, 26(1), 62, Quantum (prior injury).

*Skadric v Rentokil Initial Pty Ltd*

County Court of Victoria (Melbourne). [2014] VCC 152. (Leading Deborah Foy of Counsel).

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(38) (Pain & suffering and Economic loss).

*Dislakis v Huhtamaki (CP) Pty Ltd and Another*

County Court of Victoria (Melbourne). [2014] VCC 37.

Negligence, Causation of injury, Foreseeability.

*Medjeri v Assay Abloy Australia Pty Ltd and Worksafe Australia*

County Court of Victoria (Melbourne). [2013] VCC 1830.

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(37)-(38) (Pain & suffering, Psychological Injury).

*Mentha v Naddvick Holdings Pty Ltd and Others*

Supreme Court of Victoria (Common Law Division). Coram: Cavanough J, Jury. Hearing: 7 to 17 October 2013 (Proceedings settled mid-trial).

Negligence, Obvious risk, Personal injury, Damages.

*Delaney v Geelong Leather Pty Ltd*

County Court of Victoria (Melbourne). Coram: Judge Brookes, Jury. Hearing: 28 August to 3 September 2013.

Negligence, Personal injury, Assessment of damages.

*Delovski v Fosters Australia Ltd and Victorian Workcover Authority*

County Court of Victoria (Melbourne). [2013] VCC 628. (Leading Simone Bailey of Counsel).

Serious Injury, Accident Compensation Act 1986 (VIC), ss. 134AB(16)(b), 134AB(37) and 134AB(38) (Pain & suffering and Economic loss).

*Schmitz v Transport Accident Commission*

County Court of Victoria (Melbourne). [2013] VCC 325. (Leading Rebecca Boyce of Counsel).

Serious Injury, Transport Accident Act 1986 (VIC), s. 93(17)(a) (Pain & suffering).

*Darley v Shale*

Supreme Court of New South Wales (Common Law Division). (1993) 4 Med LR 161.

Negligence, Gynaecologist, Laparoscopy, Whether gynaecologist negligent in preferring laparoscopy to laparotomy.

*Dickson v The Nominal Defendant and Others*

Supreme Court of New South Wales (Common Law Division). [Gleeson CJ, Unreported, 1 June 1993, No. 1789/1991].

Negligence, Motor Vehicles (Third Party) Insurance Act 1942 (NSW), s. 16, Accident occurring on private not public road.

Miscellaneous

*Cowley v D'Arcy*

District Court of New South Wales (Sydney). [Puckeridge DCJ, unreported, 18 July 2011, No 118277/2010].

Assault and Battery, Self Defence, Civil Liability Act 2002 (NSW), ss. 52, 53, Damages.

**Sports Law**

Tribunal Member (Select Cases)

*International Biathlon Union v Ustyugov*

International Biathlon Union Anti-Doping Hearing Panel. Decision, 13 February 2020.

Sports Law. Doping, Non-analytical positive ADRV, Sanction.

*International Biathlon Union v Sleptsova*

International Biathlon Union Anti-Doping Hearing Panel. Decision, 11 February 2020.

Sports Law. Doping, Non-analytical positive ADRV, Sanction.

*Palamo v World Rugby*

World Rugby Independent Judicial Committee. Decision, 16 August 2017.

Sports Law. Doping, Unintentional ADRV, Sanction.

*Rayson v Athletics Australia*

Athletics Australia Selection Appeals Tribunal (Chair). Decision, 8 July 2013.

Sports Law. Selection, Proper application of Nomination Criteria.

*Snowsill v Triathlon Australia*

Triathlon Australia Appeals Tribunal. Decision, 11 June 2012.

Sports Law. Selection, Proper application of Nomination Criteria.

## As Counsel

### *Peris v Australian Sports Anti-Doping Authority and Athletics Australia*

Federal Court of Australia / Court of Arbitration for Sport. Retained 2018-2019. (Leading Martin Guthrie of Counsel).

Sports Law. Doping, Alleged ADRV.

### *Talbot v Federation Internationale De L'Automobile*

Court of Arbitration for Sport, Lausanne. CAS 2016/A/4635 (Lausanne).

Sports Law. Doping, Alleged ADRV.

### *Iles v Shooting Australia*

Court of Arbitration for Sport (Appeals Division). CAS A1/2016 (Sydney). Partial Award, 30 June 2016; Final Award, 9 September 2016.

Sports Law, Olympic nomination and selection, Proper construction of Nomination Criteria, Correct application of Nomination Criteria.

### *Lloyd & Elks v Australian Sailing*

Court of Arbitration for Sport (Appeals Division). CAS A3/2016 (Sydney). Final Award, 12 July 2016. (Junior to James Mighell QC).

Sports Law, Olympic nomination and selection, Proper construction of Nomination Criteria, Correct application of Nomination Criteria.

### *Australian Sports Anti-Doping Authority and Athletics Australia v Mottrom*

Court of Arbitration for Sport (Ordinary Division). CAS A4/2014 (Sydney). Partial Award (Jurisdiction), 27 March 2015. Final Award, 21 March 2016.

International Arbitration, Jurisdiction, Termination of arbitration, CAS Code of Sports-related Arbitration, Rule 64.2.

Sports Law, Doping, Reliability of laboratory analysis of positive sample test result.

### *Equestrian Australia v Kenzig*

Court of Arbitration for Sport (Appeals Division). CAS 2014/A/3738 (Sydney). Partial Award, 9 January 2015. Final Award, 5 March 2015.

Equestrian Australia Tribunal (Sydney). Decision, 20 August 2014.

Sports Law. Doping, 'B' sample, Results management, Proof of alleged ADRV.

### *Tennis Australia and Australian Sports Anti-Doping Authority v Mousley*

Tennis Australia Anti-Doping Tribunal (Melbourne). Decision, 18 August 2014.

Sports Law. Doping, World Anti-Doping Code 2009, Article 10.4, Sanction.

### *Jusup & Hikmet v Football Federation of Victoria (FFV) Inc*

Magistrates Court of Victoria (Melbourne). [Lauritsen CM, unreported, 7 October 2013, No D12423452]. (Leading Dr Elizabeth Boros of Counsel).

Incorporated Associations, Oppression, Interlocutory injunction, Transfer of action to Supreme Court of Victoria. Associations Incorporation Reform Act 2012 (Vic), ss. 68(1), 68(4), 68(6), 69, 220.

### *Hill v Australian Sports Anti-Doping Authority and Cycling Australia*

Court of Arbitration for Sport (Appeals Division). CAS 2013/A/3242 (Sydney). Award, 24 September 2013.

International Arbitration, Jurisdiction, Separability of arbitration agreement. Cycling Australia Anti-Doping Policy Clauses 15.7, 15.8, 16, 19. CAS Code of Sports-related Arbitration, Rules 28, 55 and Statute of Bodies Working for the Settlement of Sports-related Disputes, Article S1. Federal Code on Private International Law 1987 (Switzerland) Articles 186, 190(2).

### *Football Federation of Victoria Inc v North Sunshine Eagles Football Club and Sporting Whittlesea Football Club*

Football Federation of Victoria Tribunal (Melbourne). Decision, 9 August 2013.

Sports Law. Misconduct, Post-match melee, FFV Grievance & Disciplinary By-Law, Sanction.

### *Australian Sports Anti-Doping Authority v McGough*

Australian Football League Anti-Doping Tribunal (Melbourne). Decision, 15 March 2013.

Sports Law. Doping, Intention to commit ADRV, AFL Anti-Doping Code Clause 14(3), Onus of Proof, Sanction.

*Walker v Australian Biathlon Association Incorporated*

Court of Arbitration for Sport (Ordinary Division). CAS 2011/A/2590 (Sydney). Award, 15 December 2011. Sports Law. Selection, Proper application of ABA/IOC WYOG nomination/selection criteria, exclusion of race results of 'ineligible' athlete, conduct and subsequent consideration of shortened selection race.

*Australian Sports Anti-Doping Authority v Casserly*

Western Australian Football League Appeals Tribunal (Perth). Decision, 3 June 2011.

Sports Law. Doping, Intention to commit ADRV, AFL Anti-Doping Code Clause 14(3), Onus of Proof, Sanction.

*Buckley v Boxing Australia Incorporated (BAI) & Association of International Boxing Associations (AIBA)*

Court of Arbitration for Sport (Ordinary Division) CAS 2010/O/2118 (Melbourne).

Sports Law. Athlete surgically fitted with cardiac pacemaker, Risk or advantage to athlete, Power of AIBA/BAI to ban athlete. Disability Discrimination Act 1992 (Cth), ss. 4-6, 28. Equal Opportunity Act 1995 (Vic), ss. 6(b), 8-10, 64-66.

*Australian Sports Anti-Doping Authority v Nisbet*

Court of Arbitration for Sport (Ordinary Division). CAS A2/2009 (Sydney). Award, 2 February 2010.

Sports Law. Doping, No significant fault or negligence. Sanction.

*Australian Sports Anti-Doping Authority v Atkins*

Court of Arbitration for Sport (Ordinary Division). CAS A1/2009 (Melbourne). Award, 4 November 2009.

Sports Law. Doping, Whether athlete bound by NF Anti-doping Policy. ADRV consequences for athlete and other team members.

*World Anti-Doping Agency & International Rugby Board v Australian Rugby Union & Troy*

Court of Arbitration for Sport (Appeals Division). CAS 2008/A/1652 (Sydney). Appeal Award, 18 March 2009; 2 June 2009; (2009) 4(1) ANZSLJR 1.

Sports Law. Doping, Non-analytical positive ADRV. Appeals, Time limit for lodgement of appeal under the ARU Anti-Doping By-Law and the CAS Rules.

*Swimming Australia Ltd v D'Arcy*

Swimming Australia Tribunal (Sydney). Decision, 21 April 2009.

Sports Law. Athlete conduct. Sanction.

*Doyle v Australian Saloon Car Federation*

Australian Motor Sport Appeals Court (Melbourne). Appeal Ruling, 15 April 2009.

Sports Law. Fuel Tampering, Fuel sampling procedure, relevance and reliability of 'B' sample in absence of 'A' sample test.

*D'Arcy v Australian Olympic Committee Inc*

Court of Arbitration for Sport (Appeals Division). CAS 2008/A/1574 (Sydney). Appeal Award, 7 July 2008; (2008) 3(1) ANZSLJR 1.

Court of Arbitration for Sport (Appeals Division). CAS 2008/A/1539 (Sydney). Appeal Award, 2 June 2008. (Leading Aaron Weinstock of Counsel).

(Also appeared on behalf of the Appellant before the Executive of the Australian Olympic Committee Inc, upon an application for his continued inclusion in the 2008 Australian Olympic Team, on 11 June 2008).

Sports Law. Misconduct, Bringing self into disrepute, Proper exercise of discretion to expel team member. Sanction, Severity, Proportionality. Scope of appellate jurisdiction of the CAS.

*Australian Sports Anti-Doping Authority v Van Tienen*

Court of Arbitration for Sport (Ordinary Division). CAS 2007/A3 (Melbourne). Award, 16 June 2008. (Leading Michael Schulze of Counsel).

Sports Law. Doping, Non-analytical positive ADRV, World Anti-Doping Code 2007 Articles 2.2 & 3.2, Reliable means of proof of ADRV. Sanction.

*Zubkov v Federation Internationale de Natation (FINA)*

Court of Arbitration for Sport (Appeals Division). CAS 2007/A/1291 (Lausanne, Switzerland). Appeal Award, 21 December 2007.

Sports Law. Misconduct, Bringing sport into disrepute, FINA Code of Conduct. Sanction, Severity, Proportionality.

*Marinov v Australian Sports Anti-Doping Authority*

Court of Arbitration for Sport (Appeals Division). CAS 2007/A/1311 (Melbourne). Final Appeal Award (Save as to costs), 26 September 2007; (2007) 2(1) ANZSLJR 2. Final Award on Costs, 20 December 2007. Award (First Instance), 9 June 2007.

Sports Law. Doping, Non-analytical positive ADRV, Whether official 'knowingly' in possession of prohibited substance.

*French v Australian Sports Commission and Cycling Australia*

Court of Arbitration for Sport (Appeals Division). CAS 2004/A/651 (Sydney & Melbourne). Award (Appeal), 11 July 2005; Award (First Instance), 8 June 2004.

Sports Law. Doping, CAS Appeals, Admissibility of new evidence on appeal. Private International Law. Costs.

(Also appeared for the Appellant before the Anderson Inquiry, convened by the Federal Minister for Sport, in 2004).

*Beaton and Scholes v Equestrian Federation of Australia Ltd*

Court of Arbitration for Sport (Appeals Division). CAS 2003/A/477 (Melbourne). Appeal Award, 20 October 2003.

Sports Law. Doping, Athlete's rights, Opportunity for Athlete to be present at opening of 'B' sample.

*Beaton and Another v Equestrian Federation of Australia Ltd*

Supreme Court of Victoria (Commercial & Equity Division). [2003] VSC 252.

Associations & Clubs, Tribunals, Right to legal representation before Tribunal.

*Roxburgh Park Resident's Association Inc. (Roxburgh Park Football Club) v Essendon District Football League*

Supreme Court of Victoria (Commercial & Equity Division). Proceedings No. 5195 of 2003.

Sports Law. Competition organisation. Right of club to participate in competition.

*Drummoyne District Rugby Club Inc v New South Wales Rugby Union Ltd*

Supreme Court of New South Wales (Equity Division). (1994) Aust. Contract R 90-359. (Junior to Richard Conti QC).

Contract, Privity, Umbrella organisation; Estoppel.

*Jones v The Chief Stipendiary Steward of the Australian Jockey Club (The 'Kings Encore' Appeal).*

Australian Jockey Club (General Committee). 18 September 1992.

Sports Law. Racing. Doping. Meaning of 'prohibited substance' (as provided by ARs 1, 8, 117B, 178 and 178A).

## **Constitutional and Administrative Law**

*Nolan v Executive Director, Land Management Policy, Department of Environment and Primary Industries*

Supreme Court of Victoria (Court of Appeal). [2015] VSCA 301. (Leading Robin Smith of Counsel).

Administrative Law, Judicial review, Public Administration Act 2004, s. 63, Crown Land (Reserves) Act 1978, s. 14B, Victorian Public Entities Directors' Code of Conduct 2006, Duties of committee members, Availability of declaratory relief; Appeals, new argument on appeal.

*Blue Wedges Inc v Minister for the Environment, Heritage and the Arts*

Federal Court of Australia (Melbourne). [2008] FCA 399; (2008) 167 FCR 463. (Junior to Fiona McLeod SC and with Jane Treleaven of Counsel).

Administrative Law, Judicial review, Environmental Protection and Biodiversity Conservation Act 1999 (Cth), ss. 131, 136.

*Goryl v Greyhound Australia Pty Ltd and Another*

High Court of Australia. (1994) 179 CLR 463; (1994) 120 ALR 605; (1994) 68 ALJR 432; (1994) 19 MVR 405; (1994) Aust Torts Reports 81-628. (Junior to David Bennett QC).

The Constitution, ss. 117, 118, Discrimination by the Legislature of Queensland against residents of other Australian States. Motor Vehicles Insurance Act 1936 (QLD), ss. 16, 19, 20.

## **Criminal Law**

### *McKenzie v Police*

Supreme Court of South Australia. [2015] SASC 78.

Appeal, Criminal Law, Criminal Law Consolidation Act 1935, s. 20(4), Assault, Consent (sporting contest); Evidence, Rule in *Browne v Dunn*.

### *R v Murphy*

District Court of New South Wales (Sydney). Coram: Herron DCJ, Jury. 1997. (Acquittal).

Criminal Law, Drugs, Possession, Trafficable/Commercial quantity, Customs Act 1901, s. 233B.

### *R v Johnson*

District Court of New South Wales (Sydney). Coram: Smyth DCJ, Jury. 1994. (Acquittal).

Criminal Law, Escape from lawful custody, Aid and abet, Harbour escapee, Crimes Act 1900 (NSW), ss. 310C, 310G.

## **APPOINTMENTS**

### **Professional**

#### *CommBar (Victorian Bar, Commercial Bar Association)*

Executive Committee, Vice-President (Current, since 2018)

Executive Committee, Member (2016-2018)

Penang 2020 International Commercial Law Conference Committee, Chair, (2019-2020)

Hong Kong 2018 International Commercial Law Conference Committee, Chair, (2017-2018)

London 2016 International Commercial Law Conference Committee, Chair, (2014-2016)

International Law Section, Chair, (2007-2016)

Sports Law Section, Co-Secretary, (2005-2007)

#### *Fédération Internationale de l'Automobile, International Court of Appeal*

Co-opted Judge (Current, since 2018)

#### *Australian Bar Association, International Law Committee*

Member (Current, since 2018)

#### *World Rugby Anti-Doping Judicial Panel*

Panel Member (Current, since 2017)

#### *Malaysian Sports Tribunal (MST)*

Advisory Board, Member (Current, since 2015)

#### *Asian International Arbitration Centre (AIAC)*

Arbitration Panel Member (Current, since 2014)

Honorary Counsel for Sports Arbitration (Current, since 2013)

#### *Australian Centre for International Commercial Arbitration (ACICA)*

Arbitration Panel Member & Fellow (Current, since 2014)

#### *Chartered Institute of Arbitrators (CI Arb)*

Arbitration Panel Member & Fellow (Current, since 2014)

#### *The Australian and New Zealand Sports Law Journal (CCH Wolters Kluwer)*

Founder and Editor, (Current, since 2005)

#### *International Biathlon Union, Court of Arbitration and Anti-Doping Hearing Panel*

Panel Member (2017-2020)

*International Chamber of Commerce (ICC)*  
Arbitration Panel Member (2015-2018)

*Anglo-Australasian Lawyers Society*  
Victorian Branch, Honorary Secretary, (2006-2016)

*Swimming Australia Tribunal*  
Tribunal Member & Chair (2015-2016)

*Castan Centre for Human Rights (Monash University) Advisory Committee*  
Committee Member, (2009-2014)

*Victorian Bar*  
International Arbitration Committee, Member (2008-2014)  
Art and Collections Committee, Member, (2013-2014)  
Bar News and Editorial Committee, Co-Chair and Editor, (2009-2012)  
Indigenous Lawyers Committee, Member, (2001-2010)  
Professional Standards Scheme Committee, Member, (2008-2009)  
Continuing Legal Education Committee (Legal Education and Training), Member, (2007-2009)  
Professional Indemnity Insurance Committee, Member, (2003-2005)

*Australian & New Zealand Sports Law Association Inc. (ANZSLA)*  
Conference Organising Committee, Committee Member, (2008)  
Conference Organising Committee, Committee Member, (2005)  
Convenor - Conference Program & Papers (2005).

*VCAT Credit List Users Committee*  
Delegate of the Victorian Bar to the Committee, (2001-2007)

*The ANZSLA Commentator*  
Editor, (2004-2006)

*Commonwealth Law Conference 2003 (Melbourne), Papers Committee*  
Committee Member, (2002 to 2003)

## **Academic**

### ***University of Melbourne***

Senior Fellow, Faculty of Law  
(Current, since 2010)

Subjects taught:

- Sports Dispute Resolution (LAWS70736) 2011, 2012, 2014, 2016, 2018, 2020 (Co-taught with Professor Richard McLaren).
- PhD Co-supervision: 'CTE in Professional Team Sports', Alexandra Veuthey, 2015-2018.

### ***Chartered Institute of Arbitrators***

Course Instructor/Lecturer  
(Current, since 2014)

Courses taught:

- International Commercial Arbitration, Diploma Course: Co-Course Director, Kuala Lumpur, 2017.
- International Commercial Arbitration, Diploma Course, (University of New South Wales): Confidentiality in Arbitration – Sydney 2015 (Co-taught with Caroline Kenny QC); Sports Arbitration - Sydney 2015 (Co-taught with Malcolm Holmes QC), Singapore 2016, Perth 2018.
- International Commercial Arbitration, Diploma Course, Oxford: Jesus College 2015, Queen's College 2016.
- International Commercial Arbitration, Part IV Award Writing Course: Melbourne, 2014, 2018 (Co-taught with Albert Monichino QC and Caroline Kenny QC).



### **Asian International Arbitration Centre**

Course Director/Lecturer

(Current, since 2016)

AIAC Certificate in Sports Arbitration: Course Director/Lecturer, Kuala Lumpur, 2016, 2017, 2018, 2019.

### **University of Cambridge**

Visiting Fellow

(2005-2006)

Faculty of Law (Lauterpacht Centre for International Law) and Wolfson College

### **Leo Cussen Institute (Melbourne).**

Casual Lecturer/Instructor

(1999 to 2007)

### **College of Law (Sydney).**

Casual Lecturer/Instructor

(1994 to 1996)

## **PUBLICATIONS**

### **Books, Book Chapters, Journal Articles & Reports**

'Sports Arbitration' in *Arbitration in Malaysia: A Practical Guide*, Rajoo, S. (Editor), Sweet & Maxwell – Thomson Reuters, Kuala Lumpur, 2016 (Co-authored with Vinayak Pradhan).

'The Commercial Rationale of the World Anti-Doping Code' in *Doping, Sport and the Law*, Haas, U. and Healey, D. (Editors), Hart Publishing, Oxford, 2016.

The Rule of Law and Sporting Justice

*Australian and New Zealand Sports Law Journal*. (2007) 2(1) ANZSLJ 1. (CCH Australia).

Acceptable Intervention? When the 'final' result is not necessarily so final...

*The ANZSLA Commentator*. (2006) 63 *The Commentator* 1.

Burnt at the Stake: Unfairness and the 'Ugly Parent'

*The ANZSLA Commentator*. (2005) 60 *The Commentator* 1.

'Sport and the Law' by Deborah Healey (Third Edition) - Book Review

*The ANZSLA Commentator*. (2005) 60 *The Commentator* 4.

Sports Law - a niche specialty

*Young Lawyers Careers Handbook 2005*. Law Institute of Victoria Limited, 2004.

SCOCA Unfair Contract Terms Discussion Paper 2004 - Response of The Victorian Bar\*

*Unfair Contract Terms Discussion Paper 2004* - Commonwealth Standing Committee of Officials of Consumer Affairs. The Victorian Bar, 2004. (\*Principal Author).

Current Problems in the Resolution of Sporting Disputes in Australia

*International Sports Law Review*. [2004] 2 ISLR 22. (Sweet & Maxwell, United Kingdom).

### **Lectures and Conference Papers**

*The 2019 Sports Law Update: Hot Topics and Recent CAS Cases*

Asian International Arbitration Centre Sports Law Conference, Kuala Lumpur (Malaysia), 2019.

*Smoking, Oligarchs, Mighty Ships and Footy: Settlement of International Commercial Disputes*

CPE Conferences, Australian High Commission, London (United Kingdom), 2018.

*Sports Arbitration in Malaysia: A Regional Approach?*

Asian International Arbitration Centre Sports Law Conference, Kuala Lumpur (Malaysia), 2018.

*International Arbitration in a Tri-Polar World.*

Hong Kong 2018 International Commercial Law Conference, Hong Kong (PRC Hong Kong SAR), 2018.  
(\*Panel Discussion, Chair)

*Regulation of Sport in an Anarchical World.*

Chartered Institute of Arbitrators, Hong Kong (PRC Hong Kong SAR), 2018.

*Universal justice, different languages: Harmonising civil and common law approaches in international commercial arbitration.*

Australian Bar Association Conference, London (United Kingdom), 2017.  
(\*Panel Discussion, Chair)

*The China Syndrome: Rethinking arbitration on the 'One Belt, One Road'.*

KLRC International Arbitration Week, Kuala Lumpur (Malaysia), 2017.

*Privilege and its Impact on Discovery and Production of Documents in International Arbitration\**

International Pacific Bar Association Conference, Auckland, 2017.  
(\*Panel Discussion and Abstract)

*Commercial Arbitration in Asia: What is the future?\**

Australian Bar Association Conference, Melbourne, 2016.  
(\*Panel Discussion and Abstract)

*A Challenge to Sovereignty? Sporting Imperialism and the Court of Arbitration for Sport*

The London 2016 International Commercial Law Conference, London (United Kingdom), 2016.

*New means of communication: Defamation and social media*

The 20th Annual Euro-Pacific Legal Conference, Cortina D'Ampezzo (Italy), 2016.

*Alchemy, the 'Golden Fleece' and Sporting Justice: Whither the Court of Arbitration for Sport?*

Australian and New Zealand Sports Law Association ('ANZSLA') Annual Conference, Melbourne, 2015.

*Sovereignty Undermined? Sport and International Relations*

University of Cambridge, Institute of Continuing Education, International Relations Conference, Cambridge (United Kingdom), 2015.

*Sports Arbitration Essentials: The Practitioner's Kit Bag*

KLRC International Arbitration Conference, Kuala Lumpur (Malaysia), 2015.

*Dispute Resolution in Sports*

RWY Sports Law Conference, Kuala Lumpur (Malaysia), 2014.

*A New Lex Mercatoria? Resolving the Tension Between Confidentiality and Transparency in International Commercial Arbitration*

KLRC International Arbitration Conference, Kuching (Malaysia), 2014.

*New Frontiers in Sports Arbitration*

Kuala Lumpur Regional Centre for Arbitration, Kuala Lumpur (Malaysia), 2014.

*Lessons from Wickenby: Paul Hogan, the ACC and the ATO*

Australian Professional Advisors Conference, Beaver Creek (USA), 2011.

*Chasing the Horse that Bolted: International Asset Tracing*

Australian Accountants and Lawyers Conference, Aspen (USA), 2011.

*The Olympic Edition Cereal Box: WADA, the IOC and the World Anti-Doping Code*  
ANZSLA Annual Conference, Sydney, 2010.

*Sports Law Update: The Year in Review*  
ANZSLA Annual Conference, Melbourne, 2008.

*Indigenous Australia and Social Justice: Why Sports Law Matters*  
National Indigenous Lawyers Conference, Melbourne, 2008.

*SDR: Sports Disputes Resolution*  
Australian Professional Advisors Conference, Sun Peaks (Canada), 2008.

*Interlocutory Injunctions Revisited: Organising Principles*  
The Victorian Bar, CommBar (Equity Section), Melbourne, 2007.

*Legal Responses to Sports Doping*  
The Victorian Bar, CommBar (Sports Law Section), Melbourne, 2006.

*Should Choice of Forum be Optional or Compulsory for Sports?\**  
ANZSLA Annual Conference, Auckland (New Zealand), 2006.  
(\*Panel Discussion and Long Abstract)

*Insolvent Trading: Lessons From 'One-Tel'*  
Insolvency Practitioners Conference, Wanaka, (New Zealand), 2006.

*The New Game: International Law and the Resolution of Sporting Disputes*  
University of Cambridge, Lauterpacht Centre for International Law, Faculty of Law, Cambridge (United Kingdom), 2006.

*The New Sporting Professional: Lawyer, Accountant, Administrator?*  
Australian Accountants & Lawyers Conference, Whistler (Canada), 2005.

*Resolution of Sporting Disputes*  
The 8th Annual Euro-Pacific Legal Conference, Cortina D'Ampezzo (Italy), 2004.

*Current Problems in the Resolution of Sporting Disputes in Australia*  
ANZSLA Annual Conference, Canberra, 2003.

*A Uniform Sporting Code*  
The 2003 Commonwealth Law Conference, Melbourne, 2003.

## **Seminar Papers**

*Sports in the New Age of Physical Distancing*  
Asian International Arbitration Centre Webinar, Kuala Lumpur (Malaysia), 2020.

*Issues of Integrity in Sport and eSports*  
39 Essex Chambers, Sports Law Seminar for Counsel and Solicitors, London (United Kingdom), 2019.

*The Use of Documents in Civil Litigation: Subpoenas and Discovery*  
The Victorian Bar, Readers Course, Melbourne, 2006, 2007, 2008, 2009, 2010, 2011, 2018, 2019.

*The 'Harman' Obligation: Policy, Procedure and Punishment*  
The Victorian Bar and CommBar, CPD in Session, Melbourne, 2017.

*Concussion and Sports Liability*  
University of New South Wales, Faculty of Law, CLE Seminar, Melbourne, 2017.

*International Law and the Court of Arbitration for Sport\**

The Victorian Bar, CommBar (International Law Section), Melbourne, 2015.

(\*With The Honourable Justice Beach and The Honourable Justice Pagone)

*Contractual Interpretation: A Roundabout Approach*

Legalwise Seminars, CPD Seminar, Melbourne, 2013, 2014.

*Doping Issues in Sport and the ACC Report*

Australian and New Zealand Sports Law Association, Seminar, Melbourne, 2013.

*Inconvenient Truths: Doping, Detection & Integrity in Sport*

Dever's List, CPD Seminar, Melbourne, 2013.

*The Ad-Hoc Olympic Division of the Court of Arbitration for Sport*

39 Essex Street, Sports Law Seminar for Counsel and Solicitors, London (United Kingdom), 2012.

*The A to Z of Trial Strategy*

The Victorian Bar, Readers Course, Melbourne, 2011, 2012.

*Interlocutory Injunctions: An Overview*

Leo Cussen Institute, Melbourne, 2011.

*Reworking the Laws of Evidence in Victoria: Evidence Act 2008\**

Advanced Commercial Litigation Seminar, Legalwise Seminars, Melbourne, 2009.

Western Suburbs Law Association, Footscray, 2009.

(\*With Jane Treleaven of Counsel)

*Interlocutory Injunctions*

Leo Cussen Institute, Commercial Litigation Seminar Series, Melbourne, 2002, 2003, 2004, 2005, 2007 & 2008.

*Sports Law Update: Resolution of Sporting Disputes*

Leo Cussen Institute, Melbourne, 2007.

*The 'Off Field' Contest: Legal Responses to Sporting Disputes\**

39 Essex Street, Sports Law Seminar for Counsel and Solicitors, London, 2007.

(\*With Jonathan Bellamy of Counsel)

*Misleading and Deceptive Conduct and the Law of Contract*

Leo Cussen Institute, Contract Intensive Seminar Series, Melbourne, 2006.

*Commercial Litigation – Subpoenas*

Leo Cussen Institute, Melbourne, 1999, 2001, 2003, 2004 & 2005.

*Caveat Caveator: Real Property Caveats in Victoria\**

Leo Cussen Institute, Property Law Seminar Series, Melbourne, 2002 & 2005.

(\*With Erin Gardner of Counsel, 2005)

*Misleading or Deceptive Conduct - Section 52 TPA - Current Issues*

Leo Cussen Institute, Trade Practices Seminar Series, Melbourne, 2003 & 2004.

*Creditors Duties - Realisation of Security*

Leo Cussen Institute, Melbourne, 2001.

*Commercial Litigation - Case Preparation*

Leo Cussen Institute, Melbourne, 1999.

*Forming Corporate Alliances - Current Trends in Mergers & Acquisitions*  
LAAMS Group, Melbourne, 1999.

*Untaming the Shrew - Recent Developments in the Liability of Third Party Guarantors*  
LAAMS Group, Melbourne, 1999.

### **Media (Selected Articles)**

Era of sports sitting in judgment on themselves is over  
*The Australian* (Sydney), 27 May 2017.

Contador faces a challenge of Alpe d'Huez proportions  
*The Times* (London), 14 October 2010.

Un desafio legal como l'Alpe d'Huez  
(A legal challenge like Alpe d'Huez)  
*El Pais* (Madrid), 11 October 2010.

The problem of 'just' warfare  
*The Times* (London), 22 January 2009.

Kremlin crushes truce of the Games  
*The Australian* (Sydney), 15 August 2008.

A marital handicap  
*The Bulletin* (Sydney), 13 November 1990.

The public interest in Wal  
*The Bulletin* (Sydney), 7 August 1990.

### **AWARDS**

Australian and New Zealand Sports Law Association (ANZSLA), 2013  
Recipient, 'Denis Callinan Award'  
(For commendable community service in the field of sports law).

The Victorian Bar, Pro-Bono Awards 2013  
Nominee, 'Ron Merkel Award'  
(For pro-bono work undertaken by Barristers of more than 15 years' call or Silks).

### **MEMBERSHIPS**

Chartered Institute of Arbitrators; Fellow.  
(Current, since 2013)

Anglo-Australasian Lawyers Society; Member.  
(Current, since 2006)

London Common Law & Commercial Bar Association; Member.  
(Current, since 2006)

The Honourable Society of Lincoln's Inn; Member.  
(Current, since 2005)

Australian and New Zealand Sports Law Association (ANZSLA); Member.  
(Current, since 2003)

The Victorian Bar; Member.  
(Current, since 1997. Previously a Member of the New South Wales Bar Association from 1990 to 1997)

### **READERS**

Jessica Sun (2010); Kemueli Qoro (2010); Julian Snow (2008); Hans Bokelund (2007); Paul Panayi (2005).

**April 2020**